

The Land Registration Regulation

Amended and promulgated on June 23, 2010 pursuant to the Ministry of the Interior's
Nei-Shou-Jhong-Ban-Di-Zih Order No. 0990724793, enforced, August 3, 2010.

Chapter I: General Principles

Article 1

This Regulation is enacted according to Paragraph 2 of Article 37 of the Land Act.

Article 2

The term "land registration" referred to in this Regulation shall denote the registration of the ownership of, and other rights over, land and constructional improvements (hereinafter referred to as "improvements") thereon.

Article 3

Land registration procedures shall be the responsibility of the municipal or county (city) land office governing the land being registered. However, in the case of the registration of a piece of land, whereby the location of which is governed by the branch land registration office established by the municipal or county (city) land office, if any, the said branch land registration office shall bear responsibility.

The land registration of an improvement whose dimensions cover the jurisdictions of two or more land registration agencies shall ultimately be the responsibility of the agency with jurisdiction over the address of said improvement.

The land registration may be administered at a branch registration office of the municipal or county (city) land office if such branch registration office has been established by a municipal or county (city) land office within its competent jurisdiction, and cross-agency registration is available for the items to be registered.

Article 4

The acquisition, creation, transfer, change, or nullification of the following land rights, shall be duly registered:

- (1) Ownership
- (2) Superficies
- (3) Permanent lease established prior to August 3, 2010
- (4) Real estate easement
- (5) Dien
- (6) Mortgage
- (7) Cultivation
- (8) Agricultural exploitation
- (9) Right in Rem created by custom

Any land right with a name different from any of those rights listed in Subparagraph (1) to (8) in the previous paragraph and the nature of the name being equivalent or similar to

any one of the first eight subparagraphs in the previous paragraph, may be registered as the same right with added remark of the original name provided the Central Land Administration approves the equivalence or similarity of said name.

Article 5

Land registration may be processed via computer. Rules governing its operational procedures shall be formulated by the Central Land Administration.

The procedures and the format of registration forms, lists, registers, records, certificates and /or maps for electronic registration, if required, may be separately defined in the rules governing the system.

Article 6

The registration of any land right shall be deemed as duly completed after the said right has been entered into the official record, examined, and affixed with the seal(s) of the responsible registrar(s) pursuant to the due process provided by the Regulation.

The land registration, if processed by computer, shall be deemed as duly completed after the said right has been entered into the computer system and examined, and the concerning update(s) has been made to the main cadastral file(s).

Article 7

The registration agency shall not cancel any land right that has been duly registered according to the Regulation without a valid court decree for cancellation, unless otherwise provided by the Regulation.

Article 8

The term “principal registration” shall mean the registration of any land rights, which independently exists on the registration record. The term “accessory registration” shall mean any registration that attaches to a principal registration.

The order of principal registration is based on the order in which the registrations have been made. The order of accessory registration is based on the order of principal registration. But the order of accessory registrations attached to the same principal registration is based on the order in which the registrations have been made.

Article 9

The order of the rights created against the same land shall be determined as the order of registration, unless otherwise provided by the laws. The order of such rights shall remain unchanged if an application for the registration is filed within the period of the general registration of land.

Article 10

If there has already been an improvement on a tract of land, the registration of the title of such improvement may be registered after the completion of the general registration of land ownership.

Article 11

The registration of other rights over, or restriction on, the land, of which ownership is unregistered, shall not be made, unless the laws or the Regulation has a provision to the contrary.

Article 12

If the documents of evidence citing reasons for registration carry, according to law, with the same validity as judicial decision, the provisions of Subparagraph 4 of Article 27, Subparagraph 1 of Article 30, Subparagraph 3 of Article 35, Article 100, Paragraph 5 of Article 119, Subparagraph 2 of Paragraph 1 and Paragraph 2 of Article 141 shall, *mutatis mutandis*, apply.

Article 13

The term “error in registration” referred to in Paragraph 1 of Article 68 and Article 69 of the Land Act, shall mean the registered matters showing discrepancies with the content indicated within the documents of evidence citing reasons for registration. The term “omission in registration” shall signify matters which should have been registered but were not registered.

Chapter II: Registration Forms, Lists, Registers, Records, Maps and Certificates

Article 14

The registration agency shall provide the following registration forms, lists, registers, records, maps and certificates:

- (1) Application forms
- (2) Registration lists
- (3) Written contracts
- (4) Records of applications received
- (5) Land registers and constructional improvements registers
- (6) Certificates of land ownership and certificates of improvement ownership
- (7) Certificates related to other rights
- (8) Cadastral maps
- (9) General registers of landowners
- (10) Other required forms, lists, registers and records

Article 15

Records of applications received shall be compiled, with serial numbers based on the order in which the applications have been received, according to the registration agency, the township (city or district), the section, or the nature of the applications. The covers of the records shall clearly state the total number of pages and the commencing date of

the usage, and be affixed with the seal of the registration agency. Each page shall be numbered and compiled into volumes, along with other pages.

Article 16

The sheets of registers shall be divided into three sections, namely: description, ownership and other rights in sequence, with the exception of the provisions set forth in Paragraph 2 of Article 81. Each section shall be compiled respectively, sequentially, with page number. The total number of pages of each section shall be written on the description page.

Article 17

A registration agency shall, in the light of the conditions of its jurisdiction, register on registers by township (city or district) or section. The cover of the register shall clearly state the volume number of the land register or improvement register for a certain section of a certain township (city or district), besides being marked with the first and the last number of the lands or improvements registered in the register. Each sheet inside the register shall be affixed with the seal of the land registration.

If there are more than two volumes of registers for the same section, the method of statement shall be the same as that referred to in the preceding paragraph.

Article 18

The register shall be compiled according to the sequence of plot numbers or improvement numbers, in loose-leaf sheets with an index as its first page.

Article 19

Records of applications received, application forms and their attachments shall be retained for 15 years after the completion of the registration; the first registration case of the land ownership should be subject to permanent preservation.

Preservation and destruction of the documents are to be handled by the registration agency according to relevant provisions of the Archives Act.

Article 20

The register and the cadastral map shall be permanently retained by the registration agency. They shall not be carried out of the registration agency unless there is any provision by way of law to the contrary or any measure taken to avoid damage.

Article 21

If the register is destroyed, the registration agency shall undertake the work provided by Article 17-1 of the Enforcement Act of the Land Act.

Article 22

If the sheets of the register concerning a land lot are partially damaged, the registration agency shall totally replace them according to the original entry. If all of the sheets of the register are damaged or destroyed, or there is a change of their form, the registration agency shall replace them with due regard to those original entries still retaining

validity.

Article 23

The registration agency shall set up a cadastral database and appoint a specific person to be in charge of its management. Rules governing its management shall be formulated by the municipal or county (city) land office.

Article 24

The application to view, transcribe, photocopy or take photographs of an application and its attachments shall be limited to one of the following:

- (1) The original applicant or his/her agent
- (2) The person whose name is registered in the register (registering party)
- (3) Any person with interest in the original application, furnished with documents of evidence

Article 24-1

The type and content of the registered information of the land and its price allowed for information release application and the applicant's qualifications are as follows:

- (1) Type 1: The comprehensive registration information submitted by the registering party can only be applied by the registering party or its proxy agent or the applicant allowed by law.
- (2) Type 2: The registration information with concealed ID number, date of birth, and other information, of which concealment is required by the law, of the registering party, may be applied for by any person.

