

REGULATORY NEWS:

NEW RESOLUTION OF THE SUPREME COURT OF JUSTICE REGARDING THE REAL ESTATE JURISDICTION

On May 26, 2013, was published Resolution No.1419-2013 on *“Several Procedures in regards to Registrars of Deeds and Cadastral Measures Directorships”*, of which there are three relevant aspects:

1. **RADIATION OF OPPOSITIONS.** Authorizes the Registrars of Deeds to cancel all oppositions administratively inscribed under the previous Law 1542, upon request of any individual through service by Bailiff, after having elapsed a 60 days term, as of the date of the resolution, if the interested party has not formalized the concerned opposition through court; In practice and in the majority of cases, these oppositions had not any consequence, inclusive prior to the enforcement of the new legislation, but could no be cancelled by the Registrars of Deeds for not having legal basis to perform such action; therefore, the owner had to request its cancellation through the court. In this sense, it seems that what is pursued is saving time not only to the affected owners but also to the courts already burden with proceedings as to know about cancellations of this kind of encumbrances.
2. **TRANSFER OF PORTIONS.** This is the most transcendental and revolutionary measure, since it authorize the filing of sales contract regardless of its date, for those properties covered by a inscribed evidence, and through the demarcation process. Please recall that Resolution No. 355-2009 established that only those contracts executed previous to the date of such normative were subject to that authorization.

On the one hand, it is a good measure since this has represented an obstacle in the real estate market, and also, continues controlling the issuance of inscribed evidences as it becomes mandatory the demarcation process in order that those type of contracts may be inscribed, so that this is not continuing with the old practice of selling and infinitely transferring portions of parcels without the due demarcation and individualization of same. However, it may be that same allows that one entity or individual try to set the boundaries according to this type of contracts, on the ownership of another portion.

3. **CIRCUMSCRIPTION OF REGISTRIES OF DEEDS.** Although in practice it has been executed, through this resolution it is granted the competence of the Registry of Deeds in and for the National District and the Registry of Deeds of the Province of Santo Domingo, based in the Cadastral Districts, pertaining to the former the districts 3, 4 and 13; whilst to the latter, numbers 7 and 11.

All other aspects of the resolution deal with technical issues which are carried out with the Regional Directorship of Cadastral Measures.

This excerpt contains only general information on the corresponding matters, therefore this documents does not constitute a legal opinion. It is recommended to obtain specific legal counseling for each particular transaction.

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