



## **The Land Registry of Greece: Understanding the System and How it Will Impact Landowners Living Abroad.**

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The opening of many new Land Registry offices has been somewhat confusing in that not all areas of Greece are requiring registration now. Certain areas of Greece completed their registration procedures years ago. Some areas have just opened up their registration offices and some areas will have their Land Registry offices open up in the future. If your property falls within one of the current designated areas, which also includes greater Athens and Attica, then the deadline to file is December 31st 2008. Failure to file by the deadline in these areas can result in steep penalties and will require additional procedures to process the filing after the deadline has passed. (*See list of areas in article "107 Land Registry Offices to open Soon; Government Directive to Property Owners to Register"*).

### The Two Systems of Land Record Management: Mortgage Office vs. Land Registry

In most areas throughout Greece the old Mortgage Office system is still the method for the registration of legal titles regarding the transfer of property. This system is based on the person or entity that owns the land at any given time.

Under the Mortgage office system, you cannot locate a property in the Mortgage Office archives based on its address or location. You must know the name of the last person who legally owned the property. The property will be listed under their name. So if you are researching at the Mortgage Office to determine the status of a title, and there is no deed on file, you will be unable to locate the property.

Under the Land Registry system, all properties are catalogued by both their street address and the name of whoever proves ownership: this may be the legal owner, a trespasser, or if no one appears to claim ownership, the property is characterized as "of unknown owner" (which if no one with a rightful claim comes forward, will eventually end up being claimed by the Greek state).

The New Land Registry System will allow for both the location of the property to be tracked as well as the name of the current owner of the property. So feasibly, in the near future, if you wish to research the legal status of a property, you will not need the name of the current owner, you will just need the address.

### The Hypothetical Heir

Let us explain further by creating a hypothetical inheritance situation for you. The circumstances of this

example are fairly common for someone of Greek descent, living abroad, who has property interests in Greece.

So, in our hypothetical heir scenario, your father has left you some properties somewhere in Greece. All you know about these properties is what is mentioned in an old handwritten Will your great grandfather has left for your father, a copy of which you have kept safe and sound in a dresser drawer. You have never been to Greece, or done anything to secure the properties. Additionally, your father left Greece when he was nine years old and he never followed up on his inheritance.

The first thing you must realize is that you are a very long way from actually being the owner of the properties. At this point, the only thing you own is the expectation of being the legal owner of some properties in the future.

What must be done initially is to gather all the information you can, such as copies of Wills, a family tree, and any information on the actual properties such as titles to the land and any descriptions of the land. The attorney, who will conduct the research for you, will be able to identify if the property falls within: 1. A Mortgage Office area; or 2. a Land Registry area where the offices have opened at an earlier stage and the listing has been completed; or 3. one of the Land Registry areas currently registering properties.

### Scenario 1: A Mortgage Office Area

Let's say the property is located in an area that has a Mortgage Office. Here the properties are located only under the name of the owner. Under the Mortgage Office scenario there is a risk that no titles can ever be found.

Seventy years ago it was common practice in Greece to transfer property orally to one's children or even to orally sell land. So, if grandpa had the properties transferred orally to him by his father, and your father never accepted his inheritance, then there are some real problems. Additionally, if all you have is a Will that states: "I leave all of my estate to my son," or if you do not know the exact location of the properties, then it is a very difficult task for the researching attorney to locate the properties. Unfortunately many Wills of several generations past were vague as to parameters and trying to track down "all my land" 70 years later can be very difficult if not impossible. If no Will exists and the family takes through intestate succession and the properties cannot be identified then the same problems remain. This however, is the worse case scenario.

Let's look at the best case scenario. Let's assume that the properties can be tracked in a previous deed located at the local Mortgage Office (for example great grandfather purchased the land from someone so there is a previous title with a description of some sort in it, or grandfather at one point identified his father's land in his Will). If the land can be identified and no trespass has occurred then the heirs can go ahead and proceed with the Acceptance of Inheritance procedure required to claim land in Greece through inheritance. (*For more information on acceptance of inheritance and the process, see ["Will to Deed; the road to property ownership in Greece"](#)*).

