

The republic of Lithuania

## LAW ON THE REAL PROPERTY REGISTER

### Article 1. Objectives of the Law

This Law shall regulate the legal registration of land, buildings, structures and other real property (hereinafter referred to as “real property”), the status of the Real Property Register of the Republic of Lithuania (hereinafter referred to as “the Real Property Register”), the establishment of this register, its record-keeping, reorganisation and liquidation, the rights, duties and liability of the institutions managing the Real Property Register.

### Article 2. Objectives of the Real Property Register

The Real Property Register shall be established to register real property, titles and other interests to which it is subject, restrictions on the right of possession, enjoyment or disposal of real property, the obligations of property owners as well as the rights of other persons to real property (hereinafter referred to as “real property and rights to which it is subject”), to ensure state protection of all rights to real property, and to provide official information about the registered real property, its owners, the rights of its owners and other persons to the real property and the rights to which it is subject restrictions on those rights.

### Article 3. Legal Status of the Real Property Register Data

1. All data about the real property and the rights to which it is subject registered in the Real Property Register shall be recognised as correct and complete, unless invalidated in the manner prescribed by law.
2. Titles and other interests in real property, restrictions on these rights, obligations of property owners and the rights of other persons to real property shall arise subject to their registration in the Real Property Register .

### Article 4. Keeping of the Real Property Register

1. Keeping of the Real Property Register shall be the responsibility of county governors.
2. The Real Property Register shall be kept by district and municipal subdivisions of county governor administration.
3. Heads of county governor administration divisions or other officers of those divisions authorised by the county governor, who keep the Real Property Register in regions and towns (hereinafter referred to as “keepers of the Real Property Register “), shall be responsible for registering real property and the rights to which it is subject, the correctness and protection of the Real Property Register data.

4. County governors and Real Property Register keepers in districts and towns shall keep the Real Property Register with due regard to the Constitution of the Republic of Lithuania, the Civil Code, this Law as well as other laws, and the Regulations of the Real Property Register approved by the Government.

Article 5. Real Property Registered in the Real Property Register Registered in the Real Property Register shall be the following real property:

- 1) land;
- 2) buildings and structures;
- 3) apartments in apartment houses;
- 4) other premises and engineering facilities which, by the written application of their owner, have been registered at the National Inventorying, Design and Services Bureau as real property.

Article 6. Land Fixtures

1. A forest, trees and shrubs, perennials on the land as well as water bodies and land improvements to which the owner of the land has ownership rights shall be regarded as land fixtures.

2. Land and other real property fixtures shall not be registered in the Real Property Register as a separate real property. The same rights, including interests in other persons' property, shall extend to the fixtures as to the main object.

Article 7. Interests in Real Property Recorded in the Register

The following interests in real property shall be recorded in the Register:

- 1) titles;
- 2) interests: long-term (for more than 3 years) leasehold or enjoyment, servitudes (with the exception of those prescribed by law) and others.

Article 8. Restrictions on Real Property Rights Registered in the Real Property Register

The following restrictions on real property rights shall be registered in the Real Property Register :

- 1) seizure of the real property;
- 2) restrictions on changing the principal purpose of use of the real property;
- 3) recognition of the owner as legally incapable;
- 4) a condition against the transfer of the real property to a third person.

## Article 9. Obligations of the Real Property Owner with Regard to the Property Registered in the Real Property Register

The following obligations of the real property owner shall be registered in the Real Property Register :

- 1) conditional devise;
- 2) a promise to pay the debts for an acquired property;
- 3) a condition to support the transferor of real property for life;
- 4) priority for leasehold enfranchisement, the right to buy, and the right to lease established in the contract.

## Article 10. Procedure of Registration in the Real Property Register of Joint Real Property Right

The joint real property right shall be registered in the name of all the participants of the joint property or, by their written and certified notarial agreement, in the name of one of them.

## Article 11. Procedure of Registration in the Real Property Register of Joint and Several Real Property Right

The joint and several real property rights shall be registered in the Real Property Register by indicating the joint owners and their separate parts of the property. The document on the basis of which real property and the rights to which it is subject are being registered in the Real Property Register , shall indicate the part of each of the co-owners in that property.

