Resolution No. 379

The Revolutionary Command

In the Name if the People

In accordance with the provisions of paragraph (A) from the article (42) of the Interim Constitution, and in accordance to what the Minister of Justice has submitted the Revolutionary Command has decided in their meeting held on 14/3/1971

The law has issued as follow:

No. (34) 1971

Law

The Real Estate

Section One

Paving provision

Chapter One

Definition

Article No. (1)

The following expression for the purpose of this law with their meanings as indicated below: -

▪️ The Minister: Minister of Justice

▪️ The Director General: Director of the Real Estate Registration.

▪️ The chief of The Real Estate Registration office: the director of the Real Estate registration directorate and the supervisor of the Estate supervisions.

▪️ The Real Estate Registration Office: the office that is responsible for the Real Estate registration in according of provisions of the laws.
Record Book of The Real Estate: the record that confirms the legitimacy of the Real Estate, according to the texts of this law, which refers to it the issue of the deed.

The Personal Record: the record book that organizes the personal rights owner ' names, the originally mentioned that are transferred from the Real Estate record.

The Deed: is a document issued deed Real Estate after its final form acquirement.

The Map: the engineering sketch, which indicate the outlook of the Real Estate, it's area, dimensions and positions.

Chapter Two

Specialization

Article No. (2)

The Real Estate registration specialize in Registering the Real Estate conduct and provision and judicial provision that hold the degree of judge, and with accordance to it's order upon the original Real Estate rights and the nationality, and transfer of these rights to the general come after.

Article No. (3)

3.1 The Real Estate conduct, is every conduct that can establish the right from the original sampled rights and the nationality, or transfer it or changing it or omit it, and every decisive conduct has the right of the mentioned rights.

3.2 The Real Estate conduct will not be held without the registration in the Real Estate Registration Office.

Article No. (4)

It is not allowed to make Real Estate procedures on the rights, which is issued for it the judicial rule holding degree of decision or legally decision has a power of judicial rule unless it is registered this rights in the Real Estate.
Chapter Three
Types of the Real Estate

Article No. (5)

The owners Real Estate, are those that belongs it's liability and rights it's owner with according to laws' provisions.

Article No. (6)

The endowment Real Estates: is divided to two parts:

One. The veritable endowments that are owned and then they were endowment to other part of the parts with respect to legal modes.

Two. The non-veritable endowments that their liability was not fiscal (Emery) and it's disposal rights or it's fees or it's charity or all of them are endowed to a special part of the others.

Article No. (7)

The fiscal (emery) lands, are those that their liability belongs to the state. It could be in three types:

One. The pure (serph) - fiscal (emery) lands, are those that their liability and all it's rights belong to the state.

Two. The fiscal (emery) lands that are authorized in the predial (tapoo), are the lands that persons have the right of it's disposal according to the laws' provisions. The endowed land are considered to be non-veritable endowment that their endowment limitation is concerned with the fees of charities of both according with the fiscal (emery) authorize lands judgment in the predial (tapoo).

Three. The fiscal (emery) lands that are granted by imposed on (Lazma), are those lands that are granted to have disposal it's right to the persons with according to provision of reconciliation and the imposed on (Lazma)
Article No. (8)

The lands that are left: are the Real Estates that belong to the government (state) and which are devoted for the purposes of public benefaction or for the benefits of the village people or for a particular town.

Section Two

The Real Estate Records

Chapter One

The records, The Cards and the Maps

Part One

The Records

Article No. (9)

The Records of the Real Estates they are:

1. The Real Estate Records: It is the Real Estate record and the main record and the special record that concerns the transactions of Banks lending and the parts that it's special registration state as to consider the sign of the hold in custody that was placed before is under pending.

2. The basic records.

3. The personal records.

4. The daily records.

Article No. (10)

1. The Real Estate records their authenticated copies and their deeds are dependable basically the proof of the normally right, and the other Real Estate rights. It is considered to be as a
muniment on all people, unless it is pierced impugned by forgery, and the unreal improve in the conducts that are registered in it, is not acceptable.

2. The Real Estate record is the one in effect when there is any dispute between that and the main record.
   The records that with according to the deed, which are published from the endowment offices. Before 9 April 1872 are considered, if they were well and correct organized, and have not been transferred to other deeds by write of the steady records after they are subjected to the ceremonies of supporting that are stated by law.

3. The foundation records can not be learned on, in order to prove the rights circulated in it, but it is considered to have a relation that.

   **Article No. (11)**
   Canceled

   **Article No. (12)**
   Canceled

   **Article No. (13)**
   In the organized record (mixed) in the Ottoman epoch which was issued different transactions whether they were concerned with the permanent records or with the sampled deposits records, every transaction record gets the registration judgement that it gets through it.

   **Article No. (14)**
   The essential records, are those which are organized or organizes according to the local investigations in preliminary issue which is related to the belonging main sample rights of the Real Estate, which was not registered and consist of the following records:

   1. The preliminary edited record (basic record) it is record, which is organize when the preliminary editing procedure is...
issued that concerns the business location of each Real Estate Registration Office, and organization procedure is issued on the basis of opening a special record for every district that grants the Real Estate, through which it's located, the series numbers (serial Real Estate) and with setting it's descriptions placing it at the time of registering it in the record.

2. The inspecting record (Yoklama investigate or Yoklama essential) – it was old preliminary editing record that was organized in Ottoman Epoch, in which was registered the Real Estates with returnee within certain areas, was not registered before in order to be preliminary for offering special deeds for each Real Estate that is located within it.

3. Record Yoklama gaining – is the old organized record in the Ottoman Epoch, which was transferred from the inspection record (investigate Yoklama or essential Yoklama) after paying the legal fees, which was dependant in issuing the - Yoklama deeds gaining.

Article No. (15)

1. The personal records, does not individualize in an independent judgement, but it's related to the Real Estate that is transferred from it in the judgment and traces.

2. The daily records, are the records that are specified to prove the date of the deposit of registration request in the Real Estate record, writing down in them the annual number and serial of the transaction and the registration requests, and the name of registrar request and type of the Real Estate right that has to be registered, and identity of the transaction or the request of the fixed descriptions of the Real Estate, and the decision of the office director by accepting or rejecting the request, and the stages of registration procedures, and the daily records will not be individual for independent judgment.

Article No. (16)

If any doubt happened in the limitation strength of a Real Estate record that was issued in the Ottoman Epoch, then the Director General has to establish a special committee with members not
less than three, to appoint whether if this record is of the dependent records; basically, to prove the monarchy. The committee decision will be published in the daily newspapers for once. If there is no objection to hold the legal case at the competent court within 30 days from the day next after the publishing date. This decision is imposed on the Real Estate Registration Office.

Article No. (17)

The Real Estate record is not allow to be taken outside of the competent Real Estate office for any reason, and it is allowed to have a sight at it through the competent office under the supervision of the authorized employee. If its requested by the logistic or official parts for specific purposes.

Article No. (18)

1. The competent Real Estate Registration Office, provides the owner or the identity rights holder or legal parts or official offices, according to a request that is submitted to it as a final form records.

2. The legal or the official parts are provided with a copy of the record that has not been issued in its final form, or a copy of the record that is transferred to another record after declaring the legal situation of the record in that copy. It is not allowed to provide the persons and other parts with that copy without the acceptance of the D.G. or by a request from the court.

Article No. (19)

If any sides asked for a copy of one of the records that was issued at the Ottoman epoch, which was subjected to certain protocols in respect to the provision of this law or the record, which contained an old description. So its could not be proved that cannot be compatible with the Real Estate in location. So it must be written down in the copy, conditionally that this detailing must be in consideration upon the courts and the other official sides. It is not allowed to held any transaction accordingly unless after the completion of the required arrangements.
Article No. (20)

The registrar right owners or the judicial owners or the official sides, are provided with a witness of the information, which are reference to the Real Estate records even it's not acquired in it's final form.

Article No. (21)

The offices of Real Estate depend on the copies of the Arabic translated records, if the translation was approved by the competence official sides.

Article No. (22)

1. The Real Estate General Directorate performs enough photocopies of the Real Estate 's records timeworn in an appropriate size within suitable time from the law's validity date, conditionally it ensure that its compatible with the original copy, through the Instructions that are issued by the Director General, and in this approved copy must have legal record if the original record is lost.

2.A. The Real Estate Office performs transferring the Real Estate rights and the related data from the Real Estate records of fixed judgement before validity law of the second amendment law. This includes the real insured record to the Real Estate records, which were referred to in the article (71) of this law within a suitable period from the second amendment law 's validity date. This will be implied when ensuring the compatibility with the original copy, with respect to the Instructions issued by the Director General, and these instructions must not be valid unless its approved by the Minister.

B. We can not depend on all the Real Estate records that are regulated by the job through the second amendment law, after transferring the Real Estate rights and the related data to the new Real Estate records by the application to the item (a) of this paragraph. Unless its pierced by the forgery of the transferred record to it, or by the non-transfer of the data in a correct way.
C. A committee is established headed by a Judge that is appointed the Supreme Court and the member are representatives of the Real Estate Office, the documents' saving national center and the State Establishment for the Antiques and Heritage to prepare special instructions concerning of how to save or to damage the Real Estate's records with respect to the item (B) from this paragraph after making a copy (by microfilm) according to it's legal and heritage importance.
Part Two
Real Estate Card

Article No. (23)

1. A card is devoted for every Real Estate that has given special number (serial) in the basic record, or land number from the territory according to the reconciliation acts. And the form of the card is delimited thought the instruction issued by Director General.

2. It is written down in the card the constant specification of the Real Estate and the recorded transactions, and the registration locations.

3. The transactions, which are registered are kept with the registered document, which is based on in it's annual serial in the general files, and delimited it’s sample and a saving method through instructions issued by the Director General.

4. The requests and the (telephone calls) concerning the Real Estate without the transaction mentioned in the para. (3) of this article, are saved in the intelligence general file.

Article No. (24)

1. The transactions or the documents that were build on the registration, are sent to the judicial sides at the request. And it is allowed to send them to the official sides by the acceptance of the office Director, and the related clients have a look at those transactions and the documents through the observation of the official employee.

2. The Real Estate office saves the last registered transaction, and is not allowed to damage it unless after nonsuit (downfall) of it's judgment by a proceeding transaction.

3. In consideration to the provisions of the official papers damage's law, it is assigned through instructions issued by the Director General after the Minister 's approval; the method of the Real Estate files damage that are present in the Real Estate
Offices before the second amendment law validity of the law, and the transactions that are register after its validity; with the exception of transaction mentioned in the para (2) of this article, and the documents appointed to in the registration, also assigned in it the time periods that could save these transactions and the documents through it. (11)
Part Three

Maps

Article No. (25)

The Real Estate registration is based on the following maps:

1. The general map that is organized for the purpose preliminary editing or public survey.

2. Reconciliation map (Al-Cadstro).

3. Real Estate map that is organized by the Real Estate Registration office, in a compatible form to its record and is based on formal reveal.

Article No. (26)

1. The Real Estate map and the reconciliation map, each of them are considered as an integral part of the Real Estate record.

2. The general map can not be dependant unless it is applicable in site according to formal reveal that assign the form, the area and the border of the Real Estates that are within it.

Article No. (27)

The Real Estate offices are not allowed to rely on organized maps from other parts; when organizing the Real Estate map; unless it is applicable in sight, according to the provision of this law, or if it was enhanced by the judicial order that holds the decision degree or legal decision has the power of judgment.

Article No. (28)

The map that concerns the Real Estate must be organize, when it making a procedure of any transaction on it, if he does gave any regular - correct map previously.
Article No. (29)

1. It is not allowed to regulate a Real Estate map, if it is not register unless if it is pursuant to request by the judicial sides or the official offices or for the purpose of limited registration or for the possession, and that must written down on that map.

2. It is not allowed to regulate map for a part of the Real Estate registered or not registered, can not ask the judicial sides or the official offices, or for the possession and that must written down on that map.

Article No. (30)

1. The Real Estate map is regulated with compliance to technical basis that determines its scales pursuant to the nature of each region that is specified with respect to instruction issued by the Director General.

2. It’s allowed to change the scale of the Real Estate map in cases of partition or division or unification or any other case that is approved by the Director of the Real Estate Office.

Article No. (31)

The maps are corrected in accordance to the judicial provisions that holds the degree of decision or legal decision that have power of judgment (order force) and the record is corrected accordingly.

Article No. (32)

It is allowed to correct the tangible mistakes in the maps, by the request of the landowner or of the real right landowner, if the following conditions are to be fulfilled. Conditionally this correction is conjunction with the correction of the record:

1. It should be fulfill by the formal reveal that the mistake, which must be corrected resulted of delimiting the form of Real Estate, or it’s survey in a way to disagree its real description in the site or that which is fixed in the Real Estate record.
2. There is no existence of exceeding from / at the Estate or nonexistence of collusion between the Real Estate owner and the neighboring Real Estates owners

**Article No. (33)**

If it was happened any dispute on the Real Estate boarder, when the former reveal takes place for the purpose of regulating its map, trend the following:

1. If one of the disputed parts relies on a record of fixed limits. The disputed part gets in it and the next Real Estate has not been register or was registered, but its boundaries was not fixed, then the disputed is consider to be belong to the Real Estate of fixed boundaries, and the second, part can consult the competent courts.

2. If the Real Estates records that are in a dispute on its boarders (fixed or non fixed) and the record of each comprises of the disputed part, so we place a special sign on the Real Estates' maps, which indicate the place of the disputed part, in order to decide their destiny either by satisfaction or by decision.

**Article No. (34)**

1. We open a special file for each Real Estate region (district or territory) in a form of record, to include the Real Estate maps that are located within it according to its serials or according to numbering by movable bounding method, with respect to a sample that is delimited through instructions, which are issued by the Director General.

2. It is not allowed to take out the map from it file, unless if it is for the purpose of making photocopy, and it is possible to send it to the judicial or the official sides.

