

## **Law on Ownership**

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### **Article 1**

(Amended - SG No. 31 of 1990)

This Law regulates ownership, other real rights and their acquisition, loss and protection, as well as possession and recording.

### **Article 2**

(Amended - SG No. 31 of 1990)

Ownership may belong to the state, municipalities, cooperatives and other juristic persons and citizens.

All kinds of ownership shall enjoy equal opportunities for development and protection.

### **Article 3**

(Repealed - SG No. 31 of 1990)

## **Chapter one**

### **STATE AND MUNICIPAL OWNERSHIP**

(Previous Heading of Chapter One, Amended SG No. 31 of 1990)

### **Articles 4-5**

(Repealed SG No. 31 of 1990)

### **Article 6**

(Amended SG No. 31 of 1990; SG No. 77 of 1991; SG No. 33 of 1996)

State and municipal ownership shall be public and private.

### **Article 7**

(Amended SG No. 31 of 1990; SG No. 33 of 1996)

The status of all state- and municipally-owned objects shall be determined by way of separate acts.

### **Article 8**

(Repealed SG No. 33 of 1996)

**Articles 9-10**

(Repealed SG No. 91 of 1988)

**Article 11**

(Amended SG No. 99 of 1963; Repealed SG No. 91 of 1988)

**Article 12**

(Repealed SG No. 31 of 1990)

**Articles 13-17**

(Repealed SG No. 33 of 1996)

**Article 18**

The transfer of the right of ownership or the creation of another real right over immovable property which is state- or municipally-owned shall be done in writing. The notarial form shall not be required.

**Article 19**

(Amended SG No. 31 of 1990)

The right of ownership of state and municipal immovable properties may also be established with a document issued on the basis of the registers kept for these properties.

**Article 20**

(Repealed SG No. 33 of 1996)

**Article 20a**

(Amendment enacted Izvestya No. 12 of 1958; amended No. 90 of 1960; SG No. 36 of 1979; SG No. 91 of 1988; repealed SG No. 31 of 1990)

**Article 21**

(Repealed SG No. 33 of 1996)

**Articles 22-24**

(Repealed SG No. 31 of 1990)

**Article 25**

(Repealed SG No. 33 of 1996)

**Articles 26-27**

(Repealed SG No. 31 of 1990)

## **Chapter two**

### **PRIVATE OWNERSHIP**

(Heading amended SG No. 31 of 1990)

#### **Article 28**

(Amended SG No. 31 of 1990; SG No. 31 of 1990; SG No. 33 of 1996)

Property of natural and legal persons may be all belongings with the exception of those which under the Constitution of the Republic of Bulgaria are exclusive state property or, under this Law, are public, state or municipal possessions.

The right of natural and legal persons to own realties and belongings, related to such activities for which state monopoly has been established, may be prohibited by a specific act.

#### **Article 29**

(Amended SG No. 26 of 1973; SG No. 31 of 1990; SG No. 33 of 1996)

Foreign citizens and foreign legal persons shall not have the right to acquire ownership in agricultural land in this country.

The prohibition under paragraph 1 shall not apply in cases of legal succession. The persons who have acquired the right of ownership through legal succession have to transfer their property within a three-year time period following the opening of such inheritance.

Foreign citizens and foreign legal persons may acquire the right of ownership in premises and limited real rights over immovable property in the country with authorization from the Minister of Finance, unless otherwise provided by law.

A foreign state or an intergovernmental organization may acquire right of ownership in agricultural land, premises, and limited real rights over immovable property in this country on the basis of an international treaty, by way of legislation or through an act of the Council of Ministers.

No foreign state shall have the right to acquire ownership in immovable property in this country through inheritance.

## **Chapter three**

### **JOINT OWNERSHIP**

#### **Article 30**

(Paragraph 1 amended SG No. 31 of 1990)

The right of ownership may belong jointly to two or more persons - the state, municipalities and other juristic and natural persons.

The shares of the persons shall be deemed equal until proven otherwise.

Each joint owner shall participate in the benefits and burdens of the common property in proportion with his share.

#### **Article 31**

Each joint owner may use the common property in accordance with its purpose and in such manner as not to interfere with the other owners' use according to their rights.

