

## ASPECTS REGARDING THE RELEASE OF PROPERTY TITLES ACCORDING TO LAW NO. 123/2023

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**Abstract:** Property represents the right a person has to enjoy and dispose of a thing exclusively and absolutely, but within the limits determined by law. Knowledge of property rights from a legislative point of view gives the edge to some superior quality works considering the property record activity, regardless of the way of establishment.

Through this article, the authors propose to present some technical and legal aspects necessary for the issuance of Property Titles in order to register the ownership of a property in the Land Registry.

**Keywords:** property; legislation; cadastral plan; real estate advertising; property title; land register

### 1. Introduction

Appearing at the same time as the appearance of man on earth, property is the basis of the development of human society and represents one of the fundamental problems of individual existence and human society. Property represents an essential notion that expresses the supreme access of man, taken individually or collectively, to the appropriation of natural goods or created by human activity. In this sense, property could not remain outside the regulatory sphere of law, since it represents the premise of any economic activity, or the premise of the operation of the engine of any society, and the purpose of law is precisely to organize and ensure the good functioning of society.

The Property Title is a document recognized by law and serves as proof of ownership and rights over that property, representing that official document that certifies the right of a person or a group of persons to own and dispose of a real estate or land in legally.

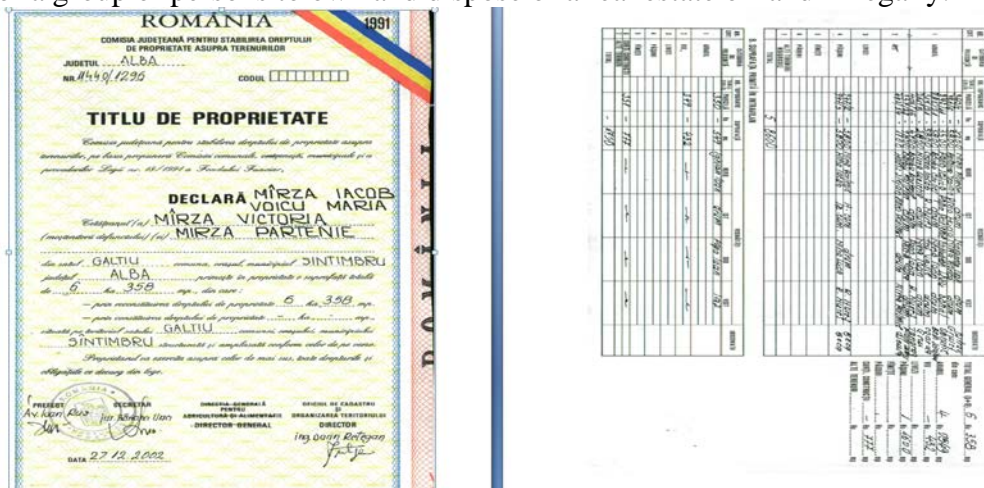


Figure 1 Property Title

2. Materials and Methods

Law no. 123/2023 for the amendment and completion of the Land Fund Law no. 18/1991 entered into force on May 19 of this year, and the applicants can benefit from the provisions of this normative act within 6 months from the entry into force of the law, as the holders or heirs of the lands provided for in the article 27, paragraph 2 of Law 18/1991, by submitting an application in person or by post, in order to issue the property title to the municipality of the localities in whose territorial range the land in question is located.

**For the land in question, I declare that the provisions of art. 27 para. (21) from Land fund law no. 18/1991, amended by Law no. 123/2023, as follows:**

1. The land in question was **not registered in the agricultural production cooperative** (it was not cooperativized), was not handed over to the state and was not taken over by the state through translation acts of property;
2. As the holder/heir, **I appear with the land in the agricultural registers/registers cadastral and fiscal records**, and the payment of related taxes and fees is up to date;
3. **No land registry was opened for the land in question** based on the Cadastre Law and of real estate advertisement no. 7/1996, republished, with subsequent changes and additions;
4. The land is **not the subject of requests for reconstitution or establishment of the right of property** by other persons, nor was title previously issued with look at it;

