

**LAW DECREE NO. 31 OF 1972  
ON THE REGISTRATION OF REAL PROPERTY IN UNIFORM STRUCTURE WITH  
DECREE NO. 27/1972 (XII. 31.)MEM  
OF THE MINISTER OF AGRICULTURE ON ITS EXECUTION (CHAPTERS V-IX)**

Chapter V

The Resolution

LD. Section 20

(1) n58 The land office is not bound by a report in matters of entering a change which occurred in the data of a real property.

-----Footnotes-----

n58 Text amended pursuant to Section 24 of Law Decree No. 25 of 1981.

-----End Footnotes-----

(2) The land office is bound by a petition for the registration of rights and facts concerning a real property, unless otherwise provided by statute.

(3) n59

-----Footnotes-----

n59 Repealed by Section 24 of Law Decree No. 25 of 1981.

-----End Footnotes-----

(4) The resolution must be signed by the official in charge of registration who has proceeded in the given case.

(5) n60 Provided that the land office decides on a right or fact related to a real property on the basis of another legal rule (expropriation of land, acceptance of land offered for sale to the state, etc.), it shall pass an equal resolution on this and on the entry of the change in the Land Register and the motives for ruling must be expounded.

-----Footnotes-----

n60 Interpolated by Section 7 of Law Decree No. 35 of 1976.

-----End Footnotes-----

Settlement of Petitions

Ex.D. Section 95

(1) Petitions must be settled in the order of reference numbers. In justified cases the head of the land office may permit in writing the settlement of a petition out of order. In such a case the earlier petitions concerning the same real property must be settled simultaneously.

(2) If there is any obstacle to the settlement of a petition, settlement of the petition and any further petition concerning the same real property must be suspended until the obstacle is removed.

(3) Provided that settlement of a further petition concerning the same real property is prevented by the fact that the registration of a block of freehold or cooperative flats had to be suspended, the land office will forward a copy - an authenticated copy if necessary - of the document providing basis for entry and other documents required for levying the duty - simultaneously with suspending the settlement of the new petition - to the office for the computation of rates and duties of the location of the real property.

Ex.D. Section 96

(1) The resolution on the entry must specify the document providing basis for the entry, the registered right or fact, the beneficiary's name, identity code (serial number of the legal entity), address (seat), the register number and proprietorship register number of the real property.

(2) Provided that the entry concerns a previously registered right or fact, the resolution must specify the beneficiary and the number of the previous entry.

(3) Provided that the entry does not concern the whole real property, the resolution must specify the ideal share or the part specified in kind of the real property in accordance with the rules applying to registration.

(4) Provided that the legal force of the entry depends on the outcome of the proceedings related to a previous entry (for instance, in the case of sequestration or institution of legal proceedings), a reference must be made thereto in the resolution.

Ex.D. Section 97

Provided that a right of usufruct, right of use, right for allowance or life-annuity, restraint on alienation and encumbrance, an option or right of re-purchase, easement, or a mortgage guaranteeing the payment of the remainder of the purchase price has been stipulated in the document concerning the transfer of ownership, it must be registered ex officio, without a special request, simultaneously with entering the ownership. This provision does not apply to the case when the beneficiary has renounced the registration of such a right or fact or it has ceased by the time of submitting the petition for the registration of ownership.

Ex.D. Section 98

In the case of dismissal (partial dismissal) of a petition, all reasons of the dismissal must be listed in the motives given for the dismissal. A reference must be made in the resolution to the entry of the dismissal in the proprietorship register.

Ex.D. Section 99

(1) n61 Provided that the registration of ownership is requested with concern to real properties registered by two land offices on the basis of a contract on the exchange of flats, the land office to which the document has been submitted (land office by whom the request was sent) will notify the other land office (the land office requested) - if it does not see any obstacle to registration - by sending the contract without passing a resolution. Provided that the requested land office does not see an obstacle to registration either, it will enter ownership and return the contract with two copies of its resolution to the land office by whom the request was sent and which, in turn, will enter the change. The land office by whom the request was sent must forward the documents required for levying the duty to the office for the computation of rates and duties of the location of the real property first mentioned in the contract.

-----Footnotes-----

n61 Text amended pursuant to Section 3 of the Decree No. 6/1986 (V.7.)MEM of the Minister of Agriculture.

-----End Footnotes-----

(2) If there is an obstacle to registration at the land office by whom the request was sent and the procedure for completion is unsuccessful, this land office will dismiss the request and will notify the requested land office about this by sending the non-appealable resolution, and the latter will cancel the marginal note.

(3) If there is an obstacle to registration at the requested land office and the procedure for completion is unsuccessful, this land office will dismiss the request and will notify the land office by whom the request was sent by sending the non-appealable resolution, and the latter will cancel the marginal note.

Ex.D. Section 100

(1) The change corresponding to the purport of the resolution is entered in the proprietorship register and - if necessary - in the land book and in the land register map by the land office before delivery.

(2) The fact and date of the entry must be indicated in the document and in the first copy of the resolution on entry. The entry was made on the basis of a private document or a court order stating or establishing the acquisition of property, the execution and date of the entry must also be indicated on a copy (estreat) of the document. At the same time each copy of the private document must be authenticated free of duty.

(3) Simultaneously with delivering the resolution on entry to the client, the following documents must be forwarded with the resolution to the competent office for the computation of rates and duties for the purpose of levying the duty:

a) the private document providing basis for entry and its copy, or the legal declaration made out by a notary public (court of justice) and its copy, and other documents necessary for levying the duty and available to the land office;

b) an estreat of the court order or official resolution stating or establishing the acquisition of property.

(4) A document providing basis for the acquisition of real property by the Hungarian, State a change in the right of management, the entry or cancellation of a mortgage registered to guarantee a bank loan or a loan from the employer or another right or fact not related to acquisition of property, as well as a decree distributing an estate and a resolution on an entry based upon the above mentioned documents need not be sent to the office for the computation of rates and duties.

(5) n62 A unified resolution of the land office and the document providing basis for it, in the case of withdrawal of a petition for entry the resolution on the termination of the procedure, and in cases suspended because of an obstacle specified under para (3) of Section 95 the resolution on the execution of entry following removed of the obstacle need not be sent to the office for the computation of rates and duties.

-----Footnotes-----

n62 Interpolated by Section 9 of the Decree No. 5/1987 (VII.22.)MEM of the Minister of Agriculture.

-----End Footnotes-----

(6) The marginal note must be cancelled after entering a change concerning the proprietorship register or the dismissal of a petition for entering a change.

Ex.D. Section 101

(1) Provided that the entry of ownership does not concern every real property registered in the proprietorship register, the relevant real property must be cancelled and entered in a new proprietorship register and the ownership of the new acquirer must be registered therein.

(2) Provided that the entry of ownership does not concern the share of ownership of every real property registered in the proprietorship register, the real property in question must be entered in a new proprietorship register by entering the ownership of the previous owners and the change in ownership must be registered therein.

