

## HELLENIC CADASDRE

### 1. General information

The Cadastral System focuses on the real estate (land, apartment) itself and not to the owner as in the old system. That is to say under the new system, land parcels are depicted on cadastral diagrams in absolute accuracy with specific node coordinates that refer to the Hellenic Geodetic Reference System (EGSA '87), specific boundaries and property surface. Each parcel of land, apartment etc. has a unique serial number (KAEK). With reference to such number someone will be able to find all relevant information (i.e. who is the owner, if there are any mortgages registered on it etc.) Also this unique number must be referred in all transactions on real property.

So the new system aims —at long last- to the definite, without contestations, registration and protection of the citizens' real property, also aims to demarcate irrevocably State and municipal property as well as lands of special interest which are under a special legal status such as forest lands and coastal areas. In short, ensures transparency and safety on transactions on real estate.

The Cadastral system is developed progressively as from time to time the owners of real estate, or those who have a registerable right thereon in a specific, each time, region of Greece are invited to file within a fixed period declarations for their respective rights together with the supporting documents of their claim (Titles and Plans etc.).

The system is also developed in stages until the Cadastre Office in a region becomes operative. Such stages are:

- Submission of property declarations to the Cadastral Survey Offices by the beneficiaries and registration of the declaration in a digital database.
- Formation of interim cadastral tables and diagrams based on the data that have been collected from the submitted declarations and have been processed by Hellenic Cadastral Organization.
- Issuance of the interim cadastral data (tables and diagrams) at the Cadastral Survey Offices for a two-month period and dispatch of extracts to the beneficiaries for their information.
- Submission of objections to independent administrative committees or applications for the correction of a cadastral registration, depending on the case, by whomever has a legal right, for a time period of two months for residents of Greece and a time period of four months for people residing abroad.
- Reformation of cadastral data after the examination of the objections and the correction claims and formation of the final cadastral tables and diagrams.
- Commencement of the Cadastral Office's operation in the particular area in place of the old Mortgage (and Land) Registry Office.

### 2. Submission of property declarations

The declaration to the Hellenic Cadastre is **mandatory** for all those who have a right on a property (e.g. ownership, usufruct, easement, mortgage etc.). Furthermore in case a

property belongs to more than one person, as it happens in most of the cases we are concerned, all those who have a right on it must also declare their respective rights.

**The period within which the beneficiaries must declare their rights is three months for those living in Greece and six months for those who are living permanently abroad.**

A Fee of €35.00 per person and per right is paid on filing the Declaration.

The documents which must be submitted together with the property declarations basically are:

- (a) Copy of the title and of the certificate of registration thereof
- (b) Data for the depiction of the parcel of land, basically a topographic plan of the property with its specific boundaries and coordinates that refer to the Hellenic Geodetic Reference System (EGSA '87).
- (c) Copy of beneficiary's ID or passport
- (d) Proof of beneficiary's Greek Tax registration Number (AFM or A®M)
- (e) Authority of the person filing the Declaration if not filed by the beneficiary himself.

I must clarify that in case of acquisition of the property by way of inheritance the title is the Notarial Deed of Acceptance of the Inheritance and the registration of the deed with appropriate Registration Office. However Hellenic Cadastre advises that if someone has not executed a formal Deed of Acceptance **it is possible to register his/her right by filing a Declaration which must be accompanied by the documents mentioned under b, c, d and e hereinabove and instead of Title by the following documents:**

In case of inheritance by will

- (i) Title by virtue of which of the inheritor acquired the property (if any),
- (ii) | Court's Minutes of the hearing and the decision for the Publication of the Will
- (iii) | Death Certificate
- (iv) Certificate of the Court that no other will has been published
- (v) Certificate of the Court that the beneficiary has not declined to accept the Inheritance

In case of inheritance without will

- (i) Title of inheritor (if any),
- (ii) Death Certificate
- (iii) Closest relatives Certificate
- (iv) Certificate of the Court that no will of the deceased has been published,
- (v) Certificate of the Court that the beneficiary has not declined to accept the Inheritance

As you will see from the above, the documents which must be presented to the Cadastral Office are almost the same with the documents which must be presented for the execution of a formal Deed of Acceptance, with the exemption only of those documents relating to taxation issues (issues which in any case must be settled). Therefore | strongly recommend that such a solution must be considered only as last recourse.

### **3. Consequences of not filing a Property declaration. Remedies.**

If someone did not submit an ownership declaration to the Hellenic Cadastre in due time, he can submit an **overdue declaration** during the cadastral survey until the date that will be defined with a decision issued by the Ministry of Environment and Energy, However, **a fine** is payable in this case depending on the type and value of the properties.

Properties (or rights on properties) which for any reason were not declared during the aforementioned time limits are recorded in the cadastral database as belonging to an **“Unknown Owner”**.

For the correction of the registrations of “Unknown Owner” into a **known owner**, the owner must follow certain correction procedures. Such correction procedures are judicial or administrative depending on the particular case.

The same correction procedures must be followed for the erroneous registrations. That is to say in cases where after the initial declarations in the respective registration appear some errors.

#### **Administrative procedure for the correction of obvious errors**

For the purposes of this brief suffices to say that with the administrative procedure can be solved **obvious errors**, such as: (a) erroneous details regarding the beneficiary's full name, ID number, father's name, mother's name, date of birth, etc. (b) erroneous details regarding the type of entered right (e.g. full or limited ownership, usufruct, etc.) and (c) erroneous details regarding the notary deed, judicial decision, administrative act etc. (e.g. document number, details of the issuer / issuing authority etc.), erroneous details regarding the transcription / registration of the title.

From the remaining cases which can be settled with the obvious error procedure it is important to know that it applies also when the property **belongs to more than one owner** and they have **a common ownership title**, provided that some of the co-owners have already been entered in the initial registrations based on this specific title.

## Judicial procedure for corrections

The correction procedure of the initial registrations with a **final (irrevocable) judicial decision** stands in the following cases:

- If there is an issue of **ownership controversy**, meaning that the property of a person / legal entity has been registered in the name of another or of the Greek State does not ascend to the application of obvious error correction. In this case it is necessary to take legal action (action for declaration or action in rem) with the local Court. On penalty of the hearing being rejected as inadmissible, the action is made known to the Head of the Cadastral Office so that it is entered on the cadastral sheet of the property. After the decision is issued, an application for the correction of the registration is submitted to the Cadastral Office and the procedure for the registration of the deed is followed.
- If it is about a **property flagged to belong to an “Unknown Owner”**, meaning that the property was not declared upon for any reason during the cadastral survey, and **its case does not fall under the categories of obvious error correction but requires the consent of the State**. In this case, the simple and brief judicial procedure of **voluntary** (non-contentious) **jurisdiction is followed**; according to this procedure a petition is filed with the Cadastral Judge of the One-member First Instance Court of the region where the property is located and the Court adjudicates without any contestation.

The law provides that 7 years after the Cadastre Office in a region became operative undeclared real estate is transferred to the State. The deadline applies to both domestic residents, the Greek public and foreign residents.