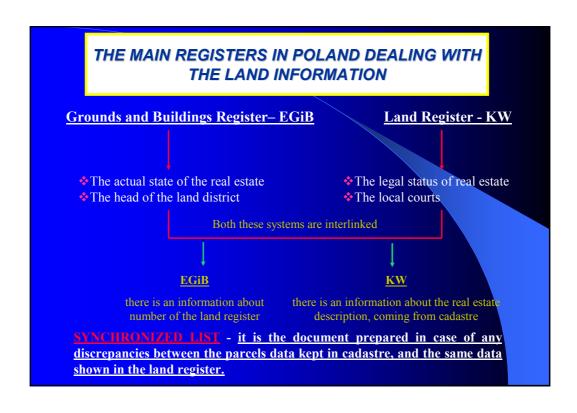
THE PECULIARITY OF PREPARING THE SYNCHRONIZATION LISTS IN POLAND ON THE TERRITORIES OF THE FORMER AUSTRIAN ANNEXATION

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THE MAIN REGISTERS IN POLAND DEALING WITH THE LAND INFORMATION

- **Crounds and Buildings Register EGiB (called also "cadastre)**
- **Land Register KW**



Cadastre of former Austrian annexation

- > The nineteenth century Poland was the Austrian annexation
- The basic object of the cadastre the cadastral parcel

<u>Cadastral parcel</u> – such a parcel is a piece of ground owned by the same person, has the same kind of use and is located in the same cadastral unit

The rules of parcel numbering in the former Austrian annexation:

- G(round) P(arcel) pgr.lkat 205 describes land parcel having cadastral number 205,
- B(uilding) P(arcel) pb.lkat 50 describes building parcel having cadastral number 50.
- The basis for the cadastre functionning was a set of cadastral operates containing many documents:
- ☐ The cartographic part:
 - the cadastral map
 - the cadastral sketches

- ☐ The descriptive part:
 - the parcel protocol
 - the sheet of possesions
 - the alphabetic list of the owners

The cadastral file was kept in accordance with actual status and in accordance with ground books. It lost its accurate status during the interwar period and especially after the second world war time

During the seventies of the nineteenth century – The Ground Books were established in Austria

Ground book contained:

- ✓ Main book
- ✓ The set of the documents

MAIN BOOK:

- mortgage lists described by following numbers (LWH) for each real estate
- An individual mortgage list contained so called "charts" described by the letters A, B and C
- Chart A:
 - the name of the property
 - the list of the parcels
- Chart B: the records concerning the ownership
- Chart C: the records concerning loads, including any mortgage.

FILE OF DOKUMENTS:

- constitutes the basis of the entry to input the ownership into the book
- list of land changes: data changes concerning the parcels in the ground books, were executed based on this dokument

Lone Gmina ketestralna: An example of the former Forlice Sąd grodeni: Austrian ground book (so called LWH) - chart A and B rola Egha 606 607 608 609 Jaction B. WPIS Na podstawie art. 45 ustawy z dnia 31. VII. 1923 (Dz. U. R. P. Nr. 92 poz. 833 z r. 1927), ustawy z dnia 17 marca 1932 r. (Dz. U. R. P. Nr. 38 poz. 392 z r. 1932) oraz orzeczenia Wiewierkiej Romenje Sementez w Wazdon ze z chia 14 Lutero 1936 Nr. 1 11/4/5/ intabuloje się prawo własności tej realności na rzecz: Taryla Jala z jeda For freditaries, among descripy of party breeine 15 typesmin 1933 ting 35/2 site billing any person when some top as absorber in principal transfer the party to be to appear in June 1922 to the party to the party to the party to be presented to the party to be presented to the party to the

The reasons of the inconsistencies of real estate description data in former Austrian ground books and contemporary Polish cadastre

There was estabilished the definition of cadastral lot in Poland in 1955

- 1. The definition of cadastral lot was inconsistent with the definition of cadastral parcel
- 2. Inputting into the cadastre new numbers for lots
- 3. Disclosing in the cadastre the actual proprietor (self established owner) not always corresponding to the actual owner
- 4. The Act of 1971 allocated the legal right of ownership to the proprietors.

There was created an institution of land registry in Poland in 1946. The institution did not expect the establishment of ground book for each real estate. So, many real estates still don't have such books, and the only fact, confirming the ownership (not propriety) is the former Austrian ground book.

Synchronized list as an element of legal regulation process of real estate on the territory of former Austrian cadastre

The synchronization list is prepared in the shape of a table, where the lot data (from the cadastre) and parcel data (from the LWH) are compared

Before this document is created, the following works are done:

- obtaining the information about the lots numbers for which the synchronized list has to be made,
- then obtaining the contemporary cadastral map copy and the copy of the corresponding piece of cadastral map of former Austrian cadastre,
- transforming the cadastral contemporary map and then transforming former Austrian cadastral map,
- Finding out those former cadastral parcels, which fit contemporary cadastral lots,
- Searching out in court number of LWH for found cadastral parcels, and then obtaining information from its following charts (A, B and C), including parcels areas.
- Checking the difference in the areas between the former cadastral parcels and the contemporary cadastral lots. The admissible discrepancy is established basing on the formula:

$$dP_{\text{max}} = 0.001P + 0.2\sqrt{P}$$

where: P – denotes area of cadastral lot

• In case of using only the part of the parcel area there is the need to divide the parcel on the cadastral map.



An example of the necessity of "dividing" the former cadastral parcel, by creating the synchronization list. The cadastral lot - number 659 occupies only the part of cadastral parcel - number303.

An example of the synchronization list

Województwo: malopolskie
Miasto: Kraków
Jednostka ewidencyjna Podgórze
Obręb 106
Gm. Kat. Bieżanów

WYKAZ SYNCHRONIZACYJNY (RÓWNOWAŻNIK)

DLA SĄDU REJONOWEGO KRAKÓW-PODGÓRZE WYDZIAŁ KSIĄG WIECZYSTYCH

Sporządzono dnia: 10.07.2007 Nr ks. rob.: 3547/264/2007

KW (władającego) lub jedn. ewid. dz. ha a m² zmiany mapy dziani obr. jedn. ewid. ha a m² (władającego)			STAN				STAN NOWY (EGIB)												
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Niniejszy dokument służy za podstawę wpisu do księgi wieczystej stosownie do Ustawy z dnia 17 maja 1989r. Prawo geodezyjne i kartograficzne (Dz. U. Nr 240 poz. 2027 2005r.)

Summing up and inferences

- •There are still many real estates without the regulated state of the ground ownership on the territory of south-eastern Poland.
- There is a need to prepare synchronization lists.
- This requires the use of former Austrian documents.
- The surveyor needs broad knowledge within: cadastre and land register functioning and problems of former Austrian cadastre
- The surveyors ought to prepare synchronization lists with utmoast accuracy and honesty