Article 25

The certificate of land or improvement ownership and the certificate of other rights shall have the seal of the registration agency and the signature or seal of the head of the registration agency applied to them before such certificate may be issued to their owners.

Chapter III: The Application and Operation of Registration

Section I: The Application of Registration

Article 26

In the absence of any provision to the contrary, land registration shall be jointly applied for by the obligee and obligor.

Article 27

The following registrations may be individually applied by an obligee or registering party:

- (1) General land registration

- (2) First registration of the ownership of the improvement
- (3) Acquisition of land rights through inheritance
- (4) Acquisition through auction by Court, Administrative Enforcement Agency, or an impartial third party, or by a court's final ruling
- (5) Change of descriptions
- (6) Change in name or domicile
- (7) Registration of deletion
- (8) Registration of caution or cancellation
- (9) Registration of statutory superficies
- (10) Registration of reversion of original ownership pursuant to the provisions of Paragraph 2 of Article 12 of the Land Act
- (11) Registration of acquisition of land through auction pursuant to Paragraphs 2 and 3 of Article 17, Paragraph 3 of Article 20, or Article 73-1 of the Land Act
- (12) Registration of rectification pursuant to Article 69 of the Land Act
- (13) Registration of acquisition of cultivation right or ownership pursuant to Article 133 of the Land Act
- (14) Registration of mortgage right pursuant to Paragraph 3 of Article 513 of the Civil Code
- (15) Registration due to the fulfillment of positive prescription pursuant to Article 769, 770, or 772 of the Civil Code
- (16) Registration of mortgage pursuant to Paragraph 4 of Article 824-1 of the Civil Code
- (17) Registration of real estate easements on one's property pursuant to Article 859-4 of the Civil Code
- (18) Registration of the mortgage holder's waiver of mortgage order pursuant to Article 870-1 of the Civil Code
- (19) Registration of mortgage pursuant to Paragraph 2 of Article 906-1 of the Civil Code
- (20) Registration of a Dien holder's ownership over a mortgage pursuant to Paragraph 2 of Article 913, Paragraph 2 of Article 923 and Proviso of Article 924 of the Civil Code
- (21) Registration of National Treasury confiscation pursuant to Article 1185 of the Civil Code
- (22) Registration of real estate matter as concluded in arbitration administered by a municipality, county, or city real estate dispute conciliation committee pursuant to the arbitration regulations provided by said committee
- (23) Registration of a merger by, and between, legal persons, and
- (24) Registration of the concerned matters applied by an individual pursuant to other

laws or regulations

Article 28

The following registrations may be administered by a registration agency without any prior consultation or notice whatsoever:

- (1) Registration of change of descriptions arising from administrative district adjustment, building number adjustment, partition or consolidation of improvement number(s) as a result of land re-survey or land readjustment or legal enforcement
- (2) Registration of state property pursuant to Paragraph 3 of Article 143
- (3) Registration of cancellation pursuant to Article 144
- (4) Registration of change in domicile pursuant to Article 153, and
- (5) Other registration without legally required prior consultation or notice

Unless a land registration agency is observing consequential administrative procedures according to the registration application information provided by the concerned registering party, or administering direct registration of change in domicile or descriptions of buildings in compliance with administrative district adjustment or address assignment, the said registration agency shall notify the registering party regarding the registration result after the completion of the direct registration.

Article 29

Whenever any governmental organization meets one of the following situations, it may request the registration agency to register:

- (1) Registration due to expropriation or appropriation of land
- (2) Registration due to the purchase of land at declared land value
- (3) Registration due to confirmed land readjustment or re-survey
- (4) Registration due to the adjustment of lot category and grade
- (5) Registration of public land according to the provisions of Article 52 of the Land Act
- (6) Registration of public land according to the provisions of Article 57, Paragraph 2 of Article 63, or Paragraph 5 of Article 73-1 of the Land Act
- (7) Registration according to the provisions of Article 11 of the Compulsory Enforcement Act
- (8) Registration according to the provisions of Article 66 of the Bankruptcy Act.
- (9) Registration according to the provisions of Paragraph 1 of Article 24 of the Tax Collection Act
- (10) Registration of the creation and cancellation of a statutory mortgage according to the provisions of Paragraph 3 of Article 23 of the Enforcement Rules of the Act of Public Housing
- (11) Registration of the cancellation according to the provision of Article 147
- (12) Registration of change in public land management agency according to Article 151

(13) Any other registrations allowed to be requested to the registration agency according to the legal provisions.

Article 30

The following registrations may be applied in subrogation:

- (1) The registration to which an obligor fails to apply as ordered by a court decision may be applied by the concerned obligee as a subrogate by presenting the court decision evidencing the cause of such registration
- (2) The registration of land right creation or transfer to a pawnor by a pawnee pursuant to Paragraph 1 of Article 906-1 of the Civil Code
- (3) Initial registration of constructional improvements ownership by Dien holders in subrogation due to mortgage reconstruction pursuant to Article 921 or Article 922-1 of the Civil Code
- (4) The subrogated registration by a right holder permitted by the laws

Article 31

When improvements are destroyed and the owners of the said improvements fail to apply for the registration of deletion within the prescribed time limit, the landowners or holders of other rights may apply on behalf of the owners of improvements. The registration agency may also directly undertake the registration of deletion after due investigation.

The registration of cancellation of statutory superficies shall be simultaneously undertaken if superficies has been registered over the base of the aforementioned improvements; in the case of property that enjoys easements, the registration of cancellation of real estate easements over the property encumbered with easements shall be simultaneously undertaken.

The registration agency shall, after the completion of registration, notify the landowners of improvements or holders of other rights, of the result of registration. If registrations of restriction have been undertaken on the said improvements, the registration agency shall notify the requesting organizations or the persons with the rights to claim due to a registration of caution.

Article 32

One or several of the co-owners of a land may, on behalf of all co-owners' interests, apply for the registration of co-ownership of the whole land.

The registration agency shall notify the other co-owners, after the completion of the registration, of the results of the registration.

Article 33

The application for registration of changes in land rights shall be made within one month from the date of the change of land rights. In the case of the registration of inheritance, the application may be made within six months from the beginning of the

inheritance.

The date of change of rights mentioned above shall signify any of the following, as the case may be:

- (1) The day when the contract is established
- (2) The day when the judicial verdict is delivered
- (3) The day when the judicial settlement or conciliation is established
- (4) The day when the mediation established according to the provisions of the Act of Township Mediation, is approved by the court
- (5) The day when the decision of arbitration, made according to the Arbitration Law, is delivered or served
- (6) The day when the documents of evidence on the transfer of property right are issued
- (7) The day when the legal fact occurs

Section II: Documents for the Application for Registration

Article 34

In the absence of any provision to the contrary, the following documents shall be submitted for the application for registration:

- (1) Application forms
- (2) Documents of evidence citing reasons for registration
- (3) Certificates of ownership or other rights if the rights have been registered
- (4) Identification evidences of applicants
- (5) Other documents of evidence as required by the Central Land Administration.

The documents of evidence, referred to in Subparagraph 4 of the preceding Paragraph, may not be required if they are able to be duly investigated through processing by computer.

