

CREATION OF CADASTRAL PASSPORT FOR PERENNIAL DOV
TREES.

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Annotation: This article talks about the creation of a cadastral passport for perennial trees and their main criteria.

Keywords: Cadastral file, Drawing up a cadastral file, Drawing up a cadastral file, cadastral passport.

State registration of rights to real estate means the recognition by the state of the fact that the rights of legal and natural persons to real estate have been created, transferred, limited and canceled.

The processes of issuing a cadastral passport to perennial trees and state registration of the right to it are carried out in accordance with the Administrative Regulations approved by the Cabinet of Ministers' decision No. 535 of September 2, 2020. Perennial trees owned by legal entities and individuals are prepared as a type of real estate, and a cadastral passport is issued based on the results.

During the preparation of the cadastral collection, measurements are made in the area of orchards, vineyards, orchards and other forest trees and the number of seedlings is determined. The total area and number of trees in gardens is determined without dividing them into species (apples, pears, peaches, etc.). The cadastral data of perennial trees are displayed together with the cadastral data of the land plot.

The state registration of property rights to perennial trees is carried out after the state registration of the rights to the plot of land where these perennial trees are located. Currently, the registration of the cadastral passport and the state registration of the property rights for perennial trees are carried out in a composite manner.

The registration of the passport of perennial trees and the state registration of the right will consist of entering information about the type and number of perennial trees and the land area occupied by them.

Cadastral file – an electronic collection of documents, materials and data of cadastral surveys, technical inventories and passports, special examinations and investigations, qualitative and cost evaluation of an object necessary for the formation, accounting and subsequent state registration of rights to immovable property.[1]

Cadastral passport – an electronic document containing general information on the immovable property and the cadastral number of the property.[2]

As is known, all transactions involving immovable property require the individualisation of the property, which shows the great importance of a properly prepared cadastral file. This article gives a detailed overview of what a cadastral survey is, which documents it consists of, for which objects its registration is compulsory, and the procedure for changing and drawing up a cadastral survey.

Drawing up a cadastral file

In order to obtain a cadastral file, the applicant (natural or legal person) shall apply in person to the Public Service Centers (hereinafter “Center”) or submit a request electronically through the Unified portal of interactive public services or conclude a contract (agreement) with the cadastral engineers for the provision of services.[3]

The application (agreement) specifies the type of immovable property, the right which is subject to state registration, the name of the improvable property for which the cadastral file is prepared or reissued, and the date of its preparation (if any).[4] Moreover, the following materials shall be attached to the application (agreement):

- Document confirming the payment of the fee for registration of the rights to immovable property;[5]
- Documents confirming rights to land, buildings, structures and perennial plantations;

Currently, the documents proving rights to immovable property are a) an extract from the state register of rights to immovable property (Schedule No. 1 to the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated 29 December 2018 No. 1060); b) certificate of registration of rights to immovable property, but only issued before 1 October 2018. The registration of rights to immovable property was canceled from 1 October 2018 by Decree of the President of the Republic of Uzbekistan dated 27 July 2018 No. DP-5490. Simultaneously, the procedure for issuing extracts from the state register of rights to immovable property, which are documents confirming rights to immovable property, has been introduced. However, all certificates issued before this change are also valid.

- Court decision (in case of transfer of rights to buildings, structures and perennial plantings by a court decision);
- Other documents in the possession of legal and natural persons confirming rights to immovable property.

Based on the results of the prepared cadastral file, a **cadastral passport** is issued to the owner or a person acting under his/her power of attorney, as well as the owner's heir[6].

References:

[1] Paragraph 2 of Schedule No. 3 to the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated 22 July 2021 No. 389.

[2] *Ibid.*

[3] Para. 5 of Schedule No. 3 to the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated 22 July 2021 No. 389.

[4] Para. 11 of Schedule No. 1 to the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated 29 December 2018 No. 1060.

[5] *Ibid.*

[6] Para. 4 of Schedule No. 3 to the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated 22 July 2021 No. 389.