

## **Order of the Minister of Justice of Georgia No. 4**

**15 January 2010**

### **Approving the Regulations of the Public Register**

In accordance with Article 35(1) of the Law of Georgia on Public Register, I order as follows:

1. The Regulations of the Public Register attached hereto shall be approved.
2. The Order of the Minister of Justice No. 800 dated 13 December 2006 approving the Regulations on Registration of Titles to Immovable Property shall be invalidated.
3. This Order shall enter into force upon its publication.

Z. Adeishvili

### **Regulations of the Public Register**

#### **Chapter I. General Provisions**

##### **Article 1. Scope of regulation**

These Regulations determine the rules and conditions of proceedings at and release of information by the National Agency of Public Register (hereinafter, “the Register”) as well as participants to registration proceedings and their rights and obligations.

##### **Article 2. Purpose of the Regulations**

The purpose of these Regulations is to determine formal and procedural issues of administrative proceedings at and release of information by the National Agency of Public Register, to specify the contents, forms and technical conditions of registration documents, public information and documents containing cadastral data, and to regulate the carrying out of administrative proceedings and release of information using automated management means.

##### **Article 3. Competences of the Agency’s territorial offices and structural units**

1. Registration offices carry out their territorial competences according to registration zones that are determined by the Chairman of the Agency through its individual administrative legal act.
2. If an immovable thing is located within several registration zones, registration decisions shall be made by a registration office of the interested person’s choice.

3. The Agency is authorized to decide on issues falling within the competence of its territorial registration offices through the relevant official of its duly authorized structural unit.
4. Competences Holders of Authorization issued by the Agency and their territorial scope shall be determined by relevant administrative contracts.
5. Title to a movable thing can be registered by a territorial registration office or a relevant Authorization Holder at the interested person's choice.
6. Other issues related to powers of territorial registration offices are governed by an individual administrative legal act issued by the Chairman of the Agency.

#### **Article 4. Rules of payment of the fee for services**

1. If a person requests the Agency to perform several services within the Agency's competence simultaneously, the fees for the services may be paid as a lump sum.
2. Fee for services provided by the Agency may be paid by any person regardless of whether the payer is an Interested Person within the meaning of the Law of Georgia on Public Register.
3. If the Agency is under the obligation to provide services within its competence in accordance with rules established by the legislation by virtue of an act of court or other authorized body / official, the Agency will provide such services free of charge.

### **Chapter II. Access to information**

#### **Article 5. Rules of decision-making on access to information**

1. When release of information is requested, the registering body will determine a 30-day term for the submission of additional information or documents, if
  - a) the meaning of the request is unclear or the requested information cannot be identified;
  - b) the application is not accompanied with a document or piece of information indicated in these Regulations or the Georgian legislation;
  - c) other circumstance envisaged by the legislation is the case.
2. If, in connection with a request for release of information, the interested person has been indicated a term for provision of additional information or documents, a term for examination of the interested person's application will be deemed suspended. A relevant decision of the court or other authorized official / body will constitute a basis for the suspension of the flow of term for the examination of the application. The flow of the

examination term will be renewed only after the requested document / information has been provided or the grounds for suspension have been eliminated.

3. An application will remain unexamined if the interested person fails to submit the required documents / information during the suspension.
4. Grounds and rules for refusal to release information are determined in these Regulations and the Georgian legislation.
5. The fee paid for the provision of services will not be refunded if the application for release of information is rejected or left unexamined.
6. The registering organ shall issue a relevant decision should it decide to reject the application for release of information, to determine a term for submission of additional information or documents, to renew the flow of the term for examination of the application or to leave the application for the release of information unexamined.
7. The registering organ's decision rejecting the application for release of information, determining a term for submitting additional information or documents, renewing the flow of the term for examination of the application or leaving the application for the release of information unexamined may be challenged in accordance with rules established by the Georgian legislation.

#### **Article 6. Release of documents and their copies**

1. In verifying a paper copy of a document kept by the Agency, the Agency verifies that the copy is identical to the original.
2. The Agency is authorized to accept, issue or release any document both as a hardcopy and using electronic or automated unified management systems.
3. In an electronic format, documents will be issued through relevant links on the Agency's official webpage – [www.napr.gov.ge](http://www.napr.gov.ge) – and no rules of verification of the identity of the printout copy with the original will apply. Such a printout shall have the same legal force as the electronically-issued document.

#### **Article 7. Extract from the Public Register**

1. An extract from the Public Register may be issued to anyone. An extract shall be produced together with a decision on registration of a title (except tax liens); if registered data are available, the extract will contain such data if so indicated in the request.
2. Except in the event envisaged in paragraph 4 of this Article, an extract from the Public Register shall contain the following:

- a) information about registered titles, obligations, restrictions, subjects and objects thereof, documents confirming the title and their identification data / details;
  - b) the date of registration of the application, the date of production of an extract, the date of registration of titles and obligations, and registration numbers;
  - c) information about registered restrictions under public law and tax liens, dates of their registration and scope of restrictions, the issuing organ and the details of the document imposing restrictions.
3. An extract from the Register of Titles to Immovable Things shall contain registration data concerning only a single registration object. For immovable things, a single registration object is understood to mean a land plot, a building or part of a building, which is recognized as an object of independent title in accordance with procedures envisaged by law. The event described in paragraph 4 of this Article is an exception to this rule.
  4. An extract may be issued about a land plot on which several objects of independent title are located. In this case, an extract from the Register of Titles to Immovable Things shall contain information about the identification data and the area of the land plot, type of title to the land plot and any buildings located thereon, and any legal burden or restrictions under public law applicable to them (except any legal burden or restrictions under public law deriving from the legal burden upon the objects of independent title).
  5. The term of validity of an extract from the Public Register shall be indefinite.
  6. The Chairman of the Agency may, by his/her individual administrative legal act, determine other requisites to be contained in an extract concerning a movable thing or an intangible asset.

