

THE REAL ESTATE ADVERTISING SYSTEM THROUGH LAND BOOKS IN THE DESIGN OF THE NEW CIVIL CODE

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Abstract: The Land Book is the centerpiece of legal relationships whereby real rights are constituted, transmitted, altered or extinguished, and the task is to give full and secure information on the legal conditions regarding the subject matter of these rights. This information relates to the individualization of the immovable property and to its content, the identity of the natural or legal person entitled to exercise a right over the property, the title on which the right is based, some limitations on the exercise of the right due to the holder's personal circumstances, strikes the good inscribed, etc.

The land-based advertising system is governed by certain fundamental rules called principles that provide it with superiority in relation to personal advertising systems and the achievement of legal, static and dynamic security of real estate.

In the new Civil Code system, the real estate publicity is based on the land book through which, as Art. 876 par. (1) NCC, the buildings are described and the real rights relating to such goods are shown; also in the cases provided by the law, other rights, deeds or legal relations may be entered in the land register if they are related to the buildings included in this legal means of providing real estate advertising. All these real estate rights as well as, where appropriate, certain limited legal acts or deeds generating legal relationships relating to the buildings subject to registration in the Land Book constitute the subject matter thereof. Real estate rights, whatever they are, which are registered in the land book there are tabular rights; they can not be acquired, altered or extinguished except in compliance with the legal norms of the Land Book (Article 877 of the NCC). As far as the material object of the tabular rights is concerned, this is the real estate, which after its inclusion in the land register can not be modified except in compliance with the rules it imposes in the matter.

According to art. 881 NCC, the entries are of three types: registration, provisional enrollment and scoring; registration and provisional registration have as object the tabular rights, while the marking refers to the registration of other rights, acts, deeds or juridical relations regarding the buildings which are already included in the land register; provisional enrollment and scoring are made only in specific cases

provided by law. Article 882 provides that actual rights under suspensive or conditionality are not enforced but may be provisionally entered; As far as the extinctive term or the burden of liberty is concerned, they can be shown both in the tabulation and in the provisional enrollment.

Keywords: land book, real estate advertising, enrollment, scoring, deletion.

1. The Land Book. In the new Civil Code system, the real estate publicity is based on the land book through which, as Art. 876 par. (1) NCC, the buildings are described and the real rights relating to such goods are shown; also in the cases provided by the law, other rights, deeds or legal relations may be entered in the land register if they are related to the buildings included in this legal means of providing real estate advertising. All these immovable property rights, as well as, where appropriate, certain legal acts or legal acts in the narrow meaning of which generate legal relations relating to the buildings subject to registration in the land book form the subject matter thereof.

The notion of real estate. Regarding the notion of real estate, art. 876 par. (3) The NCC has taken over the definition in Art. 1 par. (5) of the Law no. 7/1996 before the amendment brought by Law no. 133/2012. This text stipulates that "immovable property" means one or more adjoining land plots, irrespective of the category of use, with or without construction, belonging to the same owner situated within the territory of an administrative-territorial unit and identified by a cadastral number (1) (5) of Law No. 7/1996, republished, by immovable property, for the purposes of this law, "is the land, with or without construction, in the territory of a territorial-administrative units, belonging to one or more owners, identified by a unique cadastral number. " Therefore, the building, as a material object of the land book, has the meaning of land, with or without construction, and not that of land with everything embedded in it, as art. 537 Real estate rights, whatever these are, which are listed in the Land Book are tabular rights; they can not be acquired, altered or extinguished except in compliance with the legal norms of the Land Book (Article 877 of the NCC). As far as the material object of the tabular rights is concerned, this is the real estate, which after its inclusion in the land register can not be modified except in compliance with the rules it imposes in the matter.