Figure 2 Extract from Law no. 123/2023

Considering the completion of the Land Fund Law no. 18/1991, it was also necessary to establish the working procedure of the local Commissions for the establishment of private property rights over local lands and of the County Commission in the present case (Alba County), in the activity of resolving requests for the issuance of property titles for lands, formulated under the provisions of art. 27 paragraph (2<sup>1</sup>) from Law no. 18/1991 of the land fund, republished, with subsequent amendments and additions, as this article was amended by Law no. 123/2023, as follows:

a) the applicant shall submit to the town hall within the radius of which the land is located, an application according to the indicative model and the contents of annex no. 1;

○ APPLICATION

formulated under art. 27 para. (21) from the Land Fund Law no. 18/1991,  
republished, with subsequent changes and additions,  
as this article was amended by Law no. 123/2023

The undersigned....., son/daughter of..... and  
of....., born on the date of..... in locality.....  
County....., domiciled in town.....  
str....., no....., county..... holder of CI/BI series..... no..... issued  
by ..|..... to date of ....., having PNC .....

Figure 3 Extract from Annex no.1

b) the supporting documents required to be submitted by the applicant are those provided in annex no. 2;

- The request of the applicant/s;
- Supporting technical report;
- Topo-Cadastral plan;
- Verbal process of neighborhood;
- Certificate;
- Fiscal attestation certificate;
- Self-declaration of liability;
- If the requested land was the subject of a case before the courts, a copy of the final court decision will be attached.

c) the content of the documentation that is drawn up by the local commissions for the establishment of private property rights over the lands and that is submitted to the county commission, in order to analyze the validation proposals, are those provided in annex no. 3;

**CONTENT OF THE DOCUMENTATION SUBMITTED TO THE COUNTY  
COMMISSION IN VIEW OF THE ANALYSIS OF THE VALIDATION PROPOSALS**

The documents will be placed in the file as follows:

A. Documents that are drawn up by the local commission

1. Address of the Local Commission to OCPI Alba (the model that can be used is the one provided in Appendix no. 2 to circular 6868/1/2023);
2. Address of the Local Commission to the County Commission (the model that can be used is the provided in Appendix no. 1 to circular 6868/1/2023);
3. Description of the documents from the files related to the applications analyzed and submitted to the Commission county with a proposal for validation.
4. The decision of the local Commission for submission of validation proposals (according to the model from annex 4);
5. Proof of communication to the applicants of the decision with the proposals of the Local Commission (address via that the adopted solution was communicated to the interested parties, confirmation of receipt - photocopy, display report, etc.);

Figure 4 Extract from Annex no.3

d) the local commission will adopt a decision regarding the submission of proposals for validation and issuance of property titles according to the model in annex no. 4;

TOWN HALL OF THE MUNICIPALITY/CITY/COMMUNITY \_\_\_\_\_

The local commission for the establishment of private land ownership

DECISION NO. \_\_\_\_\_

regarding the proposals for validation and issuance of property titles

pursuant to the provisions of art. 27 para. (2<sup>^</sup>1) from Law no. 18/1991 of the land fund, as a  
was amended by Law no. 123/2023

The local commission for establishing land ownership met in the working session of....,  
Analyzing the factual situation as well as the proposals recorded in the report registered under  
no. .... notes the following:

Figure 5 Extract from Annex no.4

e) the specialized report will be drawn up according to the model in annex no. 5;

The town hall .....

The local commission for establishing the right of private ownership of land

No. \_\_\_\_/date (day, month, year)

**SPECIALTY REFERENCE**

1. The purpose of the report

Issuance of the property title by the Alba County Commission for the establishment the right to private ownership of land based on the provisions of art. 27 paragraph 2<sup>1</sup> of Law no. 18/1991 of the land fund, republished, with subsequent amendments and additions, as amended by Law no. 123/2023;

2. Legal real estate data

By application registered under no. \_\_\_\_/date (day, month, year), the named(s) ----- have requested the issuance of the property title, based on the provisions of art. 27 para. (2<sup>1</sup>) from Law no. 18/1991 of the land fund, republished, with subsequent amendments and additions, for the land located in U.A.T. ...., in n the buildable perimeter (or outside it) of the locality ....., having the category of use, in a total area of .....