#### **Article 8. Cadastral codes, cadastral plans and cadastral maps**

1. A cadastral code is a unique identification code of an immovable thing assigned to the thing at the time of registering a title thereto in the Public Register. By his/her individual administrative legal act, the Chairman of the Agency determines rules of production of cadastral codes.
2. Cadastral plans and cadastral maps are issued on the basis of the Public Register database and contain data concerning land plots and buildings valid at the moment of their production.
3. A cadastral plan is a document providing cadastral and graphical information about the land plot, which contains information about the cadastral code of the land plot, its area, configuration, purpose, net of coordinates, buildings (including those under construction) located on the land plot and floors of the buildings as well as any titles and restrictions to

the land plot the cadastral data of which are registered in the Public Register (except in the event described in paragraph 4 of this Article).

4. A cadastral plan of a linear building is a document providing cadastral and graphical information about the building, which contains information about the cadastral code of the land plot, its area or length, configuration, purpose, net of coordinates, dotted object as well as any titles and restrictions to the building the cadastral data of which are registered in the Public Register.
5. A cadastral map is a document containing cadastral data about a specific territory, information about land plots and buildings located on this territory to which titles are registered, their net of coordinates and cadastral codes as well as any titles and restriction to the land plot and the building the cadastral data of which are registered in the Public Register.
6. Data may be plotted on cadastral plans and cadastral maps using mechanical and/or electronic means.
7. A cadastral plan will not be issued if cadastral data of a land plot are unspecified. For registration purposes, specified cadastral data about an immovable thing shall mean cadastral information created and stored at the Public Register in accordance with these Regulations and the Georgian legislation.

#### **Article 9. Notices about restrictions under public law**

1. A notice about restrictions under public law are issued on the basis of the Public Register database and contain data concerning any restrictions under public law applicable to things and intangible assets at the moment of its production.
2. A notice about restrictions under public law may be issued to anyone.

#### **Article 10. Release of information from the Technical Registration Archives**

1. If, according to the Technical Registration Archives, title is registered to a part of a land plot and another part of the land plot is registered as an arbitrarily occupied land, a plan of registration issued shall contain an indication of areas and boundaries of both the part to which title is registered and the part which is arbitrarily occupied. If the areas and boundaries of the parts of the land plot can be ascertained according to the information kept in the Technical Registration Archives, then the person authorized to issue the information shall rely upon these data; however, if the Technical Registration Archives do not contain necessary information to ascertain areas and boundaries of the parts of the land plot specifically, the authorized person shall ascertain the areas and boundaries of the

parts of the land plot according to the points of junction between these parts. This rule does not apply if a building is located on both parts of the land plot.

2. If, according to the information contained in the Technical Registration Archives, no title of the State or other person is registered to an immovable thing, an authorized person is obligated to indicate in information or notice issued about the immovable thing from the Technical Registration Archives that no title is registered to the immovable thing.
3. If a registration file of the Technical Registration Bureau contains copies of documents confirming any title to property but the copies are not duly verified, an authorized person is obligated, upon request of an interested person, to issue a verified copy of such a document, a notice or other appropriate document indicating that the documents confirming title to the property contained in the registration file of the Technical Registration Bureau are not duly verified.
4. If a registration file of the Technical Registration Archives contains several plans of registration about the same immovable thing and the data shown on the plans do not match each other, an authorized person shall issue the plan that corresponds to the latest information about this immovable thing kept in the Archives.
5. If a registration file of the Technical Registration Archives contains a list of co-owners but one or more of these co-owners are not mentioned in the document confirming title to the property, an authorized person shall issue a notice or other relevant document indicating the latest information about titles contained in the documents confirming titles to property.
6. If title is not registered in a registration file of the Technical Registration Archives but the registration file contains a relevant document confirming title to property, the Technical Registration Archives shall issue information (a notice, a plan of registration, etc) according to the document confirming the relevant title kept in the registration file.
7. If, according to the information kept in the Technical Registration Archives, a registered right of usage of an immovable thing has been invalidated, the Technical Registration Archives shall not indicate such a right in information (a notice, a plan of registration, etc) issued by it.

### **Chapter III. Registration**

#### **Article 11. Parties to registration proceedings**

An interested person and the relevant territorial registration office are the parties to any registration proceedings.

#### **Article 12. Submission of an application and documents**

1. An application and its supporting documentation may be submitted to the Agency on issues falling within the Agency's competence through any territorial registration office or Holder of Authorization in person, electronically or by mail. If an application is sent by mail, a signature must be verified in accordance with rules established by the applicable legislation.
2. An application with its supporting documentation, which falls within the competence of another territorial registration office or the central office of the Agency, shall be forwarded to the appropriate territorial registration office within no more than 3 work days. An exception is when an interested person has paid a fee for accelerated forwarding of the documentation. The flow of the term of registration proceedings commences immediately after a territorial registration office has accepted an application and its supporting documentation.
3. Submission of a new application is not necessary if additional information or document is being added to an already submitted application. In this case, an authorized person will immediately issue a notice of acceptance confirming that an additional document or information has been submitted.