3. The owners or the other Real Estate rights, or the judicial or the official sides are provided, according to the request of having a copy of maps that are acquired their final forms.
Chapter Two
Types of Registration

Part One
Preliminary Editing

Article No. (35)

The preliminary editing is to fix and delimit the positions & the descriptions of the Real Estates that are located within works' area of Real Estate registration, and also to label the rights that is related to it in a preliminary form.

Article No. (36)

1. The preliminary editing carries on in the rural, mountainous and cities, in which a decision is taken to open Real Estate Registration Office, or in case to annex them to another Real Estate Registration office within the municipality border through a report from the Minister.

2. The preliminary editing is exceptional for the areas that were reconciliated or the reconciliation for them became a task of the agricultural reformation according to the law.

Article No. (37)

With the Real Estates that are located in the area, which are required to make preliminary editing for it area within a suitable time period, to expose what they have of Their Real Estate related papers to the preliminary editing body.

Article No. (38)

A preliminary editing body is established; directed by director of Real Estate Registration Office and the following members: one of the technical employees, a representative of the Financial Ministry, a representative of the Municipality and district chosen person.
Article No. (39)

The technical department in the Real Estate Registration Office carries on a survey to the area, and regulates a general map for each district with a proper scale, appointing on it the locations of the Real Estate and their forms, before the start of carrying the preliminary editing.

Article No. (40)

Preliminary editing body commences its duties after the termination the surveying operation according to following:

1. Placing serial no to the Real Estate of each district.

2. Fixing the serial that is mentioned in the previous paragraph on the general map, and making the required amendments on the given serial of the Real Estate, before carrying on the preliminary editing accordingly.

3. Organizing special minutes in three copies that contains; Real Estate descriptions, their serials, the names of placed hands, the court people and the objected persons. Then will be signed by the body and the related persons, conditionally a copy must be kept in the Real Estate file, and the second copy is handed to placed hand; according to his request. The third copy send to the General Real Estate Directory in order to be kept there.

4. A copy of general map with a table that is expressed from the preliminary editing minutes, including the Real Estate serial. The place hands is hanged on the public board at the entrance of The Real Estate Registration Office, for thirty days to let the people look at it, and through that time the Real Estate related documents and reports are submitted in order to joint it to the minute.

Article No. (41)

1. Foundation record is established for each district to fix in it the obstruct of the minutes.
2. For each serial a special file is established, to keep in the preliminary editing minute with exposed documents or their copies after the authentication of its similarity to the original copy by the preliminary editing body.

Article No. (42)

The foundation records and the general maps are authenticated by the preliminary editing body after its completion.

Part Two

The Renewed Registration

Article No. (43)

1. The meaning of the renewed registration is that; to fix the monarchy right and registering it by the name of the real owner in the Real Estate record, and then issuing the deed that concerns it according to the provision of this law.

2. The right is considered as a condition for registration:

2.a Not registered before in the record of The Real Estate Office.

2.b previously registered, and it's record and deed were lost.

2.c previously registered, and it's deed is lost, it's record is present, but is torn or defected to a degree that can't be used.

2.d Previously registered, and it's deed is lost, but the deed and it's copy is torn or a defected or is not authenticated by a responsible side.

2.e registered in one of the record that is originally in dependable to prove the monarchy and the identity rights.

Article No. (43)

Repeated
1. Every person, which holds a Real Estate that is not registered or shares (in Real Estate), which are not registered in Real Estate records, must consult the Real Estate responsible office, to apply for renewed registration during one year starting from the validity date of this law.

2. The Real Estate responsible office takes care of registration inquiries, according to the renewed registration arrangements that are stated in this law. With the consideration of the provisions of the other related laws.

3. The period that is stated in the paragraph (1) of this article, is in effect for the Real Estates that lacks the agricultural attribute, which has been decided by the lands & take over committee, becomes the proof of pertaining in it as a duty of the Real Estate offices, starting from the acquire date of the final-grade decision committee

4. Fees exemption of Real Estate Registration and stamp is applied on the transaction of the Real Estate Registration and the shares that proofs it’s pertain to the persons that consult person the office for registration during the period time stated in paragraph (1) of this article. exemption

Article No. (44)

1. The person who inquires for renewing monarchy right is conditioned to hold a good intention, and as an owners attribute for a period that is not less than 15 year without a break.

2. The Real Estate will not allowed to have a renewed registration by a name a foreigner, unless according to judicial decision that has got degree of judgement.

Article No. (45)

In the renewed registration inquiry, it must step the following:
1. Submitting the registration form by the inquire person, and attached with the legal paper that is dependable.

2. The Real Estate Office has to be sure, starting from the fulfilled condition stated in paragraph (2) of the article (43) of this law, in the monarchy right that is required to have a renewed registration.

3. The renewed registration inquired person for one time must be announced in two newspaper at one time or that which is published in the capital, asking in it for those who have a relation or rights, has to submit evidences to the Real Estate responsible office, and this will within 30 days and the attendance should be at the location of the Real Estate, at 10:00 o'clock morning of the following day to end of the announcement period. It must be sticker a copy of the announcement on the wall of Real Estate location, and also at the advertisement board, and it must provide a copy of it to the financial, the endowment and the municipality offices.

Article No. (46)

1. A scout must take place on the Real Estate at a fixed date as mention in the paragraph (3) of the previous article by the monarchy fixation committee.

2. The monarchy fixation committee is established, directed by a judge of court of first instance of the area where the Real Estate is located or the shares are not registration within the area of this work. And the members of the committee are: the director of the responsible Real Estate office and one of it's technical employee, a representative Financial Ministry, a representative of the Municipality (Amana), if the Real Estate is located within it's border, also the elected domicile of the area or the district.

3. The condition for the person to be the president of monarchy fixation committee, or one of the committee members, is that; he should not be a relative of the person inquiring for registration, or the objective person down to the fourth degree of relative. If the relationship is concern with one of the Real
Estate office employees, then another person (instead) must be assigned through a decision issued from the Director General.

**Article No. (47)**

1. The Real Estate is surveyed in site, and a map that concerns it is regulated, if previously has not been prepared.

2. The monarchy fixation committee carries on the investigation locally on the holder and the duration of holding and it's causes, and then listen to the reports and audit all the exposed deeds by the registrations inquiry person and the objective person too if it's found, and listen to neighborhood if it is necessary.

3. The committee regulates a report that proofs the result of the investigation that concerns the monarchy, and the Real Estate description and it's rights that has against, sign it on the map then estimates it's value and then sign the report at the scouting site by the members of the committee. The disagreed member has right to fix his disagreement, and at the equality of the opinions, the last of the decisive opinion will be that of the president of the committee.

**Article No. (48)**

The president of the monarchy fixation committee issues a decision to fix the pertaining to, or reject the Registration inquiry according to the report of monarchy fixation.

**Article No. (49)**

The decision is announced for thirty days with the same method mentioned in paragraph (3) of the article (45), a copy must be sent to the Financial Ministry and the personnel unit of the Municipality.

**Article No. (50)**

It is allowed to appeal the decision of fixing the pertaining, or the rejection of registration inquiry at the court of appeal or the area during the period of decision announcement. The decision of the court concerning this issue is consider being decisive (final).
Article No. (50)

REPEATED

1. If the period that is stated in this Law is terminated, and the Real Estates or the shares stayed unregistered. The Real Estates offices take care the checking of the pertaining, and start of the procedures of renew registration according to the provision of this law and the instructions that was issued by the Real Estate’s Director General for this purpose.

2. The transactions of the Real Estate registration and the shares, which is approved their pertaining according to the paragraph (1) of this article subjected to decisive fees by law, and collect with the expenses and the private wages by proving it’s pertaining to that which is proved to him.

3. Registered by estate’ s name the following: the Real Estate and the shares that does not proved its pertaining to a particular person as a result of the procedures stated in the paragraph (1) of this article.

Article No. (51)

The Real Estate rights are renewed registered, according to the juridical rule of the monarchy holding judgment degree without performing the ceremonies, stetted in this law.

Article No. (52)

If the person who is inquiry for renewed registration based on in his inquiry to inherits or to the transition, A duration of holding inherit is added to the holding period, and the registration can’t be made by the names of others, unless it is joint by other acceptance or the registration inquiry person has deeds or documents approves his rights in registration independent.

Article No. (53)
If the person who is inquiry for inquiry for registration reference to approved contract from an official part, then during the special inherit is added to the holding the rights of those he had it.

Article No. (54)

If there is a fulfillment that non-registration renewed registration is divided between the partners, an action division, an each part conducts within the parts that he gets it, a period attendance. So that each part renewed registration his name independently, so that it will not be in contradiction with the private legislation concerning the municipality regulations, otherwise whole Real Estate will be Registration condominium between the partners.

Article No. (55)

Renewed Registration takes place all the roads and the street that are non-registered which are used for public benefaction by the name of the side that is assigned by the law.

Article No. (56)

1. The suspended Real Estate that is non-registration is renewed registration with respect to the pleas (evidences) or to the rules of the legal laws that hold the degree of decision by the suspended or the suspended on side. If it is not of the precise endowment and by the name of endowment office, if it is from the precise endowment.

2. The registration is renewed for the mosques and the religious & charitable institutions, and the non-registered Real Estate that are endowment on a charitable side by the name of the suspended and the suspended on or by the name of endowment office, if that side is unknown.

3. The registration of the sect that is not renovated registration and legally approved.

4. If the endowment land is a correct (legal) endowment renewals and the instilled with the rights that established it.
Article No. (57)

The graveyards that are actually used to bury the dead are renewed registration with according to the local traditions by the name of one of the following parts:

1. The Endowment Office:
   If it is of the public graveyards, and it is registration as a precise (exact) endowment.

2. The family or the side that particularly the graveyard to bury its dead persons, if it was one of the private graveyards, and is located within the borders of the cities or villages or highlands, and is to be registered as annexed endowment.

3. Foreigners ' graveyards are registered according to the special approved agreements.

Part Three
Advocation

Article No. (58)

1. The original identify rights or the consequent, register the advocation, if it's fixed record for those rights is lost or defective or totally damaged, with accordance to the deed or copy of the authenticated record with respect to the law.

2. The deeds that are issued from the endowment office under goes to advocation ceremony before 9 May, 1872 even if it's record does exist.

Article No. (59)

The conditions for the original identity rights advocation are as follows:-

1. The owner must have put his hand on the identity right that is fixed in the deed or a copy of the record.
2. The deed of the record copy must be intact and contains all the right and the special descriptions that concern the Real Estate. So, if it was torn or defected or mixed written, so that it is hard to identify the Real Estate descriptions or it's rights, then it is not allowed to carry on the advocation transaction.

3. There must not be a deed in the Real Estate card, which is in consistent with the deed or the record copy that is wanted to be advocate.

Article No. (60)

If the advocation stands on the insured pawn (pledge) or the privilege right, then it becomes satisfied with the fulfill of the conditions mentioned in paragraphs (1) and (2) of the previous article.

Article No. (61)

The monarchy fixation committee starts on making a discovery on the Real Estate and applies the description that is mentioned in the deed or in the record copy in site and fixes the land placing if it is necessary, and if it is descriptions & rights to and at it if existed, and regulates a report concerning that according to the paragraph (3) of the article no. (2) of this law.

Article No. (62)

The director of the monarchy fixation committee issues a decision the agrees or rejects the registrations, according to the monarchy fixation committee report.

Article No. (63)

1. The decision is declared in the way stated in the paragraph (3) of the article No. (45) of the law.
2. It is possible to appeal the advocation decision or reject the registration in the way mentioned in article no. (50) of this law.
Part Four

Changing the Record

Article No. (64)

If the Real Estate that fixes the Real Estate rights before the year 1925, and didn’t contain the financial or judicial descriptions for the Real Estate in a form that agrees with the present time, then that must be fixed in the Real Estate record with respect the owner’s or the Real Estate owner’s inquiry according too a properly scouting.

Article No. (65)

If the value of the Real Estate has changed that is fixed in the Real Estate record changing substantially, then it is allowed with according to the owner’s or the Real Estate rights owner’s inquiry, to estimate it’s actual value with respect to the rules of the law and then fix it in the record.

Article No. (66)

Cancelled

Part Five

Correction Registration

Article No. (67)

Correct Real Estate Register according to provision judicial holding adjudge degree or the juridical law has the power judge.

Article No. (68)

The tangible fault has been corrected by the decision of the director of the Real Estate. This reason is caused by the official sides ‘s recording if it is dissent of the documents and deeds or records
that are according to the record, conditionally the owner or the right real owner are not changed.

**Article No. (69)**

The correct transaction is going to change the Civil Status for the owner or the right real owner according to his name or nationality by the decision of the director of the Real Estate Office in respect of the legal deeds, conditionally is not objected this with the rules and the laws with followings these remarks:

1. If this correct has related to omit the short adjective that is according to it's procedure to the Civil Status Identity or Nationality Certificate or any other legal deed fixed the complete minor of the eighteenth of it's age or regard adult in accordance with the provisions.

2. If this correct is for the omit of the different between the names or surname and the record was dissent to the legal documents this is accordance to the director of the office 's investigation for improve of the name or the right surname .

**Article No. (70)**

If the map is corrected according to the articles 31 and 32 from this law, the record mist correct according to the decision of the director of the Real Estate Office without need to the other ceremonies.

**Part Six**

*The Registration in the Real Estate records*

**Article No. (71)**

1. One or more Real Estate records is to be opened for each Real Estate area (district or province).

2. The Real Estates of each Real Estate area , is registered in its special record after the completion of its transaction in its
decisive form by law, according to its serial and numbering, and its records numbering, each of it in its serial numbering that it concern. If the area has many records then it will number according to the opening date, that are registered with a given serial number from the main or land – piece no. from the territory four pages of the Real Estate records.

3. An expectation to the decision of the paragraph (1, 2) of this article, it is allowed to open one or more records for repentance, the Real Estate units for different Real Estate areas are registered in it.