Figure 6 Extract from Annex no.5

f) the supporting technical memorandum will be drawn up by an authorized person according to the model in annex no. 6

**Supporting technical report**

1. Building address/ area where the work is carried out: UAT, City, identifiers, no. barn/no. plot topography, real estate surroundings;

2. Type of work / Purpose of work – enforcement of property laws/documentation drawn up in view of writing the property title based on the annex and the Commission's validation decision Alba County for the establishment of private property rights on land - Law no. 18/1991 of the land fund, republished, with changes and additions subsequent.

3. The situation of the building at the time of the inventory according to Law 165/2013;

4. Specialized operations performed:

The methods and equipment used for measurements, the coordinate system, calculation of surfaces, other necessary descriptions, as appropriate. It will be noted that no land registry has been opened for the property in question based on the Law cadastre and real estate advertisement no. 7/1996, republished, with the changes and subsequent additions;

It will be noted that the building was not the subject of requests for reconstitution or establishment of the right of ownership by other persons, nor was title issued previously property with respect to it;

5. Other information:

- No. and the date of drawing up the record of possession;

- Property area, category of use, possible fences, possible constructions built on the property;


Figure 7 Extract from Annex no.6

### 3. Results and discussion

In order to better understand the sequence of documents within the technical documentation that the applicant must submit to the town hall of the locality in whose territorial radius the land in question is located, we have chosen to present a case from Alba county, Blandiana commune.

In the first part of the documentation, the applicant had to fill out an application (according to the model in Annex no. 1), registered in the special register, accompanied by copies of the identity document/documents and documents of status, civil - birth, marriage, after case, if the applicant had submitted the application as an heir, it would have been necessary to submit the death certificate and/or certificate of heir/succession status.

The following document, part of the technical documentation, is the supporting technical memorandum (according to the model in Annex no. 6), drawn up and validated by the signature and stamp of an authorized person, certifying that no land register has been opened for the land in question based on the Cadastre and Real Estate Advertising Law no. 7/1996 republished, with subsequent changes and additions. It contains data related to the identification of the land from the point of view of the old land register, the location of the land, its surface, the neighborhoods, the situation of the land at the time of the inventory according to Law 165/2013 and last but not least the specialized operations carried out viewed through the lens of methods and hardware resources respectively used software.




Oficiul de Cadastru și Publicitate Imobiliară ALBA  
Biroul de Cadastru și Publicitate Imobiliară Alba Iulia

**EXTRAS DE CARTE FUNCİIARĂ  
PENTRU INFORMARE**

Carte Funciארă Nr. 70245 Blandiana

Nr. carte	72890
Ziua	15
Luna	11
Anul	2023

Cod verificare  
0007070245



**A. Partea I. Descrierea imobilului**

TEREN Nr. CF vechi: 135/Blandiana

Adresa: Loc. Blandiana, Jud. Alba

Nr. Ct.	Nr. cadastral / topografic	Suprafata* (mp)	Observatii / Referinta
1	Top: 1091	719	

**B. Partea II. Proprietari și acte**

Inscrieri privitoare la dreptul de proprietate și alte drepturi reale	Referinta
3252 / 22/09/1888	
Act nr. 0:	
B1 (Intabulare, drept de PROPRIETATE al cumparare, dobandit prin conventie, cota actuala 1/1)	1
1) DRAGOSTIE AVRAM	
OBSEVIATIE: (provenita din conversia CF 135/Blandiana)	

**C. Partea III. SARCINI**

Inscrieri privind dezmembrirea dreptului de proprietate, drepturi reale de garantie și sarcini	Referinta
NU SUNT	

Carte Funciארă Nr. 70245 Comuna/Orag/Municipiu: Blandiana

**Anexa Nr. 1 La Partea I**

Teren		
Nr cadastral	Suprafata (mp)*	Observatii / Referinta
Top: 1091	719	

\* Suprafata este determinata in planul de proiectie Stereo 70.