For each building there is only one land-book, with one owner; more owners may be registered in the same land register only if they own the property in co-ownership of shares or deeds (Article 878 of the NCC). According to art. 879-880, an immovable property registered in the land book may be altered by affiliation, in the case where several adjoining buildings merge into a single building or if a part of a building is added to another building or, as the case may be, it increases its stretching, or by stripping, if a part of the building is split or the extent of it is reduced. in the case of gluing or stripping, the resulting buildings will be transcribed into new land books, mentioning the new cadastral number for each building, with the consequence of closing old and old land books respectively.

2. Entries in the Land Book. According to art. 881 NCC, the entries are of three types: registration, provisional enrollment and scoring; tabulation and enrollment provisionally covered the tabular rights, while the marking refers to the registration of other rights, acts, facts or legal relations relating to the buildings already listed in the Land Book; provisional registration and scoring are made only in the cases specified by law. Article 882 lays down that actual rights under suspension or under resolute conditions shall not be enforced but may be provisionally entered; as to the extinctive term or the burden of a free liberties, they can be shown both in the tabulation and in the provisional enrollment.

A. Entry of tabular rights Acquiring and extinguishing real estate rights.

According to art. 885 NCC, the real rights over the buildings contained in the Land Book as tabular rights are acquired both between the parties and third parties only by their inclusion in the Land Book on the basis of the restricted legal act or legal act justifying enrollment. Likewise, the real rights over the buildings registered in the funeral book will be lost or will be extinguished only by their deletion, with the consent of the holder, which must be given by authentic notary; such consent is not necessary if the right is extinguished by the fulfillment of the term shown in the entry already made in the land book or by the death or, as the case may be, by the termination of the legal existence of the owner if he was a legal person. if the right to be removed from the land book is enforced for the benefit of a third person, the deletion shall be done in keeping with the right of the person, except in the cases specifically provided for by the law which would allow the contrary; the final court decision or, in the cases provided for by law, the act of the administrative authority will replace the will agreement or, as the case may be, the consent of the holder. At the same time, art. 886 NCC provides that the modification of an immovable property right entered in the land book shall be made, unless the law otherwise provides, according to the rules established for acquiring

or extinguishing them, obviously with the same legal effects both between the parties and third parties.

Acquiring real rights without enrolling in the Land Book. The new Civil Code provided for certain situations as well as a generic possibility in which the real rights are acquired without the need to register such an acquisition in the land book. Article 887 para. (1) The NCC provides that real property rights, as extratable rights, are acquired without their inclusion in the land book when they come from: inheritance; natural adhesion; forced sales; expropriation for a cause of public utility; in other cases expressly provided by law.

The second paragraph of the same text states that, in the case of forced sale, which is carried out in the course of the forced execution procedure, if the pursuit of immovable property subject to enforcement was not previously recorded in the land book, the real rights acquired over that immovable property may not be opposed to third-party acquirers of good faith, who do not know the exact legal status of the acquired asset.

If art. 887 par. (1) allows for the acquisition of real estate rights, in the situations shown, without the inclusion in the land book, no less, in the last paragraph, the text stipulates that the holder of the acquired rights will not be able to dispose of them through the land book the registration was made; from extratabular rights through their enrollment in the land book, and rights acquired in the shown ways will become real tabular real rights.

The documents on the basis of which the entries in the land book are made. Under the marginal, somewhat improper "enrollment conditions", Article 888 of the NCC lists the documents on the basis of which the entries in the land book may be made: the authentic notary's document, the final judgment, the certificate of inheritance or an act issued by the administrative authorities in cases where the law so provides. Therefore, any entry in the land book must be made on the basis of a document establishing a le Waiver of the right to private property entered in the land register.

According to art. 562 par. (2) NCC, the owner may renounce, by authentic declaration, his right to property on immovable property entered in the land register; the declaration of renunciation, entered in the land book, has the effect of extinguishing that property right. Resuming this principle, art. 889 NCC states that the owner of an immovable property may renounce his right by a genuine notary statement, which shall be registered with the cadastre and publicity office, for the registration of the removal of that right, where the commune, the city or the municipality, as the case may be, require the registration of the right to private property for his benefit on the basis of the decision of the local council, in compliance with the legal provisions on the transfer of immovable property rights, if another person did not request the registration of the property right in respect of that property acquired through extracurricular usutism. If such goods were bribed with real tasks, ie dismantling of property rights or legal or conventional mortgages, the administrative-territorial unit that took over the property is subject to observance of these tasks only within the limit of the value of the asset thus acquired.