Article 35

The documents referred to in Subparagraph 3 of Paragraph 1 of the preceding Article may be exempted from submission under any one of the following conditions, as the case may be:

- (1) Registration due to expropriation, zone expropriation, appropriation or purchase of land at declared value of land
- (2) Registration due to confirmed land readjustment or re-survey
- (3) Registration based on the certificate for the transfer of right or judicial decision issued by the court as its documents of evidence citing reasons for registration
- (4) Registration of cancellation of other rights requested by the court
- (5) Application for registration by subrogation according to law

- (6) Registration for administrator of inheritance or receiver of inheritance
- (7) Registration of statutory superficies
- (8) Registration of creation and cancellation of statutory mortgage according to the Public Housing Act
- (9) Where other co-owners failed to submit the certificates of land ownership upon registration, according to the provisions of Paragraphs 1 to 3 of Article 34-1 of the Land Act
- (10) Registration of statutory mortgage according to the provisions of Paragraph 3 of Article 513 of the Civil Code
- (11) The certificate of ownership or other rights have not been previously issued according to the Regulation
- (12) Any other exemptions according to the laws

Article 36

The applicant shall affix his/her signature or seal to the application form unless the Regulation provides to the contrary.

When the application is filed by a registration agent, the registration agent shall affix his/her signature or seal to the application form or the letter of authorization. This also applies to situations where the agent has appointed a subagent.

Article 37

When land registration is applied by a registration agent, a letter of authorization shall be furnished. Where the agent has appointed a subagent, a letter of authorization shall be presented unless the application form has made a clear statement of the authorization.

When the agent or subagent applies for registration as referred to in the preceding paragraph, s/he shall personally present it and be identified by the registration agency, unless the laws provide to the contrary.

Article 38

When a letter of authorization, assigning an agent to apply for registration, is equipped with the conditions of specific authorization, the assignor may not affix his/her signature or seal to the application form.

The letter of authorization referred to in the preceding paragraph shall provide a detailed statement of the matters assigned and the location, number and the share of rights of the land or improvements assigned for application.

Article 39

A parent's disposition of the land right on behalf of his/her minor child, requires said parent to sign and explicitly remark in the appropriate column of the application form, stating that such disposition is in the interest of such minor child when applying for land registration.

A legal guardian of the minor under his/her guardianship, or a custodian of the person under his/her custody, shall be required to present proof of court approval in order to purchase or dispose of land on behalf of the said minor or person in custody.

The registration of waiver of the right of inheritance requires no observance of the two conditions above if evidence of court approval for such waiver is presented with the application for the registration.

Article 40

The registering party shall appear in person at the registration agency when delivering a registration application, present the original copy of ID card, sign on the application form or proof documents citing the cause of registration on site, and receive the verification by the assigned personnel at the registration agency before an approval may be granted.

The registering party referred to above shall present one of the following identifications if ID card is not available:

- (1) A passport or a resident certificate issued by the Government of the Republic of China if the applicant is an alien
- (2) An overseas compatriot identity certificate issued by the Overseas Compatriot Affairs Commission and a secondary photo identification if the applicant is an overseas citizen
- (3) An identification issued by the institute or civil organization established or designated by the Executive Yuan if the applicant is a mainland Chinese
- (4) A passport or permanent residence permit issued by Hong Kong or Macau if the applicant is a resident of Hong Kong or Macau, or
- (5) A naturalization or restoration approval issued by the competent agency, if the applicant has been granted citizenship through naturalization or restoration

Article 41

When applying for registration, the presence in person of the concerned party is not required at the registration agency if any of the following conditions applies:

- (1) The obligee may solely apply for registration according to the provisions of Subparagraph 4 of Article 27
- (2) The documents of evidence citing reasons for registration and the agreement have been notarized or certified according to laws
- (3) The application is filed together with the cases borne with conditions described by the preceding subparagraph and all applications have the same obligors with the same seals to affix
- (4) The documents of evidence citing reasons for registration have been examined and signed by a land registration agent according to law
- (5) If the registering party is incapable, or restricted from presenting himself and such

party's legal representative has undertaken the role according to the provisions of Article 39, and personally represents the said party at the registration agency.

(6) The registering party has created a land registration seal in the competent registration agency where the land is situated according to the Operation Rules of the Creation and Usage of land registration seal.

(7) Aliens or overseas citizens authorize the third party to apply for registration, and the letters of authorization have been certified or verified by a consulate of the Republic of China.

(8) The people of mainland China, Hong Kong or Macao authorize the third party to apply for registration, and the letters of authorization have been verified by any organization set up or appointed by the Executive Yuan, or by any private organization authorized by the Executive Yuan

(9) If an ancestral worship clan association authorizes its administrator for disposition and the contract has been notarized or certified according to laws

(10) The certification of seal, issued one year before the day the reasons for registration occurred, is furnished

(11) When land lots are consolidated, the difference of land value before and after the consolidation of each owner's fair share is less than one square meter's publicly announced current land value

(12) If the agreement of the initial registration of ownership of improvements bears the same seal of the obligee as that on the application form

(13) Where the registration of rectification is carried out according to the provisions of Paragraph 3 of Article 43, and the difference of land value before and after the rectification of each co-owner's fair share is less than one square meter's publicly announced current land value

(14) Where the registration is carried out under the names of the representatives elected by the originators of the establishment of any new legal person according to the provisions of Article 104

(15) Any other exemptions from the personal presence of the parties concerned provided by the Central Land Administration

Article 42

When the applicant is a legal person, documents of evidence concerning the registration of such legal person and the qualification of its representative shall be submitted. If the said legal person is an obligor, the certifications of seals of such legal person and its representative issued by the competent registration agency or other documents with sufficient evidence for proof shall be submitted in addition. A detailed statement, that the disposition procedure has been completed according to the provisions of related laws and ordinances, shall be made on the appropriate column of the application form

with the applicant's signature affixed.

In the case that the applicant is a corporation, the documents required include the registration forms for incorporation and changes issued by the competent registration agency or the transcripts.

When the obligor is a foundation, the documents of evidence of approval or consent of the competent authority to keep records for future reference shall be submitted.

Article 43

When there is more than one obligee for the application for registration, the fair share or the mutual relationship of rights shall be clearly written within the application form. The fair share referred to in the preceding paragraph shall be indicated by a fraction, of which the numerator and denominator shall not be decimals and the denominator shall be indicated by intact tens, hundreds, thousands or ten thousands in principle, and no more than six digits.

If the indication of the shares of any registered co-owned land rights is not in accordance with the provisions referred to in the preceding paragraph, the registration agency may notify the landowners to reach an agreement by themselves within 30 days; then the registration of rectification may be, *mutatis mutandis*, carried out. If after the notification, the co-owners fail to reach an agreement after the time limit, the registration agency itself shall report to a higher organ for approval to correct it.

Article 44

When the consent of the third party is required for the application for registration, a written consent of the third party shall be furnished or the matters consented to shall be indicated in the application form by the third party.

The third party referred to in the preceding paragraph has to personally present himself/herself at the registration agency and follow the procedure prescribed by Article 40, except for when conforming to the conditions provided by Subparagraphs 2, 5-8 and 10 of Article 41.

Section III: Registration Tariffs and Fines

Article 45

The term "registration tariffs" referred to in this Regulation shall mean registration fees, the fees for certificates, expense fees and viewing fees as prescribed by the Land Act.