#### **Article 13. Registration of applications; conditional applications**

1. A registering organ shall confirm its acceptance of an application by registering an electronic or a hardcopy version of an application in a book of registrations and assigning a registration number thereto.
2. An authorized person is obligated to immediately register a submitted application and issue a notice of acceptance confirming the submission of the application.
3. Submission of documents in violation of these Regulations and the Georgian legislation shall not be a basis for rejecting acceptance of application; however, they may become a basis for suspension of registration proceedings or denial of registration.
4. If, on issues falling within the Agency's competence, documents are submitted and the appropriate services rendered using an electronic software but an application has been submitted to a registering organ by mail or in person, or the registering organ is obligated by virtue of law or an act of a superior organ or court (arbitral tribunal) to make a decision, an authorize person shall register a conditional application in the relevant electronic software.
5. A conditional application shall include all the necessary information required for an application by the legislation in full.

#### **Article 14. Additional conditions for registration**

1. For registration purposes, a land plot is a territory having geometrical unity (specified or unspecified), which is part of the general list of titles registered in the Public Register or it is requested to have the territory registered as such. Title to a land plot extends to also a building on that plot, unless the law prescribes otherwise.
2. Existence of essential parts of a land plot on the land plot (buildings) shall be ascertained from a cadastral measurement drawing. For registration purposes, the following shall not be deemed immovable things (or essential parts thereof): subsoil, plants, small architectural shapes, temporary, non-permanent and/or linear buildings (objects), which do not require construction permit under the applicable law.
3. If property title to a land plot is registered in the Register of Titles to Immovable Things without property title to buildings firmly located on the land plot, the land plot proprietor's title to the building will be registered upon the proprietor's request, unless the registration document suggests otherwise. This rule does not apply when registered data show that the building exists without a document confirming title; in such event, an authorized person will correct the data according to procedures envisaged for correction of technical defects.
4. If, according to the results of cadastral description, the area of a land plot, regardless of its configuration, exceeds the area indicated in the registration document or in the Register of Titles to Immovable Things or the unspecified area indicated in the registration file of the Technical Registration Archives (within 1% for a land plot between 5 hectares or 5,000 square meters or within 0.5% for a land plot of more than 5 hectares or 5,000 square meters), registration shall rely upon the area ascertained as a result of the latest cadastral description.
- 4<sup>1</sup>. If the area of a specific multi-flat (multi-unit) immovable thing, as indicated in the registration file of the Technical Registration Archives, is more than the sum of the areas of units, as indicated in the registration documents kept at the Technical Registration Archives and the Register of Titles to Immovable things, the proprietors of this immovable thing may collectively acknowledge that this area does not exist in reality or it exists as an object of co-ownership; the proprietors' acknowledgement will constitute a basis for the Agency to register titles to the relevant properties in the Public Register. In this case, all of the proprietors will bear joint liability for the correctness of such a collective application and for all the legal consequences deriving thereof. (11.04.2012 N 52)
5. If impossible to ascertain from a registration document that a building (an individual or a multi-unit one) or a unit within a multi-unit building is under construction, title to them will be registered as to an already built building or an already built unit.
6. For the Agency to register title to a building under construction, an interested person shall submit construction documentation envisaged by law; after the construction is complete,



- the interested person shall submit a document confirming that the building is recognized as fit (accepted for exploitation).
7. On the basis of a document confirming the completion of construction of the building (acceptance for exploitation), registration of a change reflecting that the building has been completed shall mean that relevant changes shall be registered to all of the objects of individual ownership within that building.
  8. Property title to a unit within a multi-unit building, regardless of whether the unit is described in the registration document by its area or as a share in the multi-unit building, will be registered according to its area.
  9. If, according to a cadastral measurement drawing, the area of a building or its unit is more or less than the unspecified area indicated in the registration document, the Public Register or the registration file of the Technical Registration Archives, members of a partnership of the co-owners (apartment owners) may decide to have their units registered according to the area indicated in the cadastral measurement drawing. If, according to the cadastral measurement drawing, an immovable thing is an isolated area as a whole within the single system of the building, no consent on the part of members of the apartment owners is required for its registration. (12.01.2011 N 3)
  10. If an information notice, plan of registration and/or a descriptive notice issued by the Technical Registration Archives contains an incorrect area due resulted by incorrect summing up or multiplication, an authorized person is obliged to calculate the areas and effect registration according to newly-calculated areas.
  11. In registering titles to a unit within a building, if the cadastral measurement drawing, as submitted, does not provide clear information about the physical boundaries of the immovable thing (no partitions indicated, there is a space between columns and no walls are constructed, etc), registration will be effected according to the conditional boundaries and area indicated in the cadastral measurement drawing.
  12. A registering organ is authorized to perform its tasks during holidays, day-offs, break or non-working time.
  13. Registration may not be refused because of the following inconsistency between an identification document of the interested person and the first name or last name of a person in the registration documents: inaccuracy in the letters, diminutive form of names, surplus or lack of letters in the first or last names, etc. In this case, if other identification data (such as personal number, residential address, etc) are consistent to each other, registration will be effecting using the first and last names indicated in the interested person's identification document.
  - 13<sup>1</sup>. If, in registration proceedings before the Public Register or the Register of Entrepreneurs and Non-entrepreneurial (non-commercial) Legal Entities, an interested person submits a copy of a passport for identity verification purposes, which is filled out in Russian or