(3) The existing entries which affect both those real properties entered in a new proprietorship register and those remaining in the original one, must be registered in the new proprietorship register as well. The existing entries affecting only the real properties entered in the new proprietorship register must be totally carried over to the new proprietorship register.

#### Ex.D. Section 102

(1) If the registration of a right that can be registered with concern to the whole real property is requested in respect of a part of the real property specified in surface, the division of the real property must be requested in advance or simultaneously.

(2) An owner may request division even if he does not apply for the entry of a right at the same time.

(3) A real property to be divided must be cancelled under Part One of the proprietorship register. A real property from among those established after the division and indicated by a new register number in the diagrammatical plan must be reentered in the original proprietorship register, while the rest of them must be entered in separate new proprietorship registers.

(4) Provided that several real properties must be registered in one proprietorship register according to the rules of the registration of real property, the real property affected by a change in legal status which occurred after division must be entered in a new proprietorship register, while the rest of the real properties must be re-entered in the original proprietorship register. Provided that the division does not imply a change in legal status, all the newly established real properties must be re-entered in the original proprietorship register.

(5) In the case of a division related to the cession of common propriety, if the shares of ownership of the individual co-proprietors are encumbered in different ways, these entries must be carried over - with the consent of the beneficiary - to the real property exclusively owned by the co-proprietor whose share of ownership used to be encumbered thereby. Consent must be presumed if the beneficiary does not make a declaration within the time limit fixed by the land office. For want of consent the above mentioned entries must be carried over to every real property established by division in the same proportion in which they affected the real property before the division.

#### Ex.D. Section 103

A proprietorship register in which every real property has been cancelled will be cancelled itself. A cancelled proprietorship register must be preserved and its number must not be used once again.

#### Delivery of a Resolution

#### Ex.D. Section 104

(1) A resolution on the entry of rights and facts must be delivered - after having been entered in the proprietorship register - to:

a) the applicant together with the originally signed document if it need not be sent to the office for the computation of rates and duties,

b) n63

- c) the person who has become a beneficiary in consequence of the entry or in whose favour the right or fact has been registered,
- d) the person whose registered right has been modified or terminated or in whose favour the registered right or fact has been modified or terminated,
- e) every co-proprietor in the case of an entry concerning a share of property,
- f) the owner of the land if the ownership of another separate real property has been transferred,
- g) the owner (manager) of the real property and all those whose rights are affected by the new entry,
- h) the competent tax office (county office for the computation of rates and duties, administrative agency performing financial duties of the executive committee of a metropolitan district council, tax and duty office of a town of county rank) in the case of a change of ownership related to the onerous alienation of a real property acquired not by inheritance but in some other way (purchase, mutual transfer, donation, building over, contract for maintenance, positive prescription, etc.) within ten years from acquisition,
- i) the special administrative agency of the executive committee of the municipal council, the special administrative agency performing financial duties of the executive committee of the metropolitan (district) council, the district office of the town of county rank of the domicile of the new owner (new permanent leaseholder) in the case of a citizen's ground-plot, flat or weekend house,
- j) the Housing Board of first instance in the case of parcellising,
- k) a resolution on the entry of the ownership of the State of Hungary must be delivered to the special administrative agency of the major's offices of the metropolitan (district) council, the district office of the town of county rank of the location of the real property in the case of forfeiture, inheritance, offering for sale or warrant of public interest,
- l) the Central Corporation of Banking Companies in the case of acquisition of a right subject to licence from the foreign exchange authority,
- m) the court-bailiff on the entry of a right of execution concerning the collection of taxes,
- n) the public guardianship authority if the person concerned is of minor age or has been put under guardianship.

-----Footnotes-----

n63 Repealed by Section 7 of the Decree No. 4/1982 (II.6.)MEM of the Minister of Agriculture.

-----End Footnotes-----

(2) A resolution on dismissal must be delivered to the applicant and to the person acquiring a right upon entry in case of fulfillment of the petition, and to the office for the computation of rates and duties on the dismissal of a petition based upon a document specified under item a) of para (3) of Section 100.

(3) A resolution passed on the basis of a decree distributing an estate must be delivered to the notary public only if it contains a total or partial dismissal.

(4) The land office may disclose the entry or the carrying over of a change also by sending a copy of the proprietorship register.

(5) The entry of lodging an appeal or filing a claim for legal remedy must be verified by a resolution (clause) inserted in the petition. The person concerned need not be notified about this.

Ex.D. Section 105

(1) A resolution on the carrying over of a change in the surface of the real property or in the line of cultivation or in the quality of a plot of land must be delivered to the petitioner or the informant.

(2) If the change specified under para (1) affects the rights and facts defined under Sections 6-7 of the LD., the resolution must be delivered according to Section 104.

(3) The execution of the entry of a change affecting the data of the real property not mentioned under para (1) or of the beneficiary that are subject to reporting [para (1) of Section 12 of the LD.] must be verified by a clause added to the petition.

Ex.D. Section 106

(1) Provided that a resolution cannot be delivered to the persons specified under items a)-g) of para (1) or under para (2) of Section 105 or under Section 105, it must be attached to the document.

(2) Provided that a resolution is returned with the note that the addressee lives abroad or stays at an unknown place, the resolution will be sent to the Central Corporation of Banking Companies. The foreign address or the fact of staying at an unknown place must be indicated in the proprietorship register.

Correction of a Resolution

LD. Section 21

(1) n64

-----Footnotes-----

n64 Repealed by Section 24 of Law Decree No. 25 of 1981.

-----End Footnotes-----

(2) If it can be stated from the Land Register that a third person has acquired ownership of a real property in good faith and for compensation and the correction or completion would injure his right, a correction or completion concerning a right or fact may take place only if the third person in question gives his consent.

Ex.D. Section 107

(1) A memorandum must be made on the error (incompleteness) and must be registered before ordering correction (completion) ex officio. The reference number must be recorded as a marginal note in the proprietorship register including the entry concerned.

(2) n65 Provided that a third person has acquired ownership of a real property in good faith and for compensation and the correction or completion would injure his right, the person acquiring the right must be summoned to make a declaration before effecting the correction (completion). If the person acquiring the right does not agree to the correction (completion) or he does not make a declaration, the land office must not volunteer to effect the correction (completion).

-----Footnotes-----

n65 Text amended pursuant to Section 8 of the Decree No. 6/1986 (V.7.)MEM of the Minister of Agriculture.

-----End Footnotes-----

The declaration of consent of the person having acquired the right is not needed if the correction of an entry is based upon the correction of the surface (border lines) of the plot of land in connection with a surveying, mapping error or miscalculation of surface that does not affect the actual state of affairs.

(3) n66 A new resolution must be passed on the correction or completion of an entry or resolution and the entry must be corrected - or entered if missing - at the same time. The new resolution must be delivered to the applicant and to all those who received the original resolution. However, a resolution on dismissal must be delivered only to the applicant.

(4) n66 The provisions of paras (1)-(3) must be applied also when a correction (completion) is made at request in the course of a supervisory or complaint procedure.