Article 46

An applicant is responsible for submitting the land registration tariffs pursuant to the Land Act unless the total amount of such fee is less than one New Taiwan Dollar. Such fee is also exempted if any of the following conditions is satisfied:

- (1) The registration of creation of added right(s) if one or more land rights are created as a collective guarantee after a registration of creation of mortgage has been completed
- (2) The registration of yield of order, waiver, or description change of a mortgage
- (3) The registration of the re-issuance or replacement of a certificate of right
- (4) The registration of an administrator or change of administrator, or
- (5) Other exemptions permitted by law

An applicant applying for the issuance of a registration or cadastral map by mail or telegram shall submit additional postage and telegram fee.

The revenue and expenditure of the registration fees shall be processed according to the due process provided by the budgetary procedures.

Article 47

The registration tariffs shall be paid after the collection of the application for registration.

Article 48

The collection of the registration tariffs, for the application for the initial registration of ownership of improvements, shall be based on the value of rights identified according to the following provisions:

- (1) Where the improvement is under governmental control according to law, the value of the improvements shall be based on the construction cost written on the use permit.
- (2) Where the improvement is not under governmental control according to law, the value of improvements shall be based on the current house value approved by the local taxation authorities.

Article 49

The applicant shall, upon the application of the registration for other rights, convert the values of the said rights into New Taiwan dollars according to the prevailing rate at the time of application if the values are denoted in kind or in currency no longer in circulation, and fill the converted value into the appropriate column of the application form for the calculation and collection of the registration fee according to law.

The applicant shall, upon the application of the registration for the creation or transfer of superficies, *permanent lease*, real estate easement, right of cultivation or right of agricultural exploitation, note the values of rights in the appropriate column of the application form; if their values are not clear, the values of the rights for the collection of the registration fee will be determined according to law.

If the values of rights referred to in the preceding two paragraphs are lower than 4% of the declared land value of the subject land or the current building value assessed by the local tax authority, then 4% of the declared land value of the said land or the current building value assessed by the local tax authority shall be deemed to be the annual value of the rights, and the calculation of the values of rights shall be according to their

durations. If their durations are not fixed, a seven-year period shall be the standard for the calculation of their values and the base for the collection of the registration fee.

Article 50

Fines shall be imposed according to the provisions of the Land Act if the application for registration is overdue.

If the application for changes in land rights is overdue, the duration overdue shall be deducted from the calculation of the fines for registration fee, if the applicant is not responsible for such duration.

Article 51

The refunds for paid registration fees and the fees of certificates may be claimed by applicants within five years if any of the following conditions applies:

- (1) When the application is withdrawn
- (2) When the application is dismissed
- (3) Any other registrations allowed to be solely applied according to laws

If the applicant re-applies for registration within five years, the un-refunded registration fee and fees of certificates may be used as the fees for re-application.

Article 52

The paid fines for registration fee shall not be applied for refund, unless laws and ordinances provide to the contrary.

When a dismissed application for registration is re-applied, its fines shall be re-calculated. If the fines resulting from the previous application have been paid, they shall be deducted from the current fines. The cumulative amount of fines resulting from previous and current applications shall not be more than 20 times that of the registration fee due.

Section IV: Operational Procedure for Registration

Article 53

The Procedure for the operation of land registration is as follows:

- (1) Collection of application
- (2) Calculation and collection of registration tariffs
- (3) Examination
- (4) Public announcement
- (5) Registration on the register
- (6) Issue of certificates
- (7) Adjustment of changes
- (8) Keeping the data on file

Public announcement referred to in Subparagraph 4 of the preceding paragraph only

applies to: the general registration of land, the initial registration of land ownership, the initial registration of ownerships of improvements, the registration of positive prescription, and the registration of the re-issue of certificates. Adjustment of changes referred to in Subparagraph 7 includes statistics and notification of the changes.

Article 54

The registration agency shall immediately collect application forms upon their submission, and shall note down the matters relating to the collection in the records of applications received and the application form.

The collection of application referred to in the preceding paragraph shall be compiled with a serial number according to the order of reception, and the registration agency shall issue a receipt to the applicant.

Article 55

Soon after the collection of an application for registration, the registration agency shall examine the case according to the law. The examiner in charge shall note in the application form his/her opinions and put the date besides affixing his/her signature or seal.

All applications for registration that are found upon examination to be correct and proper shall be immediately registered on the register unless they shall be publicly announced, or stopped for registration according to the law.

Article 56

The registration agency shall notify the applicants to supplement or correct the application, with written statements of reasons, or upon which laws and ordinances these are based, within 15 days after receiving the notice, if any of the following conditions applies:

- (1) The qualification of the applicant shows discrepancies, or his/her agent's qualification to be an agent is inadequate
- (2) The application form is not appropriate or the submitted documents show discrepancies or are inadequate
- (3) The matters noted in the application form or matters concerning reasons for registration show discrepancies with the register or documents of evidence, and fail to explain the causes of said discrepancies
- (4) The registration tariffs have not been paid according to provisions

Article 57

The registration agency shall dismiss the application, with written statements of reasons or on which laws and ordinances these are based, if any of the following conditions applies:

- (1) The case is not within the jurisdiction of the registration agency
- (2) The case cannot be registered according to law

(3) There is a dispute between obligee, obligor or the third parties who have interests in the legal relationship relating to the application for registration

(4) There is a failure or still an inadequacy to supplement or to correct the application according to notified matters.

Any applicant who refuses to abide by the dismissal, referred to in the preceding paragraph, may petition according to the provisions of the Administrative Appeal Act. The applicant, whose application is dismissed according to Subparagraph 3 of the first paragraph, may appeal to the judicial authorities for a decision.

Article 58

The application form of a dismissed application shall be returned in full to the applicant, after the registration agency has kept copies of related documents of reasons for dismissal, for future reference.

Article 59

The registration agency shall immediately return the application form and its attachments, when all of the applicants apply in written form to revoke the application for registration before the registration has been completed.

Article 60

Any dismissed or revoked application shall be separately collected when it is re-applied for registration.

Article 61

Different time limits for each operation shall be prescribed to each type of registration. Registrations shall be operated according to serial numbers for collection or time limits for operation; this also applies to those operations conducted by groups. The registration of right over land with bigger serial numbers for collection shall not precede those with smaller ones over the same land unless the laws and ordinances have provisions to the contrary.

Once the procedure for registration begins, the process of registration shall not stop unless laws, or the Regulation, have provisions to the contrary.

Article 62

After the matters to be registered have been entered into the register, the registrar and the proofreader shall affix their official seals after fulfilling their duties.

Article 63

Any special contract indicated in the documents of evidence citing reasons for registration, shall not be examined by the registration agency if it is not relevant to the registration.

Article 64

Where there is more than one obligee, all the obligees shall be registered. Where there is more than one obligor, the same applies.

Article 65

The registration agency shall issue the certificate of rights to the applicant soon after the completion of the registration of land rights unless other laws, or the Regulation, have provisions to the contrary. However, the registration agency may amend the original certificate with notes and return it to the applicant if so allowed.

The registration agency may be exempted from the issue of the certificate of rights; instead it shall note the exemption on the “others” column of the register, if the applicant so requests with notes on the application form and any of the following conditions apply:

- (1) Initial registration of improvements ownership
- (2) Registration of partition of co-owned property upon the completion of the registration of the descriptions of changes.
- (3) Registration of rights of public land.

The registration agency shall notify the landowner of re-issue of the certificate of land ownership after carrying out a direct registration of land partition. No construction or repair is required prior to re-issue of the certificate..

Article 66

In the case of collective ownership of a land right, the certificate of such right shall be issued with remark of the share of right separately to each of the co-owners.

