



**DECREE OF FEBRUARY 14TH 1947
APPROVING THE MORTGAGE REGULATIONS**

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**DECRETO DE 14 DE FEBRERO DE
1947 POR EL QUE SE APRUEBA EL
REGLAMENTO HIPOTECARIO**

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DECREE OF FEBRUARY 14TH 1947 APPROVING THE MORTGAGE REGULATIONS

Please note that the third paragraph of articles 439, 442; and articles 443, 444, 445, 448, 449, 452, 455 and 456 of the Mortgage Regulations shall be repealed insofar as they refer to the determination of the organic structures, the composition, the dependence and the functioning of the Agencies and units regulated in the Organic Regulation of the Ministry of Justice and amended as established in the annex of Decree 1530/1968, dated June 12. Ref. BOE- A-1968-819.

The Act of December 30th 1944 introduced substantial amendments to the former set of laws, referring not only to the Substantive Rules of the real property system, but also to the Organic Law of Registrars, to the Registries territorial division and to its entries compilation. Such amendments were thoroughly compiled in the Consolidated Text of February 8th 1946, which apart from harmonising the 1909 and 1944 Acts, introduced new arrangements for the rules, consistently distributing the Act's titles and made use of the authorisations granted by the Spanish Parliament to the Ministry of Justice with praised moderation and with regard to the Registries' territorial division and to the Personal Statute of Registrars.

However, the promulgation of the Consolidated Text in force, with such noticeable innovations and changes, gave rise to an immediate and urgent need for the Regulations explaining the new Act provisions and regulating its rules conferred to the regulating authority. At the same time, it would put an end to the practical difficulties arising from the coexistence of a very new legal text and the Regulations which adjusted to the former Act and which were, in addition, already obsolete, and had been subject to a number of incomplete amendments.

The Ministry of Justice provided its necessary support by designating a Legal Experts Committee for such purpose that followed the example of the previous one drawing up the consolidated legal text, and completed it as the attached Regulations with the corresponding highlighted effort in a short period of time.

This has maintained the scheme used for governing the former Spanish overseas provinces which continued after August 5th 1915, namely, the one containing the same titles as in the Act, with identical description and in the same order as established in it, so that the comparison between the legal text and the regulatory one is extraordinarily easier. With regard to this purely formal aspect, the novelty of annotating the articles related to the same rule with signatures or marginal headings in order to simplify their

consulting, something that was already used in other Administration's Regulations has been introduced.

An Appendix, also contained in previous Regulations, has been included. This contains the models that should be generally applied to the entries, certificates, indexes and statistics of the Registries, in order to standardize the practice in these offices as well as to shorten and simplify their entries and operations' formulae, thus fulfilling a necessity in this regard known from experience and according to the law-maker's specific wish.

Apart from the purely formal aspect and regarding the substantive field, the presentation of every innovation and amendment in the new Regulations with regard to the previous ones would be too protracted, being these numerous and some of them too detailed, since not only the development rules of the new legal institutions sanctioned in the consolidated legal text and those contained in a number of scattered provisions subsequent to 1915 have been included, but also those arising from the doctrine established by the Supreme Court and the Directorate General for Registries and Notaries' case law. The enumeration of some of the most relevant ones will suffice for these purposes. There has been an attempt to simplify and systematise the registration system of the administrative grants within the new Regulations, based on the Public Works Unity registration, as well as within the system of the industrial plants aimed at the power production or supply, which had been subject to the corresponding administrative grant.

Also having provided a perfect procedure for the registration of public waters exploitations acquired by adverse possession means an important development, because it meets a compelling necessity both for the Public Administration and for those owners interested in, since the possessory information that used to serve as deeds for the aforesaid exploitations were abolished, pursuant to the Royal Decree-Law of January 7th, 1927.

Regarding the private nature and those family wealth connections having an effect on the Property Registry, clear and accurate rules have been recorded for the registration of real property and property interests acquired by married women for valuable consideration during their marriage, as well as for the registration of those real property and property interests' conveyance and disposition agreements. These new rules, strictly adjusted to the Civil Law's basic principles, were meant to solve the frequent issues and difficulties arising from an abundant case law which was sometimes conflicting.

Regarding the procedural nature, so closely connected to the Registry System, thorough rules concerning the special procedure for the execution of registered property interests have been issued, as established by Article 41 of the consolidated legal text, and pursuant to the significant innovation introduced by the Act of 1944 and aimed at favouring the legal institution of the Registry's prestige and efficiency. Besides, this was amended in accordance with the experimental teachings, the processing of appeals from decisions of registrar of deeds against the Registrars' assessment in order to shorten it as well as to grant the proper formalities for filing the appeal, in any event, to the officer authorizing the document rejected by the registration assessment.

Moreover, in compliance with the mandatory injunction, the extrajudicial procedure for executing the mortgage loan has been developed taking into consideration the teachings arising from the 'ad exemplum' regulated process established in Article 201 of the former Regulations.

Regarding the mortgage right, complementary rules for the new categories introduced by the legal text have been issued, such as those backing rents or periodical benefits, constituted by a unilateral act and with limited liability. Their regulation tries to facilitate the establishment and system of these rules so that they may be practical according to the naturalisation papers granted by the law-maker within the Spanish legislation.

Moreover, the access to a non-registered property has been facilitated, in accordance with the Act of 1944 as well as reflected in the Consolidated Text. This will thoroughly regulate different means of first registration of properties accepted by such Act, enabling the small and medium-sized properties to make use of them, even though these will take into consideration the necessary warranties to prevent potential frauds and to avoid the system appeals to act in favour of the encroachers of the common patrimony, particularly the State's forestry patrimony.

And, finally, appropriate rules concerning the non-admission of documents which are not registered in Courts, Courts of Justice and Offices have also been issued, being strictly subject to what has been established by Article 313 of the Act, and aimed at making the bar issued by the law-maker efficient, so that it will not become a dead letter as it happened previously with similar rules.

All these provisions, as well as many others omitted, advise the new Regulations to be published with definite character, not only to avoid what happened to the previous ones, which were enacted as provisional regulations and have been governing over thirty years, but also because this means an authority reinforcement regarding the previous decision by the State's Highest Advisory Corps. This is something always advisable when regulating such an important institution as the Land Registry, and in this case it proves to be unavoidable in order to corroborate that the new set of laws have not exceeded the strictly legal framework in which the Administration is to develop its regulatory capacity.

Consequently, upon proposal of the Ministry of Justice, and in accordance with the Council of State's decision and after the Council of Minister's consideration,

I HEREBY DECREE

Article 1.

The attached Spanish Mortgage Act of February 8th 1946 Enforcement Regulations are passed with definite character.

Article 2.

These Regulations will start governing in the Peninsula, its adjacent Islands, the Canary Islands and African areas not subject to a special legislation on mortgage issues 20 days after being published in the Official State Journal.

I do hereby decree in Madrid, on February 14, nineteen forty-seven.

FRANCISCO FRANCO

The Minister of Justice,
RAIMUNDO FERNÁNDEZ-CUESTA Y MERELO

MORTGAGE ACT ENFORCEMENT REGULATIONS

TITLE I

The Property Registry in Spain and the deeds subject to registration

The property registry in Spain

Article 1.

Property Registries will hold current territorial areas, capitalizations and names, which may be changed when so advised by public interest, in compliance with the Laws and with these Regulations.

Article 2.

Pursuant to the provisions in the second paragraph of Article 1 of this Act, registrations or entries will be performed in such territorial area's Registry where the real property is located.

Should any piece of real property be located in a territorial area belonging to two or more than two Registries, Municipalities or Divisions, the description of them all will be recorded, specifying the area belonging to each corresponding Division or Municipality. If there is a special description of each lot, this will also be recorded.

Article 3.

If a property is irregularly listed as registered in a Municipality or Division different from the one it is entitled to, the interested party may request the entry or entries transfer to the Registrar, and such application will be accompanied by the corresponding registered deed and administrative certificate proving that fact. If the Registrar deems it as a reasonable transfer, he will perform it with no other proceedings than the application notification to the rest of the interested parties, if any, who might be affected by this transfer, and the appropriate recording of the marginal notes on the transferred entries as well as on the prospect new ones.

The transfer will be carried out by fully copying the property's entries and annotations on the folio and under the new corresponding number, and by closing its old record with a note on the book and on the folio explaining the reason for such transfer, by means of proper marginal notes.



Whenever the Division or Municipality in which the property is to be registered belongs to a different Registry, agreement between both Registrars will also be necessary, and the application will be accompanied by a literal certificate of every irregularly registered property's entries, which will be fully copied on the corresponding folio, once it has been appropriately qualified, and pursuant to the provisions established in the previous paragraph.

In any event, all necessary modifications related to the Indexes will be performed.

In case of denial or disagreement, the interested party will be able to apply to the Directorate-General who, taking into account reports from any people or Entities as it deems it necessary, will resolve as appropriate and issue accurate rules in order to perform such transfer, if applicable.

Registrable assets and rights and bonds subject to registration

Article 4.

All real properties as well as their property interests will be registrable, irrespective of the natural person or corporation they belong to and, therefore, all belonging to the Public Administrations and to Civil and Ecclesiastical Entities.

Article 5.

Publicly owned properties may also be subject to registration pursuant to their special legislation.

Article 6.

(annulled)

Article 7.

According to the provisions of Article 2 of the Act, not only will the deeds stating, constituting, recognising, transferring, altering or extinguishing the ownership or property interests stated in the aforementioned paragraphs be registered, but also any other deed related to rights of the same nature, as well as any other effect in rem action or contract which, without having a proper name in law, modifies or may modify in the future some of the rights of ownership over real property or rights related to property interests.

Article 8.

Those rulings and agreements which are known with a different name in provinces with a special jurisdiction and have any of the aforementioned effects on the previous Article over real properties or property interests, will also be subject to registration.

In order to register such rulings and agreements, the necessary documents will be submitted to the Registry, pursuant to this special jurisdiction and, if applicable, also those documents certifying having made use of the means established by the subsidiary legislation.

Article 9.

No obligations such as to constitute, to transfer, to alter or to extinguish the ownership or a property interest over any real property will be subject to registration. Nor will be to celebrate, in the future, any agreement stated in the previous Articles or, in general, any other obligations or personal rights, notwithstanding that in each of these cases will the constituted security interest be registered in order to guarantee its compliance or an annotation will be taken, if applicable, in accordance with Article 42 of the Act.

Article 10.

Court's decisions to be registered in accordance with the provisions established in number 4 of Article 2 of the Act, will not only be those explicitly stating any person's incapacity to manage their properties or similarly altering their civil capacity to freely dispose of their wealth, but also those legally producing any of these incapacities, although not explicitly stating that.

Article 11.

No real properties or property interests in favour of entities without a legal personality will be registrable.

(second to fifth paragraphs annulled)

Article 12.

Likewise, the following will be registrable, notwithstanding the provisions established in Article 20, and under Article 205 of the Act, if applicable:

1st Notary copies of rectification of boundaries and property marking of boundaries notarised court records, when mentioned in the ownership proceedings of owners of abutting properties.

2nd Administrative rectification of boundaries duly approved.

Article 13.

(first to third paragraphs annulled)

The arrangements provided in this Article will not be applicable when the contracting parties have arranged the transfer contractual obligations differently from the provisions established in the first paragraph or for purposes of binding only. In such case, a brief annotation on the body of the entry will indicate that the transfer contractual obligations mean the future construction, with no further details required. Both the registration record and the document's footnote will state that the right for future construction is not subject to registration.

Nevertheless, provided that the contractual obligations are guaranteed by a cancellation provision or any other security interest, such guarantees will be registered pursuant to Article 11 of the Spanish Mortgage Act.



Article 14.

The option to buy contract or any explicit agreement or provision so establishing it in any other registrable contract will be subject to registration, provided that the following necessary conditions are also fulfilled for such registration:

- 1st Explicit agreement between the parties to have it registered.
- 2nd Specified price for the property's acquisition, and if applicable, the price agreed for granting the option to buy.
- 3rd Term for executing the option to buy, which will not exceed four years.

Regarding leases with an option to buy, the term for the option may reach the total time for it, but it will necessary expire if there is an implied or legal extension of the lease agreement.

Article 15.

Tenants and leaseholders entitled to return to the leased flat or premises, whether by legal provision or by agreement with the lessor, may state so in the Land Registry by a marginal note on the ownership registration of the property to be rebuilt. This statement is compulsory for such right to be applicable to third acquirers. The interested party's application, accompanied by the tenancy or leasehold contract, as well as the corresponding contractual, legal or administrative deed specifying such right to return, will be enough to include such note. Those notes will be cancelled due to their expiration five years after their date of annotation.

Article 16.

1st (annulled)

2nd The right to raise one or more floors the height of a building or to carry out constructions under its ground, thus owning the resulting constructions, and although they do not constitute surface right, the owner might reserve the right in case of transferring the ownership of everything or part of the piece of real property or in case of a transfer to a third party, will be registrable pursuant to the rules established in the third section of article 8 of the Act and concordant Articles. Such registration will record the following:

- a) Fees corresponding to the new floors regarding common elements and costs or rules for their establishment.
- b) (annulled)
- c) (annulled)
- d) Rules concerning condominium, if applicable, in case of carrying out the construction.

Article 17.

(annulled)

Article 18.

(annulled)

Article 19.

Properties belonging to, returned to or depreciable by the Church or any Ecclesiastical Entity will be likewise registered.

Article 20.

Real properties and property interests belonging to the State or to the Civil or Ecclesiastical Bodies to be conveyed according to the Disentailment laws shall not be registered in the Land Registry until they are sold or redeemed in favour of private individuals, although meanwhile their property is transferred to the State by operation of the barter agreed with the Holy See.

Article 21.

When any of the properties referred to in the previous Article is to be sold, or any of the rights within this same Article is to be redeemed, the officer in charge of the State's Properties and Rights Administration of the province where these properties are located will search and attach the corresponding ownership deeds to the sale or redemption file.

If these deeds do not exist or are impossible to be found, Articles 206 of the Act and concordant ones of these Regulations will apply.

Article 22.

When granting the deed of sale or redemption, those deeds or documents generating the registration will be submitted to the buyer or redeemer.

Article 23.

Buyers of disentailed properties and redeemers of ground rents also disentailed may register their right pursuant to Article 205 of the Act, and therefore they will be entitled to demand their corresponding deeds and, in the absence thereof, the certificate referred to in Article 206 of this same Act, together with the Registrar's note stating having performed such appropriate registration. Consequently, officers in charge of the State's Properties and Rights Administration will have every property or right found registered and will submit to the Registry the corresponding deeds or certificates to which the provisions stated in Article 306 will be applied as the case may be.

Article 24.

Provided that the State or the Civil Bodies acquire any real property or property interest, the Treasury Delegates, Authorities or Chief Managers of the branches managing these, will try and collect every property deed, if any, and will verify, in all respects, their registration.

Article 25.

Those Authorities deciding upon seizures or allotments of real properties or property interests contained in governmental files will provide their registration or notation in favour of the State or of the Civil Bodies, in accordance with the provisions in force



regarding tax and charges collection as well as administrative legal proceedings for debt collection, to the extent they do not violate the Spanish Mortgage Act.

Article 26.

Those registrations arising from legal proceedings for debt collection related to taxes will be carried out by virtue of public deed that will be granted in favour of the allottee by the debtor or the Agent substituting him due to non- appearance. This public deed will contain the main proceedings and incidents of the legal proceedings for debt collection file, and particularly the debtor's subpoena, and any notification to third tenants or mortgagees, if any. The preventive notation of seizure will also be extinguished in favour of the Treasury.

If the public auction is void and the property is allotted to the State, Province, Municipality or Entity to which the capacity to use the administrative legal proceedings for debt collection is granted, the certificate issued by the Treasurer, the President of the Provincial Government, the Mayor or the appropriate officer, as required, will serve as a sufficient deed stating the following: the complete decision upon allotment, debtor's name and surnames, and nature, location, property lines, area and liens over the piece of real property allotted.

If the Treasury transfers the real property which has been allotted to, the certificate of the transfer agreement issued in two counterparts by the Property and Local Property Tax Administrator or corresponding officer will be subject to registration and, if applicable, firstly registrable in favour of the acquirer. Such certificate will state the details concerning the previous allotment due to tax debts and the transfer's, pursuant to the provisions established in the previous paragraphs.

The deeds those three previous paragraphs refer to will contain the general conditions required by Law as well as the registrations. They will also briefly contain the special circumstances stated in those documents.

The files this Article and the previous one refer to will be examined by the Treasury Counsel in charge before submitting those deeds to the Registry.

Article 27.

If, once a property is conveyed or a ground rent is redeemed, and the corresponding deed is granted, a file in order to cancel or void a sale or redemption is opened, the Authority or officer instructing the file will require a preventive notation, as well as a certificate declaring that condition and others necessary for such notation in two counterparts and in accordance with the Article 72 of the Act.

If the decision to cancel or void the sale or redemption is final, the Authority in charge will make available to the State either the ownership registration or the registration cancellation, as applicable. In case of properties belonging to the Local Bodies, the agreement certificate will be issued by the Secretary after the President's approval. Those certificates issued for registration or cancellation purposes will explicitly state the respective final decision including the acquirer's subpoena, any other relevant proceedings for the procedure and, in the case of State's properties, the report the last

paragraph of the previous Article refers to. If the properties or rights are registered in favour of a third party, the provisions established in Article 82 of the Act will apply.

Article 28.

Should an action bankruptcy be declared due to the buyer of a property or its right having failed to pay the price within the corresponding terms, such declaration will be preventively annotated in compliance with the terms and conditions established in the previous Article.

The cancellation of the respective main entry may be verified by means of a certificate issued by the Internal Revenue Office in charge in which the final void agreement is stated.

Article 29.

In order to register the administrative repurchase right when executed by the taxpayer debtor or any of his/her legal representatives, the certificate issued by the Administration will be enough for the agreement or tax decision to be literally entered. In any other cases, the public deed granted by the Treasury Delegates or Administrative officers to which such Authority explicitly delegates will be required.

Article 30.

1st Public utility forests ownership will be registered in the Registry in favour of the State, of the Territorial Public Entities or of the locations where they belong to. The main registration will be carried out in the City Council Registry

Book where the property is located or where the greatest area of it is found, in case of it belonging to several ones. The forest's details will be hereby stated, including the organism or service this is assigned to. If applicable, reference registrations in the rest of Registries, City Councils or Divisions will be also performed. Rectification of boundaries records concerning those forests will be likewise registered.

2nd Entitled land developments, land consolidation deeds and land grants of real property or property interests granted by the Administration for land settlement or similar social purposes will be registered in the Registry.

3rd Air property interests over someone else's rural properties will be registered in the folio belonging to the property it is built over; and the following will be stated in such registration: its length of time, the planting and seeding consisting of, as well as their destination and its improvements' at the moment of the right's extinction, any provided agreement or benefit, and the security interests, if any. The same circumstances will appear in the registration of any consortium in favour of the Forest Management or the private individuals.

The deeds this Article refers to will be registered in accordance with the legal principles established in these Regulations and with respect to the provisions on the matter in force.

**Article 31.**

Administrative grants affecting or reflecting upon real property will be registered in favour of the grantee to the extent and under such circumstances resulting from the corresponding deed.

That acquisition due to condemnation or to any other deed of properties or rights over properties which are now subject to the grant will be registered in favour of the grantee and such registrations will state their encumbrance and the registration of the grant will state the inclusion of these as a marginal note. The registrations and their corresponding marginal notes will also state that the included properties are encumbered with the charges the grant is subject to or will be subject to in the future.

No other charge or encumbrance will be registered over the properties or registered rights subject to the grant but those attributed to the grant and authorised by the granting Administration.

If the properties are to revert to the granting Administration, once the grant has been extinguished, they will be registered in favour of this Administration and any contradictory entry will be cancelled, notwithstanding the provisions in Article 175.

If any building plot or properties are left over after a grant and these are not to be reverted to the grantor, the grantee will be entitled to have such circumstance together with its removal of the grant's encumbrances declared in the Registry by means of the certificate issued by the Organism granting the grant. This certificate will state the decision's date declaring such removal of encumbrances, the condition for not needing to revert the property, and the grantee's right to freely dispose of the property. If the building plot or property had been acquired in virtue of a condemnation, the removal of encumbrances' registration statement will not apply to the right of reversion assisting the condemned owner; and, in case of performing a segregation, the acquisition arising from the condemnation will be declared in the new registration.

Article 32.

The entries arising from condemnation proceedings will be performed in accordance with the rules established in the special legislation and with the following ones:

1st Registrars will state, if applicable, and by means of a marginal note, the corresponding registrations issuing the ownership and charges certificate for condemnation purposes, stating its date and proceedings related to. These notes will be cancelled when expired, three years after their date, should there be no other new entry in the Registry related to that file.

2nd For the purposes of registering the condemnation deeds, in case of properties or registered rights, the file will be issued with the registered holder or whoever verifies being its beneficiary acting on his/her own behalf or duly represented, in accordance with the special legislation, notwithstanding the intervention of other interested parties, if any.

3rd A preventive notation may be issued in favour of the expropriator or beneficiary by means of the record previous to the occupancy and the provisional deposit receipt. The

notation will last as indicated in Article 86 of the Act and will become registration by means of the document certifying the payment or the fair price assignment, together with the occupancy record.

4th Such record declaring payment and occupancy or just the occupancy record, when accompanied by the document certifying the fair price assignment or its corresponding deposit receipt will be a registrable deed in favour of the expropriator or beneficiary. The first registration of property will be performed in virtue of those deeds, if applicable.

For registration purposes, the fair price will be considered finally set when determined by the Provisional Jury for Condemnation Proceedings or the competent organism in accordance with the special provisions and when no agreement is reached.

5th Ownership and charges, encumbrances, property interests and whatever restrictions registered subsequently to the marginal note's date this Article refers to will be cancelled when performing the registration in favour of the expropriator or beneficiary, and in virtue of the same deed, even though the interested parties have not been part in the file, and their general statement will be sufficient for its cancellation.

For the purposes of cancelling the entries with a date previous to such marginal note, a statement will be included declaring that the interested parties have been subpoenaed and appeared on their behalf or duly represented to the payment, or that the price or the required part of such price has been assigned, as the case may be. The entries to be cancelled and replaced with relation to the records will be detailed in the deed.

6th The entries will contain the conditions established for the registration in the mortgage laws as well as the necessary ones in compliance with the special legislation. If it is not possible to state any condition, this will be indicated in the deed and, if applicable, in the registration.

Article 33.

For the purposes of registration, a deed will be any public document or documents granting the right to the person in favour of whom this registration is performed and certifying the contents subject to registration, on their own or together with other complementary ones or by means of certified formal requirements compliance.

Authentic Documents

Article 34.

Authentic documents for the purposes of the Act will be those serving as deeds for ownership or property interest or registrable entry and issued by the Government or Authority or officer in charge of issuing them, and which serve as a certification by themselves.

Article 35.

The Pontifical documents issued in order to certify the compliance with the requirements prescribed in the Canon Law for the granting of acts and agreements the Church is interested in, once they are translated and attested by the Diocesan Ordinaries, serve as authentic documents, and their legalization is not required.



Article 36.

Those documents granted in a foreign territory may be registered if they meet the conditions required by the Private International Law, provided that they contain the legalization and other necessary conditions for certifying their authenticity within Spain.

The compliance with the foreign terms and formalities as well as the necessary legal capacity for such act may be certified by means of, among others, an averment or report from a Notary Public or a Spanish Consul, or from a Diplomat, a Consul or a competent officer from the country of the applicable law. The civil capacity of foreigners granting registrable documents within the Spanish territory may be also certified by the same means.

The Registrar will be able to dispense of those means in case of sufficient knowledge of the mentioned foreign legislation, under his/her own responsibility, and by the introduction of the mentioned statement in the corresponding entry.

Article 37.

Documents written in a different language than Spanish may be translated for Registry purposes and by the Spanish Office of Interpretation of Languages or by competent officers authorised in accordance with the laws or international conventions and, if applicable, by a Notary Public, who shall be responsible for the translation's accuracy.

Those documents issued in Latin language, or in any Spanish dialect, or with an old handwriting, or those illegible for the Registrar shall be submitted accompanied by their translation or sufficient copy made by a person in charge of the Spanish Professional Corps of Archivists and Librarians or by a competent officer, except as provided in Article 35.

The Registrar will be able to dispense of the translated official document when knowing such foreign language, dialect or old handwriting, under his/her own responsibility.

Article 38.

Court's decisions or decisions of an arbitrator performed abroad will be registrable when recognised by the Court or competent Authority, in accordance with the international laws and conventions.

TITLE II

Characteristics and effects of the registration

Registration application

Article 39.

Any person submitting the corresponding documents in the Registry in order to apply for their registration will be included in section d) of Article 6 of the Act.

Article 40.

Land Registry's Officers, Assistants and Clerks will not be able to submit any document for its registration in the Registry, except when they are included in the three first sections of Article 6 of the Act.

Categories and order of the entries

Article 41.

The following entries or registrations will be performed in the Land Registry books: Filing entries, registrations themselves, whether extended or brief ones, main or reference ones, preventive notations, cancellations and marginal notes.

Article 42.

In order to have the registered pieces of real property listed in accordance with the provisions established in Article 8 of the Act, the number one shall indicate the first one to be registered in each City Council or Division, and the following numbers shall apply to the successive registered properties, strictly ordered by date.

The mentioned listing will be always performed by numbers.

Article 43.

Registrations themselves and cancellations related to each of the properties will be also performed in the same order they were carried out.

Preventive notations and their cancellations will be indicated on the margin with letters instead of numbers, strictly listed by alphabetical order. Should the alphabet letters be exhausted, the first one will be used again as a double letter and so on with the rest of the letters. In such cases, on the margin reserved for the registrations' listing the following shall be written: "... letter notation (or cancellation)".

Registration, consolidation, division and segregation of properties**Article 44.**

The following shall be registered under the same and only number, if so required by the interested parties, and when considered as the same and sole property, in accordance with Article 8 of the Act and for the purposes thereby stated, provided that this property belongs to a sole owner or to different undivided property's owners:

1st Rural properties or abutting sites, even if not having been constructed on them, and urban properties, also abutting ones, physically constituting a sole building or dwelling house.

2nd Country houses, plantations, excavations, farmhouses in the Valencia and Catalonia area, pasturelands, fenced properties, towers, hamlets, farms, places, sites, shelters and similar properties constituting a body of dependent real property, or consolidated with one or more buildings and one or more pieces of land, with or without tree-planting, even when not mutually abutted or abutted on the building, and provided that, in such case, there is an organic unit to be used or a relevant building which the other properties or constructions are subordinated to.

3rd Farmsteads, even if without worker's cottages and when formed by non-abutted landed properties, provided that they constitute an organic unit with a name to distinguish them and an economic organization other than the purely particular, as well as the family farmsteads.

4th Any industrial plant located within a given boundary or constituting a body of consolidated property or of properties dependent on each other.

5th Any building or shelter located outside a town and with all of its rooms and extensions, such as barnyards, sheds or cattle sheds, granaries, pigeon lofts, etc.

6th Administrative grants, except those annexed to other properties or grants.

All the provisions provided in this Article shall be applicable when the properties are located in different Divisions, City Councils or Registries.

Article 45.

When, in accordance with the provisions of the previous Article, two or more properties are consolidated to constitute a sole one, this shall be registered with a different number and by mentioning such circumstance on the margin of each of its consolidated property registrations.

If the consolidated properties are non-abutted, lands constituting them shall be individually described as well as the consolidation characteristics or circumstances for such consolidation, as accurate as possible.

Notwithstanding the provisions in the previous Article, properties belonging to different owners may also be consolidated, provided that the undivided participation of each of them in their corresponding property resulting from the consolidation is declared and this complies with the resulting deed.

Article 46.

If the whole of a registered property is divided into two or more parts or portions, each of these shall be registered as a new property and under a different number, having a brief mention of such circumstance recorded on the divided piece of property registration's margin. The property's origin shall be declared in the new registrations, as well as the encumbrances they were charged with previously to the division.

Article 47.

Provided that a part of property registered to constitute a new one is segregated, the segregated portion shall be registered with a different number, having such circumstance recorded on the margin of the parent property's registration, as well as the description of the remaining portion, when possible, or at least, it shall be recorded any alteration to the extension or property line or lines where the segregation is carried out through. The new property's origin as well as the parent property's charges in force shall be declared in the registration.

Should other segregations previously carried out have not had access to the Registry, this shall not mean an obstacle for any segregation's registration. In such cases, the parent property's marginal note shall show the remaining surface according to the Registry.

Rulings and agreements affecting the rest of the property, when access to the Registry has not been provided to every registered segregation, shall be performed on the parent property's folio, and a mention to the surface covered by these rulings and agreements shall be stated in the registration. An indicative note of the remaining surface's registration, as well as of the surface pending of segregation, shall be recorded on the margin of the preceding property's registration.

Article 48.

The addition of one or several registered properties or of one or several segregated parts to another property also registered, may be performed provided that the latter has an extension equal to, at least, the quintuple of the total number of the segregated properties.

The corresponding registration shall be performed in the biggest property's folio, without altering its numbering but showing the new resulting description and the origin of the consolidated properties, together with their affecting charges. Suitable marginal notes shall be also noted down.

Article 49.

When the submitted deed implies the constitution of two or more properties or the segregation of any of them in order to transfer it, a sole registration containing the consolidation or segregation and its transfer shall be performed.

Article 50.

Every consolidating, dividing, adding and segregating operation shall be performed in the Registry in virtue of the public deed in which the affecting properties are described,



as well as those resulting from any of such operations or, at least, any alteration to the extension and property lines where the segregation is carried out through. If the total area of the properties does not appear in the Registry, this shall be recorded on the marginal notes in which the performed operation is indicated.

Circumstances for the registrations

Article 51.

The exhaustive registrations referred to in Article 9 of the Act shall contain the main requirements established for each of them by the present Regulations and they shall be performed in accordance with the following rules:

1st The nature of the property shall be established by stating whether it is a rural or an urban property, the names given to its category's within that locality, and when rural, if they are used for dry or irrigation farming purposes, and, if applicable, the approximate surface used for each of them.

If an administrative warrant, certificate or license certifying the property's development category is accompanied, this will be also stated.

2nd The rural property location will be determined by indicating the municipality, town or circumscription or any other name given to the place in which they are located, their property lines according to the four cardinal points, the nature of the abutting properties and any other circumstance preventing them from being confused with another registered property, such as its name, if any. In those cases legally required, the cadastral reference of the property will also appear.

3rd The location of the urban properties will be determined by stating the municipality and town in which they are located, their street name or place, their number, if any, and their old numbers too, the name of the building if known by a specific one, their property lines on their left (at the front), right and back, the cadastral references in those cases legally required, and any other circumstance useful for distinguishing the property from another. The requirements provided in this Article do not mean that the urban properties whose property lines are unable to be determined as provided will not be able to be determined according to the four cardinal points.

4th The superficial measurement will be indicated, at all cases, in accordance with the decimal metric system, notwithstanding that the country's equivalent will be also indicated.

The rural and urban properties will be preferably perimeter described on the basis of the physical data referring to the abutting properties or cadastral data from these taken from an official plan.

(third to ninth paragraphs annulled)

5th The nature of the registered right will be indicated with the name given in the deed and, if not given, neither will be named in the registration.

6th In order to bring out the registered right extension, it will be detailed every circumstance that, according to the deed, will be determined by the right itself or will

limit the acquirer's capacities, by literally copying the resolutive conditions and provisos, or of any other nature, thereby established. No provisions, clauses or covenants lacking from real significance shall be declared in any case.

7th Registered property or right's charges and restrictions will be briefly indicated by those ones registered or recorded in relation to the entry where they appear. In any case will the rights stated in Article 98 of the Act be recorded; neither will the deferment of special non-secured prices.

Charges related to the deed and not registered or recorded will not appear in the registration. If no charge exists, this will be specified.

8th The registered value of the property or right will be determined, if so stated in the deed, in the same way as thereby appears.

9th The person in favour of whom the registration is performed and that person whom the registered property or right belongs to will be determined in accordance with the following rules:

a) In case of natural persons, there will appear the name and surnames; the Spanish National Identity Number Card; in case of being of legal age or, in any other case, the age this person is, and if emancipated, the reason for that circumstance; if single, married, widowed, separated or divorced and, if married and this being a reason for affecting the act or contract registering in favour of the present or prospect rights of the marital partnership, also the marriage financial arrangements and the other spouse's name and surnames and residence; the individual's nationality and legal residence if certified or manifested; and the address with any circumstance detailed.

b) In case of corporations, there will appear their category; their name; their Spanish National Tax Identification Number; their registration, if applicable, in the corresponding Registry; their nationality, in case of a foreign corporation, and their address with any circumstance detailed.

c) Circumstances for legal or voluntary representation will be also declared, as well as any personal circumstance identifying the representative, the power or appointment granted by this representation and, if applicable, their registration in the corresponding Registry.

d) If the person's circumstances are stated in a different entry of that same register folio, only the name and surnames will be recorded in the new entry in case of natural person, or the category and name in case of corporation and, in both cases, it will be recorded the reference, for any other circumstance, to the previous entry, by stating any variation resulting from the submitted documents.

e) At any moment, the registered holder may apply the Registrar directly for having recorded the circumstances of a residence for purposes of communications related to the registered right by means of a marginal note.

10th In all cases the registration record will state the following: The fact of the registration performance, the person in favour of whom this is performed, the generic deed for its acquisition and the registered right.



11th It will be stated the deed category in virtue of which the registration is performed, its granting, authorising or issuing date, and the Judge, Court, Notary Public or officer authorising it, as well as the protocol's Notary's office where it is based or Court or Courts of Justice it belongs to, when being different from the one authorising it. Recording name and residence of the officer authorising will be enough since these are considered complementary documents only and non-notarial. If applicable, the document filed will be indicated.

12th The entry's number and the corresponding volume of the Record will be added to the submitting date and time of the deed in the Registry.

13th If the rules and agreements subject to registration have earned rights in favour of the State, such circumstance will be stated as well as the discharge being filed in the file. If these are exempt from payment or the administrative action is prescribed, such circumstance will be stated.

14th The registration's date will appear at the end of every of them. The registration will be authorised by the Registrar's signature, which implies the registration's compliance with the submitted deed and complementary documents, and no further explicit compliance will be required.

Article 52.

Article 30 of the Act is generally applicable to exhaustive registrations, but not to brief ones, neither to the ones having been subject to any legal or regulatory exception.

Brief registrations and notations performed in compliance with Article 245 of the Act will only contain the following circumstances:

1st Property's description and charges.

2nd Transferor's name and surnames, as well as the acquisition and registration's deed of the property.

3rd Special circumstances related to the property and any liability the property is charged with such as a mortgage or of any other kind.

4th Registration record.

5th Complete reference, date and signature.

Article 53.

If an entry is declared void, such cancellation will be ordered by the Judge or Court and, if applicable, they will order to issue a new one as required by Law.

This new entry will be effective from its effective date, as the case may be.

Article 54.

1. Registrations of undivided parts of a property or of a right will be determined by the ideal portion belonging to each joint owner and making use of mathematical data allowing to obtain an accurate measurement without doubt.

2. This rule will be applicable when the parties owning the same property, even though this belongs to a sole holder, have a different character or are subject to a different system.

3. This requirement will not be considered fulfilled if such determination is based on currency, surface measurement or other similar systems only.

Article 55.

For the purposes of number 4 of Article 2 of the Act, the registration of court decisions declaring incapacity will be adjusted to the applicable general rules and will also contain the following circumstances:

1st Name, surnames and municipality of the incapacitated person.

2nd Declaration of incapacity, its kind and extension, and name of the person appointed and authorised to administer, if so established by the decision.

3rd Court judgement holding and its kind, Court or Court of Justice having it ordered and its date.

Article 56.

Marginal notes referred to in Article 23 of the Act will state the fact required to be certified, the name and surnames of the person or persons having it performed, the document in virtue of which this is issued, the payment or tax exemption, and they will also contain the reference to the corresponding document's filing entry, its date and initials.

Article 57.

When the compliance of the prohibition to dispose of referred to in Article 27 of the Act is guaranteed by means of a mortgage, the act or agreement containing it, as well as the mortgage constituted, will be registered in a sole entry and there will be stated that the registration of the prohibition to dispose of is dismissed.

Purchase money

Article 58.

1. A marginal note will indicate, provided that the interested parties so request it to the Judge or Court ordering it, any payment made by the acquirer subsequent to the registration by instalment or credit of the selling price or the payment of the difference in the barter or award as payment. Likewise, a marginal note stating such circumstance will be enough, if so specially established by any Law.

2. Just one spouse's consent alone will be enough for such marginal note referred to in the previous paragraph if the household property transferred was previously registered only in the name of such spouse.

Article 59.

If, at the real property or property interests sale, it is stipulated that, due to the fail to make the payment within the term settled, the agreement is terminated without further



formality, it will be necessary, in order to verify the new registration in favour of the seller or its assignee, that the court order or notarial service filed to the purchaser by the seller will be stated certifying the sale termination and accompanied by the seller's deed.

Article 60.

The registration of administrative grants will be performed in virtue of public deed, and in those cases not requiring such granting, by means of the deed of the grant itself. This deed will explicitly state the general terms, the transfer of the Act or granting administrative decision as well as the special and financial circumstances.

Deeds certifying the laying out, construction, works postponement or reception, any alteration to the grant and to the project, rescission of contract works or any other administrative or jurisdictional decision affecting the existence or extension of the registered land grant will be also registered.

Article 61.

The registration of the land grant will be performed in the Registry where such land grant is located or, if applicable, the starting point determined by the granting Administration. This main registration will especially state, apart from the provisions of the previous Article, the land grant's nature and name, its term, the conditions to reversion, and if applicable, the starting points and municipality or municipalities the works or public service pass through.

A reference registration will be also performed in the rest of the Registries, City Councils or Divisions where the grant is extended to or where there are properties or rights subject to this registration. In these registrations it will be stated the grant's nature and name, the deed's date and any specificity for its authorisation, and the book, folio, number and Registry where the main registration has been performed. These reference registrations will be performed in virtue of literal certificate of the main registration, which will be filed in the last Registry and a single copy of it will be kept in the rest of the Registries where such certificate has been submitted.

Property interests charging the land grant in each municipality, will be registered under the same number as the main registration or of the reference one.

Article 62.

The registration of mines in the Land Registry will be stated in the City Council or Division's book corresponding to the starting point of the perimeter demarcation of the mine grids constituting it, by means of a grant deed, supplemented by a certified copy of the demarcation plan, and this deed will contain, apart from the general circumstances, if applicable, the special ones contained in the grant deed itself.

If the perimeter of the land grant comprises territories within two or more Registries, City Councils or Divisions, this will be stated in the main registration and a reference registration will be performed in the rest of them declaring the following: The mine or land grant's name and number, its description and extension, the grantee's circumstances, the deed's date and a reference to the main registration.

In order to record the objective modifications to the mining grants, those rules related to normal properties will apply, when relevant and in accordance with the mining laws, and particularly, the following:

1st If the modification is caused by the granting of an unclaimed space between mines, the registration will be performed in the folio opened for the grants extended or added or segregated in virtue of the corresponding administrative decision accompanied by a copy of the demarcation plan.

2nd If caused by the partial transfer of the grant, this grant will be divided and a new folio will be opened for the resulting grants by means of public deed and administrative decision.

3rd Mining claim monuments will be registered under a new number in virtue of the corresponding administrative deed, and there will be specified, if a claim monument utilization consortium is constituted, the By-laws regulating it. In any case, the folio of the affected grants will state the conventions between the interested parties and the By-laws regulating them.

Exploitation and research permits and authorisations may be subject to preventive notation in virtue of the corresponding deed for granting, accompanied by a certified copy of the demarcation plan.

The cancellation of registrations or notations, as the case may be, will be verified by means of a ministerial decision in which their expiration will be agreed.

Article 63.

The transfer acts and charges for permits, authorisations and grants of mining rights in favour of the person certifying being qualified enough for such ownership will be subject to successive registrations and preventive notations, as the case may be, and will be performed by means of the corresponding public deed, accompanied by the administrative authorisation, in case of partial transfer, and certifying the notification of the “mortis causa” transfer to the Administration in charge.

Article 64.

The registrations of public waters exploitations obtained by means of administrative grant, will be registered as established by Article 31, and accompanied by the corresponding documents and a certificate declaring to be registered in the corresponding administrative Registry organised the Royal Decree of April 12th 1901.

If this certificate is not attached, a preventive notation stating a curable defect may be recorded.

Community waters exploitations will be registered in favour of the land owners' community in the Land Registry corresponding to the waters supply source at the public river beds. The registration will also record applicable general circumstances, exploitation's data, its internal regulation, batches, turns or times the community is divided into, works related to waters supply sources and main and supplementary works related to water lines and distribution. Rights and shares concerning the different participants will be recorded under the same number and in successive entries, by



means of certificates issued in connection with the community's precedents regarding legal requirements. In the folios of the properties with irrigation the right in virtue of these same documents appropriate marginal reference notes recorded will be also registered.

These same rules will apply when the community exploitation's acquisition is certified in compliance with the following Article.

Article 65.

The exploitations referred to in the previous Article, acquired by prescription, shall be registrable by means of a statutory declaration processed under the rules established in the Spanish Notary Laws as well as in the following provisions:

1. A Notary Public will be qualified to authorise the statutory declaration when capable to act in the place where the exploitation is located.
2. The certificate's authorisation will be requested to the Notary Public by a person showing an interest in the certification for such fact and declaring its certainty under oath and under penalty of misrepresentation on a public document.
3. Once the certificate has been opened, the Notary Public, who is based in the same place as the exploitation, will record in this certificate, whenever possible and according to his/her direct interpretation of the statements from the claimant and from two or more witnesses, neighbours or owners belonging to the same municipality as the exploitation's, the following circumstances: The point where the waters supply source is verified and its location, the river bed where these waters come from, volume of usable water, hours and minutes and days when, if applicable, this right is made use of, exploitation's aim or destination, waterfall's height, if any, and the time the interested party has been its owner, specifying the starting date, when possible.

Witnesses will justify the characteristics stated in the previous paragraph by the submission of documents certifying it, unless the Notary Public is already aware of them, and they will be responsible for any damage caused due to their statements' inaccuracy.

4. By means of public notices, which will be published in the bulletin boards of the City Council belonging to the same territory as the exploitation as well as in the province's Official Journal, the claimant's claim will be generically notified to any person holding any right over such exploitation.
5. Within the following thirty working days to the public notices' publication, whoever is considered affected may appear before the Notary Public in order to state and justify his/her rights and, if certifying having filed a claim before a Court competent for declaratory judgements, the certificate's processing will be postponed until the judgement become final.
6. Once these procedural steps as well as any evidence deemed pertinent for the verification of the facts by the Notary Public are taken, whether proposed or not by the claimant, the Notary will conclude the certificate by stating whether they are sufficiently certified, at his/her own discretion.

7. If so, the complete authorised copy of such certificate will be considered sufficient deed for recording a preventive notation in the Land Registry and the administrative file may be opened after that. The preventive notation will expire when the term established in Article 86 of the Act is finished or will become registration when submitting a certificate as provided in the previous Article. In case of submitting such certificate after the notation's validity period, the corresponding registration will be recorded.

Article 66.

Private water supply that, under the provisions in number 8 of the Article 334 of the Spanish Civil Code, are considered as real property, may constitute an independent property and be registered separately from the property they occupy or they spring from. In such registration, general rules will be complied with, and there will be described, if known, the nature and destination of the waters; the regular or irregular perimeter shape of them, as the case may be; the location according to the four cardinal points, when possible or, otherwise, in connection with the property or properties surrounding it or the area where they spring from, and as many other circumstances as required to distinguish the mentioned water in every case.

Notwithstanding the exceptions provided in the previous paragraph, the existence of waters may be recorded in the registration of the property they belong to, as a characteristic of this property.

The properties' right to benefit from the waters located outside them, even though they are recorded as an essential characteristic of those properties' nature in their registrations, will not be effective with regard to third parties while not recorded in the registration of the waters themselves or, in the cases of the previous paragraph, in the registration of property containing them.

If there exist waters not registered within a property and whose existence is not recorded in their property's either or spring out subsequently to the registration, they may be recorded inside the same property, if so requested by the owner, by means of a new registration based on the submission of the statutory declaration or by describing those waters in the deeds of the property.

Private waters belonging to hereditaments, landed properties, dulas of water, irrigation ditches or to similar communities will be registered in the Land Registry corresponding to the place where they or their main stream spring from, in favour of the corresponding Entity. In the registration will also appear, apart from the applicable general circumstances, the following: volume of flow, indivisible real property and accessories of common use, such as areas where the waters spring from, galleries, wells, machinery, ponds, channels and water manholes, number of participants or portions in which the flow is divided; basic organization and system rules and principles and agreements modifying the contents or execution of property interests referred to by the registration. Appropriate reference registrations will be performed in the rest of the Registries, City Councils or Divisions.

Notwithstanding the provisions of the previous paragraph, each co-participant or commoner may register in his/her name his/her corresponding share or shares of



water, as well as any other property subject to them in connection with the principal registration as an independent property or, if applicable, in the folio of the irrigated property.

However, a special folio will be always opened when registering successive transfers of shares or the constitution of property interests over them.

In all cases, reference marginal notes will be recorded.

Article 67.

Industrial plants aimed at the power production or supply with the corresponding administrative grant will be registered in a special sheet and under a sole number, in accordance with Article 31. Under this same number any grant, lake, reservoir or waterfall exploited or owned by them will be also registered as well as any thermal power station or water power plants they dispose of: Air and underground transmission or distribution lines and their characteristics; transmission and distribution houses and any other element concerning the exploitation, as well as the easements for power conduction voluntary or obligatory established and the authorisations, permits or licenses for the exploitation, in accordance with the Administrative Laws and Regulations on this matter.

If the different parts of land are located in a territory belonging to two or more Registries, a main registration will be recorded in that Registry in which the production and distribution center is located, and reference registrations will be recorded in the rest of them, in compliance with the provisions in Article 62, as practicable as possible.

Article 68.

The registration for the transfer of an undivided share of a property used as a garage or vehicle parking, may be performed in an independent folio opened with the number of the parent property and the correlative to each share.

The opening of the folio will be stated as a marginal note in the parent property's registration.

(third and fourth paragraphs annulled)

Registration of privileges, sub-privileges and similar rights

Article 69.

Both direct and beneficial owner may obtain the registration of privileges, sub-privileges and any other property interests of the same nature, as well as their corresponding direct or beneficial ownership by the submission of the public deed of constitution or acknowledgement of the privilege, or by means of evidence of the conciliation acts and rectification of boundaries', marking of boundaries' and proportional divisions' judicially performed or by means of the private documents', approved by convention before a Notary Public in which the privilege is established or acknowledged or where the non-judicially rectification of boundaries, marking of boundaries and proportional divisions are stated.

The registrations will include the description of the properties as they are in the deeds and will state, at least, the location of the privilege's goods, the names of the payers and the rent to be paid by each of them, as well as a generic statement charging those lands possessed by them and subject to the privilege liabilities.

Article 70.

If the deeds mentioned in the previous Article are old or defective, properties may be described by means of an application signed by the direct or beneficial owner requesting the registration and this will be ratified by the Registrar.

Should the properties be not registered, the mentioned application shall be also signed by the other participant or interested party not requesting that registration; otherwise, this party will be notified of the registration application, either by the Registrar himself, who will deliver a literal copy to him, or by a statutory declaration. In case of not objecting to it within thirty days from the effective notification date, the registration will be carried out with all legal effects.

