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

- Grounds and Buildings Register – EGiB (called also “cadastre”)
- Land Register - KW
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**Grounds and Buildings Register – EGiB**
- The actual state of the real estate
- The head of the land district
- Both these systems are interlinked

**Land Register - KW**
- The legal status of real estate
- The local courts

EGiB
- There is an information about number of the land register

KW
- There is an information about the real estate description, coming from cadastre

SYNCHRONIZED LIST - it is the document prepared in case of any discrepancies between the parcels data kept in cadastre, and the same data shown in the land register.

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**Cadastre of former Austrian annexation**

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

**Cadastral parcel** – 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:**
- \( G(\text{round}) \ P(\text{arcel}) \ pgr.\text{lkat} \ 205 \) – describes land parcel having cadastral number 205.
- \( B(\text{uilding}) \ P(\text{arcel}) \ pb.\text{lkat} \ 50 \) – 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 possessions
- 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 DOCUMENTS:
- 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
An example of the former Austrian ground book (so called LWH) – chart A and B

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

There was established 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 - number 303.
An example of the synchronization list

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 utmost accuracy and honesty
THANK YOU FOR YOUR ATTENTION