DETALII LINIARE IMOBIL

**Date referitoare la teren**

Nr. Ct.	Categorie folosinta	Insa vilan	Suprafata (mp)	Tarla	Parcela	Nr. topo	Observatii / Referinta
1	faneata	-	719	-	-	1091	

Extrasul de carte funciארă generat prin sistemul informatic integrat al ANCPİ contine informatiile din cartea funciארă active la data generării. Acesta este valabil in conditiile prevazute de art. 7 din Legea nr. 455/2001, coroborata cu art. 9 din O.U.G. nr. 41/2016, exclusiv in mediul electronic, pentru activitati și procese administrative prevazute de legislatia in vigoare. Valabilitatea poate fi extinsa și in forma fizica a documentului, fără semnatura olografă, cu acceptul expres sau procedural al institutiei publice ori entitati care a solicitat prezentarea acestui extras.

Verificarea corectitudinii și realitatii informatiilor continute de document se poate face la adresa [www.ancpi.ro/verificare](http://www.ancpi.ro/verificare), folosind codul de verificare online disponibil in anet. Codul de verificare este valabil 30 de zile calendaristice de la momentul generării documentului.

Data și ora generării:  
15/11/2023, 14:27

Document care contine date cu caracter personal, protejate de prevederile Legii Nr. 677/2001. Pagina 1 din 2

Formular versiunea 1.1

Entrate pentru informare online la adresa [www.ancpi.ro](http://www.ancpi.ro)

Document care contine date cu caracter personal, protejate de prevederile Legii Nr. 677/2001. Pagina 2 din 2

Formular versiunea 1.1

Entrate pentru informare online la adresa [www.ancpi.ro](http://www.ancpi.ro)

Figure 8 Conversion of an Old Land Registry

The graphic part of the documentation begins with the topocadastral plan, drawn up and validated by signature and stamp of an authorized person, according to Annex no. 16 to the Regulation of reception and registration in the cadastre and land register records approved by the Order of the General Director of ANCPI no. 600/2023.