-----Footnotes-----

n66 Text amended pursuant to Section 7 of the Decree No. 4/1982 (II.6.)MEM of the Minister of Agriculture.

-----End Footnotes-----

LD. Section 22 n67

-----Footnotes-----

n67 Repealed by Section 24 of Law Decree No. 25 of 1981.

-----End Footnotes-----

## Chapter VI

### Legal Remedy

#### Appellate Procedure

LD. Section 23 n68

-----Footnotes-----

n68 Text amended in accordance with para (6) of Section 9 of Law Decree No. 25 of 1981.

-----End Footnotes-----

(1) An appeal may be lodged against the resolution of the land office within thirty days from its receipt to the county or metropolitan land office (hereinafter: county land office). The appeal must be given to the land office.

(2) The appeal may be withdrawn until the passing of a resolution by the county land office.

Ex.D. Section 108

In the case of withdrawal of an appeal the county land office must send the documents back to the land office and it cancels the entry concerning the lodging of the appeal.

Ex.D. Section 108/A

Provided that the land office has delivered the resolution appealed against to the office for the

computation of rates and duties and it modifies or revokes it within its own jurisdiction in reply to the client's appeal, the latter resolution must also be sent to the office for the computation of rates and duties.

LD. Section 24

(1) n69 The land office may correct or supplement a resolution appealed against within the frames of Section 21 within eight days from receipt and may modify or revoke a resolution infringing a legal rule within its own jurisdiction.

-----Footnotes-----

n69 Text duly amended by para (7) of Section 9 of Law Decree No. 25 of 1981.

-----End Footnotes-----

(2) An appeal must be considered a petition for a new procedure if the client makes up for the deficiencies specified in the basic resolution. In such a case the appeal has the order of priority of the original petition.

Ex.D. Section 109

(1) n70 Provided that a resolution appealed against cannot be corrected (completed), modified or revoked within the jurisdiction of the land office and the appeal need not be considered a petition for a new procedure, the act of lodging an appeal must be entered in the proprietorship register within eight days from receipt and the appeal must be for warded with the documents of the case to the county land office.

-----Footnotes-----

n70 Text enacted by para (6) of Section 2 of the Decree No. 4/1982 (II.6.)MEM of the Minister of Agriculture.

-----End Footnotes-----

(2) n70/a

-----Footnotes-----

n70/a Validity of text ceaset to exist.

-----End Footnotes-----

Ex.D. Section 110 n71

-----Footnotes-----

n71 Text enacted by Section 5 of the Decree No. 47/1977 (XII.28.)MEM of the Minister of Agriculture.

-----End Footnotes-----

(1) Provided that the county land office rejects the appeal, the land office will cancel the entry concerning the appeal and will certify this by a clause added to the resolution of appeal; the land office will notify the person concerned about this by delivering the resolution of appeal to him.

(2) Provided that the county land office allows the appeal and modifies the resolution of first instance in whole or in part, the land office will pass a new resolution on the entry required on the basis of the resolution of appeal. The land office delivers the new resolution together with the resolution of the county land office. No appeal lies against the new resolution of the land office.

(3) Provided that the county land office has ordered a new procedure to be conducted, the land office will cancel the entry appealed against and the entry concerning the appeal simultaneously with executing the entry of the result of the new procedure. The resolution on this must be delivered together with the resolution of the county land office.

Ex.D. Section 110/A n72

Provided that the resolution appealed against has been delivered to the office for the computation of rates and duties, the resolution of the county land office passed on the appeal must also be sent to the office for the computation of rates and duties together with the resolution on the entry or cancellation.

Ex.D. Section 110/B n72

-----Footnotes-----

n72 Interpolated by Section 10 of the Decree No. 6/1986 (V.7.)MEM of the Minister of Agriculture.

-----End Footnotes-----

(1) A resolution of the county land office passed in the course of deciding on a petition against the registered surface or border lines of a plot of land is considered a resolution passed on the registration of rights and facts from the aspect of legal remedy.

(2) The correction of a surveying or mapping error and of miscalculation of surface is not considered a resolution passed on the registration of rights and facts.

Procedure Related to an Application for Legal Remedy

LD. Section 25

(1) n73

-----Footnotes-----

n73 Repealed by Section 24 of Law Decree No. 25 of 1981.

-----End Footnotes-----

(2) n74 An application for the modification of a resolution passed by the county land office on the registration of rights and facts (hereinafter: application for legal remedy) must be submitted to the land office within thirty days from the delivery of the resolution. A person concerned by the resolution who has not received it for any reason, may request the delivery of the resolution within not more than three years from registration and may apply for legal remedy according to the general rules within thirty days from the delivery. In the case of a prosecutor's application the time limit concerning the client in whose favour the application is submitted must be taken into consideration.

-----Footnotes-----

n74 Text amended pursuant to para (8) of Section 9 of Law Decree No. 25 of 1981.

-----End Footnotes-----

(3) A justification of failing to meet the thirty-day time limit specified under para (2) may take place in accordance with the rules on civil procedure. The court of justice will decide on the justification. An application directly submitted to the court within the time limit must not be considered belated.

(4) The prosecutor may submit an application for legal remedy in the interest of observance of legality even after the elapse of the time limit specified under para (2), within a year from the entry based upon the resolution requested to be modified.

(5) In the case of para (4) the provisions applying to the resolution passed in consequence of a protest on legal grounds must be duly applied to the legal force of the resolution passed in consequence of the application for legal remedy.

LD. Section 26

(1) The provisions of Section 24 must be applied to the case of an application for legal remedy. If this is impossible, the submission of the application must be entered in the proprietorship register and the application must be forwarded to the competent court together with the documents of the case and a copy of the proprietorship register within eight days.

(2) Provided that the application has been submitted directly to the court, it must be sent to the land office in order to fulfil the provisions of para (1).

LD. Section 27 n75

-----Footnotes-----

n75 Text amended pursuant to para (1) of Section 1 of Law Decree No. 25 of 1983.

-----End Footnotes-----

(1) The local court of the location of the real property will decide on an application for the modification of the resolution of the county land office out of sessions. The rules relating to extrajudicial civil procedures apply to the procedure with the differences stipulated by this law decree.

(2) The court either rejects the application for the modification of the resolution or modifies the resolution in whole or in part or annuls it in the cases listed under para (3). A resolution passed on the basis of an application for legal remedy has effect - with the exception of the case defined under para (5) of Section 25 - on a further entry based upon the entry appealed against.

(3) The court will annul the resolution of the county land office and order a new procedure to be conducted if a person has participated in passing the resolution who is disqualified according to the general rules of the state administrative procedure or another infringement of the law has occurred in the procedure which cannot be redressed in judicial proceedings.

(4) n76 The petition for entry and its supplement or the document may be completed also in the judicial proceedings. The provisions of Section 18 duly apply to the judicial proceedings.

-----Footnotes-----

n76 Text amended pursuant to Section 24 of Law Decree No. 24 of 1981.

-----End Footnotes-----

LD. Section 28

(1) The rules relating to extrajudicial civil procedures apply to the appeal against the ruling of the court of first instance and to the appellate procedure with the difference specified under para (2).