English languages, it is not necessary to submit a Georgian translation of such a passport during registration. (12.01.2011 N 3)

14. If, after registration, several persons will obtain a single title to an immovable thing, in other words, if they will become co-owners of the thing, any of the co-owners may apply for registration and the fee for registration will be payable for registration of one title. Regardless whether several persons are co-owners or have share in title to the same immovable thing, in case of alienation of the thing by the co-owners to a single person on a contractual basis, the recipient of the immovable thing (the proprietor) will obtain title (a single title) to the thing and, accordingly, the proprietor shall submit an application and pay a fee for registering a single title.
15. Title to an immovable thing will be registered according to its total area (residential and non-residential).
- 15<sup>1</sup>. Registration of the purpose of a space within a building as a residential or non-residential space or any changes thereto shall be effected at its proprietor's application. (3.05.2012 N 60)
16. If an object of individual title within a multi-apartment building has been disposed in a way that the document confirming title to the object displays the area of the object in shares whereby the numerator and the denominator display a fraction of only residential areas of the disposed object and that of the entire building, but a previous title document concerning this immovable thing provides a full description of the thing, then the latest proprietor's title will be registered according to the entire area of the object disposed of. The same rule applies to registration of non-residential spaces related to the this immovable thing (such as a cellar, an attic, etc), unless the title document provides otherwise.
17. If, according to documentation submitted for registration, a title applies to several objects, each of the objects shall be registered separately.
18. When a mortgaged immovable thing is being transferred into the creditor's (mortgage holder's) property under Article 300 of the Georgian Civil Code, the creditor's title will be registered on the basis of the creditor's and the debtor's joint application, which shall indicate that the mortgaged immovable thing is being transferred into the creditor's property because of the failure by the debtor to perform his obligation.
19. A restriction upon a thing under public law excludes registration of any other title to or legal burden upon the thing, unless:
  - a) the person seeking registration is a legal successor of the proprietor of the immovable thing that is subject to a public law restriction or the owner of other title / obligation registered to this thing;

- b) the person who initiated the issuance, adoption or drafting of a document used as a basis for registering the restriction under public law or a legal successor of such a person participated in administrative proceedings or proceedings before a court (arbitral tribunal) aimed at issuance, adoption or drafting the registration document that ended with a settlement between the parties; (24.10.2011 N 138)
- c) the registration document is issued, adopted or drafted before the arrest or the restriction or prohibition of the right to dispose of was registered and, at the same time, the registration document has been issued, adopted or drafted before the entry into force of the Law of Georgia on Public Register. In this case, the registered arrest or the registered prohibition or restriction of the right to dispose of shall be declared annulled; (16.02.2010 N34)
- d) registration will result in changing the identification data of the subject and/or the object of the title;
- e) a document has been submitted that confirms annulment of property title to an immovable object or contains a ground for annulling property title to the immovable object, in which case, the restriction under public law will be annulled together with annulment of the property title;
- f) a thing has been disposed of by an enforcement agency in a compulsory regime, in which case any registered arrest or restriction or prohibition of the right to dispose of will be declared annulled; (12.01.2011 N 3)
- g) a registration document is a decision of a court (an arbitral tribunal). (24.10.2011 N 138)

19<sup>1</sup>. A registering organ is obliged to inform the relevant enforcement bureau and suspend any future registration except restrictions under public law and tax liens until the debtor is removed from a debtors' register immediately after a debtor enlisted in the Debtors' Register registers his/her property title or other right to a property. This rule does not apply if property has been alienated by an enforcement agency envisaged by the Georgian legislation under the Law of Georgia on Enforcement Proceedings or if a registration document submitted to the registering organ is a court (arbitral tribunal) act, which has not been produced as a result of settlement between the parties. (3.05.2012 N 60)

19<sup>2</sup>. Restrictions applicable to persons registered in the Debtors' Register do not apply if a registration document has been received or drafted before 1 January 2010 and, at the moment of submission of the registration document, the proprietor of the immovable thing is registered in the Debtors' Register. In this case, property title to the immovable thing will be registered to the acquirer of the thing. (12.01.2011 N 3)

- 19<sup>3</sup>. If a thing has been disposed of by an enforcement agency at the tax authorities' demand, an arrest or lien registered to the thing that have been used to secure the tax authorities' will be declared annulled. (12.01.2011 N 3)
20. In registering property title in the Register of Titles to a legalized immovable thing located in a multi-apartment residential house (such as various add-on structures, outbuildings, etc.), it is not necessary to submit a decision of the partnership of apartment owners about transferring the legalized immovable thing into the interested person's property. In this case, the person mentioned in the act of legalization of the immovable thing can register his/her title to the legalized immovable thing.
21. If an act legalizing outbuildings added to an immovable thing has been submitted and the main immovable thing (to which any outbuilding has been added) bears other burden under the law of things or law of obligations, the registered burden under the law of things or law of obligations will not apply to a total area created as a result of legalization unless the document confirming the existence of legal burden indicates that the legal burden applies to the entire immovable thing, without a specific area indicated.
22. In specifying the area of an immovable thing to which property title exists and the immovable thing bears other legal burden under the law of things or the law of obligations, the registered title under law of things or law of obligations applies to the entire specified area. This rule does not apply when an area of the thing becomes less as a result of specification. In this case, registration will be effected if the holder of the relevant registered title to the immovable thing consents to registration.
23. An area of a co-owned immovable thing may be divided or otherwise disposed of only if all of the proprietors / legal users / legal possessors agree to that effect. In this case, for registration purposes, only the persons registered in the Technical Registration Archives and the Public Register will be deemed proprietors / legal users / legal possessors of the thing. Persons who are making decision about disposing of the immovable thing shall bear the responsibility for finding out whether other proprietors / legal users / legal possessors of the same thing also exist. This rule applies also to division and imposing a legal burden under law of things upon land plots jointly owned by a partnership of apartment owners.
24. If the sum of areas (shares) of things owned by co-owners of a building or the sum of areas (shares) of individual things within a building owned by their proprietors is less than the total area of the building as indicated in the documents kept at the Technical Registration Archives or the Public Register, the difference will be deemed an object of co-ownership of proprietors of shares (apartments) in the building and registration will be effected without indicating the area remaining as a difference and its proprietor, unless the registration document suggests otherwise.

