

# Works of systematic registration of real estate in the Integrated System of Cadastre and Land Registry for UAT Bustuchin, Gorj county

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## Abstract:

Systematic cadastre is a complex work that combines technical engineering skills, legal knowledge and skills in information technology, specific to working with databases.

In the present article we have presented the practical aspects and characteristics of a systematic cadastral work, highlighting the current technical solutions.

Rezultatul practic al lucrării, exprimat prin studiul de caz, se materializează prin prezentarea problemelor întâlnite în acest tip de lucrare și rezolvările abordate. The practical result of this work, expressed in the case study is materialized by presenting problems encountered in this type of work and addressed solutions.

## Key words:

Cadastre, field, cadastral sector, real estate, parcel.

## 1. Introduction

As regulated by Law 7 of 13<sup>th</sup> March 1996, the cadastre and the land registry forms a unitary and mandatory sistem of technical, economical and legal evidence of national importance of all the real estates in the country.

The land registry includes the description of buildings and land entries on real estate rights, personal rights, acts, facts and legal relations connected with real estate.

A property is defined as a land with or without buildings, located on a territory of the administrative-territorial unit having at least one owner and identified by an unique cadastral number.

Works of systematic registration of real estate in the integrated cadastre system and land registry is achieved by identifying, measuring, describing and recording the real estates in the tehcnical documents of cadastre, identifying legal owners of buildings, public display of the results obtained, correction of errors reported in complaints and eventually the opening of new land register.

The technical documents of cadastre are the cadastral plan, alphabetical list of real property rights holders, of the holders whithouth papers and other owners of real estate and the cadastral registry of real estate.

As geographical location, administrative-territorial unit Bustuchin is found in the western part of Gorj conty, on the upper Amaradia river course, bordering Vâlcea county, located at a distance of 36.5 km from the nearest town, Târgu Cărbunesti, and 51.5 km from the county residence, Târgu Jiu City.

Territorial administrative unit Bustuchin has a population of 3376 inhabitants, most of them Romanians, 97.42%, with an ethnic minority of gypsies.

Bustuchin village consists of eight villages: Bustuchin, the central village, which gives the name of the village and villages Cionți, Motorgi, Nămete, Poiana Seciuri, Poienița, Pojaru and Valea Pojarului. Bustuchin area is 5951.2847 he, of which 513 he within incorporated area and the remaining 5438 ha unincorporated area; in terms of cadastral area, in the north of the village is a former non-cooperativized area, such as Poiana Seciuri and Poienița villages and in the central and southern area, there was an agricultural cooperative.

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Fig. 1 Localization of Bustuchin village in the Romanian territory

Bustuchin village stands out with a high potential from an economical point of view, given by the extraction of oil and natural gas; in this village there is a number of 170 wells, 140 of which are active, belonging to five petroleum parks, the extraction activity starting from the 50s. In the past, in Bustuchin was being extracted 14% of the internal production of petroleum gas in Romania, in a single day, in the village, being extracted the amount of natural gas consumed by locals in a year. Also until recently, in the Bustuchin area, there was a mining exploitation, Seciurile, which stretched also in a neighboring village, Roşia de Amaradia.



Fig. 2 Component villages of the administrative-territorial unit Bustuchin

## 2. Course of works

Works required for systematic registration in the integrated cadastre system and land registry for administrativ-territorial unit Bustuchin started in the year 2012 by the order of the Director General of ANCPI 1095/2012, published in the Official Monitor of Romania, Part I.

The first phase of work was the campaign to inform the general public regarding the work that will be done, paying attention to people from ethnic minorities, elderly or to people having difficulty in traveling, people who have relatives abroad, for collecting documents of property and persons who live outside of the village, this being accomplished with the support of the Village Hall Bustuchin. Information was achieved through posters, flyers and direct discussions with the locals. Therefore, information points were created at Bustuchin Village Hall and in large villages, Poiana Seciuri, Poienița, Valea Pojarului, information being also made at home for the disadvantaged persons. There recognition and the topography of the land was also made, in order to approximate workload and resources that will be allocated to the execution of the work. The period of the public information campaign was for one month.

