

Meeting 22.03.2023



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SUBJECT PROPERTY DESCRIPTION (PART 1)

LAND AND BUILDING REGISTER(EGIB)/LAND RECORDS

LAND AND MORTGAGE REGISTER(KW)

Register vs registry vs record

A **register** is a an electronic or hard copy file or book in which important records are kept.

A **registry** is an office (or perhaps a web site) where a register is maintained and where you go to enter, amend or delete your information from the register, or ask questions about it. (Interactive?)

A **record** it is information about something that is written down or stored on computer, film etc so that it can be looked at in the future.

A register= records

Individual Task www.quizbrary.com Lesson2, Task 1
(register/registry/record)

Administrative division of Poland

National Official Register of the Territorial Division of the Country (TERYT)

- **Voivodeships** (similar to **provinces**),
- **Powiats** (similar to counties or **districts**),
- **Gminas** (similar to **communes** or **municipalities**).

- cities with a powiat(district) status, /miasto na prawach powiatu/
- urban, rural and urban-rural gminas (communes) /gminy miejskie, wiejskie, miejsko-wiejskie/
- towns and rural areas in urban-rural gminas (communes),
- **Locality** = miejscowość

A parcel/ plot and lot

- **A parcel (or plot) of land (land plot)** is an area of land with a particular ownership, land use, or other characteristics. A parcel is frequently used as the basis for a cadastre /kə'dæstər/ (<https://youtu.be/nNXhlml4xKU>) or land registration system. *The basic spatial unit in a cadastre is known as a parcel.*
- **Cadastral parcel = land plot**
- **A lot** is a small area of land that belongs to a person or company = American English

Area Measuring

Different institutions, different names , desperate struggle to have a unified system

Floor area/ floor space or floorspace = powierzchnia budynku

- The area (measured as square feet or square metres) taken up by a building. The ways of defining "floor area" depend on what factors of the building should or should not be included, such as external walls, internal walls, corridors, lift shafts, stairs, common parts, accessory rooms etc. There are three core definitions in the Code of Measuring Practice by RICS.
- **Gross external area** (GEA) - is the area of a building measured externally at each floor level.
- **Gross internal area** (GIA) - is the area of a building measured to the internal face of the perimeter walls at each floor level (Residential)
- **Net internal area** (NIA) - The NIA is the GIA less the floor areas taken up by lobbies, enclosed machinery rooms on the roof, stairs and escalators, mechanical and electrical services, lifts, columns, common toilet areas (application Offices)

Individual tasks:

www.quizbrary.com

Lesson 2, task 2 (reading comprehension - GEA and GIA)

Lesson 2, task 3 (listening comprehension - NIA)

Today: International Property Measurement Standards (IPMS) for offices or residential buildings

So what to do not to go crazy? (carpet area? ☹)

Usable (floor) area = powierzchnia użytkowa budynku

Net floor area = powierzchnia netto

Gross floor area (built-up area or the plinth area☹)– powierzchnia brutto

Plot area/Site area/ Total property area/Total area of property = the whole land that falls in one's ownership. – powierzchnia (całkowita) działki

LAND AND BUILDING REGISTER (EGIB)

It is a geodesic public register of figures and descriptions of land, buildings and **premises** and data concerning owners of real property.

Premises issue

Your lowly one-room shack is still your premises.❓

Premises (used in plural) the buildings and land owned or used by someone, especially by a company or organization - business/commercial/company premises (*Cambridge dictionary*)

„Residential premises” = a house, building, structure, shelter, or mobile home, or portion thereof, used as a dwelling, home, residence, or living place by 1 or more human beings. (Law Insider)