## Article 12. Procedure of Registration in the Real Property Register of Newly Created Property and Rights to Which it is Subject

1. Newly created plots of land shall be recorded in the Real Property Register following their formation and the establishment of their boundaries and cadastre data in accordance with the requirements of the Law on Land and the State Cadastre. Other newly created real property and the rights to which it is subject shall be recorded in the Real Property Register subject to their registration in the manner prescribed by the Government in the National Inventorying, Design and Service Bureau.

2. Titles and other interests in real property, restrictions on those rights, obligations of the owner, and rights of other persons to real property shall be registered together with the real property and the rights to which it is subject shall arise following their recording in the Real Property Register.

## Article 13. Procedure of Registration in the Real Property Register of other Real Property on the Plot of Land Belonging to the Owner or to Another Natural or Legal Person

1. If the plot of land which is being recorded in the Real Property Register contains other real property belonging to the owner and has not been recorded in the Real Property Register , this property shall be recorded together with the land.

2. If the land which is being registered in the Real Property Register contains real property belonging to another natural or legal person and has not been registered in the Real Property Register , at the request of the owner of the property, the unregistered real property and the rights to which it is subject, as well as the vested interest of the owner in the plot of land under registration, shall be registered.

#### Article 14. Procedure of Registration in the Real Property Register of State-Owned and Municipal Property

1. When registering state-owned real property and the rights to which it is subject, the State shall be represented by the county governor or a person authorised by the county governor.

2. Municipal real property and the rights to which it is subject shall be registered in the name of the municipal council. When registering municipal real property and the rights to which it is subject, the municipal council shall be represented by the mayor or a person authorised by the mayor.

#### Article 15. Place of Registration of Real Property

Real property and the rights to which it is subject shall be registered according to the local designation of the real property.

#### Article 16. Legal Basis of Registration of Real Property in the Real Property Register

Registration in the Real Property Register of real property and the rights to which it is subject shall be made on the following legal basis:

- 1) an application to register real property and the rights to which it is subject;
- 2) a decision of a State or a Government institution;
- 3) a court decision on instituting a bankruptcy action;
- 4) a judicial ruling on the seizure of property to enforce a civil action or a forfeiture;
- 5) an investigating officer's decision on the attachment of property to enforce a civil action or a possible forfeiture of property in a criminal case;
- 6) a bailiff's request to register the seizure of property;
- 7) a court decision on the recognition of incapacity or limited capacity of the owner;
- 8) a decision of the creditors' meeting on the use of an out-of-court bankruptcy procedure;
- 9) a contract on real property and property rights to be registered in the Real Property Register ;
- 10) a contract on the interests to be registered in the Real Property Register .

#### Article 17. The Filing of Applications for Registration of Real Property and the Rights to Which It Is Subject

1. A person wishing to register real property and the rights to which it is subject shall file an application of a specified form with the keeper of the Real Property Register according to the local designation of the property. The form and particulars of the application shall be specified in the Regulations of the Real Property Register .

2. An application for registration of real property and the rights to which it is subject shall be submitted by a person who has acquired the real property; when registering the interests in other persons' property, restrictions on real property rights and obligations of the owner - by the holder of the rights or the beneficiary with respect to whom the property owner has been obligated. The application to the Real Property Register keeper shall be filed by the person himself or by his representative having a certified notarial power of attorney.

3. An application to register state-owned real property shall be filed by the county governor or a person authorised by the county governor.

4. An application to register municipal real property and the rights to which it is subject shall be filed by the mayor of the municipality or a person authorised by the mayor.

5. In addition to an application for registration of real property and the rights to which it is subject, the applicant shall file his title deeds or documents confirming the property owner's obligations, the land plan, and documents relating to other real property on the land.

6. The keeper of the Real Property Register shall be presented the documents in the original.

#### Article 18. The Right to Withdraw the Application for Registration of Real Property and the Rights to Which It Is Subject

A person who has filed an application for registration of real property and the rights to which it is subject shall have a right before the registration in the Real Property Register of real property and the rights to which it is subject, to withdraw his application by filing in person or through his attorney an application to this effect in writing with the keeper of the Real Property Register . An entry about such an application shall be made in the application record book.

#### Article 19. Filing of Applications to Register Real Property Acquired by the Right of Joint Ownership

When registering real property acquired by the right of joint ownership, the application to register this property and/or rights to it shall be filed by all the co-owners or, by their written consent certified notarially, by one of them.