**Article No. (72)**

1. Four pages of Real Estate record are devoted for each Real Estate unit, registered or non-registered, a serial no. given to it from the main records, or the land piece no. is given from the territory.

2. The first page of the Real Estate records is devoted to write down the fixed descriptions of the Real Estate (the governorate, province, district, region or territory, the street, serial no. or land piece no., door no. or appt. no. – flour no. , boarder and the area ), with the type of sex and class, neighboring small house (Mushtamel), the rights of class and the value fee rate and the fees, the descriptions of the current & the previous record. Fixing these information with according to transferred record from it, if the Real Estate is registered. If it is not registered of subject to advocating ceremonies, so the information will be written down
on restrict oneself on the declaration of governorate name, province, district, region and serial no only.

3. The second & the third pages of the main Real Estate record are devoted to write down the description of the transactions that are carrying on the monarchy rights or the conduct or the other original Real Estate rights, and the names of the land owners and the names of the Real Estate owners with their shares and the type of the transaction, and the registration documents. In writing down (what is mentioned about), the brief must be considered, this should enhance by the signature of the contractor or the transaction inquiry person, without transferring the details of division that is fixed in the transaction form to the record.

4. The fourth page of the main Real Estate record is devoted to register the transactions of the pending (insuring or holding), or the rights of privilege, it must be down written in the same page the changes that are related to the two parts of the pending contracts or the privilege right and their conditions and the validity of the contract or circulating it or forwarding to another person. As like this is written down in the same page the description of the attach and the registration prevention and to be lifted up.

Article No. (73)

1.a If it has been previously devoted more than a serial for one Real Estate in the main record, and according to that it has
been devoted pages from the Real Estate record for each serial separately, then one of the serials is devoted for the Real Estate and the other additional serials will be repealed and then the pages of the record that are devoted for it will be repealed with respect to it. Therefore; it must be put two parallel red lines on the repealed pages of the record, and by referring to the legal report that was dependent in the repealing operation with the approval of the office director and the employee who is specialize in the explanation of the repeal.

1.b If it has been previously devoted one serial for the main record for more than one Real Estate, then this serial will be devoted for one of them and other serial will be devoted at the end of the main record of the other (left) Real Estate. Pages are to be opened for each of them from the Real Estate record in the same method that it is mentioned in article (71) of this law.

2. Of many transactions carried on the Real Estate state unit, and the fields that are devoted for them are not enough to write down the related information, then it is allowed to devote other pages for the same Real Estate in the last record of the Real Estate area. Conditionally, the added pages must be numbered with the same numbers of the main record pages, and has to be marked in the main (original) pages what is useful to be transferred to the added pages.

3. If two or more Real Estate are unified in one Real Estate, then the record pages will be devoted for one of the unified Real
Estates an explanation will be made on pages of the records of the rest of the Real Estates that will be beneficial for transfer of its judgment to the pages of the unified Real Estate record.

4. If a Real Estate is divided or partitioned to many Real Estate units, then pages of the recorded will be devoted for each unified Real Estate that is resulted from the partition of the division, according provision of the article 71 of this law. This must be mark on the pages of the main Real Estate record to indicate what are the benefits of transferring its judgment to the Real Estate records that are resulted from the division or the partition.

Article No. (74)

1. If the registration is repealed by legal judgment that holds the degree of decision, or by a decision that has a law power without the touching of the Real Estate fixed description, so marking repeal will take place at that part of the record page, by putting to parallel red lines on the record field of the repealed transaction and with mentioning to the document that was dependant in the repeal, enhanced by the signatures of the registration employees and the office director.

2. If the judgment or the decision that stated in paragraph (1), includes the repeals of the contents that are mentioned in all the record pages, then the repeal will be mark on all the pages in the same method mentioned in that paragraph, other pages from the end of the Real Estate area record will be devoted for the Real Estate.

Article No. (75)

1. If the non registered Real Estate pertaining is confirmed or assured, or subjected to assure provisions by legal judgment that hold a degree of decision, or a decision that has a law
power, or by a renewed transaction or assuring, then the information that are related to the monarchy and the other Real Estate rights will be written down in its special field of the record pages, and the related information are amended by the fixed description on the Real Estate that are mentioned in the record, starting with accordance to the decision on the transaction.

2.a The urgent changes on the Real Estate are written down, which concern the type or sex or neighborhoods in the first page of the record, with pointing to the registration or the emendation document in brief.

2.b The financial or the legal mistakes that are related to the Real Estate descriptions or the civil status of the owner or the identity right owner, which concern his name, nationality and his standard in the same record page, and the wrong expressions are dashed with a red line then the correct expression are to be added, with declaring the legal evident document that was dependable when correcting the expressions.

3. The rights of the long term deal, the long term vacation, the accommodation and the usage are written down when establishing or terminating, and its conditions are emended in the special fields of these rights in the second & third pages of the main Real Estate records, then the registration are fixed in the same field.

**Article No. (76)**

Every registration or emendation or amendment or repeal that is written down or mark in the main Real Estate record, must be signed by the office director or the assigned employee and must be stamped by the official office stamper.

**Part Seven**

The Registration in the Personal records
Article No. (77)

1.a The Real Estate office keeps personal records of the Real Estate rights owners, of those natural or moral persons, which are arranged in alphabetic order and transferred to it the main information that concerns the registration, when accomplishing it in the main Real Estate record, in the field that is devoted for the owner's right names.

1.b The information that are listed in the Real Estate record of fixed judgment are transferred to the personal records, before the validity of this law, according to the method that is mentioned in paragraph (1.a) of this article within two years of validity of this law, which is capable for extension through a decision from the Director General.

1.c The transfer of the rights from the owner to another person, is marked in a special field of the personal record.

2. It is permitted to use the computer or any other scientific or any other technical utility to regulate and to make an index for the names of the Real Estate owners and the other Real Estate rights. And to prepare personal cards with according to them instead of the personal records that are mentioned in article (78) of this law, through instructions that are issued by the Director General for this purpose.

Article No. (78)

An independent personal record is devoted for each of the following:

1. The owners of original identity rights for natural Iraqi persons.

2. The owners of nationality identity rights for natural Iraqi persons.

3. The owners of original identity and nationality rights for state's people in charge and the United Arab Emirates.
4. The owners of original identity and nationality rights for foreigners.

5. The owners of original identity and nationality rights for the persons; Iraqis, Arabs and foreigners moral.

Chapter Three

The Nominal Procedure for Registration in the Real Estate Record

Part One

The Real Estate Unite

Article No. (79)

1. A Real Estate is considered for the purpose of registration according to the provisions of this law; every Real Estate fixed with boundaries and signed with a particular survey, and its monarchy or its essential identity other rights for one person or many person that will be in the condominium, without being part of it or upon it of the rights which without the other parts or upon it.

2. The land and the division or the land and the renewal of one story is considered to be a Real Estate unit, if they belong to the same person and conduct must carry on with them together.

Article No. (80)

1. It is allowed to gather in possessing the rights of the Real Estate units, different types in Registering one Real Estate as endowment or ownership.

2. It is also allowed to gather in the Real Estate unit a condominium monarchy and undependable monarchy, as in the flours and its parts and in the agricultural monarchy.
Article No. (81)

The Real Estate unit is defined by its special serial or by the land (piece) numbering and the territory for Real Estate Registration purposes, and with considering the following:

1. The Real Estate record is considered a foundation for the definition of the Real Estate unit.

2. If it shown the existence of one serial for more than one Real Estate unit, then this serial is devoted for one of them, and serial is given from the end the main record to the other Real Estate units.

3. If a Real Estate unit has more than one serial then a serial no. will be devoted for it, and the other serial nos. are canceled.

Part Two

The Preliminary Procedures

Article No. (82)

The person who is inquiring for the Registration transactions on the Real Estates that are registered and the transaction renewal of the non-Registered Real Estates, according to a special application form signed by the contractors or by the Registration inquiry person or by those who are on behalf of them, and it will include the following information:

1. the serial no. , or the land and the territory and the Real Estate location & its descriptions, type, it’s area according to what it is listed in his deed and record, and the holding descriptions for the Real Estate are listed at the time of the Registration inquiry for the renewal.

2. Type of the transaction, and the range comprehension for whole Real Estate or for part of it.

3. The names and identity of the Registration inquiry person, and their civil status.
Article No. (83)

The Registration inquiry has to be attached with the following:

1. The deed or a copy of the Real Estate record.

2. The legal documents that is mentioned to it transaction, as the attorney and legal partition and the legislated muniment and the judicial judgments that hold the degree of decision.

Article No. (84)

1. The application form registered in the incoming transactions record book.

2. The Real Estate dossier is checked by the responsible employee of the card section, to insure the coincidence of the description that are mentioned in the form and the deed of the dossier, and to insure of non existence of legal obstacles in the dossier and to fix auditing results in the form by signature.

3. The record must be audited by the assign employee in the registration section, to insure the coincidence of the information that are listed in the record form and to insure of non existence of legal obstacles that prevent the transaction provision, and fixed the auditing results in the form and signed by him.

Article No. (85)

The office director or one of his deputies that is authorize by him carries on auditing the registration related documents, concerning its fulfillment of the required outlook, and its agreement with the nature of the transaction and the Real Estate descriptions.

Article No. (86)

If the registration inquiry person relies on legal muniment or judgment issued from non Iraqi court, which is related to the personal status for non Iraqi then it is not allowed to accept it unless it is approved by the Iraqi court according to the Iraqi law.
Part Three
The Survey and the Technical works

Article No. (87)

The survey is needed for the purposes of this law to fix the based on description and the real value of the Real Estate.

Article No. (88)

The survey of the Real Estate carries on between the sunshine and sunset during the official day work or outside it and in the official holidays at the following cases:

1. During the registration of the actual conducts that needs for the survey in its nature, such as; the division and the unification and sex correction.

2. When carrying on any other transaction that is related to the original identity rights, if one complete year past on estimating the value of the Real Estate, it is allowed to carry on the survey by a decision from the office director if the duration is less than that, and the information concerning the change in the value is available with him.

Article No. (89)

1. The survey carries on directed by an employee, who is appointed by the office director, and one of its technical employees, and a representative of the related issue.

2. It's allowed to consult an expert or more, if it is necessary.

3. If the survey is for the purpose fixation the borders of the Real Estate with according to its map, the technical employee will do this only, with the attendance of the owner or the identity right owner or who represents him.

Article No. (90)
The survey minutes is organized at the site, which includes the following information:

1. The results of applying the borders that are mentioned in the Real Estate record & it’s map.

2. The fixed descriptions of the Real Estate and the right that are consequent for / on it, at the survey time.

3. The estimation of the real value for the Real Estate or the Real Estate identity rights, after observing its site, shape, area, neighboring or its planting and the values on the adjacent and nearby and similar Real Estate.

**Article No. (91)**

1. The survey minute has to be signed, and each member has the right to write down his dissent.

2. It is not allowed to make any change, or to add in the minute after organizing and sign it.

3. If the survey can not be done for any reason, then a minute will be done in that and then singed by the attendants.

**Article No. (92)**

A map for the Real Estate unit is organize according to the survey minute, and with considering the shape that is drawn for it in the public map, and mark on it the lean on rights and the walls belonging, and the rivers and the other barriers that separate between them and between the adjacent Real Estate, and the exceeds resulting from / on it, by making a vision to its site and it record, and the maps of adjacent Real Estate units.

**Article No. (93)**

1. If there is no fixed borders for the Real Estate according to the legally considered maps, then the consequent rights for it and upon it will be fixed on the map, with the attendance neighbors, if there were no fixed borders for their Real Estate on maps that are considered legally.
2. The part that the survey take place for its favor, must bring the neighbors, and if it is impossible, then the office must inform them to attend at the assigned time for survey, and this will be done an announcement that will be published for thirty days in two daily newspaper at the location of the Real Estate, if found. Else where in the newspaper that are published in the near places or that which published in the Capital. Then the survey will take place at 10:00 O’clock in the morning of the following days to the termination date of the advertisement, with the attendance of the present persons, and the absent ones are considered in making a fall down of their rights when objecting on the survey report.

Article No. (94)

It is allowed to make a survey at the border area and forbidden areas or illegally prohibited, except if it has permission from the authorization.

Article No. (95)

1. The Real Estate office and Registration inquiry person or the contractors or others of the original identity rights owners of the Real Estate, can make an objection on the information mentioned in the survey report before registering the transaction.

2. It is allowed to make a re-survey after getting an acceptance from the Director of the Real Estate Office, through a special committee to be formed under his management or another person who is authorized by him, conditionally that the head of the committee must not be a member in the objected on survey, and a membership of Finance Ministry representative, a representative of the objective part, its decision is considered to be final.

Part Four
The Registration Prohibitors
Article No. (96)

The meaning of the registration prohibitory, is the legal restrictions that prohibit the Registration procedure, whether it is concern with the Real Estate itself or with the Real Estate rights owners. And this will include the following:

1. The custody that implies on the Real Estate from the judicial power or official that has a legal authorization.

2. The custodies for them self or by a decision by the court.

3. The others legal prohibitories that are fixed in the Real Estate record or in its card, which prohibits the procedures of legal conduct, unless those prohibitories are removed according the provisions of the law.

Article No. (97)

The Real Estate Registration office holds a special record for custody and for the other registration prohibitoryies, that will include the Real Estate serial, its descriptions, and the Real Estate rights owner, and the other special details that asks for custody, date of arrival to the office.

Article No. (98)

1. The custody records are numbered with special sequential numbering.

2. For each custody; it is given a special number in the custody record.

3. The number, date of the custody and the number of the custody record are marked in the Real Estate record and card, if that is concerned to the original identity rights that is registered, or on the Real Estate card if it was not registered, and in the deposits identity record and the card if it is falls on the identity nationality rights.
4. If the custody falls on fixed rights through a decision, and it has no conjunction with the Registration then its enough place a sign for the custody on the Real Estate card.