The date of the effects of entries in the Land Book. The particularly important legal effects both between the parties and third parties of the entries in the land book are produced from the date on which they were performed. According to the provisions of Art. 890 NCC, which, in its first paragraph, stipulates that, unless otherwise provided by law, the entries in the land book will take effect from the date of registration of the applications, taking into account the date, time and minute of their registration all cases in which the application has been filed personally, by mandate or by a notary or, as the case may be, communicated by telefax, e-mail or other means ensuring the transmission of the text and confirmation of receipt of the application for registration with all supporting documents.

Thus, the principle of the priority of enrollments is formulated by taking into account, in determining this priority, not the date of registration of the acquisition of the real right in the

land book, but of the date when it was registered, including the time and minute the physical operation of registration of the application for registration.

Article 890 of the NCC contains special provisions concerning the registration of mortgages.

The text of the law provides that, in the case of mortgage rights, the order of filing of applications will also determine their rank; if several requests to register mortgages for the same immovable were received on the same day, by post or courier, the mortgage rights will have the same rank; if the applications thus received concern other real estate rights, they will only acquire a provisional rank only on a provisional basis and, at the request of any person concerned, the court will rule on the rank of the right in question and, if appropriate, invalid. if two or more real estate rights have been given equal rank, on receipt of the postal or courier requests on the same day, it will be preferred, irrespective of the exact date of the titles in the competition, was placed in the possession of the good or, as the case may be, the one to which the debtor has executed his first obligations, except for the mortgage, which will have the same rank; in the event that none of the acquirers has been placed in possession of the good or, as the case may be, the debtor has failed to fulfill his obligations with respect to any of them, it would be preferable to the person who first brought the matter to court on the basis of those provisions legal. These rules regarding the settlement of multiple applications on the same day, by post or by courier, will also apply if the same day a request for enrollment was submitted personally, through an agent or by a notary public or, as the case may be, by telefax, electronic mail or other means of transmission of the text and confirmation of receipt of the application for registration with all supporting documents, and request was received by post or courier. The effect of the priority of entries in the land book under the above conditions is also illustrated by the provisions of art. 891 NCC, which provides that in the event that two or more persons have been entitled to acquire, by acts concluded with the same author, rights over the same immovable property which are mutually exclusive, the person who has registered the first right shall be considered the holder of the right of tabulation, irrespective of the date of the title under which the landing book was registered.

Article 892 of the NCC regulates an exception to the principle of the priority of inclusion in the book land, for the hypothesis that such an entry was made by a third party acquirer of bad faith of the immovable property forming the subject of the right thus signed up. The text stipulates that a person who has been entitled, through a valid legal act, to register a real right for his benefit may request the deletion of a competitor's right or, as the case may be, a preferential status registration by another person, but only with the cumulative meeting of the following three conditions:

- the legal act under which the removal or assignment of the preferential status is requested prior to the one on the basis of which the third party has registered his / her right,
- the rights of the complainant and that of the third party to be acquired come from a joint author;
- Enrollment in the benefit of the claimant has been hindered by the third party by violence or cunning, as the case may be.

The cancellation or the granting of the preferential status may also be required if the violence or cunning has come from a person other than the acquirer but only if the latter has known or, as the case may be, ought to have been aware of this circumstance at the time of the conclusion of the contract to whom he has acquired the right in his favor. According to art. 892 par. (3) NCC, this right of action to demand the cancellation of the registration of a right in the Land Book under the conditions set out shall be prescribed within 3 years from the date on which the third party has registered for his benefit the right whose removal is required.