A co-owner registering for the share(s) acquired from other co-owner(s) shall present the original certificate(s) of right when applying for registration; the registration agency shall issue a certificate of right according to the total shares duly owned by the applicant.

A right holder having several exclusively owned parts of the same strata titled improvement may apply for certificates of right separately, according to such applicant’s duly owned rights of the improvement.

Article 67

The land registration shall be nullified with a public announcement after the completion of the registration, if the applicant fails to submit the certificate of rights for land registration and any of the following conditions applies:

- (1) The heir submits an affidavit upon the application for registration of inheritance
- (2) The application for registration of deletion of other rights is furnished with an affidavit of the rightful holder, or the said rightful holder has submitted the evidence of having delivered the certificate of rights, and furnished the applicant’s affidavit stating his/her inability to submit the certificate.
- (3) The applications for the registration of improvements are destroyed; the applicant has submitted an affidavit

(4) The applications for the registration of deletion of the trust; the registration of identification of the trust or the change of trustee, and the obligee has submitted an affidavit

(5) People unable or unwilling to participate in the distribution following registration of property right exchange due to urban renewal, or who fail to submit the certificate within the time limit upon being informed of replacement of certificates of land and building rights after the registration agency completes the registration

(6) Any condition in accordance with Subparagraphs 1 to 5, Subparagraph 9 or Subparagraph 12 of Article 35.

Article 68

After the completion of registration, the documents shall be affixed with the seal with the wording: "registration completed", and returned to the applicant except for the application form, the documents of evidence citing reasons for registration or their replicas or copies, and the original certificate of rights which shall be cancelled.

Article 69

Where any registration is solely applied for by the obligee, the registration agency shall notify the obligor in written form after the completion of registration, unless one of following situations pertains:

1. There is no obligor
2. The registration for the Court, the Administrative Enforcement Agency or the fair third person has the final auction.
3. The mortgagee is a financial institution, and has submitted proof documents approving the cancellation when undergoing registration of mortgage cancellation.

Each obligor referred to in the preceding paragraph shall be individually notified if there is more than one obligor.

Article 70

A registration agency shall suspend all applications for the registrations of transfer, change, partition, and creation of right of land during the prohibition period as the Government may prohibit through public notice due to land readjustment, zone expropriation, or other legal requirements, unless the registration is applied for the real estate property right already hitherto acquired through inheritance, administrative enforcement, confiscation, court ruling, or other non-legal actions.

Chapter IV: General Registration

Section I: General Registration of Land

Article 71

For the general registration, owners shall apply by submitting an application form

furnished with related documents to the registration agency within the time limit for registration.

The holder of other rights over land, obtained before the general registration of land, may apply jointly with the owner for registration, within the time limit referred to in the preceding paragraph.

Article 72

All applications for registration that are found upon examination and testimony to be correct and proper shall be publicly announced for 15 days by the registration agency.

Article 73

The public announcement referred to in the preceding Article shall be made at the public announcement place of the competent registration agency, clearly noting the following matters:

- (1) The names and domiciles of owners or holders of other rights applying to be registered
- (2) Land descriptions and scopes of rights
- (3) The first and last days of the public announcement
- (4) The time limit, method and the competent authority. for objections raised by any person with interests in such land

Article 74

If any error or omission is discovered in matters publicly announced according to the preceding Article, the registration agency shall rectify it within the public announcement period, and publicly announce again at the same place for 15 days.

Article 75

If any person with interests in such land raises objections during the public announcement period, and disputes over rights arise, the registration agency shall conciliate according to the provisions of Paragraph 2 of Article 59 of the Land Act after the expiration of the period of public announcement.

Article 76

Deleted

Article 77

After the implementation of the general registration of land, its registration procedure may apply, *mutatis mutandis*, to the registration of any unregistered land when it needs to be coded with a number for registration due to the need for cadastral management.

Section II: Initial Registration of Ownership of Improvements

Article 78

Before the application for an initial registration of ownership of improvements, the applicant shall apply to the registration agency for the initial survey for the said

improvements.

Article 79

The application for the first registration of improvement ownership shall require use permit or other certificate equivalent to use permit provided by law and the improvement survey result map. Additional documents may be required for the following situations:

- (1) The distribution agreement of the joint ownership and the share of improvement base right of each of the total number of builders shall be submitted for the registration application of strata titled improvement
- (2) The distribution agreement among all of the builders of any strata titled improvement shall be submitted along with any application for the registration of the exclusively owned part of strata titled improvement if the applicant's scope of right and location can not be identified from the use permit
- (3) A certificate of address issued by a household registration agency shall be submitted along with any application for registration for the underground level(s) or protruding structure on rooftop of strata titled improvement that is marked as the exclusively owned part of strata titled improvement on the illustration drawing provided by the competent construction authority and has no assigned address, or
- (4) A transfer deed or other proof documents shall be required if the applicant is not the builder

The unmarked exclusively owned part on the drawing referred to in Subparagraph 3 shall require additional agreement about the exclusively owned part made by the joint right holders of strata titled improvement.

An improvement completed without use permit prior to the implementation of building control shall present a document of proof issued by the competent building authority or township (city or district) or one of the following documents issued prior to the implementation of building control:

- (1) A household certificate transcript with residency registered to the concerned improvement
- (2) A proof of an official address plate issued to the concerned improvement
- (3) A receipt of house tax payment or tax statement for the concerned improvement
- (4) A receipt of water bill
- (5) A receipt of electricity bill
- (6) A certificate of improvement completion in an area where building control has not yet been implemented
- (7) A topography map, status quo map of urban planning, construction restriction map of urban planning, aerial photography map, or a survey map produced by government agency, or

(8) Other document that provides sufficient proof

The area stated on the document listed above shall be recognized. If such area is not stated, then the registration agency shall assemble a project team jointly with the agencies governing building, agriculture, and taxation from municipality, county (city) government and township (city or district) office to conduct field inspection with reference to related information, such as aerial photograph map; the record of the inspection shall be used in the determination of the area of the legal improvement. An additional proof of the use of base is required if the improvement and base do not belong to the same owner.

Article 80

A joint right holder of strata titled improvement may separately apply for the first registration of the right of the exclusively owned part and the jointly owned part of the improvement.

Article 81

The jointly owned part of strata titled improvement shall be merged, assigned with a lot number, and registered as joint ownership by the concerned joint owners according to the joint owners' agreement of the establishment purpose and nature of use, unless other laws or regulations stipulate otherwise.

The registration of the jointly owned part of strata titled improvement is limited to the marking and adding an attachment list stating the jointly owned part; the building number, total area, and scope of right shall be provided on the certificate of ownership and no additional certificate of ownership will be issued.

Article 82 (Deleted)

Article 83

A right holder of strata titled improvement applying for the first registration of ownership of an improvement shall provide proper description of the type of the right of the improvement and its scope in the corresponding column on the application form pursuant to Article 79, in addition to other required documentation.

A registration agency receiving the application for the matter mentioned above shall provide detailed type of the right of the improvement and its scope in the corresponding column on the registration form.

Article 84

The procedure for the general registration of land may, *mutatis mutandis*, apply to the initial registration of ownership of improvements, unless this section provides for the contrary.

Chapter V: Registration of the Change in Land Descriptions

Article 85

If there is any partition, consolidation, augmentation, diminution, or changes of land category and any other changes of descriptions after the general registration of land, the registration of the change in land descriptions shall be undertaken.

Article 86

An application of partition of a land shall be undertaken if it is to be partially consolidated into another land.