#### Article 20. Filing of Applications to Register Real Property Acquired by the Right of Joint and Several Ownership

1. When registering real property acquired by the right of joint and several ownership, the application shall be filed by all the persons who have acquired this property or one of them who has a certified notarial authorisation from the other co-owners.
2. If a person acquires a right to a part of joint and several real property in testate succession or by a contract of gift, or if a co-owner conveys his rights to a part of real property owned jointly and severally to another person in the manner prescribed by law, the application to register the acquired ownership right to the real property owned jointly and severally shall be filed by the transferee.

#### Article 21. Registration of Applications to Register Real Property and the Rights to Which It Is Subject

1. The keeper of the Real Property Register shall make entries into the record book of applications to register real property and the rights to which it is subject ( hereinafter referred to as “the record book of applications”). The form, contents of and making entries into the registration book shall be established by the Regulations of the Real Property Register .
2. The applications shall be recorded in the registration book of applications promptly in the order of filing an application.
3. Correctness of the data entered in the registration book of applications shall be validated by the signature of the keeper of the Real Property Register or of the person authorised by him and the signature of the applicant.
4. A seal is put on the application confirming the date, time (hours and minutes) of the application and its number in the application registration book.
5. At the request of the applicant, the keeper of the Real Property Register shall issue a special certificate about the registration of the application. The form and contents of the certificate shall be established by the Regulations of the Real Property Register .

#### Article 22. Examination of Applications to Register Real Property and the Rights to Which It Is Subject

1. Within 3 working days from filing an application to register real property and the rights to which it is subject, the keeper of the Real Property Register shall ascertain:
  - 1) whether or not the person who has filed an application to register real property and the rights to which it is subject is eligible to file such an application;
  - 2) whether or not the document on the basis of which registration of real property and the rights to which it is subject is requested complies with statutory provisions;
  - 3) whether or not the data about real property in the document on the basis of which registration of real property and the rights to which it is subject is requested coincides with the data about the real property in the State Cadastre and at the National Inventorying, Design and Services Bureau;

4) whether or not the rights to real property the registration whereof is requested conform in their contents to the document which constitutes the basis of the request, whether or not they contravene the law and whether or not they are eligible for registration;

5) whether or not the real property and the rights to which it is subject which has already been registered in the Real Property Register precludes the registration of the real property and the rights to which it is subject the registration whereof is requested.

2. The applications for registration of real property and the rights to which it is subject shall be examined by the members of the staff authorised by the keeper of the Real Property Register and having the qualifications established by the Real Property Register Regulations.

3. The members of the staff authorised by the keeper of the Real Property Register, after examining the application for registration of real property and the rights to which it is subject, shall write their opinion about the results of examination and submit proposals to the keeper of the Real Property Register to grant or dismiss the application.

#### Article 23. Granting of the Application to Register Real Property and the Rights to Which It Is Subject

1. When the application to register real property and the rights to which it is subject has been examined and no circumstances precluding its granting have been established, the keeper of the Real Property Register shall promptly grant the application by registering the real property and the rights to which it is subject in the Real Property Register.

2. If the contract of conveyance of the real property the registration whereof is requested provides that the right of ownership to the property has been postponed until a certain subsequent date or if the right is contingent on the condition of postponement, the keeper of the Real Property Register shall inform in writing the parties to the conveyance contract that the real property and the rights to which it is subject shall be registered in the Real Property Register only after the expiry of the postponement period or after compliance with the conditions of the contract, and shall make a note to this effect in the application and the application record book.

#### Article 24. Notification about the Registration of Real Property and the Rights to Which It Is Subject in the Real Property Register

Following the registration of real property and the rights to which it is subject , the keeper of the Real Property Register shall hand or send to the applicant (under the address given in the application) a notice of a due form and contents established by the Regulations of the Real Property Register .

#### Article 25. Emergence of the Rights to Real Property and the Obligations of the Property Owner

1. Following the acquisition of real property under a contract or by other lawful means, the right of disposal of the property shall arise subject to the registration of ownership rights in the Real Property Register . Interests in another person's property arising out of the transactions, by the decisions of State and Government institutions, and by the other instruments specified in Article 16 of this Law, restrictions on the interests and the obligations of property owners shall arise subject to their registration in the Real Property Register .