(2) The court of appeal may annul the ruling of the court of first instance only in the cases regulated by

Section 251 and para (1) of Section 252 of the Code of Civil Procedure.

(3) n77 The court of first instance will send the non-appealable ruling with the documents of the procedure of the land office - via the county land office - to the land office.

-----Footnotes-----

n77 Text amended pursuant to Section 12 of Law Decree No. 35 of 1976.

-----End Footnotes-----

Ex.D. Section 111

(1) The land office passes a new resolution on the execution of the entry required on the basis of the non-appealable court decision and simultaneously with entering the contents of the resolution it cancels the entry on the application for legal remedy.

(2) Provided that the court rejects the application for legal remedy, the land office cancels the entry concerning legal remedy. It will not notify the applicant separately on this.

(3) Provided that the court orders a new procedure to be conducted, the land office will cancel the entry concerning legal remedy, the entry appealed against and all further entries based upon that simultaneously with entering the result of the new procedure.

LD. Section 29 n78

-----Footnotes-----

n78 Text enacted by para (9) of Section 9 of Law Decree No. 25 of 1981.

-----End Footnotes-----

(1) A resolution of the Supreme Court passed in consequence of a protest on legal grounds affects - in addition to the parties of the case - those who have acquired a right after the entry based upon the protested court order if the petition for the registration of the protest arrived in the land office within sixty days from receipt of the resolution of the land office concerning the given entry.

(2) Provided that the petition for the registration of a protest arrived after more than sixty days but within a year from the entry into force of the protested order, the resolution passed in consequence of the protest on legal grounds would affect - apart from the parties - those who acquire a registered right after the entry of the protest on legal grounds.

LD. Section 30

(1) The court may be requested by a plea presented by

a) the person whose registered right has been injured by an entry, or by the prosecutor; that the entry be cancelled and the original state of affairs be restored because of invalidity,

b) the interested party who proves that the registered right has lapsed or ceased or the registered fact has changed; that the entry be cancelled,

c) the person suffering an injury by an erroneous entry; that the entry be corrected.

(2) An action will lie on the basis of items b) and c) of para (1) if the entry cannot be cancelled or the injury redressed in a procedure of the land office or if these were attempted unsuccessfully.

LD. Section 31

(1) An action may be instituted for the cancellation of an entry and against a person who acquired a right or was relieved from an obligation in direct consequence of the entry as long as the statement of the invalidity of the legal declaration providing basis for the entry or the contestation of the resolution providing basis for the entry lies.

(2) An action for cancellation may be instituted against a person who acquired a right by a further entry, trusting in a previous entry, in good faith and for compensation within sixty days from delivery if the resolution on the originally invalid entry has been delivered to the aggrieved party. An action for cancellation may be instituted within three years from the entry if delivery did not take place.

LD. Section 32

(1) The court notifies the land office for registration at the request of the client on the institution of an action

- a) for cancellation and correction specified under Section 30,
- b) affecting the ownership of a real property,
- c) for the termination of collective ownership of a real property,
- d) a matrimonial action pertaining to a right concerning a real property, and
- e) for the assertion of a claim guaranteed by mortgage.

(2) The court must inform - for registration - the land office on the criminal proceedings instituted because of a crime committed in connection with an entry or in connection with the document providing basis for the entry.

Ex.D. Section 112

(1) The entry of litigation and the suspended entries must be cancelled simultaneously with entering a change based upon a resolution passed in a registered legal action.

(2) An entry of litigation must also be cancelled if the interested party certifies that the court has terminated proceedings by a non-appealable order or has dismissed the action or has passed an acquittal. A reference must be made in the entry to the termination of the suspension of interim entries.

Chapter VII

Application of the Information from the Land Register and the Supply of Data

LD. Section 33

(1) n79 It is compulsory to apply the information included in the Land Register the reports and petitions submitted to the land office as well as in the course of registration, planning, statistical activities, calculation of surface and supply of data, and in the resolutions of the state administrative organizations.

-----Footnotes-----

n79 Text amended pursuant to Section 24 of Law Decree No. 25 of 1981.

-----End Footnotes-----

(2) The Land Register may be inspected by anybody - unless otherwise provided by statute - and a memorandum may be prepared or a copy may be requested of its content.

(3) The land office provides the courts of justice and council organs with the information required to perform their official duties related to real properties.

#### Persons Entitled to Inspect the Land Register and to Request a Copy

##### Ex.D. Section 113

(1) The proprietorship registers containing the real properties owned or managed by State, cooperative and social organizations or leased by cooperatives, the land book and the relevant documents may be inspected or excerpted or a copy of these may be delivered in case of proving one's interestedness and on the basis of the permit of the head of the land office issued on the matter.

(2) A copy of the land register map or of the ground-plan of other separate real properties may be delivered only to the owner, manager or cooperative leaseholder of the real property and to those specified under para (3). Otherwise the provisions of Government Decree No. 12/1969 (III.11.) on surveying and cartographic activities apply to the preparation and delivery of copies of the map.

(3) Representatives of official authorities (state administrative organs, courts of justice, a notary public or a prosecutor) and the authorized employees of surveying and cartographic companies may inspect the Land Register, prepare memorandums or request copies of it without the limitation specified under para (1).

(4) The register of real properties used for the purposes of national defense, the police or the penal authorities may be inspected and data supplied from it exclusively on the basis of a written request of the managing organization.

##### Ex.D. Section 114

(1) The Land Register may be inspected only in the presence of an employee of the land office who will give the necessary information.

(2) The land book, the proprietorship register and the land register map must not be taken out of the room used for their storage and handling.

(3) Nothing which is suitable to change the contents of the Land Register must be used for making a memorandum.

#### The Method of Delivering Copies

##### Ex.D. Section 115

(1) The following authentic copies of a proprietorship register may be delivered:

a) a full copy inclusive of every entry word by word,

b) an abbreviated copy that includes only the effective entries word by word and only refers to the cancelled entries,

c) a partial copy inclusive of only the requested entries,

d) a review inclusive of only the important data of the effective entries.

(2) The copies specified under para (1) may also be delivered by being completed with the data of the land book.

(3) An authentic copy of a cancelled proprietorship register may be delivered at the request of the official authorities (a court of justice, a notary public, a prosecutor, etc.) or to other persons with the permission of the head of the land office.

(4) A copy of the land book may include the entire area of a township, a part of it or individual real properties.

#### Ex.D. Section 116

(1) A certification must be added before delivery to a copy which indicates that the copy corresponds to the original text as per the day preceding delivery. Provided that a marginal note referring to a petition which has not yet been settled is included in the proprietorship register, a reference must be made in the certification to the brief content of the petition indicated by the marginal note.

(2) A delivered copy may be supplemented with subsequent changes and if there has been no change, a new certification stating this fact may be added.

(3) An authentic copy may be sent abroad with the permission of the Minister of Agriculture.

#### Ex.D. Section 117

(1) A copy of the land book, a rough plan of a property and a general rough plan must be drawn up simultaneously with the Land Register in order to ensure the information required for performing official duties related to real properties to the special administrative agency of the executive committee of the municipal council.