Article 87

If part of a land is encumbered with superficies, *permanent lease*, real estate easement, *Dien* or right of agricultural exploitation, the landowner shall apply, jointly with the holder of other rights, for a survey to fix the scope of the said right and its location before the registration of partition, unless there was a mapped survey of the location when it was created and there is no change to the location of the said right.

Article 88

The scope of the right of each owner is decided according to the agreements when two or more land lots of different owners are consolidated.

When two land lots, which are encumbered with superficies, *permanent lease*, real estate easement, *Dien*, the right of cultivation or the right of agricultural exploitation, are consolidated, the owner shall apply in advance, jointly with the holder of other rights, for a mapped survey of the location of the other rights, unless there was a mapped survey of the location when it was created and there is no change to its location.

After land consolidation, the other rights referred to in the preceding paragraph are still attached to the original locations as before and are not affected by the consolidation.

When the lands encumbered with mortgages are consolidated, the scopes of mortgages are decided according to the agreement of owners and mortgagees.

Article 89

The application for the registration of partition or merger of improvement involving change of improvement number shall also apply for the registration of change of improvement number. In the case that a building and its improvement belong to different right holders, the right holder of the improvement may act on behalf of other right owners and apply for the registration of change, and the registration agency may accept the application after verification.

The registration agency handling the abovementioned matter shall notify the right holders of the improvement, except for the applying right holder of the improvement, to claim the re-issued or updated certificate of right of the improvement upon the completion of the aforesaid registration.

Article 90

The registration agency shall notify the holders of other rights over land, after the

completion of the registration of partition or consolidation of the land, regarding a change of, or to add notes onto, the certificate of ownership of other rights.

Article 91

The register shall be re-made, after the registration of change in land rights due to land consolidation, according to the revised redistribution of consolidated land roll based on the result of a cadastral survey.

The original order and matters for registration of any other rights shall be re-entered accordingly into the other rights section of the new land distributed after land consolidation, if they have been registered before land consolidation and continue to exist after land consolidation; the holders of other rights shall be notified.

The registration agency shall directly carry out the registration of change of base number to any un-demolished registered improvements over consolidated land.

Article 92

The registration of change, due to any confirmed re-survey of a cadastral map, shall be undertaken according to the result of the re-survey roll and the register shall be remade.

The registration agency shall directly carry out the registration of change of lot number to any improvements of which descriptions have changed due to a re-survey of the site.

The registration agency shall, after the completion of registrations of re-survey, notify the holders of other rights created before the re-survey.

Chapter VI: Registration of Change of Ownership

Article 93

After the general registration of land, any change in land rights such as: transfer, partition, consolidation, augmentation, diminution, or extinction, shall be duly registered.

Article 94

The partition of the jointly owned part of strata titled improvement is now allowed. Unless otherwise stipulated by the laws, the registration of transfer, creation, or restriction of the concerned exclusively owned part shall also apply to the jointly owned part.

Article 95

When some co-owners dispose of, make change and create superficies, *permanent lease*, real estate easement or *Dien*, and apply for registration, the names of all the co-owners shall be listed in application forms and written contracts, and the wording: "This application case is undertaken according to the provisions of Paragraphs 1 to 3 of Article 34-1 of the Land Act", shall be stated in the column for notes of application forms. Documents of evidence, concerning other co-owners' entitlement to consideration or compensation having been received by other co-owners or having been

deposited in the local court, shall be submitted, unless there is no such consideration or compensation.

Other co-owners need not affix their signatures or seals on written contracts and application forms for the application for registration referred to in the preceding paragraph.

Article 96

In the case that multiple parties jointly own the same single exclusively owned part of strata titled improvement and some of the said parties wish to dispose, change, or create obligation on the exclusively owned part and the proportionate shares of the associated improvement right by exercising Article 34-1 of the Land Act, the joint owner of the improvement shall signify all of the joint owners of such exclusively owned part, and the proportionate shares of the right of the improvement shall signify the proportionate shares of the exclusively owned part jointly owned by all joint owners.

Article 97

Pursuant to Paragraphs 3 and 5, Article 8-5 of the Enforcement Act of the Part of Rights in Rem of the Civil Code, Paragraph 4, Article 34-1 of the Land Act, Subparagraphs 2 and 3, Article 5 of the Farm Land Readjustment Act, or Article 28 of the Cultural Heritage Preservation Act, the first refusal right holder that has waived the first refusal right shall provide an affidavit from the seller or provide a statement on the corresponding column on the registration application form to confirm the waiver of the first refusal right and the acceptance of legal responsibility for any untrue statement when applying for the registration of transfer of the right of land.

Pursuant to Articles 426-2 and 919 of the Civil Code, Articles 104 and 107 of the Land Act, Article 15 of the 37.5% Arable Rent Reduction Act, or Subparagraph 1, Article 5 of the Farm Land Readjustment Act, in the case that the first refusal right holder waives, or is deemed as having waived the first refusal right, the applicant shall provide a proof that the first refusal right holder has waived the first refusal right, or a proof that the first refusal right holder makes no use of the first refusal right within the time limit after the notice of sale has been delivered, and the seller shall accept legal responsibilities for any untrue statement.

Prior to the completion of any registration mentioned hereto above, if the first refusal right holder raises an objection in writing and is able to prove the holder's willingness to exercise the first refusal right by matching the same terms and conditions or to prove that the seller is engaging in a sale without observing the terms and conditions as stated in the notice or public announcement, then the registration agency shall reject the application of registration abovementioned.

Article 98

Pursuant to Paragraph 4, Article 34-1 of the Land Act, transferring the exclusively

owned part along with the proportionate share of the right of the improvement at the same time does not apply.

Article 99

When the municipal or county (city) land office acquires land rights due to compulsory purchase or purchase of land at declared value, it shall request the registration agency, by submitting land rolls and received certificates of rights, to register the ownership, or the deletion of other rights, or the registration of changes, within one month after the completion of compensation.

Article 100

A number of co-owners may submit a judicial decision and other required documents to apply themselves, on behalf of all co-owners, for registration of partition of a co-owned object based on judicial decision. The registration agency shall, after the completion of the registration, notify other co-owners. The certificates of ownership of other co-owners shall be issued after the payment of registration tariffs.

Article 100-1

Pursuant to Paragraph 3, Article 824 of the Civil Code, the applicant for the registration of partition of jointly owned property, of which joint owner(s) is (are) entitled to monetary compensation, shall offer monetary compensation for the acquired land from the partition and is responsible for the application of the registration of mortgage right on behalf of the compensation receiving party(s), unless the applicant presents the proof that the said compensation to which the joint owner(s) is (are) entitled has been received or deposited for withdrawal.

The order of mortgage right mentioned above shall supersede the mortgage right mentioned in the Proviso provided in Paragraph 1, Article 107. Upon the completion of the said registration, the registration agency shall notify the mortgage right holders of order and the compensation obligor regarding the result of the said registration.

Article 101 (Deleted)

Article 102

If the transferred value of land shall be reported for the transfer or for setting encumbrance according to law, when the obligor for registration died after the said report and before the completion of registration, the obligee may state the reason, furnish the copy of the household register in which the death record of the obligor is noted and other related documents of evidence, and solely apply for the registration. If the obligee is dead, his/her inheritors may inherit as obligee, and apply jointly with the obligor for registration by stating the reason and submitting written contracts and other documents.