„Non-residential premises” = any property, or **self-contained** portion of a property, used for industrial, commercial or institutional purposes, or for any other purpose other than residential occupancy (Law Insider)

self-contained = samodzielny

Vocabulary found in the land and building register

Województwo: Voivodeship/Province

Powiat: Powiat/District

Jednostka ewidencyjna: Cadastral unit/Registration unit

Obręb ewidencyjny: Cadastral precinct/Registration area

Plot no.: Nr działki

Arkusz: Sheet

Obręb: Precinct /'pri: ,sɨŋkt/ <https://www.youtube.com/watch?v=KInshBGAYdY>

Położenie: Location

Użytek lub klasa: Land use or classification/ Use Class (UK)

Opis: Description

Oznaczenie: Designation

Nr ewidencyjny budynku: Building identifier

Rodzaj wg KŚT: Type according to the Classification of Fixed Assets

Klasa wg PKOB: Classification according to the Polish classification of types of constructions (construction)

Kondygnacja nad./pod. : storey above/below the ground level

Powierzchnia zabudowy: setback area

Individual task: www.quizbrary.com Lesson 2, Task 4 (vocabulary – L&B register)

Land and Mortgage Register

- **Land and Mortgage** /mɔ:ɡɪdʒ/ https://youtu.be/sqqXK9g2y_c **Register** is a public register that reveals the legal status of the property.

It allows us to determine who the property belongs to and what rights there are. Each real property registered in the land and mortgage register has its own files. These files are divided into four sections that refer to a different aspect of legal status of the real property:

- **Section I** (Dział I – Oznaczenie nieruchomości) – “Designation of the real property/ Property designation” – description of/information on the property location, land plot, buildings, premises – the data from the Land and Building Register
- **Section I-Sp** (Dział I-Sp - Spis praw związanych z własnością) - "List of rights connected with ownership" includes entries regarding rights related to the ownership of real property, rights related to **perpetual usufruct** /'ju:zju:frʌkt/ <https://www.youtube.com/watch?v=UbPfOU8YiDc> (użytkowanie wieczyste) and rights to premises for co-operative/commune/common/joint ownership (a ratio **share in the title to common property – wielkość udziału w nieruchomości wspólnej**).
- *Usufructuary*, (plural *usufructuaries*) – użytkownik wieczysty

Breakout rooms: Task 5 – pairs

Person A: explain to your partner what perpetual usufruct is

Person B: tell your partner what Section I and Section I-Sp contain

Section II – (Dział II – Własność) – “Ownership/Title” description of the property owner or the perpetual usufructuary of the property

- **co-ownership** współwłasność
- **fractioned co-ownership** (similar to the English law concept of **tenancy in common**), where each of the co-owners may transfer or dispose of their share by will; - współwłasność ułamkowa
- **joint co-ownership** (which can be compared to some extent to the English concept of joint tenancy), where the co-owners have the same undividable interests in the property, e.g. spouses subject to joint marital status or heirs before the division of an inherited property. - Współwłasność łączna

Section III - (Dział III - Prawa roszczenia i ograniczenia) - "Rights, Claims and Limitations

It contains entries relating to limited property rights (except mortgages - hipoteki), limitations/restrictions on disposal of the real property or perpetual usufruct, other rights and claims/roszczenia/ (with the exception mortgage claims).

English speaking countries:

Limited property rights (limited rights in rem) – ograniczone prawo rzeczowe:

Servitudes /'sɜ:(r)vɪ,tju:d/ <https://www.macmillandictionary.com/dictionary/british/servitude>

- Easements /'i:zmənt/ <https://www.macmillandictionary.com/pronunciation/british/easement>
- Covenants

The difference between easement and covenant rests on who owns the property

Easement (służebność) – our right of use, or right of way and passage, over someone's property:

- Dominant estate/tenement/property – a property owner who receives a benefit – *nieruchomość władająca*
- Servient estate/tenement/property – a property owner who gives a benefit - *nieruchomość obciążona*

Covenant limits how we (owners) can use our own property.

- For example, a landowner may erect and maintain a boundary fence (a positive covenant). This contrasts with a negative covenant, which is referred to as a restrictive covenant. This is an undertaking not to do a specified thing, such as to build above a certain height."

