

Functionality of pivot terms questions and expected results for the sake of attribute assignation: basic guideline

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Jorge López – WP2 coordinator

FUNCTIONALITY TO GET AND PROVIDE LR INFORMATION: METHODOLOGICAL ELEMENTS

➤ Questions

- Usage note: an explanation of the question

➤ Attributes

- Meaning of the attribute (*signified*)
- Denomination: to facilitate e-reading (*signifier*)
- Identifier into ELRD scheme (Section, Subsection, Order)

... 204 attributes so far

QUESTIONS & ATTRIBUTES: FEATURES

➤ Questions

- On relevant aspects of land registration
- Bottom up IMOLA approach: selected from ELRN background. (The perspective matters).
 - More familiar to some systems than others
 - *Was this the approach of the SoF?*

➤ Attributes

- Positive or negative: yes/no questions (or not applicable)
- The definition equals the content of the question
- Crucial for an approach to closest equivalent concepts

LIST OF QUESTIONS ABOUT A KEY PIVOT TERM: NOTICES

A.1. Questions related to the legal purposes of the judgments in which they are based on (or according to the taxonomy of notices agreed by ELRN)

1. Is it a notice warning about the attachment of the property?
2. Is it a notice warning about a dispute or pending claim related to the LR Unit ?
3. Is it a notice warning about limitations on the disposal of the ownership of the LR Unit?
4. Is it a notice warning about the freezing of the ownership of the LR Unit?
5. Is it a notice warning about existing limitations of the use or possession of the LR Unit?
6. Is it a notice warning about the existence of a proceeding of confiscation or forfeiture of the LR Unit?
7. Is it a notice warning about the existence of a proceeding of enforcement of the LR Unit?
8. Is it a notice warning about the existence of a foreclosure of the LR Unit?
9. Is it a notice warning about the existence of proceedings of insolvency or bankruptcy affecting the LR Unit?
10. Is it a notice made for a legal purpose different from attachment, pending land claim, limitations of disposal even use, confiscation, forfeiture, foreclosure, enforcement or bankruptcy affecting the LR Unit?

A.2. Questions about any notice, irrespectively of its purpose or purposes

11. Is this a notice registered on the basis of a judgment?
12. Is this a notice based on an order or decision taken by an administrative body with competences for it?
13. Is this a notice taken by order of an administrative body but its effects are assimilated to a judicial restriction?
14. Does this notice entail a warning for third parties?
15. Does this notice entail an absolute blocking or freezing effect on the disposal of the property?
16. Does this notice entail a blocking or freezing effect for specific applications (and not for others)?
17. Does this notice entail any effects else different from warning third parties or constraining the disposal of the property?
18. Does this notice imply only limitations of use by judicial order?
19. Is this notice related to a cautionary measure?
20. Does the notice imply that the pending procedure may lead to a forced sale?
21. Is this notice a temporary registration?
22. Is this notice a provisional registration?

... AND CORRESPONDING ATTRIBUTES

B.1. Attributes according to the legal purposes of the judgments in which they are based on (they keep the taxonomy)

1. This is a notice warning about the attachment of the property.
2. This is a notice warning about a dispute or pending claim related to the LR Unit.
3. This is a notice warning about limitations on the disposal of the ownership of the LR Unit.
4. This is a notice warning about the freezing of the ownership of the LR Unit.
5. This is a notice warning about existing limitations of the use or possession of the property by means of it.
6. This is a notice warning on confiscation or forfeiture of the LR Unit.
7. This is a notice warning about the existence of a proceeding of enforcement of the property.
8. This is a notice warning about the existence of a foreclosure of the property.
9. This is a notice warning about the existence of proceedings of insolvency or bankruptcy affecting the LR Unit.
10. This is a notice warning about a legal purpose different from attachment, pending land claim, limitations of disposal even use, confiscation, forfeiture, foreclosure, enforcement or bankruptcy affecting the LR Unit.

B.2. Attributes of any notice, irrespectively of its purpose or purposes

11. It is a notice registered on the basis of a judgment.
12. It is a notice based on an order or decision taken by an administrative body with competences for it.
13. It is a notice taken by order of an administrative body but its effects are assimilated to a judicial restriction.
14. This notice entails a warning for third parties.
15. This notice entails an absolute blocking or freezing effect on the disposal of the property.
16. This notice entails a blocking or freezing effect for specific applications (and not for others).
17. This notice entails any effects else different from warning third parties or constraining the disposal of the property.
18. This notice implies just limitations of use by judicial order.
19. This notice is related to a cautionary measure.
20. This notice implies that the pending procedure may lead to a forced sale.
21. This notice is a temporary registration
22. This notice is a provisional registration

AN ATTRIBUTE OF MORTGAGES

1. Number	
Question-formant	Does the mortgage guarantee arrears from the money debt?
Usage note	<p>Arrears are what it is due for a delay payment, it is referred to the status of overdue payments, those ones not paid in relation to their due dates.</p> <p>The answer should be affirmative in the event that the mortgage guarantee also covered the arrears. Otherwise, if the arrears are not covered by the mortgage guarantee, the answer should be negative.</p>
Attribute	
• Meaning (in the affirmative)	• The mortgage guarantees arrears from the money debt.
• Denomination	• <i>MortgageArrearsGuaranteed</i>
• Identifier	• C.1.**

AN ATTRIBUTE OF PROPERTY RIGHTS

1. number	
Question-formant	Does it confer right to the fruits of the property?
Usage note	<p>The answer should be affirmative as long as that the property right conferred powers of obtaining or collecting the fruits of the property. “Fruits” refers to any renewable commodity on the property and may be divided into civil (fructus civiles), industrial (fructus industriales), and natural fruits (fructus naturales).</p> <p>Normally a usufruct will involve this right or power and the answer should be affirmative in this case.</p> <p>In principle, this right does not imply any powers to change substantially the property, but even so, in the event that the property right included some ability to modify the property the answer should be affirmative, but this individual attribute –some powers of disposal on the property- will be located when answering the corresponding question.</p>
Attribute	
• Meaning (in the affirmative)	• It confers right to the fruits of the property
• Denomination	• <i>PropertyRightToFruits</i>
• Identifier	• C.3.**

Thank you for your attention