When the common property is used personally only by some of the joint owners, they shall owe compensation to the remaining joint owners for the benefits of which the latter are deprived from the date of written request.

#### **Article 32**

The common property shall be used and managed in accordance with the decision of the joint owners owning more than half of the common property.

If a majority cannot be formed or if the majority's decision is harmful to the common property the regional court, at the request of any of the joint owners, shall settle the issue and take the required measures and, if necessary, appoint an administrator of the common property.

#### **Article 33**

A joint owner may sell his share of the immovable property to a third party only after presenting proof in writing to the notary public that he has made an offer to the other joint owners to purchase the said share under the same conditions and declaring in writing that none of the said joint owners has accepted the offer.

If the declaration under the previous paragraph proves to be false or if the third party purchases the joint owner's share under conditions agreed to fictitiously to the detriment of the other joint owners, the interested joint owners may purchase the said share under the actually agreed upon conditions. The action must be brought within two months of the sale.

Where a joint owner has not paid the due sale price within one month of the entry into force of the decision, the said decision shall become null and void ex lege.

#### **Article 34**

Each joint owner may, despite an agreement to the contrary, ask for a partition of the common property, except where the law provides otherwise or if this is incompatible with the nature and purpose of the property.

The provisions for the partition of an inheritance shall apply mutatis mutandis to the partition of an immovable property.

There shall be no limitation period for the action for partition.

#### **Article 35**

(Amended SG No. 33 of 1996)

The voluntary partition of movables exceeding in value BGN 50, as well as of immovable properties, shall be done in writing with notarially certified signatures.

When incapacitated or absent persons are taking part in the partition, the authorization of the regional court must be obtained.

(Paragraph 3 amended Izvestya No. 12 of 1958; SG No. 87 of 1974; SG No. 91 of 1988; repealed SG No. 31 of 1990)

#### **Article 36**

(Amended Izvestya No. 12 of 1958; SG No. 87 of 1974; SG No. 31 of 1990)

The joint ownership of the state or a municipality may be terminated, other than through a partition, through the sale of the share of the state or the municipality, through the transfer of the ownership of another equivalent property or through the buying out of their share under conditions and through a procedure to be determined by the Council of Ministers.

### **Chapter four**

#### **CONDOMINIUM OWNERSHIP**

#### **Article 37**

(Amended SG No. 31 of 1990)

Floors or parts of floors, together with belonging to them premises in the attic or basement, may be owned by individual owners - the state, municipalities and other juristic or natural persons.

#### **Article 38**

In buildings in which floors or parts of floors are owned by different owners, common for all owners are the land on which the building is constructed, the courtyard, the foundations, the external walls, the internal dividing walls between separate parts, the internal supporting walls, columns, cross beams, floor slabs, trimmer joists, staircases, landings, roofs, walls between attic and basement premises of the individual owners, chimneys, external entrance doors to the building, and the doors to the common parts of the attic and basement, the main lines for all manner of installations and their central outfits, elevators, drain-pipes, the janitor's apartment and everything else which by its nature or purpose serves for common use.

It may be agreed upon that the parts of the building which serve only some of the individually owned floors or parts of floors are common only to the persons whose premises they serve.

Common parts may not be partitioned.

#### **Article 39**

The owners may partition the common building by floors or parts thereof.

In the same manner the common building may be partitioned through the court, if the individual floors or parts of floors may be used separately without significant adjustments and without inconveniences greater than the ordinary.

#### **Article 40**

The shares of the individual owners in the common parts shall be proportional to the ratio between the value of the individual premises which they own, calculated at the time of establishing the condominium ownership. Later changes in individual premises shall not affect the size of the shares.

When adding new floors to a condominium ownership the owners of the additional floors or parts thereof shall acquire, for consideration, ownership of all common parts of the building, including the land. The shares of all owners in the common parts shall be determined in accordance with the ratio between the values of the individual premises at the time of finishing the construction.

When an owner of a floor or part thereof transfers a separate part of its property to another person, the shares of the transferee and the transferor in the common parts of the building shall be determined by the ratio between the transferred and preserved part at the time of the transfer. The same rule shall apply for a partition.

#### **Article 41**

Each joint owner, in proportion to its share in the common parts, must participate in the expenditures necessary for their maintenance and restoration, as well as in the useful expenditures for which there is a decision of the general meeting.