(2) The copy of the land book must be completed with the name of the owner, manager of cooperative leaseholder. Provided that a real property has several owners, the name of only one of the owners must be indicated and a reference must be made to the co-proprietors.

(3) The rough plan of the property is the copy of the land register map. The general rough plan is the copy of the general map. It reflects the entire area of the township and indicates the border lines of the internal and the closed garden areas. It represents the location of large-scale agricultural and silvicultural farms and other farms demonstratively.

(4) No copy of the land-book copy, rough plan or general rough plan kept by the special administrative agency of the executive committee of the municipal council may be delivered.

(5) The copy of the land book and the rough plan may be used by the employees of the land office in their official procedures. These may be delivered to other surveying organizations only with the permission of the head of the land office and under the condition that they must not be taken away from the township.

#### Registration of Personal Property

##### LD. Section 34

(1) The following must be registered separately according to the domicile of owners from among the real properties owned by citizens in the territory of the country:

- a) the real properties in the downtown and in closed gardens per person,
- b) the dwelling and weekend plots, flats and weekend houses per family.

(2) The information on the plots of land and other separate real properties must be summed up - in accordance with the purposes of the registration of real properties - for each township, and county and also nationally. The method and date of the summing up are regulated by the Minister of Agriculture in agreement with the chairman of the Central Statistical Office.

(3) State farms, State forestries and cooperatives are obliged to keep an operative land register on the plots of land belonging to the area cultivated by them. The other State, social and cooperative organizations keep an operative register on the real properties owned, managed or used by them.

Ex.D. Section 118

(1) A register must be prepared and kept on the real properties in the downtown and in closed gardens which are owned by citizens, according to the domicile of the owners separately per person.

(2) The detailed rules relating to the preparation and keeping of the register are stipulated by a separate legal rule.

Ex.D. Section 119

(1) A register must be prepared on the dwelling and weekend plots, flats and weekend houses owned by citizens according to the domiciles of the owners after completing the preparation of the Land Register in the whole territory of the country. The detailed rules relating to the preparation and keeping of the Land Register are stipulated by a separate legal rule.

(2) Until the preparation of the register specified under para (1) the Decree No. 45/1971 (XII.30.)PM of the Minister of Finance provides for the reporting and registration of the plots, flats and holiday homes owned by citizens.

The Register-book

Ex.D. Section 120 n80

-----Footnotes-----

n80 Text enacted by para (7) of Section 25 of the Decree No. 26/1980 (XI.9.)MEM of the Minister of Agriculture.

-----End Footnotes-----

A register-book must be prepared on the area of a township by considering the site indexes. The surface of the plots belonging to the various site indexes must be summed up according to locations and detailed according to lines of cultivation, and the value calculated by multiplying the surface of the plots rounded off to hectares and the respective site index must be indicated in the register-book.

The Summaries

Ex.D. Section 121

(1) A summary must be prepared on the area of a township on the basis of the information registered in the land book.

(2) The summary contains the following information detailed according to lines of cultivation and indicating the registered net income of landed properties:

a) the area used for agricultural or silvicultural purposes and the uncultivated land,

b) the area owned or managed by State and social organizations, owned or used by cooperatives and other organizations or owned by citizens,

c) the summarised data of real properties in the downtown, on the outskirts and in closed gardens.

(3) A separate summary must be prepared on the following:

a) the real properties in the downtown and in closed gardens,

b) the number and total surface of dwelling and weekend plots,

c) the number of flats and weekend units owned by citizens.

(4) Separate summaries must be prepared on the territories of the counties and the country on the basis of the summaries specified under paras (1)-(3) and according to the grouping defined thereunder.

#### Ex.D. Section 122

A statement summed up per farm must be made on the areas managed or leased by State farms, State forestries, cooperatives and other organizations - enjoyed in agricultural production - determined by the Minister of Agriculture. The data detailed according to lines of cultivation for land located in any area of the country which are managed or leased by the farm must be summed up per township in the statement.

#### Ex.D. Section 123

The preparation of the summaries and statements regulated by Sections 120-122 is separately regulated by the Minister of Agriculture - in agreement with the chairman of the Central Statistical Office - in accordance with the statistical system of reporting.

#### The Operative Register

#### Ex.D. Section 124

(1) The detailed rules of keeping the operative land register (operative register) are stipulated by the competent minister of the sector (head of a national authority) in agreement with the Minister of Agriculture.

(2) The correspondence of the data included in the operative land register (operative register) may be checked by the land office.

(3) The costs of keeping the register specified under para (1) are borne by the organizations concerned.

### Chapter VIII

#### Preparation of the Land Register

#### LD. Section 35

(1) The Land Register must be prepared at each township on the basis of the data of the State land register and the cadastral register, the registration and the cadastral map in accordance with the existing conditions.

(2) In the course of the preparation of the Land Register, the data in the cadastral register must be taken as the starting point in the case of rights and facts concerning real properties, while in the case of data concerning the plot and mapping the information from the State land register and the Survey data must be taken as the starting point. The deviations revealed must be corrected by surveying the spot or by hearing

the interested persons as provided by this chapter.

#### Commencing the Preparation up of the Land Register

##### Ex.D. Section 125

- (1) The order of the preparation of the Land Register at the various townships is determined by the executive committee of the county council on the basis of the guidelines issued by the Minister of Agriculture and a motion by the county land office.
- (2) The procedure related to the preparation up of the Land Register is conducted by the land office of the township.
- (3) The start of the drawing-up procedure must be made public at the township concerned in a manner usual at the locality manner at least thirty days in advance.

#### The Identification of Real Properties

##### Ex.D. Section 126

- (1) The identity of the various plots of land must be stated by comparing the register numbers of the State land register and of the cadastral register and by comparing the register and the cadastral map (identification of a plot of land).
- (2) Provided that the register number in the cadastral register corresponding to the register number in the State land register cannot be stated (its cadastral map at the township is missing, or is not provided with scale, or is in very poor condition, or the township has a cadastral register), the identity of the plot of land will be stated by matching the owner's name and taking into consideration the surface instead of identifying the plot by register number.
- (3) Provided that the identification according to paras (1)-(2) was unsuccessful, the identity of the plots of land must be stated by hearing the parties at the township or, if necessary, on the spot.

##### Ex.D. Section 127

- (1) The surface of a plot of land registered in the State Land register and in the cadastral register must be compared to each other (identification of surface).
- (2) The surface indicated in the state land register must be taken for granted without any further procedure provided that the difference:
  - a) does not exceed 10% of the registered surface,
  - b) occurs in the case of a plot registered in a cadastral register book, donated in the course of a land reform or subject to re-allocation,
  - c) is not apparent with of the adjoining plot of land,
  - d) originates from parcelling or expropriation,
  - e) originates in a surveying error or miscalculation and its correction has not been entered in the cadastral register.