In a second step all the necessary materials to be incorporated in the work, respectively books existing in the village, taken in .pdf and .cgxml format, site and delineation plans issued in the past, cadastral plan of the village, photogrammes, property titles issued in the village, incorporated area limits and the village limit were purchased from the cadaster and land registration office Gorj . So far there is a number of 637 individual cadastres registered to OCPI Gorj, as they are presented in next figure.

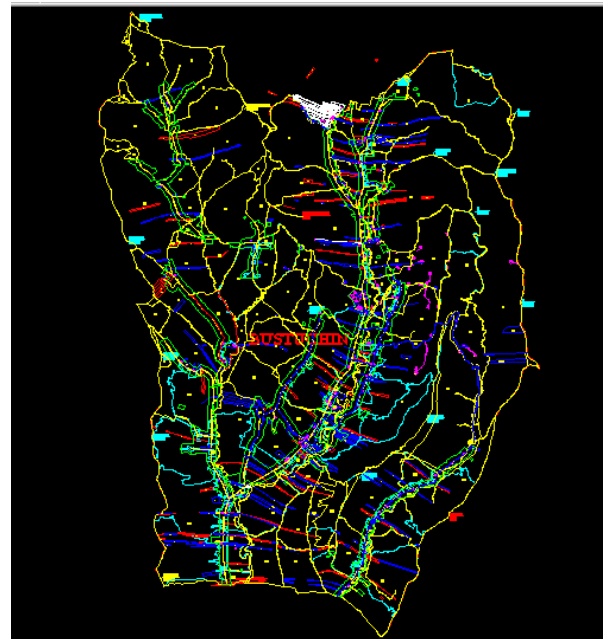


Fig. 3 Sporadic cadasters on administrative-territorial unit Bustuchin

There were also conducted discussions with the representatives of the Cadastre Office regarding on how to approach the work, the steps that will be followed, how the delivery is made and the form of the deliverables. The minutes of instating of property titles needed to

locate the real estates contained were scanned from the Bustuchin Village Hall. It was also determined the number and approximate limits of the fields, blocks and cadastral sectors for the village related to the natural and artificial elements that exist in the field, communication paths, waters, in generally stable elements. Administrative-territorial unit. Bustuchin, with an area of 5951.2847 hectares, was divided into 140 cadastral sectors.

A third stage in the conduct of the works was the entirely measurement of the village territory, with the participation of teams of the contracting company, consisting of engineers and technicians, and members from the local committee to establish ownership of the land, which together with owners helped to identify and measure real estates, fields and blocks limits, owners of the real estates in which the real estates proposed to be measured were, being convened by the cadastral sector .

The measurements have been done with G.N.S.S. technology in the unincorporated area and partly in the incorporated area, on the back side of the real estates from the street. In the incorporated area we used total stations for measuring real estates and real estates from the street.

As a working method, drawings from measurements were made in the same day or as soon as possible related to the measurement time, with the help of the village Hall employees, based on drawings and information provided by locals on the field for a more accurate rendering of existing reality.

Also in this stage, after measurements and drawing up plans, property titles were collected from legal owners and records of interview were drawn for real estates, identity documents of real estate owners were also collected and statements were signed by possessors, all these being done at the headquarters of Bustuchin Village Hall. We called people depending on the area, at the village hall were four teams designated to collect documents from locals, considering the village and the number of real estates owned by a person, being also situations in which property titles were provided by the village hall.

The fourth stage of the work was processing the data obtained in the field, namely the introduction of information concerning the real estates, the land ownership, the documents obtained from the owners of real estates and the tasks related to them when appropriate, into the database. This step was done in a less in Bustuchin village hall and mostly in Bucharest at the contractor's office, based on bookshelves of documents collected in the field, organized by cadastral sectors.

So we inserted the field data into the database, final drawings of sectors were made, we verified the integration of property titles associated in a field, we provided cadastral numbers and numbers in the field, we integrated the existing cadastral in a cadastral sector as well as running the sectors to check and correct any errors in the topology and files structure. Topology errors were checked with a company's software, while structure errors

were identified with WebCadgen application provided by National Agency for Cadastre and Land Registration. At this stage of the work, the important thing is the IT part of the work, being used a SQL database, Structured Query Language, developed by a colleague engineer in the company, with special qualities in the development of programming, applications, IT in general, perfectly understanding the particularities of the work and how to develop the database.