#### **Article 42**

The management of the common parts of the building in a condominium ownership and the supervision for the performance of occupants' obligations belongs to the general meeting of owners and the elected by it manager or managing council.

#### **Article 43**

The general meeting may adopt decisions if three quarters of the owners are present, either personally or through representatives.

Tenants shall also take part in general meetings and shall have the right to vote when decisions are adopted on issues concerning their property interests or condominium regulations. In such cases the general meeting shall adopt decisions if more than half the people who have the right to take part in the meeting are present.

If during the first convening the necessary number of persons have not appeared the meeting shall be postponed by one hour, shall have the same agenda and shall be deemed quorate regardless of the number of people present.

#### **Article 44**

The general meeting shall adopt decisions with a majority of more than half the owners present.

In the case of paragraph 2 of the previous Article the general meeting shall adopt decisions with the votes of more than half those present.

#### **Article 45**

(Amended SG No. 33 of 1996) The owner of a floor or a part thereof shall be evicted from the building by a decision of the general meeting where he:

a) uses or permits his premises to be used in a way which creates a fire hazard or a threat of considerable damages, and

b) systematically violates the regulations or the decisions of the general meeting or the rules of decency and good manners.

The general meeting may adopt an eviction decision only after the owner has been warned in writing by the manager that it will be evicted from the property and if after such notice it does not discontinue the violation.

#### **Article 46**

The owner may request that the regional court rescind the general meeting's eviction decision through a procedure to be established by the regulation under Article 49.

On the basis of an effective decision of the general meeting under Article 45 the regional court shall issue a writ of execution.

#### **Article 47**

The manager or chairman of the managing council shall represent the owners in the performance of any acts, including in a court of law, which are related to the ordinary management of the condominium ownership. For acts which are beyond such ordinary management the manager or chairman of the managing council shall represent the owners only when authorized by the general meeting.

The manager or the chairman of the managing council shall represent in a court of law the owners jointly for actions brought against them in connection with the common parts.

Each owner may personally take part in the trial in which the manager is representing the owners.

#### **Article 48**

(Repealed SG No. 55 of 1978)

#### **Article 49**

(Amended SG No. 33 of 1996)

The rules for management, for the maintenance of order and the supervision of the use of the building, as well as the rules concerning the manner of rescinding general meeting decisions and the procedure through which they will not be carried out, shall be set forth in a special regulation introduced by the Minister of Justice and approved by the Council of Ministers.

(Amended SG No. 90 of 1999) For violations of the regulation the general meeting may give the manager or the chairman of the managing council the right to impose fines from BGN 1 to BGN 60 in favour of the condominium.

### **Chapter five**

## **RESTRICTIONS ON OWNERSHIP**

#### **Article 50**

An owner of an immovable property shall not perform such acts in its property which create obstacles, greater than the usual, for the use of an adjacent property.

#### **Article 51**

When, for the performance of some work in a property, it is necessary to enter another property the owner of the latter property must provide access.

#### **Article 52**

(Amended SG No. 54 of 1974; SG No. 33 of 1996)

Trees may not be planted near a neighbour's property at a distance less than 3 metres for high trees, 1,5 metres for trees of medium height and 1 metre for low trees. A neighbour shall ask for a permission from the Mayor of the respective municipality, precinct or mayorship to cut off tree branches which extend over his/her property, as well the roots which cross into his/her property. Under the same procedure an owner may require that trees which have been planted closer than the above mentioned distances be moved.

#### **Article 53**

The restrictions on ownership related to urbanization and health care purposes shall be set forth in separate laws.

#### **Article 54**

Obligations related to the ownership or running of the property may be assigned by a decision of the Council of Ministers.

### **Chapter six**

## **REAL RIGHTS OVER ANOTHER'S PROPERTY**

#### **Article 55**

Real rights over another's property, to the extent that they are provided for by laws, may be acquired or created through legal transaction, prescription or other methods provided for by law.

#### **Section I**

#### **Right of Use**

#### **Article 56**

The right of use includes the right to use the property in accordance with its purpose and the right to the benefits thereof without causing any essential changes to it.

The user cannot transfer his right.

#### **Article 57**

The user must pay the expenses related to the use, including taxes and other charges, maintain the property in the state in which it was received, and return the property to the owner after the termination of the right of use.