Individuals against whom tabular rights can be enrolled. According to art. 893 lit. a) the registration of a real right can only be made against the person who, at the date of registration of the application, is already registered as the holder of the right to which the registration is to

be made. Thus, the text establishes the rule according to which an entry in the land register is made only "against" the person who is already inscribed in the land book, that is, against the tabular antecedent of the person requesting the enrollment of the acquired right from it. the book of land, which is not confused with the principle of the relativity of the effects of the civil legal act. Indeed, as it has been pointed out in the literature, in the matter of land books, the principle of relativity of registrations wishes to highlight their continuity, the unbroken maker of the "chain" of acquirers of the same immovable property rights.

The new Civil Code provides for certain exceptions to the principle of relativity of entries in the land book;

Thus, a first exception is included in art. 893 lit. b), according to which the registration of a real immovable right can be made against the person who, before being enrolled, has the right to strike if both registrations are required at once. For example, the acquirer of the property right over another

of an immovable property registered in the land book, consent to the building of a mortgage on that good before he enters his property right; he will be able to request the enrollment of both rights in the land register, ie both the registration of the right of ownership and the mortgage, provided that both registrations are requested at once.

A second exception is provided by art. 894 NCC for the case where a real right subject to registration in the land book has been the subject of successive broadcasts without the enrollments being made; in this case, the latter may not require the enrollment of the right for his benefit unless he asks, with his registration, also the registration of previous successive acquisitions, which he will be able to prove with original documents or certified copies of the acts of transmission of that building, as the case may be. This exception only leads to the restoration of the "chain" of transmissions, which become tabular.

A third exception is given by the provisions of Art. 895 NCC, according to which inscriptions based on the obligations of a deceased person may also be required after the right passed on to the heir has been entered on the heir's name, but only to the extent that the heir itself is held by the fulfillment of these obligations

Presumption of the existence or non-existence of a tabular right. This presumption is the expression of the principle of material publication of the land book. According to art. 900 NCC, if a real right has been registered in the land book for the benefit of a person, it is presumed that the right exists for its benefit, if a real right has been removed from the land book, it is presumed that that right does not exist. These two presumptions take into account the probative force of enrollments in the land book. They are relative presumptions, which can be countered under Art. 900 paragraph (3) NCC, which provides that the contrary proof can be made only in the cases provided by art. 887 NCC, ie in cases where real rights are acquired without registration in the land book, as well as through a rectification action specific to the matter, respectively, if the entry in the land book does not correspond to the real legal status of the registered building, so that it can be rectified.

At the same time, art. 901 The NCC regulates the situation of a well-earned acquisition of a tabular right. Thus, the text stipulates that, subject to contrary legal provisions, anyone who has acquired in good faith any real right entered in the land book by virtue of a legal act for pecuniary interest shall be deemed to be the owner of the right in his favor, if, at the request of the true owner, the right of his author, that is, the acquirer of good faith, is erased from the land book. An acquiring third party shall be considered in good faith only if,

- at the date of registration of the application for registration of the right for its benefit, the following conditions are met:

- it does not show the existence of any cause justifying its rectification in favor of another person;

- did not know, in any other way, the inaccuracy of the contents of the land book.

These provisions also apply to a third party who has acquired in good faith a mortgage right on the basis of a legal act concluded with the landlord or his successor in title, as the case may be.

Action in tabular performance. All entries in the land book are operated on the basis of substantiating documents of legal acts and of legal facts in a narrow sense the basis for the acquisition or creation of real rights in respect of immovable property subject to registration, which implies the fulfillment of certain obligations by the transmitter or constituent of such rights. What will happen if the transmitter refuses to hand over to the acquirer the documents necessary for the registration of the legal transaction agreed between the parties, for example, a sale / purchase agreement for the property belonging to the seller listed in the land register? The answer to this question is given by the provisions of art. 896 NCC, which provides that in cases where the person obliged to transmit, make or modify for the benefit of another person a real right over a building fails to fulfill his obligations to register in the land register, he may ask the court to has the registration; the right to action is prescriptive under the law. We are in the presence of a right to action specific to the matter of land books, known in the system of former Decree-Law no. 115/1938, as well as in Law no. 7/1996, in the form of the action in tabular service. It is defined in the literature as the action by which the acquirer of a real right of property requires the court to order the defendant to hand over the document necessary for the registration of the right in the land book and, failing that, to have it registered in the land register. If the action in tabular presentation has been recorded in the land book, the court judgment obtained in the case will be registered, of course, also against those who have acquired a right after the scoring.