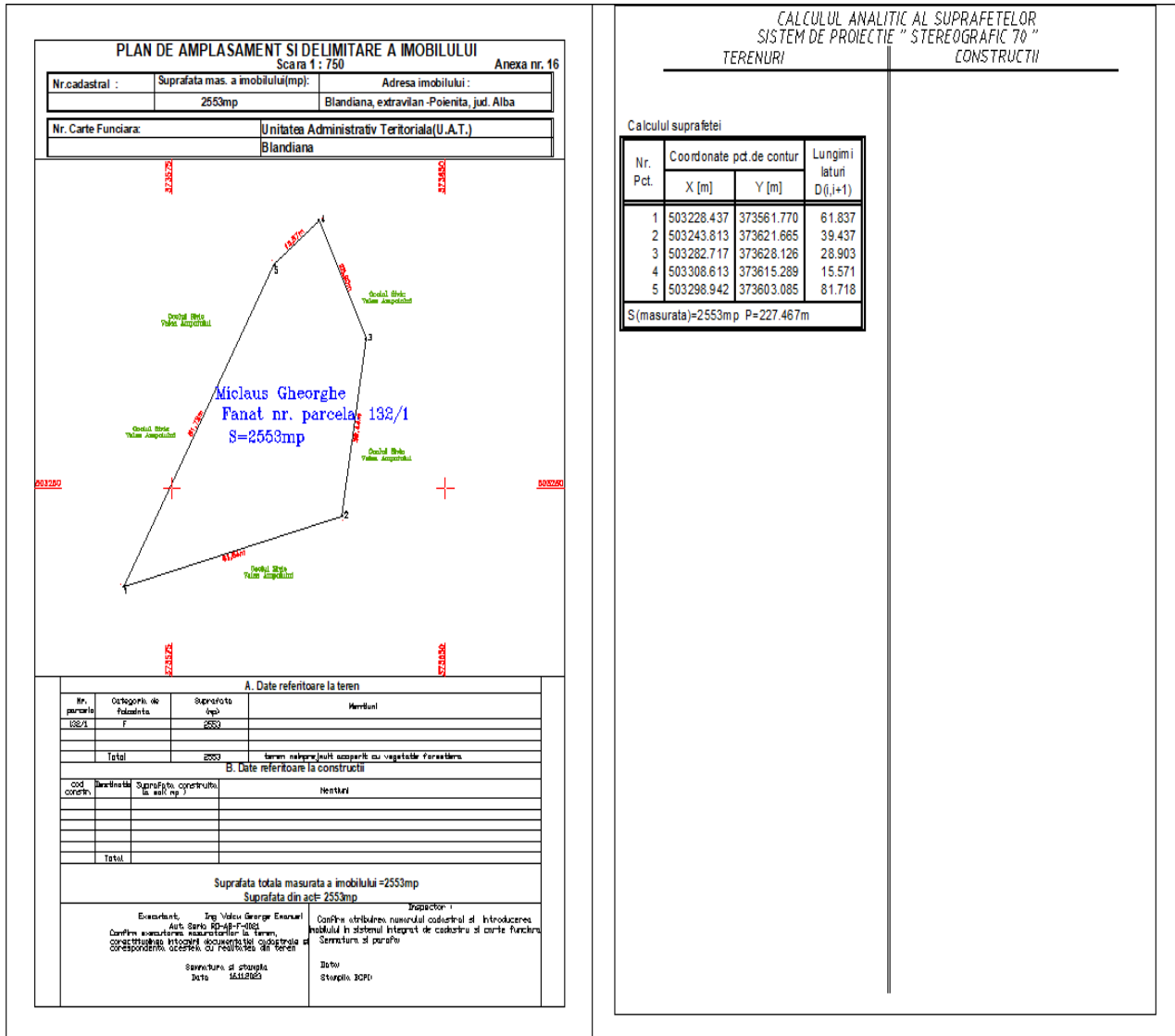


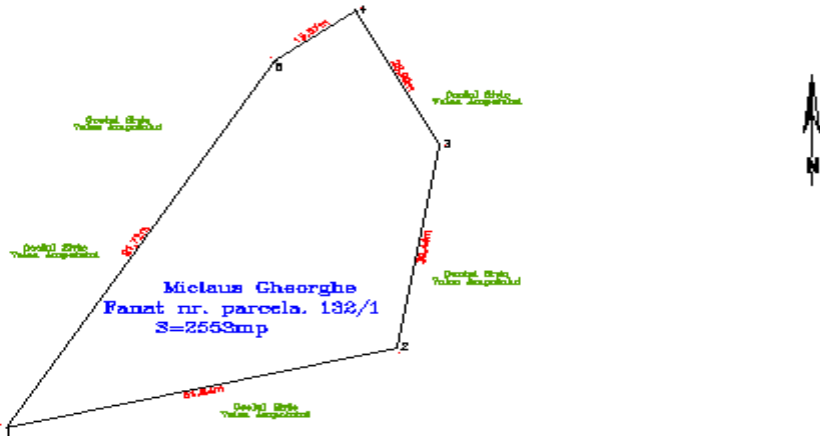
Figure 9 Topo-cadastral plan

Particular importance is attached to the verbal process of neighborhood, signed on all sides of the building presented below, through which both the land owner and the neighbors express their agreement regarding the identification of property boundaries, their dimensions, their materialization, etc.

PROCES VERBAL DE VECINATATE

Inchelat la data de .....