5. The employee who is responsible the records section performs the custody registration and marks it with his signature on a record and the card.

Article No. (99)

It is conditionally the custody decision must be honest and contains the correct information that is related to the Real Estate, which facilitates marking the custody on it.

Article No. (100)

The Real Estate Registration Office abstains of lifting up, if a different happened between the decision of the custody and the record concerning the serial and location or the nationality of the Real Estate rights that is wanted for custody or it was issued from non specialists part.

Article No. (101)

It is allowed to register the conducts and the following rights on the custody Real Estates:

1. The conducts that transport the monarchy, which stands on judicial decision holding the decision degree or legal or a legal decision that has a power of judgment; such as taking possession of, correcting type financially, and the executive sale. Then the custody will be changed to the value and the Real Estate becomes free from it.

2. The actual conducts that lead to the increase of the value of the held in custody, as a sex correction, and also the inherited right & the transition, and the custody sign is transported to the new record.

3. Correcting the type in identity form, and judicial division and the custody sign is moved to a record and the Real Estate dossier that concerns in the held on custody.
4. The partition transaction through the approval of the custody office, and custody sign is moved to the partitioned division records.

**Article No. (102)**

If the Real Estate record (which is written in the custody sign) is moved to another record because of the conduct transaction procedure on the stocks or non-custody shares, that sign is moved to the new record.

**Article No. (103)**

The custody is lifted up or preventing of the registration of the Real Estate, is in the following cases:

1. A decision issued from the custody power or that who is legally instead.

2. According to the judicial order holds the decision degree.

3. Fifteen (15) years past on the last phone call or visit concerning the custody of the Real Estate office, and the card is a reference to fix that, conditionally it must notify the custody part whether it has a knowledge of the office decision, declare its objection if exist, within thirty (30) days of the notify – receiving date. And when the duration is terminated and there is notify reply, then the custody is considered to be lifted up by decision.

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**Part Five**

The precise Value and the Fees

**Article No. (104)**

1. The fix value if the Real Estate record must be real value for it, for the purpose of registration fees fulfillment during five (5) years, starting from the estimation date.

2. If the value of the Real Estate has been estimated according to the provision of this law, then the Registration fees are fulfilled
on the bases of that value, whether it is increased / or decrease on the fix value in the record.

3. The rate that is mentioned in the courts decisions and the official part, concerning the original identity rights, substitution value, is considered for the purpose of collecting the registration fees.

4. The rate of the conviction conduct is considered essentially for collecting the registration fees, if it is increase on the actual value of the Real Estate, otherwise; the fee collection will be on the bases of its real value.

Article No. (105)

1. The Registration transaction fees that are implied on the original identity rights, are collected from those that these rights & transactions (that are implied on the original identity rights) are transferred to them from the debtor, unless there is judicial subscript or an agreement against that.

2. These fees are collected when the transaction is ready for Registration according to the law.

Article No. (106)

The Real Estate Registrations Office Director, has the right to put a custody mark on the Real Estate mark, if its owner or the identity rights owner, is owned of legal fees that refers to the office, was made from this Real Estate or from other Real Estate belonging to it.
Part Six
The ways of record in the real estate register

Item-107-The request has been recorded in the real estate register directly after complete it's legal protocol by the agreement of the chief of the real estate registration office if it is not appendant to the declaration of his property, then after then after the declaration of the contracting before the competent officer if it is from the consolation acts .(28)

Item-108-
1-The declaration about the disposals in the real estates or any request that have been subjected to the declaration must take place in the real estate registration office that the real estate has occurred within the area of its jurisdiction and there is possible that has been done outside it but within the area of jurisdiction by a demand demonstrates in it the reason that is prevent him from attending in the office.
2-If there are many real estate registration offices in one city so it is possible to any office to making the external declaration within the area of its jurisdiction or any other jurisdiction area of other office.
3-The declaration has been taken by the manager of the real estate registration office or any one has been authorized by him from the assistants with one clerk in the departments or by the chief of the office together with a clerk whether the declaration has been done in the office or outside.
4-To stipulate that must not one side from the contract has relationship or relative with the officer that is taken the declaration until the forth relative degree so in this case the declaration has been taken by another authorizing officer from the same office or another office by the agreement of the manager of real estate registration office.

Item-109
1-The legal disposal has been convened in one contract meeting to answer in the affirmative and acceptance the of the two sides of the contract or any one has been delegated in behalf of them before the competent officer after reading the explanation of the declaration for disposal.

(28) The phrase (in the real estate register) has been written instead of the phrase (in its register) that has been mentioned in the item (107) according to the second amendment law number (31) in 1982.
2-The identification of the contractors have been known by his official documents or by acquaintance the competent officer or the evidences of two witnesses then fix that on the registration form and the record.

Item-110-
1- If there are contractors and witnesses in the requests that have been done in the office, they could sign in the registration form and the record.
2-If the declaration has been signed outside the office so the signing of the contractors and the witnesses if that have been found in the registration form in two copies and that has been mentioned in the record.
3- The declaration in the form and the record has been certified by the competent officer that has done the declaration.

Item-111-If the disposals that have been attached to the declaration are joining together like the rescission, the selling, the sequences sales or the partition and the sequestration with the sale. Then must take the declaration of the property of their owners in the same time with fixing this bond in the sequestration.

Item-112- Has been deleted.(29)

Item_113-If some of the contractors refused to sign in the register after took their declaration and sign in the form so the contractor has been considered session, then the request has been recorded according to it and the competent officer explain how the refusal from signing in the form and the register by the contractors has done.

Item-114-If the contract was made but the record of the request is late from its due time by mistake in this case it is regard the contract has been made from the date of the declaration on the condition that the request must be record in that time and mention this in the register.

Item-115-
1-Sign at the register the officers that are competent in the registration then countersign on this by his sign the chairman of the office.
2-If the certification at the register by the competent officer becomes impossible because of the death or the transfer or the disease or out of duty or for any other reason. The general manager authorizes another officer to certify it.

(29) The item 112 has been deleted by the second amendment law number (31) in 1982.
Item-116-
1-It is forbidden the addition, the scratching, the misrepresentation and the distortion in the register when the request is recorded and it is possible the correction of mistakes by scratching and addition then reinforced this by the sign of the competent officer and the certification of the chairman.
2-It is possible the correction of the explanation for the declaration that is processed against the registration form by the agreement and the signing of the contractors and the certification of the competent officer.

Item-117- Has been deleted. (30)

Item-118- Has been deleted. (31)

Item-119-
1-Every office arrange a monthly grand total register that contains a summary for the requests that have been recorded in it through the month and certify by the competent officer together with chairman of the office then stamping by the official stamp. The shape of this register and the style of it's arrangement has been limited by instruction from the general manager. This register and the requests must send to the auditing staff at the end of the month that the registration of the auditing is done in it, and it is possible to send a part of the grand total register with his requests to the auditing through the same month and this dose not upset the system of sending this register at the end of the month.

2- It is impossible doing any new request before the certification of the previous request by the auditing staffs unless it is done in the same month and before the sending of the grand total register at the end of the month. (32)

(30 and 31) The items (117 and 118) have been deleted from the law by the second amendment law number 31 in 1982.
(32) The item (119) has been amended by the second amendment law number 31 in 1982.
Part Seven
The registration by the delegation

Item-120-The competent real estate registration office can delegate another registration office for making the contract according to demand one of the contractors.

Item-121-
1-The authorizer real estate registration office send the documents of the request to the delegate real estate registration office after complete the procedures that are decided for it according to this law.
2-The authorizer office must be responsible about the correctness of the procedures for the request.
3-The authorizer office must put a special signal on the card of the real estate that is pointed out to the sending of the request and on it a notification for the delegate office as soon as possible about the obstacles for the registration of the real estate after the sending of the request.

Item-122-The delegate real estate registration office can refuse making the contract if the necessary documents not attach or they are attaching but dissent to the law or there is some official lacking in the request or it is conflict with the rules of the law.

Item-123-
1-The declaration by the delegation has been subjected to the rules that are related to the registration in the real estate register.
2-The request has been recorded after taking the declaration in the delegate office in the real estate registers that are related to the registration by the delegation and write in the form the characteristics of the register also not arrange another copy for the register.

Item-124-The delegate office must give back the request to the authorized office after making the contract and complete the registration.

Item-125-The request has been recorded into the special register in the authorized office in the same day of its arrival.

126-The delegate office transfer the result of its register to the register of the authorizer office after the notification of the authorizer office for it about the characteristics of the register that the request has recorded in it.
Item-127-
1-The contract is considered making when it is made in the delegate office and recorded the request in it so there is no problem in the delaying of its registration in the authorizer office or any obstacle for registration.
2-If the request lost after the registration of it in the register of the delegate office and before the registration of it in the authorizer office so the register of the delegation is considered as a basic for the registration in the real estate registers of the authorizer office.

Part Eight
Auditing of the requests

Item-128-
1-The registers that have been recorded in the real estate registration every month are audited by the auditing staffs in the general real estate registration office to make sure from their fitness to the law and their agreement with documents of the registration and the second copies of the registers.
2-The staff of auditing consists of two officers or more by an order from the general manager.
3-The general manager can delegate the staff of auditing to the competent real estate registration office for auditing the monthly requests in it temporary or they have been stayed permanent or if it is very necessary assign a permanent staffs in the offices but their workings have been stayed connected with the general real estate registration office.
4-If the auditing had been done in the same real estate registration office as in the previous clause and the sending of the second copies of the real estate registers to the general real estate registration office is enough after that have been certified by the auditing commissions.

Item-129-
1-The auditing staff certifies on the correctness of the request or objects if it is find mistakes or basic lacking then it must mention these mistakes or the lacking and the way of treating must be decisive in the registration form.
2-If the nature of the request has been required technical auditing so the auditing staff sends it to the technical affairs department for the mention purpose in order to auditing it.
3-All the requests have been sent back to the competent office after complete it's auditing.
Item-130

1-The competent office must complete the shortages or the lacking and correct the mistakes in the requests that have been objected to them and write this in the registration form then send back to the auditing commission.

2-The auditing commission certify on the request when it send back to it if the request is completed and the mistakes or the shortages in it were corrected.

Item-131

1- If the competent office finds that the objection of the auditing staff has been clashed with the rules of the law so it can insist on its point of view to make the request and demonstrate the reasons then send back the request again to the auditing.

2-If the request has been sent back to the auditing according to clause (1) from this item so it must inspect by a special auditing committee consist from the chairmen of the auditing ,the technical affairs and the legal departments and the decision must be obligated and finally after the certification on from general manager.

Item-132-The grand total register is certified by the auditing staff and the auditing manager or any one has been authorized by him. (33)

Item-133-The real estate registration takes the final form by the certification on it from the competent auditing sides according to the rules of this law.

Part Nine
The official documents

Item-134

1-The real estate registration office issues the official document in the fixed characterizations of the real estate with the other rights according to the sample that is limited by instructions have been issued by the minister.

2- Certify about the correctness of the document the registration officers and the chairman of the office in the official stamp before the receiving to its owner. (34)

Item-135-Has been deleted. (35)

(33, 34, 35,) the items (132and134) had been amended and the item (135) had been deleted according to the second amendment law number (31) in 1982.
Item-137-
1- It is not allowable to giving copies of the documents in the case of losses their registers.
2-It is unimportant the document that was issued in the Uthmanian age then had been copied and certified by the primary editing commission.
Item-138-Has been deleted. (36)

Part Ten
The abolition of the registration

Item-139-
1- The abolishment of the real estate registration has been occurred by a decision from the minister before the registration getting the final shape according to the rules of this law but if the registration was gotten the final shape in this case the abolishment is impossible only by a judicial decision has the has the final decision.
2- If the registration has been abolished so the official document has been abolished too according to the first.

Item-140-The minister issue his decision about the abolishment because the registration breaches the rules of the law or it is based on illegal documents could not correct by the regular ways and this is according to the recommendation of the consultation commission in the general real estate registration office that is supported by the general manager.

Item-141-
1- When the real right registration has been abolished so the origin real rights in the real estate giving back to the state that was before the registration with the consideration to the following item from this law if this registration does not followed by a subsequent real rights registration so in this case the subsequent registration must be abolished by a judgment or an independent decision.
2- All the accessory real rights and the signs of seizures that occur after the registrations are invalid according to the abolishment of the real right registration.

(36) Item 138 had been deleted according to the second amended law number 31 in 1982.
Item-142-If the real estate registration has been abolished according to the mentioned items so the purchaser will be in place of the mortgaging creditor and this is in amount what has paid for him and the subrogation must be in the same capacity, preference and grade of the debt.

Item-143-Follow in the execution of the real right registration decision the following:-
1-Has been deleted. (37)
2-The accessory real rights that resulting from the real estate has been recorded before the invalid registration if it be found, but in the same capacity, privilege and grade of it.
3-The signs of seizure that have been removed at the procedure of the abolished registration are regarded final judgment and must be signed in the new register.
4- The registration of the abolitionment decision is duty-free.

Chapter Four
The registration in the name of juristic person

Item-144-The real estate tangible rights have recorded in the name of the persons that the law gives them a juristic person in the conditions that are limited by the law.

Item-145-The juristic person practices the real estate disposition in the limits of the law.

Item-146-
1-Submit the registration demand or the disposition in the real estate rights for the juristic person by his legal representative.
2-The declaration of the legal representative for the juristic person has been taken in the limits of the legal authorities.
3-If the law authorizes the disposition by a special letter from the juristic person so the registration has been done according to him.

Item-147-The real estate has been recorded in the name of the religion sect that has been confessed in its entity by the testimony of the justice minister.

(37)The clause (1) from item (143) had been deleted by the second amendment law number 31 in 1982.
Item-148- The real estate tangible rights have recorded in the name of the establishment that has been recorded in the first competent instance court and established by a legal instrument or a commandment for a work has a humanitarian or religious or scientific or artistic or sports nature for unlimited period without any purpose for gain money.

