

Tom 56(70), Fascicola 1, 2011

Evolution of cadastral register in Banat

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Abstract. This paper presents the evolution of cadastral register in Banat, with examples from a cadastral register of Timisoara City, Timis County.

Real estate advertising in Romania is met by the cadastral register and based on general and compulsory system of technical, economic and legal recording of general cadastre.

Land Registry contains full and accurate legal record of the properties owned by individuals and businesses in the same locality, as administrative territorial unit: commune, city, and municipality.

Until 1996, cadastral registers were organized on the basis of Decree-Law no. 115/1938 for the unification of the provisions relating to the cadastral registers and from 1996 based on Cadastre and real estate advertising Law No. 7 / 1996 and the Rules of organization and functioning of the courts of the cadastral register, of Courts nr.2371/C/1997.

Keywords: cadastre, cadastral plan, cadastral register, land use category, soil fertility class, "iugăr"-unit of area.

1. INTRODUCTION

Respect property rights and its exercise in accordance with the Romanian Constitution to prevent abuse of any kind, has generated the need for safety and protection of their legal rights, which can provide by publicizing their legal relations, to make them binding on third parts.

In 1865, the Romanian Civil Code entered into force (French model), real estate advertising is done on the same French model. He introduced the principle of consensus, after which "the sale is perfect between share, property is displaced by the seller on the buyer, once the parties have consented to the land and the price, even work is not delivered and the price has not yet counted" (art.1295 paragraph 1, Civil Code).

To prevent third parties from sales of property rights was needed transcription selling acts in the official register of transcription and inscription.

In Transylvania, Banat and then Bukovina, the creation, transfer, modification or termination of rights to real property made under the German principle, that were executed, even between parties only after entry in the registers of real estate advertising, which were governed by the Regulation of cadastral register of 5 February 1870, which

introduced the modern system of real, full and legal advertising of cadastral registers (Novac, Gh 2005).

Real estate advertising based on record system of the general cadastre aim entry in the cadastral register the property rights and other real rights being transmitted is established, amended or, if necessary, dying as a result of legal documents relating to the property. May be entered in the cadastral register or, if necessary, is excluded other legal relationships, personal rights, prohibitions, bans, lawsuits and disabilities related the property.

Land Register is a real system (based on topographic identity property) and complete of real estate advertising rights because made full publicity of transmission of real estate.

In Romania, the cadastral registers are registers of real estate advertising entries are made, and these registers shall be round with topographic plans, documents concerning the registration and register for entry; they are drawn and numbered on administrative territories: villages, cities and municipalities.

Cadastral register drawn and numbered on administrative territories, make together, the cadastral register of real estate advertising of that territory. This register must contain: cadastral plan, a special registry entry, buildings directory, alphabetical index of the owners, and folder of applications for registration.

2. WORKING METHOD

Cadastral register has been and is composed of: title and three parts: A, B, C.

Title of cadastral register includes the number of cadastral register and the name of the territorial administrative unit where property is located.

Cadastral registers are numbered on each territorial administrative unit, starting with number one until the last number required, without separation by year.

Cadastral register numbers are assigned in a special register for granting cadastral register numbers, in the moment when applying for registration by the registrar or by the court decision, final and irrevocable, as a result of complaint against the decision, which was ordered completion.

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This register is called Registry numbers of cadastral register and made by territorial administrative units belonging to the territorial BCPI.

The paper is presented an extract of the cadastral register in the old system and the same extract of the cadastral register converted to digital support.

The current effort to prepare the extract of the cadastral register of all parcels returned under

property law requires funds, specialists, work effort and time but will finally have an accurate account of all properties.