An inventory must be taken when handing over the property. In the absence of such inventory it shall be deemed, until proven otherwise, that the property was handed over in a good condition.

The user shall not be held liable for the wear and tear of the property which are due to normal use.

The user must insure the property in favour of the owner and pay the insurance premiums unless otherwise decreed or agreed.

#### **Article 58**

The user shall inform the owner of any trespass on the ownership.

#### **Article 59**

The right of use shall be terminated with the death of the user if a shorter period is not agreed upon.

The right of use created in favour of a legal entity shall be terminated with its winding up if it is not created for a shorter period.

The right to use shall be terminated with the perishing of the property or if it is not exercised for five years.

#### **Article 60**

Contracts concluded by the user for leasing fields shall remain in force until the end of the current agricultural year if the right of use is terminated earlier.

#### **Article 61**

The owner may request from the court that the right of use be terminated if the user, despite being warned, continues to use the property in a way which threatens it with destruction or significant damage, constitutes a fundamental breach of obligations or fundamentally alters the property.

#### **Article 62**

(Amended SG No. 31 of 1990; SG No. 33 of 1996)

Concerning the right of use of a state or municipal property, the provisions of this section shall apply unless otherwise provided in an act of legislation or in a specific act for the creation of such right.

### **Section II**

#### **Ownership of a building**

#### **Article 63**

The owner may cede to another person the right to construct a building on its land, whereby the other person becomes owner of the building.

The owner of the land may also transfer independently from the land the ownership of an already existing building.

Ownership of a building independently from the underlying land may also be created through voluntary partition.

#### **Article 64**

The owner of a building may use the land to the extent that is necessary for the use of the building according to its purpose, unless the act with which the right is ceded contains another provision.

#### **Article 65**

When the right of use of a building is created with a fixed time period, after the expiration of said period the ownership of the building shall pass gratuitously to the owner of the land.

#### **Article 66**

(Supplemented SG No. 33 of 1996)

The owner of the building may sell it to a third party, the provisions of Article 33 applying mutatis mutandis.

The right to erect a building shall not lapse if the building or a portion thereof is lost, unless otherwise provided in the in the act for the creation of such right.

The subject of the right of construction may as well be such construction which lies under the surface of the ground.

The right to erect an additional storey or the right to add to a building shall be allowed for superstructure or outbuilding, respectively, to an already existing edifice.

#### **Article 67**

The right to construct a building on another's land (Article 63, paragraph 1) shall be extinguished in favour of the owner of the land through limitation if it is not exercised within 5 years.

(New paragraph 2, Amendment enacted SG No. 87 of 1974; amended SG No. 91 of 1988; SG No. 31 of 1990, repealed SG No. 33 of 1996)

### **Chapter seven**

#### **POSSESSION**

#### **Article 68**

Possession is the exercise of de facto power over a property which the possessor holds, either personally or through another, as his own.

Holding means exercising de facto power over a property which the person does not hold as his own.

#### **Article 69**

It shall be deemed that the possessor holds the property as its own until proven that he holds it for another.

#### **Article 70**

The possessor shall be deemed to possess in good faith when he possesses the property on a legal basis fit to make him an owner, without knowing that the transferor is not an owner or that there is a defect in the form prescribed by the law. It is sufficient that the good faith exists at the time of the arising of the legal basis.

Good faith shall be presumed until proven otherwise.

Where possession has been handed over on the basis of a preliminary contract concluded with the property owner, the possessor shall have the rights under Articles 71 and 72.

#### **Article 71**

A bona fide possessor may use the property and enjoy the benefits derived from it until the bringing of the action for its return.

#### **Article 72**

A bona fide possessor may ask, for the improvements made by him, the sum with which the value of the property has increased as a result of such improvements. Such increase shall be determined as of the date of the judgement rendered by the court.

A bona fide possessor may ask that he be reimbursed for the necessary expenditures made for the preservation of the property.

He may hold the property until reimbursed for the improvements and the expenses.

#### **Article 73**

A mala fide possessor shall owe the owner the benefits which he has derived or could have derived, as well as compensation for the profits of which he has deprived the owner, deducting the expenditures made for this purpose.

The mala fide possessor may ask that he be reimbursed for the necessary expenditures made by him for the preservation of the property.