25. If, according to the registration documentation, an immovable thing is a duplex-type building or if rooms located at several floors belonging to the same building have a single entrance, registration will be effected as to a single registration object. A multi-storey building which is entirely owned by one person individually or jointly by several persons will also be registered as a single registration object.
26. If, according to the registration document kept at (submitted to) the Technical Registration Archives, the area of a building or an apartment does not coincide with the data kept at the Technical Registration Archives before the registration document was created, then the Technical Registration Archives will issue information (a notice or other information) and title will be registered according to the area indicated in the document confirming the title.
27. If title to an immovable thing, its unit or a building is registered in the Public Register in a way that no registered data are available about the total area of this thing or if these data are unspecified, a part of this thing may be disposed of only as a share.
28. If an authorized organ demands registration of property title of the State or a local self-governance unit to an immovable thing, it is not necessary to submit a plan of land plot drawn up by the local governance body.
29. If a physical person or a private law entity demands recognition of property title to its legally possessed land plot, to which property title of the State or a local self-governance unit is registered in accordance with rules established by law, the registering organ is obliged to address the State or the local self-governance unit with a view of obtaining their consent to recognize the physical persons or the private law entity's property title to the land plot. In this case, registration proceedings will be suspended; the proceedings will be renewed and a final decision will be made only after a reply is received from the relevant organ.
30. If registration of property title (or of a change in the registered title) to a building or its unit is requested, but it is confirmed as a result of examination of circumstances that the building in question no longer exists at the moment registration was requested, registration will be effected according to the share of the proprietor of the building or its unit in the land plot. If it is impossible to ascertain such a share, registration will be effected according to the data indicated in the document confirming title to the building / its unit, in relation to a proportional share in the land plot, and the remark "demolished" will be included in the registered data concerning this building / unit.
31. Co-ownership of a village family to thing shall be registered in a way that each member of the family is registered as a co-owner and the registration data shall include indication about co-ownership by a village family. If one of the member of the village family is dead or has left the family, registration of co-ownership by the family members as well as a

- change in already registered title will be effected on the basis of documents confirming the circumstances mentioned above, according to general registration rules.
32. Property title of a foreigner or of a legal entity registered in abroad to an agricultural land may be registered only if they have received the land as inheritance or if the foreigner was legally possessing the land as a citizen of Georgia.
  33. Changes to registration data concerning land plots with registered titles whose boundaries are established based on a land plot plan issued by the relevant body of a self-governance unit and which have no State geodesic coordinates will be registered according to a submitted measurement drawing, without changing the address, area and configuration.
  34. Changes to boundaries of land plots with registered title whose boundaries are established based on a land plot plan issued by the relevant body of a self-governance unit may be registered if the boundaries of the land plot as shown on the submitted cadastral measurement drawing do not go beyond the boundaries established by the relevant body of that self-governance unit.
  35. For registration purposes, an extract from the relevant register will be used to prove the authority of a person empowered to dispose of property belonging to an enterprise or to a non-entrepreneurial (non-commercial) legal entity (such as a director, a partner, etc), unless the extract indicates that this person's representative authority is limited.
  36. If, according to the Law of Georgia on Relations Arising out of Usage of a Residential Space, a court awarded the user of a residential space an ownership title to the residential space based on the circumstance that the space was found to have no heirs, the area of the land plot belonging to the residential space will be determined and registered in the Public Register, with or without property title recognized, according to data kept at the Technical Registration Archives; if no data are kept at the Technical Registration Archives, registration will be effected based on documents from which the area and boundaries of the land plot occupied by the residential space can be ascertained and which are created in accordance with rules established by law. (24.10.2011 N 138)
  37. Property title of a physical person or of a legal entity to an object of individual ownership within a multi-apartment building, if the object has been alienated by a competent State organ by means of a competition, auction or leasing, will be registered according to rules established for registration of property title to multi-apartment (multi-unit) immovable things; this rules applies even if a property title certificate has been issued only to the object of individual ownership, without a corresponding share in the land plot. (3.05.2012 N 60)

**Article 14<sup>1</sup>. Additional issues related to legalization of agricultural land plots located within the administrative boundaries of Tbilisi (24.10.2011 N 138)**

1. Documents envisaged by Article 6<sup>1</sup>(1) of the Law of Georgia on Property Legalization, which are provided as a basis for legalization of agricultural land plots located within the administrative boundaries of Tbilisi, will not be deemed to have been created in violation of law, if
  - a) the handover certificate issued by the Land Reform Commission includes all of the following: date of issue, address and area of the land plot, signatures of at least two members of the Land Reform Commission and a stamp;
  - b) a gardener's book issued by a gardeners' partnership includes all of the following: date of issue, type of gardening, address and area of the allocated land plot and a stamp of the gardeners' partnership;
  - c) an extract issued by the Public Register has been created on the basis of documents containing the requisites indicated in paragraph (1)(a)-(b) of this Article.
2. If the documentation envisaged by paragraph 1 of this Article is submitted, registration proceedings will be effected according to general rules of registration established by law.