As regards the period within which an action in a tabular service is to be granted, in view of the fact that it is the fulfillment of an obligation to do, that is to say the surrender of the documents necessary to carry out the legal transaction of the registration of the acquisition, the creation or modification of the right by the tabular antecedent, this will be the generic term of three years prescription, provided by art. 2517 NCC.

According to art. 897 NCC, the action for tabulated service may also be directed against the acquirer already mentioned in the land register if the legal act relied on by the applicant is prior to the one under which the right of the third party was registered and the latter was bad - credence at the conclusion of the act. The fidelity of the third-party acquirer entered in the land book is that defined by art. 892 NCC evoked above; it consists in preventing the applicant "by violence or cunning" from making his right in the land book, knowing his existence, even though such dollworks would interfere with someone other than the acquirer but only if, in that latter hypothesis he knew or, as the case may be, should have been aware of this circumstance at the date of the conclusion of the contract under which he acquired the right in his favor. Article 897 (2) provides that the right of action against the acquirer He shall be released within 3 years from the date on which he enters the right for his benefit, unless the applicant's right to action against the tabular antecedent has been previously prescribed.

B. Provisional registration. It is possible that at the time of acquiring a real estate right subject to registration in the Land Book, there is some legal uncertainty about its existence: until such an uncertainty has been removed, the legislator provided for the possibility of registering the acquisition of the right, but in the form of provisional enrollment, which has the same object as enrollment or registration itself, retaining this character until removing the uncertainty affecting the acquisition of the right in question. However, once it has been removed, provisional enrollment becomes definitive.

Article 898 of the NCC provides that, except in other cases provided for by law, provisional registration in the land book may be required in the following situations:

- whether the acquired real right is affected by a suspensive or resolute condition or whether it concerns or imposes a future construction; in case of provisional registration of a future construction, its justification shall be done under the conditions of the special law;
- if, under a judgment which is not yet final, the party who has been unsuccessful has been compelled to transfer, constitute or extinguish a real tabular right or the person managing the assets of another person was obliged to give a mortgage ;
- if the debtor has recorded the amounts for which the mortgage was registered;
- if a real provisional bill is obtained;
- if both parts of a contract that deals with the submission of a tabular right consent only to making a provisional enrollment.

Regarding the effects of provisional enrollment, art. 899 NCC establishes the principle that provisional enrollment results in the acquisition, modification or termination of a tabular right from the date of filing the application, subject to and to the extent justified. The justification of a provisional enrollment is made with the consent of the person against whom the provisional enrollment was made, given in authentic form or by a final validation decision. If consent is obtained, it is amicable to justify provisional enrollment, and if the proprietor of the tabular right does not agree with that entry, the acquirer of the right has a specific action, called the tabular justification action, which can be introduced after the provisional registration has been made, if the tabular owner no longer agrees to the definitive registration of the claim by the applicant temporarily registered in the land register. This action will have the legal status of the action in tabular performance.