#### **Article 74**

A mala fide possessor may ask, for the improvements made by him, only the lesser sum of the sum total of all expenditures and the sum with which the value of the property has increased as a result of such improvements.

Where the owner has known that improvements are being made on its property and has not objected, the rights of the possessor shall be arranged in accordance with Article 72.

#### **Article 75**

The possession of an immovable property or a real right over such property, including servitus which has continued for more than six months, may be defended against any violation. The action must be brought within six months.

#### **Article 76**

A possessor or a holder whose movable or immovable property has been taken through violent means or through concealment may, within six months, request that it be returned by the person who has taken it. This does not exclude the right of the person which has taken the property to bring an action under the previous Article.

### **Chapter eight**

#### **ACQUIRING AND LOSING THE RIGHT OF OWNERSHIP**

#### **Article 77**

The right of ownership may be acquired through legal transaction, through prescription or through other means provided by the law.

#### **Section I**

#### **Acquiring Movable Property through Possession in Good Faith**

#### **Article 78**

(Amended, SG No. 100/1997)

Whoever has acquired for consideration the possession of a movable property or security to the bearer on a legal basis, even if not from the owner, but without knowledge of that fact, shall acquire the ownership. The same rule shall also apply to acquiring other real rights over a movable property.

(Amended SG No. 31/1990) The owner of a lost or stolen property may seek such property from a bona fide possessor within three years from the its being stolen or lost. This rule shall not apply when the possessor has acquired the property from a state or municipal enterprise.

#### **Section II**

#### **Acquiring the Right of Ownership through Prescription**

#### **Article 79**

The right of ownership of immovable property through prescription shall be acquired through continuous possession for 10 years.

If the possession is in good faith the ownership shall be acquired with continuous possession for 5 years.

#### **Article 80**

A movable property shall be acquired through prescription with continuous possession for 5 years.

Whoever acquires the possession of a movable property through a crime cannot acquire the ownership through prescription.

#### **Article 81**

With the losing of the possession for more than six months the prescription period shall be interrupted.

#### **Article 82**

The possessor may incorporate the possession of the transferror with his own possession.

#### **Article 83**

Whoever proves that he has possessed during different times shall be deemed to have possessed in the intervals between them as well, unless proven otherwise.

#### **Article 84**

Concerning prescription, in addition to the above rules the provisions of Articles 113, 115, 116, 117 and 120 of the Law on Obligations and Contracts shall apply mutatis mutandis.

#### **Article 85**

The provisions for acquiring the right of ownership over immovable property through prescription shall apply as well for acquiring other real rights over such property through prescription.

#### **Article 86**

(Amended SG No. 31 of 1990; SG No. 33 of 1996)

Property which is public, state or municipally owned may not be acquired through prescription.

### **Section III**

#### **Found Property**

#### **Article 87**

Whoever finds an immovable property must return it to the owner or to the person who has lost it, after deducting or receiving payment for a reward and expenditures.

#### **Article 88**

(Amended SG No. 33 of 1996)

Where the owner and the person who has lost the property are not known, the person who has found it must immediately turn it over to the relevant 'Municipal Property' office.

If the owner or the person who has lost the property asks for it within one year after it is found, the property shall be handed over to him after payment of a reward equal to 10 per cent of the value of the property plus the expenditures for transporting and storing. The reward may be reduced by the court,

taking into consideration the property status of the person who has lost the property or when the full amount of the reward is excessively high.

#### **Article 89**

(Amended SG No. 31 of 1990; SG No. 33 of 1996)

If the owner or the person who has lost the property is not found or does not appear within one year, the property shall pass into ownership of the municipality. In this case the provision of Article 78, paragraph 2 shall not be applied.

Properties which spoil rapidly or the safekeeping of which is expensive shall be sold and the sum received shall be disposed of with in accordance with the previous paragraph.

#### **Article 90**

(Repealed SG No. 33 of 1996)

#### **Article 91**

Properties buried in the ground, walled in or hidden in another manner, the owner of which cannot be found, shall become the ownership of the state.

The person who has found them shall have the right to a reward equal to 25 per cent of their value.

### **Section IV**

#### **Accretion**

#### **Article 92**

The owner of the land is the owner of the buildings and plants on it except where something else has been agreed upon.