**Article 15. Competence of the partnerships to dispose of co-ownership and to corroborate the existence of an individual title to an immovable thing**

1. Individual property title of a partnership member to an object indicated in Article 4 of the Law of Georgia on the Partnerships of Apartment Owners, to which title is not registered, may be registered based on a decision adopted by a partnership by a 2/3 majority of its members' votes. The decision shall confirm that the relevant member of the partnership has been individually possessing the relevant household area before the entry into force of the Law of Georgia on the Partnerships of Apartment Owners.
2. A land plot and/or other immovable thing to which members of a partnership of apartment owners hold a shared title may be loaded with a legal burden or alienated in favor of the partnership members or third persons based on an unanimously adopted decision of the partnership members.
3. A protocol of meeting of the apartment owners' partnership shall be verified by a chairperson of the partnership with his/her signature. If the protocol of the meeting is to serve as a basis for registration of title to the immovable property, the veracity of the signature must be verified by a notary public.
4. If a property title certificate issued to a labor partnership has been submitted together with a partnership contract but without a document confirming that the partnership has been organized into a private law entity, titles of the former labor partnership members will be registered.

## **Article 16. Division and merger of immovable things**

1. In the event of division or merger of an immovable thing, titles or obligations registered to the thing or its part shall be carried on unchanged to an immovable thing (things) created as a result of the division/merger or its (their) part (parts), unless the contents of the relevant registration document suggests otherwise.
2. In the event of alienation of a part of a land plot in a way that the part to be alienated is being disposed of as an object of individual title, its is necessary to first divide the land plot before its alienated and to register the proprietor's (alienator's) title to the part subject to alienation.

## **Article 17. Cancellation of registration; restoration of cancelled data**

1. If a registration decision is declared null and void by a judicial or administrative act, the legal status existing before the registration took place based on the act declared null and void will immediately be restored in the Public Register at the time of registration. No fee shall be payable for this service.
2. If the Agency's registration decision has been declared void due to cancellation of a registration document on which basis the registration was performed, the registration will be declared cancelled upon request of an interested person; in this case, the regular fee for registration services shall be payable; no fee shall be payable if the document based on which the registration was performed has been cancelled by a court or arbitral tribunal. (3.05.2012 N 60)
3. If the Agency's registration decision is cancelled by a judicial or administrative act, no fee for the service of cancelling the registration shall be payable.
4. If a decision of registration is declared cancelled, the legal status existing before the registration may be restored under rules established by law for registration, with the relevant fee for services payable.

## **Article 18. Additional conditions for making registration decisions**

1. The Agency will make a decision to register (to uphold the claim), unless there are grounds for refusing registration or suspending or terminating the registration proceedings.
2. If registration proceedings are suspended, the decision-making official shall indicate in the suspension decision all the documents or information that must be submitted to implement the demanded registration. It is prohibited to suspend the flow of registration proceedings term for several times on the motive that additional documents or information are required, unless the additionally submitted documents or information reveal a new ground for suspending the registration proceedings. This rule applies also to release of information.



3. If the flow of the term for decision-making on an application or the term of administrative proceedings has been suspended for some ground and the interested person, during the suspension period, provides a document or information other than what was required by the suspension decision but such document or information does not help eliminate the ground for suspending the registration proceedings, then the flow of administrative proceedings term remains suspended and, after a month elapses following the suspension date, the proceedings will be terminated and the application will remain undecided.

#### **Chapter IV. Verification of signatures of parties to a transaction before a registering organ**

##### **Article 19. Legal grounds for verifying the signatures of parties to a transaction and a person authorized to perform the verification**

1. A legal basis for the Agency's authorized representative to verify the signatures of parties to a transaction (hereinafter, "verification of signatures") are the Georgian Civil Code, the Law of Georgia on Public Register and these Regulations.
- 1<sup>1</sup>. Relations arising out of creation of electronic documents of transactions and application of digital signatures thereto are governed by the Law of Georgia on Electronic Signatures and Electronic Documents. (3.05.2012 N 60)
- 1<sup>2</sup>. If transactional documents are created electronically and digital signatures are applied thereto, the signatures will be deemed verified by the Agency after the transaction is made available to the Agency through its electronic facilities in a manner that the Agency can identify the contents of the transaction and the persons who have digitally signed the transaction. This rule also applies to the lodging of a registration application with a digital signature. (3.05.2012 N 60)
2. Persons having the authority to verify signatures shall be determined by a legal act issued by the Chairman of the Agency.
3. Based on an appropriate administrative contract, the authority to verify signatures may also be conveyed to Authorization Holders.
4. Signatures shall be verified together with the submission of an application about title registration, in the presence of a person authorized to verify signatures.
5. It is prohibited to verify signatures without submission of an application for registration.
6. Signatures must be verified only on one copy of a transaction, which shall be lodged with a registering organ as a registration document, together with an application.
7. A person authorized to verify signature shall verify signatures according to the place of submission of an application for registration.