If the notified person certifies its objection, the applied registration will be rejected and the one from the corresponding declaratory judgement will be ventilated and such judgment will not need to be commenced by the person objecting to the registration.

Article 71.

Rights provided in Article 69 may be also registered, in case of lack of the deed, by means of an ownership certificate or a statutory declaration processed in accordance with the Act, where the holders' names not commencing them will be specified.

Article 72.

The registration of the deeds transferring the property and part of the ownership, and constituting the royalty or rent, will be verified in favour of both grantors or interested parties in a sole entry for each property, contiguous properties or group of portions of land that, according to Article 8 of the Act, may be included under a sole number, with the corresponding legal effects arising from the agreement for each of them.

Successive registrations causing the rights or special participations of the beneficial or direct ownership will appear just after or with reference to the constitution of the privilege or charge's registration.

Article 73.

If the properties subject to the pension are registered in favour of the privilege holders, the owner receiving the royalty may register the deed of his/her right over them in the corresponding way, proportion and conditions, and this will not mean a solidarity violation.

If the whole or any of the properties referred to are registered without declaring any charge or with differences with respect to their extension or conditions, the registration will be rejected or postponed, as the case may be, unless it is proved that the person or persons requesting it agree that no properties unduly charged will be issued with the registrable right. Such circumstance will be recorded in the registration. Those



properties' subjection to the privilege will be determined in accordance with the interested parties' agreement within the corresponding declaratory judgement.

Article 74.

Privileges, sub-privileges and any other similar property interest's redemptions will be verified in virtue of the conventions granted by the payees and payers or by the decision announced by the special Court in charge.

Registration of marriage articles, estate, and testamentary contracts

Article 75.

In accordance with Article 1 333 of the Spanish Civil Code, those Marriage Articles including real property or specified property interests with respect to any of the acts referred to in the Article 2 of the Act and Article 7 of these Regulations shall be registrable in the Land Registry.

If, in such a case, the marriage is not executed, that registration shall be postponed and a preventive notation may be recorded, which will become registration when the marriage is proved to be formalised or it will be cancelled on request of any of the grantors if, one year and two months subsequent to the marriage articles' date the marriage formalization within one year from that same date is not certified.

Article 76.

The registration of estate left under a valid will shall record relevant testamentary provisions, date of death of the deceased person taken from the corresponding certificate, and the contents of the certificate from the Probate Register.

The registration of intestate shall record the details of the heirs' legal declaration.

Article 77.

1. The registration of properties acquired or to be acquired in virtue of a testamentary contract will record, apart from the institution's name in the corresponding legislation regulating or allowing it, those provisions concerning the public deed, the date of marriage, in case of Marriage Articles, and if applicable, the date of death of the person or persons causing the transfer, the contents of the certificate from the Probate Register, when required, and any relevant detail contained in the deed, will or court's decision where the name of the heir appears.

2. In case of acquisitions subject to a future marriage and this not being yet formalised, the registration will be postponed and a preventive notation declaring postponement may be recorded, and this will become registration when the marriage formalization is proved or, when applicability of Article 1 334 of the Spanish Civil Code, in accordance with section 2 of Article 75.

3. If the testamentary contract, estate or institution means a present transfer of real property and such registration is performed before the death of the deceased person or institutor, the date of the death will be recorded by means of a marginal note on

such registration and the corresponding main entry for the cancellation of capacities and reserved rights by the deceased, if applicable, will be issued.

Article 78.

In the cases of the two previous Articles, if the relevant certificates are not submitted, or such cases are not indicated in the deed or they are contradictory to this, such registration will not be allowed. The certificate from the Probate Register will not be considered contradictory in case of meaning a denial or omission to the succession deed on which the submitted document is based, if such deed is dated subsequently to the deeds recorded within the certificate.

Article 79.

Those properties and rights registered in name of the deceased person may be registered in favour of the sole heir and at his/her request, by submitting the documents referred to in Article 76, when there is no legitimate heir, nor authorised person, according to the successive deed, and in order to grant the estate, unless in the latter case the sole party interested in that estate will be such heir.

Article 80.

1. In order to obtain the registration of the estate or undivided shares of it, the following must be submitted, as the case may be:

- a) Partition deed, deed or, if applicable, notarisation of the minute for partition operations formalised in accordance with the laws, or a final court's decision determining the grants to every interested party, in case of different heirs.
- b) Deed of declaration and acceptance of inheritance, when required due to a sole heir existence and according to the previous Article.
- c) Public deed, after all the interested parties' approval, in case of granting just a part of the estate and this being distributed by the testator at will among them.

2. The registration of the estate granted to any offspring or descendants with obligatory cash payment of the inherited part to the rest of the legitimate heirs, will indicate that the grants are verified in accordance with Article 884 of the Spanish Civil Code and they will be performed:

- a) In case of a grant made by the testator, in virtue of his/her will, if any, and otherwise it will be also accompanied by the public deed in which it appears.
- b) In case of a grant made by an accountant-partitioner, in virtue of the deceased's will, of the public deed granted by him where the grant with the legitimate property's amount set appears, and if applicable, the public deed certifying having granted such capacity to the dative accountant.

In both cases, the document containing the grantee or grantees' acceptance and certifying the confirmation of the rest of the offspring or descendants to the judicial approval will be attached.

The legitimate heirs' inherited part payment will be recorded on a marginal note by means of the certifying public document.



Article 81.

The registration in favour of the legatee of real property specifically legated will be performed in virtue of:

- a) Deed of declaration and acceptance of legacy by the legatee himself, provided that there are no legitimate heirs and this legatee is explicitly empowered by the testator for processing such legacy.
- b) Partition deed of the estate or approval or notarisation of partition operations formalised by the accountant- partitioner where the legated property or properties are assigned to the legatee.
- c) Delivery of legacy deed granted by the legatee and accountant-partitioner or empowered trustee or, otherwise, by the heir or heirs.
- d) Legatee's application whenever the whole estate has been distributed into legacies and there is no accountant- partitioner or any empowered trustee for such delivery.

When the whole estate is distributed into legacies, those which are not certain real property will be registered by means of an Inheritance Liquidation and Title Deed granted by the accountant-partitioner or empowered trustee for such delivery or, otherwise, by all of the legatees.

Article 82.

Those registrations of estate or legacy performed with a trust substitution and in favour of the trustees will be stated in the substitution clause.

When the properties are transferred to the trustee, the registration will be performed in favour of this and in virtue of the same succession document and those certifying that such transfer has been carried out.

In those hereditary substitutions of any kind, when substitutes are not appointed by name, these may be determined by a statutory declaration processed in compliance with the Notarial Regulations, provided that the clauses on substitutions or those clauses related to the Act do not require any other proving material.

The statutory declaration will also serve as a sufficient deed in order to certify the substitution extinction or the inefficiency of the call for substitution due to compliance or non-compliance with a condition, provided that the events taking place are subject to be certified by means of such certificate.

The acquirer of properties subject to a trust substitution may obtain, if applicable and by means of a release of easements document regulated by Articles 209 and 210 of the Act, the cancellation of the trust charges thirty years after the death of the trustee transferring the properties and provided that no further action has been commenced by the trust or trusts.

Article 83.

The specifications established in Article 15 of the Act related to the legitimate heirs' rights will not be performed if before registering properties in favour of the heirs these have perceived or refused to their legitimate portion or have declared being satisfied with it.

Article 84.

The legitimate heirs' rights will not be against any third party acquiring the estate for valuable consideration, but when those rights are previously stated by a specification, a marginal note or a non-cancelled preventive notation, and according to the terms arising from them.

Article 85.

If any estate is assigned for purposes of payment of the legitimate portion, this will be registered in the name of the corresponding beneficiaries.

Should the legitimate portion specification be specified over certain real property, this will be recorded by means of a marginal note on the corresponding registrations.

In both cases, and if there is no explicit acceptance as provided in the last paragraph of rule a) of Article 15 of the Act, the specification due to legitimate heirs' rights over the rest of the estate will be likewise performed. Such specification will expire of right and will be cancelled five years after its date, but when there exists the persistence of a claim commenced by any legitimate heir contesting due to an insufficient estate assignment or the guarantee specification.

Article 86.

Legitimate portions' specifications and marginal notes of encumbering as guarantee of those will be cancelled, at any time, with respect to the legitimate heir expressly agreeing to it and declaring being satisfied with his/her legitimate portion, which he will perceive or refuse.

Article 87.

The specification will expire and be cancelled after the five-year period set by the Act, if the properties specially assigned to or encumbered with the guarantee are securities and their deposit is certified in the way and for the purposes established in number 2 of rule b) of Article 15 of the Act. The effects deposited may be removed by the heirs under the circumstances provided in the antepenultimate paragraph of the abovementioned Article.

The legitimate heirs' acceptance or claim will not bind the depositary while he is not being notified in an authenticated form.

All the aforementioned deposits may be raised at any time if the legitimate heirs expressly consent so or if it is certified that they declared to be satisfied with their legitimate portion, and they perceived it or refused it.

Article 88.

The specifications' cancellations and legitimate heirs' rights annotations arising from the provisions in Article 15 of the Act or in its concordant articles of these Regulations will be performed by means of a marginal note at the request of the heir, their assignees or representatives or of the property's owner or holder of the property interest affecting them.



Registration of properties of spouses absent and absent from the marital partnership

Article 89.

Registrable documents related to acts and agreements where persons absent from their residence or last place of residence appear, and whose whereabouts are unknown and they have not empowered any attorney-in-fact to administer all their properties, will be granted to the agent appointed for such purposes at the request of a legitimate party or of the Public Prosecutor's Office, in accordance with Article 181 and subsequent ones of the Spanish Civil Code.

Those properties' registrations accreting coheirs or co-legatees of an absent or performed in favour of a person entitled to claim a part of it, as well as in those registrations of the properties belonging to the declared deceased and performed in favour of his/her heirs, will indicate that those properties are subject to the provisions established in Articles 191 and 192 of the Spanish Civil Code or 196.2 of the same legal entity, as the case may be.

Article 90.

1. Properties subject to local Laws or specially applicable Laws and belonging to a marital partnership, will be registered in the name of the acquirer spouse or spouses and the communal nature will be indicated, if applicable, and in such case, also its denomination.

If the properties are registered in favour of one of the spouses and the inclusion of them into the condominium is legally appropriate, according to the nature of the marital partnership, this may be indicated by means of a marginal note.

2. Properties acquired by both spouses and subject to any separate or partition ownership of matrimonial assets will be registered in the name of one and another and according to the undivided proportion they acquire in accordance with Article 54 of these Regulations.

3. If the marriage arrangements in force are of partition, the disposing spouse's consent will be indicated if so arising from the deed and such disposal title is acquired gratuitously.

Article 91.

1. When the applicable Law requires both spouses' consent to dispose of the rights over the family permanent residence, it will be necessary that the disposing spouse declare in the deed of a dwelling conveyance that the property is not used as such in order to register it when belonging to a sole spouse.

2. The subsequent use as the family residence of a dwelling bought by instalments by one of the spouses before the beginning of the partnership will not alter the registration in favour of the latter, but those marginal notes where the instalment payments of the purchase money will be subsequently indicated and they will specify the joint or exclusive nature of such instalment.

3. Setting the undivided share of the family permanent residence requiring a joint nature, according to Article 1375.2 of the Spanish Civil Code, will require the both spouses' consent and it will be performed as a marginal note.

Article 92.

If the marriage arrangements of the married acquirer or acquirers are subject to a foreign legislation, such registration will be performed in favour of that or those and it will specify that it is verified in compliance with their marriage arrangements, and an indication of such condition will appear, if applicable.

Article 93.

1. Properties acquired for valuable consideration and by common means by both spouses and for the partnership will be registered in the name of both husband and wife, and with a joint nature, or such nature will be conferred by common agreement, or those properties will be jointly acquired and without shares conferring. Donated properties or properties jointly legated to both spouses and with no special designation of portions will be likewise registered, provided that the partnership is constant and both spouses accept such gift, and the donator or testator has not provided otherwise.

2. The registration of administrative or disposition acts, for valuable consideration, of those properties will require both spouses jointly performing it or any of them with the other's consent or with the supplementary legal declaration.

3. Disposition acts acquired gratuitously of these properties will be registered if they are jointly performed by both spouses or by just one of them with the other's consent.

4. Those properties acquired for valuable consideration by just one of the spouses and for the marital partnership will be registered with such indication and in the name of the acquiring spouse. In order to register the disposition acts of these properties sections 2 and 3 of this Article will apply, and so will in order to register the acts listed in section 2 of the following Article, the provisions contained within.

Article 94.

1. Those properties acquired for valuable consideration by just one of the spouses, and without declaring them for the marital partnership, will be registered in the name of the acquiring spouse and with a supposed joint nature.

2. Consolidations, segregations or divisions of these properties, declarations of new construction over them, the constitution of their buildings in condominium and any other similar act performed by the register holder alone will be registrable.

3. In order to register the disposition acts for valuable consideration of those properties registered in accordance with section 1 of this Article, they will be required to be granted by the register holder with the other spouse's consent or, otherwise, by means of a legal declaration.

4. Gratuitous acts will be registered in accordance with the provisions in section 3 of the previous Article.



Article 95.

1. Those properties acquired by the acquiring spouse during the marital partnership and with a legal exclusive nature will be registered as such and in the name of this spouse.
2. The exclusive nature of the price or of the acquired property's contractual obligations will be justified by means of public document evidence.
3. All the registrable acts related to these properties will be exclusively performed by the acquiring spouse, even before the dissolution of the judicial terms of settlement in a divorce.
4. If the exclusive nature is only acknowledged by the spouse's confession, such circumstance will be indicated in the registration and it will be performed in the name of the spouse in favour of whom the confession is acknowledged. Every registrable act related to these properties will be exclusively performed by the spouse in favour of whom the confession is acknowledged. Nevertheless, this spouse will require the legal beneficiaries' consent, if any, for those disposition acts performed after the confessing spouse's decease, unless the exclusive nature of the property arises from the distribution of the estate.
5. If the justification or confession of exclusivity refers only to a part of the price or to the contractual obligations, that registration will be performed in the name of the spouse in favour of whom such confession is realised concerning the undivided share indicated in the deed and in the name of one or both spouses, as applicable, for their marital partnership and in the undivided share of the property acquired.
6. The exclusivity justification or confession realised subsequently to the registration will be recorded by means of a marginal note. No confession contradictory to an averment or to a different confession previously registered by the same person will be registered.

Article 96.

1. The provisions in Articles 93, 94 and 95 apply notwithstanding special cases established by the Act or otherwise legally agreed within Marriage Articles.
2. Court's decision affecting the administration or disposition of the spouses' properties will be recorded as a marginal note.

Deadline for verifying registrations

Article 97.

Registrations will be performed, in case of no effects, within fifteen days following the filing entry's date, or within thirty days when sufficiently justified, and, in any event, within the validity period of such entry referred to in Article 17 of the Act.

Should the deed be removed before the registration, contain curable or rectifiable defects or exist a certified previously presented due to be posted, the indicated deadline shall begin from the returning or amendment. In those cases, the mentioned entry shall be considered extended for a period equal to the one needed to meet those

fifteen days if the documents are submitted or posted within the last fifteen days of the filing entry's validity period. That extension shall also imply the extension of contradictory, connected, precedent or subsequent entries. The deadline for issuing deeds removed due to curable defects will be once more extended by an equal period of time until those fifteen days expire, provided that the cure is submitted within the previous extended deadline and this is sufficient in the sole judgement of the Registrar for the registration to be allowed.

Paragraph declared null except its last indent, by judgment of the Supreme Court on January 31, 2001. Ref. BOE-A-2001-6394.

The deeds or rectifying documents' return or submission, as well as the filing entries' extension will be recorded as a marginal note within them.

If a judicial appeal or an appeal from decision of registrar of deeds is filed, the term for performing such registration will start from the date when that decision ordered is notified to the Registrar.

If those specified terms expire without performing the registration, the interested party may appeal the first-instance Judge, and if the Registrar does not justify any legal or material impediment for such registration to be performed, the first-instance Judge may impose the corresponding sanction to him, notwithstanding the interested party may require the Registrar, within the corresponding proceedings, damages arising from the fail to register within that deadline.

Registrar's examination and effects

Article 98.

The Registrar will consider, in accordance with Article 18 of the Act, lack of legality in extrinsic forms of documents of any kind, in virtue of which the registration is requested, those affecting the validity of such documents in compliance with the laws specifying the form of such documents, provided that they arise from the text of those documents or may be recognised by simply examining them.

Likewise, he will declare a non-statement or a statement with insufficient capacity concerning any of the circumstances that, according to the Act and to these Regulations, the registration must contain, under penalty of nullity.

Article 99.

The Registrar's examination of administrative documents will be extended, in all cases, to the competence of the body, to the congruence of the decision according to the type of file or proceedings initiated, to the extrinsic formalities of the submitted document, to the processing of vital incidents of the proceedings, to the relationship between the proceedings and the register holder and to the obstacles arising from the Registry.

Article 100.

Registrars' examination of those documents issued by the judicial authority will be restricted to the competence of the Court or Court of Justice, to the congruence of the



ruling according to the proceedings or judgement delivering it, to the extrinsic formalities of the submitted document and to the obstacles arising from the Registry.

Article 101.

The examination of the documents submitted to the Registry will be considered restricted to the purposes of extending, postponing or rejecting the registration, notation, marginal note or cancellation requested, and it will not prevent the proceedings to be initiated before the Courts of Justice regarding the validity or nullity of such deed or regarding the competence of the Judge or Court of Justice, nor will it judge any result arising from such proceedings.

If the final decision is contradictory to the examination, the Registrar will record the requested entry and it will have its corresponding effects from the date submitting the deed, provided that the appropriate preventive notation has been recorded and it is still in force.

Article 102.

Registrars will not be able to examine documents of any kind submitted to them if they have any interest in such documents, or so do their spouses or relatives belonging to the second degree of consanguinity or affinity, or their representatives or clients, regardless the subject matter of such documents. For such purposes, authorising Notaries will be also considered interested parties.

The aforementioned documents will be examined and issued by the Property Registrar in charge and in accordance with the panel of substitutes, and he will be officially notified by the incompatible Registrar for such purposes. This will not apply to the case provided in Article 485 and when there are two or more Land Registries within the same municipality, in which case this will be verified by a non-incompatible Registrar.

The Registrar who is to provisionally examine the documents will only perceive the fees settled by the Fee Scale for that examination and issuing, with no further compensation due to allowances or travelling expenses, and with a deduction corresponding to material and personnel expenses.

Article 103.

The provisions established in the previous Article are not applicable to the issuing of the filing entry to the Journal, but when issuing certificates.

Article 104.

Registrars will not only reject or postpone the registration of any deed when so deemed it necessary and will record a preventive note accordingly, or not, but they will also do it when such deed states having committed any crime. In such case, they will notify the corresponding judicial authority, and forward the respective document, and this circumstance will be recorded on the margin of the filing entry, with no further postponement or extension of the validity period for such entry.

Article 105.

Notwithstanding the provisions in the 2nd paragraph of Article 20 of the Act, Registrars may postpone the registration of those documents declaring, transferring, charging, altering or extinguishing the ownership or any other property interests over real property in the event that the person granting the act or agreement claims to be an assignee of the registered holder within the submitted document or such circumstance results from the Registry and the aforementioned document. If so, at the request of the person submitting the document, a preventive notation explaining a curable defect will be recorded.

Article 106.

Should the Registrar do not perform the requested registration due to a curable defect and the interested party ask for a preventive notation instead, in accordance with number 9 of Article 42 of the Act, this will be indicated as a marginal note on the filing entry.

Article 107.

Notwithstanding the provisions in Article 254 of the Act, once the payment of taxes is certified and, if applicable, the discharge, the exemption, the non-subjection or the prescription is submitted by means of the corresponding Office's note, Registrars will refrain from examining anything related to that liquidation or aforementioned notes, even though they will notify the corresponding Tax Office of any mistake or deficiency realised, if so deemed applicable by them.

Article 108.

Once the validity period for the filing entries or postponing caveats is expired without the performance of the requested entry, the corresponding deeds may be submitted once more and be subject to a new examination.

Those same deeds may be submitted before the expiry of the filing entry's validity period by means of another entry independent from the previous one and whenever the new submission's subject-matter is related to properties or acts having been explicitly excluded from the preceding one.

Article 109.

Deadlines indicated by days within these Regulations will be calculated as working days, except those deadlines established in order to apply for registrations or to take possession of those ones, which will be calculated as calendar days.

If deadlines are settled according to months or years, these will be calculated from date to date. Should the expiring month not have an equivalent to the beginning of the calculation, the deadline will be considered to expire the last month. If the deadline's last day is a working day, its expiry will be the first subsequent working day.



Article 110.

Curable defects, regardless their origin, may be corrected at the request of the interested parties, and they will be filed in the Registry, provided that a public document or any other especially appropriate means are not required.

Article 111.

In the cases provided in Article 19 of the Act, the interested parties may collect the document and correct the defect within the filing entry's validity period; request a caveat, which will last as provided in Article 96 of such Act; appeal against the Registrar's examination to the Government, or file a claim before the Court of Justice, in accordance with Article 66 of that same Act.

If the defective document return, once the defects are corrected, takes place after the filing entry or the caveat's expiry, as the case may be, a new submission taking its effects from the new entry's date will be required.

The filing entries' validity period's extension and, as applicable, the caveats', will mean an extension of the validity period of the filing entries related to contradictory or connected deeds, whether previous or subsequent. The Registrar will state such circumstance by means of a marginal note on the filing entries.

Article 112.

The appeal from decision of registrar of deeds referred to in the previous paragraph may be established:

First. By the natural person or legal entity in whose favour the registration has been executed; by anyone who has a known interest in securing its the effects, as a transferor or by a different concept, and by someone who evidently or authentically accredits the legal or voluntary representation of some or others for such purpose.

Second. By the Prosecutor of the relevant Court of Appeal, when dealing with suspensions or refusals to register documents issued by the judicial authorities, but only in criminal or civil matters in which he/she must be a party according to the Laws, and independently and without prejudice to the right of the interested parties, in accordance with the provisions of the previous paragraph.

Third. (annulled)

Article 113.

(annulled)

Article 114.

(annulled)

Article 115.

(annulled)

Article 116.

(annulled)

Article 117.

Only those matters directly and immediately related to the qualification of the Registrar may be discussed in the governmental appeal, rejecting outright the requests based on other reasons or documents not submitted in a timely manner.

Article 118.

(annulled)

Article 119.

(annulled)

Article 120.

(annulled)

Article 121.

(annulled)

Article 122.

(annulled)

Article 123.

(annulled)

Article 124.

(annulled)

Article 125.

Both the President's ruling and the resolution of the General Directorate shall be notified by order of the complainant and the Registrar within eight days.

Article 126.

If the resolution declares the defect cannot be remedied, the Registrar shall cancel the annotations or extended preventive marginal notes ex-officio, and he/she shall record the order made filed by note in the margin of the filing entry.

If the resolution declares the defect rectifiable, it may be corrected within fifteen days following the date on which its transfer was received in the Registry, unless the term of validity of the presentation or annotation entry or preventive note is longer, where applicable. If the correction of the defect is not verified within the term stated, the Registrar shall cancel the preventive marginal annotations or notes ex officio, and extend a note in the margin of the concise presentation of the resolution that has relapsed and whose entry is cancelled due to the expiry of the mentioned term.



If it is resolved that the registration can be carried out, as its title is not affected by any defects, the Registrar shall extend the requested entry upon presentation of the corresponding documents. If these documents are not presented within the term stated in the previous paragraph, the cancellations shall automatically be extended, as well as the note that specifies the mentioned paragraph.

Article 127.

(annulled)

Article 128.

(annulled)

Article 129.

(annulled)

Article 130.

The expenses and costs of the appeal must be paid by the interested parties who have promoted it, and exceptionally by the complainant Notary or by the Registrar who extended the note or maintained its origin if the final agreement considered that one or the other had proceeded with inexcusable ignorance.

Those interested, in the exception cases referred to in the previous paragraph, must be reinstated within a period of ten days after the notification, by whoever must pay the expenses and costs.

Article 131.

(annulled)

Article 132.

In the disputes that the interested parties promote before the Courts in accordance with article sixty-six of the Act, in order to ventilate and contend “with each other” about the validity or nullity of the documents to which the qualification of the Registrar refers, it shall not be a party and the Court shall not agree on their subpoena or summons, in the event that such lawsuits are sued. In addition, the proceedings shall be dismissed regarding the mentioned officer at any time when, on his/her own initiative or through the management of anyone it is noticed that, contrary to the aforementioned prohibition, the procedure with the Registrar has been understood.

Article 133.

The Registrars that cancel or deny the extension of an entry ordered by the judicial Authority shall keep one of the copies of the command and shall return the other one through the same means that had received it, with the relevant note, explaining, if necessary, the reasons for the refusal or suspension.

Article 134.

The qualified document shall be attached to the records that it will be issued, and the Judge or Court shall limit to transfer, for three days, to the Public Prosecutor, if he/she

is a party, and to the other interested parties, so that, in view of the qualification, they can manage the rectification of the observed defects or promote, if deemed appropriate, the relevant appeal.

Article 135.

The governmental claim against the cancellation or refusal of the Registrars to register a document issued by the Judicial Authority, already promoted by the Public Prosecutor, or by other interested parties, must be filed and processed in the manner established in articles 113 and the subsequent ones.

Article 136.

The Registrars must go to the President of the relevant Hearing in complaint of the constraints that the Judges or Courts, when knowing of some civil or criminal business made them practice any inappropriate entry in the judgment of those officials. The President, in view of the complaint of the Registrar, shall request a report from the Judge or Court that caused it, and once finished, he/she shall dictate the relevant resolution, after hearing the Public Prosecutor.

The Registrar shall inform the Judge or Court of the filing of the complaint and they shall cancel all proceedings against the Registrar until the final resolution of the appeal, which shall be processed ex officio, subject, as far as possible, to the provisions of articles 113 and the subsequent ones.

When the Judge or Court that has urged the Registrar is not subordinated to the Regional Court in whose jurisdiction the Registry is located, the resolution of the appeal of complaint shall correspond to the Ministry of Justice, at the proposal of the Directorate General of Registries and Notaries, raising the writ of the Registrar and claiming the report of the Judge through the Presidents of the relevant Courts, which may make the statements deemed appropriate.

The decision of the President of the Hearing may be appealed within the eighth day to the Ministry of Justice, which shall resolve upon proposal of the Directorate General for Registries and Notary affairs, as in the case of the previous paragraph.

Proceedings for the execution of actions in rem

Article 137.

The proceedings to execute actions in rem referred to in Article 41 of the Act, will be regulated as follows:

1st A competent Judge for realising the proceedings will be only the First-Instance one belonging to the circumscription in which the property is located and, if this property is located in more than one, the provisions established in rule 1.a of Article 210 of the Act shall apply.

2nd The proceedings will commence by an application submitted by the register holder declaring his/her title deed and its registration in the Registry, the facts against his/her right or disturbing its execution, the opponent's or disturber's name, surnames and residence, the amount of the security considered appropriate for paying off and



damages as well as for costs of the proceedings payment, the measures requested to guarantee in all cases the decision, and the appeal for reversal with the corresponding claims.

Such application will be accompanied by a Land Registry's literal certificate expressly proving the validity, and absent of any inconsistency, of the entry entitling the holder to initiate the proceedings. This will be also accompanied by the title deed.

3rd Precautionary or security measures to be taken at any moment may be indicated in Articles 1 419, 1 428 and 1 663 of the Spanish Act on Civil Procedure, if applicable, as well as any other when so deemed appropriate, as the case may be.

4th The summons to appear, within six days limit, concerning the persons appointed by the holder in the initial application, will be verified in accordance with the provisions in Articles 270 and subsequent ones of the Procedural Law. If the summons are carried out by means of public notices and the summoned person does not appear within the time limit settled, he will be summoned again and given twelve more days, with the warning that, in case of non-appearance, a ruling will be issued in order to agree the execution of every procedural step required for the full efficiency of the registered right, including a property eviction order if necessary.

5th If the summoned person or persons do not appear within the time limit settled, or if they appear but admit liability, do not declare opposition or provide the proper security within the time limit later indicated, the Judge will issue a ruling agreeing the execution of every procedural step required for the full efficiency of the registered right, in accordance with the register holder's claim and the provisions in Articles 926.1.a and 1 596 and subsequent ones of the Spanish Act on Civil Procedure as applicable, and according to the different circumstances of the case.

If the summons are performed by means of public notices and the summoned person appears, the Judge may agree, to furnish additional evidence, the execution of whatever procedural steps he deems necessary in order to prove if the execution requirements have been fulfilled. The deadline for the execution of such procedural steps will not be longer than one month.

6th Having the summoned entered an appearance, they will be required to provide the proper security required by Law and in the amount requested by the holder, if the Judge finds it fair. If he deems it excessive, he will reduce it according to his/her reasonable criterion.

The deadline for providing it will never exceed fifteen days and it will not be required if the register holder expressly relinquishes it.

7th Once the sufficient security is submitted, a ten-day deadline will be granted in order to file the opposing claim, which will be performed by the processing of the incidents.

8th Whenever the opposing claim is based upon reason 3.a of Article 41 of the Act, the opponent will submit the Land Registry's certificate certifying its validity and with no inconsistency regarding the corresponding entry.

9th The rulings of such proceedings are not cumulative with each other, neither are with other judgement.

10th Every appeal filed before stating the opposing claim will only be admitted for a single purpose.

11th If, at the time of executing the final decision ruled by these proceedings a third party arises, who is an occupant of the property and objects to the execution, he will be granted a ten-day deadline in order to appear and formalise in writing such objection, and that application will be accompanied by the deed and evidence proving his/her right, once the sufficient security has been provided by him. The objection will be performed by the processing of the incidents.

Article 138.

The proceedings regulated by the previous Article will be executable even when the disturbers hold a deed registered in their names in case such deed is not enough to legitimise the acts involved in the disturbance.

TITLE III

Caveats

Caveats of a claim

Article 139.

The person filing a claim in the cases referred to in Article 38 and the 1st number of Article 42 of the Act, may simultaneously or subsequently ask for its caveat, and he will offer to indemnify any damages arising from it to the defendant in case of being absolved, for which purpose the Judge may require the security he deems appropriate.

The Judge or Court will order to perform such caveat, if appropriate, by admitting the claim and in the case of the caveat being requested later, within three days.

Attachment and seizure caveats

Article 140.

A caveat of any attachment of real property or property interests decided upon criminal or civil judgements will be performed, even though such attachment is preventive or under administrative enforcement proceedings. In such case, the following rules will be observed:

1st If the property attached is registered in favour of a person different from that against which the attachment is decided, the caveat will be rejected or postponed, as the case may be. Registrars will keep one of the duplicate copies of the writ and will return the other one, in accordance with the provisions established in Article 133.

2nd If the title of the attached property is not registered, the attachment notation will be postponed and, there will appear a caveat of such instead.

3rd Interested parties in the attachments may request to require the supposed owner or his/her representative in the proceedings to correct that defect by verifying the omitted registration and, if rejected, they may request the Judge or Court to so agree it when they are in possession of or able to submit the required deeds.

4th If, in virtue of the enforcement order, the sale of the attached property is agreed, the interested parties may also, if the owner objects to submit the deeds, replace such lack using the means established in Title VI of the Act.

5th Interested parties may request, if applicable, to put up the attached properties for auction, provided that the auctioneer verifies the omitted registration previously or subsequently to the grant of the deed of sale, within the sufficient term, and the Judge or Court so establish it. For that purposes the provisions in the previous rules will apply.

The expenses and costs arising from the owner's resistance to perform the registration will be at his/her own expense. These same rules will apply to the rest of caveats as allowed by their own nature.

Article 141.

The caveat referred to in the 3rd case of Article 42 of the Act will not be verified before executing the order to attach the convicted person's properties as provided with respect to the enforcement proceedings.

Incapacity caveats

Article 142.

A caveat referred to in the fifth number of Article 42 of the Act will be also performed in those cases of suspension of payments, under bankruptcy proceedings, after the procedures established by the Laws.

Third holder of annotated properties

Article 143.

The third holder, in the case provided in the last paragraph of Article 38 of the Act, will be entitled to take part in the proceedings in accordance with Article 134 of such Act, but he will only be summoned, for the purposes established in Article 126 of that Act, when having registered his/her right previously to the issue of the charges certificate provided in Article 1 489 of the Spanish Law of Civil Procedure.

The Registrar, when issuing the charges certificate for any enforcement proceedings according to the provisions in Article 1 489 of the Spanish Law of Civil Procedure, will state having issued the aforementioned certificate, the proceedings for issuing it, the order's and filing date and the date for the certificate, all that as a marginal note or, if applicable, on the margin of the corresponding mortgage registration. No note will be recorded if there is no prior provisional registration of the corresponding attachment.

Subsequent entries to the provisional registration or an attachment that, according to the provisions in the Laws, the Registrar is to notify the body ordering to have it performed, will be those causing the cancellation of the provisional registration or reducing the attached right, as well as those performed in virtue of the court's decisions delivered in the bankruptcy proceedings.

Should there be any difficulty related to previous mortgage or attachment enforcement procedures, they will be only notified when their provisional registration is cancelled due to sale by auction or adjudication.

The caveat cancellation notification to the judicial body ordering to have it performed will not be needed due to expiry.

Filing entries notification will not be needed at any time.

Other provisional registrations of attachments and prohibition to transfer

Article 144.

1. In order to register the registered properties attached in the Land Registry in accordance with the provisions in sections 1 or 4 of Article 93 or in section 1 of Article 94, during the validity period of the marital partnership, there will be stated that the claim is brought against both spouses or that, whenever one of the spouses is sued, the other one is notified of such attachment.

2. In case of properties registered in accordance with number 4 of Article 95, the attachment will be registrable if the claim has been brought against the spouse in favour of whom the properties are registered, whether that is the debtor spouse or not.

3. If the attached properties are transferred, Articles 93 and subsequent ones of these Regulations will apply.

4. Once the marital partnership is dissolved, and if that liquidation is not recorded in the Registry, the attachment will be provisionally registrable if the claim has been brought against both spouses or their heirs.

5. In case that liquidation appears in the Registry, the attachment will be provisionally registered if the property has been allotted to the spouse against whom the claim or execution is brought, or if the order means a responsibility concerning the property due to the debt causing the attachment, and such attachment is notified to the holder spouse previously to its grant, and recorded accordingly.

6. When the applicable Law requires both spouses' consent to dispose of the rights over the family permanent residence, and such nature is recorded in the Registry, the order will declare that the dwelling lacks of such nature or that the attachment has been notified to the attached holder's spouse, in order to provisionally register the attachment of the dwelling belonging to a sole spouse.

Article 145.

Caveats of prohibition to transfer included in the 2nd number of Article 26 and in the 4th number of Article 42 of the Act will prevent the registration or caveat of the disposition acts subsequently performed by the holder with respect to the property or right concerning such caveat. However, this will not prevent the recording of registrations or caveats based on valid entries previous to the ownership or property interest subject to that caveat.

Succession rights

Article 146.

The caveat referred to in number 6 of Article 42 and Article 46 of the Act will be performed upon request:

1st Of the heirs.

2nd Of the legitimate heirs.

3rd Of the legatees of the aliquot part; and

4th Of the mortgagees, whose credits are not especially guaranteed or backed by the heirs, provided that they justify such credit by means of a public deed.

In the rest of the cases, a Court resolution will be required and the provisions in Articles 57 and 73 of the Act will apply.

Legacies

Article 147.

In order to perform a caveat of the legacies by convention between the parties according to the provisions in Article 56 of the Act, an authorised copy of the will, or at least its heading, authorisation and clauses will be submitted to the Registry, as well as the Certificate of Death of the deceased and the certificate from the Probate Register, accompanied by a Registrar's application signed by the legatee and by the heir requesting such caveat and indicating, by common agreement, the properties to be verified. Such application's signatures must be legalised and, otherwise, the application will be ratified before the Registrar.

Whenever the caveat is to be performed in virtue of a court's decision, the decision will be submitted to the Registry by the Judge or Court, in accordance with the provisions in Article 57 of the Act.

Article 148.

If the heir and legatee request, by common agreement, the caveat of any legacy, their application will indicate the deceased person's name and surnames, civil status, age, residence and death's date, as well as the circumstances for not having commenced any estate proceedings and the heir having accepted the estate.

In such case, if the property to be provisionally registered is not registered in favour of the testator, it will be required to be so by submitting any necessary deed in the Registry, as the case may be.

Article 149.

In order to notify the legatees as provided in Article 49 of the Act, the heir will apply for that to the Judge or Court supposed to be aware of the estate proceedings, and submit a copy of the will, the Certificate of Death and the certificate from the Probate Register, as well as the real property inventory. The Judge or Court will order to notify it, if applicable, and once this is verified, he will order to hand over the submitted documents and transcripts of the originals to the interested party.

Article 150.

Thirty days after the notification date with no evidence from the legatees proving to have commenced the proceedings for the caveat, the heir may ask for the registration of all the estate by submitting the deed and sufficient evidence of the procedural steps carried out in the Registry. If the legatees also ask for the caveat, the heir may register the properties provisionally registered and not especially legated.



The registration, whether in this case or in the case of the legatees' refusal to their right to annotate, will state, either the legatee's refusal deed or the notifications' procedural steps and their results.

Article 151.

If the legacy is of certain real property, or of credits or pensions assigned over them, the heirs may register the rest of the estate in their favour at any time.

When the heirs are charged with legacies different from those mentioned in the previous paragraph, they will not be able to register their succession document but within the deadline and in compliance with the conditions established in Article 49 of the Act, except when the payment of the legacies or the legatees' refusal is proved.

Article 152.

For the purposes of the caveats regulated by the previous Articles, legatees of aliquot parts will be considered assimilated by the heirs in all cases.

Article 153.

The legacy will be required for the purposes of the 7th number of Article 42 and Article 87 of the Act if its payment or handing over may be legally claimed under the proceedings.

Legacies containing pensions or periodical rents will be required from the claim of the first pension or rent under proceedings.

Article 154.

The mortgage referred to in Articles 88, 89 and 90 of the Act will be granted in the partition deed in which the property charged with the pension is allotted, and otherwise, in the public deed granted by the charged legatee or heir and the pensioner, or by means of an order, if these do not agree on how to grant such mortgage.

If estate proceedings are commenced, this question will be conducted and defined as an incident within. If such proceedings are not commenced, this will be decided in the corresponding declaratory judgement.

Financing credits**Article 155.**

According to the provisions in Article 59 of the Act, the caveat in favour of the financing creditors may be requested in virtue of a private document in writing. For this purpose, every interested party in the caveat will personally, or by means of an empowered agent, appear before the Registrar, and he will certify the personality of every appearing person as well as the signatures' authenticity appearing at the foot of the contract, unless otherwise these being legalised by a Notary Public, in which case the personal appearance will not be required.

The caveat in virtue of the documents granting subsidies or credits from Public Entities used for financing, repairing, restoring and, if applicable, improving urban buildings, their facilities, façades and common elements may be likewise requested.

In case of buildings in condominium, the appearance of the President of the Community authorised for such purposes by the Board of Proprietors' agreement approved according to the way and majorities established in the Condominium Act will be enough, and he will provide the corresponding certificate proving that the works budget, whose amount will not be lower than the credit or subsidy granted, has been approved by the Community. The caveat will be performed over the whole of the building or property and on the folio belonging to the parent property, together with the corresponding reference notes regarding the independent elements stated on the respective folios.

(fourth paragraph annulled)

Article 156.

If the financed property is not registered in favour of the debtor and its deed submitted in order to register shows that it is subject to a property interest, the Registrar will perform that registration, if applicable, and reject the caveat, until a court's decision is delivered regarding the file referred to in Article 61 of the Act or an appropriate convention applies.

Article 157.

In order to initiate the pre-trial proceedings of the file referred to in Article 61 of the Act, the debtor will address the application to the First-Instance Court of the circumscription where the property is located and will indicate the required works for it, the approximate expenses for that and the current value of the property, and he will also apply for any person having a property interest over the property to be summoned and show their agreement or state whatever best to their right. This application will be accompanied by the appreciation's expert certificate and another certificate from the Land Registry with the documents, if applicable, showing the names and rights of the persons to be summoned.

The Judge will order the subpoena in accordance with the formal requirements provided in Articles 262 and subsequent ones of the Spanish Act on Civil Procedure.

Article 158.

The persons summoned pursuant to the previous Article, may be content with the owner's aims, in which case the Court will deliver a decision authorising the caveat, or they may object to both the property's appreciation and the works to be carried out, if that means their rights not being sufficiently secured.

Article 159.

Those objecting the appreciation or works will appoint an expert to correct the appraisal or deliver a decision upon these, jointly with the owner's expert.

For such appointment and in order to resolve any arising issue, the provisions established in Articles 613 and subsequent ones of the Spanish Law of Civil Procedure will be observed.

Article 160.

Once the experts' assessment is concluded, if the opponents accept the appreciation, the Judge will deliver a decision authorising the caveat and declaring the value of the financed properties. If the opponents object to the Works, the Judge will order the interested parties and experts to appear in oral proceedings in order to compromise the first ones; should this be not possible, he will conclude the act and deliver the corresponding decision, according to whatever proved, either prohibiting such financing or authorising it in case the experts' assessment verification of works result in no detriment to the opponent's rights due to a decrease in the property's rent or its selling price.

Entries due to others' postponement

Article 161.

Provided that, due to extraordinary reasons, no indexes exist within a Registry and a registration requiring such consultation is requested, a surviving caveat will be recorded, notwithstanding the provisions in Article 86 of the Act, until this is possible to be cancelled or become registration.

Registrars, under their own responsibility, will immediately notify the Directorate-General.

Article 162.

If a cancellation is requested and not possible to be performed due to a curable defect, a similar entry to the one of the claimed cancellation will be performed and this will be notified, and the reason for such postponement will be indicated.

The expiry of this entry will be determined in accordance with Article 96 of the Act.

Article 163.

If the marginal note indicating an acquisition, modification or extinction of registered rights is requested when no verification of the registration or caveat is needed, and this is not possible to be performed by means of a curable defect of the deed, a marginal note declaring the contents of the document submitted, the subject-matter of such submission, the circumstance for having it postponed and the reasons for that will be recorded.

Provisional marginal notes will expire within sixty days from their date. That deadline may be extended up to one hundred and eighty days due to a justified reason and in virtue of a Court resolution.

Article 164.

If a writ or an administrative warrant orders to record a caveat and this is not possible to be performed due to a curable defect, the entry will be recorded, if the interested parties request so, as provided in Article 169.

If these are attachments due to criminal cases or those which the State has a direct interest in, the interested party's application will not be necessary in order to register the aforementioned caveat.

Circumstances for the caveats

Article 165.

Every caveat ordered to be performed by a writ will be verified in virtue of the submission of the Judge's or Court's writ in the Registry, and this will contain the corresponding literal court's decision, its date and, if final, such indication.

Article 166.

Caveats will be performed in the same way as registrations and they will contain their general circumstances, as well as the following:

1st If a provisional registration of attachment is requested in those proceedings against uncertain heirs of the debtor, due to the latter's responsibilities, his/her death's date will be indicated. When the proceedings are brought against certain heirs of the debtor, also due to his/her obligations, their personal circumstances will be recorded too.

If the actions are taken against a person with an heir or legatee's holder nature, according to the Registry and due to the sued person's debts, the will will record such circumstances or the heir's declaration and the certificates of the Probate Register and the deceased death's. The caveat will be recorded over the properties or rights specified in the writ in the corresponding proportion to the debtor's succession right.

2nd If a caveat of a property claim is requested, the date of the writ giving effect to this when its admission is accepted will be recorded, as well as the subject-matter of the claim and both claimant's and defendant's circumstances, if known.

3rd If this is recorded as a consequence of the attachment or seizure order, or due to the compliance of any enforcement order, this will be stated together with the total amount for being the main subject-matter and, when applicable, for the interests or costs intended to secure, as well as the circumstances of the person in favour of whom the writ giving effect to this is granted and the person against whom such writ is delivered.

4th In case of being performed in virtue of a court's decision declaring a bankruptcy over a person, or temporarily prohibiting the transfer of certain properties, the subject-matter of such decision and the circumstances to obtain it as well as the corresponding holder's will be recorded.

5th If it is performed in virtue of the claim requesting any of the declarations referred to in Article 10, the kind of inability, the claim admission decision's date and the circumstances of the claimant and of the holder will be stated, according to each Registry.

6th If the caveat concerns legacies, the following will be determined: its kind, its total amount, its conditions, the circumstance of having accepted the estate or not, the circumstance of having commenced estate proceedings; the circumstance of having performed a property partition; the circumstance of the one hundred and eighty-day period to file a caveat application according to the Law being expired or not; the circumstance of having performed the entry, whether in virtue of the court's decision or by the agreement reached between the legatee and the heir.



7th If the caveat is subject to any financing loan, thereby will be briefly indicated the kind of works to be carried out, the contract formalised for such purpose and its terms and conditions; the circumstance of the property not being charged and, if otherwise, the property's value as currently is and a reference to the interested parties, as well as a reference specifying whether carried out by means of a public deed or a judicial file.

8th If the caveat is included in the second paragraph of Article 45 of the Act, it will indicate the acquisition deed and the circumstances of the secured loan, any acquisition deed's declaration regarding this document and the way in which such caveat has been obtained.

9th Statement declaring that caveat is recorded, its kind and person in favour of whom it is verified.

10th The document and its date in virtue of which the caveat is performed and, in case of a writ or administrative warrant, the Court, the Court of Justice or officer delivering it and the statement specifying having one of the copies filed.

11th In case of a private document, the Registrar will also declare that the signatures have been legalised or the parties have appeared before him personally or by means of an attorney-in-fact. He will attest knowing those persons and that the signatures at the foot of the submitted application are authentic; and, in case of not knowing the interested parties or their attorneys-in-fact, two known witnesses will also sign the application requesting such caveat and they will appear in the proceedings in order to verify the signatures' legitimacy of the others.

12th In case of caveats that might require the Registrar to notify their holders, apart from the particulars, there will appear their residence and any circumstance detailing it, if thus showed in the deed.

Article 167.

The caveat recording different properties will state the amount of the loan or obligation which all of them are subject to or the special one to each of them, in case of the distribution being carried out.

Article 168.

Those caveats recorded due to postponement of their registrations will indicate, if possible, the circumstances required for the corresponding registration and a statement declaring that the caveat is recorded due to a curable defect and its corresponding explanation.

Article 169.

Caveats noted due to postponement of other firstly requested caveats will be recorded as those first ones might have been recorded, as the case may be, and a statement will specify that the attempted entry is postponed due to curable defects with their corresponding explanation.

Those caveats will expire according to the deadlines established in Article 96 of the Act.

Article 170.

The registration book will contain the postponement caveat due to curable defects, even though properties and rights are not registered, regardless the proceedings delivering them.

If the property or right is registered in favour of the person against whom the proceedings are brought, or the provisions in Article 105 of these Regulations are to apply, the postponement caveat will be recorded within the folio already opened for that one.

Article 171.

Provided that the caveat is included in the aforementioned cases according to the second paragraph of Article 73 of the Act and is to comprise every property of a person whose deed does not include its description, all those properties registered in favour of this person will be annotated, and such circumstance will appear with a reference to the property's description and charges with regard to the corresponding registrations.

The Registrar will record a brief description of the annotated properties with their corresponding volume, folio and number of the property within the copy of the writ to deliver back to the Authority issuing it.

Article 172.

The public document in which the properties' allotted are to be stated and that, in accordance with the provisions established in the first paragraph of Article 45 of the Act, will mean a guarantee of real property nature in favour of the creditors, it will also determine the kind of property interest constituted and it will contain the conditions required by Law and by these Regulations for such registration.