Entries in the cadastral register made in accordance with Decree-Law nr.115/1938 unification provisions on cadastral register were made as follows:

EXTRACT OF THE CADASTRAL REGISTER

CADASTRAL REGISTER no.91740

S. Bărnuțiu Street. no.18B

Commune/City/ Municipality Timișoara

A) Part I – FORTUNE SHEET

No.ctr.	No. cadastral	Building description	Area (q.m)	Observations
1	5511/1/2/2137	Land with house ground floor + 2 floors		

B) Part II PROPERTY SHEET

No. crt.	Registrations regarding of the property	Observations
1	Nemeș Iacob and his wife	
2	Nemeș Liliana Ionela common property - out of possession, before buying no.12459/1990, with no. 10682/1993	

C) Part III TASK SHEET

No. crt.	Registrations regarding tasks	Observations
	- without	

Today after a conversion an extract of the cadastral register on digital support result:

EXTRACT OF THE CADASTRAL REGISTER

CADASTRAL REGISTER no.91740 Timișoara

A) Part I – FORTUNE SHEET

Cadastral register no.410123

Commune/City/ Municipality Timișoara

(derived from the conversion from paper of CF no.91740)

LAND: TOWN PRECINCTS

Address Timișoara, S. Bărnuțiu street. no.18B

No.ctr.	No cadastral/No. topo	Area (mp)	Observations/References
A1	Top:5511/1/2/2	269	

CONSTRUCTIONS

No.ctr.	No cadastral/No. topo	Address	Observations/References
A1.1	CAD:C1 Top:5511/1/2/2	Timișoara, S. Bărnăușiu street. no.18B	House P+2E

B) Part II PROPERTY SHEET

Cadastral register no.410123
Commune /City/ Municipality Timișoara
(derived from the conversion from paper of CF no.91740)

Registrations relating to property			Observations/Reference
		10682/16.04.1993	
		Documents and construction permit no.D8II 1991 with no.14927.14.06.1994	
	1 1	Tabulation ownership, before buying, gained by out of possession, current listing 1/1	A1,A1.1 (derived from the conversion CF 91740)
	1	Nemeș Iacob and his wife	
	2	Nemeș Liliana Ionela common property	

C) Part III TASK SHEET

Cadastral register no.410123
Commune /City/ Municipality Timișoara
(derived from the conversion from paper of CF no.91740)

Registrations relating to tasks	Observations/Reference
- AREN'T	

Changes to the new model are beneficial for experts, but difficult to understand for the layman.

Annex no.1 at Part I
Cadastral register no.410123
Commune /City/ Municipality Timișoara
(derived from the conversion from paper of CF no.91740)

PLOTS

No.Crt.	Land use category	Town Precincts	Area (mp)	No. title	No. "tarla" group of lots	No. of plot	No. Top.	Observations/Reference
1	Court Building	Yes	269				5511/1/2/2	

CONSTRUCTIONS

No.Crt.	No cadastral/No. topo	Destination of construction	Area (mp)	No. of floors	Apartment number	Common Parts	No. Top.	Observations/Reference
A1.1	CAD:C1 Top:5511/1/2/2	Housing Construction		3			5511/1/2/2	House P+2E

3. CONCLUSIONS

-In Banat, the Austrian influence was favorable and very important for subsequent evolution of the cadastral plans and cadastral register.

- Until now the National Agency for Cadastre and Real Estate Advertising would have made the general cadastre to have a real basic data to ensure ownership;

- Orthophotoplans were made for the whole territory of Romania;

- Are counties in country that did not finish putting in possession of buildings under the property law for various reasons, are not tabulated property title obtained and should be realize the database of property titles issued;

- Parceling plans obtained from the application of property laws should end;

- There should be a digital cartographic database based on existing plans and completed the electronic conversion of registers of inscription and transcriptions.

-It is necessary to combat corruption by ensuring transparency and access to public information;

-The future belongs to strong systems of information and cadastral plans in a national assembly are geo-referenced graphical support for a variety of geographic information systems (GIS).

But now, form and content of cadastral registers for information issued by the B.C.P.I. are different from those specified in the Regulation of organization and functioning of the cadastre and real estate offices, approved by Order no.633/2006 of A.N.C.P.I., as amended by Order no. 133/2009, published in Official Gazette no.245/13 April 2009.

Regulation should comply the law 7/1996 which is issued on the basis that at article 4, paragraph (3) of the Regulation, states that "In the cadastral register is enrolled a single property, under the law".

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