## **Article 20. Transactions that require verification of signatures**

1. Both unilateral and bilateral private law transactions related to things and intangible assets require verification of signatures, except a power of attorney, a will, a lifetime support contract, a marriage contract and other transactions envisaged by the applicable law as well as administrative contract that generate, amend or terminate titles to things and intangible assets that are subject to registration in the Public Register.
2. If a transaction the contents of which require to be verified by a notary public is being cancelled or amended, the Agency shall upload a notification thereabout on its official website and make it available to any interested person.

## **Article 21. Language of transactions**

1. For verification of signatures, a transaction must be submitted in a State language. The text of the document must be transcribed onto a paper using characters of Georgian Mkhedruli alphabet.
2. If one or more parties to a transaction do not know the State language, a transaction made in a foreign language must be accompanied with one copy of translation of the transaction into the State language. The same rule applies to transactions drafted in Braille script. In this case, an authorized person shall first verify the signature of the translator / the representative of the individual with visual impairment upon the translation and then upon the transaction by the parties to the transaction.
3. When registration of an enterprise or a non-entrepreneurial (non-commercial) legal entity is demanded and the party (parties) to the transaction does not know the State language but knows the English language, an authorized representative of the registering organ will, upon request of an interested person, prepare registration documentation in Georgian and English languages and then verify the signatures of the parties upon the transaction without a translator's participation. The Agency's authorized representative is responsible for the consistency between the contents of the Georgian and the English texts of the transaction. (3.05.2012 N 60)
4. Persons authorized to draw up registration documents in Georgian and English languages and then verify the signatures of the parties to the transaction without a translator's participation shall be determined by a legal act issued by the Chairman of the Agency. (3.05.2012 N 60)

## **Article 22. A general rule of verification of signatures**

At the time of signing a transaction (acceptance of an application for registration) in the presence of an authorized representative, the authorized representative merely performs the identification

of a signatory to the transaction and confirms the signing of the document by the latter. This does not mean that the authorized representative confirms the consistency of the contents of the transaction with the applicable law or the validity of the parties' expression of their will or that any check of other circumstances has been performed. The authorized representative confirms the signing of a transaction by an official stamp. Two prints of an official stamp shall be applied to the text of a transaction. One print of the stamp must be applied to a text of the transaction in a way to show the print of the stamp on all of the pages of the transaction document at a time; the other print of the stamp must be applied on the last page of the transaction together with a date of verification of the signature, number of pages of the document and a signature of the authorized representative.

**Article 23. Rules of verification of signatures of a disabled person and his/her representative**

1. If a party to a transaction is deaf, mute or deaf and mute, the party must use the assistance of a specialist to understand the contents of the transaction. This shall be mentioned inside the transaction document and the specialist must confirm with his/her signature that the contents of the transaction were explained to the person and are consistent with the person's will.
2. A different person shall put his/her signature for and at the assignment of a person who is unable to sign a document due to illness, physical impairment or other valid cause. The reason of why the person is unable provide his/her signature shall be mentioned inside the transaction document with a confirmation that the contents of the transaction were explained to the person and are consistent with the person's will.

**Article 24. Rules of verifying signatures of persons with limited or no civil capacity and their representatives**

Issues related to signing of transactions by persons with limited or no civil capacity and their representation are governed by the applicable law.

**Chapter V. Documenting a cadastral description**

**Article 25. Definition of cadastral data and cadastral measurement drawings**

1. Cadastral data constitute graphically and textually displayed accurate information about the configuration and location of boundaries of a land plot, buildings located on the land plot, including linear buildings as well as about the extent of any servitude or other legal burden existing thereon, described according to rules established by these Regulations.

2. A cadastral measurement drawing is a document describing cadastral data of an immovable thing and created in accordance with the requirements of these Regulations.
3. A territorial registration office is obligated to rely on a cadastral measurement drawing produced by any physical person or legal entity if it meets the mandatory requirements established for cadastral measurement drawings by the Georgian legislation.

#### **Article 26. Technical conditions for cadastral description**

1. The result of cadastral description (a cadastral measurement drawing) must be provided according to the system of State geodesic coordinates, in particular, in the WGS 84 system of coordinates and the UTM view.
2. In measuring and displaying objects, cadastral description shall take into account accuracy at 0,15m.
3. A measurement may be laid over the registered data by 0,3m.
4. A cadastral measurement drawing, according to requirements set forth in these Regulations, shall include the following types of objects:
  - a) a land plot;
  - b) a building;
  - c) an object of separate title;
  - d) extent of restrictions to a title or other legal burden;
  - e) a dotted object;
  - f) other topographic elements.
5. A cadastral measurement drawing must be accompanied with written information about the person responsible for the cadastral description, description of the immovable property and any buildings thereon, the interested person, persons attending the description and existence of legal possessors or proprietors of immovable thing(s) adjacent to the immovable thing in question.
6. A cadastral measurement drawing must be verified by a signature of a person responsible for the cadastral description.