The caveat referred to in the second paragraph of the aforementioned Article may be performed by agreement between the allottee and the creditor by submitting the corresponding signed application in the Registry, as well as those public documents stating such allotment and the credits to be secured. This may also be performed by means of a writ delivered by the Judge or Court in charge, and the provisions established in Article 57 of the Act will apply, when feasible.

TITLE IV

The provisional registrations and caveats extinction

Cancellation deed and proceedings

Article 173.

In order to perform the complete cancellation of registrations and caveats in the cases referred to in Article 79 of the Act, the submission in the Registry of the deeds and documents certifying the extinction of the property or right, or those declaring the nullity of the registered deed or of the registration will be required.

Cancellations caused by declaring the nullity of the registered deeds will be effective notwithstanding the provisions in Article 34 of the Act.

Those provisions will likewise apply to partial cancellations, when applicable.

Article 174.

The same deed in virtue of which the registration is performed will be a sufficient deed to cancel it, if that or any other reliable document show that the secured right is expired or extinguished.

A new deed will be required for the cancellation, in accordance with the first paragraph of Article 82 of the Act, if, once the registered right is voluntarily extinguished by the interested parties, such circumstance is to be proved in order to cancel the registration.

Registrations and caveats performed in virtue of a writ or those performed in virtue of a public deed, whenever the cancellation is applicable but the worst affected person would not consent it, will not be cancelled but in virtue of a final court's decision declaring not admitting any appeal or having it dismissed or having not commenced it within the settled deadline for it. The case of expiry by operation of Law will be excluded.

Article 175.

As a consequence of the provisions established in the second paragraph of Article 82 of the Act, the cancellation of registrations whose existence does not depend on the interested parties' will in them, will be verified in accordance with the following rules:

1st Mortgage registrations and other charges over the right to use and enjoy will be cancelled at the property's owner's request by submitting the reliable document certifying the termination of such usufruct due to an event out of the usufructuary's control.

2nd If, in virtue of the enforcement proceedings against real property, a property or an attached right are legally conveyed, the registrations and caveats subsequent to the

corresponding provisional registration of attachment will be cancelled, even though they concern previous conveyances or charges and provided that they are not based on registered rights or annotated previously to the provisional registration of the attachment neither are subject to it.

The cancellation will be performed at the resulting property or right's owner's request by submitting the writ ordering such cancellation and issued in accordance with the provisions in Article 1 518 of the Spanish Act on Civil Procedure.

3rd Mortgage registrations constituted over works meant for the public service, whose exploitation will be granted by the Spanish Government and which are directly and exclusively subject to the abovementioned service, will be cancelled, if the grantor's right is declared resolved, in virtue of that same deed stating that extinction and of the document duly certifying the total amount of the compensation to perceive by the grantor in such case, and in order to pay the registered mortgage credits.

4th The sub-mortgage registration constituted without following the requirements established in Article 149 of the Act, may be cancelled in virtue of the deed in which the court's decision on the sub-mortgagor's right appears. Should those requirements be fulfilled, either the sub-mortgagee's consent or the recording of the amount secured by the sub-mortgage, if equal or lower than the amount guaranteed by the mortgage, will be also necessary.

5th Those mortgage registrations constituted over litigious properties and mentioned in number 9 of Article 197 of the Act, may be cancelled with regard to the whole or part of the property or right, and if the debtor has been defeated in the proceedings. Submitting the enforcement order will be enough for that.

6th Selling registrations of properties subject to termination or resolute conditions may be cancelled if the reason for such termination or nullity is recorded, and by submitting the document proving having such sale terminated or declared nulled and the properties' value or the amount of the instalments and the corresponding deductions to be returned have been recorded in an authorised Bank.

Should there be any property interest constituted over the properties subject to termination or resolute conditions, their registration will also be cancelled by means of the same document, provided that such recording is verified.

Article 176.

The assignment of mortgage's registration, whenever the debtor's notification is not recorded in the Registry and he pays the assignor, may be cancelled with the corresponding document proving such payment, and notwithstanding the liabilities referred to in Article 151 of the Act.

Article 177.

Entries related to rights with a validity period for their execution agreed between the parties, will be cancelled due to expiry after five years from their expiring date, but in those cases of legal extension, provided that there is no entry indicating having executed such right, modified the deed, or judicially claimed its compliance.



(second paragraph annulled)

Leases of urban properties' registrations and other entries related to rights governed by a specific regulation will be subject to its provisions.

The cancellation performed in accordance with the previous sections will also mean the cancellation of those entries based upon the right whose entry is cancelled due to expiry, and no further conditions will be required.

Article 178.

1. For the purposes of the first paragraph of Article 82 of the Act, the legal representatives of the person in favour of whom that registration or caveat is performed, will need the corresponding authorizations and the compliance with the legal formalities required for the transfer of real property or property interests constituted over them, in order to have the registration or caveat cancelled.

2. In order to cancel the registration due to the mortgage payment guaranteeing loans in favour of a person under age, the consent of the parent or parents with custody rights will be sufficient.

3. Cancellations exclusively granted by emancipated persons under age or having legally obtained the benefit of legal age may be performed.

4. Likewise, cancellations granted by trustee heirs or usufructuaries, regardless their deed of the usufruct constitution, will be performed whenever the corresponding trustees or nude owners are not known, provided that the amount of extinguished property interests is invested in Government bonds and deposited in an authorised Bank in favour of those that might be entitled to such amount.

5. The consent of the spouse in the name of whom the loan for cancelling the mortgage payment guaranteeing it will be sufficient, even if registered for the marital partnership of that person.

Article 179.

Even though the mortgage loan is extinguished due to payment, the corresponding registration will not be cancelled but in virtue of a public deed where the creditor or those persons mentioned in the first paragraph of Article 82 of the Act express their consent for such cancellation, or otherwise in virtue of an enforcement order.

Article 180.

If the registration's cancellation is to be performed in virtue of an assignment, the writ referred to in Article 1 180 of the Spanish Civil Code will be required and it will state having that assignment duly performed, and will order the aforementioned cancellation.

Article 181.

The provisions in the previous Articles safeguard the interested parties' rights to enforce the appropriate actions before any Court of Justice.

Article 182.

Provided that there is litigation on the inefficiency of any cancellation, a caveat regarding the claim may be recorded in accordance with the provisions in Article 139.

Article 183.

Once a mining grant's expiry file has commenced the pre-trial proceedings, a marginal note declaring that on its last registration will be requested by submitting the agreement certificate from the Treasury Delegate commencing the file in the Registry, in case of the mining royalty unpaid, or of the Mining Headquarters in the rest of the cases.

In the case of the State requesting such note, the certificate will be submitted through the corresponding City Hall, and it will be recorded on its own account.

Article 184.

Every expiry assignment file will include the Land Registry's certificate containing every valid entry of any kind and those recorded prior to the date of the note referred to in the previous Article, if recorded, for the purposes of the interested parties being taken into account in the file so that they can execute the subrogation right by means of their register priority order.

Article 185.

In case of the resolution being revoked, whatever the reason, resulting in ordering the pre-trial proceedings concerning the expiry file, the certificate of the new agreement will be enough for cancelling the note recorded in the Registry.

Article 186.

Mining grants' registrations and research permits caveats will be cancelled by means of a final administrative decision, published in the BOE, and declaring their expiry and area granted. Expiry declaration and reserve for the State with those same conditions will be also enough.

The cancellation of all entries dated subsequently to the marginal note referred to in Article 183 of these Regulations will be performed by means of those documents, even though these do not state that the interested parties in them have been taken into account within the file.

If the reason for expiry or nullity is explained in the Registry or the interested parties are taken into account within the file, or have been summoned and they have not personally appeared, those entries dated previously to the aforementioned marginal note will be also cancelled in virtue of those documents; by transferring the decision the entries to be cancelled with respect to register data will be determined.

If, in compliance with the Spanish Mining Act, the Treasury Delegate, the Ministry of Industry or the Ministry of Finance deliver a final decision subrogating any holder's property charge registered over those rights of the grantor subject to expiry, the transfer registration in favour of him will be performed in virtue of the transfers of the final agreement and of the grant deed in which the procedure to subrogate delivered by the

Ministry of Industry is stated. The charge of the subrogated holder will be cancelled but the other charges over the grant will subsist.

In the rest of the cases not included in this Article, the provisions in Article 82 and subsequent ones of the Spanish Mortgage Act will apply.

Article 187.

In order for the buyers of Spanish national properties to cancel their mortgages constituted over the properties, once all the instalments are paid, so that they are responsible for the selling price, a certificate proving their complete solvency issued by the corresponding Revenue Office will be required.

Such certificate will also state, in a clearly and categorically way, that, in the name of the State, the corresponding Treasury Delegate agrees to cancel the mortgage existing over the property until the complete solvency of the buyer.

The provisions in this Article apply notwithstanding the special rules on the mortgage registration's expiry established in the third transitional provision of the Act.

Cancellations format

Article 188.

Charges cancelling notes only mentioned in those registrations or caveats of properties affected by them will be recorded on the margin of the last entry of the properties stating such mention, and they will also state the reason for that cancellation as well as its date.

Article 189.

Marginal notes stating circumstances or events implying an acquisition, modification or extinction of the registered rights, will be cancelled by means of another marginal note which will be recorded as close as possible to that note to be cancelled.

Article 190.

If a registered right is extinguished due to rights confusion, a special cancellation entry will not be necessary. It will be sufficient if the Registrar, at the request of the interested party, performs the cancellation on that same entry causing such extinction due to confusion and records the appropriate reference note on the margin of the cancelled registration.

If the cancellation is not performed as authorised by the provisions in the previous paragraph, it will be done by another entry subsequent to the request of any interested party.

Article 191.

The cancellation of caveats concerning the postponement of writs delivered in criminal cases or administrative attachments due to debts to the Public Treasury and recorded in the special book referred to in Article 170, will only indicate the numbers of the cancelled entries, the reason for such cancellation and its date, and it will be recorded in the Comments box, following the entry to be cancelled.

In case of a lack of space in such box, the entry will be recorded in the boxes of the special book, after the last caveat performed, and the word “Cancelada” (Cancelled) will appear on the margin of the corresponding annotations, indicating the folio in which that cancellation appears. This will be also done until the current books’ folios are exhausted.

Article 192.

If the usufruct or nude property is registered in favour of different people within the same entry or in several ones, and in case of extinction of that usufruct and no legal obstacle for that, a registration cancelling that right and consolidating the usufruct with the nude property will be performed.

An appropriate reference note will appear on the margin of the nude property’s registration.

General circumstances for cancellations

Article 193.

The extended cancellation will be performed in the corresponding book and folio, depending on its date, and it will contain the following circumstances:

1st Registration number or letter corresponding to the caveat to be cancelled.

2nd Cause or reason for that cancellation.

3rd Name, surnames and personal circumstances of the grantors or person or persons at whose request or by whose consent the cancellation verification is allowed.

4th Type of document in virtue of which the cancellation is performed and its date. In case of a deed, the name and residence of the authorising Notary Public; in case of a judicial or administrative document, it will indicate the Court of Justice, Court, Authority or officer authorising it and their residence; in case of a private application, the circumstance of the interested parties having been ratified before the Registrar and him attesting knowing them or their signatures being legalised.

5th Declaration of having completely or partially cancelled the corresponding entry.

6th Date and time when the document in virtue of which the cancellation is verified was submitted in the Registry, as well as the filing entry number and volume of the Journal.

7th Cancellation date and Registrar’s signature.

Whenever a cancellation deed is to be registered in different Registries, it will be submitted in all of them, and the corresponding note will be recorded at its foot by the Registrars.



Article 194.

Whenever the deed in virtue of which the cancellation is requested contains several property interests or real properties located within a municipality or one of its division, this cancellation will be verified by recording the appropriate entry, with the circumstances required by the previous Article, in the Registry of the Property where the extended registration was performed.

Regarding the other properties, a brief entry will declare the circumstances indicated in the 1st, 2nd and 5th number of such Article, name and surnames of the person allowing that cancellation or, if applicable, the Court or officer ordering it, a reference to the extended cancellation with a mention to the book and folio, the date and the initials.

Article 195.

The Registrar will record a dated and signed note on the margin of the registration or caveat cancelled related to every cancellation verified, and this will state the volume, folio and number or letter of the cancelling entry.

Conversion

Article 196.

The caveat may become registration whenever the person in favour of whom it is constituted finally acquires de annotated right.

This conversion will be verified by a reference registration related to the caveat itself that will indicate:

1st The letter and folio, as the case may be, of the caveat.

2nd The statement declaring the caveat becoming a registration.

3rd The reason for such conversion.

4th The document in virtue of which that conversion is verified, in case of being necessary to be performed.

5th Reference, if applicable, to the new filing entry.

6th Date and Registrar's signature.

Article 197.

In order for the caveats to become registrations, the following rules will be observed:

1st In case of caveats due to curable defects, the documents certifying the correction or, if applicable, the corresponding complementary documents, will be submitted.

2nd If the caveat is not recorded due to a Registrar's impossibility, he will proceed to the conversion, on his/her own motion, as soon as the reason or obstacle for such caveat is finished.

3rd In case of caveats of certain real property of the testator and these are constituted in favour of the legatees, the public deed declaring the legacy's grant or, otherwise, the corresponding court's decision will be submitted.

4th If the caveat is performed in favour of legatees of periodical rents or pensions, in the cases of Article 88 of the Act, the partition deed granting the pension charged property or, otherwise, the corresponding public deed granted by the heir or charged legatee and the pensioner or, if applicable, the order delivered in the declaratory judgement or in the incident of the estate proceedings referred to in Article 154 will be submitted.

5th In case of caveats performed in favour of the financing creditor, the public deed granted by the creditor and the debtor, or otherwise the order delivered in the judgement referred to in Article 95 of the Act will be submitted.

Article 198.

Once the claim's caveat is recorded, if this is to stay in virtue of a final order, the registrations or cancellations ruled by it will be performed.

The enforcement order or writ will be a sufficient deed, not only for performing the corresponding registration, but also to cancel those entries subsequent to the claim's caveat and contradicting or limiting the right to be registered, and they will be recorded in virtue of deeds dated later than the caveat's date and not arising from entries with priority over that same caveat.

The claim's caveat will be cancelled in that entry performed in virtue of the enforcement order, and on the caveat's margin will appear the appropriate reference note.

In the case of entries performed in virtue of deeds dated previously to the claim's caveat, and in order to cancel them, the claimant will ask for the execution of those entries, by executing the order, and the Judge may decree that, after summoning the holders of those entries, in accordance with Articles 262 and subsequent ones of the Spanish Act on Civil Procedure, if the holders object to the executor's aim within thirty days. If they declare their objection to the Court, proceedings concerning incidents will proceed, and the claim's caveat will not be cancelled until there is a final court's decision.

Caveats' expiry

Article 199.

The caveat recorded due to more than just one concept will be cancelled as appropriate and according to the shorter deadline, unless the defect is corrected or the requirement causing the caveat is fulfilled.

Caveats ordered by the judicial Authority will not be cancelled due to expiry, once the extended term established by Article 86 of the Act is expired, until there is a final decision in the proceedings ruling the caveat and its extension.



Cancellation postponement

Article 200.

If the Registrar postpones the cancellation of a registration or caveat, whether due to considering the submitted document insufficient or due to a lack of confidence in the competence of the Judge or Court ordering it, in accordance with the provisions in Articles 99 and 100 of the Act, he will state so by means of a caveat, if requested, declaring the registration or caveat whose cancellation is requested, the document submitted for such purpose, its date, its submission date and the reason for that postponement.

Article 201.

The caveat referred to in the previous Article will be cancelled on the Registrar's own motion:

1st In the case of Article 99 and first paragraph of Article 100 of the Act, sixty days after its date, provided that the document's defect arising it is not corrected before.

2nd. In the case of the second paragraph of Article 100 of that same Act, whenever the President of the Court of Appeal declares the incompetence of the Judge or Court ordering that cancellation, and provided that the appeal referred to in Article 102 of the aforementioned Act is not filed within the eight days subsequent to the notification date.

In the case of the previous paragraph the main requested cancellation may be performed by submitting the decision from the Judge or Court in charge ordering that same cancellation within the forty days following the judgement or disposition.

The Registrar will fulfil, in all cases, the confirming declarations on the Judge's or Court's competence ruling the original cancellation.

Article 202.

The Registrar postponing the cancellation due to a lack of confidence in the competence of the Judge or Court agreeing it, will notify that to the interested party in writing so that this may, if he wishes so, appear before the President of the Court of Appeal within ten days and submit the document in virtue of which the cancellation is requested.

If the President deems any document from the Registry necessary for him to deliver his/her order, he will request it to the Registrar and, with no further processing, he will decide whatever appropriate.

His decision will be notified to the Registrar and also to the interested party on his/her own account.

Article 203.

If the interested parties or Judges appeal to the Court of Appeal against the President's decision, the Governing Chamber will be notified and will hear the appellant only once and in writing, after the Registrar's report, and will request, to furnish additional evidence, those documents he deems necessary, as the case may be.

Caveats extension

Article 204.

In order to extend the caveat's deadline in the case of Article 96 of the Act, the interested party will submit an application to the Judge or Court declaring his/her reasons for not being able to correct the defect causing the registration postponement and accompanied by the evidence proving his/her right.

If the Judge or Court deems the defect curable and the reason claimed by the petitioner proved, he will order the extension, or reject it otherwise.

The Judge or Court may give notice of the application, during five days, to the other interested party, if any, and in case of this not being content, he will hear both parties in the oral proceedings, in accordance with the provisions in Article 57 of the Act.

The extension will be recorded in the Registry by means of another notation. In order for it to be effective the order will be submitted in the Registry before the expiry of the first sixty-day deadline.

Article 205.

Those caveats recorded due to the lack of a previous registration, in accordance with the third paragraph of Article 20 of the Act, may be extended up to one hundred and eighty days from the filing entry date, by means of an application addressed to the Registrar and certifying the reason to his/her own criterion. This extension will be indicated by means of a marginal note.

In case of extraordinary events, such as having initiated an ownership file or similar ones, the First-Instance Judge of that circumscription may agree, at the request of the party, to extend the caveat's period until one year after its date.

Caveats cancellations

Article 206.

The cancellation of caveats will be performed:

1st Whenever there is a final decision absolving the defendant in the cases referred to in the first paragraph of Article 42 of the Act.

2nd In case of prejudgment attachments, enforcement proceedings, criminal cases or coercive proceedings ordering to lift the attachment or transferring or granting the payment of the annotated property.

3rd In case of ordering to lift the seizure or prohibition to transfer.

4th Whenever the proposed claim is not admitted in order to obtain any of the notifications indicated in number 4 of Article 2 of the Act.

5th If the declaration of bankruptcy is not admitted or not viable.

6th If in any of the civil proceedings the defendant abandons the action, relieves it or the petition is declared expired.



7th When the legatee collects his/her legacy.

8th When the financing creditor is paid.

9th If, one year after the date of the grant for debts payment or from the date they may be required, and at any time the payment of the guaranteed debts is certified.

10th When, in the case of number 6 of Article 42 of the Act or the second paragraph of the 1st rule of Article 166 of these Regulations, the partition deed is submitted and the property or rights with caveats on the succession right do not appear as allotted to the heir.

11th If the caveat becomes a final registration in favour of the same person in favour of whom the registration is performed, or its assignee, either on his/her own motion or at another's party request.

12th If the person in favour of whom the caveat is constituted rejects that one or the guaranteed right.

13th When the caveat expires according to the Law, which will be stated by means of a marginal note, on its own motion or at the request of the owner of the property or the affected property interest.

Article 207.

The cancellation will be performed by submitting the transcripts of the final court's decision or order ordering such cancellation, the public deed or document certifying its relevant factor or, if applicable, the interested parties' application.

In the cases of expiry, the application of the owner of the property or affected property interest, ratified before the Registrar, will be enough.

In case of an attachments' cancellation in favour of the Treasury, the deed declaring having that caveat extinguished or the acquisition certificate determined by Article 26 will be enough.

Article 208.

The rejection referred to in number 12 of Article 206 will be performed by means of a public deed if the caveat to cancel is recorded in virtue of another deed. If the caveat is recorded in virtue of a court's decision, the rejection will be applied to and ratified before the Judge or Court having ordered that caveat, who will notify the corresponding order to the Registrar, as applicable.

In case of cancelling a caveat constituted by an application addressed to the Registrar by the interested parties, they will only need to submit another one where they state their rejection and apply for the cancellation. In such case, provided that the signatures are not legalised, the Registrar will order the rejecter to be ratified before him and he will confirm his/her identity and capacity and power of alienation to execute the corresponding right.

Article 209.

The cancellation of the caveat regarding the succession right will take place:

1st When the estate is partitioned according to the terms established in Article 83 or when the property or property interest annotated is jointly transferred by all the heirs. In both cases, if there is no entry in the Registry preventing that, the caveat will be cancelled within the same entry when the partition or transfer is registered, with no further requesting and by recording the appropriate reference note on the margin of the caveat.

2nd When expired due to four, or eight years in case of extension, after its date, according to Article 86 of the Act, either at the request of the owner or owners of the property or because a certificate on charges related to the property or the property interest registered is to be issued. In this case it will be verified on his/her own motion and by an expiry marginal note. In both cases, the rest of the caveats referred to that one will be cancelled, whatever their origin.

This caveat will not be cancelled due to expiry if the Registry contains the undividing agreement or the dividing prohibition referred to in the second paragraph of Article 400. 2 and 1 501 of the Spanish Civil Code, provided that the deadlines settled for the undivision do not expire or a public document certifying having ceased such community is submitted or the interested parties so expressly request it.

Article 210.

If the annotating party or a third party acquires the property or property interest over which a right's caveat is constituted, and this is legally extinguished, the registration will be performed in favour of the acquirer, if applicable, in the same way as the rest, but with an appropriate reference. Moreover, if the interested party requests it, it will also contain a reference declaring having the caveat cancelled, even when the writ ordering such appropriate cancellation is not submitted.

Special cancellations**Article 211.**

Those mortgage registrations constituted as a warrant of transferring deeds by endorsement or payable to the bearer may be completely or partially cancelled, in accordance with the provisions in Article 156 of the Act.

If the cancellation is verified by a decision or an enforcement order delivered within ordinary or special proceedings, or the one established in the third paragraph of Article 155 of the Act, the collection and specific cancellation of those deeds will be recorded by the affidavit of the Secretary acting in the corresponding proceedings.

Article 212.

In order to certify such cancellation and obligations exchange payable to the bearer, provided that several notarial certificates collecting the deeds and other points referred to in Article 5 of the Royal Order of July 14th 1917 are recorded, it will be enough that



the interested parties express the following with respect to those certificates and within an application addressed to the Registrar.

1st Total number of the obligations payable to the bearer that, within a maximum of a calendar year, have been subject to an exchange.

2nd Each application will only contain the deeds payable to the bearer of one kind, that is, those guaranteed by the same mortgage; and

3rd Regarding the correlative listing of the obligations, it will refer to the contents of each of the notarial certificates accompanying for their filing and it will quote their partial additions appearing in them.

A marginal note both on the original mortgage registration and on the conversion's or standing order's will be recorded per every application submitted, even if referring to different certificates, and the provisions in the aforementioned Royal Order will be observed.

Article 213.

Heirs may cancel, during the original undivided estate, those registrations or caveats recorded in favour of their deceased predecessor, provided that they prove, according to Article 79, that person's death and their capacity as his/her heirs, unless there are Commissioners, Expert Accountants or Trustees empowered with such capacity.

Article 214.

When their direct or beneficial ownership is consolidated due to a confiscation of a rural real estate granted by emphyteusis, all the charges and taxes will be cancelled, without the lessor's consent, by the payer of ground rent over the beneficial ownership; however, the emphyteuticary and his/her creditors may initiate the actions established in Articles 1 650 and 1 652 and concordant ones of the Spanish Civil Code against the legal ownership's owner.

TITLE V

Mortgages

Section 1. Mortgage in general

Mortgage expansion

Article 215.

The mortgage will be expanded to the difference in land measurements of the mortgaged property recorded in the Registry subsequently to its registration.

For the purposes of Article 111 of the Act, the advance payment of unexpired rents will not be detrimental to the mortgagee in any case.

Mortgage credit distribution

Article 216.

No mortgage over different properties, property interests or ideal shares of any of them and subject to a same obligation will be recorded, if there is no agreement between the parties, or there is a court's writ, if applicable, and this previously determines the amount each property, share or right is to be subject to. The interested parties may agree the distribution within the same registrable deed or in any other public document, or in an application addressed to the Registrar and signed or ratified before him, or whose signatures are legalised. That same rule will apply to the ground rents and anthicresis' registrations.

The provisions abovementioned will not be applicable to the caveats.

Article 217.

In case of requiring to mortgage different rights contained within an ownership or undivided shares or a property or right, their corresponding owners or holders may agree, for the purposes of the previous Article, the constitution of a sole mortgage over the whole of the rights, and the preliminary distribution will not be required.

Article 218.

If the different flats or sections of a dwelling belong to different owners, in accordance with the provisions in Article 396 of the Spanish Civil Code, their owners may agree the constitution of a sole mortgage over the whole of the property, and no preliminary distribution among the flats will be required.

This mortgage will be registered as follows:



- a) If the flats are registered under the same number of the dwelling belonging to, they will be registered in its same number.
- b) If the dwelling is registered as a whole and, besides and independently, all the flats and sections of that dwelling are registered under a different number, an extensive registration of the mortgage in the same number as the dwelling in the Registry will be recorded, as well as other brief registrations in the number corresponding to each flat.
- c) If the flats are registered separately, but not the building as a whole, the extensive registration will be performed in the number corresponding to any of them, and brief registrations will be recorded in the rest.

In these cases, the mortgagee will only be able to make his/her right effective by going against the whole of the building.

Article 219.

1st The amount of the obligation secured by the mortgage, or the maximum amount corresponding to the mortgaged property, will be settled in the national currency or by indicating the foreign currency equivalence and legal tender in Spain.

2nd The value of the property, for the purposes of Article 117 of the Act, will be decreased if the property is rented under circumstances disclosing a value reduction aim subsequently to the constitution of the mortgage. It will be supposed, unless otherwise proved, that there is such aim if the property is rented with an annual income that, capitalised by 6 per cent, does not cover the whole secured liability. The Judge, at the request of the party, may declare the credit expired, order the receivership and the expansion of the mortgage to other debtor's properties or take any other measure that he deems reasonable.

3rd Regarding the mortgage loans deeds' registrations, the value stabilization clauses may be thereby recorded, when the following circumstances are fulfilled:

1st. The minimum agreed term will be of three years.

2nd The stabilization is determined with respect to one of the following rates or modules, in force at the date in which the deed was granted and at the date in which the credit expired:

Wheat price settled for the purposes of rent payments by the Agricultural Ministry; b) The weighted general index of the cost of living settled by the Spanish National Statistical Institute; or c) The gold standard of the right liquidations of the Customs Tariff indicated by the Ministry of Finance. The registration will indicate the rate or module's figure in force at the date in which the deed was granted.

3rd The settlement of a maximum amount of mortgage liability which will not exceed, apart from the interests and costs, the total amount of the main one plus 50 per cent if the loan is higher than ten years or 25 per cent in the rest of the cases.

The stabilization clauses will be effective just with the payment of the secured capital; the interests will be satisfied by the main secured nominal value.

For the purposes of the enforcement procedure regulated in Article 131 of the Act and which may be agreed within the deed, the following will be required:

First. The requirement of the payment to the debtor or third holder, if applicable, will indicate the exact amount claimed in compliance with the applied rates and modules.

Second. The claim will be accompanied by the official document or documents stating the value rates in force at the dates of the grant and the loan expiration date. If the debtor objects to the establishment of the amount set by the creditor, the provisions in the sixth and seventh paragraphs of Article 153 of the Act will apply.

If the mortgage loan refunding is made by recurring payments of fixed amounts comprising capital or interests, the stabilization rate or module will be applied to each of the corresponding recurring expiries, with an exclusive reference to that part of the capital comprised within the fixed amount to be paid.

The provisions of this Article, with respect to the stabilization clauses, will not be applicable to those mortgages constituted in order to warrant the current accounts of credit.

Article 220.

Whenever a global amount is settled in the mortgage for the interests' payment, the amount will not exceed the corresponding amount of five annuities.

Article 221.

When the mortgage loan is distributed among several properties, in accordance with Articles 119 and subsequent ones of the Act, if any of the parties becomes a holder, this one may pay the mortgagee the mortgage special liability amount and, if applicable, the corresponding interests, and he may require the mortgage cancellation with respect to the released property or properties.

Mortgage action prosecution

A) Within the ordinary execution procedure

Article 222.

The payment requirements referred to in Article 126 of the Act may be legally performed as provided in the Spanish Act on Civil Procedure, or by a Notary Public, who will observe the same formal requirements, provided that they are within his/her competence and compatible with his/her ministry.

Whenever the debtor's or third holder's residence or whereabouts are unknown, the requirement will be made to the administrator or, otherwise, to the factual owner of the mortgaged property or properties, if rural, or to the keeper or, otherwise, to any of the tenants, in case of urban properties. If any of the aforementioned persons are found, the requirement will be assumed to be performed.

The provisions in this Article do not exclude the application, as the case may be, of Articles 1 459 and 1 460 of the Spanish Act on Civil Procedure.

Article 223.

In the case of property abandonment during the ordinary execution procedure, if the property value is higher than the credit, interests and secured costs within the auction, the leftover will belong to the third holder if there is no one entitled to the whole or part of such leftover.

Article 224.

The testimony provided in Article 1514 of the Spanish Act on Civil Procedure will be enough for the sale by auction or allotment registration.

B) Within the summary judicial proceedings**Article 225.**

The notification mentioned in the 5th rule of Article 131 of the Act will be made not only to the mortgagees it indicates, but also to those mortgagees of charges or property interests proposed by either ones or the others, to the mortgage of the petitioner, to those persons registering after the registration of that mortgage and even to the holders of ownership's dismembering, conditional rights or others that, due to their category, are to be declared extinguished when performing the credit and with their rights registered subsequently to the mortgage, provided that they appear in the corresponding certificate of the Land Registry.

Article 226.

If the execution of the action is subject to the summary judicial proceedings, the provisions in Articles 130 and subsequent ones of the Act will be observed and the following rules will be also taken into account:

1st The change in the debtor's residence, in the cases provided in the aforementioned Article 130, will be notified to the mortgagee. Both this notification and the necessary compliance will not be effective for the processing of the summary proceedings, if not recorded as a marginal note on the corresponding registration or registrations.

2nd The notification ordered in the second paragraph of the 5th rule of Article 131 will not be necessary with respect to those persons that have registered, annotated or submitted the deeds justifying their rights in the Journal, subsequently to the recording of the marginal note provided in the penultimate paragraph of the 4th rule and which, therefore, were not able to be mentioned in the certificate from the Registry.

Article 227.

Simultaneous charges and encumbrances or of identical category as the petitioner's credit will have priority, for the purposes of Article 131 of the Act.

Article 228.

The bids in the auctions of the summary judicial proceedings may be performed in the capacity of granting the sale by auction to a third person.

Article 229.

When the third auction, determined in the 12th rule of Article 131 is void due to a bidders' absence and the owner of the property does not make use of his/her right to ask for an auction repetition, the executing mortgagee may ask for the allotment according to the rate of the second one and the with the condition established in the 10th rule, nine days after the third action taking place.

If the owner of the property requests new auctions and these are also void due to a bidders' absence, the executing mortgagee may execute the right he is entitled to according to the previous paragraph and within the same deadline from the date when the last auction took place.

Article 230.

Once the mortgaged debt is paid by the debtor selling the mortgaged property, according to the case in the second paragraph of Article 118 of the Act, it will be enough to record in the Registry the subrogation established in this provision, the handing over document or the payment receipt deed where the seller declares making use of such subrogation.

Article 231.

Once the sale by auctioneer or allottee is subrogated concerning charges or encumbrances liabilities previous or preferential to the petitioner's credit, if the amount of any of these charges and encumbrances has been satisfied by the debtor or third holder and the security interest has not been cancelled in the Registry, those will be supposed subrogated, in accordance with Article 118 of the Act, in the holder's rights of ones and the others, in order to require their amount from the auctioneer or allottee.

That subrogation will be recorded in the Registry with a marginal note on the registration of charge or encumbrance by means of the deed or notarial certificate certifying the payment and these will clearly declare that the payment was made by the debtor or third holder. If those documents fail to declare that the subrogation is used, an application from the debtor or third holder will be included.

Article 232.

The provisions in the two previous Articles will be applicable to the mortgages for warranting future obligations, and accounts of credit or similar ones, if certified, by the corresponding document, that the secured obligation is not finally incurred or it is extinguished. This will be accompanied by, as applicable, the debtor's application of such subrogation record in the Registry.

Article 233.

In the adjudication order referred to in the 17th rule of Article 131 of the Act, the registrations and caveats subsequent and previously postponed to the petitioner's credit and to be cancelled will be determined. There will appear an explicit reference to the number or letter, folio and volume where they are registered, and just ordering to cancel all the subsequent ones to the petitioner's mortgage will not be enough. Those performed subsequently to the note recording referred to in the fourth paragraph of the



4th rule of the aforementioned Article will be excluded, and its general statement will be sufficient for its cancellation.

C) Within the extrajudicial execution procedure

Article 234.

1. The processing of the extrajudicial execution provided in Article 129 of the Act will require the deed granting a mortgage loan to stipulate the subjection of the grantors to these proceedings and the following circumstances to be stated:

1st The property's value appraised by the interested parties in order to serve as a rate in the auction. Such value will not be different from the one settled for the summary judicial proceedings, if any.

2nd The residence indicated by the mortgagor for the purposes of requirements and notifications. The residence establishment, which will not be different from the one established for the summary judicial proceedings, may be modified later while subject to the provisions in Article 130 of the Act.

3rd The person to grant the property's deed of sale on behalf of the mortgagor. For such purposes, a mortgagee may be appointed.

2. The provision in virtue of which the grantors have agreed their subjection to the mortgage extrajudicial execution proceedings, will be separately recorded in the rest of the provisions of that deed.

Article 235.

1. The extrajudicial execution will be only applicable to those mortgages constituted as a warrant for the obligations whose amount is initially indicated, for their ordinary interests and those accrued on overdue payments and satisfied in compliance with the provisions in the deed and with the execution costs referred to in Article 236(k).

2. The extrajudicial execution will be necessarily adjusted to the provisions in the following Articles.

Article 236.

1. The mortgage extrajudicial performance will be done before a Notary Public enabled to act in the place where the mortgaged property is located and, if more than one, before the corresponding one depending on their turns.

Whenever there are several mortgaged properties and these are located in different places, it may be specified within the deed granting the mortgage loan which of them shall be determined by the Notary Public. Otherwise, this will be specified by the property appraised for the purposes of an auction and with the highest value.

2. The transfer of the mortgaged property shall be formalised in the public deed after having recorded the compliance with the processing and procedural steps provided in the following Articles within the notarial certificate.

3. The certificate referred to in the previous section does not require a one undivided process, neither a contextual one and it will be included to the protocol on the date and

under the number corresponding to its termination moment or, as applicable, of its postponement, notwithstanding that, in this last case, it may be resumed and concluded on a subsequent date and under a subsequent number.

Article 236a.

1. The proceedings will be initiated by a request to the Notary Public stating the relevant circumstances for the credit's certainty and enforceability as well as the exact amount subject to the claim at the moment of that request, specifying the amount of each concept.
2. The requester will submit the following documents to the Notary Public:
 - a) The deed granting a mortgage loan with a note specifying having been registered. If it is not possible to submit the registered deed, this will be accompanied by the non-certified note of the Land Registry reflecting such registration.
 - b) The document or documents allowing to accurately determine the rate, whether directly or by simple arithmetical operations, in those cases of mortgage in order to warrant floating rate credits.

Article 236b.

1. The Notary Public will examine the request and the accompanying documents and, if he deems all the requirements fulfilled, he will ask for the certificate comprising the following points to the Land Registry:
 - 1st Literal indication of the last ownership registration performed and still in force.
 - 2nd Literal indication of the mortgage registration according to its enforceable terms.
 - 3rd A list with all the ground rents, mortgages, charges and property interests and caveats those properties are subject to.
2. The Registrar will record a marginal note on the mortgage registration specifying having issued the aforementioned certificate and indicating its date, the beginning of the execution, the Notary before whom this is proceeded and the circumstance explaining that this will be independent from any other right over the same property registered or annotated later.
3. The submission in the Registry of the deed of mortgage cancellation performed subsequently to the entry referred to in the previous section will be immediately notified by the Registrar to the Notary Public before whom the execution is proceeded.

Article 236c.

1. If the registration certificate does not mean any obstacle for the performance of the requested mortgage, the Notary Public will make a payment request notification to the debtor indicating the reason and expiry date of the credit and amount claimed for each concept, and he will also advise him that, in case of failing to pay within ten days, the execution of the mortgaged properties will be carried out and the costs arising from that will be at the debtor's own expense.



2. That notification will be made in the residence that, for such purposes, is recorded in the Registry, and it will be performed before the Notary Public, either personally if the required debtor is found there, or to the next of kin, relative or legal dependant over fourteen found there and, if no one is found there, to the keeper or any of the closest neighbours.

3. If the Notary Public has no competence due to the place, he will perform such notification through another Notary Public with that territorial competence.

4. If the notification is not possible to be performed in any of the ways provided, the Notary Public will conclude his/her acting and the certificate, and the corresponding judicial means will be clear.

Article 236d.

1. Ten days after the notification without reply, the Notary Public will notify the beginning of the proceedings to the person in favour of whom the last ownership registration is performed, if different from the debtor's, as well as to those holders of charges, encumbrances and entries subsequent to the mortgaged executed, in order for them to, if convenient, take part in the auction or satisfy the credit and interests amount and costs arising from the part secured by the mortgage before the sale by auction.

2. Those notifications will be made in the residences of the interested parties listed in the Land Registry and in the way provided by the Notarial Legislation.

If the residences are unknown, the notification is impossible to be made by a subpoena or by mail with return receipt, or if the Notary Public questions its effective reception, this will be notified by means of notices fixed to the bulletin boards of the City Council and the Land Registry, and they will be included whenever the property value, for the auction's purposes, exceeds 5,000,000 pesetas, in the corresponding "Official Gazette" of the province or Autonomous Region.

3. For the purposes of the provisions in the present Article, any acquirer of a property interest, charge or encumbrance over a mortgaged property may record in the Registry a residence within the national territory to be notified in case of execution. This circumstance will be recorded as a marginal note on the registration of the property interest, charge or encumbrance he is holder of.

Article 236e.

1. If the third holder pays the claimed amount in his/her corresponding part secured with the mortgage, the Notary will conclude his/her acting and the certificate specifying having the payment been made. Such certificate may serve, as applicable, for the mortgage cancellation.

2. If the payment is verified by one of the holders of the charges, encumbrances or interest recorded in the Registry subsequently to the mortgage, the Notary Public will require that holder to declare whether he wishes to proceed or not.

If so, the processing will continue, and the payer will occupy the legal status the satisfied mortgagee was entitled to.

Otherwise, the processing and the certificate will conclude specifying having the payment been made. Such certificate will be sufficient for the recording of the payer's subrogation with regard to all the rights of the satisfied mortgagee in the Registry.

Article 236f.

1. In compliance with the provisions in the precedent Articles and thirty days after the payment request notification and the last one of the notifications previously mentioned, the property auction will take place before the Notary Public.
2. The auction will be announced at least twenty days in advance with respect to the day in which it takes place.
3. The notices will be fixed to the bulletin boards of the City Council and of the Land Registry and will be included in the "Official Gazette" of the province or Autonomous Region where the execution is performed and where the property or properties are located, if the value serving as a rate for the auction exceeds 5,000,000 pesetas. If the value exceeds 12,000,000 pesetas, they will be also published in the "Official State Journal". Moreover, at the request of the interested party and at his/her own expense, it may be published in any other media.
4. Those announcements will briefly contain the property identification, the place, date and time the auction will take place, the rate that will serve as the basis for that as well as the following circumstances: The documentation and certificate of the Registry referred to in Articles 236 a) and 236 b) may be consulted in the Notary's office; every bidder is to accept the deed as sufficient, and the charges, encumbrances and entries prior to the mortgage to be executed will subsist.

In case of no bidder for the first auction, or when this is failed, the place, date and time of the second auction will be indicated during another twenty-day term. The third auction will be likewise announced.

5. The Notary Public will notify the place, date and time settled for the auctions to the holder of the last ownership registration by certified mail.

Article 236g.

1. The auctions will take place in the Notary's offices where the proceedings are being performed or in the premises indicated by the Notary Public for such purposes. In case of several Notary's offices in the place where the property is located, the Executive Board of the Spanish Association of Notaries Public may provide the premises for the auctions to take place.
2. In the first auction, the rate will be agreed within the deed granting the mortgage loan. No bid lower than such rate will be accepted.
3. If no bid is acceptable in the first auction, the mortgagee may request, within five days, the property or properties' adjudication as payment for his/her credit, with the property's rate, and he will accept the subsistence of the previous charges. The adjudication may be requested for oneself or for granting to a third party.



4. If the mortgagee makes no use of the aforementioned capacity, the second auction will take place and its rate will be of 75 per cent with respect to the first one, and no bid lower than such rate will be accepted.

5. If there is an acceptable bid in the second auction, the mortgagee may request, within ten days, the adjudication with the rate of the second auction and with the conditions provided in the third section.

6. If the mortgagee makes no use of this right either, the third auction will take place, and it will not be subject to any rate.

7. Once the third auction has taken place, if the bid is lower than the rate of the second auction, the non-auctioneer mortgagee, the owner of the property and a third person authorised by them may improve the bid within five days. If there is no petition within this deadline, the property will be allotted to the auctioneer.

Whenever they ask for the improvement, each of them excluding the mortgagee, will record the 50 per cent of the amount that served as the rate for the second auction, and the Notary Public will then open a new bid among these bidders and the property will be allotted to the one with the most beneficial proposal. The bidding will be carried out on the date indicated by the Notary Public within the five days following that one in which the bid is been improved.

If the first bidder, in view of the improvement made by the second one, declares his/her rejection, the bidding will be denied and the property will be auctioned in favour of the second one.

Article 236h.

1. The mortgagee may appear as a bidder for all the auctions and he will not need to record any amount for taking part in the bidding.

2. The rest of the bidders, with no exception, will record in the Notary's office or in the premises used for such purposes the amount equivalent to 30 per cent of the corresponding rate in order to take part in the first or in the second auction. In the third auction, the deposit will be of 20 per cent of the rate of the second one.

3. During the auctions, from their announcement to their holding, bids in writing and sealed, accompanied by the previous deposit receipt, will be allowed. Bids will be kept sealed by the Notary Public and will be opened at the beginning of the bidding, and no verbal bids lower than the highest written one will be accepted.

4. Only the adjudication in favour of the executor or the sale by auction in favour of him or of a subsequent mortgagee shall be performed with the capacity for granting to a third person. The auctioneer executing that capacity will certify that grant by appearing before the Notary Public before whom the auction was held, and with the grantee's attendance, who will accept it. All this will be done previously or simultaneously to the payment of the rest of the sale by auction price.

Article 236i.

1. The acquirer shall deposit the difference between the amount deposited in order to take part in the auction and the total price within the eight following days.
2. The auctioneer bidding in writing shall accept the allocation within the same deadline and the sale by auction shall be granted.
3. If the auctioneer is the same as the mortgagee, only the difference between the sale by auction amount and the credit total amount and the interests secured by the mortgage shall be recorded, notwithstanding that, when carrying out the liquidation of execution costs, this shall be reimbursed to the mortgagee, together with the quantity deposited, and from the total originated, up to that amount secured by the mortgage.
4. It shall be proceeded likewise when the mortgagee asks for the property or properties allocation and the amount secured by the mortgage is lower than the settled as the rate for the auction.

Article 236j.

1. Subsequent deposits, with no request for reimburse and covering the rate of the auction shall be reserved so that, if the auctioneer does not comply with his obligation, the sale by auction may be done in favour of the following ones arranged in the order with respect to their corresponding bids, if they consent so. The amounts deposited by them shall be reimbursed once the obligation is been complied with by the allottee.
2. If the auctioneer does not deposit the price complement within the settled deadline, the sale by auction shall be considered without effect and performed in favour of the bidder following the order with respect to his bid, provided that there is a reserve and the acceptance established in the previous section, and the amount offered by him and added to the deposits lost by the previous auctioneers, make the same amount of the main failed sale by auction.
3. The sale by auction shall be notified to the bidder for the purposes provided in the first section of the previous Article. If the reserve and acceptance do not take place or if the second or successive bidders do not comply with their obligation, the auction shall be held once more, unless it is possible to satisfy the credit and secured interests by the mortgage and the execution costs with the constituted deposits.
4. The deposits constituted by the auctioneer and, as applicable, by the bidders referred to in the previous section shall be used, firstly for satisfying the costs arising from the auction or subsequent auctions and the rest, if any, for the payment of the credit, interests and other execution costs.
5. If the executing mortgagee himself is the auctioneer or allottee, and the difference between the sale by auction price or the allocation's and the credit amount and the interests secured by the mortgage is not deposited within eight days from the notification of the liquidation of such difference, the sale by auction shall be also declared void, although the mortgagee shall be responsible for all the costs arising from the auction or subsequent auctions to be held and he shall not be entitled to perceive any interests from his credit during the time used for their verification.



Article 236k.

1. The sale by auction price shall be immediately used for the mortgagee's payment requesting the execution to the extent guaranteed by the mortgage.

2. The leftover, in case of any subsequent mortgagees, shall be deposited in the appropriate public institution and shall be subject to the outcomes of such credits. This circumstance shall be recorded in the Registry as a marginal note.

If there are no subsequent mortgagees, the leftover shall be handed over to the property's owner.

3. The Notary Public shall liquidate the costs taking into consideration only his acting fees and those arising from the different procedures.

Article 236l.

1. Once the sale by action or the allocation are verified and the price is deposited, as applicable, the certificate notarisation and the public deed granted by the auctioneer or allottee and the property's owner or the person appointed in accordance with Article 234 shall take place.

2. The deed shall indicate the main processing and procedural steps followed in compliance with the provisions established in the previous Articles, and particularly those performed in the notifications mentioned in Articles 236-c and 236-d; it shall also indicate that the price of the sale or allocation was equal or lower than the total amount guaranteed by the mortgage and, if exceeded, that the leftover was deposited as provided in the second section of Article 236-k.

3. The deed shall serve as a sufficient document for the registration in favour of the auctioneer or allottee, as well as for the cancellation of the registration of the executed mortgage and of all the entries regarding its charges, encumbrances and rights recorded in the Registry subsequently to that mortgage. Those entries ordered by the judicial authority and declaring a litigation over the mortgage validity shall be excluded.

Article 236m.

The allottee may ask for the acquired properties possession to the First-Instance Judge belonging to the place where these properties are located.

Article 236n.

If the auctions held are void and the mortgagee does not make use of his right to take over the executed properties, the Notary Public shall conclude the execution and he shall close and notarise the certificate, and the corresponding judicial means shall be clear.

Article 236o.

1. The Notary Public shall only postpone the acts when the processing of a criminal proceedings is proved by the appropriate documents, due to a mortgage deed forgery in virtue of which it is proceeded, and where a claim has been filed or a commitment

order has been ruled or an indictment has been recorded, or if a notification from the Property Registrar referred to in the third section of Article 236-b is received.