C Citing certain rights, facts, and legal relationships in the Land Book

Notion; acts and legal acts subject to scrutiny. Grading is one of the statutory enrollments that can be made in the Land Book. It differs from registration and pro-vision, since, while they concern real property rights, the mark has as its object other rights, acts, facts or legal relationships related to the immovable enrolled in the land book and which , in order to give the civilian circuit as much security as possible, must be known by the interested persons. According to art. 902 NCCs, deeds or other legal relationships relating to a building become legally binding on third parties unless it is shown that they have been otherwise known, unless it is clear from the law that their mere knowledge is not sufficient to compensate for the lack of advertising; in case of conflict of rights arising from a common author, the dispositions of art. 890-892 regarding the date of the effects of the registrations, as well as those of art. 896 and art. 897 relating to the action in tabular service. Therefore, the effects of the notation are to inform third parties of facts or legal situations relating to the rights in the Land Book. except for other cases foreseen by law, art. 902 par. (2) stipulates that some acts are to be recorded in the land book

small legal acts related to the civil capacity of natural or legal persons entitled to tabular rights, such as putting a court order and lifting that measure, a claim for death of a natural person, a court order declaring death and an application for annulment; or to rectify the court decision, to open the insolvency proceedings. Also, some legal acts that give birth to patrimonial personal rights that have as their source legal obligations regarding the buildings registered in the land book, as well as the notary of the lease and the assignment of the income, the pre-contract and the option pact, the right of pre-emption arising out of a convention, intention to alienate or mortgage, change of mortgage rank, indemnity, pledge, or other real collateral on a mortgage claim. Similarly, other notations highlight certain restrictions on the exercise of tabular rights, such as the conventional ban on the alienation or striking of a right entered in the land book, the secheter, the pursuit of the real estate, the fruit or the incomes produced by it. They are subject to the land register and litigations in court dealing with tabular rights, such as tabulation, action to justify enrollment, and action to rectify it, actions to defend tabular rights, , actions for the dissolution of the legal act for

reasons of nullity, termination or other causes of ineffectiveness, revocation action, as well as any other actions regarding other rights, facts, legal relations in connection with the buildings registered in the land register. It should also be noted that the criminal proceedings have been initiated for an enrollment in the land book by an act provided by the criminal law (art. 902 par. (2) point 20 of the NCC).

The law provides that third persons in the matter of marking are those persons who have obtained a real right or other right in connection with the real estate registered in the land book (art. 902 par. (3) NCC).

According to art. 903, can be noted in the land book, but the opposability to third parties does not depend on this enrollment: incapacity or restriction, by law, of the ability to exercise or use a subject of law; the declaration of public utility for the expropriation of a building; any other facts or legal relationships relating to the real estate registered in the Land Book and which are provided for this purpose by law.

Notation in some special situations. Thus, it is possible to note the intention to alienate or mortgage a real estate registered in the land book. Such a mark must indicate the person to whom the mortgage is to be constituted, as well as the amount corresponding to the secured obligation, and if the alienation or the mortgaging takes place within 3 months of this intention, the registered right shall have the rank of the notation (art. 904 NCC); after the expiration of this period of three months, the notice of the intention to alienate or the mortgage loses its effect and the year, the month and the day of the loss of the effect of the notation will be mentioned both in the scoring and in the conclusion that it was ordered (Article 905) . Also, art. 906 NCC contains special provisions for the marking of antecontracts relating to the right of ownership of a building or other right in connection with it, as well as of the option pact. In order to be able to make a record of such a legal transaction envisaged by the parties, it is necessary for the promisor to be entered in the land book as the holder of the right subject to the promise and the option pact, and they shall stipulate the term in which the contract was concluded by the parties. Grading can be done at any time within the term stipulated in the pre-contract for its execution, but no later than 6 months after its expiration.

D. Correction of Land Book Entries

It may be that for various reasons an existing entry in the land book does not reflect the real legal situation of the inscribed building. According to art. 907 par. (1) The NCC, when an entry in the land register no longer corresponds to the actual legal system, may require the rectification of the entry, a legal operation defined in the second paragraph of the same text as the deletion, correction or correction of any entry inaccurate in the land book. Article 907 (3) states that the real legal situation must result either from an acknowledgment made by the proprietor of the entry whose rectification is sought, recognition by authenticated notarial declaration or a final judgment delivered against him, by which the substantive action was upheld; such a substantive action may, as the case may be, be an action for annulment, dismissal, reduction or any other action based on a cause of ineffectiveness of the legal act.