2. If under the contract of conveyance, the right of ownership to the real property has been postponed until a certain subsequent date or if it has been made contingent on a postponement condition, before the registration in the Real Property Register of real property and the rights to which it is subject, the person who has acquired the property may use it under the conditions established in the contract of conveyance without the right to dispose of the property.

#### Article 26. Damages for the Injury Caused by the Keeper of the Real Property Register

1. If persons suffer injury caused by the keeper of the Real Property Register in the performance of his duties, the damages shall be fully paid by the State.

2. The State bears no responsibility for the injury if the persons who have sustained it:

1) have submitted incorrect particulars to the Real Property Register ;

2) within 3 months from finding out about the inaccurate and incorrect entry in the Real Property Register have not sought a statutory remedy to protect the violated rights;

3) within 6 months from the discovery about the violated right and sustained losses have not filed an action for damages.

3. The State shall be entitled to recover by a vicarious claim from the keeper of the Real Property Register the damages paid by the State to the person for the injury caused by the deliberate actions of the keeper of the Real Property Register.

#### Article 27. The Structure of the Real Property Register

The Real Property Register shall be composed of 6 chapters which shall comprise:

1) the first chapter - data about the plots of land and the rights to which they are subject;

2) the second chapter - data about the buildings, structures and the rights to which they are subject;

3) the third chapter - data about the apartments in apartment houses and the rights to which they are subject;

4) the fourth chapter - data about other premises and engineering facilities and the rights to which they are subject;

5) the fifth chapter - cartographic data about the registered plots of land (particulars about the local designation of the plots of land and land register maps);

6) the sixth chapter - additional data about the rights to which it is subject, also about the documents relating to the keeping of real property.

#### Article 28. Making up of Real Property Register Files

1. When registering real property and the rights to which it is subject, files of documents related to the registration in (removal from) the Real Property Register (hereinafter referred to as files of the Real Property Register documents) shall be made up in the manner established by the Real Property Register Regulations.

2. The following shall be kept in the files of the Real Property Register documents:

1) applications for the registration of real property and the rights to which it is subject as well as requests to withdraw the application registered in the application record book;

2) findings relative to the results of verification of applications for the registration of real property and, and proposals concerning the granting of applications;

3) documents (in the original) on the basis whereof real property and the rights to which it is subject were registered;

4) land register map of the land plot to be registered;

5) other documents related to the real property to be registered and the rights to which it is subject.

#### Article 29. Data Contents of the Real Property Register

1. The contents of the data of Real Property Register shall be specified by the Real Property Register Regulations.

2. The following shall be recorded in the first chapter of the Real Property Register:

1) State Land Cadastre data about the plot of land;

2) data about the land plot owner (co-owners);

3) interests of other natural and legal persons in the land plot;

4) restrictions on the land plot owner's obligation and rights to the land plot.

3. The following shall be recorded in the second chapter of the Real Property Register:

- 1) technical inventorying data about a building, structure as presented by the National Inventorying, Design and Services Bureau;
- 2) data about the owner (co-owners) of the building, structure;
- 3) vested interest of other natural or legal persons in the building, structure;
- 4) the obligations of the owner of the building, structure and restrictions on ownership rights.

4. The following shall be recorded in the third chapter of the Real Property Register:

- 1) technical inventorying data about the apartment as presented by the National Inventorying, Design and Services Bureau;
- 2) data about the owner (co-owners) of the apartment;
- 3) vested interest of other natural and legal persons in the apartment;
- 4) the apartment owner's obligations and restrictions on ownership rights.

5. The following shall be recorded in the fourth chapter of the Real Property Register:

- 1) technical inventorying data about other premises and engineering facilities as presented by the National Inventorying, Design and Services Bureau;
- 2) data about the owner (co-owners) of other premises and engineering facilities;
- 3) vested interest of other natural and legal persons in other premises and engineering facilities;
- 4) obligations and restrictions on ownership rights of the owner of other premises and engineering facilities.

6. Cartographic data about the registered land plots shall be recorded in the fifth chapter of the Real Property Register .

7. Other additional data about real property and the rights to which it is subject as well as data about documents relative to real property management shall be recorded in the sixth chapter of the Real Property Register .