#### **Article 93**

The benefits from the property, such as fruits, increase of cattle, rent payments, etc. shall belong to the owner.

### **Section V**

#### **Processing and Incorporating**

#### **Article 94**

A person who has made a new item out of another's material shall become its owner if the value of the processed item exceeds the value of the material and if the person did not know that the material belonged to another.

Otherwise, the owner of the material shall become the owner of the property having the right, though, to give it up.

#### **Article 95**

When the property is made of materials which belong to different owners, the owner of the property shall be the person to whom the main material belongs.

If none of the materials may be identified as main a joint ownership over the property shall arise.

#### **Article 96**

In the cases under the previous two paragraphs the person who becomes the owner of the new property shall owe compensation for the value of the material or for the processing, as well as for other damages if such exist.

#### **Article 97**

When another's property has been incorporated as a part of a main property in such a way that it may not be separated without causing significant damage to the main property the owner of the latter property shall acquire the ownership over the adjoined part as well.

#### **Article 98**

The incorporation shall follow the main property in the absence of an agreement to the contrary.

### **Section VI**

#### **Losing the Right of Ownership**

#### **Article 99**

The right of ownership shall be lost if another person acquires it or if the owner renounces it.

#### **Article 100**

Renouncing the right of ownership over immovable property shall be effective only if done in writing with notarially certified signatures and if recorded.

### **Section VII**

#### **Expropriation of Property for State and Municipal Needs**

#### **Article 101**

(Amended SG No. 38 of 1989; SG No. 33 of 1996)

For such especially important needs of the State and the municipalities, which cannot be otherwise satisfied, properties may be alienated under such terms and in such order as shall be prescribed by the law and following the payment of a tantamount compensation in advance.

#### **Articles 102-105**

(Repealed SG No. 33 of 1996)

**Article 106**

(Repealed SG No. 38 of 1989)

**Article 107**

(Repealed SG No. 33 of 1996)

**Chapter nine**

**PROTECTION OF THE RIGHT OF OWNERSHIP**

**Article 108**

The owner may request its property from any person which possesses or holds it without grounds to do so.

**Article 109**

The owner may request the discontinuing of any act without grounds which creates obstacles for the exercising of his right.

(Paragraph 2 repealed, SG No. 33 of 1996)

**Article 109a**

(New, SG No. 33 of 1996)

The owner of a real estate is entitled to request fixing of boundaries between his/her estate and the adjacent estates.

**Chapter ten**

**GENERAL PROVISIONS**

**Article 110**

Immovable property is: land, plants, buildings and other structures and, in general, everything which either naturally or through a human act is firmly fixed to the land or to the structure.

All other properties, including energy, are movable.

**Article 111**

The provisions concerning immovable properties shall also be applied for real rights over immovable property if the law does not decree otherwise.

Concerning all other rights the provisions relating to movables shall be applied.

The provisions of chapters V-XI shall apply to all types of ownership under Article 2, to the extent that no provision to the contrary exists.

## **Chapter eleven**

### **RECORDING**

#### **Article 112**

The following shall be recorded:

- a) (Amended SG No. 87 of 1974; SG No. 33 of 1996) all acts with which the right of ownership is transferred or another real right is created, transferred, altered or terminated for immovable property;
- b) (Amended SG No. 33 of 1996) contracts with which a decedent's estate which includes immovable property is transferred;
- c) acts for renouncing real rights over immovable property;
- d) agreements for the partition of immovable property, as well as court partition protocols concerning such properties;
- e) applications of the creditors of the decedent or of the devisees for separating the immovable properties for a period longer than one year;
- f) rent contracts for a term exceeding one year;
- g) settlements on disputes concerning acts which themselves are subject to recording, and
- h) court judgements which have entered into force, which supplant the acts under (a), as well as judgements with which the existence of acts subject to recording pursuant to the previous points is established.

#### **Article 113**

Acts under the previous Article, prior to their recording, may be defeated by third parties which have earlier acquired from the same owner and recorded real rights over an immovable property.

#### **Article 114**

The following must be recorded:

- a) complaints for the avoidance, declaring the invalidity, the repeal or nullification of acts subject to recording.