##### Ex.D. Section 128

- (1) In order to determine the owner, manager or cooperative leaseholder of a plot of land the information

on the owner (manager, leaseholder) contained by the file of the cadastral register (cadastral register book) and by the land register property sheet must be compared (identification of ownership). Provided that the difference originates in a failure to enter a change, the change must be subsequently entered in the file of the cadastral register.

(2) The other rights and facts registered in the cadastral register whose cession can be stated from the entry must be cancelled ex officio.

(3) A mortgage registered in order to guarantee a claim under five thousand forints must be carried over to the new Land Register only if it is requested by the beneficiary at the summons of the land office.

#### Preparation of the Draft of the Proprietorship Register

##### Ex.D. Section 129

(1) The draft of the proprietorship register must be prepared on the basis of the data, rights and facts stated in the course of identification.

(2) In the case of a difference the information included in the cadastral register and by the State land register must be separately indicated in the draft.

(3) The name of the owner, manager or leaseholder of a plot of land not subject to land registration must be carried over to the draft of the proprietorship register from the State land register.

(4) The drafts of the proprietorship register of other separate real properties must be prepared on the basis of the cadastral register but a changing of the register number of the plot of land must be taken into account.

(5) The data of the real properties contained by the central cadastral register of the railways, canals and industrial companies must be carried over to the draft of the proprietorship register from the State land register, while the relevant rights and facts must be carried over from the central cadastral register.

(6) A special draft of proprietorship register based upon the data of the cadastral register and separately upon those of the State land register must be prepared for the identification on the spot of a plot of land that cannot be identified by the comparison of the file to the property sheet.

##### Ex.D. Section 130

In the case of a file that has been fully or partially destroyed, become useless or lost, the draft of the proprietorship register must be prepared on the basis of the information included in the property sheet of the State land register and of other available data.

#### On-the-spot Inspection

##### Ex.D. Section 131

(1) The correspondence of the information, rights and facts indicated in the draft of the proprietorship register to the real facts must be checked at a township by hearing the interested parties or - if necessary - by on-the-spot inspection.

(2) Provided that the owner (manager, leaseholder) admits the existence of the data, rights and facts indicated in the draft of the proprietorship register with his signature or he does not appear at the summons or refuses to sign but does not object to the contents of the draft, the checking will be considered being over.

#### Correction of Differences

#### Ex.D. Section 132

(1) A difference in surface stated in the course of identification of surface or on-the-spot inspection must be corrected - with the exception of the cases listed under para (2) of Section 127 - by hearing the person concerned or, if necessary, by a procedure on the spot.

(2) Provided that a difference in surface originates in a change of right, the provisions of para (5) will apply.

(3) Provided that the difference does not originate in a change in right and it cannot be eliminated for some reason, the surface registered in the State land register and the surface stated during the new surveying must be taken into account.

(4) In the case of a difference in the line of cultivation of the plot of land the new line of cultivation must be stated according to the real facts.

(5) A difference concerning a right or fact related to a real property which is noticed in the course of identification or checking must be settled according to Sections 36-40 of the LD. Provided that the difference cannot be corrected for any reason, the data in the cadastral register must be accepted and the interested persons must be notified about this mentioning that their claims can be asserted in court.

#### Ex.D. Section 133

(1) A separate record must be taken up in each case on the correction of differences to include the data of the real property, the names of the owner, manager or leaseholder according to the cadastral register and of the acquirer of the property (actual possessor) and the right requested to be registered or cancelled. In the case of a change in the owner, manager or leaseholder the brief statement of facts must also be recorded.

(2) The document and certificate necessary for correction must be attached to the record. Provided that the interested person certifies the change in the course of the procedure by a document that cannot be attached to the record (e.g. identity card), the data in the document which are necessary for the entry must be entered in the record.

#### Ex.D. Section 134

(1) A record taken down in the course of a procedure for the correction of a difference must be continuously registered as a memorial to the cadastral register and margined in the files.

(2) A change stated by a resolution based upon the record must be entered in the draft of the proprietorship register.

#### LD. Section 36

(1) Upon preparing up the Land Register a necessary entry must be added provided that

a) a change in ownership is certified by a document suitable for entry,

b) the occurrence, modification or termination of other rights and facts is certified by a document suitable for entry or by a declaration of acknowledgement made in the course of the procedure.

(2) When applying item a) of para (1) the provisions restricting the trade in real estate must be taken into consideration.

(3) Provided that it can be stated that an official measure (passing of a resolution) has been omitted, the

land office will pass the resolution falling into its competence subsequently. Provided that the resolution does not fall within the competence of the land office, it must initiate a procedure to be conducted by the competent authority.

LD. Section 37

(1) The ownership of the actual possessor must be entered in the Land Register if he has possessed the real property as his own for three years and

a) presents a document in the procedure that is not suitable for entry but contains the agreement of the parties on the transfer of ownership, the specification of the real property and the countervalue or the gratuitousness of the acquisition, or

b) the owner registered in the cadastral register or his inheritor certified by a decree distributing an estate (court order) or legal successor certified by an official resolution acknowledges that the actual possessor previously agreed with the owner on the transfer of ownership of the real property.

(2) Provided that a real property has been transferred several times without reporting, the actual possessor can certify the interim transfers in the manner regulated under para (1) and Section 36.

(3) Provided that the interim transferer acquired ownership by an official resolution (court order, decree distributing an estate), all further acquisitions of ownership must be certified only from this acquisition on.

Ex.D. Section 135

(1) The ownership of the actual possessor must be stated also when the real property is not specified or is erroneously specified by register number in the document presented but the identity of the real property can otherwise be determined.

(2) Upon preparation of the Land Register a failure to present the contract for levying a duty will not prevent the determination of ownership.

(3) In the case of multiple transfer the inheritor of the interim transferer certified by a decree distributing the estate (court order) can also acknowledge the transfer or the acquisition of right by the actual possessor.

LD. Section 38

(1) The ownership of the actual possessor must be entered in the Land Register if

a) he has possessed the real property as his own continuously for more than ten years and the available data do not exclude the acquisition of ownership prescriptively, and

b) the owner according to the cadastral register is unknown or dead and his inheritor is unknown or stays at an unknown place.

(2) The fact of staying at an unknown place must be certified by an official certificate issued by the special administrative agency of the executive committee of the local council or - at a town of county rank - by the district office.

(3) n81 Provided that in the case of item b) of para (1) the real property has no actual possessor, the Hungarian State will be entered as owner and the executive committee of the local council as manager in the Land Register.

-----Footnotes-----

n81 Interpolated by Section 13 of Law Decree No. 35 of 1976.

-----End Footnotes-----

Ex.D. Section 136

(1) The fact of staying at an unknown place is stated in villages by the unified administrative agency, at towns by the special administrative agency performing administrative duties of the executive committee of the municipal council, in the capital by that of the district council, at a town of county rank by the district office on the basis of the data of the available registers (original of register of taxes, electoral register, local register of inhabitants, etc.). If the necessary data are available, a certificate of the Central Office for Addresses must be acquired.

(2) The death of the owner indicated in the cadastral register can be also certified by a decree distributing an estate that was passed in a case concerning another property.