The provisions of the two preceding paragraphs, *mutatis mutandis*, apply to cases of transfer of, setting encumbrance over, or change of contents of, land right without the

need to report transferred value of land according to law, along with a written contract or a public register that has been drawn up, or if a deed tax or gift tax has been declared.

Article 103

A bankruptcy administrator shall submit, when applying for registration of changes of land rights belonging to the bankruptcy foundation, documents of evidence to certify the qualification of the bankruptcy administrator and inspector, and the consent of the inspector or documents of evidence issued by the court, unless it is undertaken according to the provisions of Article 34.

Article 104

If any legal person or temple acquires ownership or other rights of land before the registration of establishment of the legal person or before the temple is completed, it may submit an agreement and apply for registration under the name of the representatives publicly elected by the originators of any new legal person. The representatives shall indicate their status and the causes for the acquisition.

The registration agency shall, when it undertakes the registration referred to in the preceding paragraph, annotate the name of the founding organization of any new legal person or temple in the other matters column of the ownership section or other rights section of the register.

The agreement referred to in Paragraph 1 shall clearly annotate that if the legal person or temple is not permitted to be established or registered after the completion of registration, its land will be treated according to any one of the following methods:

- (1) Applying for registration of change of owners to the registered representative
- (2) Applying for registration of change of owners to all the originators of the new legal person

If there is a change of representatives before the registration for the establishment of any legal person or temple is completed, all originators of the legal person or temple shall produce a new agreement and apply for the registration of change in name to the lands having been registered according to Paragraph 1.

Article 105

When any co-owned object is sub-divided, the registration of change in land descriptions shall be applied first, and then the application for the registration of partition of ownership follows, unless there is no need to undertake the registration of change in land descriptions.

Article 106

The partition of many plots of co-owned lands is not restricted to those lands within the same section and the same registration agency.

Article 107

In the case of jointly owned land and one or more joint owners wish to create mortgage right on such owner(s)'s share and apply for the registration of partition of the jointly owned property, the mortgage right shall be transferred proportionately among the partitions according to the proportionate share. However, the said mortgage right shall be transferred to the land acquired after the partition by the original right creating party if any of the followings is satisfied:

- (1) The mortgage right holder(s) agree(s) with such partition
- (2) The mortgage right holder(s) take(s) part in the proceedings of the partition of the jointly owned property, or
- (3) The mortgage right holder(s) had been notified regarding the proceeding by the original creating party but do/es not take part in the proceeding

The application for the registration of partition of jointly owned property shall also apply for the registration of cancellation of the said mortgage right. Upon the completion of the said registration, the registration agency shall notify the mortgage right holder(s) regarding the result of the registration.

Chapter VII: Registration of Other Rights

Article 108

A location map shall be submitted upon the application for a registration of superficies, real estate easement, *Dien* or the right of agricultural exploitation, if they are created over specific parts of a land.

A location map of occupancy shall be submitted upon the application for a registration of superficies, real estate easement or the right of agricultural exploitation, if they are created based on a positive prescription.

The applicant shall apply to the registration agency, in advance, for land re-survey, to make the location map referred to in the preceding two paragraphs.

Article 108-1

For application for registration of superficies or the right of agricultural exploitation, the registration agency shall indicate the purpose and scope in the register, and note the following, according to the agreement:

- (1) Duration
- (2) Land rent and prepayment status
- (3) Value of rights
- (4) Methods of use
- (5) Limitations on transfer or establishment of mortgage

Except for Subparagraph (5), the registration matters set forth in the preceding paragraph are required for the registration of real estate easements.

Article 108-2

The owner of the property that enjoys easements, holders of associated superficies, permanent lease, dien, right of agricultural exploitation and right of cultivation, or the lessee of property that enjoys easements shall apply for registration of real estate easements jointly with the owner of the property encumbered with easements.

Documents that prove the lease relationship are required if the applicant is a lessee of the property that enjoys easements.

The duration of real estate easements established due to the use of the property that enjoys easements by enforcing superficies, permanent lease, dien, the right of agricultural exploitation, the right of cultivation or a lease, as set forth in the preceding paragraph, must not exceed the original term of the right(s) for use of the property that enjoys easements.

When applying for registration of cancellation of right in rem due to the use of property that enjoys easements, as stated in the first paragraph, the applicant shall simultaneously apply for registration of cancellation of real estate easements for the property encumbered with easements.

Article 109

The creation of real estate easements shall be registered in the other rights section of the register for the easement-encumbered property. The lot number, building number and rights concerning the use of the property that enjoys easements shall be indicated in the other registered matters column, while the lot number and building number of the property encumbered with easements shall be noted in the other registered matters column of the descriptions section of the register for the property which enjoys easements.

The registration agency where the easement-encumbered property is situated shall, after the completion of abovementioned registration, notify the competent registration agency to undertake the registration of the creation of easement, if the property which enjoys easement belongs to another registration agency.

Article 109-1

In the event of registration of creation of dien, the registration agency shall indicate the scope and price in the register, and explicitly note the following matters according to the agreement:

- (1) Duration
- (2) Clauses concerning sales without the right of redemption
- (3) Limitations on the transfer or lease of a mortgage

Article 110 (Deleted)

Article 111

Upon the application for registration of the creation of a mortgage, the written contract and application form shall be affixed with the signature or seal of the debtor if s/he is

not the mortgagor.

Article 111-1

In the case of application for registration of regular mortgage right creation, the registration agency shall clearly describe the dollar amount, type and scope of the obligatory right guarantee on the registration form. The registration agency shall also clearly describe the interest, interest rate for deferred interest, default penalty, or any other agreed guarantee scope stated on a deed, if any.

Article 112

The creation of a joint guaranteed mortgage with the rights of several land tracts that are governed by different competent agencies shall require the making of a deed and application for registration separately from the competent agencies, unless otherwise stipulated by Paragraph 3 of Article 3.

Article 113

After the registration of the creation of mortgage, if one or more lands are added to co-secure the debt, the registration of the change of mortgage contents over the original lands shall be undertaken.

Article 114

After the registration of the creation of co-mortgage over many lands to co-secure the debt, the registration of the change of mortgage contents over the original lands, the registration of partial deletion of mortgage and mortgage contents shall be undertaken if one or some lands' mortgages are deleted or changed.

Article 114-1

The registration agency shall clearly describe the related information in the case of the application for the registration of creation of mortgage right using the rights of several land tracts as joint guarantee with the amount of obligatory right against each of the lands already being restricted. The same shall apply to the application for the registration of change of right arising from the separately agreed, or change of, the restricted amount of the obligatory right.

The increase of the amount of the obligatory right arising from the change of the right of the lands mentioned above shall require agreement from the other right holders of the next order and the joint pledgers of next order of mortgage right.

Article 114-2

The application for the registration of partition of mortgage right arising from the partition of a guarantee with obligatory right by using the mortgage rights of one or more land tracts as guarantee shall be jointly applied by the mortgagee, the pledger and the obligor.

Article 115

In the case of several mortgage rights having been created against the same single land

tract, and the registration for change applied due to one of the mortgage rights having been transferred, the order of rights as registered may not be changed.

In the case that a registration for mortgage right is applied due to increased guaranteed obligatory right, the increased amount shall require separate application of registration for creation, unless the holders of other rights of the next order and the joint mortgage right pledgers of the next order agree with the registration for change of mortgage right.

Article 115-1

The registration agency shall clearly state the scope of guaranteed obligatory right stated on the deed on the registration form for the application of the registration for the creation of the maximum amount of mortgage right.