2. Once any of the circumstances provided in the abovementioned section is verified, the Notary Public shall agree the postponement of the execution until the criminal proceedings or the register proceedings are respectively concluded. The execution shall be resumed, at the executor's request, if the forgery is not declared or the mortgage cancellation is not registered.

Article 236p.

Regarding the other possible claims by the debtor, third holders and other interested parties, the provisions in the last five paragraphs of Article 132 of the Spanish Mortgage Act shall accordingly apply.

Section 2. Voluntary mortgages

Unilaterally constituted mortgage

Article 237.

In the request notification provided in the second paragraph of Article 141 of the Act it shall be explicitly determined that, after those two months with no recording of the mortgage acceptance in the Registry, the property's owner may cancel it without further consenting from the person in favour of whom it was constituted.

In order to cancel it, the property's owner shall grant the corresponding cancelling deed.

Subject to a condition

Article 238.

In order to have all the suspensive conditions fulfilment or the future liabilities referred to in Article 143 of the Act recorded in the Registry, any of the interested parties shall submit a copy of the public document certifying so to the Registrar, or otherwise an application signed by both parties and ratified before the Registrar and whose signatures are legalised. This shall serve as a request for the marginal note record and shall clearly state the events to take place.

If any of the interested parties objects to sign or ratify such application, the other party may initiate ordinary proceedings against him. If the court's decision favours the claim, the Registrar shall record the corresponding marginal note.

Article 239.

If the fulfilled condition is resolute, an official cancellation shall be recorded after meeting all the requirements provided in the previous Article.

Article 240.

In accordance with the provisions in Article 144 of the Act, if the fact or convention between the parties produces a total or partial novation of the registered contract, a new registration shall be performed and the precedent one shall be cancelled. If the



termination and nullity of the contract itself takes place, in full or in part, a total or partial cancellation shall be recorded and, whenever this is aimed at putting into effect a registered contract pending on suspensive conditions, a marginal note shall be annotated. The payment of part of the debt, if no partial cancellation is to take place, may be also recorded by a marginal note on the mortgage registration.

Mortgage deferral

Article 241.

In order for a mortgage deferral with respect to a prospect one to have register effects, the following shall be taken into account:

1st The mortgagee to defer shall expressly consent such deferral.

2nd The maximum liability concerning capital, interests, costs or other concepts of the prospect mortgage shall be determined, as well as its maximum time length.

3rd The mortgage to give preference to is registered within the necessarily agreed deadline for such purpose.

The deferral shall be recorded as a marginal note on the registration of the deferred mortgage, and no further annotating shall be required for the prospect mortgage registration.

After the deadline mentioned in the third number, if a new mortgage is not registered, the right to deferral shall expire and that circumstance shall be recorded on a marginal note.

Assignment of a mortgage credit

Article 242.

The debtor shall be notified of the assignment of the mortgage credit's contract by the means provided in Article 222, unless he has refused to that right by means of a public deed or if the case explained in Article 150 of the Act applies.

Article 243.

The notification of the assignment of the credit to the debtor, or the omission of this requirement in the case explained in Article 151 of the Act, shall be recorded in the registration. If the document certifying having made that notification is submitted to the Registry after the registration being verified, the corresponding marginal note shall be also recorded.

Article 244.

The assignment of the mortgage loan shall be recorded in the Registry by a new registration in favour of the grantees, but in the cases referred to in Article 150 of the Act.

Mortgage warranting current accounts

Article 245.

In those mortgages constituted in favour of Banks, Savings Banks and Loan Associations duly authorised in order to warrant exchange transactions and lending operations, the amount of the obligation secured may be agreed to be determined, when appropriate, according to the balance resulting from the mortgagees' accounting records, and with respect to a special account where the credit and charge instalments shall be the amount of the discounted effects, those satisfied before their expiry and those returned and unpaid, provided that the rest of the requirements in Article 142 and the last four paragraphs of Article 153 of the Act are recorded in the deed.

Article 246.

Duplicate copies of those bank books that the interested parties may carry with in order to certify the balance of the opened credit accounts with a mortgage warrant shall be sealed and signed by the Notary Public authorising that deed on every page and a certified statement shall appear in the first page of the number containing them.

In order to warrant transferable deeds by endorsement and payable to the bearer

Article 247.

Transferable deeds by endorsement or payable to the bearer and guaranteed by a mortgage, shall have a double original deed and one of them shall be recorded in the Company's Registration Office of the province and the other one shall be kept by the issuing entity.

If that issue is performed by private individuals or entities not registered in the Company's Registration Office, the recording referred to in the previous paragraph shall be carried out in the Land Registry. However, if the interested parties wish to include those deeds in the official quotes, the private individual or of the mortgagee entity's registration shall be performed in the Company's Registration Office to this effect only, and the receipt book duplicate copy shall be submitted there.

If those deeds refer to more than one property, the circumstances stated in the last paragraph of Article 154 of the Act shall not be necessary to be recorded but in the Land Registry where the mortgage registrations were performed, and in the Company's Registration Office, as applicable, with a reference to the marginal note or notes of the filing entry or entries, whose number and date shall be stated.

In order to warrant rents

Article 248.

Those mortgages constituted in order to warrant rents or periodical payments referred to in Article 157 of the Act, may be constituted by a unilateral act of the mortgaged property's owner, in which case the acceptance of the person in favour of whom the mortgage is constituted shall be regulated by the provisions in Article 141 of such Act.



If these mortgages are constituted by last will acts, this shall be enough for their registration in the estate, accompanied by the death's certificate of the testator and the certificate from the Probate Register, and the acceptance of the pensioner or beneficiary of such payment may be granted by the estate partition deed or by any other deed.

The registration shall necessarily indicate the date when the last pension or payment is to be satisfied or, otherwise, the event or condition for its extinction.

The contrary agreement authorised by the last paragraph of Article 157 of the Act shall not exceed, in any case, five years.

Section 3. Legal mortgages

General rule

Article 249.

In the granting act of any public document from which a right over a legal mortgage in favour of anyone results, the Notary Public, subject to the provisions in the Notarial Legislation, shall notify whoever it concerns, in case of appearing in that act, of their obligation to put up that mortgage and their right to require it.

Endowment mortgage

Article 250.

Those special mortgages referred to in the 1st and 3rd numbers of Article 169 of the Act may be constituted within the Marriage Articles, the endowment document or the separated public deed.

Article 251.

Provided that the Registrar verifies the registration of an estimated endowment of real property in favour of the husband and there is no objection from the wife to her right over the mortgage, a statement shall indicate that the mortgage is constituted over the same endowment properties or over other different ones. In the latter case, a certificate proving that shall be filed if these properties are located within another Registry's territory.

Article 252.

The registration of real property included in the portion of the estimated endowment shall indicate, as far as possible, the circumstances determining these Regulations for registrations in general and also the following in case of extended registrations:

- 1st Name and surnames of the person constituting the endowment and its nature.
- 2nd A statement showing having arranged or verified that marriage, and in the latter case, its celebration's date.
- 3rd Names, surnames, age, civil status and residence of the spouses.
- 4th Declaration of the constitution of the estimated endowment and its amount.

5th The circumstance of having constituted the property subject to the registration as a whole or part of such endowment.

6th The value given to that property for the endowment estimate, and stating if this was made by common agreement or by judicial means.

7th The handing over of the endowment to the husband.

8th The conditions stipulated in the endowment contract and affecting the husband's ownership with regard to the same property.

9th A statement showing the ownership allotment by the husband and subject to the laws and particular conditions stipulated.

10th A statement showing having the legal mortgage over the property constituted and registered, having the wife refused to it or having the husband constituted it over other properties.

Article 253.

The registration of the mortgage constituted in favour of the wife with regard to her estimated endowment shall indicate, as far as possible, the required general circumstances for the registrations of their kind, and also the following ones, in case of extended registrations:

1st The marriage arrangements or celebration, stating its celebration's date in the latter case. 2nd Name, surnames, residence, age, and previous civil status of the wife, if recorded.

3rd A list including those documents constituting the endowment or donation, or the handing over of the properties sharing that same nature.

4th Name, surnames and residence of the person constituting the endowment and the declaration that it is estimated and that the Notary Public attests this handing over.

5th The total amount or estimate of the endowment, donation or handing over of properties.

6th Name, surnames and legal nature of the person requiring the endowment mortgage, and in case of any court's decision to constitute it, that court judgement holding, its date and Judge or Court of Justice ordering it.

7th The acceptance and mortgage sufficiency declaration, a statement showing the amount the property is subject to and the distribution, according to the deed, of the mortgaged properties by the person constituting the endowment or requiring such mortgage or liable to classify it. If any judicial file is commenced due to all this, also the court's decision, its date and Court or Court of Justice ordering it shall be recorded.

Article 254.

If the endowment or paraphernal property are handed over to the husband and they have a non-estimated nature, and the property is registered in favour of the wife, such handing over shall be recorded as a marginal note on the aforementioned registration.



Article 255.

The mortgage constituted by the husband over his own properties in order to secure the return of the properties handed over as an non-estimated endowment or as paraphernal property or a endowment increase of the same nature, shall be registered in accordance with the provisions for general registrations and, for special registrations of mortgage over estimated endowment. This shall be only distinguished by recording that non-estimated endowment and by stating that the properties appraisal was only aimed at settling the amount the property is subject to, as the case may be.

Article 256.

If the non-estimated endowment properties are not registered in favour of the wife when constituting the endowment mortgage, such registration shall be performed in favour of her as ordinary and with the circumstances provided in Article 252, excluding the fourth, fifth, sixth, ninth and tenth ones, but with a reference to the non-estimated endowment nature instead and declaring that the ownership belongs to the wife and is subject to the laws.

Once the registration is made as provided, the marginal note established in Article 254 shall be omitted.

Article 257.

Provided that the Public Prosecutor's Office is aware of having handed over the endowment to the husband by any orphan wife and under age, without the corresponding mortgage, and in case of properties to constitute it, this one shall appeal to the Judge or Court of Justice in order to make the husband constitute the legal mortgage in the way provided in Article 166 of the Act.

Article 258.

In all the endowment deed there shall be a necessary statement of the mortgage constituted or to be constituted by separate means, or of the circumstance of not having secured the endowment in that way because the husband has not mortgageable properties and those have not the same nature as the endowment's. In the latter case, the husband shall declare lacking those properties and he shall be forced to mortgage the first properties he acquires, in compliance with the provisions in Article 180 of the Act.

The wife of legal age and owner of the properties to be handed over as endowment and entitled to freely dispose of them may avoid the husband's obligation established in the precedent paragraph, but in such case she shall notify the Notary Public in accordance with Article 249.

Due to inalienable property

Article 259.

Persons that, according to the Spanish Civil Code, are forced to reserve certain properties, shall register them in their name, if not previously so. If the documents

required for the registration are accompanied by the deed referred to in Article 185 of the Act, the nature of the inalienable property shall be recorded in such registration.

If the properties are registered, such nature shall be recorded as a marginal note on the corresponding registration.

Article 260.

In order to record the inalienable property nature in the Registry and, if applicable, to constitute a special and sufficient mortgage to secure the property restitutions and indemnities established by the Law, if there is no public deed granted by the reserve beneficiary and heir with a future interest or their legal representatives, the following rules shall be considered:

1st The person forced to reserve shall submit the inventory and expert appraisal of the properties to secure to the First-Instance Court, accompanied by a list with those offered as mortgage and the deeds certifying his ownership over them, as well as the documents proving their value and freedom or charges they are subject to.

The inventory and appraisal of the alienable property shall be those judicially or extra-judicially performed in partition operations, and if these do not exist, those the reserve beneficiary makes for the purposes established in Article 1066 of the Spanish Law of Civil Procedure, and the properties' value shall be recorded accompanied by the data and documents present for that settlement.

Deeds required to be submitted by the persons forced to reserve in order to certify the ownership of the properties they offer as a mortgage shall be, at least, the ones belonging to their last acquisition and a certificate from the Registrar recording the ownership and charge of such properties.

If the value of them does not appear in the aforementioned documents, other reliable documents certifying such value shall be submitted.

2nd If the Judge considers the property lists accurate and the offered mortgage sufficient, he shall deliver an enforceable order to record a certificate within the same file and declare inalienable the properties, so that this nature is recorded on the margin of the corresponding ownership registrations and the mortgage to secure the restitutions and indemnities mentioned in the previous paragraph of this Article is constituted over the real property of the reserve beneficiary which he offers as a warrant.

3rd If the Judge questions the sufficiency of the mortgage offered by the reserve beneficiary, he may order him to carry out the procedural steps or to submit the documents he deems appropriate in order to certify such circumstance.

4th If the mortgage is not sufficient and it is compulsory to reserve other properties to constitute it, the Judge shall order to expand it to those that, to his own criterion, are enough for securing the right of the heir with a future interest. If the reserve beneficiary has no other properties, the Judge shall order to constitute the mortgage over those ones offered, but with a statement in the court's decision showing that they are



insufficient, and declaring the obligation of the reserve beneficiary to expand the mortgage to those first properties he will acquire.

5th The certificate referred to in the 2nd rule of this Article shall contain the circumstances determined by Article 263 and shall be signed by the reserve beneficiary and authorised by the Clerk and approved by the Judge.

6th The corresponding entries and registrations shall be recorded by submitting a duplicate copy of the certificate and the approval order in order to certify the inalienability nature of the properties, if so, and constitute the mortgage.

Article 261.

1. The one-hundred-and-eighty-day term established in Article 187 of the Act shall begin, as the case may be, from the date of the second or subsequent marriage, from the date of the legal non-marriage settlement, from the date of its adoption, or from the date of the estate acceptance by the person forced to reserve.

2. If the inalienable properties are acquired after celebrating the second or subsequent marriage or in any of the cases referred to in Article 980 of the Spanish Civil Code, the aforementioned term shall begin from the date of the acquisition of those properties.

Article 262.

Once the Judge has approved the certificate declaring the inalienable nature of the properties or when the corresponding mortgage is constituted, the reserve beneficiary shall be provided with two authorised copies of that certificate and of the approval order, so that they are submitted in the Registry and the corresponding marginal notes and registrations are performed. One of those copies shall be filed and the other one shall be returned to the Court, with a note stating that the corresponding entry is been performed.

If the reserve beneficiary objects to receive such copies or to submit them in the Registry, the Judge shall submit them on his own initiative.

If, sixty days after handing over the copies, the reserve beneficiary does not return one of them to the Court with a note signed by the Registrar certifying having the mortgage registered or a marginal note recorded, the Judge will act as provided above.

The interested party in the reserve taking part in the certificate or requiring the mortgage may, in the case of the two previous paragraphs, request the delivery of the copies in order to submit them in the corresponding Registry.

Article 263.

The mortgage constitution certificate to secure inalienable properties shall declare the same circumstances as the voluntary mortgage and also the following ones:

1st The deed or legal reason serving as grounds for the right to reserve and its expansion, and name and surnames of the persons related to it.

2nd The date in which the father or mother constituting it has got married again, or the date of the natural child's birth, or the date of the adoption, referred to in Article 980 of

the Spanish Civil Code and, if applicable, the date of the properties acceptance made by the ancestor.

3rd Names and surnames of the persons requiring the reserve and, if applicable, a statement declaring this has been required by the Public Prosecutor's Office.

4th A list with the inalienable properties and their value.

5th A statement declaring having commenced the certificate regulated by Article 260 of these Regulations or by the Article 165 of the Act.

6th The Judge's declaration of the accepted mortgage sufficiency or, if applicable, of the reserve beneficiary's obligation to mortgage those first properties or property interests he will acquire.

Article 264.

The registration of the mortgages referred to in the previous Article shall contain the abovementioned circumstance and an indication of the court judgement ordering to approve the certificate.

Article 265.

Provided that the procedural steps established in Articles 185 and 187 of the Act are not followed, and those persons obliged to reserve record the inalienable nature of the properties in the deed of properties allocation, or of partitioned estate or in any other authentic document, such circumstance shall be recorded at the end of the corresponding registration, as well as all those contributing to distinguish the respective rights.

If the reserve beneficiaries do not expressly record the inalienable nature of the properties, the Registrars shall refrain from assigning them such nature when recording the corresponding entries; and for register purposes, the data or indications resulting from the submitted documents or previous registrations shall not be sufficient to consider them inalienable.

The inalienable nature of the properties shall be recorded as a marginal note, when subsequent to the registration and applicable.

Properties belonging to persons under parental authority

Article 266.

In order to register properties belonging to a child of a family, an indication of who have expressly requested that registration shall be recorded, in compliance with Article 191 of the Act.

Article 267.

The mortgage registration under parental authority shall indicate the same circumstances as the voluntary mortgage and also the following ones:

1st The personal circumstances of the father or mother constituting the mortgage and of the child in favour of whom it is constituted.



2nd The origin of those properties that are to be secured by the mortgage due to their real property nature. 3rd An indication of the properties nature and value assigned.

4th A statement declaring having the mortgage voluntarily constituted by the father or the mother or in virtue of a court's decision, by designating the person requiring it in accordance with Article 165 of the Act.

5th The circumstances of number 6 of Article 263 and those of Article 264.

Under guardianship

Article 268.

The amount assignment and sufficient classification of the mortgage guarantee to be put up by the guardians shall concern the Family Council.

Article 269.

The deed granting the mortgage loan shall indicate, apart from the circumstances required for the voluntary mortgage, the following ones:

1st Name and surnames of the guardian and the person appointing him. 2nd Kind of guardianship.

3rd Document stating that appointment and its date.

4th The circumstance of no mortgage guarantee exemption, or the one deemed necessary by the Family Council, even though the guardian is exempted.

5th The total amount of the real property, rents and benefits subject to guardianship.

6th The mortgage guarantee amount ordered to put up, specifying the part to be secured with the mortgage, deposit or personal security.

7th Mortgage constitution according to the amount secured this way.

8th Responsibility regarding each property, depending on the distribution arranged. 9th A copy of the Family Council's agreement approving the mortgage guarantee.

The mortgage registration shall be performed in accordance with the provisions contained in these Regulations and by stating the circumstances of this Article.

Other legal mortgages

Article 270.

In order to constitute and register legal mortgages referred to in Articles 193 and 197 of the Act, apart from the requirements provided in the Act, those applicable and established under this title shall be also considered.

Article 271.

Each property shall be liable by its legal mortgage, and according to the terms provided in Article 194 of the Act, to any taxes and charges applied directly or individually to the property, and the State, provinces or other municipalities shall have, for such collection, priority over any other creditor or third acquirer, even though his right is registered in

the Registry. In case of taxes and charges different from the indicated ones in the preceding paragraph, the priority will not affect the holders of property interests registered prior to the date when the right to collection is recorded in the Registry, by means of the corresponding provisional registration of attachment.

TITLE VI
Registry and legal facts agreement
Ownership proceedings

Article 272.

The owner with no ownership deed or, with one but not recordable due to any reason, may obtain the registration of his right subject to the provisions in Article 201 of the Act.

Article 273.

The competence of the Court carrying out the proceedings shall be exclusively determined by the location of the properties which are the subject-matter of such proceedings and the 1st rule of Article 201 of the Act shall apply, as the case may be.

Article 274.

The deed referred to in the 2nd rule of Article 201 of the Act, whenever the first registration of the properties is to be considered, shall be signed by the interested parties or their representatives, and it shall contain:

1st The description of the property or properties and those property interests constituted over them.

2nd Specification of the deed or lack of it and, in any case, date and reason for the properties acquisition.

3rd Determination of the person those properties come from and his residence, if known.

4th List of evidence proving such acquisition and names, surnames and residence of the witnesses, if the testimony is provided.

5th Names, surnames and residence of those in favour of whom the properties are cadastred or assessed.

6th Names, surnames and residence of the owners of the abutting properties, of the holders of any property interest constituted over those properties to be registered, of the holder of the factual owner of the property, if rural, and of its keeper, or otherwise, of the tenants, if urban.

The person commencing the proceedings may request, within the same application, an order to be delivered for a caveat performance if the proceedings are initiated.

Article 275.

This shall be accompanied by the certificates provided in the 2nd rule of Article 201 of the Act, and also, of those documents the interested party holds to certify his right, and specifying, if applicable, where they are recorded.

The certificate from the Land Registry will certify the lack of registration required by letter a) of this same rule.

Article 276.

If in the corresponding certificate required by the 2nd rule of Article 201 of the Act appears that the property or properties are not cadastred or assessed in the name of any person, the proceedings shall be processed as ordinary; but if a writ of approval is submitted in the Registry without a note or certificate from the corresponding office certifying that the ownership proceedings are to be considered in order to perform the appropriate and timely corrections, the registration shall be postponed, and if so requested by the interested party, a sixty-day term caveat shall be performed. Within this term the new document with the aforementioned note or certificate may be submitted again, and in such case, the caveat shall become a registration.

Article 277.

The subpoenas provided in the 3rd rule of Article 201 of the Act shall be performed as established in Articles 262 and subsequent ones of the Spanish Law of Civil Procedure.

Article 278.

In order to register shares or undivided shares, the summoning of the joint holders of the same property shall be necessary, as provided in the 3rd rule of Article 201 of the Act.

Article 279.

For the purposes of the 3rd rule of Article 201 of the Act, the assignees of the person the properties come from shall be his heirs, and they shall be appointed by the applicant in the initial application of the proceedings, if known, and otherwise it shall be stated that these are unknown persons.

No documents for proving their capacity as heirs or assignees shall be necessary, but they shall declare before the Court, if they appear in the proceedings, the names, surnames and residence of the rest of the people with that same capacity, if any.

Article 280.

In those ownership proceedings related to properties immediately coming from the State, it shall be necessary notifying the Treasury Delegate in the corresponding province.

Likewise, in those proceedings related to properties used as forestry, it shall be necessary to notify the commencement of those to the corresponding Forestry District Office, and in case of rural properties close to public forests, this shall be also notified when so deemed by the Judge.



Article 281.

The Court will accept the evidence it deems relevant among the provided ones and, when so proposed by the Public Prosecutor's Office or deemed appropriate by the judge, to furnish additional evidence, may agree other procedures, even though not found among the proposed ones by the interested parties.

Article 282.

Within the proceedings to certify ownership, the person commencing it shall not be required to submit the acquisition deed of the property or right if he claims he is not in possession of it, neither other objection shall be accepted from any interested party but that exclusively incurred when the applicant has sufficiently proved the acquisition of ownership of the whole or part of the property whose registration is attempted.

Article 283.

Once the ownership is declared justified, and in order to perform the registration, any sufficient legal transcript declaring the order to be final shall be required to be submitted in the Registry, and this shall be literally included.

If a caveat showing that the proceedings have been initiated is previously performed, this shall become a final registration.

Article 284.

A declaration showing whether the ownership is justified or not will not prevent the subsequent initiation of the contradictory declaratory judgement by whoever is damaged by it.

Article 285.

When the ownership proceedings are aimed at renewing the interrupted chain of title, the initial application of the proceedings shall contain the circumstances established in Article 274 and also the names, surnames and residence, if known, of the person in favour of whom the property or property interest is registered.

The certificate from the Land Registry shall contain the same data required in letter c) of Article 201 of the Act, and if any difference between the details in the application and the contents in that certificate is noticed, the proceedings shall be postponed until they are sufficiently clear to the Judge.

The provisions in Article 279 and applicable to the person the properties belong to shall be also applicable to the assignees of the registered holder, and the commencement of proceedings determining or justifying the transfers performed from the last registration to the acquisition of the right may not be required.

Article 286.

The ownership proceedings' approving order, in case of renewing the interrupted chain of title, will cancel the contradictory registrations referred to in Article 202 of the Act, and it will necessarily declare that the conditions required have been observed, as the

case may be, by the aforementioned Article as well as the way in which the subpoenas of the 3rd rule of Article 201 of this same Act were carried out.

Article 287.

If the ownership proceedings are aimed at recording a greater area of the properties in the Registry, it shall be necessary to certify that these are registered in favour of the person commencing the proceedings, by means of a literal certificate of the last ownership registration and accompanied by, if not within the current description of the property, and the applicable precedent rules shall be observed.

Statutory declaration**Article 288.**

Statutory declarations used for obtaining the renewal of the interrupted chain of titles or for registering the rectification of the registered area of property in the Land Registry, referred to in Article 203 of the Act, shall be authorised by any Notary Public capable to act in the place where the properties are located. In case of a property located in more than one district or notarial area, this shall be performed by any Notary of that place where the main part of the property is located, in accordance with the provisions in Article 210, 1st rule, of such Act.

Article 289.

The request to the Notary Public shall be made by the interested party by appearing as provided for the acts according to the notarial legislation.

The declaration shall contain the following circumstances:

- a) Judgement of competence and attestation of knowledge of the appearing person.
- b) Description of the property or properties which are to be the subject-matter of the proceedings and declaration of property interests constituted over them.
- c) Property acquisition deed, specifying, as far as possible, the name, surnames and residence of the persons the properties come from or their assignees, as well as any other person who is to be notified.
- d) Current status of the property in the Registry, Cadastre, Assessment of Rateable Value of Property or Tax Registration Office.
- e) Averment under oath of the fact trying to prove and request to the Notary Public to carry out the appropriate procedural steps and notifications.

The declaration shall be accompanied by the certificates referred to in Article 203 of the Act, as well as those documents submitted by the interested party and which certify his right.

Article 290.

In the declaration, and following the request, the Notary will record by successive procedural steps the notifications required by Law, as well as those made to other



people as the Notary Public deems necessary or appropriate. Such notifications shall be made as provided in the Notarial Regulations.

Also the publication of public notices shall be put on record, and the notices shall be transcribed and included in the appropriate part of the declaration, as well as a certificate from the corresponding Council City Clerk.

Article 291.

The subpoenas and public notices shall indicate:

- 1st The opening of the declaration, its subject-matter and authorising Notary Public.
- 2nd The description of the properties it refers to.
- 3rd Name, surnames and residence of the requester.
- 4th That within a twenty-day term from the day following the date of the notification, the interested parties may appear before the Notary Public in order to present and justify their rights.

Article 292.

Once the aforementioned procedural steps are carried out, if the Notary Public considers the fact sufficiently proved, he will authorise and record the declaration and he will make a transcript of a notarial certified copy of it and submit it, on his own motion, to the Court, or he will hand it over to the interested party for its submission, and the original copy shall be filed and not included within the protocol.

If he does not consider the fact sufficiently proved, he may carry out new procedural steps or testing at his own initiative or at the interested party request, or conclude the declaration and include it within the protocol under the number corresponding to the termination date.

Article 293.

The Judge, if the transcript is submitted this way by the Notary Public, will resolve, at the interested party's request or on his own motion, after the Public Prosecutor's Office hearing, within one month if no further procedures are to be carried out. Otherwise, the procedures agreed to be carried out within ten days from the date when the appropriate enforceable order was delivered shall be carried out, and the one-month term shall begin from the last procedure carried out.

The court's decision shall be an order to notarise the deed and perform the registration and pertinent cancellations, by stating their volume, folio and number.

The notarization shall be made by means of a statutory declaration and this shall be followed by the original file and the legal transcript of the order delivered.

Article 294.

In order to perform the pertinent registrations and cancellations the copy issued by the Notary Public shall be enough and this will literally contain the deed of notarization, the

approving order, the initial request and the statutory declaration authorization, as well as a sufficient list of the procedural steps contained within.

Article 295.

The notarial certificates processed for purposes of renewing the interrupted chain of titles shall be recordable when the contradictory entries are older than thirty years and his holder or his assignees have been personally notified. If such contradictory entries are not older than thirty years, the certificates shall not be recordable, unless their holder or his assignees expressly or tacitly consent so before the Notary Public.

A tacit consent shall be considered when the holder or his assignees have appeared before the Notary Public and they have expressed no objection to it.

Article 296.

The objection or processing of the statutory declaration may be made within twenty days, as provided in the 4th number of Article 291, by means of the appropriate appearance before the Notary Public and by exhibiting the justifying documents of the claimant's right. Once these requirements are fulfilled, the Notary Public, within eight days from the appearance date, shall submit the procedural steps carried out as well as the presented documents, without further processing, to the First-Instance Judge, for the purposes of the 9th rule of Article 203 of the Act.

The Notary Public will proceed the same way when the claimant proves by means of a certificate issued by the respective Court Clerk, having filed a claim within the ordinary proceedings contesting the requester's submission, either because the Notary Public considered the exhibited documents in the appearance insufficient or because the litigation has been directly commenced.

Article 297.

The legal objection to the processing of the statutory declaration may be expressed at any time, provided that the approving order is still not delivered.

If the decision delivered does not admit the objection, the decision transcript shall be submitted to the Notary Public with the original file and the provisions in the last two paragraphs in Article 293 shall be observed.

Properties first registration in virtue of public deeds

Article 298.

1. In accordance with the provisions in Articles 199, paragraph b) and 205 of the Act, the first registration of properties not registered in favour of any person shall be performed by means of the public deed of its acquisition, in the following cases:

1st If the transferor or deceased certifies the prior acquisition of the property to register by means of a reliable document.

2nd Otherwise, when the acquisition public deed is complemented with a statutory declaration proving that the transferor or deceased person is considered the owner.



In both cases, the acquisition public deed will necessarily express the cadastral reference of the property or properties to be first registered, and it will include or it shall be accompanied by the descriptive and graphic cadastral certificate of those properties, so that this description matches the one in such deed completely, and of those also resulting from the cadastred property in favour of the transferor or acquirer.

(fifth and sixth paragraphs annulled)

The complementary statutory declaration shall be aimed at checking and declaring the certainty that the transferor of the property or properties to be registered is considered as their owner, to the authorising Notary Public's criterion, and it shall be processed in compliance with Article 209 of the Notarial Regulations, and it may be authorised simultaneously or subsequently to the public deed it complements.

2. The registration performed shall contain, apart from the general circumstances, the vital ones belonging to the transferor's deed or to the complementary statutory declaration.

It will also state that the entry is performed in accordance with Article 205 of the Act and the restriction in Article 207 of the same Act, and its effectiveness is subject to the statutory registration of the public notice regulated by the following section 4. Those same points shall be recorded in the processing note at the foot of the deed.

3. Likewise, the rectifications of the registered area of properties already registered resulting from the acquisition of public deeds may be first registered, provided that the prior acquisition of the property by the transferor and with the greater resulting area is proved as provided in section 1, the cadastral reference is stated and accompanied by a cadastral descriptive and graphic certificate, allowing the proper identification of the property and its rectification of registered area, and showing that the property is cadastred in favour of the registered holder or of the acquirer.

The rectifications of the registered area of properties proved by cadastral certificate may be registered likewise or whenever lower than a fifth of the registered area, with the certificate or expert report according to the terms established in Article 53 of the Act of December 30th 1996 allowing the proper identification of the property and its rectification of registered area, and a conveying deed shall not be required.

The rectifications of the registered area of property may be also registered in virtue of the ownership proceedings in accordance with the provisions in the Spanish Mortgage Act and these Regulations, or in virtue of the attendance and statutory declaration regulated by the abovementioned legislation on cadastral reference.

At the same time, those rectifications of the registered area of property not exceeding one twentieth of the registered area may be recorded in the Registry as a rectification of the surface.

In all cases it shall be essential that the Registrar has no questions on the property's identity, such as whether another rectification of registered area of the same property is been previously registered or the property is constituted by segregation, division or consolidation and its surface is accurately recorded.

(sixth paragraph annulled)

4. (first and second paragraphs annulled)

Those who believe themselves entitled to the property or part of it, whose registration is been performed in accordance with Article 205 of the Act, may so allege it to the Court or Court of Justice in charge and in a declaratory judgement. The Judge will then order the corresponding caveat of the claim to be recorded in the Registry.

Article 299.

Those deeds, whatever date on them, directly recordable in accordance with special laws or provisions may be also registered with no prior registration of the deeds.

Article 300.

If there is any contradictory ownership entry or property possession or property interest whose description matches some details contained in the deed to be registered, the provisions in Article 306 shall apply.

Article 301.

In compliance with the provisions in Article 205 of the Act, the first registration of administrative grants may be performed by means of the documents referred to in Article 298, and accompanied by a certificate proving, as the case may be, having given evidence in the corresponding administrative Registry. The public notices provided in such Article shall be also published.

If the chain of title is interrupted in the aforementioned grants, it may be renewed by the ownership proceedings or statutory declaration in which the abovementioned certificate is included or accompanied by.

Article 302.

The two-year restriction, declared in Article 207 of the Act, will not apply to the registrations performed in virtue of public deeds prior to January 1st 1909.

Ownership certificates

Article 303.

In order to obtain the registration according to Article 206 of the Act when no recordable deed exists, the delegate of the section in charge of the administration or custody of the properties to be registered will issue a certificate in relation to the inventories or official documents in his possession and notwithstanding the other points required in the applicable administrative legislation recording the following below and in two counterparts, provided that he is a public authority or has the capacity to certify so:

1st Nature, location, surface area, property lines, name and number, if applicable, and property charges of the property to be registered.

2nd Nature, value, conditions and charges of the first recordable property interest and of the property the previous rule refers to.



3rd Name of the person or corporation the property or right is acquired from, if recorded.

4th Acquisition deed or way of acquiring them.

5th Public service or subject-matter the property was used for.

If any of these circumstances cannot be recorded, this shall be indicated in the certificate and the appropriate ones will appear.

The certificates shall be submitted in ordinary sealed paper and a signed draft shall be recorded in the corresponding file.

Article 304.

If the officer in charge of the administration or custody of the properties does not execute public authority nor has the capacity to certify, the certificate referred to in the previous Article shall be issued by the immediate boss capable of it and this will take into account any relevant data or official notices. Regarding properties belonging to the Church, those certificates shall be issued by the corresponding Diocesans.

Article 305.

The certificate shall be submitted in the corresponding Registry and its registration shall be applied for. If the Registrar notices the absence of any vital requirement for this, according to Article 303, he will return the certificate and advise the defect, after performing the filing entry and with no caveat recording. In such case, a new certificate correcting the noticed defect shall be issued or that insufficiency of the necessary data to be corrected shall be recorded, notwithstanding, in such case, the corresponding appeal from decision of registrar of deeds, if the Registrar persists on its classification.

Article 306.

When the certificates issued in accordance with the previous Articles are contradictory to any non-cancelled entry, or they refer to properties or property interests whose description matches some details of any other properties or property interests already registered, the Registrars will postpone the requested registration and record a caveat if the interested party so requests it, and they shall submit a copy of the contradictory entries to the Authority having signed those certificates.

Such Authority, in case of deeming it appropriate, shall notify the First-Instance Judge of the circumscription in which the property is located, whatever relevant from this and its holder according to the administrative file and will accompany it by the copy of the entry submitted by the Registrar.

The First-Instance Judge will hear those facts from whoever that, according to that entry, might have any interest over the property and shall deliver an order declaring that document recordable or not.

Article 307.

Once the registration is performed, the Registrar will keep one of the copies of the certificate and will return the other one with the corresponding note.

New construction declaration

Article 308.

In accordance with Article 208 of the Act, the registration of new plantings, as well as the construction of buildings or urban properties improvements may be carried out:

1st By their description in the deeds related to the property and used to declare, recognise, transfer, modify or charge the ownership and other property interests or where the planting, building or improvement is simply stated.

2nd By a public descriptive deed of the new construction where the contractor declares having reimbursed its total amount or accompanied by a certificate from the supervising Architect or municipal Architect proving that the construction is started or finished.

Release of easements documents

Article 309.

In the initial application of the release of easements document, which may be commenced by whoever is interested in it, apart from the general circumstances related to the property, the charge or encumbrance to be released or their holders, also the date from which the compute of the registration deadline begins shall be determined.

This application may be accompanied by the justifying documents of the alleged prescription, if any, and in all cases, the certificate provided in the 2nd rule of Article 210 of the Act shall be added and this will state, apart from the circumstances required by such rule, whether subsequently to the entry to cancel there is another one related to the same charge or encumbrance or not.

Article 310.

The public notices shall indicate the actor's petition and that the parties interested in the charge or encumbrance to release may appear before the Court within ten days in order to claim the best for their right.

Article 311.

The decisions delivered in the release of easements document will not produce plea of double jeopardy. However, the cancellation entry shall be as effective as provided by Title IV of this same Act.

Registration of property interests over non-registered properties

Article 312.

The holder of a property interest over someone else's non-registered properties may apply for its registration subject to the following rules:

1st He shall submit his deed in the Land Registry and request a caveat due to prior registration absence.



2nd Once the caveat is performed, the owner shall be notarially or judicially required to register his property within twenty days from the request and he shall be advised that in case of not verifying or contest such claim within that term, the annotating party may apply for the registration of that property interest as provided by the 4th rule.

The Judge of the municipality containing the residence of the owner of the charged owner shall be in charge.

That request shall be made as established in Article 222 and, if not possible, by means of public notices included in the “Official Journal” of the province and in one of the most widely circulated newspapers in that same area. In that case, the twenty-day deadline shall begin from the last inclusion.

3rd The owner shall not be able to contest without applying for the registration of the ownership by any of the means established in Title IV of the Act.

4th After those twenty days, the annotating party may ask for the registration of the ownership by justifying his request. In case of not having the necessary documents, he shall appeal the Judge or Judges where the records are located in order to, and once the owner is summoned, ask for a copy of them and be provided with it. In addition, in the absence of those documents or whenever defective and the annotating party do not attempt to correct them, he may justify the ownership of the owner in the terms provided by the Act and these Regulations.

5th The Registrar shall register the ownership whenever this is requested according to the previous rules and he will file, as the case may be, the document stating such request, from which he will provide the certificates the interested parties apply for and he will make the property interest caveat a final registration. If the caveat is expired, the property interest shall be registered after submitting the deed once more.

Double first registration

Article 313. *Double first registration*

In the case of double first registration of a same property or a part of it in different register folios, the agreement between the Registry and the actual facts may be obtained in compliance with the following rules:

1st If the property or, as the case may be, the shares or undivided shares registered in different folios are in favour of the same person, this contradiction might be corrected by requesting it and when the Registrar transfers the registrations or entries subsequent to the oldest register folio with a closing entry at the end of the most up-to- date one. If there are holders of subsequent entries affected by that transfer, their consent stated in a public deed shall be required.

2nd If the double first registration is in favour of different persons and there is an agreement among them at their request and with all the interested parties' consent stated in a public deed, the agreed folio shall be cancelled or corrected.

3rd The holder of any property interest registered over the register properties affected by the double first registration, whether directly or in the absence of the agreement provided in the previous rule, may appeal the First- Instance Judge

belonging to the place where the property is physically located so that, once the interested parties are summoned and provided that the property's identification is proved, he shall order the recording of a note declaring the potential existence of double first registration on the margin of both registrations. He may also ask for the security he deems appropriate in order to secure possible damages arising from it. The order will allow the interested parties to take any action regarding their best right over the property, and they may execute it in the corresponding declaratory judgement.

Such note will expire one year after its date, unless the claim filed has been previously annotated in the corresponding declaratory judgement.

TITLE VII
Correction of errors in the entries
General rules

Article 314.

The correction of physical errors made in any registration, caveat or cancellation, shall be performed by means of a special entry with a new corresponding number or letter and it shall indicate:

- 1st Reference to the entry and line in which the mistake or omission appears.
- 2nd Mistaken words, as applicable.
- 3rd The words replacing the mistaken ones or making up for the omission.
- 4th A statement declaring having corrected the original entry.
- 5th Cause or reason for that correction.
- 6th Place, date and signature.

Article 315.

The correction of errors concerning concepts shall be performed as established for physical errors but by stating, instead of the words physically mistaken, the whole concept to be corrected. Thus, instead of “equivocadas las palabras...” (the mistaken words...), it shall declare: “equivocado el concepto siguiente..., etc” (the following mistaken concept..., etc.).

Article 316.

If the error was made in any filing entry, the correction shall be performed by means of a new entry in the ordinary Journal and on its margin, the following words will appear: “Por rectificación del asiento número...” (Due to a rectification in entry number...) If the entry has no number, the folio and name of the person in favour of whom this was made shall be indicated instead.

Appropriate notes will appear on the margin of the corrected entry and of the registration performed as applicable. The correction of the marginal notes shall be recorded as close as possible to the corrected ones.

Article 317.

Once the registration, caveat, cancellation or note is corrected, the rest of the entries related to those shall be also corrected, even though in different books, if they are also mistaken.

This correction shall be carried out by recording the corresponding marginal note.

Article 318.

Provided that the registration, caveat, marginal note or filing entry is corrected, a sufficient reference to the new entry and a cross with a different colour ink over the corrected entry shall be recorded on its margin.

Article 319.

In case of the Registrar's signature absence in any of the entries in the Registry, its holder may authorise the entry or entries by his own signature in the following cases:

1st If he assumes the responsibility corresponding to the officer recording it.

2nd Whenever the filing entry and its marginal note declaring the recording of the registration, caveat, cancellation or unsigned note are properly signed. However, the Registrar will previously and officially notify the omission observed to his predecessor, and which caused that mistake, and he will obtain his consent for that entry's signature, under the exclusive responsibility of the officer recording them. This one will also contest on his own account and will express his consent or reasons to object.

If the Registrar omitting his signature on the entries is not able to be appealed due to his death, retirement or any other reason, the office's incumbent shall notify this to the Directorate-General for the pertinent purposes, unless he decides to sign it himself as provided in the 1st number of this Article.

In all cases of correction of signatures' omission in the entries, the Registrar will also record another marginal note with the reason for such signature on their margin or following the note, if this is the case.

The authorising official notification shall be filed in the Registry.

If the signature absence is not possible to be corrected using any of the aforementioned means, the provisions in this title shall apply and, as applicable, the conditions established in the first paragraph of Article 217 of the Act.

Article 320.

The recording of an entry in a folio belonging to a property different from the one that should have been used for that, shall be included in the provisions established in Article 213 of the Act, and if a correction is required, the entry shall be transferred to the appropriate place and folio, and a marginal note declaring the number, folio, property and volume where the new entry is performed and the reason for such transfer shall be recorded on the corrected entry.

Errors curable by the registrar

Article 321.

Any time the Registrar observes an error in any entry able to be amended by himself, according to Articles 213 and 217 of the Act, he will do so and execute under his own responsibility a new entry in the book and under the corresponding number.

This amendment shall be made even though the entry to correct is already cancelled.

Whenever there is a misspelling in a word within an entry, such as “Manzares” instead of “Manzanares”, “legatarios” (legatees) instead of “legatario” (legatee), “hipotecario” (mortgage’s) instead of “hipoteca” (mortgage), etc., and it is immediately observed, this shall be corrected and no other new entry shall be required, as follows: “digo, Manzanares; digo, legatarios; digo, hipoteca” (I mean Manzanares; I mean, legatees; I mean mortgage), and the mistaken word or words will appear in brackets.

If before signing the entry any non-amended error of any kind is noticed, it may be corrected as follows: “Confrontado este asiento se observará que en la línea..., en vez de la palabra o palabras... debe leerse...” (Being this entry compared, it shall be observed that in line..., instead of the word or words... it should read...). Or otherwise: “Se ha omitido la palabra o palabras...” (The word or words...have been omitted). The appropriate marginal note shall be also recorded.

If once an entry is started in any main or auxiliary book, and before signing it, the Registrar notices any error in the place in which it was supposed to be performed or in the lines recorded, this may be invalidated and a statement shall indicate that whatever previously recorded is null and void due to an error in that folio, followed by his signature. A note stating that same circumstance will appear on the margin when the recording of the invalidated lines could lead to confusion.

Once the entry is signed it shall not be able to be amended unless pursuant to the general provision.

Non-curable errors without the interested parties' consent

Article 322.

If the mistake is non-curable but according to the procedures established in Article 214 of the Act, the Registrar will summon in writing the interested party who is to keep the deed so that he exhibits it when appearing in order to verify that correction.

Article 323.

If the interested party does not appear to the second summoning or if he appears but objects to the correction, the Registrar shall appeal the First-Instance Judge by a notification so that he orders to verify it and once the interested party is heard by him as provided for the constitution of legal mortgages, or declared defaulter in such case, the First-Instance Judge shall deliver an enforceable order rejecting or ordering that correction in virtue of the deed the interested party holds and has submitted, or ordering to officially transcribe the necessary part of the deed in order to rule the correction, if this document is not exhibited.

The expenses of these acts shall be undertaken by the Registrar, and those arising from the transcript issue shall be satisfied by the interested party declared defaulter.

Article 324.

If the Registrar ignores the whereabouts of the interested party who is to keep the deed of the mistaken registration, this shall be summoned within thirty days by means of a

public notice in the “Official Journal” of the province. If, after this term, he does not appear, the Registrar shall appeal the First-Instance Judge, and the latter will proceed as provided in the previous Article.

Article 325.

In the case of the two previous Articles, the correction shall be made according to the terms established in Article 314, but replacing the words “existiendo el título en el Registro” (the deed recorded in the Registry) by: “Convocado N., interesado en ella, y habiéndome exhibido el título con su conformidad (o bien en virtud de providencia del..., dictada en...), rectifico dicha inscripción, etc.” (After summoning N., who is interested in the registration, he exhibited the deed and his conformity –or in virtue of the enforceable order of..., delivered in...– I correct such registration, etc.).

If the correction is made in virtue of the new transcript of the deed, this one shall be also mentioned. The transcript shall be filed in the corresponding file.

Article 326.

If the Registrar notices any mistake of concept included in the first paragraph of Article 217 of the Act, and he believes that, in case of not correcting it, it will result in damages to any person, he will summon every interested party in the mistaken registration in order to declare the mistake made and consult their will regarding the pertinent correction.

If all of them appear and unanimously agree the amendment, this agreement shall be recorded in a certificate issued by the Registrar and signed by the interested parties and it shall be verified in accordance with its corresponding registration. The certificate shall be filed in the corresponding file of the Registry.

Article 327.

An error of concept, included in the first paragraph of Article 217 of the Act, shall be that one made in any of the entries regarding the wrong assessment of the data recorded in the Registry.

Amendment at the interested parties’ request

Article 328.

If any of the interested parties notice a physical error in a registration, he may request its amendment to the Registrar by accompanying the corresponding deed and, if this officer does not accept such amendment or the deed is held by a third party, the steps established in Article 323 shall be carried out.

Article 329.

If the error noticed by any of the interested parties is of concept, and the Registrar and the other interested parties in the mistaken registration agree its amendment, those agreements shall be recorded in the certificate referred to in the second paragraph of Article 326 and the steps established within shall be carried out.



If there is any objection from the Registrar or any of the interested parties, the provisions in Article 218 of the Act shall apply.

Expenses of the amendment

Article 330.

Once the origin of an amendment is judicially decided, the Court of Justice will determine the person to satisfy the expenses or costs of the proceedings and the fees arising from the new registration.

Article 331.

When the amendment is made without prior legal strife and the Registrar is responsible for that physical or conceptual error, the new registration and resulting notes shall be performed free of charge. When the Registrar verifying the correction is different from the one recording the mistaken entry, he will also perform the new entries free of charge, and he may claim for his fees to the former holder or to his assignees.

In case of requiring a new deed, the interested parties will pay the expenses of the new registration or entry and others arising from the amendment.

TITLE VIII

The official information of the Registry

Official information

Article 332.

1. The Registrars will make public the necessary part of the books' contents of the Registry concerning the status of the real property and property interests registered, to those persons that, at their own criterion, are interested in consulting them, without taking the books out of the office and taking the appropriate precautions in order to preserve them.

2. The direct access, by any means, to the books, files or the core of the database of the Registrar's record is prohibited and the Registrar shall be responsible for its custody, integrity and preservation, as well as for its inclusion into databases aimed at marketing or reselling it. All that notwithstanding the complete freedom of the interested party to consult or communicate with the Registrar by any other means, either physical or telematic, provided that the handling or remote deletion of the file's contents is avoided by interrupting such communication link.