(3) n82 A resolution passed on the basis of para (3) of Section 38 of the LD. must be exhibited in public at the land office and at the municipal council of the location of the real property for thirty days.

(4) n82 Simultaneously with entering the ownership of the Hungarian State a restraint on alienation and encumbrance of the real property must be registered in favour of the previously registered owner for three years in order to guarantee the restoration of ownership.

-----Footnotes-----

n82 Interpolated by Section 14 of the Decree No. 2/1977 (I.10.)MEM of the Minister of Agriculture.

-----End Footnotes-----

(5) The provisions of para (3) of Section 38 of the LD. must be executed subsequently at townships where the Land Register has already been enacted by the entry into force of this decree.

LD. Section 39

(1) Provided that the owner registered in the cadastral register is dead but no administration action has been entertained and there is no possibility to conduct the procedure specified under Sections 36-38, the land office will initiate the institution of the administration action. The notary public will entertain the administration action out of order.

(2) A supplementary administration action need not be entertained with concern to a real property that was not a subject of the administration action provided that the whole legacy was inherited by the legal inheritors in equal proportions. In such a case the ownership of the real property must be determined according to the decree distributing the rest of the estate.

LD. Section 40

(1) Provided that a collectively owned real property is used by the co-proprietors by division in kind, the actual state of affairs must be taken into consideration provided that the co-proprietors so agree and the separate real properties have already been established or it is permitted by the Housing Board in the course of the procedure.

(2) The agreement of the co-proprietors must be presumed if the actual mode of use was established more than ten years ago and the settlement of affairs is not contested.

LD. Section 41

(1) Upon preparation of the Land Register the person who possesses the real property as his own and acquired its ownership legally or has acquired legal entitlement for the acquisition of ownership but his ownership has not been entered in the Land Register, is considered the actual possessor.

(2) The actual possessor is obliged to acquire the permits and certificates - defined in the executive decree - that are necessary for the settlement of ownership.

Ex.D. Section 137

The fact and period of actual possession must be certified by an official certificate issued - on the basis of the available data - by the organ competent according to the location of the real property, which is specified under para (1) of Section 136.

Ex.D. Section 138

(1) n83 From among the official permits required for the entry of ownership the approval of the public guardianship authority, the licence of the Housing Board, the certificate mentioned under para (2) of Section 7 of Government Decree No. 31/1971 (X.5.) on certain questions concerning the landed property of citizens and of Government Decree No. 32/1971 (X.5.) on certain questions concerning flats and weekend houses owned by citizens, and the exemption from restriction must be attached. The certificate and the exemption are not needed if the registration of an omitted entry is requested in the course of settlement on the basis of a contract concluded before October 5, 1971 and presented to the competent state organization in order to determine the market value or to levy the duty (Section 36 of the LD.), or if the three-year period of actual possession in the case of applying Section 37, or if the ten-year period of actual possession in the case of applying Section 38 of the LD. expired before the above date.

-----Footnotes-----

n83 Interpolated by Section 15 of the Decree No. 2/1977 (I.10.)MEM of the Minister of Agriculture.

-----End Footnotes-----

(2) n84

-----Footnotes-----

n84 Repealed by para (1) of Section 51 of Act I of 1986.

-----End Footnotes-----

(3) A licence from the foreign exchange control authority is required for the entry of ownership - according to the respective rules - unless the settlement of ownership concerns some plots of land in closed gardens and within the administrative boundaries of the township, or plots outside the administrative boundaries in connection with the determination of the extent of personal landed property.

(4) n85 An ex officio checking may be effected with the purpose of correcting the registration with concern to the construction of blocks of freehold and cooperative flats as well.

(5) n85 The interested person must be heard in the course of the settlement of differences on the basis of para (6) of Section 14 of the LD.

(6) n85 A diagrammatical plan (ground-plan) potentially needed for the settlement of a difference may be drawn up by the land office and in this case the increased costs of proceedings will be imposed on the interested parties.

-----Footnotes-----

n85 Text enacted by Section 16 of the Decree No. 2/1977 (I.10.)MEM of the Minister of Agriculture.

-----End Footnotes-----

#### Preparation of the Proprietorship Registers

##### LD. Section 42

(1) Provided that the content of the State land register does not deviate from that of the cadastral register and corresponds to the real facts and if the difference cannot be corrected, the data of the real property must be entered in the Land Register on the basis of the State land register, while rights and facts must be entered on the basis of the cadastral register.

(2) A change certified by the interested party in the manner specified under Section 36-40 must be entered in the Land Register on the basis of a resolution. If the difference cannot be corrected, the interested party must be notified about this by mentioning that his claim can be asserted by a lawsuit.

(3) n86 When the Land Register have be prepared the proprietorship registers, the land book and the land register map must be exhibited in public at the local council for thirty days. The interested parties must be informed about this by a public notice mentioning that an appeal may be lodged at the land office within thirty days from the last day of the exhibition in public.

-----Footnotes-----

n86 Text enacted by para (10) of Section 9 of Law Decree No. 25 of 1991.

-----End Footnotes-----

(4) The interested parties may apply for legal remedy against a resolution passed in the course of drawing up the Land Register as provided by Chapter VI.

(5) The Land Register is enacted on the day following the last day of the exhibition in public. At the same time the keeping of the cadastral register and of the State land register is discontinued.

##### Ex.D. Section 139

(1) The proprietorship registers must be prepared on the basis of the drafts of proprietorship register accepted with unchanged information or completed with changes in the course of the preparation of the Land Register.

(2) The register number of a plot of land must be entered in the proprietorship register on the basis of the State land register, while the register numbers of the other real properties must be entered with regard thereto.

(3) In the case of acquisition of ownership according to Sections 37-40 of the LD. it must be indicated in the proprietorship register - instead of the legal title - that the entry was effected on the basis of actual possession.

#### The Preparation of the Land Book

##### Ex.D. Section 140

The land book must be prepared mechanically - taking into account the result of the qualification of land - on the basis of the drafts of proprietorship registers completed with changes in the course of the

preparation of the Land Register.

### Correction of the Land Register Map

#### Ex.D. Section 141

(1) The changes stated in the course of the procedure must be entered in the land register map. The map must also show the entrances of separate cellars.

(2) The changes specified under para (1) and the changes of the register numbers must be entered in the ground-plans of the other separate real properties. These ground-plans need not be drawn up again on the scale stipulated by this decree.

### Exhibition in Public

#### Ex.D. Section 142

(1) The interested parties must be informed in the public notice on the exhibition in public of the proprietorship registers, of the land book and of the land register map that after the expiration of the time of exhibition they may assert their rights in a procedure of the land office against third persons acquiring a right in good faith and for valuable consideration only if the third person agrees thereto.

(2) The provisions of para (4) of Section 113 apply to exhibition in public.

### The Entry into Force of the Land Register

#### Ex.D. Section 143

(1) n87 The land office must pass a separate resolution on the entry into force of the Land Register and on the termination of keeping the cadastral register and the state land register with regard to each township. The resolution must be sent to the executive committee of the local council and - together with the copy of the proprietorship register containing the real properties registered in the central cadastral register - to the Land Office for the Districts of Budapest.

