The Land Register System in Region of Trentino Alto Adige

System of records of the rights possession on the real base with the constitutive effect of through right recording
In Italy currently operate two different systems of record of rights possession open to the public.

In the territories of the ex Habsburg Empire operates the “Land Register System” based on the Austrian law n.95 from 25/07/1871.

In the national territory operates the system based on: “transcription” inspired by French law from 23/03/1855.

the Land Register System in Italy

- **Region of Trentino Alto Adige:** in all the Communities in Province of Trento and Bolzano
- **Region of Friuli Venezia Giulia:** in all the Communities in Province of Trieste and Gorizia and in 15 Communities (*) in Province of Udine
- **Region of Veneto:** in the Communities in Cortina d’Ampezzo (BL) and Pedemonte (VI)
- **Region of Lombardia:** in the Communities in Magasa and Valvestino (BS)

(*) = Aiello del Friuli, Aquileia, Campolongo al Torre, Cervignano del Friuli, Chiapiss Vicenza, Fiumicello, Malborghetto-Vipiteno, Pontebbba, Ruda, San Vito al Torre, Topaglione, Torrente, Terzo di Aquileia, Villa Vicentina, Visco
what is peculiar  to SYSTEM

stipulation
notarial deed

+  

Inscription
in the
LAND REGISTER

=  

TRANSFER of the Properties
and
CONSTITUTION or TRANSFER
of the Real Rights

(right of usufruct - use - right of occupancy - emphyteusis - area - right of way - any other business - mortgage)

the LAND REGISTER SYSTEM on a REAL BASE

all the inscriptions of Land Register are directly reported to the parcels of the Cadastral Cartography
the “PARTITA TAVOLARE”

the inscriptions in the Land Register are made into “collection” called “PARTITA TAVOLARE”

each “PARTITA TAVOLARE” including the parcels lying in the territory of the same Cadastral Municipalities and belonging to the same owner

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the “PARTITA TAVOLARE”

n° Partita Tavolare

Cadastral Municipalities

Sheet A1 of consistence (number of cadastral parcel)

Sheet A2 the right of possession in favour of the elders

Sheet B the holder of parcels

Sheet C land charges

perfect concordance between recording in the Land Register and act of the Cadastre

computerised from 31-12-2008

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the fundamental principles of “LAND REGISTER”

- **INSCRIPTION**
  - The PROPERTY and the others REAL RIGHTS are not to be ACQUIRED or TRANSFERRED by act between alive persons unless with their recording in the “LAND REGISTER”.

- **LEGALITY**
  - No registration can be made at “LAND REGISTER” if it wasn’t put in order on “decree” by magistrate (judge) after checking the validity and the right of title.

- **PUBLIC TRUST**
  - The inscription in the “LAND REGISTER” is as valid title compared to the others, so that are considered existing towards to their recorded entitlements even if they emerge as non-existing. As it isn’t recorded in the Land Register it can not to be objected to the others even if it really exists.

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the concordance Acts of CADASTRE - LAND REGISTER

- Each modification at the configuration of the state of real estates must be accomplished in the acts of Land Register as well as in the acts of the Cadastre.

- Modifications exclusively “SUBJECTIVE”
- Modifications exclusively “OBJECTIVE”
the modifications exclusively “subjective”

when the NOTARY stipulated the purchase contract, asks for the record at the LAND REGISTER

the Land Register performed the record into “Partita Tavolare”, determines CADASTRE TRASMISSION/CHANGE

in the CADASTRE takes place the trasmission/change from the precedent holder (Mr. Rossi) to the new holder (Mr. Bianchi)

In this way is guaranteed the highest level of the alignment between “subjective” findings of the acts of the Land Register and the acts of Cadastre

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the modifications exclusively “objective”

for example: Mr. Rossi sells to Mr. Bianchi the cadastral parcel 100 as it is represented in the Cadastral Cartography

SURVEYOR makes the measurements and processes of the PLAN OF DIVISION

CADASTRE OFFICE makes a control of technical congruency and booking (introducing the PROVISIONAL modifications) the plan of division into the cartography

the CADASTRE introduces in the Cartography in the FINAL way the modification as the result in the Plan of Division and only when recording is done in the Land Register

the Land Register makes the FINAL recording of the plan of division into “Partita Tavolare”

In this way is guaranteed the highest level of alignment between the “objective” findings of the acts of the Land Register and the acts of Cadastre
Thank you for your kind attention