Item-149-The registration and the disposition in the real estate tangible rights for the association that has been established according to the law of the associations take place by the agreement of the interior minister.

Item-150- The registration and the disposition in the real estate tangible rights have been took place by the name of cooperatives societies, collective farms, unions and the associations that have established by special laws from their representatives according to the rules of the laws.

Item-151-
1- The real estate tangible rights have been recorded by the name of the Iraqi company that has been recorded officially according to its establishing contract.
2-If the demand of the registration is in the name of a stock company or a limited company so its need the authentication of the registers of the companies for the establishing of the companies and their rights for possession the real estates according to the establishing contracts.

Item-152-the registration of the real estate tangible rights in the name of the foreign company has been subjected for the following conditions:-
1- The authentication of the register of the companies that the company has been recorded in Iraq according to the law and it has the right of possession the real estate by its establishing contract.
2-The authentication of the competent minister about the real estate location is inside the borders of the cities and the boroughs or its possession is permissible according to a contract or a privilege authenticated by a law.
3-The interior minister must agree about the registration.

Item-153-The real estate has been recorded in the name of the foreign country or its representatives also the international corps that have been confessed by the law to make it as houses for it or for the chief of its corps and representatives according to the principle of reciprocation or any clause from the law.
Chapter Five
The registration in the name of the foreigner

Item-154-
1-The foreigner mean in this law every person has not the Iraqi nationality and not be a citizens from the Arabic countries and emirates.
2-The real estate that has been located inside the borders of the municipality has been recorded in the name of the foreigner according to the following conditions:-
   a-The principle of reciprocation must be fulfilled.
   b-The real estate location must be not less than thirty kilometers from the line of the borders.
   c-There is no management or army objection and obstruction by the assent of the governor and the competent army authority.
   d-The interior minister must be agreeing.

Item-155-
1-The registration in the name of the foreigner must be directed only to the right of possession and the principle real (tangible) right except the right of dispose in the royal lands.
2-The possession of the foreigner to the real estate must not exceed the one house for living and one working place. The common share has been considered as perfect ownership for this purpose.

Item-156-It is possible the registration of the accessory tangible rights in the name of the foreigner without any need to the special conditions for possession the real estate by the foreigner but this foreigner has not the right of participating in the auction of selling the real estate and records it in his name until this conditions have been fulfilled.

Item-157- The registration of the endowment or the will dose not allowable for the real estate that has been recorded for the foreigner If the person who has benefit from the endowment or has been willed a foreign side from outside Iraq.

Item-158-
1-The demand of registration the name of the foreigner has been presented by a special form pledging in it that the real estate registration in his name dose not conflict with the legal limits for the real estate property that is permissible to record in his name or the name of his wife or his sons that they are under the age of eighteenth.
2-The real estate registration office must check out the information that has been recorded in the form according to the register and the real estate card then authenticates it.

3- The chairman of the real estate office authenticates for the correctness of the data that has mentioned in the form.

4-This form has been send with the form of the registration to the governorate in order to get the agreement of the competent authority.

Chapter six
The registration by the name of the civilians from Arabic countries

Item-159-The registration of the principal real estate rights that is in the name of civilians from Arabic countries and emirates have been subjected to the agreement of the parties that are concerned with the law and taking with consideration the legal procedures and the restrictions.

Item-160-
1-The registration in the name of the Kwaytian has been excluded from the restrictions that are special for the registration in the name of the civilian from the Arabic countries and emirates.

2-The agricultural lands that has been owned in the name of the Kwaytian has been subjected to the agreement of the official parties that are concerned with the law.
CHAPTER SIX
REGISTRATION OF ESTATE WITH THE NAME OF CITIZENS OF ARAB COUNTRIES AND ARAB EMIRATES

ARTICLE (159):
The registration for the original estate with the name of the citizens of the Arab countries and Arab Emirates must be submitted to the approvals by the sides decided by the law taking into consideration the sanctions and procedures decided by the law.

ARTICLE (160):
1. The registration of the estate in the name of a KUWAITI citizen is excluded from the (special sanctions) for registration in the name of Arabic countries and Arab Emirates citizens.

2. The registration for the owned farm lands with the name of a KUWAITI citizen is submitted to the approvals by the official sides decided by the law.

CHAPTER SEVEN
AUCTION SALE AND REGISTERING SALE

ARTICLE (161):
The specialized office of estate registry will sell estates which are mortgaged upon a written request from the mortgagee creditor that wants his money if it was due.

ARTICLE (162):
1. the manager for the specialized registry office will make the decisions about the auction and its procedures and these decisions cannot be played with unless by the way of objection from the director of the estate registry whether the decision was issued from him or the manager of the office related to him, and the director can cancel the decision, amend it, or replace it.

2. it is possible to request appeal for cassation for the decision after objection by the estate registry director at the cassation court within 7 days from the date of issuing the decision, and the decision made by this court must be followed.
3. Objections on the office manager decisions cannot be accepted after registering the estate with the buyer’s name and that does not breach the right for the concerned persons in referring to the specialized court.

ARTICLE (163):
1. The mortgagor should be notified about paying the debt within a period of 3 days starting from the day that follows the notification, using the residence found in the mortgage record, and this residence is going to be used to fulfill these purposes unless he will notify the office officially in changing it.

2. The notification paper will be organized into 2 copies that contain the serial number and the location of the estate and the name of the mortgagee creditor and the name of the person that needs notification and the mortgage record and the amount of debt.

ARTICLE (164):
1. The notification will be done by the (notification officer) in the specialized estate registry office or by the policemen if the notification officer could not do his duty, also the notification can be made through a decision by the office manager by using an official letter which is sent through the mail.

2. the first copy of the notification must be delivered to the person requiring notification and his signature will be taken on the next copy with the presence of the person who is doing the notification, in the second copy the date and hour of notification must be clear.

3. The notification cannot be made before sunrise or after sunset or at official holidays.

ARTICLE (165):
1. the notification must be made to the person requiring notification, at his residence location, if he was not there then the notification can be made to any person of his family or to any persons working for him, also the notification paper can be given to persons whom the person is working for , all of these circumstances must be explained clearly by the officer in the notification paper.
2. It is possible to notify the agent if required to, and in the case of doing the mortgage contract through his agency, and then he must be notified.

3. The notification paper should be delivered to the official and semi official offices and to the persons by way of handbook or the mail, and the date of delivery recorded in the handbook or in the mail receipt is considered a date of notification.

ARTICLE (166):
if the person requiring notification or whoever replaces him refused to receive the notification paper, then the notification officer will bring 2 witnesses to confirm it and the officer will have a written explanation of the situation signed by the 2 witnesses and mentioning in it the date, time and location for the refusal, and the first copy of the notification will be taped on the residence door and all the situations will be explained on it and this explanation will be regarded as notification.

ARTICLE (167):
1. If the office finds out from a specialized side that the person requiring notification does not live in the selected residence and has no other residence, then the notification will be done through a decision from the office manager by publishing it in 2 daily newspapers issued in the region of the office or the nearest place to it or in the capital for a period of 15 days and the date of the first publishing is considered the date of notification.

2. if the person requiring notification does not specify a place of his residence in the mortgage record, then notifications will be done in the location of the mortgaged estate if he was living in it, or his place of residence or his place of job if it was known, otherwise he would be considered of unknown residency and he will be notified according to the previous item (1).

ARTICLE (168):
1. If the place for the mortgagor residency was in the area of operation of another registry office, then the notification will be sent to this office
to do the notification and a single day should be added to the period of notification for every 50 kilometers from the location of the estate.

2. if the person requiring notification is living outside Iraq then the following periods should be added to the notification period, even if he had an agent living in Iraq:

   A. 1 month for those living in the Arabic homeland and Turkey and Iran.
   B. 2 months for those residing elsewhere.

ARTICLE (169):
If the mortgagor died before starting notification, then the heirs should be notified and if there were underage persons among them, then the person responsible for them should be notified, and if he or they didn’t have a person who takes care of them, then the office for managing underage money should be notified.

ARTICLE (170):
1. the office manager or who represents him of the employees will put the hand on the mortgaged estate after the period of notification had finished, a technical employee from the office participating in that also, then a report will be made signed by them and the people that have relations to it if found.

2. it should be mentioned in the report the location of the estate, its sequence or the house number, the district, kind, descriptions, associated plants, the estate resident, his relation to the estate, the documents and certificates that he is relying on (if found), the estimated value, the rent value or the annual income for the estate.

ARTICLE (171):
1. After putting the (hand on) the estate a form must be made for the auction of each estate, mentioned in it its fixed descriptions at the time of putting the hand on it, the 2 sides who done the mortgage contract and the mortgage value and its conditions and its level.

2. announcement is made about placing the estate in the auction for 30 days and if there are multiple estates that is required selling in
one go, then a single announcement plan for selling them can be done.

3. The announcement must contain the descriptions and the data mentioned in the (hands on) report and the names for the 2 sides and the date for the auction and the office that is doing the selling.

4. The announcement should be published in a single daily newspaper that is issued around the office area of operation or in the nearest place or in the capital and a copy of the announcement should be posted in the office and the period of the announcement will start the next day after publishing.

ARTICLE (172):
1. the auction is considered open from the date of publishing the announcement, and joining it by whoever wants to is accepted by the specialized office, provided that they must deposit money insurances or a bank guarantee not less than 10% of the estimated value.
2. If the bidder was the mortgagee creditor or the partner, then he is excluded from his insurances with an amount equal to that of the money he owe or the share of the partner.
3. at 12 pm of the 30th day the specialized office will start calling to participate in the auction (three times), and then the auction will be held between the available persons, then the office manager will decide the final referral (the person who won the auction) to the decided person before the official duty hours finish, and every acceptance over a sum of money that no one increases over it within 5 minutes, is considered end for the auction.
4. if the sum of money proposed does not reach 80% of the estimated value for the estate, then the definite referral will not be concluded, and the auction period will be expanded for another 15 days with an announcement, and at the end of the announcement period the definite referral will be concluded based on the sum of money that the auction settled with.

ARTICLE (173):
The indebted mortgagor person must be notified about the definite referral and he is asked to pay his debt and all fees and expenses within a period of 3 days, after this period is over the referral will be final.
ARTICLE (174):
It is possible to accept other participants after the definite referral before the period for final notification is over, with a condition that the sum of money must be not less than 10% of the sum of definite referral, and in this case a new auction would be opened. And an announcement about it is made, and it will be for three days, at the end of which the final referral will be made.

ARTICLE (175):
1-after the final referral the buyer (bidder) will be responsible for paying the decided sum of money with the fees, and the office manager can give him an appropriate period not exceeding 15 days if requested by the buyer, provided that it is recorded in the auction form and signed by the buyer.

2- If the buyer refused to pay the decided amount of money with the fees after the giving period of time, then the estate will be proposed on the buyer just previous to him in pricing, if that one approves on taking it, then the original buyer(first bidder) will guarantee paying the differences between the 2 prices and it is done by a decision from the office manager and taken from the insurances that he paid(if present) or else it is taken by way of a memorandum from the office manager implemented according to rules of executive law.

3- if the second bidder whom the estate had been proposed on him, does not want it, then another auction will be held for 15 days and the original buyer(first bidder) will guarantee paying the difference between the 2 prices according to number(2) of this article.

4- If according to this last auction, no one wants to buy the estate, then the first bidder is considered a buyer through a decision by the office manager, and the money for the estate and fees and expenses are taken from his money according to the executive law.

ARTICLE (176):
1- if the auction has been delayed for a period not exceeding 6 months for legal reasons or because of absence of following up by the debtor, then it is repeated for a period 15 days.

2- If the auction is delayed beyond 6 months, then it is cancelled

ARTICLE (177):
The mortgagee debtor can make an arrangement with the mortgagor to postpone the auction for a period not exceeding 6 months provided that the last bidder accepts the postponing.
ARTICLE (178):
The indebted can pay the debt and the interests and the expenses and the fees before registering the sold estate in the auction, and then the auction will be considered cancelled.

ARTICLE (179):
Selling the mortgaged estate in the auction does not require permission by the specialized court.

ARTICLE (180):
The person who is responsible of doing the auction is not allowed to participate in the auction as well as the office manager and their relatives and sons and brothers in law.

ARTICLE (181):
1- The estate is registered in the name of the buyer after paying the decided money and fees.
2- If the buyer died after the final referral and he paid the decided money before he dies, the estate is registered in his inheritors’ legal name.
3- The buyer (person who won the auction) can give up the estate that he bought for another person, and then the registration will be made for that person after paying the fees.
4- the person who won the auction by way of final referral can request to cancel it , if there was a delay in registering the estate in his name for a period exceeding 30 days from the date of paying the decided money and fees , provided that this delay was not because of him, and the canceling will be by a decision from the office manager.

ARTICLE (182):
The procedures and the ceremonies of the auction is not submitted to auditing by the general estate registration office , the auditing is limited to other procedures related to registering the estate.

ARTICLE (183):
1-the specialized estate registration office will notify the executive managers to deliver the sold estate to the buyer after emptying it and registering it in his name.
2- The estate registration office will supply the debtor mortgagee with a certificate mentioning the remaining of the debt after selling the mortgaged estate to get it according to the rules of this law.

ARTICLE (184):
The manager for the estate registration office will issue a decision to distribute the money from selling the estate at his office to the debtors,
according to the basis decided by this law, and this decision can be under cassation according to article (162)of this law.

**ARTICLE (185):**
The rules for civil laws and executive laws are implemented on the selling procedures at the auction, with any other matter that is not mentioned in this law.

**CHAPTER EIGHT**  
**REGISTERING INHERITANCE AND TRANSFERRING RIGHTS**

**ARTICLE (186):**
1- The ownership rights and other estates rights are registered when its owner dies in the name of the legal inheritance. Except registering the right to control governmental lands.  
2-the rules for the legal inheritance is considered valid for the right to control governmental and if it was founded before issuing the law of handling in 19 April 1913.