3. Whoever wishes to obtain information regarding the entries will need to certify having a genuine interest in it before the Registrar. When the person requesting that information is not directly interested in it, but in charge of that, he will need to certify, to the Registrar's satisfaction, that assignment and the identification of the person or entity on behalf of whom he acts.

The persons and entities developing their businesses in connection with legal proceedings regarding real property such as financial institutions, lawyers, legal representatives, account auditors, administrative managers, real estate agents and other professionals developing similar businesses, as well as the Public Entities and detectives, provided that they declare the reason for such consultation and this is in agreement with the purposes of the Registry.

4. The declaration by the Registrar of the contents of the register entries shall be made by the professional processing of an extract from the Property Registry or by a certificate in order to make its official information effective to the interested party and to make sure, at the same time, the impossibility of its handling or remote deletion. Their legal value shall be stated in each kind of declaration. The continuous information will not alter the nature of the kind of declaration chosen depending on their corresponding legal value.



5. The extract from the Property Registry shall be just a brief extract with the contents of the entries in force and related to the property subject to declaration and it will state the identification of that property, the identity of the holder or holders of the registered rights over that property and their scope, nature and restrictions. Moreover, those registrations concerning prohibitions or restrictions affecting the holders or the registered rights shall be also stated.

The extract from the Property Registry will faithfully reflect the data contained in the register entries without explaining further than the necessary to fulfil the genuine interest of the requester and it may refer to certain points requested by the interested party, if to the Registrar's criterion, and regardless his identity, the genuine interest is sufficiently justified, according to the purposes of the information required. Such interest shall be supposed in the case that the information is required for purposes of taxes, real property appraisals or for granting the loans or credits with a mortgage warrant, and a literal inclusion shall be stated if so requested by the applicant.

Such note has a merely informative value and it does not attest the contents of the entries.

6. (annulled)

The obligation of the Registrar regarding the professional processing of the official information implies this to be clear and simple and it will only include the date provided in the first point of section 5, notwithstanding the cases legally provided of literal certificates of the necessary part of the contents of the Registry, at the request of the judicial or administrative authority or any personnel who has a genuine interest in it. The information to be extended to certain points may be also requested.

7. The Registrars, for the civil service in their professional practice, are obliged to collaborate with each other, and in order to hear applications for official information, according to the terms established in the Act and these Regulations, shall be connected by fax, E-mail or any other technical means, provided that this guarantees the database protection and integrity.

8. Through an intercom network, the Registrars may receive applications for extracts from the Property Registry, processed before other Property or Mercantile Registrars. In these cases, the Registrar before whom the application is processed will observe if there is an interest in obtaining the information, he will file the personal details of the applicant and shall submit the petition to the Registrar in charge of providing it. This Registrar, when receiving the application, will observe his territorial competence, will verify the compliance of the submitted data with the registered ones, particularly those regarding the names and surnames and identity official document of the person with respect whom the information is requested, will classify the entries of the Registry and shall submit the information to the sender as soon as feasible and always within the legal terms settled for the information issue. The Registrar sending the petition, once this is answered, will consider the information sent by the Registrar in charge.

9. The Registrars will need to be directly connected to the General Computerised Index of properties and rights referred to in Article 398, c) of these Regulations, in order to

obtain the information of its contents, and the applicant's identity and the reason for his application will appear in those records.

Note at the foot of the deed

Article 333.

1. The Registrar will record a note at the foot of every deed to register in the Land Property stating the assessment made and in virtue of this, the right registered, its holder, the kind of registration or entry performed, the volume and folio where it is, the number of the property and the number of the registration performed and its purposes, as well as the legal protection of the entry's contents in accordance with Articles 1, 17, 32, 34, 38, 41 and 97 of the Spanish Mortgage Act. Those entries cancelled due to expiry, and particularly the number of tax encumbrances cancelled due to this reason shall be also stated.

2. Simultaneously, an extract from the Property Registry declaring the freedom or encumbrance of the registered right, as well as of the limits, restrictions or prohibitions affecting the right or its holder, shall be also recorded.

3. In the cases of rejection or postponement of the registration of the contents' right in the submitted deed, and after the note signed by the Registrar, the means to correct, amend or validate the faults or defects in the documents submitted in order to obtain the required entry shall be stated by the Registrar and at the request of the interested party, in a section named "comments". All this shall be done notwithstanding the interested party's liberty to correct the defects making use of the means he considers more appropriate in order to protect his right.

If the complexity of the case advises so, the party interested in the registration may apply for a binding or non-binding decision on the way to carry out the amendment, but only on the understanding, when binding, that the legal-registry circumstance and the appropriateness of the amending means to the decision's contents is maintained. The decision shall be delivered within the term provided in Article 355.4.

4. In case of rejection or postponement, the appropriate resources used against the assessment shall be likewise reflected in the note at the foot of the deed.

Counselling

Article 334.

1. The Registrars, for the civil service in his professional practice, will need to inform any person requesting so, and give advice on issues related to the Registry. The information shall be on the registration of property interests, register requirements for the acts and contracts related to recordable rights, resources against the assessment and the most appropriate register means in order to achieve the legal purposes attempted by those applying for it.

2. The interested parties shall be entitled to ask for the registration draft prior to its performance.

3. (annulled)



Certificates: types and issue

Article 335.

The Property Registrars are the only officers entitled to certify whatever resulting from the books of the Registry.

Article 336.

The applications will state whether the certificate is to be literal or related to and the time to be referred to.

If the certificate type is not stated, it shall be considered as one related to.

When the time to be referred to is not determined, the corresponding search from the issue date to the date in which the entry is to be verified shall be carried out, and otherwise, to the date of the Registry's establishment or restoration, as applicable.

Article 337.

The entries' certificates of every type related to certain properties will include all the property registrations in force and verified in the corresponding period and all the registrations and marginal notes of property interests over those same properties in such period and not cancelled.

Article 338.

The entries certificates of certain type will include all of that type, when not cancelled, and with a statement declaring the non-existence of others of the same type.

Article 339.

The registrations' certificates issued in favour of or in charge of certain persons, will include those performed and not cancelled over the properties of those appointed persons or over third parties'.

Article 340.

In the certificates referred to in the three previous Articles, and those aimed at recording that there are not entries of a certain type, only the cancelled registrations shall be mentioned when the Judge or Court of Justice or the interested parties so request it and in the cases provided in Article 234 of the Act.

Article 341.

The Registrar will return the applications of the interested parties or the orders or communications from the Judges, Courts of Justice or officers whenever they are not sufficiently clear and accurate regarding the type of certificate claimed, or the properties, persons or periods to which this is to refer to. A verbal indication of the reason for the rejection of such certificate, in case of private individuals, will take place, or otherwise by means of an official notification specifying whatever necessary facts, in case of a Judge, Court of Justice or officer.

The Registrar will proceed likewise whenever he doubts with regard to the properties or entries the certificate is to refer to, even though the orders or applications are properly

and clearly drafted, if due to any unforeseen reason an error or confusion is to be considered.

Article 342.

The Registrars may also issue, at the interested parties' request, certificates of the documents kept in their records and regarding which they are considered their natural keepers.

Article 343.

Those writs and applications aimed at issuing certificates, provided these are immediately submitted, shall be returned to the Judges, Courts of Justice or officers, or to the interested parties, as the case may be.

Article 344.

In those certificates related to, whenever they are expressly requested to be restricted to certain circumstances of an entry or several ones, only the indicated data shall be included, and the rest will not appear, unless those omitted are contradictory to or adulterate the others, in which case, they shall be recorded.

When the omitted data are contradictory to or adulterate those related to in the certificate, the Registrar will record that fact.

Article 345.

Whenever the certificates are to include any filing entry, due to the deed referring to be pending of registration, this shall be literally copied, regardless the way the rest of that certificate is recorded.

Article 346.

If any of the entries to be included in the certificate is amended by another one, both shall be literally included, but only the fees corresponding to the subsisting entry shall be charged.

Article 347.

When the Registrars issue a certificate of a brief registration, they will include in it those points from the corresponding extensive one that, to their own criterion, contribute to the knowledge of the points referred to in that certificate, but if, when applying for or ordering the certificate, this is expressly restricted.

If the registration subject to a certificate does not show the property's description, the one in force and in connection with the entries of the Registry shall be included below, with a reference to the number or letter in which it appears.

If there is any marginal note in the registration regarding segregation, consolidation or a similar one, they shall be also included in the certificate.

Article 348.

Whenever the Registrar is in doubt whether a registration is subsisting or not, because he also doubts of the validity or efficiency of the cancellation referred to it, he will



incorporate both entries word by word to the certificate, whichever its form, and he shall declare he is doing so due to having doubt whether that cancellation contained all the necessary circumstances to produce its legal effects and the reasons for his doubt.

Article 349.

Even though the entries to be certified refer to different properties or persons, they shall be included within the same certificate, unless the interested party wishes separate certificates of them.

Article 350.

The certificates shall be issued on paper with its corresponding stamp, which may be stamped or sealed by the Spanish Association of Property Registrars, in accordance with the samples and rules approved by the Directorate- General.

When they are issued in more than one bid, the last one shall indicate the number and series of all the ones used.

The certificates issued may be updated, at the interested party's request, and if the Registrar deems it appropriate, by another one recorded below on paper with the corresponding seal.

The certificates shall be issued after the closing of the Journal; if issued before, apart from the date, the time will also appear.

Article 351.

The certificates to be issued in virtue of a writ or of a petition from the Administrative Authorities shall be issued on the stamped paper corresponding to the matter or file they arise from.

Both in this case and in the one established in Article 336, the corresponding paper shall be provided to the Registrar, if "ex officio".

In the estimates for this paper made in the Courts of Justice, the petitions according to this Article and expressed by the Registrar shall be taken into account.

Article 352.

The Authorities, Courts of Justice or public officers processing the files, judgments or proceedings, may claim directly from the Registrars the certificates or facts they are interested in, or the declaration of the books, and the immediate payment of the respective fees shall not be required, if these are at their request or are exempt in virtue of an express declaration of the Act; however, they will make the appropriate reserves in order to indemnify them, if so required. The fees accrued shall be classified for their exaction and collection as well as any other costs arising from the respective proceedings.

Article 614 of these Regulations shall apply in the rest of the cases.

Certificates of charges

Article 353.

1. In the certificate issued in accordance with the provisions in Article 1 489 of the Spanish Law of Civil Procedure, the Registrar will record below having issued the communications prescribed in Article 1 490 of such Law and the steps carried out.

These communications shall be addressed by certified mail or telegraph to the residence in Spain of the corresponding holder of the ownership or right as recorded in the Registry. In the case of a mortgage in order to warrant bonds, the notification shall be made to the bondholder syndicate, if its residence appears.

If the residence does not appear in the Registry or the communication is not possible to be made in accordance with the previous paragraph, the Registrar will publish it on the bulletin boards of the Registry for fifteen working days; if the Registry's office is not located in the same municipality as the property, the public notices shall be sent to the City Council for their publication in its bulletin boards.

The Registrar will not need to make communications to the holders of rights when only their filing entry is recorded, but if these are registered or annotated, he will need to record the status of the execution as resulting from the Registry in the confirmation note.

The Registrar will not need to notify any incident related to the communications. He will file a copy of the certificate of charges and of the communications arising from it and he will attach those documents related to them.

2. Just a mention to the grants for debts payment, in accordance with the provisions in Article 45 of the Act, in the certificate of charges or encumbrances shall be stated, provided that the registered grant expressly stipulates that this produces real nature warrant in favour of the respective creditors or when the caveat determining the indicated provision is obtained.

If the one hundred and eighty days term following the grant is not over, such circumstance shall be stated in the certificate.

Whenever a certificate of charges or encumbrances on grants for debts payment is requested by the interested parties and these are not included in the cases mentioned in the previous paragraph, the cancellation of those by a marginal note shall be considered applied for.

3. Specifications, personal rights, caveats, mortgage registrations or any other right which is to be cancelled or has expired in accordance with the provisions in the Spanish Mortgage Act, shall not be included in the certificate.

For this purpose, the appropriate cancellation shall be also considered cancelled just by requesting the certificate and this shall be performed by recording the corresponding cancelling marginal note, before issuing it. The same steps may be carried out when performing any entry related to the property or affected right. If the application for certificate is performed by someone who is not the holder of the property or right, or when the entry to be performed has not a registration nature, the Registrar will warn



the applicant or representative before issuing the certificate or before recording the entry that those will mean the cancellation of the expired charges in compliance with the provisions in this Article.

Whenever a certificate for properties finally classified as “Subsidised Housings” is requested, those encumbrances that, due to this concept, are prior to the marginal note recording such final classification in the Registry, shall not be included nor shall be its cancellation possible to be carried out as provided in the previous paragraph. Even though this classification is not recorded, those encumbrances may be cancelled ten years after the date of the marginal note containing them, provided that there is no entry in the Registry on any claim to the Administration in charge of the Tax whose payment is referred to in those notes of encumbrance.

Whenever a registration related to properties is recorded or a certificate requested by their holder is issued, those registrations of possession shall become ownership registrations, if there is no contradictory entry.

Continuous information and decisions

Article 354.

1. The petitioner of a certificate may request this to have the nature of a certificate with continuous information. The continuous information will refer to the filing entries affecting the properties involved and performed from the issuing of the certificate to the conclusion of the following thirty-calendar-day term.

The applicant shall not be able to apply for a new certificate over the same property or right until the first twenty days of the previous term are over.

2. The applications for a certificate with continuous information will not contain more than one property or right, neither shall have as the subject-matter a property non-first registered.

Those applications shall be submitted in two counterparts and will necessarily state:

- a) The nature of certificate with continuous information.
- b) The residence where the notifications are to be received.
- c) Whether the notification is to be made by telegraph or by certified mail.

Whenever the previous requirements are not fulfilled, the Registrar will return one of the counterparts of the application to the petitioner, if possible, and with a note declaring the omissions or insufficiencies noticed. This fact shall be stated following a procedure in the other counterpart, and then filed.

3. The certificate with continuous information shall be only applied for by the register holders of rights over the property the certificate refers to, or their spouses or their legal representatives.

4. Once the application is submitted in the Journal, the Registrar will issue, within the legal term, two certificate counterparts: One with original nature, which shall be kept in the Registry, and another with copy nature which shall be handed over or submitted to

the petitioner. Such handing over or submission shall be recorded in the original following a procedure.

5. The Registrar will issue a certificate, before the following working day is finished, of every filing entry affecting the property subject-matter of the certificate.

The notification will state the number and date of the filing entry performed, the type and subject-matter of the submitted deed and the register number of the property subject-matter of the certificate.

6. The notification shall be made by telegraph or certified mail, as requested, but in all cases it shall be considered well-performed when personally made to the receiver and under his receipt. The notifications made shall be recorded in the original certificate following a procedure and specifying the number of the filing entry and the steps carried out. If the Registrar deems it appropriate, the certificates may also briefly include the contents of that entry.

7. Once the term for the continuous information is concluded, the Registrar will state so following a procedure in the original one, and no further notification to the applicant shall be required.

8. The application for a certificate with continuous information may be made by mail, in which case the notary public authentication of the applicant's signature shall become an unavoidable requirement.

9. For the continuous information the issuing of the prior certificate shall not be necessary, if the interested party holding the condition in section 3 declares in the application, which will need to meet the requirements in section 2, and as applicable, in section 8, he is aware of the register status. In this case, a certificate of the existing contents in the Registry shall not be issued and the information, together with the contents, steps, deadlines and purposes indicated in this Article shall be recorded following a procedure and below the application's counterpart kept in the Registry.

Article 354 a)

The applications for information with respect to the description, ownership, charges, encumbrances and restrictions to register properties requested by the Notaries by telefax shall be processed and sent by the Registrar to the applicant, making use of the same means, in accordance with the following rules:

1st If, when receiving the application, the Registrar realizes that the property is located in another register district, he will immediately notify so to the Notary Public.

2nd The information, which the Registrar will execute under his own responsibility by means of a note transcribing the description of the property in case its data differs from the ones stated in the Notary's application for information and where the holder as well as the vital data of the charges in force affecting him shall be briefly related, will need to contain not only the data from the register folio of the property the application refers to and the contents of the filing entries concerning



it and performed in the Journal before the submission, but also the applications for information with respect to the same property received by other Notaries, and pending reply or submitted within the ten prior calendar days.

3rd If there is no difference between the descriptive and legal data provided by the Notary Public and those kept in the Registry, only this circumstance will appear overleaf or below the application document.

4th The Registrar shall submit the information as soon as possible and always within the three working days following the date receiving the application. In the case that the number of properties the information is required from or due to a special complexity of the Registry record of the property making it impossible to comply with the aforementioned deadline, the Registrar shall notify the date in which he shall submit the information to the Notary Public, on the very same day he receives the application, and this date will need to be within the five working days following its reception.

5th The Registrar will also need to notify the circumstance of having submitted in the Journal another or other deeds affecting or altering the initial information to the Notary Public, on the very same day this happens and within the nine calendar days following the submission of the information. The Registrar shall be likewise obliged with respect to the subsequent applications for register information related to the same property and which, coming from other Notaries, he will receive within the indicated deadline.

6th If the Notary expressly requests the information for a particular day, the Registrar will send it on that day with a reference to whatever arising from the closing of the Journal the day immediately before.

7th If the property is non-first registered, the Registrar will record such circumstance notwithstanding that he shall have to indicate, as applicable, those documents related to it, and pending classification and processing and whose filing entry is in force.

8th When the Notary does not use telefax in order to obtain the information referred to in Article 175 of the Notarial Regulations, the provisions in that Article will likewise apply.

Article 355.

1. (repealed)

2. The report referred to in the previous section may be applied for with a binding nature, but only on the understanding that the same register status shall be maintained. **The mentioned report shall only be binding on the Registrar who had made it.**

3. (repealed)

4. The Registrar will issue the applied report within ten days from the date in which this must have been certified, or otherwise, from the date of its application.

Sections 1, 3 and highlighted sub-paragraph shall be declared null by judgement of the Supreme Court dated January 31, 2001. [Ref. BOE-A-2001-6394.](#)

TITLE IX

Registries organisation

Registry's office

Article 356.

One or several charts clearly showing the following shall be displayed to the public in every Registry's premises:

1st The date of the Registry's establishment.

2nd The names of the City Councils included in the Registry's district and of the towns constituting each of them, specifying, if any has experienced a change in the name or is known by more than one, all of them from the Registry's establishment until now.

3rd Indication of the Registry those towns previously contained in another district belong to, specifying the date in which their addition to their current corresponding Registry was verified.

4th Names of the towns that once belonged to the Registry and then segregated from it, specifying the date and the Registry to which they were transferred.

When the territory of a Registry has been divided into different Registries, or when the division of a municipality into two or more Divisions is agreed, the chart will include the corresponding part of the Order in which the respective limits are settled.

The Registrar will add and amend the charts referred to in the previous Article according to the variations incurred and of which he is officially notified, and he may remedy any deficiency observed by means of the list of names of places of the Spanish Geographic Institute.

The Office will also display to the public a copy of the Fee scale.

Article 357.

The Registrars may locate their offices in premises meeting the essential conditions for the security and preservation of the books. In all cases, the compliance with the provisions regulating the location of offices and in accordance with the Regulations of the Spanish Association of Property Registrars shall be compulsory for regular Registrars. The Registrars, as Registry's incumbents, may rent for themselves or successors in their offices, the premises to locate the office of the Registry.

The Registrars will take care of the appropriateness of the office furniture for the decorum and security of the books and documents kept in those offices.



They will also need to be provided with those means allowing to immediately extinguish a fire if this is the case.

Article 358.

There shall be a stamp with the coat of arms of Spain in the centre of every Registry and a registration at the top that shall read: “Registro de la Propiedad de...” (Land Registry of...), and at the bottom, the name of the mortgage district.

In every communication and document signed by the Registrars, they will stamp the aforementioned seal.

The Ministry of Justice shall be entitled to approve a common and official model of the seal.

Article 359.

The Property Registrars may use a typewriter for any kind of documents used for official communications with private individuals and with the rest of officers or Authorities, as well as in those certificates issued concerning the contents of the Registry’s entries.

They may also use a stamp for the text of the brief marginal notes, those used as mere reference and those indicating an expiry date. The notes at the foot of the deeds may be likewise recorded.

Article 360.

The Registry shall be open to the public, for all relevant purposes, including the documents’ submission, every working day from 9:00 am to 2:00 pm and from 4:00 p.m. to 6 p.m., notwithstanding that on Saturdays the schedule established by the Minister of Justice shall apply.

The Registrar may extend in an hour those opening hours or advance in an hour the opening or closing of the Registry if he deems it convenient and for as long as he thinks it necessary.

Any alteration in the opening hours shall be notified to the Directorate-General and made public by means of a public notice in a visible place of the Office eight days before entering in force.

Article 361.

The Registrars will not accept any document to be submitted, but within the opening hours indicated in the previous Article; however, they may execute the rest of the operations they are in charge of outside them.

Books

Article 362.

In the Land Registries, the following books and notebooks shall be kept:

Registration book.

Journal with the Registry’s operations.

Register of Disqualified Persons.

Index of (rural and urban) properties and index of persons, provided that those are not kept by a system of index cards or other filing and organization means authorised by the Directorate-General.

Statistics book.

Special book of postponement annotations of writs or labour or administrative orders.

Inventory; and

Auxiliary books and notebooks considered appropriate for their services by the Registrars.

Article 363.

The books in the Land Registry referred to in Articles 365 and 366 shall be formed, organised and crossed in accordance with the provisions and models established by the Directorate-General for Registries and Notaries, and they shall be made and distributed under the Spanish Association of Property Registrars.

Article 364.

The Delegate will issue a certificate for the inspection of the books specifying the number of folios contained, the circumstance of there not being any crossed out, written or used, and the date of the inspection, in the first blank sheet of every book.

The First-Instance Judge, in case of residing in the place where the Registry is located, and otherwise, the judicial Authority of that same place, will give his approval below that certificate and after signing the last of the sheets of the Journal or of the Registration book and after sealing all them with the Court of Justice's stamp.

After carrying out the procedure referred to in the previous number, the Registrar will issue, date and sign a note recording the receipt of the book as recorded in the certificate.

Article 365.

“Diario de las operaciones del Registro de la Propiedad de..., tomo... Empieza en... de... del año...” (Journal of operations in the Land Registry of..., volume... It begins...of ... in...) will appear on the cover of the Journal book.

In the following sheet of the cover only the certificate and the notes provided in the previous Article shall be included.

Every folio of the Journal shall contain a sufficient blank margin in order to record the appropriate marginal notes on it, that is, two vertical lines forming a column, so that the numbers of the corresponding entry may be recorded, and a wide space, horizontally lined, so that the entries themselves can be written. At the top of each folio, the following shall be stamped with the number of the boxes: Marginal notes.-Entries' numbers.-Filing entries.

**Article 366.**

Every folio of the Registration book shall contain a sufficient blank margin in order to insert the appropriate marginal notes on it, that is, two vertical lines forming a column, so that the number or letter of the corresponding entry may be recorded between them, and a wide space, horizontally lined, so that the entries, caveats and cancellations can be written. At the top of each folio, the following boxes shall be stamped with its number: “Notas marginales.-Número de orden de las inscripciones.-Finca número...” (Marginal notes.-Registrations’ number in order. Property number...).

The cover of the book shall read: “Libro de inscripciones del Registro de la Propiedad de..., Audiencia de..., tomo... del Ayuntamiento de..., tomo... del archivo de este Registro de la Propiedad.” (Registration book of the Land Registry of..., Court of Appeal of..., volume... of the City Council of..., volume... of its records within this Land Registry.). In the following sheet of the cover only the certificate and the caveat provided in Article 364 shall be inserted.

Article 367.

When, due to the destruction or wear of the binding of any book, it is necessary to bind it again, the Registrars may carry that out, provided that it is verified in the same office and that the covers, the spines and the ends are alike to the destroyed binding, and notifying so to the Directorate-General.

If there is any special circumstance and it is not possible to carry out the binding again pursuant to the previous paragraph, the prior authorisation of the Directorate shall be required and this will determine the way and steps to verify it.

Order of the records file**Article 368.**

There shall be a book opened per City Council in the Land Registries. However, a book may be opened for every minor Local Entity of a municipality.

The split of a municipality into two or more Divisions shall be obligatory carried out in case of towns in which there is more than one First-Instance Court and provided that there are reasons of public convenience. In this case, the Directorate-General, by itself or at the Registrar’s request, will open the appropriate proceedings where the territorial district of each of the Divisions and its numeration shall be determined.

When the movement of the property advises so, the Registrar may open up to three current books in every City Council or Division: One for registering uneven numbered properties, another one for the even numbered ones and a third one for the cases provided in Article 379 of these Regulations. Under exceptional circumstances, the Directorate-General may agree to open those current books he deems necessary, by himself or at the Registrar’s request, and he shall order the appropriate instructions in order to facilitate the service.

Article 369.

The books shall be numbered according to their age, and besides, those belonging to each municipality shall have a special correlative numeration.

If any municipality is split into two or more Divisions, the words "first or second Division" or the appropriate ones shall be included.

Article 370.

Whenever there is an attempt to record any operation related to properties registered in books prior to the split in the new books, the property shall be provided with the corresponding number and adding below: "antes número..., folio..., libro..." (previous number..., folio..., book...). This new entry, which will appear as first registration or caveat A, will continue the previous facts and will refer to them in compliance with the regulations. At the end of the last of the entries performed in the old books of the municipality divided, the appropriate note will appear referencing the ones newly opened.

Article 371.

If there is any alteration of the territorial district of a Registry and the books of a City Council or Division are incorporated to another Registry, they shall be considered as a new Division of the latter.

Order of the entries in the books**Article 372.**

The entries related to each property shall be correlatively numbered, and in case of caveats, they shall be indicated by letters in strict alphabetical order.

The caveats shall be performed in the same book in which the registration was supposed to be performed if the annotated right becomes a registered one.

Article 373.

The Registrar will authorise by signing with full name the filing entries of the Journal, the registrations, the caveats and extensive cancellations and the note provided in Article 364.

Marginal notes of any kind, registrations, caveats and brief cancellations, as well as the closing procedure for the Journal may be authorised by the initials.

Article 374.

The Registrars will adjust, as possible, in order to draft the entries, notes and certificates, to the instructions and official samples.

Article 375.

The amounts, figures and dates which are to be contained by the registrations, caveats and cancellations shall be written in words; numbers may be recorded for the references to legal provisions, the dates of deeds prior to the performance of the entry, the dates



of complementary documents, and those figures, amounts or dates appearing in previous entries or referring to data of the Registry.

Numbers shall be used for filing entries and marginal notes.

Those concepts of special interest in the entries shall be highlighted by underlining, by a different font type or by the use of different colour ink.

Article 376.

When the first requested entry refers to a property interest and it is possible to register the acquisition of the property by submitting the deed, in accordance with Article 205 of the Act, two registrations shall be performed: one of the property ownership, and then the one of property interest.

When the entry concerned is a caveat, the steps to carry out shall be the same.

Article 377.

In the case of finding the direct and beneficial ownership separated, the first registration may be for any of those ownerships; but in case of registering the other ownership afterwards, the registration shall be performed following the firstly registered.

Article 378.

The Registrars, taking into consideration the movement of the property within its corresponding circumscriptions, will assign to each property the number of sheets they consider necessary, and displaying at the head of all of them, as they begin to fill them up, the number of the property.

Article 379.

If the sheets assigned to a property are full, or they cannot be used due to a legal reason, the number of that one shall be transferred to another folio of the current volume within the same City Council or Division, or to the first free sheet which was left over from the ones assigned in successive volumes of the City Council or Division concerned, and this following their numeration order regarding properties whose mortgage existence is extinguished due to having been consolidated in order to constitute a new number, to having been completely consumed in virtue of segregations duly and clearly proved in the respective marginal notes or due to having been subject to provisional registrations of attachment under criminal proceedings or caveats due to the absence of a prior registration and cancelled or to be cancelled before the transfer that is to be performed.

In these cases, following the printed word “Finca número...” (Property number), the word “duplicado” (duplicate), “triplicado” (triplicate), and so on, successively, shall be written, and in the following line, also an indication to the volume and folio where the previous entry appears as follows: “Viene del folio... del tomo...” (From the folio... of the volume...).

In the last page of the exhausted sheets and next to the number of the property subject-matter of the transfer, it will appear: “Continúa al folio... del tomo...” (It follows folio... of the volume...).

Article 380.

When a same deed contains two or more properties or property interests which are to be registered under a different number, this circumstance shall be stated within the extensive registration, and in the note on the margin of the filing entry the book, volume, folio and number or letters of the performed entries shall be duly recorded, in virtue of the aforementioned deed.

Article 381.

The Registrars will verify the extensive registrations for some of the main properties or for the one with the highest value.

Article 382.

Once the extensive registrations of deed containing different properties located within the same municipality are performed, and when the registration of another property belonging to the same deed is subsequently applied for by means of a new filing entry, a brief registration shall be recorded with a reference to the corresponding extensive registration, but recording in it the date and time, number, folio and volume of the filing entry lately performed.

Article 383.

No contribution or acquisition registration may be performed in favour of a corporation through any deed of real property or property interests, without having previously recorded the corresponding one in the Company's Registration Office.

Once the registration is performed in the Land Registry, the deed may be submitted once more in the Company's Registration Office in order to record the registrations thereby performed by means of a note on the margin of that registration.

Article 384.

Under any administrative enforcement proceedings carried out in order to pay any taxes overdrawn, and if without this payment the act or contract commencing the liquidations subject-matter of the enforcement proceedings is not possible to be registered in the Land Registry, the provisions in the Order of August 8th 1934 shall apply.

Article 385.

If the interested party is notified of the draft, as provided in Article 258 of the Act, and this one declares his agreement, or otherwise the First-Instance Judge decides on the steps to carry out in order to record the entry, a mention of either one circumstance or the other shall be stated in the corresponding entry.

Book of alterations in the capacities of administration or disposition

Article 386.

(annulled)



Article 387.

(annulled)

Article 388.

(annulled)

Article 389.

On the margin of the filing entry, the Registrar will record the same note as provided in the previous Article.

Article 390.

The Registrar will return the enforcement order or the copy of the writ containing the note of having been processed by the Court of Justice it comes from, and will keep the other copy in its file.

Article 391.

(annulled)

Indexes

Article 392.

The Registrars will keep two types of Indexes called the Index of Properties and the Index of Persons, and they shall indicate the register folio where those are registered and the entries performed in favour of them, as well as their transfer or cancellation, when applicable.

Article 393.

The Indexes of Properties shall be kept by the City Councils and the Indexes of Persons, by the Registries. For those municipalities split into Divisions, the Indexes of Properties shall be kept by Divisions.

The alphabetical Indexes of Properties and Persons will consist of index cards ordered manually or mechanically.

Article 394.

The Index of Properties shall be divided into three sections. In the first one, rural properties shall be included. In the second one, urban properties shall be included. And in the third section, those properties designated as abnormal or special ones, or of an uncertain nature shall be included; regarding these properties, at least the data related to the location place, type, name and register reference shall be indicated.

Article 395.

The index cards belonging to the rural properties section will show the name of the site, circumscription, place, town, parish or hamlet where the property is located in a highlighted letter at the top, and below the necessary boxes will appear in order to annotate:

1st Name of the real property.

2nd Farming or agricultural use. 3rd Surface area.

4th Property lines according to the four cardinal points.

5th Number of the property in the Registry, book and folio.

6th Cadastral reference, when recorded.

7th Comments.

Article 396.

The index cards belonging to the urban properties Index will alphabetically ordered in each City Council or Division by towns, villages or parishes, and within those ones, by streets or squares; and these data will appear on the upper part of them. Below, in their corresponding boxes, they shall contain:

1st Modern number, and if recorded, the old ones.

2nd Designation, number of floors and name, as applicable.

3rd Surface area of the site.

4th Fix property lines, if any.

5th Number of the property in the Registry, book and folio.

6th Cadastral reference, when recorded.

7th Comments.

Article 397.

The index cards of the Index of Persons will show the surnames, name and identity number of the natural persons, and the corporate name or designation of the corporations and their identification code number, all of them in a highlighted place, and the following boxes below:

1st Nature of the property or property interest registered in their favour.

2nd Reference to the entry, if applicable, in the Register of Disqualified Persons.

3rd City Council or Division.

4th Location.

5th Number of the property in the Registry.

6th Book, entry, volume and folio.

7th Reference to the cancellation or transfer.



Article 398.

The Registrars will need to record in the indexes any alteration that, to their own criterion, affects the data contained within, whether belonging to the registered deeds, to the entries in the Registry or to other reliable data.

For these purposes, the necessary spacing and annotations shall be allowed.

Article 398a.

1. The indexes of persons and properties in the Land Registries shall be kept by computer means.
2. The data prior to the implementation of the computerised indexes shall be included to them by stages and within the deadline determined by the Directorate-General for Registries and Notaries.

Article 398b.

1. The Land Registries will make use of the official Cadastral Mapping from the Spanish Cadastral Management Centre and Tributary Cooperation as graphical base, either in paper or digital.
2. The indication of the property location on the original map shall be recorded in the index of properties. The cadastral reference of the building plot, for urban properties, or the consolidation reference and UTM coordinates, for rural properties shall be used as identifiers for such purposes.
3. The implementation of the graphical bases shall be carried out by stages and in accordance with an action plan settled by the Directorate-General for Registries and Notaries in collaboration with the Spanish Cadastral Management Centre and Tributary Cooperation.

Article 398c.

1. The General Computerised Index of properties and rights registered within the Spanish territory and of its holders shall be kept by the Spanish Association of Property Registrars.

The Registrars will regularly send the necessary data for the drawing-up of the aforementioned index.

2. The Registrars, in order to facilitate the official information, by consulting the general computerised index, will provide notices of the existence of register ownerships in any Registry in favour of certain natural persons or corporations, provided there is an interest by the petitioner.
3. The computerised indexes will include both the cadastral and consolidation references indicated in section 2 of Article 398.b, such as data related to the residence of the acquirer and transferor and the date of the registration.
4. The Spanish Association of Property Registrars will regularly send to the Spanish Cadastral Management Centre and Tributary Cooperation, by magnetic media, the

information related to the registered transfers, indicating the data identifying the property, the transferors, and the acquirers.

Article 398d.

The appropriate software for applying the provisions in the previous Articles will need to be uniformed for every Land Registry. The confection and supply of such software shall be assumed by the Spanish Association of Property Registrars. The software will need to be approved by the Directorate-General for Registries and Notaries.

Article 398e.

1. The costs and financing of the measures provided in the previous Articles shall be considered as necessary expenses for the running and preservation of the Registries in the terms provided in Article 294 of the Spanish Mortgage Act.

2. The Registrars shall be obliged to contribute, in accordance with the proportionality principle, to the general and common costs arising from the measures provided in the previous Articles and to the maintenance of the register service.

Article 399

(annulled)

Inventory book**Article 400.**

Each Registry shall contain an inventory of every book and file existing in it and compiled by the Registrar.

At the beginning of the year, the inventory shall be added whatever resulting from the previous year.

Article 401.

Whenever a new Registrar is appointed, this shall be in charge of the Registry by that inventory and he will sign it on the handing over and his predecessor shall be liable for whatever appearing of the inventory and not handed over.

Provisional books**Article 402.**

If any Registry lacks the books to register in or the Journal, the corresponding provisional books shall be opened. These consist of two or more notebooks with a complete bid and with the number of pages the Registrar thinks necessary.

Article 403.

The books to be opened in accordance with the provisions in the previous Article shall have a convenient margin for the applicable notes; they shall be numbered, sealed with the Court's stamp and signed by the Judge in every page. On the first page, a certificate authorised and signed with full name by the Judge and the Registrar, specifying the circumstances referred to in the precedent Article shall be recorded.



Article 404.

In the provisional book, if the Journal, the filing entries shall be recorded as provided in Article 249 of the Act. In case of Registration books, the necessary registrations and caveats shall be performed, one after another, in strict chronological order, and without blank pages or spacing.

Article 405.

The notes specifying having filed, annotated or registered the document, places at the foot of the deed, according to the provisions in Article 253 of the Act, and those provided in Article 433 of these Regulations, shall be likewise recorded in accordance with such provisions, without further difference than replacing the statement of the volume and folio of the Receipt book by the one of the provisional folio and number.

Article 406.

On the day following the handing over of the receipt books, if working day, the closing of all registration provisional books shall be verified by a procedure issued and signed by the Judge and the Registrar at the end of each of the books and stating the number of entries contained and that there is no blank entries, amendments, scratching or spacing, or otherwise determining their result.

When the provisional books are Journals, once the Receipt Journal book is received, the provisional shall become final by means of due procedure issued immediately after the last closing entry performed, shall be appropriately numbered and binded, if not so, and filed in their corresponding place.

Article 407.

Those Registrars who does not transfer all the entries performed into the registrations provisional books within a term equal to twice the time they were opened and without a reasonable reason to prevent it, may be officially penalised.

Article 408.

Once the total transfer is carried out, the Registrar will officially notify the Judge so that the day he appoints, the checking of the transferred entries is verified within the Registry's premises. And, if it results that this is well and faithfully performed, this shall be stated by means of a procedure recorded in each of the provisional books, following the closing procedure, and it shall be signed by the Judge and Registrar, and then the books shall be accordingly filed in the Registry.

In all cases the Directorate-General for Registries and Notaries shall be notified of the opening and closing of the provisional books and the reason shall be explained.

The provisional books shall be kept in the Registry.

Article 409.

If any Registrar is retired from his office before verifying the transfer of the entries recorded in the provisional books to the receipt books, he will need to pay the Registrar

doing so the costs arising from that reason. The heirs of the deceased Registrar are to make the same payment to the one verifying the transfer of such entries.

The interested parties, by common agreement, will settle the amount of those costs, and if no agreement is reached, they will explain their reasons to the Executive Board of the Spanish Association of Property Registrars, and they, after hearing all the interested parties and requiring any fact they consider appropriate, will resolve whatever they deem fair. This court's decision, if not appealed before the Directorate-General within fifteen days from its notification, or the Directorate-General's decision, shall be carried out notwithstanding the right of whoever thinks himself damaged to appeal via judicial means.

Those claims shall not be an obstacle, in any case, for the person in charge of the Registry to effectively transfer the entries of the provisional books to the receipt books within the legal deadlines.

Files

Article 410.

The Registrars will compile by months, quarters, semesters or years, depending on the circumstances, four types of files: one for the duplicates or copies of the payment receipts, another for the writs, another for public documents and another for private documents.

Article 411.

The files of each type shall be separately and correlatively numbered in the order they are compiled. The documents shall be placed in each of them in the chronological order they were processed.

Article 412.

Every filed document shall contain a sufficient indication of the referred one and, if applicable, a copy of the note at the foot of the deed.

Article 413.

After the time for each file, according to the division adopted, the folders shall be closed indicating the type of document contained in it, its term, and including an index, signed by the Registrar, stating the number and type of each of those documents.

Article 414.

The files of documents existing in the Registry and with an original one, whether issued in two counterparts or registered in other offices, may be declared void twenty years after being compiled. After that same time period, the files including payment receipts and their copies, the statistics books used as base for the status referred to in Article 622, and the receipt books shall be declared void.

The files of public and private documents, not included within the previous paragraph, the books of the old Mortgage Accounting and those other documents that, to the Registrar's own criterion, may have any historical interest, may be transferred to the



corresponding files, after the Directorate-General's approval, and when they have been kept in the Registry's office for twenty years.

In all cases of files declared void or books or documents transfer, the appropriate reference to the inventory shall be made.

Board of proprietors minute books procedure

Article 415.

Both in the communities and sub-communities of proprietors of real property or property arrays to which Article 17 of the Act 49/1960, July 21st, on Condominium, the minute books shall be conducted in accordance with the following rules:

1st The books shall be necessarily conducted before their use.

A new book may not be conducted until the complete use of the previous one is proved. In case of loss or miscarriage of the previous book, a new one may be conducted, provided that the President or Secretary of the community states, under his own responsibility, and by a notarial certificate or before the Registrar, that the disappearance or destruction has been notified to the owners making up the community or that the removal has been reported.

2nd The Property Registrar shall be competent for the procedure in the district where the property subject to the Spanish Condominium Act is located.

3rd The application for procedure shall be made by means of a request specifying:

- a) The applicant's identity details and a statement declaring he acts while commissioned by the President of the community.
- b) The corresponding community of proprietors' identity details and, as applicable, the data related to the register identification.
- c) The opening and closing dates of the last minute book. These circumstances shall not be required if the applicant states, under his own responsibility, that no other book has been previously conducted.

Every page of the book submitted in order to be conducted will need to be numbered in indelible ink fonts. The book may be a loose leaf binder.

4th Once the application and the book are submitted, the corresponding entry shall be performed in the Journal. The entry will record the submission date and the applicant's and community of proprietors' identification.

5th The procedure shall be recorded in the first sheet and it shall contain the date, the community's identification data—including, as applicable, the register data—that number chronologically corresponding to the book of those conducted by the Registrar in favour of the community, the number of pages it is compiled of, and all of them shall be sealed with the Registrar's stamp, and the sealing system shall be indicated. The procedure shall be signed by the Registrar. If a new book is conducted without submitting the previous one due to its loss or miscarriage, the procedure will record such circumstance and that in the previous one, even though appearing there, no new minutes may be recorded.

The Registrar's stamp shall be printed or stamped, by mechanical punching or by any other means guaranteeing the authenticity of the procedure.

Should the books be loose leaf binders, all of these leaves shall contain, apart from the stamp, the date in indelible ink fonts, unless a stamping processing guaranteeing that every page belongs to the conducted book is used.

6th The Registrar will perform the procedure within the five days following the application duly carried out, or within the fifteen days, in case of a reasonable reason.

If there is any rejection, an appeal may be filed directly before the Directorate-General within fifteen working days.

7th Once the procedure is carried out, a marginal note specifying the number of the order of the conducted book, pages consisting of and, as applicable, that it is issued as a replacement for a previous disappeared one, shall be recorded within the folio opened in the Registration book for the building or array under condominium. In case of the community not being registered, these data shall be recorded in a filing book that may be kept by computer means.

Once the procedure is performed or rejected, the appropriate processing notes shall be immediately placed at the foot of the application and on the margin of the filing entry.

Six months after the submission of the book without removing it, the Registrar will destroy it and state so in the folio belonging to the building or array, or otherwise in the filing book, at the foot of the application and of the filing entry.

Journal and filing entries

Article 416.

Every day, before recording the first filing entry, and on the immediate line to the last of the closing procedure carried out the precedent working day, the corresponding date shall be stamped.

When entering any deed qualified to produce any registration, caveat, cancellation or marginal note in the Registry, its filing entry shall be recorded in the Journal.

Judicial and administrative documents shall be likewise submitted in the Journal for their certificates issue, as well as those private individuals' applications for that same purpose, when the issued certificate causes any register entry.

In the rest of the cases, those private applications may be submitted if the interested parties request it so, or if the Registrar deems it appropriate.

Provided that the Registrar objects to perform the filing entry due to a physical impossibility or to any other reason and the interested party is not content with his declaration, he may appeal the First-Instance Judge, and otherwise, to the judicial authority of that town who, after hearing the Registrar, will resolve whatever appropriate. If the court's decision delivered orders to perform the entry, the steps provided in Article 573 and subsequent ones of these Regulations shall be carried out, notwithstanding the civil liability arising from it, in accordance with Article 296 of the Act.



Immediately after recording the filing entry, the document will state the filing date and time, and the number and volume of the corresponding Journal, by means of the appropriate note.

Article 417.

Whenever it is not possible to record the filing entry at the moment of entering the deed, due to the performing of others previously submitted, to the number of deeds, to the verification of the entrance at a time close to the closing time, or due to any other reason, the document shall have a note stating the following terms: "Filed today at... by... (name and surnames, number of the corresponding admission and date)." This note may be signed by the filer, if so requested by him or required by the Registrar.

When the number of documents with such circumstance is high, an admission book may be kept where the entered documents shall be recorded in strict order, and specifying the filer, and filing time, and date.

In all cases, the entries shall be performed in the Journal following the order of admission in the Registry, and recording the filer and filing time appearing in the note indicated in the previous paragraph of this Article, or otherwise, in the book referred to in the precedent paragraph.

Article 418.

1. The deeds and documents referred to in Article 416 of these Regulations, whatever the way to enter them in the Registry, shall be recorded in the Journal following reception order if the filing is made within the opening hours legally established.

2. The physical filing may be only made during the public opening hours of the Registry.

3. If the deed is received by mail, the sender shall be considered the filer of the document and the filing entry shall be performed at the moment of opening the received mail on that date.

4. Those communications explaining having authorised public deeds, sent by Notaries via telefax, according to the provisions in Article 249 of the Notarial Regulations, shall be recorded in the Journal in accordance with the general rule, excluding those received outside business hours, which shall be recorded on the following working day, immediately after the opening of the Journal, and simultaneously to the ones physically filed on that same time as provided in Article 422 of these Regulations. The filing entry to perform will expire if within the following ten working days an authentic copy of the deed commencing it is not submitted in the Registry. That submission within the settled deadline shall be stated as a marginal note on the first entry, and the classification and processing deadlines shall begin to count from the date of this note

If, when receiving the communication, the Registrar realises that the property is located in a different register district, he will immediately notify it to the authorising Notary Public via telefax. He will confirm the reception and shall notify his decision on whether performing the filing entry or not, making use of these same means and on that same day or the following working day.

5. Judicial bodies may send via telefax the court's decisions able to produce a register entry to the Land Registry on the subscribing day or on the following working day. Within that same deadline, making use of the same means and for the same purposes, the administrative authorities may send the documents issued by them to the Land Registry.

The entries and expiry system provided in section 4 of this Article shall be applied to the aforementioned sending, as well as the provisions contained within on the communications to the sender with respect to the property's location, to the sending receipt confirmation and to the Registrar's decision on whether performing the filing entry or not.

Article 418a.

If there is any reason of urgency or necessity, any of the grantors may apply to the Land Registry of the district where the document was issued for sending the necessary data for performing thereby the corresponding entry to the competent Registry, via fax or similar means.

In those towns where there is more than one Registry, a weekly turn for the compliance with the provisions in the previous paragraph shall be established.

Article 418b.

1. The Registrar to whom the act of the previous Article is requested, after classifying the filing nature of the document, will record a submission entry in the Journal, with its corresponding number, and will then send all the necessary data to perform the filing entry, and adding also those justifying the competence of the destined Registry, the corresponding number in its Journal, and his stamp and signature to the competent Registry, via fax or any similar means.

2. He will then record a note at the foot of the document stating the steps carried out, as well as the receipt confirmation provided by the destined Registry, and he will return it to the interested party for its submission in the competent Registry, and warning him that, if not doing so within ten working days, the entry will expire.

3. The return receipt, which shall be likewise made via fax or any similar means, shall be recorded by means of a marginal note in the Journal, and filed in the corresponding file.

Article 418c.

1. The Registrar receiving the communication in the Registry of origin, after its competence classification and receipt confirmation, will record the applied filing entry in compliance with the general rule.

2. The interested party will need to submit the original document with the aforementioned note within the deadline referred to in the second section of the previous Article, recording such submission as a marginal note, and from that date, the classification and processing deadlines will start.



Article 418d.

In the case that the Registries of origin and destiny have different opening and closing hours for the Journal, only those operations referred to in the previous Articles may be carried out during the common opening hours. The same criterion shall apply to the working days.

Article 418e.

(repealed)

Article 419.

The filer of a deed shall be provided with, if so requested, a receipt stating the type of deed submitted, the date and time of its filing and, as applicable, the number and volume in the Journal in which the entry was recorded.