Subsemnatii Miclaus Gheorghe, legitimat (a) cu CI, seria , nr. ...., CNP ..... domiciliat in localitatea ....., str. ...., nr. ...., scara ....., Et. ...., ap. ...., judetul Alba in calitate de proprietar si vecinii Ocolul Silvic Valea Ampoiului identificat , prin CIF..... reprezentat de ..... legitimat cu ..... seria ..... nr....., CNP ..... domiciliat..... impreuna cu specialistul topo. inginer George Emanue VOICU cu domiciliul in Galtiu, nr. 19, jud. Alba, legitimat cu CI seria AX ..... CNP ..... am procedat astazi la recunoasterea si stabilirea limitelor si vecinatatilor imobilului situat extravilanul localitatii Blandiana, comuna Blandiana, jud. Alba, identificat cu CF 70247(112)Blandiana avand nr. topo 1090 Fanat de 2158 mp si parte din CF 70245(135) Blandiana avand nr. topo. 1091 Fanat de 719mp si suprafata reala rezultata in urma masuratorilor si calculata din coordonate stereo de 2553mp si prezentat in schita:



Subsemnatii proprietari ai imobilelor invecinate imobilului descris mai sus recunoastem limitele stabilite prin prezentul proces verbal si prezenta schita, fiind de acord cu acestea, drept pentru care semnam mai jos.

Latura	Lungime	Felul materializarii	Vecin	Semnatura
Nord 5-7	15.57m	netrapreintuit	Ocolul Silvic Valea Ampoiului	
Sud 2-2	61.84m	netrapreintuit	Ocolul Silvic Valea Ampoiului	
Est 2-4	68.34m	netrapreintuit	Ocolul Silvic Valea Ampoiului	
Vest 2-5	81.72m	netrapreintuit	Ocolul Silvic Valea Ampoiului	

Proprietar  
Miclaus Gheorghe

Specialist topo  
Ing. George Emanue VOICU

Figure 10 Verbal process of neighborhood

The documents that complete the technical documentation are represented by a certificate issued by the town hall showing the persons and the area registered in the Agricultural Register/Cadastral Register, a tax attestation certificate for natural persons regarding local taxes and fees and other revenues due to the local budget, from which to result that the applicant has no obligations, unpaid budget.

At the same time, the applicant is obliged to submit to the documentation a declaration on his own responsibility, authenticated by the public notary, from which the identification of the land as it was carried out by the surveyor, the surface of the land on each border point separately, the way in which the land was acquired in question, that the land is not removed from the civil circuit, is not the subject of a dispute before the courts or other bodies or authorities and that he assumes the responsibility that there are no other persons who could claim title to the land in question, and in the situation where the requested land was the subject of a case before the courts, a copy of the final court decision will be attached.

#### 4. Conclusions

Our country made special efforts after the fall of the communist regime in terms of ensuring a favorable legislative context for the establishment or reconstitution, as the case may be, of property rights starting from the Land Fund Law no. 18/1991, continuing with Law no. 1/2000 for the reconstitution of ownership rights over agricultural and forest lands, Law no. 247/2005 regarding the reform in the fields of property and justice, as well as some adjacent measures, Law no. 165/2013 regarding the measures to complete the restitution process, in kind or by equivalent, of the buildings taken over abusively during the communist regime in Romania, Law 231/2018 and last but not least Law 123/2023, I mentioned only some of the documents regulations by the Romanian State that tried to regulate the property problem in Romania. Whether it is the lack of information on the part of the citizens, or the terms in which these laws could be applied, or because of the high costs, a large part of the land in our country is not updated from a legal point of view, as there are no property documents.

Law 123/2023 came as a breath of fresh air, but only for the owners of the lands located in the non-cooperative area, for the other properties, part of the old laws remained in force, and for the lands not subject to them, the only solution was the courts. Unfortunately, this law also has its limits, because the deadline by which files can be submitted is November 2023.

#### 5. References

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7. \*\*\*- *Law no. 18 of 19.02.1991, Law of the land fund*;
8. \*\*\*- *Law 7/1996 - Law on cadastre and real estate advertising*;
9. \*\*\*-*Law no. 1/2000 for the reconstitution of ownership rights over agricultural and forest lands*;
10. \*\*\*-*Law no. 247/2005 regarding the reform in the fields of property and justice, as well as some adjacent measures*;
11. \*\*\*-*Law no. 165/2013 on the measures to complete the restitution process, in kind or by equivalent, of buildings taken over abusively during the communist regime in Romania*;
12. \*\*\*-*Law 231/2018*;
13. \*\*\*-*Law 123/2023*;