**ARTICLE (187):**
Registering the inheritance depends on either a legal divider or a final court decision from the specialized court, these 2 can decide the inheritors and everyone’s share in it.

**ARTICLE (188):**
1- It is possible to register the inheritance right when there is a difference in the nationality between the inheritors and inherited, and the registration will be in the name of the foreigner inheritor from an Iraqi inherited.  
2- The registration for the inheritance in the name of a foreigner will be submitted to legal sanctions present in Iraq regarding foreigner’s ownership of estates in Iraq.

**ARTICLE (189):**
The inheritor will gain the right of estate ownership from the date of the inherited death, but he cannot dispose or control it until it is registered in the estate registration record.

**ARTICLE (190):**
The right to have disposal of the governmental lands is (transferred) to the persons who have that right for transfer after the death of the disposal person and it is registered in their names in the estate registration record according to a legal divider or a final court decision issued from the specialized court, stating in it the persons who have that
right for transfer and their positions according to the executive law at death time.

ARTICLE (191):
1- It is required that the persons that have the right for transfer must be of Iraqi nationality, if part of them was not carrying Iraqi nationality then the Iraqi in them will have that right.
2- If all of them were non Iraqis, then the governmental land will be considered canceled and registered in the name of the ministry of finance.

ARTICLE (192):
The inheritance and the right for transfer for the original estates that is under mortgaging and under appeal for cassation can be registered, and in this case the rights for the mortgagees and debtors or the rights for the cassation persons will be transferred to these inheritance and transfer rights.

PART THREE
HANDLING ESTATES
CHAPTER ONE
Worthiness and representation in estate handlings

ARTICLE (193):
The matters concerning worthiness and representation and authorizations are submitted to the formulative and subjective rules that are mentioned in its laws except what is mentioned here.

ARTICLE (194):
The owner or the caretaker can proceed with doing only good disposals for the benefit of the little in representing him without an order from the court, but the bad disposals like, gift, disclaiming, and quittance Can be never executed by them.

ARTICLE (195):
The owners or caretakers cannot initiate estate handling that ranges between benefit and loss by representing the little without an authorization from the court and by using the way it decides.

ARTICLE (196):
The authorizer and the authorized must be of full worthiness.

ARTICLE (197):
Estate handlings cannot be made by authorization unless it is mentioned in the authorization the kind of handling, weather it is free handling or a restricted one.
ARTICLE (198):
The authorized have no right to use the authorization for his benefit or for the benefit of his underage son, and the same rule goes for the representative of the legal person or the official office.

ARTICLE (199):
1- The authorization will end with the death of the authorized or authorizer, or by one of them being not worthy anymore even if it is associated with others rights, or by finishing the legal act of the authorization, or by the end of the decided period for the authorization. 2-the authorizer can dismiss the authorized or limit his action, and the authorized can dismiss himself, but if the rights of others was linked to that authorization, then dismissal and limitation cant be made without the approval of others, or proving that they received the compensation, and that is achieved through a written announcement approved from an official side and with the presence of the specialized employee at the specialized estate registration department.

ARTICLE (200):
1- If others are associated with the authorization that contains his right, then the registration of estate rights mentioned in the authorization will be with the name of his legal inheritors without breaking the rules for transfer of rights for the general successors. 2-if the authorized will become inheritor for others by this, then he can authorize a person to take his place in accepting the handling of the estate well as registering in his name.

ARTICLE (201):
The authorization is not accepted at the estate registration office if it had been organized for more than 15 years unless approved by the authorizer.

ARTICLE (202):
A confirmation is taken from the authorized stating in it that his authorizer is still alive and of full worthiness and continuing in authorizing him when the authorized start to do estate handlings with his authorizer name.
CHAPTER TWO
LEGAL ACTS STATED ON THE ORIGINAL RIGHTS FOR REM
1-selling and emptying

ARTICLE (203):
1- The selling based on to the estate ownership rights and emptying with a compensation rights for the granted governmental lands or lands authorized by real estate office or lands inappropriately handled are done at the estate registration offices only, and it is registered after approvals of both sides.
2-the right for emptying will be subjected to sanctions implemented by the law

ARTICLE (204):
it is not possible to register a single level building or part of it that is sold without the common pare that is owned by the seller, also it s not possible to sell the common part in the land without the level or part of it.

ARTICLE (205):
1-If the selling happened through the use of authorization then the authorization must state the location of the sold estate and its number and the price and name of the buyer and a confirmation from the authorizer in receiving the money, or authorizing the authorized to do it, unless the authorization included (no limit authorizations) in selling, in this case the authorized will do the selling with the way that he sees appropriate and he can get the money of selling, and the same thing goes for authorization to buy.
2- if the selling through authorization was for a bunch of estates, and it was stated for all of them a single amount of money, then the authorized with cooperation from the buyer can decide the amount of money for each one of them, and this is done by their confirmation with the presence of the specialized estate employee.

ARTICLE (206):
The estate registration office can request a confirmation for the issued authorization to sell or by from the side that issued it after one year of its release.

ARTICLE (207):
The original registered estate rights that have dispute over it can be sold or emptied, if the buyer or the person being emptied approved on this provided that the details of the dispute will be mentioned in the explanation.

ARTICLE (208):
1-the selling or emptying that is based on a final court decision can be registered without the need for testimony, and in such case the registration does not submit to the sanctions made by law on the consensual acts.
2-the selling and emptying done by the official offices or semiofficial offices that are authorized by law in doing it can be registered without need of confirmation.

ARTICLE (209):
Every selling or emptying that happened by way of auction or other sides weather it is court sides or official or semiofficial sides that is requested to be registered in the estate registration office, and it appeared that the sold was not registered or its record was missing or submitted to other legal formalities, then it is not possible to do registration until these deficiencies are complete.

2-TRADING

ARTICLE (210):
The registration for original estate rights through the way of trading is done by a testimony form the traders at the same time to trade estate rem right with an original estate right.

ARTICLE (211):
Original state rights can be traded with another original state rights or common parts of it, and it is also possible to trade common estate rights with another common estate rights.

3-GRANTING

ARTICLE (212):
1-the granting act on estate ownership rights without money compensation or with money compensation concerning rights to control governmental lands and inappropriately managed lands can be held
only at the estate registration office and it is registered after taking the 2 sides approvals.
2-the emptying of the granted with or without compensation is submitted to sanctions made by the law.

**ARTICLE (213):**
If the granting occurred due to an authorization, then it must be stated in the authorization the granter and the granted and everything related to the compensation if it was known and decided.

**ARTICLE (214):**
1- Registered in the name of the legally incompetent person are the original registration rights granted to him by his father or his caretaker or who took care of him with the approval of the granter only.

2- Granting for unrecognized boy or the legally incompetent is made by a court decision, by approving who will represent them legally, but if the granted was recognized boy then his testimony will be taken into account.
3-if the above 2 cases of granting was with a compensation, then a permission is required from the specialized court to accept it.

**ARTICLE (215):**
1- if it is stated in the granting that there must be a compensation for the benefit of the granter or the benefit of others, then the acts on the granted estate will not be accepted unless there is an agreement between the granter or the person who will benefit from the compensation with the granted or their inheritors to either cancel the compensation condition, or confirm that the compensation had been paid by the granted person by using an approved certificate from an official side.

2-if the grant was with a condition of coexistence then the granted cannot control the estate unless by the death of the granter, or by a license from him, and in the case of the granters death, the estate record will be changed according to the rules of this law.

**ARTICLE (216):**
The cases of returning the grant are recorded according to an agreement between the granter and the granted or according to a final court decision.
ARTICLE (217):
Division is: determining a share for the partner in the registered estate according to the following:
1- separation division which is separating and determining the original rights for rem in the shared estate on the basis that each partner or a team of partners will have a separate independent estate unit according to the law.
2- Adding division is determining the original rights for rem in the shared estates so that every partner or part of the partners will have one independent estate unit or more than that.

ARTICLE (218):
1- The division is possible for the original estate rights except the rights that its division is forbidden by law like the special common road.
2- The consensual division is registered with the testimony of all the partners or the persons who represents them.
3- If the estate unit as a result of the division has referred to more than one partner then it must be explained how they will share it.
4- If one of the estates was divided previously according to a testimony by the partners or without it and some of it was registered at that time, then the remaining parts can be registered without the need for a testimony.

ARTICLE (219):
1- The division done by the court which is based on a final court decision is registered without the need for separation and this registration is not submitted to sanctions made by law on the consensual type of division.
2- The rights for mortgaging or cassation or the right for seize notifications related to shares or common shares for one partner before the division are transferred to the estate unit that referred to him after the legal division, provided that the mortgagee debtor or the person who owns the right for cassation or seizing has been notified about it.

ARTICLE (220):
The rules for the separation law are applied to the consensual type of division.
5- THE RIGHT FOR ROOFING THE SIDEWALK AREA

ARTICLE (221):
1-The registration for (selling the right to roof the area of the sidewalk)
   From the municipality to the estate owner that his estate lies next to the
   sidewalk, is done through a letter issued by the municipality, provided
   that both the sidewalk and the estate next to it are registered in the
   estate record.

2- If the estate next to the sidewalk was shared by number of persons,
   then selling the right for roofing must be done to all the partners
   according to their shares in the estate.

ARTICLE (222):
The right to roof the area of the sidewalk is registered with the name of
the buyer before constructing the buildings or after construction. And it
will be separated from the sidewalk area according to rules of
separating floors and united with the estate next to it at the same time?

ARTICLE (223):
It is not possible to register the right for roofing the sidewalk area with
the name of (the person who lays his hands on it) unless his ownership is
preceded by buying.

6- RIGHT OF ESTATING

ARTICLE (224):
The right for estating means the fixed share for the estating person or
the person who replaces him legally in the products of the estated lands.

ARTICLE (225):
The following activities are able to happen on the right of estating:
selling, granting, suspending, will, and transfer by inheritance after
person with the estating right death without the need for taking the
owner permission.

ARTICLE (226):
1- the person who have original rights in rem for estated land can do all
the real estate activities with or without compensation , without the need
for the owner of the estating to transfer the right to the new record.
2-the estated land cannot be separated or divided to housing lands until after abolishing the estating right.

**ARTICLE (227):**
The proceeding of abolishing the right for estating is recorded in the following cases:
1-with the approval of the land owner and the person with the estating right if the estate was not suspended.

2-according to a final court decision

3-when removing the ownership of the estating land by seizure or taking possession or any other law method

4-when correcting the type of governmental land being estated, and the abolishing is limited on the part that belongs to the ministry of finance.

5- When uniting the estating part with the estated land.

**ARTICLE (228):**
The right for estating cannot be reborn after abolishing it.

7-land investing and long term renting

**ARTICLE (229):**
1-the right for land investing arise on the owned land or the appropriate constructed land with the registration of the agreement between the land owner and the person who is investing the land in the real estate registry.

2- The long term renting contract that contains the authorization of the land owner for the leased person to construct a building or other constructions except planting is registered according to the contracting conditions and the registration, period, right for acting, inheritance is submitted to the rights of land investing.

3-the contract for land investing or long term renting approved by the notary or fixed by a legal cause prior to the expiration of this law is considered basis for registration in the real estate registry without the need for the land owner to confess the approval unless it was mentioned in the contract or the legal cause.
ARTICLE (230):
1-registering the ownership of the land investing right, its conditions and periods in the (special rights) in the real estate registry

2- The period of the land investing must not exceed 50 years if it exceeds it, then the registration will be limited to 50 years only by the agreement of both sides.

ARTICLE (231):
If the land investing mentioned only part of the land then this part must be separated before registering the investing right on it.

ARTICLE (232):
1- the land investor own purely the buildings and constructions built by him, and all the legal activities can happen on it according to the land investing right without the approval of the land owner, and also he has the right to use land investing right before starting construction if there were no disapprovals against it.

2- The right for land investing and constructing buildings and other things can be transferred through inheritance and will.

ARTICLE (233):
The land owner can do all legal activities on it except that effects in for land investing rights like constructing easement right on it and he can do direct activities like separation and uniting with the approval of the land investor.

ARTICLE (234):
1- The land investing right will be terminated in the following cases and be replaced in the real estate registry accordingly:
A- The union of the land ownership with the ownership of land investing right and buildings and constructions represented by one guy
B- Terminating the land investing before its period expiration through agreement or according to a final court decision.

2- the ownership of the buildings and constructions built by the land investor is registered using the land owner name after the land investing period expires, with the agreement of both sides to compensate the land
investor the value of these buildings or constructions deserved to be removed unless there is an agreement that tells otherwise.

8-PLANTING

ARTICLE (235):
1- The original rights for planting resulted from (planting in land) contract that is applicable on the owned land or the appropriate constructed land, are registered with the observance of valid rules of the law.

2-the registration is done with the confession of the land and plants owner in the presence of the specialized employee after the expiration of the planting period and finishing planting, or according to a final court decision

ARTICLE (236):
1-no original rights in rem for the plants in the land throughout the planting period are registered, but it is marked in a special field inside the registry according to the confession of the 2 sides and these rights will stay fixed when land ownership is transferred to others through handling or inheritance.

2- These rights are registered in the real estate registry after the plants gain the finalized planting rights according to the valid rules of the law.

ARTICLE (237):
The land owner cannot do division or separation or unity on the land that has planting rights linked to it that has no final registration unless through the approval of the person doing the planting.

ARTICLE (238):
The person doing the planting can (with the agreement of land owner) give up about the rights of planting no registered in a final way to others with the same conditions of the planting contract, and he can mortgage it without his approval with the official sides , or the cooperative assemblies.

9-rights for easement
ARTICLE (239):
The rights for easement between the registered real estates like the right to pass and right to walk in and right to flow are registered according to the contract or the will or by the specifying from the original owner are registered, also it is registered according to a final court decision or a law decision with the power of judgment.

ARTICLE (240):
If the original owner specify rights of easement between 2 independent real estates, then these rights will not be submitted to registration unless their ownership will be to 2 different people and then the rights for easement will be considered arranged and registered after confirming this according to legal observance.