Poland

Three types of easement:

- **Gruntowa - Real easement/easement appurtenant** /ə'pɜ:tɪnənt/ <https://myefe.com/transcription-pronunciation/appurtenant>
- can be established for the benefit of the owner (perpetual usufructuary) of a (dominant) property, usually in relation to neighbouring land, in order to improve the utility of the property.
- **Osobista - Personal easement** can be established for the benefit of an individual to satisfy their personal needs (for example, an easement of habitation).
- **Przesyłowa - transmission (line) easement** can be established in favour of a business which intends to build transmission equipment (for the transmission of gas, power etc)

Apart from the afore-mentioned types:

perpetual, nieograniczona w czasie

limited in time (time-bound) ograniczona w czasie

gratuitous - nieodpłatna /grə'tju:ɪtəs/ <https://www.ldoceonline.com/dictionary/gratuitous>

Miscellaneous vocabulary:

a lien ['li:.ən]

<https://www.macmillandictionary.com/pronunciation/british/lien> - zastaw

a cooperative member's ownership right – spółdzielcze prawo własnościowe

a pre-emptive right /pri:'emptiv/

<https://www.macmillandictionary.com/pronunciation/british/pre-emptive>

– prawo pierwokupu

transfer of ownership/title – przeniesienie tytułu własności

tenancy - dzierżawa

lease - najem

Individual task: www.quizbrary.com Lesson 2, task 6 –vocabulary test

Section IV – (Dział IV – Hipoteka) – “Mortgage” contains information about mortgage (exact value, currency, type, **receivables** /wierzytelności/, priority) or a claim to establish a mortgage and information about mortgagee.

Why is it called a mortgage? City morgue? Mortuary? Sound familiar?

- The word "mortgage" comes from Old English and French meaning "death/dead pledge." It gets that name since this type of loan "dies" when it is either fully repaid or if the borrower defaults.

Mortgagor /'mɔːgɪdʒɔː/ <https://www.oxfordlearnersdictionaries.com/definition/english/mortgagor>

= (**debtor** /'detə/) Vs. **Mortgagee** /,mɔːgɪ'dʒiː/

<https://www.oxfordlearnersdictionaries.com/definition/english/mortgagee>

= (creditor)

- the **mortgagor** (dłużnik hipoteczny) is the borrower of a mortgage loan and makes regular payments on the loan and agrees to a lien on the mortgaged property as **collateral** (zabezpieczenie) for the mortgagee
- the **mortgagee** (wierzyciel hipoteczny) is the lender who sets the loan terms, oversees its payment and maintains the right to seize the property if the mortgagor falls behind on their payments

Types of mortgages in Poland:

– Ordinary mortgage - Hipoteka zwykła

– Bail mortgage/Capped mortgage - Hipoteka kaucyjna

They were substituted by (Contractual/conventional) **Mortgage** - Hipoteka umowna

– Compulsory/forcible mortgage – hipoteka przymusowa

– Joint mortgage – hipoteka łączna

– Reverse mortgage - odwrócona hipoteka

– Adjustable-rate mortgage – kredyt hipoteczny ze zmiennym oprocentowaniem

– Fixed-rate mortgage - kredyt hipoteczny ze stałym oprocentowaniem

Useful vocabulary:

Excerpt /'eksɜ:pt/ https://www.macmillandictionary.com/pronunciation/british/excerpt_1 - wypis

Copy – odpis

Certified copy – uwierzytelniony odpis

Wyciąg - extract

removal from the land and mortgage register – wykreślenie z KW

to enter the property in the L&M register – wpisanie nieruchomości do KW

to record any ownership changes, mortgages or leases that affect the property. – wprowadzenie zmian związanych z tytułem własności, hipotekami czy dzierżawami, które mają wpływ na nieruchomość

Individual task: www.quizbrary.com Lesson 2, Task 7

Thank you for your attention