### Scenario 2: The Land Registry Area – Listing Completed

If the property is located at an area where the Land Registry office was established years ago, then the property listing can be located by its address (assuming the exact address is known). But if we use our hypothetical heir example and the deadline has passed to register, then the Registry has most likely listed the property as of an "unknown owner".

Even worse, the land may actually be registered under someone else's name. If a neighbor or even a relative, believing the land has been abandoned or if they saw an opportunity to take advantage of the legal owner's long absence, they may have trespassed onto the land and claimed it for themselves. In the case of a Trespass situation, oftentimes a long legal battle is necessary to re-establish one's

ownership rights, which may prove to be impossible in the end. (*To find out more about Trespass, see ["Think you own property in Greece?"](#)*)

### Scenario 3: One of the Land Registry Offices opening now

The third scenario is the Land Registry offices currently opening up for registration. Currently the entire Attica prefecture which encompasses Athens and other major cities, as well as some outlying areas, requires property owners residing outside of the country to file by a deadline of December 31st, 2008.

Property owners living abroad have to submit certain verifications of their ownership rights to the competent Land Registry office by the deadline cited above (December 2008). These include the proper forms for each individual property right (share of a property), a fee for each property (fees are broken down as well, i.e. unit, parking, storage unit) paid into a local bank, and a copy of the ownership deed and some additional certification such as registration information from the Mortgage Offices.

Now if your property falls within a currently opening Land Registry office and the deadline is looming, you can register your ownership rights without having completed the acceptance procedure yet. This can be done by submitting a series of certificates at the Land Registry office and paying the required fee. These certificates will reflect the existence or not of a Will and the verification of heirs but will not be a verification of ownership. This will help you meet the Land Registry deadline; however, you will still have to accept your inheritance in the future. But, in order to register your property rights you still need to know the parameters of your properties in sufficient detail. An old Will saying "I leave all my estate to my grandson on the island of Samos" does not provide the necessary information that is required for the Land Registry filling.

The forms required to register land with the Land Registry offices are complex and detailed. Mistakes can result in an incorrect listing which to rectify would require an appeal against the initial publication and that can take time and money. If the property is tied up it cannot be sold or transferred in any way.

### A Very Important Reminder

Throughout all the above scenarios, the critical issue remains the same: you must be able to identify your properties and their parameters. Additionally, it is imperative that you and your family take the necessary legal steps to secure any claims to family land or you run the risk of trespass or final acquisition by the State.

It is prudent for any land owner to visit their land to make sure someone has not illegally entered, built or developed their land. Owners can do this through an agent, someone to verify their land has not been entered or developed (even by planting an orchard, animal grazing, picking olives is also trespass etc.). Trespassers can be registered as owners; under the Greek Legal system. All a trespasser must do is to prove he has used the property for more than 20 years (and he can do that by submitting bills such as electricity or through sworn affidavits, etc.) and if no one else appears to challenge the trespass, he can have it registered in his name.

### Current Land Registry Registration- Take Steps now

So, if you know you have been left property somewhere in Greece, but have done nothing so far to secure it, this is a good time to start. If you consider the above risks to your land, you need to be aware, involved, current and legal on all your property issues and this is the only way to safeguard your land.

Where ever you may find yourself in the process, perhaps like our hypothetical heir at the very beginning, it is important to realize that research of this magnitude takes time. Now is a good time to determine the status of your Greek property(s). From the first step of researching titles to submitting the proper paperwork at the Land Registry it is a very long way.

When the given deadlines pass there will be large fines levied for those who failed to register and the process to register after the deadline will require lengthy and costly court procedures to rectify. While not all areas of Greece currently fall within a Land Registry, these areas will eventually be included.

Once again, the deadline to register for Athens and the Attica prefecture and other major cities throughout Greece is December 31st, 2008. We encourage you to be ready so that you do not run the risk of losing the ownership rights to your land in Greece.

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-All of the cited articles can be found on the website [www.greeklandlaw.com](http://www.greeklandlaw.com)

- This article is based on Ms. Gianna Zafeiropoulou's presentation at the Athens AHEPA – 86th Supreme Convention 2008, under the title: "Inheritance Issues and the New Land Registry changes and how these two matters impact foreigners and/or Greeks living abroad". On the panel titled: Death and Taxes: not the only issues that Impact the Greek American Today. Held by Anna Haughton, Esq.

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*(Posting date 14 November 2008)*

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