ARTICLE (241):
The rights for easement are linked to eased real estate and it can be handled and also transferred to the inheritors or the persons with the right for transference accordingly.

ARTICLE (242):
1- When separating or dividing the eased estate according to the rules of this law then the right for easement transfer fixed in its registries is transferred to the separated parts.

2- If the separation or the division happened on the real estate that will have the easement on, then the registration for this right is limited to the parts that have the right for easement.

3- When uniting the real estates with different easement rights, the registration of all these rights will be transferred to the united real estate.

ARTICLE (243):
The right for easement is registered expired in the following cases:
1-when the decided period ends

2-unity of ownership of real estate that have the easement right with the estate that will have easement right on it
3-giving up the right for easement from the owner of the estate that have the easement to the owner of the real estate that will have the easement right on it

4- If the real estate with right for easement is separated into housing units and the benefit behind using the easement right has been removed completely.

5- Depreciation of one of the real estates to a level that makes it impossible to use the easement right either through reality or through law judgment, such as eroding the real estate by the river water or removing its ownership for public benefit.

6- with a final court decision or by a law decision with the power of judgment.

PART THREE
ACTS BASED ON COURT RULES OR DOCUMENTS

1- CONCILIATION

ARTICLE (244):
1-the conciliation for the disputed real estate rights in rem is registered according to a final court decision.

2- And the conciliation contract regarding these rights can be registered by agreement if the dispute was stated in the real estate registry or the map through confession of the conciliators at the real estate registration office.

ARTICLE (245):
If the real estate rights in rem (which the conciliation is made for) are loaded with mortgages or cassation right, then the approval of the mortgagee debtor or the person with the cassation right must be taken to register the conciliation.

2-SEPERATION OR DISENGAGEMENT

ARTICLE (246):
The separation means agreement between all or part of the heirs or the persons with transferal right to disengage some of them from the inheritance or transfer and giving a known compensation from the inheritance, and it is registered according to a special cause from the specialized court.

ARTICLE (247):
The separation cannot be registered outside the subjects of inheritance and transfer.

ARTICLE (248):
The separation cannot be executed after the passing of 15 years from its release.

3-THE WILL

ARTICLE (249):
1-the will for the real estate right whether it is a will for owning the real estate or a will to pay the value of the real estate or to increase or augment the real estate after the death of the person who issued the will Will be registered according to final court decisions or the legal causes or the organized will of the notary unless it is objected by the related persons

2- If there was an objection on the will which is not based on a court decision, then the objector is assigned with consulting the specialized courts throughout a period of 30 days from the date of his notification, and at the end of this period if there were no notification from the court to suspend the registration, the registration will continue.

3- The will registration is not submitted to the confession by the heirs unless the will was for more than two thirds of the inheritance and in this case their confession is required for registration for that part exceeding one third of the inheritance.

4- The will can be registered in the real estate registry while the person doing the will is still alive, and any real estate handling on the parts mentioned in the will cannot be made unless the will is abolished according to law.
ARTICLE (250):
1- The will mentioning the right to handle the governmental lands or inappropriately constructed, and on the plants and constructions built on it cannot be registered after issuing the law of disposal.

2- the will for ownership or the will for giving the value of the real estate on the plants and constructions made on the governmental lands or lands inappropriately constructed can be registered before publishing the law of disposal and the disposal is transferred to the entrusted person by the will according to the plants and constructions.

ARTICLE (251):
For registering the will, the following is required:
1- The will maker must own the things that he is entrusting at the time of making the will.

2- The real estate that he is entrusting must be specified in the will statement regarding its location and number.

3- The real estate that he is entrusting must not be suspended or mortgaged or have a right of cassation on it, unless the entrusted person accept the will with these loads on.

ARTICLE (252):
1- The will for giving the price of the real estate is registered with the name of the person making the will, and the name of the entrusted and the executor person should be fixed in the registry.

2- the decided executor can sell the real estate without permission and if there are more than one executor , then they must all agree on the selling unless it is mentioned in the will otherwise.

3- if the executor dies or one of them in case they are many, and it was conditioned that they must all gather to decide the selling , then a substitute must be decided for him by the specialized court and the executor decided cant decide to sell the entrusted thing or agree on selling it without an approval from the court.

4- The executor cannot start with the real estate activities (except for selling) unless by an approval from the court.
ARTICLE (253):
The will for the income of the entrusted thing includes paying the income of the real estate for a lifetime way and is registered in the real estate registry according to the conditions of the person making the will, and no real estate disposals can be made on it that will lead in breaking the will.

ARTICLE (254):
The will for the entrusted estate cannot be registered, if the inheritance registration proceeds it, unless by a final court decision or the agreement of all inheritors on implementing the will.

ARTICLE (255):
In case of registering the will of a foreigner concerning his real estate, then the rules of Iraqi laws specialized in foreigners are taken into account, plus the rules mentioned in this law

4-ENDOWMENT

ARTICLE (256):
The registration of endowment on the right of real estate ownership based on a legal cause or a final court decision able to be executed without taking into Consideration the confession, is done according to the following:
1- Using the name of the entailing side and entailed side with mentioning the type of entailment and its conditions

2- Using the name of the endowment office if it was one of the seized endowments with mentioning the condition for the endowment.

ARTICLE (257):
Endowment on the right to handle the governmental lands cannot be registered, nor on the constructions and plants made on it.

ARTICLE (258):
Disposals on the endowed real estate cannot be made or arranging any rights in rem on it except in the cases approved by law, such as substitution, clearing or liquidating offspring endowment, and the right for constructing land investment.
ARTICLE (259):
The cases of returning in endowment are registered based on a legal cause issued from a specialized court or to a final court decision.

ARTICLE (260):
The registration of legally recognized Iraqi groups and their personnel is based on the law rules for them.

5- CORRECTING THE REAL ESTATE RIGHTS IN REM

ARTICLE (261):
The original and ancillary rights in rem are corrected according to a final court decision in the name for the person deserving the rights when judging the right of preemption, right of preference, or deserving.

ARTICLE (262):
The judged rights in rem in the name of the person receiving the judgment are registered free of all rights or obstacles to the registration that aroused before the release of the judgment with correction of the ownership, and all the rights for others are transferred to compensation if found as long as there is nothing in the judgment that contradict it.

PART FOUR
The disposal of the legal persons with the real estate rights
1-taking over and distribution

ARTICLE (263):
1- The possessed lands(by taking over) or the lands converted into pure governmental lands free from all the rights in rem or personal rights except rights for easement are registered according to a law decision which is a final one.

2- This provision is considered the basis of registration without the need for any other procedures.
ARTICLE (264):
1- If taking over falls on part of the real estate or groups of real estates connected to each other, then the map organized according to the possession decision is considered the basis for separation and uniting.
2- The part of the real estate not possessed will be registered with the name of the person that been pushed aside, and with the rights that resulted in the release of the possession decision.

ARTICLE (265):
The distributed farm lands are registered according to the distribution decisions issued according to the law, and the map of separation organized according to the distribution decisions are considered the basis for separation and registration without any other procedures.

ARTICLE (266):
The disposal in the distributed lands is submitted to the sanctions mentioned in the decisions of distribution decided by law.

ARTICLE (267):
The registration according to the decisions of distribution, or taking over is not submitted to any fees, and this also includes registering the parts not possessed with the result of separation and dividing.

2- Owning(possessing)

ARTICLE (268):
1- the owned real estate with compensation or by the way of substitution is registered a pure property in the name of the owning side according to a decision that has the power of the law or a final court decision without the need for the owner confession.

ARTICLE (269):
If the owning was for part of the real estate, then the design attached to the decision or the court judgment will be the basis without the need for approval from the municipality.

ARTICLE (270):
1-registration for owning can be made for the real estates not registered or not submitted to approval ceremonies, as long as not paying the price
for owning it until proving its ownership according to the rules of this law.

2- if the owning was for a part of a real estate not registered, then the registration will be limited to the owned part and the registration for the remaining part will be postponed until proving the ownership of the real estate.

ARTICLE (271):
If the owning was for part of a real estate, and the price for owning was not enough to pay all the debts on it because of mortgaging or cassation or attachment, then these rights or attachments will be transferred to the remaining part of the real estate.

3- AUTHORIZING AND GRANTING OWNERSHIP

ARTICLE (272):
The ownership granting and authorization for the governmental real estates is registered in the name of the authorized or the granted person according to the decision issued from the legal authorized side without the need for confession or any other procedures.

ARTICLE (273):
Granting ownership on real estates not registered will not be registered until its ownership to the government are proved according to the renewing provisions of registration and then the real estate will be registered renewed and owned within one real estate registration

2- The authorization for the right to handle the registered or non registered real estates will be made basis for registration without the need for any procedures.

ARTICLE (274):
If the authorization or granting ownership is limited to part of the real estate, then the designs attached with the authorization or granting ownership will be considered basis for separation without the need for approval from the municipality.
ARTICLE (275):  
The disposal for the owned or authorized real estates is submitted to the sanctions decided by the law.

4- CORRECTING TYPE

ARTICLE (276):  
The type correction for the governmental lands authorized by the estate registration or the endowed in a (no correct way) is registered according to the decision made by the legally authorized authority without the need for confession of the person with the disposal right weather the correction is done financially or in kind.

2- If correction of the type happened financially then the corrected land will be registered in the name of the person with the disposal right.

3- if the correction were done in kind then they will depend on the correction map approved by the specialized side in doing the dividing without the need of the municipality approval and the (share) for each the official specialized side and the person with the disposal right is registered in his name.

ARTICLE (277):  
If the type correction done financially or in kind happened on a land endowed with a (non correct way), then the registration of the land with type correction will be as follows:

1- A (correct) endowment in the name of the side that had been endowed of disposal or the right to handle with fees.

2- Property in the name of the person with the disposal right loaded with the endowment right on the fees, if the endowment were on the fees only.

ARTICLE (278):  
All the rights that stated by the law to be registered concerning the governmental lands before correcting its type and the endowments associated with it, are transferred to the part that will be registered in the name of the person with the disposal rights, and the part that will
belong to the specialized official side will be registered with its associated easement rights, without other rights.

PART FIVE
ACTUAL DISPOSALS CONCERNING REAL ESTATE
1-CORRECTING KIND

ARTICLE (279):
The correction for the real estate kind is done after physical changes in it through constructing buildings or planting, or adding new constructions or plants in it, or any change in the construction or planting that leads to alteration in the kind of the real estate concerning its usage or utilization, or after the removal of the constructions and plants, unless there is a law text that contradicts this.

ARTICLE (280):
1- the registration is done by a request from the owner according to a proper observation that supports the actual changes in the real estate so that it would be possible to use or utilize in its new form according to the local custom.

2- When recording the correction requested from the person with the other original real estate rights like land investing it must be taken into account the sanctions decided by law.

3- If there were compulsory acts like selling in auction or owning (possessing) an estate which had an actual change in kind differ from that in the registry, then the kind correction will be registered with the legal acts mixed in one real estate registration without a request from the person with rights in rem.

ARTICLE (281):
1- It is conditioned in correcting the kind the union of the land ownership and the constructions and the plants made on it except the land investing or what the law decides.

2- If through a legal claim, plants or constructions found that does not belong to the land owner or it belongs to some of them, then the correction for real estate kind cannot be made and it will be only marked in the registry.
ARTICLE (282):
1- The consensual acts and the rights of inheritance and transfer are registered on the real estate that had an actual change in kind after correcting the kind at the same time.

2- If there were constructions and planting made by the general successor or by others using a legal cause, then the registration of the kind correction and the ownership transfer is done at the same time.

2- SEPARATING THE REAL ESTATE UNIT

ARTICLE (283):
The separation of the real estate unit to 2 or more parts is registered without any changes in the real estate rights, providing that the following should be available:

1- The separation must be actually happening in the real estate unit.

2- Each of the separated parts must have descriptions and characters of the real estate unit according to the provisions of this law.

ARTICLE (284):
1- The registration for the separation of the real estate that lies inside the municipality limits must be based on a design organized according to the law and approved by municipality.

2- The registration for the real estates separation into housing units that lies outside the municipality limits will be submitted to approval by the administrative unit.

3- The separation of real estates into farm lands that lies outside the limits of the municipality is submitted to a design approved by the real estate registration office in the condition that the separated part is capable to be used for farming utilization, and its area is decided with instructions issued from the specialized authority in the land reform.

4- The separation for gardens that lie inside the limits of the municipality or outside it is submitted to the sanctions issued according to the land reform law.
ARTICLE (285):
The separation of the governmental lands endowed with a (non correct) way or authorized by the real estate registration department is submitted to the sanctions based on the specialized laws.

ARTICLE (286):
1- the separation map should be organized explaining in it the shape, location, area, and sequence number, or the land branch number for each real estate unit separated within the limits of the estate separated, and the branch numbers are decided by instructions issued by the director general.

2- Observation is done on the real estate according to the provisions of this law for matching the limits and descriptions of the separated real estate, and determining the descriptions and limits for each separated real estate unit according to the separation map with evaluating its true value, and mentioning any constructions or plants made on it on each separated real estate unit and to whom it belongs, and describing the walls and barriers and to whom they belong with mentioning the easement rights in it or on it.

ARTICLE (287):
The separation registration is submitted to approval by the owner or who represent him, the following cases are exceptions:

1-the separation done due to a final court decision or a law decision with the power of execution

2- The separation that is made to confirm a actuality that the will of the owner has nothing to do with it

3- The separation which part of it had been registered previously and the other parts registration postponed.

ARTICLE (288):
If the separation was because of executing a final court judgment or a law decision, then the registration will not be submitted to approval by any official side, and it is not conditioned that the separation is actually happening.
ARTICLE (289):
The mortgaged real estate separation with cassation or liens cannot be registered unless through the approval of the owners of these rights or the lien side, and then these rights will be transferred to the separated real estate unit or part of it according to the agreement between them.