Situations where tabular correction may be required. According to art. 908, any interested person may request the rectification of an entry or provisional enrollment in one of the following situations:

- the entry or the termination is not valid or the act under which it was effected was abolished, according to the law, for causes or for reasons that preceded or concomitantly with the conclusion or, as the case may be, with its issuance;
- the right was wrongly qualified;
- the conditions for the existence of the enrolled right are no longer fulfilled or the effect of the legal act under which the registration was made is no longer fulfilled;

- the registration in the Land Book is no longer for any other reason, in accordance with the real legal situation of the real estate.

According to art. 908 par. (2), the settlement of this "dispute" by effecting the requested rectification may be done either amiably, by the authentic notary statement given by the holder of the tabular right to be radiated or modified, or, in case of dispute, by final judgment ordering the correction of the tabulation or provisional registration requested by the applicant.

Time limits for exercising the action in tabular rectification. Even if an action concerning the substance of the right entered in the land book would be prescriptive within a certain period, as a rule, within the 3-year general limitation period, art. 909 NCC states that the action in tabular correction is imprescriptible to the direct acquirer of that right as well as to the third party who has in bad faith acquired the right in his favor. In the case where the substantive action brought by way of separate proceedings has been upheld, the action for tabular rectification is also imprescriptible both against those who have been summoned in court and against third parties who have acquired a real right after the merits was noted in the Land Book.

With respect to third parties who have acquired in good faith a real right by donation or by a private bond, the action for rectification, subject to limitation of the right to the substantive action, may be introduced only within 5 years, calculated from the registration of their application enrollment of the right so promised. Also, subject to the limitation of the right of action, the tabular correction based solely on the invalidity of the entry or the termination of the filing or the termination of the act on the basis of which the registration was made for causes or reasons concomitant with the conclusion of the act, as the case may be, its issuance or the circumstance of the incorrect classification of the right enrolled, may also be directed against third persons who have registered any real right acquired in good faith by a legal act for pecuniary interest or, as the case may be, on the basis of a mortgage contract, based on the land book.

In all these last cases, the period within which the tabular correction action may be filed shall be 3 years from the date on which the application for registration was filed by the immediate acquirer of the right whose rectification is requested, unless the conclusion, by which the registration which was the object of the rectification action was ordered, was communicated to the entitled person, in which case the deadline for tabling the action will be one year after the communication of that conclusion.

All of the above-mentioned terms, namely 5 years, 3 years and one year, are terms of withdrawal (art. 909 par. (4)), that is, prefixes that are not susceptible to suspension or interruption.

Effects of tabular rectification action. According to art. 910 NCC, the judgment in which an action for tabular correction has been allowed will not be capable of infringing the rights in favor of those who were not parties. If, however, the rectification action, which is subject to scrutiny, has been noted in the land book, the judicial decision to admit the rectification will also be recorded against those who have acquired a tabular after the scoring that will be radiated once with the right of their author.

Correction of the notation in the land book. Not only temporary entries or entries in the land book can be rectified, but also notations. In this respect, art. 911 NCC states that, without the consent of the holder, any interested person may request the rectification of a mark in the cases provided for in Art. 908 for the rectification of entry or entry in the land book, and whenever, for other reasons, the mark is not or ceases to be accurate. The rectification will be granted on the basis of a final court judgment ordering it, and the right to an action to rectify the mark is imprescriptible.

3. Correcting material errors. On the occasion of carrying out the material operations of the tabulations, the provisional enrollments or the notation in the land book, certain material errors may occur, which consist in inaccuracies that do not discuss the existence or content of

tabular rights in any way. Such errors may consist in misrepresenting the name of the right-holder, the address at which the property is located, etc. In any case, such material errors have not been confused with situations in which tabular correction is required. Their production requires, however, the necessary straightening, materialized in the removal of that material error.

According to art. 913 NCC, material mistakes made during the registration in land books, other than those which constitute rectification cases, may be made, on request or ex officio, by the cadastre and publicity office.

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