When returning the deed, the issued receipt shall be collected and, otherwise, it may be required to hand over another one of its return.

Article 420.

The Registrars will not record any filing entry with respect to the following documents:

1. Private documents, but in those cases in which the legal provisions give them register efficiency.
2. Documents related to properties located in other mortgage districts.
3. Other documents that, due to their nature, contents or purpose cannot cause any register operation.

Article 421.

Only one filing entry shall be performed from each deed, even though compiled by several documents or different registrations are to be performed in its virtue.

Complementary documents shall not be needed to be indicated in the filing entries, unless otherwise requested by the filer.

The deeds shall be the subject-matter of a sole filing entry if they contain any of the 1st and 2nd circumstances in Article 249 of the Act.

Article 422.

If several deeds are submitted at the same time by the same person, he will determine the filing order, and if submitted by two or more persons and they do not determine their order, the same time shall be recorded for all the deeds and shall be correlatively filed, stating that another or other documents were submitted at the same time and mentioning the numbers given or to be given.

When the deeds submitted at the same time and related to a same property are contradictory, and the interested parties do not declare which of them is to be given priority, the caveat of each of them shall be considered, stating that this is due to the impossibility to perform the registration or, as applicable, the requested caveat, until

those interested parties or the Court of Justice decide on which entry to be given priority.

A note stating the operation performed will appear on the margin of the corresponding entries and at the foot of the documents.

The documents shall be returned to the person or authority coming from in order for the first one to make use of his right, if convenient, or for the latter to decide upon the provisions he deems pertinent. Those caveats performed in accordance with the second paragraph will expire at the end of the indicated deadline in Article 96 of the Act, if within such period the interested parties do not certify, by a written application ratified before the Registrar, having agreed to give priority to one of the entries, or no claim is filed, in order to obtain the declaration of priority from the Court of Justice. If there is an agreement, the Registrar will answer the declaration made by the interested parties and will file the application in the corresponding file. If, on the contrary, the litigation is commenced, the claimant may request an annotation of the claim and, once the proper writ is issued to the Registrar, this one will record the annotation and, on the margin of the previous verified ones, he will state a reference note on the following terms: "Presentado en (tal día) mandamiento para la anotación de demanda deducida por..., según consta de la anotación letra..., folio..., tomo..., queda subsistente el asiento adjunto hasta que recaiga sentencia ejecutoria" (Submitting the writ for the annotation of the claim by... on -date-, as stated in the annotation with letter..., folio..., volume... the attached entry subsists until delivering an enforcement order).

The appropriate entries shall be performed in virtue of the enforcement ordered delivered.

Article 423.

The filing entries shall be recorded following the order the deeds are submitted, without blank or empty spaces between them, and making the last line of each of them useless up to the end of it; they shall be correlatively numbered when recording them and they will state the circumstances contained in Article 249 of the Act. Other circumstances may be added in order to distinguish the submitted deed, such as the protocol number, process or document file commencing the entry.

The location of the property shall be stated, if rural, by indicating its municipality, site or place where it is located, and if urban, the name of the town, the name of the street, square or neighbourhood and the number, if any, and the floor or premises, as applicable. The indication of the municipality or townsite may be omitted when the Registry consists of only one of them.

The place and date shall be those stated in the opening and closing procedure for all the entries performed on that same date.

Next to the Registrar's signature, the person submitting the deed will also sign the deed, if so requested by him or required by the Registrar.

The Registrar's signature in the closing procedure will imply his conformity with every filing entry non-specially signed.



Article 424.

Once all the entries for the submitted deeds are recorded on that date, in the line subsequent to the last entry's performed, the closing procedure shall be recorded as provided in Article 251 of the Act, with the terms stated below: "del Diario con los asientos números (del primero al último)." (Closing of the Journal with the entries number –from the first to the last one-). This procedure, in the case of not submitting the documents on that date, will refer to that circumstance, stating "Closing of the Journal without entry", and in both cases the place shall be recorded and it shall be signed by the Registrar.

Article 425.

When submitting a deed, unless when part of it is expressly restricted or excluded, that filing will affect all of the acts and contracts contained in the document and of the properties referred to within, provided that they are located within the Registry's district, and even though the entry is not physically fully recorded. However, the processing note will refer, in all cases, to this circumstance.

Article 426.

After recording the filing entry, if the properties referred to in the deed are registered accordingly, in their corresponding folio a reference to the filing will appear, and in the cases of segregation or consolidation, this shall be recorded on the margin of the registration of the parent property or the ones to be consolidated. In the cases of first registration and also in those cases of consolidation and segregation, the appropriate data and the complete description of the properties shall be recorded in an auxiliary book opened for that purpose, or by making the appropriate index card.

Article 427.

Once the filing entry is performed, the filer or interested party may remove the document without further notes but the one stating having submitted it.

They may also remove the document in order to satisfy taxes or correct defects.

Whenever the Registrar returns the deed, he will make an indication of it containing the filing date and he will record a note on the margin of the filing entry stating that return and signed by the filer or the interested party when the Registrar so requires it.

Article 428.

When a submitted deed is removed in order to pay taxes, correct defects or due to any other reason, and a copy of it is subsequently submitted, the entry may be processed by those, provided there is no doubt on the identity of both copies or counterparts, and recording such circumstance in the issuing notes on the margin of the filing entry and in the document.

Article 429.

If the classification is unfavourable to the processing of the submitted document, this shall be verbally or in writing notified to the filer or interested party, and that notification shall be stated on the margin of the filing entry, which the notified person will sign if so required by the Registrar.

In all cases, thirty days after, as provided in Article 97, the Registrar will record the corresponding classification note or will process the document according to its classification, unless the filer or interested party notifies him, either verbally or in writing, that he chooses to remove the document, correct the defect or apply for a caveat due to a curable defect, as applicable; to apply for the recording of the postponement or rejection note, stating the reasons, or to state his conformity to the recording of the entry, removing the clauses and provisions rejected or with the scope and contents specified in the classification. The operation carried out shall be recorded on a marginal note of the filing entry.

Article 430.

If the Registrar does not perform the registration applied for due to a curable defect, a caveat in accordance with section 9 of Article 42 of the Act shall be performed, provided the filer or interested party so requests it.

In order to perform the postponement caveat, the submitted document will need to be provided to the Registry once more, in case of having it removed.

Article 431.

The processing of the submitted documents, neither their return, shall not be delayed due to failing to pay the fees, notwithstanding the Registrar will charge them by enforcement proceedings.

Article 432.

1. The validity period of the filing entries may be extended in the following cases:

- a) In the cases provided in Articles 97 and 111 of these Regulations, whenever their application causes the extension of the entry.
- b) In case of removing the document in order to pay taxes without having it returned to the interested party by the corresponding Management Office. In that case, and at the filer's or interested party's request in writing and accompanied by the document certifying such circumstance and submitted in the Registry before the entry's expiry, the entry shall be extended one hundred and eighty days from its date.
- c) In the case that, in order to process a document, there is a need to previously register any other subsequently submitted, the filing entry of that first one shall be extended, at the filer's or interested party's request, thirty days after having the subsequently submitted document processed, or until the date in which its filing entry expires.



d) In the case that, when the filing entry is in force and before its processing, a criminal case writ is delivered ordering the Registrar to refrain from performing the operations in virtue of the deeds granted by the processing. In this case, the filing entry may be extended until terminating the case.

2. The filing entries' validity period's extension and, as applicable, the caveats' due to curable defects will mean an extension of the validity period of the previous or subsequent filing entries related to contradictory or connected deeds.

3. The filing entries' extension shall be recorded by a marginal note on them.

4. The entries extended as a consequence of the extension of another one, will expire thirty days after, starting from the processing of the document referred to in that entry or from its expiry date, unless its validity period is longer.

Article 433.

During the validity period of the filing entry, the filer or interested parties may desist from applying for its registration, totally or partially.

Such abandonment, when total, shall be stated in a public or private document with notarially legalised signatures. If the abandonment only affects a part of the document's contents, it may be verbally made. In all cases, the abandonment application shall be recorded by a marginal note on the filing entry concerned.

The abandonment shall not be accepted when there is an impossibility to process another submitted document resulting from it, unless the abandonment application refers also to this one and concerns the same interested party or, when different, this is also requested by him, with the formalities established in the previous paragraph.

When dealing with judicial or administrative documents, the abandonment shall be ordered or requested by the Authority, officer or body issuing the order or the submitted document.

In any case, the Registrar will reject the abandonment when, to his own criterion, this damages a third party. An appeal from decision of registrar of deeds may be filed against the Registrar's rejection, and stated by a marginal note on the filing entry and the document or application.

Once the abandonment is accepted, the filing entry or entries affected by it shall be cancelled by means of a marginal note.

Article 434.

Those deeds submitted in the Registry shall be returned to the interested parties with the appropriate note, as applicable, once they are properly used or when the filing entry expires.

If the entries are performed, the note shall indicate such circumstance and the kind of registration or entry performed, the volume and folio where it is recorded, the number of the property and of the registration or, as applicable, the letter of the annotation performed. If the entry refers to several properties or rights compiled within a sole

deed, the volume, folio, property and number or letter of the entry concerned shall be also indicated, in all cases, on the margin of the description of each property or right.

If there are prior charges or restrictions different from the ones stated in the processed deed arising from the Registry, only the information regarding these being different or other charges or restrictions resulting from it shall be stated on the processing note, without further specifications; in case of indication of having issued the certificate of charges provided in Article 1 489 of the Spanish Act of Civil Procedure, there shall be an indication of the circumstance for the proceedings for which that certificate was issued on the processing note.

When the Registrar postpones or rejects a requested entry, he will return the deed with a sufficient note indicating the reason for that postponement or rejection and, as applicable, the volume, folio, property and letter of the postponement caveat performed, unless the return of the document with no further note than the one provided in Article 427 is requested.

When the postponement or rejection affects only one of the clauses or provisions or any of the properties or rights comprised within the deed, the note shall indicate the reason for the postponement or rejection, unless the filer or interested party has declared his conformity with processing the deed without such clause or provision, or has desisted from performing any operation with respect to the property or right the defect refer to. In that case, the note will only indicate the circumstance of conformity or abandonment, but not the reason for the postponement or rejection.

The processing notes will likewise briefly indicate the nature or type of entry performed when different from whatever requested or attempted in the deed.

The processing notes, in any of the aforementioned cases, shall be signed by the Registrar.

Whenever the submitted deed has not enough space in order to record a note, it shall begin from the foot of the document with the word or syllables to be recorded, and then in a separate folio.

Article 435.

A similar note to the one recorded at the foot of the document shall be added on the margin of the filing entry on that same date.

If there is not enough space on the margin of the filing entry in order to record the note, this shall be continued on the margin of another or other filing entries where this is possible, and taking care of detailing the continuation and origin of the note, so that it cannot be confused with those corresponding to other entries.

Article 436.

After the validity period of the filing entry, if the document is not processed, or a caveat due to curable defects is not recorded, as applicable, or an appeal is not filed, the entry shall be cancelled on the Registrar's own account by a marginal note.



In case of appeal, a marginal note shall be recorded in the filing entry, if its validity period has not expired, stating that it is extended until a decision is delivered.

Name and number of properties' amendments

Article 437.

The Mayors shall notify the Registrars of any amendment made to the names and numbering of streets and buildings and of any other change affecting the properties' assignment. The Registrars, in his presence, will record the amendment of the indexes, and also when performing a new registration in the entries of those same properties, provided that the new circumstances are recorded in the submitted document.

The interested parties may request, verbally or in writing, the recording, on the margin of the last registration, of a note stating the agreement of the Municipality, its date and the circumstances amended, in compliance with the corresponding mayoralty, and indicating the number and file where it is filed.

TITLE X

The management and inspection of the Registries

Section 1. The directorate-general

Competence and organization of the directorate-general

Article 438.

It is incumbent on the Directorate-General for Registries and Notaries, as the Advisory Directorate, all those issues related to the Land Registry.

Article 439.

The Directorate will consist of:

A Chief Director.

An Optional Special Body, including a Deputy Director and Senior Officials and Assistant Officials, in the same number as the corresponding to the Divisions constituting the Directorate.

Administrative staff indicated by the Laws and organic provisions.

Clerk typists assistants; and

Junior employees, in the number provided by the services necessities.

Chief director

Article 440.

The Chief Director shall be appointed by a Decree-Law approved by the Council of Ministers.

Article 441.

The Chief Director is the Civil Administration Head with the honours and distinctions corresponding to him.

He will directly depend on the Ministry of Justice, he will likewise put upon decision every matter to be decided with his agreement and shall deliver on his own account those legal decisions not requiring such circumstance.

Article 442.

Apart from the assignments granted to the Chief Director according to Article 260 of the Act and those stated in each case by the Regulations, he will:



1st Propose the necessary changes and amendments for the organization of the Directorate to the Ministry of Justice.

2nd Propose the destinations of the administrative staff and clerk typists assistants needed for the service, as well as their dismissal in the Directorate, to the Ministry Under secretariat.

3rd Exercise, by himself or through the Deputy Director, who shall have the capacity of main Supervisor, the higher control and supervision of the Land Registries, and he shall be directly connected to the Presidents of the Territorial Courts of Appeal for that purpose, as permanent supervisors within their territory. He may reject this supervising function, only for certain cases, and when he deems it necessary for a better service, and understanding in each case the necessary assignments to the persons or bodies detailed in Article 267 of the Act.

4th Rule, according to the Laws and Regulations, every provision and measure pertinent over those issues concerning his competence.

5th Agree the internal system for the Directorate and the services distribution.

6th Publish the Yearbook of the Directorate with the career ladders of the Optional Bodies, Property Registrars and any other dependent Body, as well as the statistics referred to in the 4th number of the aforementioned Article 260 of the Act, and authorise the publishing of the provisions with a general nature which are of his competence, as well as complex court's decisions.

7th Be in charge of the rest of the assignments granted by the mortgage or notarial legislation, or those on Civil Registries or Company's Registration Office and other special legislations, as well as by the Spanish Association of Property Registrars' Regulations on issues related to their competence, mutuality, affiliation and auxiliary staff in the Registries.

Article 443.

The Deputy Director will cover the Chief Director when absent due to illness or any other reasonable reason, and otherwise, the Officer or whoever legally substituting him.

Optional special body

Article 444.

The staff of the Optional Special Body shall be related to, according to Article 261 of the Act, with the number of Divisions constituting the Directorate-General, so that each of them has a Chief Senior Official of the Council State and, at least, an Assistant Official.

Article 445.

The incompatibilities indicated for Registrars and Notaries in the mortgage and notarial legislation shall be applied to the offices of Deputy Director and Senior Officials and Assistant Officials, these being absolutely incompatible with any other office in the Public Administration.

Article 446.

The officers of the Optional Special Body working for the Directorate will receive the income indicated in the State's budget.

Article 447.

The Chief Director may give a permit of a maximum of one month to the officers working for the Directorate every year, and due to a reasonable reason and if so consented by the service.

Those applications shall be processed in all cases through the immediate

Supervisor, who shall notify it. Permits for a longer period shall be granted by the Minister.

Article 448.

The offices of Deputy Director, Senior Officials and Assistant Officials, when there is a vacancy, shall be necessarily provided by strict promotion by seniority, in accordance with the provisions in Article 262 of the Act and according to the career ladders of the Body, published in the last Yearbook.

Article 449.

The Board of officials referred to in Article 266 of the Act shall be chaired by the Director or whoever is replacing him and the Secretary shall be the most recent Senior Official of the Council State, Chief of Section.

The rest of Officials of the Directorate may act in the meetings and be heard by vote if so deemed convenient. A book shall be hereby kept for the minutes of the Boards, and signed by all the attendants.

The Board of Officials shall deliver a decision in the cases notified by the Board of Deans of the Notary, of the Spanish Association of Property Registrars or wherever a decision is to be delivered by the State Council.

Regardless the final decision agreed by the Directorate or the Ministry in those cases that, according to the Law, the consulting to the Board of Officials is a prior requirement, in the provision or court's decision published, the sentence "heard" or "in conformity with the Advisory Board of the Directorate" shall be stated, as the case may be.

Article 450.

The incorporation to the Optional Body shall be always by an open competition, whether direct or through the open competition to join the Bodies of Registrars and Notaries, and together with the rest of requirements established in Article 262 of the Act and in these Regulations.

The following positions shall be alternatively provided out of every two vacancies for Assistant Officials resulting from moving the Career Ladder: one by open competition among Bachelors of Law, male and over twenty-three years old, meeting the legal conditions, and another by examination of merits by the Property Registrars and



Notaries, also alternatively, with more than five effective years serving on their offices, who shall be, if they obtain a position, surplus in the original Career Ladder.

If a vacancy is abandoned in any of the turns, its providing shall be announced in the next one.

Direct open competition

Article 451.

For the providing of positions corresponding to the first turn the open competitions shall be announced by the Directorate-General within the two months following the one the vacancy took place, and the exercises shall be carried out within the six months following the call.

This shall be announced in the BOE.

Article 452.

The Directorate-General, to furnish additional evidence, may directly claim all type of reports from the applicants and will agree a final decision upon the admission of the candidates and their declaration of legal and regulatory capacity, necessarily heard by the Board of Officials.

Article 453.

The exercises shall be four, all of them public, and they will require:

The first one, to answer six questions related to the following matters: three on Civil Law, Common Law and Local Law, and three on Legislation on Property Interest Taxes.

The second one, to answer other seven questions: two on Notarial Legislation, one on Civil Register, two on Commercial Law, one on Administrative Law and one on Legislation on Property Interest Taxes.

The third one, to translate into Spanish two texts from two foreign languages chosen by the candidate. If so requested in his application, he may, by these same means, prove his knowledge of other languages.

The fourth one, to process an appeal from decision of Registrar of deeds, or to resolve a consulting on an unclear issue of Civil Law, Commercial Law, Administrative Law, Mortgage Law, Notarial Law or Civil Register.

Article 454.

A questionnaire developed with a similar extension to the programmes of the dependent Bodies of the Directorate- General shall be published in the BOE in order to complete the first and second exercise, and at the same time of the announcement.

Article 455.

The Examining Board before whom the open competition is to be performed, appointed by Ministerial Order, will include:

The Chief Director of the Registries and Notaries, as the President.

The Deputy Director.

The Dean of the Association of the Spanish Association of Property Registrars.

The Dean of the Association of Notaries Public in Madrid.

A Senior Professor in the Faculty of Law of the Central University; and

Two Official Counsels from the Directorate.

The Secretary shall be the most recent Senior Official of the Council State Member.

Two official Teachers of Languages or officers of the Foreign Office's

Language Interpreting Office may also attend for counselling regarding languages.

Article 456.

All the matters of the open competition not developed within these Regulations related to the applications of the candidates, as well as to the operation of the Examining Board, performing of the exercises or proposals of the candidates passing the exam, shall be subject to special Regulations.

Examination of merits

Article 457 to 463.

(Repealed)

Internal system

Article 464.

The distribution of the services of the Directorate-General into Sections or Departments, as well as the duties applied to its officers and everything that may be required for the proper and duly processing of those issues related to the branches of its competence, shall be made by the Ministry of Justice, upon proposal made by the Chief Director, in accordance with the legislation on each matter.

Article 465.

The staff of the Administrative Body, as well as that one belonging to the Clerk typists assistants attached to the Directorate, will preserve their rights and figure as general staff of the Ministry, and shall be subject to the Regulations of July 9th 1917.

The Chief Director will determine the administrative staff and clerk typists assistants necessary for the compliance with the services commissioned to the Directorate, and will propose the corresponding attachments to the Undersecretariat, as well as the dismissals in the Directorate due to transfer or to any other reason.

Once the personnel are attached to the Directorate, they remain subject to its system and discipline. The Directorate- General will open those disciplinary files due to offences incurred in its services.



In order to grant permits, the Directorate-General will need to consider the provisions established within the general system of the Ministry regarding conditions and time granting.

Section 2. The supervision of the registries

Central supervision

Article 466.

The higher supervising function of the Directorate-General in accordance with Article 267 of the Act shall be directly developed by the Deputy Director, who shall be considered as the Central Supervisor or, otherwise, by any of the Senior Officials of the Council of State appointed by the Chief Director. All that shall be considered notwithstanding the higher capacity of the Chief Director himself.

Article 467.

The officers in charge of such Supervision will accrue their corresponding allowances and travelling expenses and will charge it to the budget item for such purposes.

Article 468.

For certain cases, the Central Supervision, after the Section Report, may propose, and the Directorate-General accept, a special delegation in the Presidents of the Territorial Courts of Appeal, in the Spanish Association of Property Registrars or in any other Land Registry.

When that delegation goes to the Spanish Association of Property Registrars, and no express appointment to persons is made, its Executive Board will appoint the Registrars to develop it.

The delegation, in accordance with the aforementioned Article 267 of the Act, will consider in each case the necessary assignments and instructions for that purpose, and it shall notify them to the appointed persons and to the Registrar.

By the presidents of the courts of appeal

Article 469.

The Presidents of the Courts of Appeal, as permanent Supervisors of the Registries within their territory, may carry out those audits they consider necessary in order to get to know their condition and operation and to be able to report to the Directorate-General at any time.

Article 470.

The delegation referred to in Article 269 of the Act shall be made, for each certain case, in writing, and reporting it to the Registrar and to the Senior Judge or to the designated Judge.

Article 471.

As a result of their supervising, the annual report to be sent by the President to the Directorate, according to the aforementioned Article of the Act, will necessarily declare the following points with respect to each Registry within their territory.

1st The number of filing entries performed that year, specifying whether the marginal notes have been recorded within the legal deadlines.

2nd The circumstance of the filing entries appearing signed by the Registrar or whoever is legally replacing him, and if applicable, the circumstance of any not appearing signed.

3rd Any omission, failure to comply with or inner or outer defect observed in the main or auxiliary books, indexes, documents, files or in the premises of the Registry's Office, as well as those measures adopted for each case and their execution.

4th The number of documents submitted and pending registration.

5th The reports acquired with respect to the behaviour and compliance with the professional duties of the Registrars and, if applicable, of the claims received.

Half-yearly certificates**Article 472.**

The duplicate certificate that, in accordance with Article 270 of the Act, is to be submitted by the Registrars on June 30th and on December 31st every year to the President of the Court of Appeal, they will record, under their own responsibility, the condition of the Registry indicating all the data established in the first four numbers of the previous Article. In this certificate those cases when the documents are processed outside the fifteen-day term established in Article 97, shall be likewise recorded.

A copy of that certificate shall be simultaneously sent to the Directorate-General for Registries and Notaries and to the Spanish Association of Property Registrars, and the Registrar will record, by means of a separate brief, the reasons for the extension of the fifteen-day term for the processing referred to in the previous paragraph, as well as an indication of the Registrars signing the notes on the margin of the Journal, stating the dates and their capacity to sign, and any other point that might be interesting for knowing the condition of the Registry.

If no certificate is issued on the last day of the semester because this is a non-working day or due to any other legitimate cause, that reason for the delay shall be indicated and it shall be issued on the first following working day.

They will also state, as applicable, the difficulties and obstacles arising from the legislation in force to the normal operation of their Registry and the possible remedy. Remaining silent regarding those difficulties or obstacles shall be considered an offence and accordingly penalised if this means a delay for its remedy by general provisions or private decisions.



Article 473.

The Presidents of the Territorial Courts of Appeal will examine the aforementioned half-yearly certificates and return those that, to their opinion, were not properly issued, so that they are remade within fifteen days.

Article 474.

If there is any offence or irregularities in any Registry arising from the certificates or from the supervising function, the Presidents of the Courts of Appeal will adopt the necessary provisions to correct them and notify that to the Directorate-General in accordance with Article 271 of the Act.

Article 475.

The Registrar advised to correct any formality absence shall notify the President of the Court of Appeal in writing explaining having verified it, after executing it.

Article 476.

Any person who is aware of any offence, irregularity or violation incurred in any Registry, may report it in writing to the Directorate-General or to the President of the corresponding Territorial Court of Appeal, either directly or through the First- Instance Judge.

If the Directorate or the President do not deem that report pertinent, they will not need to take it into consideration; otherwise, after hearing the Registrar and, as applicable, the First-Instance Judge and the Notaries of the district will adopt the appropriate measures to find out the facts reported.

Audits

Article 477.

The Chief Director, whenever he deems it convenient and at the request of the Central Supervision or not, may agree audits to the Land Registries.

Article 478.

The Presidents of the Courts of Appeal will necessarily carry out audits:

- 1st Whenever the Directorate-General orders it.
- 2nd If there are any news of any serious event incurred in any Registry within their territory, and immediately notifying the Directorate.

Article 479.

Regardless the officer carrying out the audit, he shall be accompanied by a Secretary proposed by him.

Article 480.

When agreeing carrying out an audit, it shall be recorded whether general or special, and in the first case, also the period of time to cover, and in the second one, those

books and documents to be examined or other details to supervise if appropriate, as well as the steps to carry it out.

Consultations

Article 481.

Whenever the Registrar consults, in accordance with Article 273 of the Act, any question preventing to perform any entry, he will record a caveat according to number 9 of Article 42 of that same Act, which will subsist until the Registrar is notified of the decision upon that consultation. This caveat will not imply any fee.

TITLE XI
**Land Registries' districts and appointment,
qualifications and duties of the Registrars**

Section 1. Registries' districts

Districts

Article 482.

The establishment or elimination of Land Registries shall be agreed by the Ministry of Justice, at the proposal of the Directorate-General for Registries and Notaries and after a file which will include statistics and reports reviewed by the Local Authorities, Land Registries, Notaries Public, First-Instance Judges, the President of the Territorial Court of Appeal and the Spanish Association of Property Registrars. Moreover, public information may be opened in the affected municipalities. The decision shall be adopted by Decree and agreed in the Council of Ministers, after hearing the Council of State.

Article 483.

The alterations to the territorial district of the Registries referred to in the last paragraph of Article 275 of the Act, and the capitalization change, shall be performed by means of a similar file to the one regulated by the previous Article, whose decision shall be made as a Ministerial Order.

Article 484.

Once the alteration of the territorial district of the Registries is decided, whether by establishment or elimination of them or by segregation of the whole or part of a municipality, it shall be carried out within the deadline settled by the Directorate, by the interested Registrars, and recording the appropriate closing procedure in the books to be transferred, as well as compiling an inventory in two counterparts of those books, of the indexes, files and documents, which shall be signed by the holders submitting and in charge of them, and one counterpart shall be kept in the office.

Once the deadline referred to in the previous paragraph is expired, the Registry shall be automatically closed for the operations over properties corresponding to the territorial district of the new Registry.

The transfer of entries included in books not handed over shall be made by certificates as the operations in the Registry require it.

However, regarding Registries with the same capitalization, those transfers may be made to the new books following the same steps as for the segregations, taking the necessary circumstances serving as base for the registration to be performed from the old books, and with a reference to the registration, volume and folio where they come from, and stating the total description and in force of the properties according to the Registry, the list of circumstances for charges, encumbrances, conditions and restrictions of any kind which the property might be subject to, and the acquisition deed of the transferor, with an indication of the Notary Public or authorising officer, and the time and date of its filing in the Registry. The rest of regulatory circumstances for the deed to be registered shall be then recorded.

The first transfer registration shall be signed by both holders. The signature of the Registrar keeping the old books will exclusively certify that the data transferred match exactly and completely the legal status of their property, and he will thereby record, following the last registration, a brief closing procedure stating the section, volume, book, folio, number of the property and registration to which this is transferred. No other operation may be verified in the old folio after that procedure but those notes to be recorded on the margin of the entries performed in it.

If, due to the transfer of books there is a need to alter the general numeration of the volumes corresponding to the Registries, they shall be arbitrarily corrected and this shall be stated in the certificate, and one of its counterparts shall be kept in the Registry and the other shall be sent to the Directorate-General. When the transfer of the books and documents is finished, the Registrar will publish the date for the corresponding operations to the transferred properties to be verified in the Registry in the bulletin boards of the towns affected by the transfer, as well as in the usual places. Questions and difficulties shall be decided upon by the Directorate-General after the Registrar's report.

Article 485.

The internal system of the Registries carried out by two Registrars, in the case of the second paragraph of Article 275 of the Act, shall be subject to the following rules:

- a) The authorization of the entries in the operations' Journal shall be assigned to each Registrar for a period of time previously settled in writing. If there is no such agreement they will verify it according calendar months and assigning the uneven months to the oldest officer.
- b) The classification and processing of the documents submitted as well as the issuing of certificates shall be assigned to each Registrar as agreed in writing. If no agreement is reached, a draw shall be carried out every day after the official hours to submit the documents in order to determine which Registrar will classify and process the unevenly-numbered submitted deeds; the other Registrar shall be in charge of the rest. Also through another draw, taking place immediately after the first one, it shall be decided on which Registrar will authorise the certificates, and for that exclusive purpose each application or order shall be numbered at the moment of entering the office. In the case of regulatory incompatibility for the classification, this function shall be verified by the other Registrar.



- c) Whenever the Registrar classifying observes any defect preventing the performance of the requested operation, he shall notify the other Registrar by means of a brief, and he will pass him the documentation. If this one deems the operation appropriate, he will perform it, under his own responsibility, and without altering the turns.
- d) The Registrar classifying a deed shall be continuously notified of any other incident, operation, appeal or complaint taking place with respect to it, and he will sign the entries and annotations arising from it.
- e) Every Registrar will regulate, under his own responsibility, the fees for the operations carried out by him.
- f) All the fees monthly perceived shall be used for a fund and the following costs shall be deducted from it: the total amount of their taxes and charges, contributions to the Mutuality, social insurances and whatever costs arising from the service, both from personnel or material reasons, house and other concepts. The surplus shall be divided into two by both Registrars.
- g) The training of the auxiliary staff of the Registry and the designation of those fees assigned to their revenue shall be in compliance with the provisions in the Organic Regulations of that staff and by common agreement between both Registrars. If there is any discrepancy between them, their respective proposals shall be raised to the Board of the Spanish Association of Property Registrars, who shall deliver a final decision.
- h) All the assignments and capacities received by the Spanish Mortgage Act and its Regulations to the Property Registrars regarding the internal system of the office, security and custody of the file, opening hours to the public and, in general, whatever not directly referring to the classification and processing shall be completely assigned to the oldest Registrar to whom also the duties related with all these same matters shall be assigned, imposed by the Spanish Mortgage Act and the Regulations.
He will likewise assume the capacities and duties that, with respect to the auxiliary staff and to the Mutuality of the Property Registrars and their auxiliary staff, the Regulations of the latter and of the Spanish Association of Property Registrars assign to the Registrars.
- i) The Registrars will replace each other in their absences and illnesses, and they shall be responsible for the acts and operations performed when replacing the other.
Whenever any of the Registrars resigns from his office, the vacancy shall be provisionally occupied in accordance with Articles 490 and 495.
- j) The processing of the Company's Registration Office and the other services commissioned to the Registrars shall be adjusted to the previous rules.

Article 486.

When a Registry kept by two Registrars is physically divided, the oldest one shall be entitled to choose and he shall notify this to the Directorate, within fifteen days, and for the appropriate purposes. The most recent one will continue keeping the non-chosen

Registry, although he shall be entitled to apply for the other through examination, without the restriction established in Article 497.

Article 487.

In towns with several Registries, these shall be established, as far as possible, in the same building or adjoining ones.

Article 488.

The offices transfer will take place when the Registrars, due to extraordinary reasons, cannot physically develop their duties or if, in order to execute them, they need to acknowledge as legitimate acts officers or documents imposed by illegitimate authorities. The Registrars, depending on the urgency and circumstances of the case, shall notify the Directorate-General and will follow their instructions regarding the steps to transfer and the place where the Registry is to be transferred, if they do not match with the measures provisionally taken.

Section 2. Appointments, qualifications and duties of the registrars

Vacancies provision

Article 489.

The Registries shall be vacant due to death, retirement, leave, resignation, voluntary or forced transfer and dismissal of the Registrar working there and they shall be provided: firstly provisionally and then permanently, in accordance with the provisions within these Regulations.

A. Temporary Offices

Article 490.

Those vacancies that, due to any reason, take place in all Registries, shall be occupied, when having been previously occupied by Registrars belonging to the last third of the career ladder at the time of that vacancy taking place, firstly and in order, by those Candidates without position, and otherwise, by the appropriate Registrars according to the panel of substitutes approved by the Directorate-General.

The appointment of a provisional Registrar shall be made, in each case, in the order resulting from the candidates' list or from the corresponding Registrars' slate of the panel of substitutes, and otherwise, a Registrar outside the panel shall be appointed.

In the cases of establishing a Registry due to division or segregation of another one, its effectiveness will not take place until the entry to office of the Registrar appointed as permanent.

Article 491.

If those Registrars appointed to provisionally occupy the vacancy in a Registry, in accordance with the panel of substitutions, cannot verify that according to a reasonable cause, the Directorate will freely appoint a permanent Registrar to be in charge of that provisional office.

**Article 492.**

The permanent Registrars causing a vacancy will not resign from their Registry until verifying the handing over to the Registrar to provisionally occupy the office. The Directorate-General shall notify the latter his entry to the provisional office by telegraph on the same date they are notified. The impossibility for being transferred to the Registry whose office is to provisionally occupy due to reasonable causes or due to any other reason, shall be notified by the Registrar to the Directorate-General, within twenty-four hours following the reception of the telegraph. The entry to office shall be verified by the third day following the date receiving the telegraph, but for those Registries located outside the Peninsula, to which that deadline is extended to ten days.

Once the aforementioned terms are over, if it is not possible to comply with what was previously ordered, as well as in the cases of death of the person to provisionally occupy the office or any other extraordinary reason, the Registrar resigning shall notify the Directorate-General by telematic or telegraphic means, who will decide whatever appropriate depending on the service's needs.

Article 493.

The provisional Registrar may execute the capacity provided in Article 292 of the Spanish Mortgage Act, and therefore the person who, according to that Article was appointed by the former Registrar shall be dismissed from his entry to office.

Article 494.

The provisional Registrar shall be considered to be in a legal situation whenever in charge of the Registry where they serve permanently or provisionally.

The provisional office will terminate when the new permanent Registrar enters the office and they will necessarily return to the Registry where they were permanently serving within the three days following the resigning, or within ten days when dealing with offices outside the Peninsula.

If the provisional Registrar resigns in the Registry where he is the permanent Registrar, he will only resign of that provisional office when the Directorate-General shall order so.

Article 495.

Those Registrars retired due to their age will continue, unless express resignation, in charge of their offices until the new Registrar enters the office, and with the same rights and duties than the permanent Registrars. However, they shall be considered as provisional ones with respect to the Mutuality whenever two months from the date entering their retirement date are over. The vacancies shall be considered taking place, for the purposes of accruing passive pensions and for all the legal ones, on the same date as the retirement.

B) Permanent offices

Article 496.

The Directorate-General will keep a book for recording the vacancies taking place and which are to be provided as permanent offices.

The vacancy's date shall be considered that of the appointment for another Registry of the Registrar serving in the first one, in case of transfer; that of the corresponding orders, in the cases of retirement, leave, resignation, forced transfer and separation, and that of the date when the Directorate-General is notified of the permanent Registrar's death, if the vacancy takes place due to this reason.

Article 497.

The providing of the Registries to be made according to Article 284 of the Act, shall be carried out through a competition, opened by the Directorate-General, and including in each of them the vacancies resulting from the previous one or taking place until the preceding date to the announcement of the competition concerned.

In order to take part in the competition, a year from the date of the entry to office in the Registry served by the applicant will necessarily be over.

However, those permanent Registrars of Registries eliminated or whose territorial district is been altered, may take part in the competition without such restriction.

The candidates to Registrars entering the Body may apply for vacancies in the competition after their first appointment as permanent Registrars, even though that year from their entry to their office is not yet over. Nevertheless, they shall be subject to the restriction established in the second paragraph of that Article in successive appointments as permanent Registrars.

Article 498.

The competition announcement referred to in the previous Article shall be published in the BOE and Registrars wishing to occupy those vacancies shall be thereby called, so that they can apply for them within fifteen calendar days from the date following the announcement publication's, by means of an application addressed to the Minister of Justice through the Directorate-General, and specifying the vacancies they wish and their priority order, as well as stating the date of their entry to their offices in the Registry they are serving. If the application does not include all those requirements or they are inaccurate, it shall be considered as non- submitted. The applications will enter the Directorate-General before 2 p.m. on the date the deadline ends, and once they are submitted, the requests thereby stated may not be desisted from, neither be altered. If that date is a non-working day, the deadline shall be considered extended until the first working day, at the time thereby established.

The permanent Registrars of those Registries located outside the Peninsula may take part in the competitions by telegrams, and ratifying their petition at request within the following three days. And otherwise, and being this not ratified, they will accept the construction of whatever defect contained within those telegrams.



The applications and telegraphs received in the Directorate-General after the time indicated in the first paragraph of this Article shall be considered as non-submitted, regardless the reason for such delay.

Article 499.

The permanent Registrars of Registries located outside the Peninsula may appoint, by a notification sent to the Directorate-General, a representative making the requests referred to in the previous Article on their behalf, and that representation shall be accepted in the successive competitions, unless otherwise notified to the Directorate.

Article 500.

The list of candidates shall be published on the bulletin boards of the Directorate-General within the five days following the end of the call's deadline. The decision upon the competition shall be immediately notified to the competent bodies of the Autonomous Government with capacities, as applicable, for those appointments. Those being competence of the Directorate-General shall be made within the twenty days following the end of the call's deadline.

Article 501.

The appointments shall be made in favour of the oldest Registrar of the applicants. The seniority in the Body shall be determined by the number assigned to each Registrar within their career ladder.

Article 502.

Within the ten days following that date of the signing of the last appointments by the competent Autonomous Government, the Directorate-General will call for a new competition for the providing of the vacancies, so that at least four competitions taking place every year shall be guaranteed.

Article 503.

The candidates shall be appointed permanent Registrars in those vacancies successively occurring and not corresponding to effective Registrars, in the same order as they were numbered by the Court taking the census.

In case of more than one vacancy, they shall be announced for ten days in the bulletin boards of the Directorate-General, so that the applicants to enter shall declare their preference with respect to them, and if not doing so within the indicated deadline or the requested vacancies do not correspond to them, the Ministry of Justice will freely appoint the Registry to be occupied by each among all of them.

The announcement shall not be needed if the priority order with respect to the vacancies to be provided is established in the Directorate in writing.

If any candidate cannot be appointed as a Registrar due to any reason established in Article 280 of the Act, he will miss the turn and his right shall be reserved until the reason for preventing that appointment concludes.

Entering the body

Article 504.

In order to enter the Body of Property and Mercantile Registrars, it shall be first necessary to be included in the Body of Candidates through free public entrance examination.

The tender will made every two years by an Order published in the 'Official State Journal', in order to provide ten more positions to the existing vacancies and those resulting from the retirements in the two subsequent years, discounting, as applicable, the number of candidates to be positioned, and without exceeding the maximum limit established in Article 277 of the Spanish Mortgage Act.

Whenever existing 50 vacancies reserved for the Body of Candidates and no candidate is to be positioned, a competition in order to cover those positions may be announced at any time.

The announcement will state:

1. The number of positions announced.
2. The conditions or requirements to fulfil by the candidates; the members of the Examining Board or Boards, as applicable; the exercises to take place, and the system or way to qualify. All this shall be stated with respect to these Regulations.
3. A reference to the programme regulating the two first exercises of the competition.
4. The fee applied to the right to sit the exam.
5. The possibility that different Examining Boards identified by correlative numbers act within the same competition, if so deemed pertinent by the Directorate-General, depending on the number of admitted candidates.
6. The deadline for submitting the applications.

In order to take part in such open competition, the following shall be required: Being of Spanish nationality, of legal age and holding a Bachelor of Laws Degree or having passed all the matters of such degree, not being included in any of the disqualification causes established in Article 280 of the Spanish Mortgage Act, and not having been dismissed from civil service in any of the Public Administrations by a final court's decision as a consequence of a disciplinary hearing.

The applications shall be addressed to the Directorate-General for Registries and Notaries within thirty working days from the date following that when the announcement was published in the 'Official State Journal'. Such deadline will in no case be subject to any extension

The applicants shall declare meeting every condition required in the fourth paragraph of this Article, referred to the deadline expiry indicated for the submission of applications, and all those shall be explicitly and clearly stated in their applications.

The application shall be accompanied by the receipt of having paid the fees for the right to sit the exam determined in the announcement.

**Article 505.**

Once the deadline for submitting the applications is concluded, the Directorate-General for Registries and Notaries will publish a list of admitted and excluded candidates in the 'Official State Journal', indicating place and date for the draw to take place in an open meeting and under the presidency of the Chief Director or the Deputy Chief Director of the Notaries and Registries on his behalf, or whoever replaces him.

After verifying the draw, the list or lists of candidates shall be compiled in the order to be called to act, and it shall be made public within the following three days in the bulletin boards of the Directorate-General for Registries and Notaries and the premises where the exercises are to take place.

The examining board or each of the examining boards will consist of a President, a Secretary and five Members appointed by an Order delivered at the proposal of the Directorate-General within the fifteen days following the announcement of the admitted list and the list shall be published in the 'Official State Journal'.

The President shall be the Chief Director of the Notaries and Registries, or a Registrar or Notary Public attached to that organism, or the Dean or any other member of the Governing Board of the Spanish Association of Property and Mercantile Registrars.

If the Chief Director or a Registrar or Notary Public attached to the Directorate-General presides, the Secretary shall be a member of the Governing Board of the Spanish Association of Property Registrars; and when presiding a member of the Governing Board of the Spanish Association of Property Registrars, the Secretary shall be a Registrar or a Notary Public attached to the Directorate-General.

The Members shall be: A University Senior or Head Professor, currently working or enjoying a leave, teaching Civil Law, Commercial Law, Tax and Finance Law, Roman Law, Private International Law, Procedural Law or Administrative Law; a member of the Professional Prosecutor classified as a Senior Judge belonging to the civil jurisdiction order; a Notary Public; an Official of the Council of State or a Treasury Counsel, and a Registrar.

Whenever the President or the Secretary is absent, the Registrar Member will replace him. The position of Member is inalienable, unless there is a reasonable reason duly proved.

The examining board or boards shall be constituted within the month following the publication of their appointment in the 'Official State Journal' and will agree the place and date to begin the first exercise. That agreement shall be published in the 'Official State Journal' at least one month in advance.

From the draw to the beginning of the first exercise there shall be, at least, one month in between. And the time covering the announcement and the beginning of the exercises will not exceed eight months.

Relatives belonging to the fourth degree of consanguinity or to the second of affinity of any of the candidates, neither those having such kinship with each other may not take part of the examining board. For such purposes, the day of the examining board or

boards constitution, each of the members will officially declare, and state in the certificate, that he is not incurring incompatibility.

In case of multiple examining boards, each of them will provide the same number of announced positions; in case of surplus, the excess position or positions shall be successively assigned to different examining boards.

In the previous case, a number of candidates proportional to the number of positions to provide will act before each examining board, and the appropriate rounding up shall be accordingly made.

The examining board or boards may not be constituted, neither act without the President's or the Secretary's presence and, in any case, without the assistance of five of their members.

Article 506.

The open competition's exercises shall be four:

In the first one, candidates will answer verbally and within a maximum of an hour, five questions drawn at random from the ones compiled in the programme mentioned in the announcement and regarding the following matters: three on Civil Law, Common Law, and Local Law (one for each part into which the programme was divided); one on Commercial Law, and one on Administrative or Procedural Law.

In the second exercise, candidates will answer verbally and within a maximum of an hour, five questions drawn at random from the same programme and regarding the following matters: three on Mortgage Law (one for each part into which the programme was divided); one on Tax Law and another on Notarial Law.

In both cases, the presentation structure shall be adjusted to the one established in the programme and the questions drawn shall be balloted again when this is finished.

The aforementioned programme shall be reviewed by the Directorate-General when so deemed necessary and in a hearing by the Spanish Association of Property and Mercantile Registrars.

The candidate shall have a five-minute period only before starting the presentation of the questions in order to think about them and take notes in writing, if he wishes so.

The examining board will not warn, neither will question the candidates on the matters of the exercise. The President is to settle the time for the beginning and closing of the exercise, and he will warn the candidate, only once, and fifteen minutes in advance, of the time for him to finish. He may also require being accurate regarding the question, avoiding inappropriate digressions, and comply with the provisions in these Regulations related to the performance of those exercises.

The candidate may be excluded in the first and second exercises, once the first half an hour of the exercise is over, if the examining board agree, by unanimous decision, that he has insufficiently explained it to obtain the pass.

In the third exercise, candidates will classify a document and draft a report arguing a note, within a maximum of six hours.



In the fourth exercise, candidates will perform the appropriate operations of liquidation and register for a document to be registered or annotated, or for the registration or annotation to be rejected or postponed, within a maximum of six hours.

The written exercises shall be performed on the date settled by the examining board or boards by common agreement on the document, and this shall be kept secret and drafted on the same designated date for the performance of the respective exercise by the examining board or otherwise, examining boards jointly.

The candidates cannot consult anything but the non-commented legal texts allowed by the examining board and provided by themselves for the performance of those written exercises.

Once the exercises are concluded, the candidates will sign them and hand them over to the member of the examining board present inside a close envelope, also signed by them.

On the date designated by the examining board the candidates will personally read their works, after opening the envelope before the examining board. And if, due to any reason justified before it, they do not appear, these shall be read by another candidate designated by them or by the examining board and, otherwise, by a Member designated by the President.

The examining board will announce, at least twenty-four hours in advance, and in the strict order of the draw list, unless for the provisions in the previous paragraph, the candidates that may be called to act each day.

The candidates not appearing at the first call of the two first exercises shall be called again after the last one of the list according to their number thereby and, if when called this second time, they do not appear, they shall be finally excluded from the open competition.

The candidate not appearing neither to the first or to the second call of the first or second exercises, or to the performance of the third and fourth exercises when corresponding, shall be removed from the open competition regardless the reason he justifies for such non-appearance. For the third and fourth exercises there shall be no second call.

The exercises may not be postponed, once started, for a period longer than fifteen calendar days, but with a reasonable reason approved by the Directorate-General.

From the conclusion of the first exercise to the beginning of the second one there shall be a minimum period of thirty calendar days in between. From the conclusion of the second exercise and the beginning of the third one, the minimum period shall be of fifteen days in between, and from the conclusion of the third one to the beginning of the fourth one there shall be a period not shorter than twenty-four hours, nor longer than eight calendar days in between.

All the exercises of the open competition shall be qualifying. The qualifications of the candidates shall be as follows:

The proficiency declaration to pass from one exercise to another and the pass of the last one require obtaining the majority of favourable votes from the examining board. In case of a tie vote, the President will decide.

Once the majority is obtained, the qualifications shall be fixed excluding the highest and lowest marking and dividing the total points of the candidate by the number of members constituting the examining board and whose votes were not excluded; the quotient shall be the result.

In the two first exercises, each of the members of the examining board may award from one to six points per matter, and in the third and fourth exercises, a maximum of 20 points per exercise.

The minimum marking of the passed candidate in the two first exercises shall be of 15 points, and in the third and fourth ones, of 12 points.

Any candidate not answering any question from the two first exercises shall be excluded from the open competition, regardless the reason.

The marking shall be made, when dealing with the two first exercises, at the end of each session and in the third and fourth exercises, on that same date or the following day in which the reading of the last candidate concludes. The marking shall be then made public, stating the number of points obtained by each candidate, without mentioning those of the candidates having been declared non-proficient in the exercises.

All the doubts and questions arising during the performance of the open competition's exercises or on their marking, shall be decided with enforceability by the examining board and by the majority of votes verbally uttered, and in case of a tie vote, the President will decide upon.