#### **Article 27. A paper version of a cadastral measurement drawing of a land plot**

1. A paper version of a cadastral measurement drawing of a land plot must include the following data:
  - a) location / address of a land plot;

- b) area of the land plot;
  - c) sizes of the sides of boundaries (if they may be depicted);
  - d) list number of the building, its purpose, condition (under construction or built) and number of floors;
  - e) extent of restrictions to a title or other legal burden (if any);
  - f) the sign showing the northern direction;
  - g) date of cadastral description;
  - h) conditional signs;
  - i) State metric coordinates net;
  - j) signatures of the person responsible for the measurement and the interested person.
2. It is recommended to submit a cadastral measurement drawing of a land plot on one of the following scales: 1:500, 1:1000, 1:2000 or 1:5000.
  3. Numbering of buildings on a cadastral measurement drawing shall start with numbering of a multi-apartment building first.
  4. In registering changes based on a cadastral measurement drawing, the numbering of a building on the drawing shall correspond to the numbering of buildings to which titles are registered in the Public Register except when a new building should replace an old one and/or the measurement drawing confirms that a building to which title was registered has been disassembled / demolished.

#### **Article 28. Digital version of a cadastral measurement drawing**

1. A digital version of a cadastral measurement drawing of a land plot must be submitted in .shp file format as dotted, dashed and polygonal layers.
2. The dotted layer should include geodesic strong points, low voltage electric transmission towers, watching and communication shafts and other objects localized in dots.
3. The dashed layer should include boundaries of the land plot, roads, gas pipelines, water pipelines, oil pipelines, electric transmission wire lines, ropeways, communication pipes and other linear installations or other linear-type objects of separate title, which must be shown in dashes on a cadastral measurement drawing of a required scale.
4. Polygonal layers should be submitted in the following independent layers:
  - a) a land plot;
  - b) a building;
  - c) extent of restrictions to a title or other legal burden (if any);

5. An auxiliary table of each of the objects (dotted, dashed, polygonal) on the cadastral measurement drawing must include the following data:
  - a) for dotted and dashed layers: the name of the object and its numbering;
  - b) for the polygonal layer of a land plot: the purpose of the land plot, its category, location and address;
  - c) for the polygonal layer of a building: a list number of the building, its purpose, condition (under construction, already built, above the ground and under the ground), number of floors;
6. A digital version of a cadastral measurement drawing shall meet the following typological requirements:
  - a) there must not be any overlapping or crossings in the polygonal layer;
  - b) the submitted layer must not include any note without a relevant graphical component; nor must it include identical notes about inter-related objects;
  - c) the dashed layer must not contain double or broken dashes;
  - d) boundaries of buildings must not be crossing the boundaries of a land plot (except linear buildings or if the land plot boundaries are submitted by the City Service of Urban Planning);
  - e) the point of break of a communication line passing through a dotted object must coincide with this symbol.
7. Both digital and paper versions of a linear building must indicate the name of the linear building, its planned length and the actual length.

#### **Article 29. Measurement drawing of a building / a unit within a building**

1. A measurement drawing of a building / a unit within a building must include the following data:
  - a) location and address of a building / a unit within a building;
  - b) purpose and condition (under construction or already built) of the building / the unit within the building;
  - c) area of the building / the unit within the building;
  - d) sizes of the sides of internal boundaries (if they can be portrayed);
  - e) date of cadastral description;
  - f) signatures of a person responsible for the measurement and the interested person.

2. A cadastral measurement drawing of an object of individual title must be presented on a paper on a scale of 1:100 – 1:500.

### **Article 30. Responsibility for accuracy of a measurement drawing**

A proprietor of an immovable thing shall bear responsibility for accuracy of a cadastral measurement drawing.

## **Chapter VI. Transitional and concluding provisions**

### **Article 31. Transitional provisions**

1. A registering organ is authorized, on the basis of submitted documentation and/or information, to change or cancel false data generated by systemic registration under the Decree of President of Georgia No. 327 dated 16 May 1999.
2. Registration files generated based on systemic registration that have no application registration number shall be assigned 12-digit application registration numbers according to the following rule: aabbccddeee (where “aa” is a code of the registration zone, “bb” is the date, “cc” is the month, “dd” is the year and “eee” is the list number).
3. If a registration file generated based on systemic registration has neither an application registration number nor a date and the territorial registration office does not have an application registration submitted by an interested person, title shall be registered according to the applicable legislation.
4. If the data of an immovable thing to which title is registered in the Public Register indicate an area of a land plot as a specified area and the territorial registration office holds a cadastral planning drawing in force by the time of registration, which is drafted in accordance with the applicable law, but the registering organ has not been furnished with cadastral information required by these Regulations, the cadastral data will be deemed unspecified and the registering organ is obliged, should registration be requested, to correct the registered data and to issue a relevant extract and a cadastral plan.
5. In the event described in paragraph 3, if in time of registering title to an immovable thing an interested person has furnished cadastral information required by the applicable law by the time of registration, changes to the cadastral data of the immovable thing will be registered without levying a fee for service, according to rules established for registration of identification data.
6. No fee for services provided by the Agency shall be payable for registering the emergence, amendment or termination of titles of the National Bank of Georgia to things and intangible assets, obligations related to titles to immovable things or restriction under public law

imposed in favor of the National Bank. Nor shall be any fee payable for producing an extract and a cadastral plan concerning a thing (title) owned by the National Bank. (22.06.2010 N 119)

7. Transactions entered into by private law entities through a simple written form before 10 December 2010 may be used as a basis for registering rental, sub-rental, lease, sub-lease, lending, finance leasing and obligations related to property title to an immovable thing. (24.10.2011 N 138)