

«NOTICES» IN SECTION «C»

State of play

IMOLA 3 WORKSHOP

Jorge López, WG2 coordinator
2020 November 3rd



Notices and judicial restrictions in ELRD: Section «C»

- «Notices» is one of the Subsections which ELRD Section «C» is divided into
- «Notices» are referred to the **judicial restrictions** which fall on a property or LR unit, with a effect of encumbering it to some extent
- Insofar as they affect properties, not persons, their appropriate place in ELRD is Section C
 - If restrictions are related to persons the place is Section B

Methodology

IMOLA methodology is intended to obtain attributes or properties to create comprehensible information from ELRD:

- **The Questions** are aimed at obtaining the attributes
 - We rely on *usage notes* to explain the point
- **Attribute**
 - Meaning (signified)
 - Meaning is expressed in the affirmative. We try to set a binary answer
 - b) Denomination (signifier)
 - Resulting from a **convention**. It should include the lexeme of the key words or a part of them; likely it will facilitate e-reading in the future
 - c) Identifier

Attributes

At this stage we are managing up to 22 attributes for facilitating information based on the ELRD and related to significant aspects of the judicial restrictions:

- the **legal purpose** of the notice or restriction (taxonomy of 10 type of notices)
- the **court or authority** which issued the judicial order (11 to 13);
- the **effects** of the registration of a judicial measure (14 to 20):
 - the minimum effect, a warning to 3rd parties
 - an intermediate grade effect, limitations on the property
 - the maximum effect, the freezing of the property
- relevant **characteristics of the legal procedure** (21 and 22);
- the **validity** of the notice, whether it is in force for a limited period or not (23).

Attributes (in the affirmative)

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.

- 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

Conclusion

- «Notices» has a **taxonomy** according to their legal purpose which allow an adequate insertion among Encumbrances in Section C
- **Remarkable information** can be obtained from the selection of the attributes, allowing to find out the basic meaning of an entered restriction
- Developments in the attributes are still possible and foreseeable

Thank you very much for your attention