#### Article 30. District, City Databanks of the Real Property Register

The data on the real property to be registered and the rights to which it is subject shall be entered and stored in the district, city databanks of the Real Property Register . The district, city databanks of the Real Property Register shall be maintained by the persons who have the qualification prescribed by the Real Property Register Regulations and are authorised by the keeper of the Real Property Register .

#### Article 31. Central Databank of the Real Property Register

1. The data entered in the city, district databanks of the Real Property Register shall be conveyed, within 3 working days from the entry or alteration thereof, to the central databank of the Real Property Register in accordance with the procedure laid down by the Real Property Register Regulations.

2. The central databank of the Real Property Register shall be managed by the State Land Cadastre enterprise set up by the State Land Survey and Geodetic Service at the Ministry of Agriculture.

3. The data structure of the central databank of the Real Property Register shall be determined by the bank regulations approved by the Government or the founder of the central databank of the Real Property Register authorised by it.

4. The data of the central databank of the Real Property Register shall constitute information on the Real Property Register ed in the Real Property Register , the rights to which it is subject and obligations as of the moment of entry of said data in the databank.

#### Article 32. Responsibility of the Institution Managing the Central Databank of the Real Property Register for the Correctness of Presented Data

The institution managing the central databank of the Real Property Register shall be responsible for ensuring that the presented data on real property and the rights to which it is subject should correspond to the data of district, city databanks of the Real Property Register as of the moment of entry of said data in the central databank of the Real Property Register .

#### Article 33. Documents Confirming the Rights to Real Property and the Registration of Real Property and the Rights to Which It Is Subject

Documents confirming the rights to real property as well as the registration of real property and the rights to which it is subject shall be issued by the keepers of the Real Property Register . The forms, contents, procedure of issue and term of validity of said documents shall be laid down in the Regulations of the Real Property Register .

#### Article 34. The Right of the Real Property Register Keeper to Refuse to Register Real Property and the Rights to Which It Is subject

1. The keeper of the Real Property Register shall have the right to refuse to register real property and the rights to which it is subject if circumstances specified in Article 22 of this Law are established upon the examination of the application for the registration of the real property and the rights to which it is subject. Moreover, real property and the rights to which it is subject may not be registered in the event of violation of the requirements set for the formation (creation) of said property, or if the rights to said property, restrictions on the rights and real property acquisition conditions that are laid down in the agreements on the disposal of the property are contrary to the law.

2. The keeper of the Real Property Register shall no later than within 10 working days notify the person who filed the application (to the address given in the application) of the refusal to register the real property and the rights to which it is subject, stating the motives for refusal.

3. In case of refusal to register real property and the rights to which it is subject because of the circumstances that may be eliminated, the keeper of the Real Property Register shall set a time period not exceeding 10 calendar days for eliminating the circumstances which preclude registration of the real property and the rights to which it is subject and shall notify the person who filed the application thereof in writing (to the given address).

4. If circumstances precluding registration of real property and the rights to which it is subject are not eliminated within the time period set by the keeper of the Real Property Register, on the first working day following the expiry of the time period the keeper of the Real Property Register shall notify in writing the person who filed the application of the refusal to register the real property and the rights to which it is subject, specifying the reasons for refusal.

#### Article 35. Appeal against the Refusal to Register Real Property and the Rights to Which It Is Subject

Refusal to register real property and the rights to which it is subject may be within 10 days appealed against to the district court within the boundaries of local designation of the property in accordance with the procedure established by the Civil Code.

#### Article 36. Returning the Originals of Documents

In the event that the keeper of the Real Property Register rejects the application to register real property and the rights to which it is subject or if the person withdraws of his own free will his application in the manner laid down in Article 16 of this Law, the documents filed together with the application shall be returned to the applicant and a corresponding entry shall be made in the application registration book.

#### Article 37. Exchange of Data between Real Property Register and Mortgage Institutions

1. Upon registering the mortgage on real property, mortgage institutions shall within 24 hours convey the registration data to the central databank of the Real Property Register.

2. Within 24 hours after the mortgage institution inquires about the real property and the rights to which it is subject, the keeper of the Real Property Register shall present to the mortgage institution within the boundaries of local designation of the property the data about the changes in the mortgaged real property and the rights to which it is subject which have been registered in the Real Property Register.