SEPERATING FLOORS

ARTICLE (290):
The real estate with multiple floors can be separated to floors or apartments providing that descriptions and characters of the real estate unit would be available in the separated floor or apartment.

ARTICLE (291):
When separating, Branch sequence numbers are given to building land and to each real estate unit separated from it when separating.

ARTICLE (292):
The real estate ownership in the building when registering its separation or division will be of 2 types:
1- Common ownership between the owners for the building land and the parts and utilities made for public use in the building.

2- Separated ownerships for the floors and apartments in the name of all the partners when separating or in the name of dividers when dividing.

ARTICLE (293):
1- the common ownership rights in the land and the common parts and utilities in the building is registered with the approval of all partners or the approval of the owner if the building was for one owner, providing that the shares for the owners of the floors or apartments in this common ownership will be in same ratio of the building price when registering separation.

2- The ownership of the common rights for the floors or apartments owners is registered without mentioning the name of the floor or the apartment owner.
ARTICLE (294):  
1- The registry specialized in (the land, the parts and common utilities) ownership will be fixed and it is not possible to replace it according to the disposals happening on the independent ownerships.

2- If the building was removed for any reason, then the registration for the building land will be remade with the same sequence number when separated in the name of all the partners according to the common and independent ownership registries, and their names are determined and their positions accordingly, provided that the provisions of these registries will be transferred to the new registry.

ARTICLE (295):  
The separation of the building into floors or apartments will not be submitted to the approval of the municipality except separating the ground floor into real estate units which is submitted to approval by the municipality.

ARTICLE (296):  
1- The separation of the floors or apartments will be based on a map that determines the areas and shape of each floor or separated apartment.

2-marked in the map, are the locations made for common use, with determining the height of each floor of the building.

3- The borders of each separated real estate unit are registered from 6 sides using a proper observation.

ARTICLE (297):  
In addition to what have been mentioned, the rules of separation and dividing mentioned in this law are executed on separating other floors or apartments that agrees with its nature.

3-UNITING

ARTICLE (298):  
1-it is possible to register the unity of the real estates units form a single kind estate which are connected to each other and making it a single
real estate unit, providing that it belongs to a single owner or all the partners have shares in it if it was common.

2-it is conditioned that the union is actually happening in the real estate unit which is wanted to be united.

3- The rights for easement that is for or on the united real estates are transferred to the new real estate unit.

ARTICLE (299):
1- If the share for the partners differs in the united real estate then the value of their shares will be a basis for determining their shares in the united estate with their approval.

2- If the kind of the real estates units differs then the uniting will be done with the most larger kind when uniting.

ARTICLE (300):
1- The registration of uniting is based on a proper observation that confirms the matching of the limits of the real estates by location, with mentioning descriptions, borders and areas of the united real estates and their true value and the rights of easement associated with it.

2- After uniting, the real estate is given the number or sequence of one of the united real estates, according to instructions issued by the director general, and the other sequence numbers will be abolished, providing that he must clarify the descriptions, borders and areas of the real estate and the rights associated with it.

3- A map for uniting is organized, explaining in it shape, location, area, and the sequence number of the real estate when uniting.

ARTICLE (301):
The registration of uniting is submitted to the approval of the owner or who represents him, the followings are exceptions:

1- The uniting resulted from executing a final court decision or a law decision.
2- The uniting that is done to confirm actuality provided that it must abide the law.

ARTICLE (302):
If the real estates that requires uniting is loaded with rights of mortgage or cassation or it was under lien, then the approval of the persons with these rights must be taken prior to uniting, provided that the level of each right is determined in the case of overcrowding with the agreement of these people with the owner.

ARTICLE (303):
The ownership of the floors can be united in the following cases:
1- Uniting apartments in the same floor.
2- Uniting all the floors in the building with the land when it all belongs to a single owner. After unifying the building is given the sequence number for the land before uniting and all other sequence numbers are cancelled.

ARTICLE (304):
The floor ownership unity is submitted except for what is mentioned to the provisions of unity mentioned in this law, with whatever this unity requires.

CHAPTER SIX
ACTS ON SUBSIDIARY RIGHTS IN REM
1-INSURANCE MORTGAGING

ARTICLE (305):
1- the insurance mortgaging is made on the real estate right and other real estate rights in rem registered in the real estate registry weather this right was independent or common taking into consideration the sanctions made by law on the mortgaging of some rights.

2- The mortgaging cannot be made unless after registering in the real estate registry.

ARTICLE (306):
The insurance mortgage is registered according to the confession of the indebted mortgagor and the mortgagee debtor or who replaces them,
with the presence of the specialized employee in the real estate registration office.

ARTICLE (307):
1- in the mortgage registry, the full name of each the mortgagee debtor and the mortgagor indebted should be mentioned and the IDs of both of them and the place of living selected in the mortgaged real estate, also mentioned in the registry the descriptions of the mortgaged real estate and the value of the debt and conditions and level of the mortgaging.

2- the documents for the mortgaging will be issued by 2 copies, one copy is given to the mortgagee debtor and the other copy will be given to the mortgagor indebted, and in case of multiple debtors or indebted persons, then the documents can be released with the same number as their number if they requested that.

ARTICLE (308):
It is not necessary for the mortgagor to be the same indebted, and it is possible for him to be a guarantor by mortgaging his real estate for guaranteeing the debt of the indebted person, and in this case the indebted and mortgagor will be considered on side in the contract of mortgaging.

ARTICLE (309):
The debt insured by mortgaging must be determined and received at the time of confession and registration; also the debt can be suspended on a condition or probability provided that its amount must be determined maximum limit that it will expire.

ARTICLE (310):
The period of the mortgaging must be decided in the registry, and this period will start from the time of confirmation by the contractors. And if there is no decided period in the mortgage contract or it was by request, then the debt will be considered due after a period of 3 months from the date of the official request by the mortgagee debtor.

ARTICLE (311):
If the mortgagor debtor or the mortgagee indebted were more than one person, then it must be stated how they will participate or share in the registry, and if that is not stated at the time of registration, then the
share of the mortgagors with the obligation with the ratio of their shares in the mortgages real estate and the share for the mortgagee indebted in the debt will be equal.

ARTICLE (312):
1- if interest was stated in the mortgage contract and its value was not decided then mortgagee debtor will deserve the legal interest which is 4% annually from the due date, and the contractors can agree on another price for the interest provided that it does not exceed 7% annually.

2- If the interest was not mentioned in the mortgage contract, then the mortgagee debtor can request it and it is valid from the date of application of the request to the specialized real estate department.

3- (Fitted together) profits cannot be conditioned in the mortgage, and in any case it is not possible for the sum of the all achieved interests for the mortgagee debtor to exceed the amount of the debt.

ARTICLE (313):
The mortgage can be made for multiple real estates for one debt, and the registration for each real estate mortgage will be on a separate registry, provided that it must be proved in the registries what states that all these real estates are guaranteed with the same debt.

ARTICLE (314):
1- If the mortgaged real estate was rented, then this must be fixed in the mortgage registry with the approval of the mortgagee debtor.

2- The renting made after the registration of mortgaging is not executed for the mortgagee debtor unless it is registered in the registry with his approval.

3- if it appears that the mortgaged real estate is rented by an official contract with a fixed period before the registration of the mortgaging, and it is not mentioned in the mortgage registry, then this renting is considered executable in the right of the mortgagee debtor throughout the period of renting, provided that it does not exceed 3 years from the renting contract imitation, and that it does not break up the rights for the related persons to visit the specialized courts during this period.
ARTICLE (315):
The right for mortgaging is not capable to being divided, related to the mortgaged real estate or the guaranteed debt then the mortgaged real estate will guarantee every part of the debt, and every part of the debt Guaranteed by whole real estate, unless there was an agreement that tells otherwise.

ARTICLE (316):
1- The real estate or part of it can be mortgaged in different levels, and each mortgagee debtor precedes the person following him in registration in getting his right of the mortgaged real estate price when it is sold or depreciated.

2- the right for application is limited to the debt value and the resulted interests from the date of requesting the payment of debt until the date of the settlement of the auction when selling added to that the interest of the previous year from the date of request.

3- The right for application after the real estate depreciation includes the value of the debt and the interests achieved from the date of the real estate depreciation to the date of the compensation payment added to that the interest of the previous year on the date of depreciation.

ARTICLE (317):
1- The mortgagor is capable of doing all transferable acts on the mortgaged real estate, and then the debt in his custody will be transferred with its level and conditions to the person whom the real estate transferred to, with the approval of the mortgagee debtor.

2- if there were multiple mortgagors, then each one of them have the right to isolate with transferring his debt, if solidarity was conditioned between them in the mortgage registry, but if solidarity was conditioned in the mortgage registry then this cannot be done unless by the approval of the other solidarities indebtor with the mortgagor.

ARTICLE (318):
The mortgagor with the approval of the mortgagee can transfer the mortgage on his real estate to another real estate belongs to him with the same debt and the same mortgage level and condition.
ARTICLE (319):
1- The mortgagee debtor has the right to transfer his right in the debt to others without the approval of the mortgagor unless it is conditioned in the mortgage registry that his approval is required for it.

2- It is not possible for part of the mortgagee debtor inheritors to be isolated in transferring their right in the common debt unless by the approval of the rest of the inheritors.

ARTICLE (320):
If the mortgagee debtors were multiple then each mortgagee has the right to transfer his right in the mortgage to others unless it is conditioned that solidarity must be present between them, in this case it is not possible unless by approval of the persons joining his solidarity.

ARTICLE (321):
The mortgagee debtor and the mortgagor indebted agree to increase the debt or decrease it or expanding the period of the mortgaging or adjusting its conditions or removing some of them or adding additional condition to it.

And it is required that the mortgagee debtors of the late levels should approve when increasing the debt or adding the interest condition in the mortgage or any change in the mortgage conditions that affects their rights.

ARTICLE (322):
1- The mortgagee debtor can give up his level in the mortgage to another mortgagee debtor provided that each one of them will take level of the other and that this does not affect the rights for othermortgagee debtors.

2- The mortgagee debtor can give up his right in the mortgage without a debt.

ARTICLE (323):
The mortgage is cancelled with the confirmation from the mortgagee debtor at the real estate registration department with receiving the debt and canceling the mortgage or by depositing the debt with its deserved
interests according to the rules of this law in the real estate registration office box.

ARTICLE (324):
The mortgage is considered cancelled in the following circumstances:

1- When selling the mortgaged real estate in the open auction for any reason.

2- Giving up by the mortgagee debtor on his right in the mortgage without the debt.

3- The combining of the rights of the mortgagee debtor with the mortgagor in the mortgaged real estate.

4- The depreciation of the mortgaged real estate through judgment or through reality.

5- When there is a final court decision.

2-POSSESSION MORTGAGING

ARTICLE (352):
1- the possession mortgaging is registered according to the confirmation by the persons who have dispute over the mortgage, and the mortgaged real estate will be handled to the mortgagee debtor or to a legal side with his approval provided that his full name must be mentioned in a special field in the mortgage registry.

2- The possession mortgaging on real estate cannot be made without registering it in the real estate registry.

ARTICLE (326):
The mortgagee debtor does not deserve a possession mortgaging except the (interest agreed on) if it was mentioned in the contract, or the legal interest if it was not mentioned in the registry.
ARTICLE (327):
The registration of the possession mortgaging is submitted to the provisions of registering the insurance mortgaging to a level that does not contradict with the nature of the possession mortgaging.

3- APPEAL FOR CASSATION RIGHTS

ARTICLE (328):
The cassation rights on the real estate are registered according to the following, and its cassation is organized from the time of its registration:

1- What the price the seller of the real estate rights deserves with the confirmation of both sides or by a final court decision.

2- The deserved amounts of money for the contractors and the engineers that is in the custody of the person who built the constructions on the real estate according to the confirmation by both sides or an official document or to a final court decision, and this right precedes the insurance or possession mortgaging on the land regarding the constructions made on it.

3- What amount of money each partner sharing in the common real estate deserves from the other partner because of the injustice that happened to him as a result of the division, by the confirmation from the 2 sides or according to a final court decision.

ARTICLE (329):
Except for what has been mentioned, the right for cassation is submitted to the provisions of the insurance mortgaging to a level that coincides with its nature.

FINAL PROVISIONS

ARTICLE (330):
By a decision from the director general, a permanent consultary group is formed in the general real estate registration department, leaded by one of its employee and it has a membership of 2 of the departments managers and 2 of the real estate managers, and it has the following activities and give advises about them to the director general:
1- Preparing the special instructions specialized in executing this law.

2- Preparing the samples for the forms, statements, real estate and personal registries, and media.

3- Studying the requests for canceling the registration.

4- Looking at the disputes that happen between the auditory branches in the general real estate registration office and related real estate registration offices.

5- Looking into any case or transaction or suggestion referred to it by the director general.

ARTICLE-331

The director general will issue instructions to facilitate the implementation of the provisions of this law, especially in the following areas:

1- Defining or specifying the real estate and personal records samples, and also statements, forms and media samples.
2- The way to organize the real estate and personal records, maps, documents and how to preserve it.
3- Translation of the old records.
4- Photocopying and printing the records, and maps and other files using proper scales.

ARTICLE-332

The phrase (real estate registration) will replace the phrase (TABO) (which is an old phrase probably Turkish) and this exchange will be included wherever it is mentioned in the implemented laws and regulations.

ARTICLE-333

The law for registering the non transferred money in TABO number 59 for the year 1935 is cancelled, and also articles 9 and 10 of the law (of TABO fees) number 41 for the year 1962 and the TABO system number 64 for the year 1959 and its accompanied adjustments, and all the instructions of TABO, and the instructions generalized from the general
TABO office except those which are related to the implementation of other laws.

ARTICLE-344

This law is implemented after the passing of one year from the date of publishing it in the official newspaper.

ARTICLE- 335
The ministers must implement this law.

END