-----Footnotes-----

n87 Text amended pursuant to para (2) of Section 2 of the Decree No. 4/1976 (II.14.)MEM of the Minister of Agriculture.

-----End Footnotes-----

(2) n88 After the enactment of the Land Register an authentic copy of the cadastral register and of the operative parts of the state land register may be delivered - unless requested by an official authority (court of justice, notary public, prosecutor, etc.) only with the permission of the head of the land office.

(3) n88 The procedure regulated in Chapter VIII of the LD. must be conducted subsequently in respect of a real property omitted in the course of the preparation of the Land Register or at the request of a court (notary public). A change certified by the interested party in the manner stipulated under Sections 36-40 of the LD. after the enactment of the Land Register for the settlement of which the conditions were present during the preparation procedure may be entered in the Land Register subsequently.

-----Footnotes-----

n88 Text enacted by para (1) of Section 2 of the Decree No. 9/1980 (V.1.)MEM of the Minister of Agriculture.

-----End Footnotes-----

LD. Section 43

(1) n89 The procedure of the preparation of the Land Register is free of duty.

-----Footnotes-----

n89 Text amended pursuant to para (2) of Section 62 of Act I of 1980.

-----End Footnotes-----

(2) In the case of a multiple transfer specified under para (2) of Section 37 the interim transfers are free of the duty on the transfer of property.

(3) An increased duty shall not be levied in this procedure because of failing to present the document on the transfer of real property for levying a duty on the transfer of property, or to report the acquisition of property.

Notification of the Office for the Computation of Rates and Duties

Ex.D. Section 144

A copy of the document or record providing basis for the change in ownership must be sent together with the resolution on the entry of ownership of an actual possessor to the office for the computation of rates and duties.

LD. Section 44

A part of the costs of mapping required for drawing up the Land Register may be imposed on the owner (manager, leaseholder) of the real property. The sphere of the obligors, the extent of the contribution, the method of its imposition and payment are regulated by the Minister of Finance in agreement with the Minister of Agriculture.

Chapter IX

Miscellaneous Closing Provisions

Replacement of Proprietorship Registers

LD. Section 45

(1) Provided that the Land Register of a township or a part of it has been destroyed or become useless for any reason or has been lost, it must be prepared once again.

(2) Provided that a procedure affecting the whole area of the township or a significant part of it has been conducted that has led to changes in the data of real properties, the Land Register must be amended.

(3) A preliminary permit of the Minister of Agriculture is required for the recompilation and amendment of the Land Register.

Ex.D. Section 145

(1) It is the head of the country land office who orders the replacement of a proprietorship register which has been fully or partly destroyed, become useless or has been lost.

(2) The land office prepares the draft of the proprietorship register on the basis of the available data. The rules concerning the preparation of the Land Register apply to any further procedure.

(3) Provided that a lost proprietorship register is recovered, the land office will complete the supplementary proprietorship register on the basis of the original one with the exception of the case described under para (4).

(4) Provided that an entry of the supplementary proprietorship register obstructs the carrying over of another entry and the hearing of the parties does not produce a solution, the land office will not execute the entry and will order that the parties institute legal proceedings.

#### Closing Provisions

LD. Section 46 n90

-----Footnotes-----

n90 The second sentence was repealed by Section 24 of Law Decree No. 25 of 1981.

-----End Footnotes-----

The procedure of the land office regulated by this law decree is subject to duty with the exception of the case specified in Chapter VIII.

LD. Section 47

This law decree will come into force on January 1st, 1973. The Minister of Agriculture will attend to its execution in agreement with the Minister of Justice, the Minister of Transport and Communication, the Minister of Finance and the Minister of the Interior.

LD. Section 48

(1) Simultaneously with the entry into force of this law decree the following legal rules will cease to have effect with regard to Section 49:

a) Law Decree No. 32 of 1963 on the State land register and Government Decree No. 37/1963 (XII.24.) amended by Government Decree No. 1/1969 (I.8.) on its execution,

b) Government Decree No. 9300/1947 (VIII.7.) on guaranteeing in the cadastral register of the construction loans granted to those who received ground-plots in the land reform,

c) Decree No. 4283/1949 (X.16.)MT of the Council of Ministers on the cancellation of entries in the cadastral register guaranteeing claims fixed in "pengo" or in another domestic currency out of circulation,

d) Government Decree No. 54/1960 (XI.27.) on the cadastral register and the Decree No. 2/1960 (XII.25.)IM of the Minister of Justice on its execution, Government Decree No. 29/1971 (IX.29.) on the amendment of legal rules applying to the cadastral register,

e) Section 101 of Government Decree No. 17/1968 (IV.14.) on certain summary offences,

f) Government Decree No. 46/1970 (XI.11.) on the correction of data concerning ownership and leasehold conditions in the closed gardens of certain townships,

g) Decree No. 5/1970 (XII.31.)IM of the Minister of Justice on tax certificates required for the entry of ownership in the cadastral register,

h) the legal rules applying to the central cadastral register of the railways and canals, to the mine cadastral register and to the central cadastral register of industrial companies.

(2) n91

-----Footnotes-----

n91 Repealed by para (1) of Section 24 of Law Decree No. 11 of 1977.

-----End Footnotes-----

(3) n92 The limit specified under Section 48 of Law Decree No. 11 of 1960 on the enactment and execution of the Civil Code has been amended to five thousand forints.

-----Footnotes-----

n92 Text amended pursuant to para (1) of Section 116 of Law Decree No. 18 of 1972.

-----End Footnotes-----

(4) n93

-----Footnotes-----

n93 Repealed by para (1) of Section 116 of Law Decree No. 18 of 1979.

-----End Footnotes-----

Ex.D. Section 146

(1) This decree will come into force on January 1st, 1973.

(2) n94

-----Footnotes-----

n94 Repealed by Section 11 of the Decree No. 4/1980 (I.25.)MEM of the Minister of Agriculture.

-----End Footnotes-----

(3) n95

-----Footnotes-----

n95 Repealed by Section 17 of the Decree No. 1/1977 (I.10.)MEM of the Minister of Agriculture.

-----End Footnotes-----

L.D. Section 49 n96

-----Footnotes-----

n96 Outdated provision.

-----End Footnotes-----

township

number

#### PART I

1. Serial number

Register number

2. The real property's

3. Surface ha sq m

4. Line of cultivation (designation of uncultivated land), location (street, street-number)

5. Reference to easement, leasehold, legal status, and No. of resolution

6. Note

#### PART II

1. Serial number

2. Name and address (registered office) of owner managing organization, cooperative leaseholder

3. Share from property

4. Legal status, No. of resolution, date of arrival

5. Reference to the No. of change

6. Marginal note

#### PART III

1. Serial number

2. Name and address (registered office) of beneficiary

3. Designation of right fact, No. of resolution, date of arrival

4. Reference to the No. of change

5. Marginal note