The acts of the examining board may be contested by the interested parties in the cases and following the steps established in the administrative legislation.

Article 507.

Once the last exercise is concluded, the examining board or, as applicable, each examining board, will compile the list of candidates who have passed following their qualification order, that same day or the following one, and considering the number of points obtained by each candidate in the four exercises. In case of identical marking, the tie vote shall be decided by the examining board voting, and with the decision-making vote of the President, as applicable, and considering the total judgement of all the candidates' performance according to them.

The final list of candidates who have passed, signed by every member of the examining board, shall be submitted to the Directorate-General for Registries and Notaries.

A copy of that list authorised by the Secretary of the examining board or, as applicable, by the respective examining boards and with their President's approval, declaring the total amount of points of each candidate passed shall be made public in the premises where the open competition took place, and an identical copy of it shall be submitted



to the Directorate-General for Registries and Notaries within three days and accompanied by the exercises and files of the candidates passed.

The certificates and acts of the examining board shall be signed by the President and Secretary, and at the end of the open competition, they shall be submitted together with the candidates who have passed list to the Directorate-General.

The number of candidates who have passed will not in any case exceed the number of the positions announced. Therefore, only those candidates resulting better qualified according to the previous rules and which are within the limit of positions declared, shall be included in the list of candidates who have passed. In case of several examining boards, the number of candidates passed by each of them will not exceed the number of positions assigned to each of them.

Likewise, in case of multiple examining boards, once the Directorate-General has received the documentation referred to in this Article, a draw shall be verified within the subsequent ten days in order to determine, for the mere purposes of ordering them in their career ladder and without taking into account their marking, how to order in the joint list those candidates figuring as number 1 in their respective lists of candidates who have passed.

Once the first places of such list are obtained, the rest of it shall be compiled by alternatively inserting the successive numbers of the candidates who have passed list, and in the same order as the referred to in the previous paragraph. This draw shall be public and will need to be announced three days in advance in the bulletin boards of the Directorate-General; it will take place under the presidency of the Chief Director or whoever replacing him, and a Notary Public or a Registrar attached to the Directorate will act as the Secretary.

The result of that draw shall be made public in the 'Official State Journal' simultaneously to the list or lists of candidates who have passed.

Article 508.

The following documents, if not accompanying the application requesting to take part in the open competition, shall be submitted to the Directorate-General for Registries and Notaries by the candidates who have passed and within the thirty working days subsequent to the end of the competition.

1st National Identity Number Card or a transcript of it.

2nd Original certificate of Bachelor or Doctor of Laws or a literal transcript of it.

3rd Certificate from the Central Registry of Criminal Records proving not having been penalised and therefore disqualified for exercising public duties.

4th Statement of the applicant of not being within any of the incompatibility reasons established in Article 280 of the Spanish Mortgage Act (RCL 1946\342, 886 and NDL 9687).

5th Medical certificate proving not having any physical impairment for exercising the position of Registrar.

The certificates referred to in the 3rd and 5th numbers shall be issued within the three months prior to the date concluding the deadline for submitting the documents.

Those candidates who have passed in the condition of public officers shall be exempt from justifying by documents the conditions and requirements already proved in order to obtain their previous appointment, and they will submit the certificate from the Ministry or Organism depending on, in order to prove their condition and as many circumstances as stated in their service record.

The failure to submit the documents within the indicated deadline, the lack of truthfulness in the statement of the 4th number and the failure to meet the conditions required will determine the non-effectiveness of their appointment, and this will result in the cancellation of all their acts, notwithstanding the responsibilities incurred due to forgery in their application.

Once the documentation is completed, the Body of Candidates to the Registries shall be constituted with those candidates appearing in the list of candidates who have passed, in the same order established thereby, and provided that they meet the requirements and have provided the appropriate documents. The Order approving the proposal of the Body of Candidates shall be published in the "Official State Journal".

Incompatibilities

Article 509.

In order to be appointed Property Registrar meeting the capacity conditions required in Article 279 of the Act and not being within the disqualifying or incompatibility causes established in Articles 280 and 281 of that same Act shall be required. For that purpose, the Candidate, once the vacancy that he might be entitled to occurs, will submit the affidavit declaring not meeting those causes to the Directorate, and the appointment shall not be made without this requirement.

Article 510.

Apart from the causes referred to in the previous Article, the Registrar's kinship within the second degree of consanguinity or affinity with the only Notary Public in the district will also be an incompatibility reason.

Article 511.

The effective Registrar meeting any of the incompatibility causes shall notify the Directorate-General within fifteen days from the entry to office in the Registry, and this will open a disciplinary file in order to properly decide upon. The Presidents of the Courts of Appeal, when knowing about the existence of any incompatibility, shall notify it to the Directorate-General.

Once the incompatibility is declared by Ministerial Order, the interested party shall be called so that he declares, if not having done so, and within fifteen days, whether he chooses the Registry or the incompatibility position or job, and will warn him that, in case of not verifying it, he shall be considered choosing the aforementioned position or job.



In case of the incompatibility established in the previous Article, the Registrar shall be forced to enjoy a leave if his appointment is subsequent to the incompatible Notary Public's, notwithstanding that he will also be officially disciplined in case of having taking part in the competition when knowing such incompatibility. In case of being the Notary Public the one subsequently appointed, the notarial legislation will apply.

The Registrar's position shall be compatible with the teaching in the same place of residence when this is notified to the Directorate-General so that it issues the rules required by the public service.

Article 512.

Once the incompatibility is declared, the Registrar shall be enjoying a leave for a period not shorter than one year, unless the application of the provision in the previous Article and in 541, and he may then return to the active service, if so requested by him, in accordance with Article 287 of the Act. The Registry shall be vacant, although until the provisional Registrar entries to office, the Registrar will continue serving there, notwithstanding the responsibilities occurring in the case of not having properly notified the Directorate-General of the incompatibility cause.

Appointment and entry to office

Article 513.

The Registrars' appointment shall be made by Ministerial Order published in the BOE and stating the legal provision on which that appointment is based, and if the appointed person belongs to the Body of Candidates to the Registry, also its number within his Career Ladder.

The Order shall be submitted to the President of the Court of Appeal in charge of the Registry in which the Registrar's termination occurs and, as applicable, to the Court of Appeal in charge of the Registry for which he is appointed.

Article 514.

The appointment Order shall be also notified to the interested party. Whenever this person enters the Body or is promoted within the personal rating, the corresponding certificate shall be issued for him.

Article 515.

Once the corresponding deposit is constituted, the candidates will take an oath or promise declaring to faithfully comply with the duties of the Registrar position and with loyalty to the Spanish King and to safeguard and make safeguard the Spanish Constitution as the fundamental rule of the State. A record of that declaration shall be kept in order to submit it to the Directorate-General as well as to record it in the respective personal files.

Once the oath or promise is taken by the candidates according to the provisions in the previous paragraph, they will acquire the nature of Registrars for the purposes of provisionally develop their duties as Registrars.

After the competition or competitions for the provision of permanent positions for the candidates to the Registries, that date on which the Directorate-General for Registries and Notaries decides upon such competition or competitions, within the scope of their competence, shall be taken for the purposes of the career ladder. This date shall be stated in the publication of the “Official State Journal” of the results of that competition or competitions.

Article 516.

The Registrars will entry their offices within the twenty days following the appointment date, or otherwise, their termination in their previous assignment, with the obligation, in case of not having the sufficient deposit constituted in advance, of depositing one fourth of the fees until its completion.

The aforementioned deadline may be extended twenty days longer by the Directorate-General in virtue of a reasonable reason.

Regarding Registrars serving in Registries outside the peninsula or appointed to any of those, that deadline shall be of forty days and the extension may also be of forty days longer.

In order for the Registrars’ entry to office to be verified, their appointment by means of the publication of the Order in the BOE or by exhibiting the transfer of such Order personally shall be enough.

Article 517.

Those Registrars that, without a reasonable reason, do not entry their offices in their assignment within the deadlines indicated in the previous Article, shall be considered rejecting the Career, and they will lose their rights acquired in the competition, if Candidates, and shall be excluded from the Body of Registrars, if permanent ones.

However, after the appropriate disciplinary file opened by the Directorate, they may be rehabilitated if the Minister of Justice deems it pertinent.

Article 518.

The person in charge of the Registry will vest the appointed permanent or provisional Registrar and will hand over the books and documents compiling the Record to him, by means of an inventory with the appropriate procedure and signed by both officers.

A record of the entry to office shall be kept, also signed by both Registrars.

In that record the appointed Registrar will state not incurring in any disqualifying of incompatibility cause.

The original record and a copy of it shall be respectively submitted to the Directorate-General and to the President of the Court of Appeal within three days, and any delay in the compliance with this liability shall be officially disciplined.

Another copy of it shall be kept in the Registry.



Career ladder

Article 519.

The career ladder of the Body shall be composed by all the active Registrars and those enjoying an extended leave of absence, with respect to the date when they were appointed, provided that their entry to office took place within the deadline established for that or within its extension, and it shall be subject to its publication by the Directorate-General for Registries and Notaries every year.

The interested parties may claim, at any time, any defect contained in the career ladder; however, such claim, if considered, shall not be effective but when filed, unless when otherwise decided upon it because of its special circumstances.

Deposits

Article 520.

For the purposes of Article 282 of the Act, the Spanish Association of Property Registrars may constitute a joint deposit replacing the individualities of the Registrars and guaranteeing the liabilities assumed by them when exercising their positions. The deposit shall be constituted in government securities in the "Caja General de Depósitos" (Spanish Government Depositary), at the disposal of the Directorate-General for Registries and Notaries.

The deposit will only be attached by the Courts of Justice after declaring having incurred in the aforementioned liability, according to its register nature, by the Directorate-General.

The Directorate, at the proposal of the Board of the Association, will issue, as applicable, the appropriate provisions in order to constitute such joint deposit and the cancellation of the personal ones constituted.

Article 521.

The Registrars entering the Body or needing to expand the deposit due to having acquired a higher category, will submit the documents certifying having constituted the deposit for the approval in the Directorate-General, or they shall notify the Directorate their choice to make use of the right granted by Article 282 of the Act, and all this within thirty days from the date following the appointment or the publication of the Career Ladder where the category promotion is stated, and those days may be extended by fifteen days longer due to a reasonable reason. Once that deadline or the extension, as applicable, is over and the deposit or its expansion is not bailed, the steps to constitute it established in the aforementioned Article shall be considered to have been carried out.

Article 522.

The Registrars will constitute the abovementioned deposits following the steps and within the period of time they deem convenient as far as when submitting the duplicate certificate ordered by Article 270 of the Act to the Presidents of the Courts of Appeal the last day of every semester, they will thereby state the instalments paid and that

these mean one fourth of the fees accrued from the entry to office or from the previous certificate until ten days before the aforementioned certificate, once a third part from those fees due to expenses and taxes is deducted.

Once the part of the fees deposited by the Registrar is considered enough to cover the indicated amount for his position's deposit, this shall be constituted with such amount as ordinary and the liability to make new deposits will stop.

Article 523.

The deposit required to the Property Registrars may be cash, government securities or properties, upon the wish of the interested party.

Government securities shall be Treasury Securities, Government Bonds and any other that, by means of special or general provisions of the Government, are admissible in order to guarantee bonds in favour of the State.

Those government securities provided as a deposit shall be admitted only by the highest price published obtained by them, according to the last official quotation known, on the date when the deposit is constituted, unless if by means of express legal provision are to be admitted by all their face value.

Article 524.

The cash deposit or government securities shall be constituted in the "Caja General de Depósitos" (Spanish Government Depositary) or in legally authorised establishments for such purposes, as the necessary deposit and with the following indication:

"Fianza que presta don ... para responder de su gestión como Registrador de la Propiedad, a disposición del ilustrísimo señor Director general de los Registros y del Notariado." (Deposit bailed by ... in order to take responsibility as Property Registrar, at the disposal of the Honourable Chief Director of the Registries and Notaries.).

Article 525.

The deposit under warranty of properties shall be bailed by means of a public deed and mortgage granted by the owner of the property by the corresponding amount and one 50 per cent more for the costs and expenses, as applicable. There shall be stated that it is at the disposal of the Directorate-General for Registries and Notaries in order for it to be liable for the appropriate exercising of the Registrar's position.

Once the deed is granted, it shall be submitted to the Land Registry for its registration.

Article 526.

After the cash or government securities are bailed, the Registrar will submit the receipt of such deposit, a copy of it and, as applicable, the last official quotation to the Directorate-General, and it shall be returned to the interested parties after being collated by the Department.

If the deposit is bailed under warranty of properties, the Registrar will submit the mortgage deed, a certificate relating to charges issued with a date subsequent to its registration, and another certificate, issued by the Cadastral Office, by the Tax



Registration Office or by the Secretariat of the corresponding City Council, stating the rent estimated for the mortgaged property in the last five-year period.

Article 527.

The Directorate-General, taking into consideration the amount of the corresponding deposit, will examine the respective documents and will issue a decision, either approving or admitting it, or declaring it non-admissible; nevertheless, in this case the defect shall be recorded. The decision shall be notified to the interested party within the three days following its date and may be appealed against before the Minister of Justice, correct the defect annotated or bail a new deposit within fifteen days from the notification.

Article 528.

In order to approve the mortgage deposit it shall be essential that, once the annual rent produced by the property is capitalised by 3 per cent, according to the certificate mentioned in Article 526, it obtain a sales value exceeding the double of the amount representing all the charges over it, even that of the new deposit.

Article 529.

Once the deposit or the increase is approved, as applicable, or the establishment in which one fourth of the fees is to be deposited is determined, the Directorate-General shall notify the President of the Court of Appeal and the interested party, and will submit the deed to him when appropriate, in order for him to record the "So ordered" and notify the Registrar in order for him or any other authorised person to collect it, after the corresponding reimbursement.

Article 530.

The Property Registrars may replace, at any time, their respective deposits with another indicated in Article 523 and they will request so to the Directorate-General. The Directorate will not issue the Order to return or cancel the replaced deposit without approving a new one.

Article 531.

The period to return the deposit will start from the date when the interested party stops exercising the Registrar's position.

Article 532.

The Registrar's deposit will only be subject to those liabilities incurred when exercising his position, and it will only be accordingly attached by the Courts of Justice, prior their declaration of those liabilities and their Register nature by the Directorate-General.

Article 533.

In order to have the deposit returned, the interested party or his heirs will apply for it to the First-Instance Judge in the circumscription of the last Registry where he was serving, in order for him to open a file announcing the return by means of public notices, so that any party holding any act to be deducted against the Registrar can

submit the appropriate claim within three months starting from the publication day. The public notices shall be inserted by court resolution in the BOE and in the “Official Gazette” of the province to which the last served Registry corresponds, and there shall be stated all the Registries served by the Registrar.

After meeting all these requirements, the Judge will submit the file for the appropriate decision to the Directorate-General, accompanied by the claims raised or declaring, as applicable, not having made any.

After fifteen years starting from the date of the position termination, the Directorate-General will agree the return of that deposit without any further procedure, in case of no statement thereby of any claim.

Article 534.

Once the return of the deposit is agreed by the Directorate-General, it shall notify it to the “Caja General de Depósitos” (Spanish Government Depositary) or Establishment where it was deposited for the delivery of its effects or cash, depending on its constitution, to its owner. In case of a mortgage deposit, the cancellation of the corresponding registration shall be ordered, and the transfer of the Order shall be handed over to the interested party as well as the first copy of the mortgage deed. Submitting both documents in the Registry shall be enough in order to perform the cancellation.

Those same steps shall be observed when the return of the deposit is requested after the fifteen-year period referred to in the fourth paragraph of the previous Article.

Article 535.

In the first quarter following the publication of the Registrars’ Career Ladder, the Registrar will expand their deposits, when appropriate, according to his personal category.

The corresponding deeds shall be issued within the same period of time. However, in the cases of retirement or any special ones, those issues may be advanced.

Registrars’ rights and qualifications

Article 536.

The Property and Mercantile Registrars of Spain exercise the public duties assigned by laws in general and the mortgage and mercantile legislation in particular, under their responsibility, and in virtue of their nature as public officers recognised in Article 274 of the Spanish Mortgage Act, they have those rights recognised by the administrative laws. As public officers, they shall be permanent and indissoluble Registrars of the Payments Office of the Mortgage District determined by the register district.

Article 537.

The Registrars will have the title of “your honour” inside the office. In the public government acts they will occupy the immediate place to the right of the First-Instance Judge of the district, and in those solemn acts requiring formal dress they shall use, as their sign, a silver plate golden coated of 78 millimetre diameter and with the shape of



an eight-pointed star, with the golden enamelled Coat of Arms of Spain in the middle and with two laces coming from the lower part of it with "Registro de la Propiedad" (Land Registry) inscribed in it, and below their knot an open book which will read Prior tempore potior jure.

In those official acts where no formal dress is compulsory they may likewise use, as the official sign of their positions, a golden octagonal medal with a maximum of five millimetre diameter and four millimetres high, hanging from their necks by an emerald green silk lace with a white border on its edges. Such medal will have the Coat of arms of Spain on the front and an open book on the back, which on its left page will read: "Registro de la Propiedad" (Land Registry), and on the right one: Prior tempore potior jure. In the lower part, the date "8 de febrero de 1861" (February 8th 1861).

Moreover, these officers may wear, as a usual sign, the small-sized plate on the buttonhole of their jacket.

Repealed upon opposition against the Regulation approved by Decree 1483/1968, dated June 27. [Ref. BOE-A-1968-797](#).

Article 538.

Every communication and document signed by the Registrars, excluding the register entries, shall be stamped with a circular-shaped seal of an average size according to its type, that will also contain the Coat of arms of Spain in the middle, an inscription on the upper part of it reading "Registro de la Propiedad" (Land Registry), and on the lower one, the name of the mortgage district and the name and surnames of the Registrar.

Whenever the Registrar acting is doing it as the interim or provisional one, the seal of the Registry without name and surnames shall be used, but stating such nature by a stamp or any other reproduction means next to its signature.

The name and surnames of the one doing it will likewise be recorded on the folders usually used as cover for the certificates, notes or reports and decisions issued by the Registrars.

In case of the interim Registrar, notwithstanding that he may use the folder with the name of the permanent one, the name and surnames of the Registrar issuing the document shall be recorded by a stamp or any other means.

In case of the provisional Registrar, he may use folders with his own name and surnames or containing the reference to the Registry only but recording his name and surnames as previously stated.

Registrars may also record their name and surnames on the plates that, both in the public places, portals, doors or pigeon holes announce the location of the Registry's office.

Extended leaves of absence and retirements

Article 539.

The Registrar serving effectively for one year in the Career may apply for the pass to a voluntary extended leave of absence, by raising his application to the Minister of Justice through the Directorate-General and stating thereby not having been subject any of the disciplinary files referred to in Article 287 of the Act. The Directorate's report will propose the relevant decision to the Minister.

The return to the active service, once the year settled by the aforementioned Article 287 is over, shall be verified as ordinary.

The Registrars enjoying an extended leave of absence will continue, during this period, figuring and promoting within the Career Ladder.

Article 540.

The Registrar deprived from his Registry in virtue of a decision delivered in tort proceedings or, as applicable, in contentious-administrative proceedings shall be considered as enjoying an extended leave of absence until returning to the active service as determined in the previous Article.

Article 541.

Those Property Registrars members of the legislative Chambers where the choice to the active situation of the officer is not conditioned or where they obtain public positions for whose appointment the choice is essential, or those others

belonging to the Government Administration that, due to their special function, are freely appointed by the Head of State or of the Government, will continue as permanent Registrars in their respective Registries, which shall be served with a provisional system by the corresponding Registrar in accordance with the Panel of substitutes and perceiving the fees that otherwise would correspond to the Beneficial Mutuality of the Property Registrars and their Auxiliary Staff.

In order to enjoy the benefits referred to in the previous paragraph, this shall be requested from the Directorate-General within one month from the date when the Spanish Parliament or the concerned Organism approved the appointment, and otherwise it shall be considered that he refuses them and he will enjoy his voluntary extended leave of absence while the vacancy is announced and provided in the corresponding open competition.

Article 542.

The voluntary retirement of the Registrars reaching sixty-five years of age shall be requested by an application addressed to the Minister of Justice through the Directorate-General.

The forced retirement due to having reached seventy years of age shall be declared within the eight days subsequent to that birthday. The retirement Order will indicate the number of the retired Registrar in the Career Ladder that same date.



Retirement shall be also applicable when, at the proposal of the corresponding Aptitude Board, the Minister of Justice decrees it, after the Government's agreement.

Article 543.

The Registrar wishing to obtain retirement due to any physical impairment will submit his application to the President of the Court of Appeal, and the file shall be processed in accordance with the provisions in the legislation on State Pensioners.

The Directorate-General and the Presidents of the Courts of Appeal will order the opening of the retirement file when there are reasons to presume that any Registrar is disabled to exercise his position, and the procedures established in the precedent paragraph shall be in that case observed.

Article 544.

The Registrars retired due to physical impairment may return to their service if this disappears, and a file similar to the one opened in the previous Article in order to show that the retired person is capacitated to exercise his position again shall be then opened. If so agreed, he will go back to the active service and request vacancies in an ordinary competition.

Those officers referred to in the previous paragraph shall be considered as enjoying an extended leave of absence during the retirement period, regardless the date in which this was agreed.

Article 545.

In accordance with Article 291 of the Act, for all the retiring rights' purposes, the first twelve numbers in the Career Ladder of the Body of Property Registrars shall be considered as having that same income corresponding to the highest one of those Judges on their last term as the average income.

Barters

Article 546.

Those Registrars wishing to exchange their assignments, in accordance with Article 286 of the Act, will apply for it by a request addressed to the Minister of Justice through the Directorate-General, stating the reason for such petition and accompanying the documents or evidence to justify it. The Directorate may require the Registrars' report with an intermediate number between the two applicants and will raise the file with their proposal to the Minister of Justice in order for him to decide upon. The granting of the barter shall be at all cases discretionary.

Barter applications shall not be processed if the interested parties have not entered their offices in their corresponding Registries.

Article 547.

In order to assess the performance of the Registries to be exchanged, only the total products obtained there by operations in the Registry and liquidation of Property Interest Taxes shall be taken into consideration, according to the statistics of the last

five-year period and recorded in the official books kept in the corresponding Registries. That five-year period shall be considered to be finished the last day of the year previous to the one commencing the barter.

In order to determine whether between the products of both Registries within that five-year period there is a greater or a smaller difference than the fourth part settled by Article 286 of the Act, the one with the lower performance shall be taken into account.

Permits

Article 548.

The Registrars will reside in the capital city of the Registry, and they may only leave it on non-working days and during the opening hours, in case of obtaining a permit from the Directorate, an extension from the Minister of Justice or an appointment to develop any commission or aggregation of those authorised by the Act or by these Regulations.

The absences due to the handing over of the funds raised by the Property Interest Taxes or due to any good reason will strictly comply with the provision in the 1st case of Article 288 of the Spanish Mortgage Act. Absences due to a good reason will not exceed eight days, and more than four cannot be used during the same year.

Article 549.

a) The permit application shall be directly raised to the Directorate-General and it will thereby state the Registry's condition, the times and length of time the permanent Registrar is been absent due to a good reason during the year and the reason for such permit, as well as the name of the interim Registrar.

Whenever the permit's applicant has no provisional Registrar assigned to replace him, he will apply for that designation to the Directorate within that same permit application.

b) The permit will usually last one month every year, due to holidays or to any other reason.

c) The granting of the permit shall be notified to the Registrar and he may start using it from its acknowledgement, even though not having received the notification yet.

The permit which is not started to use within the thirty working days following the notification of its grant shall be null.

The Registrars may interrupt their use of the permit up to three times and return to the exercise of their positions and continue enjoying their permit later, provided that each interruption does not exceed half of the term granted and by notifying the days in which the use of the permit is interrupted or resumed to the Directorate.

d) The use of the permit enables the Registrar not to go to the Office, but does not prevent him from doing it and perform the duties he is in charge of.

The Registrar, before starting enjoying the permit, shall notify the name of the interim Registrar designated by him and that he shows his conformity for that from the date in which the permit use begins, to the Directorate-General.



They will likewise notify the Directorate of the date when they stop using the permit and the termination of the interim Registrar.

The communications to the Directorate-General may be made by mail, telegram or telefax.

e) The one-month permit granted by the Directorate-General may be extended one month longer by this institution, if declaring and existing, to its own criterion, a good reason, and it may be requested and obtained, when applicable, at the same time as the ordinary permit.

The permit reaching the maximum length of time due to its extension may be extended by the Minister of Justice, in case of a good reason, provided that it is requested before expiring.

The permit extensions shall be considered tacitly granted if not expressly rejected within five days and no further notification about the beginning of their use shall be required.

f) The Directorate-General may grant a special permit due to illness or accident.

The permit application shall be accompanied by the accurate certificates and documents proving that illness or accident.

The Directorate may settle, either when granting the permit or later, the deadlines and terms to submit reports or certificates proving the illness progress.

Those permits may be extended by the Directorate-General.

If the illness or accident condition happens at the end of a competition in which the ill injured Registrar took part of, the deadline for the entry to position in the new Registry shall be extended according to the terms of the permit, and the provisional Registrar shall be in charge of it meanwhile. The interim Registrar shall be responsible for the Registry belonging to the injured or ill permanent Registrar.

g) Registrar women shall be entitled to a special permit of two months in the cases of child-bearing and maternity, and the conditions regarding the provisional Registrar provided hereby shall apply.

Article 550.

If a Registrar is to be absent from the Registry in compliance with his association duties or due to a temporary and unanticipated impossibility, and during such situation there is a necessity to replace him for any specific act which cannot be postponed, he shall be replaced by the designated interim Registrar and with his conformity, or otherwise by the corresponding one in accordance with the panel of substitutions, and he shall notify either one or the other Registrar via telefax or E-mail to the Directorate-General and to the corresponding Territorial or Autonomous Dean of the reason for that substitution, the name of the interim Registrar and his conformity for that. The Territorial or Autonomous Dean shall notify it to the President Dean of the Spanish Association of Property Registrars and to the Directorate-General.

In the regulatory cases of absence due to a good reason referred to in Article 548, the Registrar shall notify the date when he shall be absent to the Directorate-General for Registries and Notaries, will indicate the name of the interim Registrar designated by him and that he has shown his conformity for that.

At the end of the absence, the Registrar in charge of the new Registry shall notify the date of the absence termination as well as the termination of the interim Registrar to the organism notified of such absence.

In all cases referred to in this Article, apart from the half-yearly certificate and the separate brief provided in the second paragraph of Article 472 of the Spanish Mortgage Regulations, the days or the specific cases in which the substitution took place, the name of that interim Registrar, and the reason or circumstances for that substitution shall be also stated.

Article 551.

In the case that, being the Registrar absent from the Registry and enjoying a permit or a regulatory absence, he finds it impossible to go back to the Registry within their deadlines, he will immediately notify the interim Registrar and the Directorate-General, and this communication shall be accompanied by the proving document.

The Directorate will make sure the truthfulness of the reason alleged and will decide as appropriate. In all cases, the interim Registrar will continue exercising his duties until that appropriate decision.

Article 552.

The Directorate-General for Registries and Notaries may appoint active Property Registrars in Secondment.

- a) In order to develop these secondments assigned in relation with the services concerning such Directorate.
- b) In order to carry out any specific job in any Ministry or Public Organism.
- c) In order to develop expertise researches or projects at the request of the Governing Board of the Spanish Association of Property Registrars.

The Secondment shall be granted by the Directorate-General for Registries and Notaries during the appropriate time, according to the nature of the commissioned work, and it may be extended depending on the circumstances.

The designated Registrar in Secondment shall be considered active for all legal and regulatory purposes, and he will appoint an interim Registrar, either of a temporary or permanent nature.

The members of the Governing Board of the Spanish Association of Property Registrars shall be considered in Secondment during their term of office, and they will appoint an interim Registrar, either of a temporary or permanent nature.

The Registrars occupying a public position compatible with their condition in accordance with the laws may apply for their situation being similar to the Registrars in Secondment,



with a temporary interim or permanent Registrar to the Directorate-General for Registries and Notaries.

If, in case of the position being incompatible, or even when not being, the declaration for their situation being similar provided in the previous paragraph is not requested, the interested party shall be declared as enjoying an extended leave of absence due to special services with a position reserve, and the Directorate-General will appoint the permanent interim Registrar, and all the fees earned shall be in favour of the latter.

Article 553.

In all cases where the Registrar may be absent because of a permit or to any other reason, the interim Registrar shall be the one designated from those belonging to the same Registry's capitalization, to the same Province or to the same Register Districts belonging to bordering Provinces, and with his conformity. Otherwise, the corresponding one according to the panel of substitutions or one outside such panel in accordance with the provisions in these Regulations shall be designated by the Directorate-General.

Several interim Registrars may be simultaneously designated for exercising their duties either simultaneously or successively.

The interim Registrar shall exercise, under his/her responsibility, the duties of the permanent Registrar with respect to the proceedings concerning him/her and in compliance with the following rules:

- a) Their acting does not need entry to the office, neither opening a file of it, or of his termination.
- b) They shall be considered to be exercising their position while in the Registry of the permanent Registrar they replace.
- c) The interim Registrar cannot make effective any alteration in the personnel system of the Office, neither of its organization, without its permanent Registrar's consent.

If, in the cases provided in Article 549.f) and 552 of these Regulations it is anticipated that the interim Registrar might exercise such position continuously or permanently, the permanent Registrar, or otherwise the Directorate-General for Registries and Notaries, may enable the interim Registrar with a general nature so that he can carry out the necessary alterations in the personnel system of the Office and in its organization.

- d) The rules concerning the acting of the provisional Registrar will apply to the interim one, as far as they do not contradict the provisions established within these Regulations.
- e) That interim Registrar that in the cases of paragraphs e), f) and g) of Article 549 of the Regulations exercises his position for longer than thirty calendar days, he will perceive, when lack of agreement with the permanent Registrar, the forty per cent of the net income that would correspond to the permanent one during the substituting period.

In the cases of secondment or because of being the permanent member of the Governing Board of the Association, the interim Registrar designated with non-

provisional nature will perceive, when lack of agreement, the 20 per cent of the income previously indicated. This same income will correspond to the provisional one of Registrars and Notaries attached to the Directorate-General for Registries and Notaries and it shall be otherwise regulated by the provisions in this Article concerning the interim Registrars.

Article 554.

When the Registrar, due to extraordinary reasons, such as non-temporary illness or accident, and different from the ones provided in Article 550, is disabled to be in charge of the Office and ask for the permit of Article 549.f), he himself or through an employee or relative, shall notify it by telematic or telegraphic means to the Directorate-General, as well as to the Registrar corresponding his substitution according to the panel of substitutions if the Registry this one is in charge of is based in a different town, or by any other means when in the same one, and he will then be immediately in charge of the Office of the disabled Registrar as the interim one. In case of not notifying the Directorate-General, the designated interim Registrar himself will take care of that.

The Registrar meeting the inability will prove it as soon as feasible, notwithstanding that the Directorate-General may grant an illness permit.

Registrar's employees

Article 555.

The Registrars may propose the appointment of a person to sign the closing procedures in the Journal corresponding to the submitted documents by the Registrar among the staff within the same Registry and in accordance with Article 292 of the Act. That person, who shall be of Spanish nationality and of legal age, cannot have debts to the State or to public funding, neither be criminally prosecuted or declared convicted involving wilful offences, what shall be incompatible with any employment or public position.

The permanent Registrars may propose that person they deem appropriate after entering the office in their assignment.

The person referred to in this Article may only sign the closing procedures of the Journal Book, and only in the cases of permit or absence due to a good reason, when the Registrar is vacant or legally or regulatory disabled.

Article 556.

The interim Registrar may not dismiss the designated person on his own, in compliance with the previous Article, and this will continue acting under the permanent Registrar's responsibility.

If this person is disabled or deceased, the interim Registrar may designate a new one, until the permanent Registrar goes back to the charge in that Registry. The appointed person will terminate when the permanent Registrar returns to that position. In case of not designated person it shall be proceeded likewise.



Article 557.

The person appointed in accordance with Articles 555 and 556 and not belonging to the auxiliary office staff shall be entitled to the income indicated in the labour rules in force.

Article 558.

The Registrar will have the necessary employees for his office, and these will develop any work commissioned by him, under his own exclusively responsibility and always under the legal system concerning an employment relationship.

Article 559.

The relationship of the Registrar with his employees shall be governed by the rules contained in the collective bargaining agreement of the auxiliary staff of the Registrars and, otherwise, in the labour legislation applicable with a general nature.

Section 3. Spanish association of property and mercantile registrars

Article 560.

The Spanish Association of Property and Mercantile Registrars, which shall be allowed to use the abbreviated name of "Association of Registrars", is a Corporation of Public Law enforceable under the law and acknowledged by the State, with legal personality in its own and full capacity. It will act autonomously for the compliance with their duties. It is competent over its members within the whole Spanish national territory, and that competence shall be directly exercised by the Governing Board, or through the rest of the association bodies.

As a corporation in charge of looking after the proper functioning of the register civil service, the Association shall be hierarchically subject to the Minister of Justice and to the Directorate-General for Registries and Notaries and submitted to its higher supervising, and it may exercise, apart from its own duties, those commissioned by the latter.

Article 561.

The Spanish Association of Property and Mercantile Registrars is governed by the provisions in the Spanish Mortgage Act and Professional Associations Act, as well as by its General Statutes.

Article 562.

The Association of Registrars has the title of Honourable and its residence is in Madrid.

The organization and services of the Association of Registrars, as well as the economic means to comply with them, shall be regulated by the provisions within its General Statutes, adopted by the Government, at the proposal of the Association through the Directorate-General for Registries and Notaries.

TITLE XII

Disciplinary liability of Registrars

Article 563.

Property Registrars shall be subject to disciplinary liability as established in the Spanish Mortgage Act and in these Regulations, and additionally, in the civil service general system.

Such liability shall be only required in the regulated process within this Title.

Article 564.

The offences committed by the Registrars while exercising their duties may be capital, major or minor.

Capital offences will prescribe five years later, major offences will do it one year later and minor offences will do it two months later.

The term for prescription will start from the date committing the offence or from the criminal case termination when the event commencing it might be subject to disciplinary penalty.

The prescription shall be interrupted by the opening of the disciplinary file or the classified information notified to the interested party, and the term will start again if the file remains at a halt longer than six months because of the Registrar not being liable to prosecution.

Article 565.

Capital offences shall be:

- 1st Service abandonment.
- 2nd Unreasonable and continuous absenteeism from the register office for longer than ten days.
- 3rd Perceiving fees over securities different from the legally established ones, in the event of fraud or gross negligence.
- 4th Violating the incompatibilities established in the officers' general laws.
- 5th Serious or repeated confrontation with the mortgage district's authorities because of reasons attributable to the Registrar.
- 6th Repeated non-compliance with his regulatory duties, with serious detrimental effects on his exercising.



7th Committing a major offence, when previously penalised due to other two major or capital offences for a one-year period.

Article 566.

Major offences shall be:

- 1st Disobedience to higher authorities.
- 2nd Being disrespectful to higher authorities, in their presence, in writing to them or by bad publicity given to them.
- 3rd Serious lack of consideration concerning the exercising of their duties with respect to their peers, employees or the public.
- 4th Unreasonable and continuous absenteeism from the register office for longer than three days.
- 5th Repeated non-compliance with their public service liabilities during the established opening hours.
- 6th Serious and repeated non-compliance with the liabilities involving the Registrar, when meaning a capital offence. 7th Illegally perceiving fees not meaning a capital offence.

Article 567.

Minor offences, provided that they do not mean a capital or major offence, shall be:

- 1st Unreasonable absenteeism from the register office.
- 2nd Unreasonable non-compliance with the public opening hours.
- 3rd Discourtesy to higher authorities, peers, employees or the public.
- 4th Non-compliance or delinquency with the official duties regarding the mutual service.

Article 568.

The following penalties may apply when committing the offences classified in these Regulations:

- a) Subpoena.
- b) Fine up to 250 000 pesetas.
- c) Holiday permit suspension for a maximum of ten months.
- d) Voluntary transfer suspension for a maximum of three years.
- e) Duties exercising suspension for a maximum of five years.
- f) Diminishment, when possible, of 125 positions within the career ladder and for a minimum of three years and a maximum of six.
- g) Forced transfer.
- h) Separation.

Warnings and notices given by the Authority deciding upon the appeals from decision of Registrar of deeds shall not be considered disciplinary penalties.

Article 569.

Minor offences may be only penalised by warning or fine; major ones, shall be penalised by suspension of permit right, of voluntary transfer or of duties exercise up to one year, and capital offences shall be penalised by diminishment, forced transfer, and suspension of the duties exercise up to five years and dismissal from civil service.

Penalties imposed due to capital offences will prescribe four years later; the ones imposed due to major offences, two years later; and those imposed due to minor offences, will do it four months later.

The prescribing term will start from the date following the day in which the Court's decision imposing the penalty becomes final, or from the violation of the compliance with the penalty, if started.

Article 570.

In order to impose disciplinary penalties, the following bodies shall be competent:

1st The Minister of Justice for imposing the penalty of diminishment in the career ladder, suspension of duties for longer than one year, forced transfer and dismissal from civil service. In compliance with the provisions in Article 289 of the Spanish Mortgage Act, the dismissal from civil service or forced transfer of a Registrar shall be subsequent to the decision from the State Council. The Council of Ministers shall be in charge of the Court's decision when, in these cases, the Minister of Justice disagree with the State Council's opinion.

The Minister, whenever a disciplinary file is raised to him by the Directorate-General and proposing the penalties provided in the previous paragraph, may vary the events' classification in his decision and impose any other penalty provided in the previous Article.

2nd The Directorate-General for Registries and Notaries, for the other penalties listed in Article 568.

3rd The Association of Registrars, through the Governing Board, for imposing the warning and fine up to 250 000 pesetas penalties.

Article 571.

The penalties provided in these Regulations cannot be imposed, but in virtue of the disciplinary file opened for that purpose and in accordance with the proceedings regulated within.

Article 572.

The procedure shall be carried out by court resolution or agreement of the competent body, either on their own initiative or by a grounded petition by another body, or because of a formal complaint. The Directorate-General for Registries and Notaries and the Governing Board of the Spanish Association of Property and Mercantile Registrars shall be competent bodies for the opening of the disciplinary file.



The Governing Board of the Association of Registrars is to immediately notify the Directorate-General of the files opened and of the events representing disciplinary violations acknowledged by it and whose penalty concerns such Directorate.

The information may be previously classified. Only those events collected as offence may result in the opening of the disciplinary file.

Article 573.

In the agreement to commence the proceedings an Examiner shall be appointed, and whenever the complexity or significance of the events to examine so require it, also a Secretary shall be appointed.

Both appointments shall be made to fifteen-year senior Property Registrars within the Body. If the agreement to commence the proceedings is adopted by the Directorate-General for Registries and Notaries, a Registrar attached to it may be also appointed for such purpose.

The commencement of the file, together with the Examiner and Secretary appointments shall be notified to the affected Registrar as well as to those designated to hold those offices.

In case of the proceedings commencing in virtue of a formal complaint, the agreement shall be also notified to its signer.

Article 574.

The Directorate-General or the Association of Registrars may adopt those provisional measures they deem appropriate in order to guarantee the proper functioning of the corresponding Registry. In this second case, the Association shall notify the Directorate-General of those measures.

The provisional suspension of duties shall be only agreed by the Directorate-General for Registries and Notaries, either on its own initiative or at the request of the Governing Board of the Association of Registrars, whenever there is reasonable evidence of a capital offence or it is required for the service interest. The length of time will not exceed six months, unless there is a halt in the file due to a reason attributable to the person accused.

The Directorate-General may agree the provisional suspension of the Registrars under the disciplinary proceedings when so required by the service needs. That suspension may be extended along the whole proceedings.

The provisional suspension will result in the appointment of the interim Registrar, who will perceive, if no agreement, the 40 per cent of the net income that would correspond to the permanent Registrar.

Article 575.

The rules related to abstention and challenge established in the general administrative legislation will apply. The abstention shall be alleged by the appointed person as soon as he knows the reason causing it.

The challenge may be executed from the moment in which the person subject to the disciplinary file knows who shall be the Examiner and the Secretary.

The abstention and challenge shall be presented before the acting body which, after the appropriate reports and checks, will decide upon within three days.

There shall not be any appeal against the Court's decision, notwithstanding it shall be possible to allege the reason for challenging when signing the corresponding objection to the act concluding the proceedings.

Article 576.

The Examiner will order to carry out as many procedures as appropriate for determining and checking the liabilities that might be subject to penalty.

In all cases and as first acts, the ratification of the complainant, if any, shall be requested in case of not having it done before the body ordering the commencement of the file; he will take the verbal and written declaration to the accused person, and will carry out as many procedures as inferred from the communication or complaint commencing the file and from whatever alleged by the interested party in his declaration.

Article 577.

In view of the acts performed and within a term not longer than one month starting from the commencement of the file, that may be extended one more month by the Examiner in a properly reasoned decision when the circumstances so require it, the Examiner will state the corresponding indictment containing the events accused of and, as applicable, the offence presumably committed and the possible applicable penalties.

The indictment shall be drafted in a clear and accurate way, by separate and numbered paragraphs according to each of the events representing offences and accused of to the Registrar, and thereby shall be proposed, in view of the results of the acts carried out, the maintenance or removal of the provisional measures adopted, if any.

The indictment shall be notified to the accused person so that he can contest it within ten days with whatever allegation he deems appropriate for his defence and the provision of as many documents as he deems of interest. In that way, he may ask for any necessary examination of evidence, if he deems it appropriate.

Article 578.

Once the indictment is contested or the term granted for performing it is over, the Examiner may agree the examination of the evidence requested as he deems appropriate, as well as all those he considers pertinent, and all that within one month.

If the admission and examination of certain evidence is rejected, that rejection shall be reasoned, and no appeal may be filed against the court's decision.

Relevant facts for the decision within the proceedings may be certified by any proving means admitted by law.

In order to examine both the proposed evidence and those agreed by court resolution, when deemed appropriate, the accused Registrar shall be notified of the place, date and time to carry them out, three days in advance and the file will contain the declaration of the notification receipt.

The acting of the Examiner in any evidence examined is essential and cannot be replaced by the Secretary's, notwithstanding that the Examiner may be interested in the examination of other procedures from any entity or body.

Article 579.

Once the aforementioned procedures are performed, the file shall be immediately notified to the accused person so that, within ten days, he alleges whatever pertinent for his defence, and he shall be provided with a complete copy of the file, if so requested.

Article 580.

The Examiner will formulate the proposal of the court's decision to settle the facts within the following ten days and he will reason, if applicable, the rejection to the evidence proposed by the accused person, and he will legally assess them accordingly, in order to determine the offence considered committed and the Registrar's liability, as well as to impose the penalty when applicable.

The court's decision shall be notified by the Examiner to the interested party so that, within ten days, he can allege before him whatever he considers appropriate for his defence.

The competent body to deliver the court's decision shall not be binding by the Examiner's proposal, and it may accept, reduce or expand, as well as to return the file in order to include other facts in the indictment or to complete its opening, with a notification of it to the interested party.

Article 581.

Once the declarations by the accused person referred to in the second paragraph of the previous Article are made or when no declaration is made and the deadline is over, the complete file shall be immediately submitted to the Directorate-General or to the Governing Board, depending on the body commencing it, which will proceed, as appropriate, either to properly deliver the court's decision or to submit the file to the higher body if not competent for imposing the penalty, or to order the Examiner the performance of the necessary procedures within a deadline never longer than two months.

In the case that the file is returned for the performance of procedures, these shall be carried out by the Examiner, and before submitting the file again, he shall notify the

accused Registrar of his acting so that he can allege whatever he deems pertinent within ten days.

When the penalty proceedings last longer than six months, the Examiner will monthly notify the Directorate-General regarding the status of the file processing and the circumstances reasoning such extension.

Article 582.

The final court's decision, which will decide upon all the questions presented in the file, shall be adopted within thirty days starting from the date when the documents and appropriate actions to found the decision were attached.

The decision shall be reasoned and it will not contain any fact different from the ones serving as grounds for the indictment and for the decision's proposal, notwithstanding its different legal assessment.

If the competent body to decide varies the classification of the facts made by the Examiner, this shall be notified to the accused Registrar within the same deadline as to decide, and he may allege whatever appropriate within fifteen days. Once that deadline is over, the competent body will properly decide upon.

The offence considered committed shall be accurately determined, indicating those provisions establishing the offence type, the responsible Registrar and the penalty imposed, with an express declaration regarding the provisional measures adopted during the processing of the proceedings.

The higher body aware of the file opened shall be competent for imposing the penalties included in the preceding rules as an inferior bodies' competence.

If the decision declares the inexistence of an offence, it will make the pertinent declarations regarding the provisional measures.

The decision shall be notified to the accused Registrar, and it will state the possible appeals against it, the body before which these are to be filed, and the deadlines for so.

If the proceedings were commenced as a consequence of a formal complaint, the decision shall be notified to its signer.

Article 583.

Penalties shall be executed according to the decision's terms, and within a maximum of two months, unless otherwise established, due to reasonable reasons.

The competent body to decide upon may agree on its own account or at the request of the interested party, the temporary postponement of the penalty's execution or a period shorter than its prescription's, provided that there is a good reason for that.

The forced transfer penalty shall be made effective by notifying the Registrar of his immediate termination in the Registry where he is serving. The Registrar will take part in the immediate competitions and apply for every position vacant until obtaining one of it, and he shall be considered diminished in no less than 125 or more than 250



positions within the career ladder for these only purposes and according to the terms established in the penalty decision.

The suspension of duties penalty, as well as that of forced transfer, shall be executed by notifying the penalised Registrar of his termination and by simultaneously designating the Registrar to be in charge of the Registry during the suspension time, in accordance with the provisional status system.

The Registrar dismissed from civil service shall be deregistered from the career ladder and will lose every right, but those arising from the Association welfare or retirement or pension, in those cases where he legally is to keep them.

The disciplinary penalties imposed to the Registrars shall be annotated in their personal file, indicating the offences commencing them.

After one, two or four years from the compliance with the penalty, depending on whether the offences concerned are minor, major or capital and not penalised with separation, those annotations shall be cancelled, unless in the indicated time the interested party had resulted in new proceedings ending with the penalty imposition.

The cancellation will delete the penalty record for all purposes.

Article 584.

The agreements imposing penalties in disciplinary liability files shall be appealable in a single petition and within one month, starting from its notification, before the following bodies:

- a) Those adopted by the Governing Board, before the Directorate-General for Registries and Notaries.
- b) Those adopted by the Directorate-General for Registries and Notaries, before the Minister of Justice.

The Minister of Justice's decisions or those delivered by the Directorate-General for Registries and Notaries while appealed and which exhaust the administrative procedures.

TITLE XIII

Non-registered documents

Article 585.

The non-admittance of documents or deeds referred to in Article 313 of the Act shall be immediately ordered by the Courts and Courts of Justice and the Councils and the Offices of the State, whenever their submission is aimed at making effective a right which should be registered, in detriment of a third party.

For that purpose, the document shall be returned to whoever submitted it and the processing of the claim, complaint or file shall be postponed, as applicable, until it is submitted again with a note declaring having making a notation of it in the corresponding Registry.

Article 586.

When the submission's aim does not affect a third party, the deed or document with no notation made in the Registry may be admitted, provided that there is no statement declaring that the property or right referred to had had previous access to the Registry.

The party damaged by this admittance may object to it by justifying that the property or right referred to are registered in the Registry. Once this point is justified, the improperly admitted document shall be returned to whoever submitted it so that a notation of the document is made in the Registry within the reasonable period of time established for that, and when not submitted again or when submitted without the indicated notation, it shall not be taken into consideration.