Delivery to Cadastre and Land Registration Office Gorj was done per cadastral sectors, beginning with a test sector and continuing with cadastral sectors grouped in villages. As delivery were given for verifying, the analogue and .pdf interview records, the .cgxml files and, in each cadastral sector, lists of persons in the agricultural and fiscal record, and the certification of building construction, where appropriate, all signed by the town hall Bustuchin to the Cadastre and Land Registration Office Gorj Gorj. The City Hall issued a local council decision for the real estates that could not be identified from the cooperativized area, a local council decisions at the level of a cadastral sector. As organizing work, for a better result, the territory of the village was divided into two separate working teams, one for the noncooperativized area and one for the area where there was an agricultural cooperative. For problematical areas we have returned to village hall Bustuchin to study the problems, take measurements in the field, collect documents that were not made in the first place and correct the minutes of instating the possession, issued by the local land resources committee, which contained material errors.

So far 20,000 real estates were completed, approximately 10,000 real estates in the noncooperativized area, completed in 95%, and 10,000 real estates in the cooperativized area, and 90 from 140 cadastral sectors have been completed and data was given for verification to Cadastre and Land Registration Office Gorj, estimating that the entire village to have more than 25,000 real estates. As a perspective, in the next period all cadastral sectors of Bustuchin village will be completed and will be checked by Cadastre and Land Registration Office Gorj, next the results will be displayed, there will be a contestation period, solvings of the contestations and receiving acceptance for work, all this by the end of this year.

### 3. Technical problems encountered

The common issues specific to such work relates to the difficulty of collecting property documents from legal owners of property, not knowing the limits of ownership or possession of real estate by the owners, land not being cultivated for many years, disputes between owners of real estates, especially in the parks and oil wells, where are awarded license fees and compensations by SC OMV Petrom SA. Also problems encountered concerning the

lack of property documents, lack of applications for acceptance of works to complete a new construction after the year 2011, no tax return, or failure to appear at subsequent civil sentences in 2007 for the judicial decision .

In performing the actual work, there were relatively slow periods of work due to the errors from property deeds, both property titles and acts from civil circuit, sale and purchase contracts, certificate of inheritance, maintenance contracts, donation agreements as well as civil sentences. Material errors were found in the identity documents of owners respectively code name or number errors, and errors in death, marriage and birth certificates. The common errors encountered are erroneous fields in the property deeds, mistakes of owners name and wrong parcel numbers in the sequence of acts.

Other errors that have been encountered were sporadic cadastral maps that differ in position compared to the field measurements.

We encountered specific cases where owners were put into possession in the village Bustuchin but in reality the land was located in a neighboring village and the opposite case, the land appeared in documents as being in a neighboring village, Rosia for Amaradia, but in reality it was located in range of the Bustuchin village. A situation worth mentioning is the former Seciuri mining land affected by expropriation decree in 1989, the mining company representatives have not brought the land documents and in no other alternative the land was passed in the Bustuchin village Hall provisional registration until further regulation of the situation.

#### 4. Solving the encountered problems

Regarding material errors encountered in property deeds it was decided together with the deciding factors, Cadastre and Land Registration Office from Gorj county and Bustuchin village hall, that mistakes from land acts that have entered into civil circulation to be corrected by writing in the database the correct shape referring to the land localization, respectively correct field and plot, and the incorrect forms mentioned in the plot heading from the database and the future .cgxml, as shown in the figure below.

Minutes of stating the possession issued by the local committee for the establishment of ownership have been rectified so that property titles that will be released later to owners to contain correct descriptive information.

For buildings with construction authorization, but without a call for acceptance of works issued according with the law by the village hall, it was decided that such constructions to appear in the land register as buildings without papers, until the entrance into legality.



Fig. 4 Example of an error in a property title mentioned in the database

For the mistakes from the property titles, mistakes referring to the name of the owner, such as errors that refer to one letter, Vergica instead of Vergina, Ion instead of Ioan, it was decided that the owner should give a statement to the Secretary Hall, in which to denote that it is one and the same person, and registering to be done on the correct name.

For lands that could not be identified or people did not bring the ownership documents / possession, entry was made in favor of the non-co-Hall, as a provisional registration under Law 7 of 13/03/1996, after which the legal holders of the real estates and lands to appeal and be awarded.