(Amended SG 33 of 1996) When the recording of the complaint is provided for with an explicit provision of the law, they shall have upon third parties the effect indicated in the relative provision. In the absence of such a provision the recording shall only serve to make public the court dispute concerning properties;

- b) (Amended SG 33 of 1996) complaints for a judgement for concluding a final contract with which a real right over immovable property is transferred or created.

(Amended SG 33 of 1996) Acquired real rights and imposed attachments on immovable property after the recording may be defeated by the plaintiff. The state or the municipality, for its claims against the transfer

or which have become executable before the date of transfer or creation of the real right, may divert its claim against the property no matter in which hands it is, and

c) complaints for other judgements under Article 112 (h). Real rights acquired by third parties after the recording may be defeated by the plaintiff.

The courts shall not initiate proceedings on complaints under the previous paragraph until they have been recorded.

#### **Article 115**

Judgements which have entered into force and have been rendered upon complaints pursuant to the previous paragraph, shall be entered upon presentation of a copy of the judgement.

In the judgement granted for the plaintiff the court shall give him a six-month period to make such entry. After the expiration of the said period the recording of the complaint shall lose its effect.

The court shall not issue a copy of the judgement under Article 19, paragraph 3 of the Law on Obligations and Contracts until the plaintiff has proven that the expenses for the transfer of the property have been paid, as well as the taxes and other obligations of the transferee to the state.

If the complaint has not been recorded the judgement rendered upon it shall not have effect vis a vis third parties except from the day it is recorded.

#### **Article 116**

The details concerning the manner of recording and the fees payable for recording shall be provided for in the Regulation on Recording approved by the Council of Ministers.

### **TEMPORARY PROVISIONS**

Y%This Law shall enter into force one month after publication and shall repeal:

1. the Law on Property, Ownership and Servitus.
2. The Law on Privileges and Mortgages.
3. The Law on State Properties.
4. The Law on Condominium Ownership.
5. The Law on Housing Construction and Management of the Housing Stock.
6. The Law on Arranging the Ownership and Pledge of Agricultural and Transportation Machinery of a Considerable Value.
7. The Law on Prescription and Limitation.
8. The Law against Speculation with Immovable Property.
9. Article 974 of the Law on Civil Procedure.

Ÿ& Article 84 of the Law on Compulsory Military Service shall be amended as follows:

"When transferring motor vehicles the seller and the buyer must inform in writing not later than ten days the Control on Automobile Transport Department of the Ministry of Internal Affairs."

Ÿ\* The right of ownership and other real rights acquired prior to the entry into force of this Law shall be preserved.

Ÿ( Concerning prescription, which has begun to run under the repealed Law on Prescription and Limitation, the provisions of this Law shall apply if for the completion of the prescription period a longer period of time is required than under this Law.

Ÿ) The references to various acts in the provisions of the acts repealed in & 1 shall be valid as references to the corresponding in content provisions of this Law.

Ÿ\* (Amendment enacted SG No. 87 of 1974) Citizens to whom the surface right has been recognized on regulated state plots, ceded or occupied by them prior to December 15, 1951 and built up prior to September 1, 1956, shall have the right when transferring or alienating the properties to receive the full price for the surface right.

Ÿ+ (Amendment enacted SG No. 87 of 1974) The provision of Article 67, paragraph 2 shall also apply to existing prior to its enactment cases when the property has not been built up and continues to be in the possession of the person to which the surface right was ceded, or by its successors, if it has not been revoked by the executive committee of the municipal council prior to the entry into force of this provision.

#### **TEMPORARY AND CONCLUDING PROVISIONS TO LAW ON AMENDMENT AND SUPPLEMENT TO THE LAW ON OWNERSHIP**

Promulgated State Gazette No 32/19.04.1996

Ÿ&+ (1) The persons who have acquired the right of construction on state- and municipally owned land before 13 July 1991, shall have the right to acquire ownership in such land at such prices as shall be set by the Council of Ministers.

(2) The persons who have acquired a share of the right of construction on state- and municipally owned land before 13 July 1991, shall have the right to acquire the corresponding share of the ownership in such land at such prices as shall be set by the Council of Ministers.

Ÿ&, This Law shall enter into force on the 1st day of June 1996.

This Law was passed by the 37th National Assembly on the 5th day of April 1996 and the State Seal has been affixed to it.