Article 587.

It shall be considered having taken note of a document or deed whenever the property or right contained within has resulted in the entry in the Registry, which according to its nature, is legally pertinent.

Article 588.

The corresponding note of the Registry recorded at the foot of the document shall be enough to certify it, and otherwise, the certificate issued by the Registrar will.

Property or right non-accessing to the Registry shall be certified, when needed, by means of the corresponding negative certificate issued by such officer.

TITLE XIV

Fees

Rules for applying the fee scale

Article 589.

The Registrars will charge fees for the entries performed in the books, the certificates issued and any other operation strictly subject to their Fee scale.

Those operations with no indicated fees in that Fee scale will not accrue any.

Article 590.

Entries made in the Indexes or any other auxiliary book kept by the Registrars will not accrue fees.

Article 591.

When the entries of the Registry or the certificates are to be performed or issued on their own account, those operations shall not be considered free of charge, unless otherwise expressly ordered by a legal provision.

Article 592.

(repealed)

Article 593.

The fees accrued by the Registrars because of the entries or certificates ordered to record or issue by the Judges or Courts, as a result of the acknowledged proceedings shall be classified for their exaction and collection, as well as any other costs arising from those proceedings.

Whenever a Registrar's objection to register or definitely annotate a deed is declared groundless by the Judge or Court, the interested party shall not be obliged to pay the fees corresponding to the caveat and, if already paid, he may require their reimbursement.

Article 594.

(repealed)

Article 595.

When an entry is amended due to a mistake of any kind made by the Registrar, he will not accrue his fees for the new entry to record.

Article 596.

(repealed)

Article 597.

(repealed)

Article 598.

The consolidation of different properties under an only number will accrue the fees corresponding due to the consolidation, notwithstanding others that might arise from the rights that, as applicable, shall be registered within the same entry.

This same rule will apply to segregations.

Article 599.

Whenever a property is to be registered in two or more Registries, the fees shall be accrued proportionally to the part registered in each Registry, when known, or otherwise according to the registered area of that part.

Article 600.

The fees indicated in the Fee scale shall be perceived in every operation performed by the Registrars for the processing of the attachment order decreed in coercive proceedings against debtors to the Public Treasury.

Article 601.

(repealed)

Article 602.

The value of the properties charged with a mortgage stands for the price of them to be transferred, plus the mortgage price represented when subsisting.

Article 603.

The value of ground rents, pensions and other charges of perpetual, temporary or redeemable nature shall not be cumulative to the transfer price.

Article 604.

When the transfer is gratuitously verified the value of the property where any charge of any kind is represented shall be considered diminished.

Article 605.

The value of the nude property shall be estimated at 75 per cent of the property or right, and the value of the usufruct and use and occupancy rights at 25 per cent.

Article 606.

In the lease agreement, the value shall be considered the total amount to be paid during the validity period of that agreement. If that period is not stated, the twelve-annuity amount will serve as grounds.



Article 607.

Those easements with no settled value shall be determined as 5 per cent of the dominant property.

Article 608.

When, in order to settle the corresponding value for any property or property interest transferred, is necessary to compute any charge affecting them and, also, other properties, and the special liability of each of them is not determined, a note in ordinary paper detailing all the properties subject to that charge and the value of each shall be submitted, so that the Registrar can properly calculate and prorate the charge. If that note is not submitted, the Registrar may disregard that charge.

Article 609.

In those ground rents affecting the whole or several properties, the ground rent capital shall be divided into the number of charged properties, and the double of the resulting amount will serve as the value to determine the fees for the operations for each of them.

Article 610.

(repealed)

Article 611.

When the registration is to record every performed transfer, the corresponding fees for the last one shall be accrued and for the previous ones the 50 per cent will, and no fees corresponding to more than three transfers may be perceived at any time.

Article 612.

(repealed)

Article 613.

(repealed)

Article 614.

(repealed)

Article 615.

In all cases the exaction of those fees provided by enforcement proceedings may be carried out, but the registration shall be never prevented or rejected due to a payment failure.

Article 616.

(repealed)

Article 617.

In order for the Registrar to perceive his fees and amounts charged for taxes due to the Stamp, Property Interests or similar ones, by enforcement proceedings, according to the provisions in Article 615, he will open the appropriate account stating the name and surnames of the debtor, kind and date of the operations verified in the Registry and resulting in the collecting of the fees, amount of them and number and rules of the Fee scale applied, as well as the detailed note of the expenses and amounts provided.

The Registrar will submit this brief to the Judge in the place of the Registry he is in charge of resulting from the claimed amount, and accompanied by the account mentioned in the previous paragraph, and the corresponding Judge will process the execution order, and immediately proceed to the exaction by enforcement proceedings as provided.

In case of several persons with the obligation referred to in the 1st paragraph of Article 615, all the credits may be comprised within the same list, and in order to determine the competence of the Court, the total amount of the claimed quantities shall be considered.

When the enforcement proceedings for the fees exaction are commenced and the interested party is not content with the account of the Registrar because of considering it too high, he may challenge it by making use of the appeals established in the subsequent Article within fifteen days, starting from the date of the payment requirement and by previously depositing the total amount of the quantity claimed in the Court's Secretariat. The Court, once the amount is deposited and the challenge appeal filed is justified, will postpone the enforcement proceedings until the final decision for such appeal and will later agree whatever appropriate in accordance with that decision.

Article 618.

The note on certain points referred to in Article 332, sections 5 and 6, shall accrue the fees corresponding to one single note, regardless the number or extension of the points requested.

Article 619.

Even when the fees are paid, the interested parties may appeal before the Directorate-General for Registries and Notaries and may apply for a review, provided that one year from the payment date is not over and that it refers to arithmetical or physical mistakes or the fees do not comply with the formal conditions required specifying the concepts.

TITLE XV

Territorial property statistics

Article 620.

The Spanish Association of Property and Mercantile Registrars shall be in charge of keeping the Index of Properties and Rights for statistical purposes.

Article 621.

In order to compile and publish the statistics, the Registrars will regularly submit individualised information to such index by computer means, but with no register properties or holders identification, registered operations, with reference to the municipality, nature, condition and surface area of the property, property interest, transfer and modification type, value, holder's nationality, mortgage data and any other containing statistics value. They will likewise submit the information related to the performed caveats.

Article 622.

The processing and publication of the aforementioned data with statistical purposes corresponds to the Spanish Association of Property and Mercantile Registrars under the Directorate General for Registries and Notaries' supervision. The Association will publish those statistics every year.

Article 623.

The Association of Registrars will provide any legally collected statistics to the Public Organisms.

Article 624.

The Directorate General for Registries and Notaries will yearly publish the statistics of the entries, conveyances, rights, mortgages and caveats performed in the Land Registry with the data provided by the Association of Registrars.

TRANSITIONAL PROVISIONS

First.

Except those cases expressly provided in the 3rd paragraph of Article 14 of the Act, the estate declarations recorded in private documents may only be registered when having a reliable date, in accordance with the provisions in Article 1 227 of the Spanish Civil Code and prior to July 1st 1945.

In the rest of the cases the caveat provided in Article 46 of the Act may be requested.

Second.

In the cases of new registration of deeds as a consequence of the Registry having been destroyed, the date for the mentions shall be that of the note recorded at the foot of the document newly registered for expiry purposes.

Third.

In those legitimate party's mentions performed prior to July 1st 1945, the five-year term settled for their challenge shall be calculated from the indicated day.

Fourth.

The capacity granted to the heirs or their legal representatives and to their assignees by any deed in the 2nd paragraph of the 4th number of rule B in Article 15 of the Act will apply to the estates resulting prior to July 1st 1945, regardless their registration date.

Fifth.

Consolidations of properties registered within ownership or possession shall be allowed even when, for the second ones, the ten-year term required for the conversion into ownership registration is not over, but such conversion shall be requested when that term is finished.

Sixth.

Provisional books opened from July 18th 1936 because of not having been kept, due to the circumstances abnormality, and the orders to the supplier of books meeting similar format requirements as those supplied by this one, may be converted into a final book, but in all cases each Registrar shall notify their number to the Directorate, as well as their corresponding numeration within the Record Office. Their conversion into final ones shall be recorded by a procedure on the cover which shall be signed by the Registrar.

Seventh.

In the first quarter following the validity period of these Regulations Registrars will expand their deposits, when appropriate, according to their personal category. The corresponding deeds shall be issued within the same period of time. However, in retirement cases or other special ones, such issue may be advanced.

**Eighth.**

The declaration of the four property lines of the properties subject to Article 395 will only be necessary when the folios of the current Indexes are exhausted.

ADDITIONAL PROVISIONS**First.**

In the cases where these Regulations establish the First-Instance Judge intervention, the Dean Judge shall be considered involved whenever there are different Judges within the same place and notwithstanding the provisions in Articles 59 and 430 of the Spanish Act of Civil Procedure on the civil business distribution.

Second.

(repealed)

Third.

The encumbering note in order to contest the Profits tax ordered by the Royal Decree of May 20th 1925 shall be recorded by the Registrars, even though it is not expressly requested by the interested parties.

FINAL PROVISION

The Spanish Mortgage Act Enforcement Regulations of August 6th 1915 is abrogated.

Decrees, Orders and other administrative provisions involving mortgage issues contradictory to the provisions established in these Regulations are considered likewise abrogated.

Madrid, February 14th 1947.

This is approved by Your Excellency — Raimundo Fernández-Cuesta y Merelo.



NOTICE FORMS

Wording established in these forms must generally work as guidance and must be respected in all matters related to the internal structure of entries, in each case taking into account any applicable special provisions of the Mortgage Act and Regulation as well.

FORM I.
FILING ENTRY

Marginal notes	Numbers of the entries	Filing entry
Registration made in volume book of..... (Council) page property registration	12	Today, at eleven hours and thirty minutes, Mr Bernabé Galván Sala files a deed executed before the Notary Public of Mr. on the 19 April 1946, by which Mr mortgages in favour of Mr as a collateral for a 12,000 pesetas loan at a five percent annual interest and 3,000 pesetas for expenses, the following estates, located within the municipal district of: 1st. Orchard in La Florida.-2nd. Plot in Calle del Cid, No. 4.-Alcoy, 15 June 1946.
(Date, abbreviated signature and fees.)		
Registration refused by irremediable defect		
(Date, abbreviated signature and fees.)		
Registration cancelled by the irremediable defect of Preventive annotation has not been requested.		(Registrar's and applicant's signature, should the latter so request or the former so demand.)
(Date, abbreviated signature and fees.)		(Fees.)
The attached was cancelled, the legal period allocated in the previous note having lapsed without the defect being remedied.		
(Date and abbreviated signature, without fees.)		



FORM II.
EXTENDED REGISTRATION OF A DEED OF SALE

Marginal notes	Number of order of registrations	Estate number
	7th.	Rural: Orchard in El Romeral described in the registration 5th Taxed with the mortgage in the registration 5th Mr, of legal age, married to Mrs., a doctor residing in Madrid, acquired this estate through purchase, under the 6th registration, and is selling it and six more estates to Mr of legal age, single, the owner, residing in Villalba, for a total price of forty thousand pesetas, paid in cash, ten thousand pesetas corresponding to this number. Mr registers his sale. This is apparent from the deed executed on the twelfth of last May before the Madrid Notary Public, whose first copy was filed today at ten hours on entry 12, page 2. Diary 21, on whose margin the operations of the remaining six estates are recorded. Tax has been paid and the paying-in slip was filed. Navacarnero, the tenth June nineteen forty-six.
		(Whole signature and fees.)

COMMENT – Should the description of the estate show any nonconformity, this shall be recorded in the following way: “Orchard described in registration No. 4th, which today neighbours that of Mr. on the West”



FORM III.
BRIEF REGISTRATION OF SALE AND MARGINAL CANCELLATION NOTE AT THE REQUEST
OF THE INTERESTED PARTIES, OF EXPIRED MENTIONS AND ANNOTATIONS

Marginal notes	Number of order of registrations	Estate number
(On the margin of the 4th registration, the last to be mentioned in the census, or	5th.	Urban: House number 7 in Street described in the 1st registration. Without charges, Mr., owner of this property, sells it alongside six other properties for a price of eight thousand pesetas to Mr. (1), who registers its sale (2). The extended registration is the of the estate page book of this Council, volume Navalcarnero, the tenth June nineteen forty-six. (Abbreviated signature and fees.) (1) It is advisable to include the buyer's marital status and, should they be married, the full name of their spouse.
The mention of a census of thirty "reales" of annual rent in favour of Mr. which is allocated in the attached registry (or the attached preventive annotation letter of in favour of Mr.), was fully cancelled due to expiration, in accordance with the first transitional provision of the Mortgage Act and having the owner of this estate, Mr. so requested (circumstances), in an application dated in Navalcarnero on the of the current year that has been filed today at eleven hours, according to entry page diary; and a certified copy of the request Is filed		
(Place, date, signature and fees.)		(2) Should there be conditions, it shall be added, which conditions included in the extended registration, that it is



FORM IV.
REGISTRATION OF TESTAMENTARY SUCCESSION UNDER ARTICLE 205 OF THE ACT

Marginal notes	Number of order of registrations	Estate number
The decree regarding the attached registration was published for a month in accordance with regulations, as accredited through certification by the Secretary of the Council of Santoña, issued of the tenth of this month. Both documents, which are filed, we logged today alongside the title giving rise to the registration, at twelfth hours, on entry 200, page 74, diary 38, At Santoña, 15 June 1946.	1st.	Urban: House number fifteen, the former number eleven, of the Menéndez and Pelayo street, in Santoña, with 2368,06 square feet, neighbouring: on the right, upon entering, with house number thirteen, belonging to; on the left, with Mr.'s plot and, in the back, with house number twelfth of Fruela street, belonging to Mr. Is comprised of a ground floor and three habitable stories. No charges recorded. Worth one hundred thousand pesetas. Mr. of legal age, married to Mrs., a doctor residing in Santander, acquired this estate by purchase from Mr. in deed before the Notary Public of
(Abbreviated signature and fees.)		At Laredo, Mr., on the twelfth August nineteen thirty-five, and passed away on the latest thirtieth of November, with Last Will authorised on the prior day before the same Notary Public, the only one he gave, according to a certificate issued by the General Registry of Last Wills and Testaments on the thirtieth April of the current year. In said Last Will, he made his sons, Mr. Fermín and Mr. Pascual, his universal heirs on equal shares, and bequeathed the remaining third of free use to his above-mentioned wide, without prejudice to the surviving spouse's usufructuary portion. The distribution operations having been implemented by the widow and the two sons, all of which of legal age, the first a school teacher residing in Santander, and the latter both single, lawyers and residing in Valladolid, full control of this estate was given to the heir Mr. Fermín, who registers his testamentary succession title in accordance with Article two hundred and five of the Mortgage Act. This registration shall not have third-party effects until two years from its date have elapsed. This is apparent from the above-mentioned purchase deed and the inheritance distribution, authorised on the twenty-fourth day of last April by the Notary Public of Santoña, Mr., to which the testator's death certificate and the above-mentioned Registry are attached, whose first copies were filed today at twelve hours, entry 256, page 190, diary 38, on which margin the entries for the remaining fifteen estates are recorded. Tax has been paid and the paying-in slip was filed. Santoña, the twelfth April nineteen forty-six. (Whole signature and fees.)
		Note. - In all registrations requiring publication of decrees, said circumstance shall be recorded in the registration and in the footnote to the title.



FORM V.
**REGISTRATION BY VIRTUE OF A PUBLIC DEED SUPPLEMENTED WITH STATUTORY
DECLARATION**

Marginal notes	Number of order of registrations	Estate number
	1st.	<p>Rural: Field on the Zarzales site, within the Vega del Bollo district, town of Alberguería, measuring 13131,97 square feet, neighbouring on the North with another of; on the South with a field of; on the East with another of; and on the West, with an orchard of No charges recorded. According to statutory declaration certified on the fifteenth of the current month by the Notary Public of this village, Mr., the neighbours and owners of the above-mentioned town of Alberguería, Mr. and Mr., of legal age, ascertained that their neighbour Mr. Luis Jiménez Rodríguez, of legal age; single and a farm worker, acquired this estate by inheritance from his father, Mr. José Jiménez Cantero, deceased on the twelfth January nineteen forty-three. And by deed executed on the same day fifteen before the above-mentioned Notary Public, said Mr. Luis Jiménez Rodríguez sells to Mr. Antonio López Quesada, of legal age, a widower, a farm worker of this neighbourhood, for a price of three thousand pesetas, which he declared to have received from the purchaser, in whose favour I register the sale in accordance with Article two hundred and five of the Mortgage Act. This registration shall not have third-party effects until two years from its date have elapsed. This is apparent from the copies of the above registration and deed, which were filed today at twelve hours, according to entry number 890, page 236 of volume 18 of the diary. Tax has been paid and the paying-in slip was filed. Barco de Valdeorras, the twenty-ninth nineteen forty-six.</p>
		(Whole signature and fees.) V. -Footnote in Form IV.



FORM VI.
REGISTRATION BY VIRTUE OF A PRIVATE DEED APPROPRIATELY INCORPORATED TO
STATUTORY DECLARATION

Marginal notes	Number of order of registrations	Estate number
	1st.	Rural. Description. No charges. Mr., of legal age, married, a lawyer residing in acquired on the of of nineteen forty-six, this estate by purchase to Mr. for a price in cash of pesetas by private document, for which the real property rights taxes was paid at this Payments Office on the of nineteen forty-five, and it is assessed on his behalf according to certification of the Secretary of the Council of, issued at, on the The statutory declaration has been processed by the Notary Public of, Mr., and its initiation was notified by decree and also in person to Mr. and, holders of the neighbouring properties (and, where appropriate, to the de facto owner of the property). No persons having appeared to express their opposition, the above-mentioned Notary Public deemed the acquisition of control over this property as sufficiently accredited and included the instrument in his protocol jointly with the above-mentioned private document, on the Mr. registers the sale in accordance with Article two hundred and five of the Mortgage Act. This registration shall not have third-party effects until two years from its date have elapsed and shall be cancelled should the publication of decrees provided in said Article not be accredited. This is apparent from the above-mentioned decree, which was filed on the (Ending as in Form II.).

FORM VII.
EXTENDED REGISTRATION OF VOLUNTARY MORTGAGE

Marginal notes	Number of order of registrations	Estate number
	3rd.	Rural: La Ermita field, described in the 3rd registration. Free of charge. Priced, for the purposes of auctioning, at twenty thousand pesetas. Mr., of legal age, married to Mrs., an engineer residing in Madrid, acquired this property by sale according to the 2nd registration and forms a voluntary mortgage over said property in favour of Mr., of legal age, married to Mrs., as loan collateral for a fifteen thousand pesetas principal, given on the act of executing the deed, five percent annual interest and three thousand pesetas for expenses and costs. The creditor's address for requirements and notifications is established at the mortgaged address. The contract was entered under the following provisions, amongst others: (Only confirm those that have actual significance) Mr. registers their right to mortgage. This results from the mortgage loan deed executed at (Ending of Form II.).



FORM VIII.
BRIEF REGISTRATION OF MORTGAGE

Marginal notes	Number of order of registrations	Estate number
The attached 6th registration has been cancelled by the 7th registration in this page.		Urban: House number 8 in the street, described in the 1st registration. No charges. Priced by auction at ten thousand pesetas, Mr., the owner of the property forms a voluntary mortgage over said property and another six as loan collateral for thirty thousand pesetas of principal, five percent annual interest and five thousand pesetas for costs, for a ten-year period, in favour of Mr. (1) who registers their right to mortgage, this property coming to an eight thousand pesetas principal, the corresponding interests and one thousand pesetas for costs. The extended registration is the 2nd of the estate, page, book, volume of the file. Orgaz, the fifth May nineteen forty-six.
(Date, abbreviated signature and fees.)	6th.	
		(Abbreviated signature and fees) (1) It is advisable to include the creditor's marital status and, should they be married, the full name of their spouse.



FORM IX.
MORTGAGE ON PERIODICAL RETURNS GUARANTEE FORMED BY LAST WILL

Marginal notes	Number of order of registrations	Estate number
<p>The mortgage as collateral of a lifelong pension of ten daily pesetas in favour of Mrs., the object of the 4th registration, has been accepted by the pensioner, of legal age, single, a school teacher residing in Madrid, by deed executed before the Notary of, Mr. on the 16th of the current month. This is apparent from the first copy of this deed, which was filed on the</p>	4th.	<p>Description. Charges. Value for the purposes of auctioning Mr. the owner of this property by sale, according to the 3rd registration, passed away on the last 15 April under an open Last Will authorised on the eighth of said month by the Notary Public of Orgaz Mr., the last he executed, according to a certification issued by the General Registry of Last Wills and Testaments on the tenth day of the current month. In said Last Will, amongst other provisions, he bequeathed the lifelong pension of ten pesetas payable in monthly instalments at the pensioner's address, to his niece Mrs., of legal age, single, a school teacher residing in Madrid. And, to secure payment of the pension and of five thousand pesetas for costs and expenses where appropriate, the testator imposed a mortgaged on the property under this number, in accordance with the following clauses By its virtue, I register in favour of Mrs. the right to mortgage under the provided terms, and this registration is subject to acceptance by the pensioner within the period set out in Article one hundred and forty-one of the Mortgage Act. This is apparent from a true copy of the above-mentioned Last Will, the above-mentioned certificate of the General Registry of Last Wills and Testaments and the testator's death certificate, issued on the fifth day of the current month by the Municipal Court of, which documents were filed at ten hours yesterday, according to entry 32, page 89 of the book 62 of the diary. Tax has been paid and the paying-in slip was filed. Ocaña, the twentieth October nineteen forty-six.</p>
<p>(Place, date, abbreviated signature and fees.)</p>		
		<p>(Date, whole signature and fees.)</p>



FORM X.
EXTENSIVE REGISTRATION OF PROPERTY ACQUIRED BY INTESTATE SUCCESSION WITH
MARGINAL NOTE DECLARING ITS RESERVABLE NATURE

Marginal notes	Number of order of registrations	Estate number
This property is reserved in favour of the relatives of Mr., referred to in Article 811 of the Civil Code, according to the file processed the First Instance Court of, initiated by Mr., of legal age, a widower, a pharmacist residing in, to record and secure the reservable assets acquired by intestate succession, in accordance with the attached 5th registration. Duplicated Last Will of the corresponding minutes of the final authorisation decree pronounced by said Court on the third day of the current month, the former having been issued the day before yesterday, by the Secretary Mr., and was filed today, at hours, according to entry, page of the diary, one copy of which I keep in file.	5th.	Rural: Mount in La Cañada, described in the 1st registration. Free of charge. Worth..... Mr. of legal age, single, a student residing in, acquired this property by inheritance of his mother Mrs., according to the previous registration, and passed away intestate on the sixth day of the last February. By decree issued on the fifth of the current month by the First Instance Court of Torrelavega, his father, Mr....., of legal age, a widower, an architect residing in as the universal and only heir of the testator, and the former registers their intestate succession title. This is apparent from a Last Will issued by the Secretary of said Court, Mr., on the tenth day of the current month, where the testator's death certificate, the negative certificate by the General Registry of Last Wills and Testaments, and one instance subscribed by the heir in Santander are enclosed, on the twentieth day of the current month, documents that were filed at twelve hours. (Ending as in Form II).
(Date, abbreviated signature and fees.)		



FORM XI.
**PREVENTIVE EXTENSIVE ANNOTATION OF ATTACHMENT TO PAY OF DEBTS ACQUIRED
 BY THE TESTATOR OF AN INHERITANCE**

Marginal notes	Number of order of registrations	Estate number
	Annotation letter A	<p>Urban: House described in the 1st registration. No charges. Worth Mr, of legal age, married, a farmer residing in, acquired this property through an inheritance, according to 2nd registration, and passed away on the third of of with a Last Will authorised by the Notary Public of Mr on the twelfth of the same month, the only one given according to the certificate of the General Registry of Last Wills and Testaments, in which he made his two sons, Mr and Mr as universal heirs on equal halves. (personal circumstances) An executive proceeding was brought against both, as their father's heirs, before the Court of First Instance of, by Mr of legal age, married, a carpenter residing in claiming a ten thousand pesetas loan at a five percent annual interest from the first day of July ninety forty-six. By decree of the (date), the proceeding was cleared and this and another four properties were attached, without distributing the responsibility amongst them, to ensure payment of the ten thousand pesetas principal, the prescribed interests and three thousand pesetas for costs, having been ordered to make a preventive annotation of the attachment by a ruling given on the fifteenth day of the current month. By its virtue, said attachment in favour of Mr Is preventively annotated. This is apparent from a duplicate mandate issued by said Court on the of the current month, countersigned by the Secretary, Mr, in which the testator's death certificate and by the above-mentioned Registry are listed, the latter being accompanied by the first copy of said Last Will, filed at ten hours of today, according entry number of volume of the diary, on which margin the operations of the four properties are recorded, and one of the copies of said mandate is filed. Tax has been paid and the paying-in slip was filed (ending as in form II), (Date, signature and fees.)</p>

FORM XII.
BRIEF ANNOTATION OF MORTGAGE

Marginal notes	Number of order of registrations	Estate number
	Annotation letter B	<p>Rural: Field described in the 3rd registration. Free of charge. Worth This and two other properties belonging to Mr were attached to answer for a twenty thousand pesetas principal, five percent annual interest and four thousand pesetas for costs and expenses, without distributing responsibility, in executive decrees brought against the former by Mr, in whose favour the implemented attachment is preventively annotated, according to the extensive record in the Letter A annotation of property, page of this volume. Carlet (Date, abbreviated signature and fees.)</p>



FORM XIII.

PREVENTIVE ANNOTATION BY REMEDIABLE DEFECT OF UTILISATION OF PUBLIC
WATERS ACQUIRED BY PRESCRIPTION, ACCORDING TO ARTICLE 70 OF THE
REGULATION

Marginal notes	Number of order of registrations	Estate number
	Annotation letter A	Utilisation of hundreds of litres of water, per second during the hours, deriving from the river in the place called of the municipal district of, allocated to industrial uses. No charges recorded. Worth Mr (Circumstances), who has been making this utilisation on his own behalf since the tenth of February of 1905, required the Notary Public of Mr, on the, to have a statutory declaration accrediting said fact authorised. The existence of the utilisation and the other regulatory circumstances having been directly assessed by the Notary Public, Mr and Mr, of legal age, residents and owners in declared as witnesses, expressing the uninterrupted utilisation by the requesting party from the mentioned date to be true. The corresponding decrees were published without any opposition having been expressed, and said Notary Public deemed the object of the record sufficiently proven, incorporating it into his protocol on the Registration was requested, but a remediable defect of not being accompanied by a certificate from the administrative Registry of public waters utilisation having been observed, I cancel registration, and, in its place, I make a preventive annotation for a sixty-day period in favour of Mr without prejudice to the third party. This is apparent from a full copy of said record, which was filed on the (Ending as in Form II.)

FORM XIV.

EXTENSIVE REGISTRATION BY VIRTUE OF A DECLARATION OF TITLE TO LAND TO
RESUME BROKEN TITLE CHAIN

Marginal notes	Number of order of registrations	Estate number
	6th.	Urban: Description. Charges. Value. Mr. of legal age, married, a veterinary residing in, acquired this property by inheritance, according to the 5th registration, dated less than thirty years ago. Mr B of legal age, a widower, owner residing in; acquired the title to this land by sale through a private document of the third August of nineteen forty from Mr C of legal age, married, a trader residing in as the proceeding pursued at the Court of First Instance of has warranted and processed in compliance with the Law. After summoning Mr C. (or his successors) and Mr A., who was heard in the proceeding (or summoned three times, one of which in person), without any opposition being expressed, the above-mentioned Court issued the decree on the third day of the current month, mandating cancellation of 5th registration and declaring acquisition of this property by Mr, in whose favour its title to land is registered, as legitimised, the above-mentioned contrary registration being cancelled. This is apparent from the filed evidence of the above-mentioned final decree issued by the Secretary Mr (Ending with Form II).



FORM XV.
EXTENSIVE CANCELLATION OF DESCRIPTION OF MORTGAGE

Marginal notes	Number of order of registrations	Estate number
	1st.	Registration of mortgage credit number 5 of this property in page of this volume is fully cancelled, the debtor Mr having paid the creditor Mr the twenty-five thousand pesetas and attached interests they answered for, and having the latter expressly agreed to the cancellation, by a deed executed on the fifteenth of the current month before the Notary Public of Mr, the first copy of which, accompanied by a current receipt of profit contributions regarding the expired loan, which was filed at ten hours of today, entry, page of the diary, the margin of which shall record the operations of the other 7 properties. Tax has been paid and the paying-in slip was filed. Getafe
		(Date, whole signature and fees.)

FORM XVI.
BRIEF CANCELLATION OF REGISTRATION OF MORTGAGE

Marginal notes	Number of order of registrations	Estate number
	1st.	The registration of mortgage loan number 4 of this property, on page, of this volume is fully cancelled after the debtor Mr has paid its amount, and the creditor Mr has agreed to its cancellation, according to the extensive cancellation number 7 of the property, on page of this volume.
		(Place, date, abbreviated signature and fees.)

FORM XVII.
EXTENSIVE CANCELLATION OF PREVENTIVE ATTACHMENT ANNOTATION

Marginal notes	Number of order of registrations	Estate number
	Cancellation letter B	Preventive annotation letter A of this property, on page 24 of this volume, is fully cancelled after the attachment has become ineffective and its cancellation has been ordered by decree issued on the eighth of last May by the First Instance Court This is apparent from said mandate, in duplicate, of the same Court issued the day before yesterday and countersigned by the Secretary Mr, which was filed at eleven hours today, entry number page of diary I file one of the copies. Not subject to taxes. Chinchón (Date, whole signature and fees.)



FORM XVIII.
MARGINAL NOTES IN FILING ENTRY

Marginal notes	Numbers of the entries	Filing entry
Registration cancelled by the remediable defect of and at the verbal request of the applicant, a preventive annotation has been made in volume, book, of, page, property, annotation letter A.		
(Date and abbreviated signature.)		
Fees.		
The title has been removed at the request of the applicant without any operations having been performed.		
(Date, abbreviated and, where appropriate, the applicant's signature.)		
Fees.		

FORM XIX.
NOTE OF COMPLIANCE WITH REGISTERED CONDITIONS

Marginal notes	Number of order of registrations	Estate number
The suspensory condition efficacy of the mortgage of the attached registration number 4 depended on having been complied with, this fact is accredited, with (Indication of the document), filed today at hours, entry, page, diary Tax has been paid and the paying-in slip was filed.		
(Place, date, signature and fees.)		

FORM XX.
NOTE OF DELIVERY OF ENDOWMENTS OR PARAPHERNAL PROPERTY

Marginal notes	Number of order of registrations	Estate number
This property has been delivered by Mr, to Mr, as Mrs husband, without pricing, as an unvalued endowment formed by Mr, in a deed executed at, (date), before the Notary Public of, Mr (or as paraphernal property). The first copy of the deed was filed etc.		
(Place, date, signature and fees.)		



FORM XXI.

FOOTNOTE TO THE TITLE IN ACCORDANCE WITH ARTICLE 554 OF THE REGULATION

Registration of the previous document having been denied after observing the irremediable defect of the material distribution of the property having been performed prior to the ten-year period imposed by the testator.

Cestona for Mataró on the 5 July 1946. The Registrar.

Fees

FORM XXII.
CERTIFICATIONS

REGARDING CURRENT ENTRIES OF ALL KINDS REFERRED TO A PROPERTY BY VIRTUE OF REQUEST

Mr., Property Registrar of, province of,

CERTIFIES: That, in view of the above instance subscribed by Mr, requesting a certification regarding all current entries of the stated property, I have examined the books in the file under my responsibility, which show:

First. (Description and registration of land title or, where appropriate, ownership, with the holder's circumstances and the document of acquisition).

Second. (Charges, terms, etc.)

The above particulars are in compliance with the related entries and, in the absence of any other current entry related to this property in the Registry Book or the Diary, I sign this document, issued in two sheets of class stamp-impressed paper, number, at, on the of of 1946.

(Signature, stamp and fees).

PARAGRAPH OF ENTRIES REGARDING ONE PROPERTY BY VIRTUE OF INJUNCTION

Mr., etc.

CERTIFIES: That, according to the above injunction, I have examined the books in the file under mi responsibilities, which show: (current entries of the property, mentioning the volume, page and numbers or letters of the property and the entry).

The pre-set entries are in word-by-word compliance with those in the mentioned pages and books, and, in the absence of any other current entry regarding the same property, I sign this document, which is issued (as above) at, on the, of of 1946.

(Signature, stamp and fees.)



FORM XXIII

Land Registration of (1)							Langreo Town Council (1)						
RURAL PROPERTY INDEX (1)													
Name of the property or site, crossing or consignment	Town, place or parish	Agricul- tural use	Boundaries				Surface measurement			Number the property is registered under	Book and page in which the entry appears	Types of entries and mode of registered right	Comments
			North	South	East	West	Hect- ares	Ares	Square feet				
Quintana	Ciaño	Poma- rada	Mero River	Car- bonera Road	Mr. Luis Cardona's orchard	Car- bayo Walk	3	4	1	2,032	(2) 37 198	I. of control	Juan Rodríguez López

(1) On the cover.

(2) The first number shall point out the Council volume or diary; the second number shall point out the page.

FORM XXIV

Land Registration of (1)				Town Council of (1)		
URBAN PROPERTY INDEX (1)						
Square or street	Number	Name of town	Number the property is registered under	Book and page in which it is registered	Type of entry and mode of registered right	Comments
				(2)		
Creation	2	Zaragoza	1,034	27 101	I. of control	Three stories.
Creation	8	Zaragoza	1,001	43 127	Filing entry No. 127	Governmental appeal filed.

(1) On the cover.

(2) The first number shall point out the Council volume or diary; the second number shall point out the page.

FORM XXV

INDEX OF PEOPLE (In the cover, with a mention to the Registry.)				
Name of person		Indication of the property or properties the entry refers to	Volume and page in which registrations and annotations appear	Volume and page in which cancellations appear
				(1)
1	Riaza Martínez (D. Román). V. 28-14 (2)	Orchard, 30 ares (3)	37 82	37 85
2				
3				
4				

(1) The first number shall point out the file volume; the second number shall point out the page.

(2) In the event of a name repeating, the page and line of the previous entry in the index must be mentioned.

(3) Each of its lines and the subsequent boxes may comprise several properties.

FORM XXVI
STATUS I. DISPOSAL OF PROPERTIES

HEARING OF												YEAR OF											
Land Registration of																							
Section 1.- Rural estates																							
1 st ESTATES TRANSFERRED by Last Will or Testament			2 nd ESTATES TRANSFERRED BY ACTIONS OR CONTRACTS INVOLVING A PRICE										2 nd ESTATES TRANSFERRED by actions or contracts not involving a price			4 th Number of transferred estates	5 th Total value of disposals						
Number of estates		Its value		Number of estates		Disposals excluding value added tax				Disposals with value added tax				Retrocessions					Number of estate		Its value		
						Amount of money paid in cash		Amount of money paid in instalments		Number of estates thus sold		Fixed price		Number of estates re-purchased									Price refunded
	Pesetas	Accounts		Pesetas	Accounts		Pesetas	Accounts		Pesetas	Accounts		Pesetas	Accounts		Pesetas	Accounts		Pesetas	Accounts		Pesetas	Accounts
Section 2.- Urban estates																							
1 st ESTATES TRANSFERRED by Last Will or Testament.			2 nd ESTATES TRANSFERRED BY ACTIONS OR CONTRACTS INVOLVING A PRICE										2 nd ESTATES TRANSFERRED by actions or contracts not involving a price			4 th Number of transferred estates	5 th Total value of disposals						
Number of estates		Its value		Number of estates		Disposals, excluding value added tax				Disposals with value added tax				Retrocessions					Number of estates		Its value		
						Amount of money paid in cash		Amount of deferred Price		Number of estates thus sold		Fixed price		Number of estates re-purchased									Price refunded
	Pesetas	Accounts		Pesetas	Accounts		Pesetas	Accounts		Pesetas	Accounts		Pesetas	Accounts		Pesetas	Accounts		Pesetas	Accounts		Pesetas	Accounts
..... of of 19..... The Registrar,																							

COMMENTS. 1st This estate comprises and classifies all estates disposed of and their value or price, including the ones by virtue of barter or by sale with retrocession agreement.

2nd The estates of each type (rural and urban) comprised of boxes 1st, 2nd and 3rd being added must give the total numbers of the 4th box as a result.

3rd Similarly, the sum of the capitals appearing in boxes 1st, 2nd and 3rd for rural and urban estates shall give the number allotted in the 5th box.

4th The value of the estate shall include the proven value and, failing this, the declared value.

FORM XXVII
STATUS II.-PROPERTY RIGHTS EXCLUDING RIGHT TO MORTGAGE

HEARING OF														YEAR OF									
Land Registration of																							
Section 1.- Number and type of property rights formed																							
1 st Usu- fruct	2 nd Use and qualifica- tion	3 rd Obliga- tion	4 th CENSUS												5 th Letting			6 th Charges			7 th Other property rights not includ- ed in the previous boxes	8 th Total number of property rights formed	
			Leasing			Reservative			Consigning			Lifelong											
			Number	Capital	Rent	Number	Capital	Rent	Number	Capital	Rent	Number	Capital	Rent	Number	Capital	Rent	Value of the estates	Rent	Number			Capital

Section 2.- Changes to previously registered property rights																	
1 st BY RECOGNITIONS			2 nd BY EXEMPTIONS			3 rd BY REDUCTIONS			4 th BY SUBSTITUTIONS			5 th BY TRANSMISSIONS OR TRANSFERS			6 th TOTAL		
Number of recogni- tions	Their value		Number of exemptions	Amount of exempted capitals		Number of reductions	Amount of reduc- tions made on capitals		Number of substitutions	Amount of capitals		Number of those	Amount of capitals		No. of chang- es made to the property rights	Amount or sum of their capitals	
	Pesetas	Accounts		Pesetas	Accounts		Pesetas	Accounts		Pesetas	Accounts		Pesetas	Accounts		Pesetas	Accounts
..... of of 19..... The Registrar,																	

COMMENTS: 1st In the 4th box and under the heading «Lettings census», the forming of their forums and sub-forums. 2nd. “A rabassa morta” (temporary land transfer) and similar contracts shall be included in the 5th box.

3rd. Section 2, completely independent from the preceding, is destined to verified changes during the year in property rights, whether they fall under the ones formed and registered within it or those that previously were. Its own verification, included in the 6th box, shall record the number of said changes and the amount or sum of their capitals.

4th. Transfers of the right to retract must be included in the 5th box of Section 2.

FORM XXVIII
STATUS III.-MORTGAGES

HEARING OF														YEAR OF													
Land Registration of																											
Section 1.- Mortgages formed																											
1 st Number of mortgages formed			2 nd Number of mort- gaged estates			3 rd Amount of ensured capitals						4 th Amount of ensured capitals						5 th Mortgages formed									
Legal	Voluntary	Total	Rural	Urban	Total	By legal mort- gages		By voluntary mort- gages		Total		By rural estates		By urban estates		Total		No fixed- term	For six years or less	For over six years	Total						
						Pesetas	Accounts	Pesetas	Accounts	Pesetas	Accounts	Pesetas	Accounts	Pesetas	Accounts												
Section 2.- Mortgages cancelled																											
1 st Number of mortgages cancelled			2 nd Number of estates relea-sed			3 rd Amount of reimbursed capitals						4 th Amount of reimbursed capitals						5 th Mortgages cancelled out of those formed									
Legal	Voluntary	Total	Rural	Urban	Total	By legal mort- gages		By voluntary mort- gages		Total		By rural estates		By urban estates		Total		No fixed- term	For six years or less	For over six years	Total						
						Pesetas	Accounts	Pesetas	Accounts	Pesetas	Accounts	Pesetas	Accounts	Pesetas	Accounts												
..... of of 19.....																						The Registrar,					

Comments:

1st The 1st and 5th boxes must offer an equal result or total number, which is the number of mortgages registered (instead of the number of mortgaged estates), classifying said mortgages into the 1st box, depending on its type, or the 5th box, depending on the term given at the time of formation.

2nd Legal mortgages formed in the same way as cancelled mortgages must be classified, respectively and jointly with the voluntary mortgages, within the 5th box, depending on the term, including them within those that have had a fixed term, where this is not established.

3rd Mortgages formed in favour of the State over estates expired by it and whose payment and cancellations are deferred, and are recognised as voluntary for the purposes of statistics.

4th The two totals in the 3rd and 4th boxes in both sections must always result in identical amounts.

5th Should in any case a distribution of the amount in pesetas of a cancelled mortgage encumbrance amongst the estates be recorded, a proportional distribution of the former amongst the lands depending on their value shall be conducted or, depending on any other data that may become apparent from the document or the Registry, and, in the absence of any, in equal shares amongst the estates.

6th All mortgages cancelled within the year the status refers to must be included amongst all cancelled mortgages, albeit being formed prior to it.

FORM XXIX
STATUS IV. –LOANS

HEARING OF										YEAR OF							
Land Registration of																	
Section 1.- Loans formed with a mortgage over rural estates																	
1 st Loans without interest				2 nd Loans with 1 to 6 per100 interest				3 rd Loans with an interest greater than 1 to 6 per100				4 th Total					
Number of loans		Amount of capitals		Number of loans		Amount of loaned capitals		Number of loans		Amount of loaned capitals		Number of loans		Amount of loaned capitals			
Less than or equal to 5,000 pesetas	More than 5,000 pesetas	Pesetas	Accounts.	Less than or equal to 5,000 pesetas	More than 5,000 pesetas	Pesetas	Accounts.	Less than or equal to 5,000 pesetas	More than 5,000 pesetas	Pesetas	Accounts.	Less than or equal to 5,000 pesetas	More than 5,000 pesetas	Pesetas	Accounts.		
Section 2.- Loans formed with a mortgage over urban estates																	
1 st Loans without interest				2 nd Loans with 1 to 6 per100 interest				3 rd Loans with an interest greater than 1 to 6 per100				4 th Total					
Number of loans		Amount of capitals		Number of loans		Amount of loaned capitals		Number of loans		Amount of loaned capitals		Number of loans		Amount of loaned capitals			
Less than or equal to 5,000 pesetas	More than 5,000 pesetas	Pesetas	Accounts.	Less than or equal to 5,000 pesetas	More than 5,000 pesetas	Pesetas	Accounts.	Less than or equal to 5,000 pesetas	More than 5,000 pesetas	Pesetas	Accounts.	Less than or equal to 5,000 pesetas	More than 5,000 pesetas	Pesetas	Accounts.		
..... of of 19.....														The Registrar,			

Comment:

Where a loan is simultaneously formed over rural and urban estates, its number shall be included in both sections; its amount shall not be duplicated but split into two parts, and the encumbrance amount on rural land shall be indicated in Section 1, while Section 2 shall include that secured by the urban ones. At the end of the status, the number of these loans and their total amount shall be indicated in a brief note with a single number.

FORM XXX
STATUS V

HEARING OF										YEAR OF					
Land Registration of															
Preventive annotations															
1 st ON CLAIMS OF			2 nd OF ATTACHMENT			3 rd	4 rd	5 th	6 th	7 th	8 th	9 th	10 th	11 th	12 th
Invalidity or cancellation	On property rights	On inca- pacity	Preventive	In enforce- ment of judgement	In executive proceeding	Ban to transfer	On inherit- ed rights	On the legatee	On award as payment	On con- struction loan	By remedi- able defect	By Registrar's inability	By admin- istrative attachments	By other reasons	Total number of annotations
..... of of 19.....															The Registrar,

COMMENTS. Should one document order the preventive annotation for nullity or cancellation and any of the ones comprised in number 1 of Article 42, this shall be recorded in the two first boxes. 2nd. All annotations on account of the Mortgage Act or other Acts shall be comprised under the 11th section and should not appear in the previous sections.

**FORM XXXI
STATUS VI**

HEARING OF														YEAR OF													
Land Registration of																											
Estates registered in ownership for the first time within the year the status refers to																											
RURAL ESTATES														URBAN ESTATES													
WITH FIVE HECTARES OR LESS				WITH MORE THAN FIVE AND LESS THAN 20 HECTARES				WITH 20 HECTARES OR MORE				WITH AN UNKNOWN EXPANSE				WITH 500 SQUARE METRES OR LESS				WITH MORE THAN 500 SQUARE METRES				WITH AN UNKNOWN EXPANSE			
Number of estates		Its value		Number of estates		Its value		Number of estates		Its value		Number of estates		Its value		Number of estates		Its value		Number of estates		Its value		Num- ber of estates		Its value	
		Pesetas	Accounts			Pesetas	Accounts			Pesetas	Accounts			Pesetas	Accounts			Pesetas	Accounts			Pesetas	Accounts			Pesetas	Accounts
..... of of 19..... The Registrar,																											

COMMENTS. 1st The estates being separated from others previously registered in the modern Registry shall not be included in this status, despite an independent page and number having been opened as a natural consequence of the separation.

2nd To avoid duplicates and record at all times whether an estate has been included in this status or not, the Registrar, at the time of registration, shall write an X on the margin of the first registration.

3rd Where the value of the estate is known, it shall be under the provisions of the 4th rule in Status I.

FORM XXXII
STATUS VII

HEARING OF				YEAR OF			
Land Registration of							
OFFICES							
Number of filing entries	Number of certifications	Number of registrations, cancellations and annotations	Number of additional documents	NUMBER OF BOOKS OPENED WITHIN THE YEAR		TOTAL NUMBER OF BOOKS IN THE MODERN REGISTRY	
				On the Diary	On Registrations	On the Diary	On Registrations
<div style="text-align: right;"> of of 19..... The Registrar, </div>							

FORM XXXIII
STATISTICS BOOKS

The pages of this book shall include the same boxes as forms 26, 27, 28, 29, 30, and 31, adding a first box where the number of the filing entry and the reference to the Diary volumes is to be recorded in the following way:

STATUS II. PROPERTY RIGHTS EXCLUDING RIGHT TO MORTGAGE

Section 1 - Number and type of property rights formed																							
Diary No. 37 Filing entry number	1 st USUFRUCT	2 nd USE AND QUALIFICATION	3 rd OBLIGATION	4 th CENSUS												5 th LETTING			6 th CHARGES			7 th Other property rights included in the previous boxes	8 th Total number of property rights formed
				LEASING			RESERVATIVE			CONSINGING			LIFELONG										
				Number	Capital	Rent	Number	Capital	Rent	Number	Capital	Rent	Number	Capital	Rent	Number	Capital	Rent	Number	Capital	Rent		

FORM XXXIV
DIARY OF FEES

Date when fees are earned		Diary No. Form of filing entry		NAME of the person or Company to pay for the fees		NUMBER OF		Filing entries												FEES for certifica- tions and appea- rances							UNRECEIVED FEES earned for injunctions in favour of the Tax Agency				Total amount for fees, resulting from the above box																				
						Registrations		Cancellations		Annotations		Marginal notes		Filing entry		Registrations or annotations and the corresponding marginal notes		Cancellations		Conversion of annotations		Other items		TOTAL fees for those items		Number of certifications		No. of appearances		Fees for both items		Fees earned as other items				General TOTAL of fees earned				DATE of the injunctions		NAME of the Court or Agent		SUBJECT on which it has been agreed		Fees					
														Pes		Acc		Pes		Acc		Pes		Acc		Pes		Acc		Pes		Acc		Pes		Acc								Pes		Acc		Pes		Acc	