Thus for the noncooperativized area possessors exist in both incorporated and unincorporated, in the absence of other ownership documents, based on the presence in the agricultural and fiscal registre of Bustuchin village.

For the cooperativized area the possession was enrolled only in intra-urban area, in extra-urban, land without valid documents of ownership was provisionally registered for Bustuchin village by a local council decision, followed later town hall to assign persons that possess factually the land.

The focus was put on the integration of valid documents in the work, so each sector finalized with its field/fields was checked in DDAPT application, to confirm that the title deeds from the field are present in the cadastral work. If the situation for property titles is clear, checking their integration into work may be submitted with the application DDAPT, the same thing could not be said about civil and notarial acts, because there is no database, and if the owner does not present these types of acts to the contractor the integration of all existing documents, which refers to the land in question can not be verified.

A great attention has been paid to work mode, after completing a cadastral sector, it was viewed by the village hall, to correct any errors, they could see an arrangement of real estate in the cadastral sector and the holder / holders of ownership for each real estate. Cadastre and Land Registration Office Gorj has been a second filter, so that errors and complaints shall be minimal, any mistakes we wanted to corrected until display stage.

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25769	3690 mp	3690 mp	5
Imobil			
Id Imobil	S. Mas.	S. Act	Intravilan
25769	3690 mp	3690 mp	False
Parcela			
Nr. Ct.	Cat. Fol.	S. Mas.	Intravilan
1	PD	3690 mp	False
Adauga		Sterge	Editeaza
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1	CASTRAVETE	IULIAN	1431116181150
2	CASTRAVETE	ION	9999999999999
3	DIACONU	NATALIA	9999999999999
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Fig. 5 Registration in the database

In the integration of existing sporadic cadastral repositioning based on measurements from field to correct the wrong position of existing cadastral works were performed. The same way was done for the property titles that have incorrect positioning in the minutes of instating the possession, while the actual position resulting from field measurements was different.

As a way of addressing existing problems, one person kept in touch with Bustuchin village hall for procurement of materials that were missing, identity cards, bulletins, marriage certificates, property titles and any other act necessary that were missing for the work and also to correct error in the minutes of instating the possession, but also for the release of the positions in agricultural register and tax records necessary for work.

There have been cases when construction intersects the incorporated area limit; in this case the limit of the incorporated area was moved so that the construction is entirely within the incorporated area of the village. Also for the construction from unincorporated area, such as a shed, it must always be positioned on a plot of construction yards.

Real estates crossed by the incorporated area limit, including here sporadic cadastral works, were divided into two or more real estates.

Fig. 6 Minutes of stating the possession rectified

### 5. Conclusions

Realization of the systematic registration in the integrated cadastral and land registry system shows a high degree of difficulty, due not particularly by the engineering side of the work but especially by the legal area, the cadastral law knowledge.

The success of such work is determined by the qualifications of the personnel from the contracting company respectively multidisciplinary skills, good knowledge of specific work by the project manager and team tasks properly tracing, and its close collaboration between the contractor and the territorial Cadastre and Land Registration Office. It is noteworthy that no county office of cadastre and land registry does not resemble one another in respect of practices and approaches of such work, this raising some issues for the professionals; There are striking differences of approach between the old kingdom and Transylvania, where there are old land books, which now are still current in part .

It may retain that in such a work systematically problems concerning ownership documents occur namely various material mistake, this we put it in into account of mediocre training or lack of interest by the land measurements specialists in local administrations. We also believe in the fact that general cadastre works can not solve all the problems but can bring them in normality limits in the cadastral situation of an administrative-territorial unit, some problems remaining in the jurisdiction of the civil courts.

We believe that it should be considered a better training of specialists in terrestrial measurements regarding cadastral law aspects with practical examples, this should be done at an university level and master's degree programs but also in postgraduate perfectionating courses. It should be considered an experience exchange program under the National Agency for Cadastre and Land Registration umbrella between contractors and local cadastre and land registration offices for communion

mutual experience in developing of such a project, and the improvement of the working mode.

Given the number of civil sentences issued with reference to the land, these acts should be organized in a digital archive, such as DDAPT, for consultation.

It must be put an accent on occupying key positions in the village halls regarding the application of property laws by trained people, also at the legislative level the laws must be correlated with daily realities and not viceversa.

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