#### Article 38. Entry of Information Concerning the Invalidation of Real Property Conveyance Contract

1. The court shall notify the keeper of the Real Property Register of the actions brought for the invalidation of a real property conveyance contract and of the taking of a decision to invalidate the contract no later than on the next working day after the judge gives a ruling to accept a statement of claim in a civil action or after the court takes the decision.

2. Upon receiving the court notice of legal actions for the invalidation of the real property conveyance contract or of the taking of a decision to invalidate the contract, the keeper of the Real Property Register shall forthwith make an entry to the effect in the sixth chapter of the Real Property Register.

#### Article 39. Keeping in Custody Documents of the Real Property Register

The documents which constituted the basis for the registration of real property and the rights to which it is subject as well as documents on the basis whereof the entry in the Real Property Register has been deleted shall be kept in custody in the Real Property Register keeper's archives of documents.

#### Article 40. Lodging of Complaints against Inaccurate or Incorrect Entries in the Real Property Register

1. Upon finding out that the Real Property Register data on the registered real property and the rights to which it is subject are inaccurate or incorrect, the interested persons may lodge complaints to the keeper of the Real Property Register who must within 5 working days examine the complaints, take a decision whether to respond to the complaint or to reject it and notify the interested person thereof in writing. If the interested person is not content with Real Property Register keeper's conclusion, he may within 10 calendar days appeal against it to the county governor within the boundaries of local designation of the property. The county governor must within 10 calendar days take a decision on the lodged complaints and notify the interested person thereof in writing.

2. The county governor's conclusion relative to the lodged complaints may be within 10 calendar days appealed against in the district court within the boundaries of local designation of the real property.

#### Article 41. Remuneration for the Registration of Real Property and the Rights to Which It Is Subject

Persons shall remunerate the keeper of the Real Property Register for the registration of real property and the rights to which it is subject in the manner prescribed by the Regulations of the Real Property Register.

#### Article 42. Right to Use the Real Property Register Data

1. The Real Property Register data shall be accessible to the public, with the exception of cases specified by the laws and Government of the Republic of Lithuania.

2. In case of a dispute between persons relating to the real property and the rights to which it is subject as registered in the Real Property Register , no one may plead ignorance of the Real Property Register data.

#### Article 43. Payment for Using the Real Property Register Data

1. Payment shall be taken for using the Real Property Register data. Documents, copies thereof and data shall be presented free of charge in the cases specified by the Government.

2. Other state cadastres and registers shall use the Real Property Register data and shall present their own respective data to the Real Property Register in accordance with the procedure laid down by the Government, and the Regulations of this Register and other cadastres and registers.

3. The amount received as payment for the registration of real property and the rights to which it is subject, as well as for the use of the Real Property Register data shall be remitted to a special account of the Real Property Register keeper's institutions and shall be used for the development of material and technical basis of said institutions, research work aimed at improving the real property registration system and for offering incentives to the employees of the Real Property Register offices and institutions.

#### Article 44. Funds for the Keeping of the Real Property Register

The Real Property Register shall be kept with the funds allocated from the state budget and funds received for the registration of real property and the rights to which it is subject, and for using the Real Property Register data.

#### Article 45. Liquidation of the Real Property Register

The Real Property Register shall be liquidated (reorganised) by a law. Following liquidation of the Real Property Register, documents on the basis whereof real property and the rights to which it is subject were registered as well as the maps of the Real Property Register shall be transferred to the state archives in the manner prescribed by the Law on Archives, and upon the reorganisation of the Real Property Register - to the new institution responsible for the keeping of the register.

#### Article 46. Coming into Effect of the Law on the Real Property Register

1. The Law on the Real Property Register come into effect as of 1 April 1997.

2. The title and other interest in real property which has been registered in the Data Register of the State Land Cadastre and at the National Inventorying, Design and Services Bureau shall be valid until the registration thereof in the Real Property Register .

#### Article 47. Integration of the Real Property Register into the Information Infrastructure of Cadastres and Registers of the Republic of Lithuania

The procedure for integrating the Real Property Register into the information infrastructure of state cadastres and registers of the Republic of Lithuania shall be established by the Government.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

Algirdas Brazauskas  
President of the Republic

Vilnius  
24 September 1996  
No. I-1539