The registration agency shall clearly state the agreement on the confirmation date of the original obligatory right stated on a deed on the registration form for the abovementioned application of registration. The same shall apply to the application of registration for change of right arising from the separately agreed change or change of agreement after the registration of creation.

The agreement of the confirmation date abovementioned shall not exceed thirty years from the time of the creation of said mortgage right. The application for registration of change of right arising from the change of the said agreement shall not exceed thirty years from the time of such change.

Article 115-2

In the case of the application of registration for changing the maximum amount of mortgage right to regular mortgage right due to the confirmation of the original obligatory right, the pledger, mortgagee, and the obligor shall jointly apply for the registration for the change of right according to the actual amount of obligatory right. The amount of obligatory right that concerns the above-mentioned application of registration may not exceed the originally registered maximum amount.

Article 116

The application of registration for change of mortgage right against the same collateral due to change of order of mortgage right shall satisfy all of the following conditions:

- (1) The increase of mortgage right of higher order as guarantee of obligatory right due to change of order and when there is (are) holder(s) of other rights of middle order, consent is required from the holder(s) of other rights of middle order.
- (2) The order of mortgage right rising higher due to change of order, as stipulated by Article 870-1 of the Civil Code concerning the registration of transfer or waiver of order, shall require the consent from the successor of such order, or from the mortgagee that benefits from the waiver of order.

The abovementioned registration shall be jointly applied by the mortgagee, ascertaining that the order has been changed. The applicants shall clearly state in the proper column

on the registration form that the obligor, the pledger, and the joint pledgers have been notified and have signed the registration form.

Article 116-1

The application of registration for change of order of regular mortgage right against the same collateral due to transfer of order shall be applied for by the successor of the said order and the order-transferring party. The application of registration for change due to waiver of order may be independently applied for by the order-waiving party.

The abovementioned registration shall require the applicant to present the required documents set forth in Articles 34 and 40 and proof of notice made to the obligor, pledger, and joint pledgers.

Article 117

Upon the application for the registration of mortgage or for the preparatory registration of mortgage according to the provisions of Article 513 of the Civil Code, the contractor shall apply jointly with the employer with the submission of documents prescribed by Articles 34 and 40 and the construction license or other documents indicating construction permits. However, if the agreement of contract has been publicly registered, the contractor may solely apply for registration, and the registration agency shall notify the employer with the result after the completion of registration.

When the contractor applies for a preparatory registration of mortgage over the unfinished improvements, the registration agency shall compile a temporary building number and improvements register, and undertake registration in the other rights section.

Article 117-1

In the case that a deed has provided that the ownership of the collateral shall be transferred to the mortgagee if the due mortgage right is not paid off, the registration agency, this shall be clearly stated accordingly on the registration form. The same shall apply to the application for the registration of change of right arising from the separately agreed to, or change agreement to apply for, the registration of change of right.

A mortgagee applying for the registration for transfer of ownership of the collateral according to the abovementioned agreement shall present the required documents as stipulated by Articles 34 and 40 and the proof of the expiration of the liability of the guaranteed obligatory right, and file the application jointly with the pledger.

The applicant of the abovementioned application of registration shall clearly state the content in the proper column on the registration form according to the requirement provided in Paragraph 2, Article 873-1 of the Civil Code, and sign the registration form.

Article 117-2

A pawnee acting on behalf of the pawnor and applies for the registration for creation of

land right or transfer land right to the pawnor according to Paragraph 1, Article 906-1 of the Civil Code shall present the required documents as stipulated by Articles 34 and 40 and the pledge contract, and apply for the registration jointly with the obligor. A pawnee filing for the application for the abovementioned registration shall clearly state on the proper column that the pawnor has been notified and has signed the registration form, and concurrently has filed the application of registration for mortgage right pertaining to the acquisition of the land from the pawnor. Upon the completion of the registration mentioned in the above two paragraphs, the registration agency shall notify the pawnor regarding the result of the registration.

Article 118

Upon the application for the registration of superficies due to positive prescription after the general registration of land, the evidence of occupation for enforcement of superficies and occupation evidence issued by neighbors shall be submitted or other documents of evidence sufficient to certify the fact of continuous occupation from the beginning of occupation to the application for registration.

All applications as referred to in the preceding paragraph that are found upon examination and testimony to be correct and proper by the registration agency shall be publicly announced.

The period of the public announcement shall be 30 days and the landowners shall be notified.

When any landowner has objections thereto during the public announcement referred to in the preceding paragraph, the matter shall be dealt with according to the provisions of Paragraph 2 of Article 59 of the Land Act.

The provisions of the four preceding paragraphs shall, *mutatis mutandis*, apply to the application for registration of real estate easements and the right of agricultural exploitation due to the insistence of positive prescription.

Chapter VIII: Registration of Inheritance

Article 119

Upon the application for registration of inheritance, the following documents shall be submitted in addition to the submission of documents prescribed by Subparagraphs 1 and 3 of Paragraph 1 of Article 34:

- (1) Copy of household register noted with the death of ancestor
- (2) Copies of current household registers of inheritors
- (3) Genealogical list of inheritance
- (4) Certificate of payment (exemption) of death duty or other documents of evidence
- (5) The following documents shall be submitted if the inheritor waives the right to inheritance:

(a) The documents related to the waiver of the right to inheritance shall be submitted if the inheritance began before June 4th 1985; if the waiver was declared to other inheritors, s/he should personally present himself to affix his/her seal onto the written waiver.

(b) The documents of evidence examined by the court shall be submitted if the inheritance began from June 5th 1985.

(6) Other documents prescribed by law or the provisions of the Central Land Administration.

When only some inheritors apply for the registration of co-ownership-in-common of all inheritors, the copies of current household registers of inheritors referred to in Subparagraph 2 of the preceding paragraph, of those who fail to jointly apply, may be replaced by the copies of household registers indicating they have once set up households in the country, along with a clear statement of the reason why they fail to submit the copies of current household registers.

The copy of household register prescribed by Subparagraphs 1 and 2 of Paragraph 1 may not be furnished if it can be obtained via computer.

The genealogical list of inheritance referred to in Subparagraph 3 of Paragraph 1 shall be drawn up by the applicants themselves, according to the provisions of the Civil Code, and noted with the wording: "If any error or omission in registration causes damages to others, the applicant will be liable for legal responsibility", and affixed with signature or seal.

The documents prescribed by Subparagraphs 1, 3 and 5 of Paragraph 1 may not be submitted for the application for registration of inheritance due to judicial decision.

Article 120

When there is more than one inheritor, and partial inheritors fail to jointly apply for the registration of inheritance with other inheritors for some reasons, one or several inheritors may, on behalf of all inheritors and their welfare, apply for the registration of co-ownership-in-common of ancestor's land, or apply for the registration of co-ownership after obtaining the consent of all inheritors.

The registration agency shall notify other inheritors with the result of registration after the completion of the registration.

Article 121

When a fetus is an inheritor, the mother shall apply for the registration under the name of the fetus, and undertake a registration of change in name after undertaking the household registration for its birth.

The fetus referred to in the preceding paragraph is limited to non-still born in future; its registered right would be deleted right from the beginning of inheritance, shall it be still born in future, and other inheritors shall co-apply for the registration of rectification.

Article 122

The administrator of inheritance shall submit documents of evidence of being chosen by the family council or appointed by the court upon the application for the registration of the administrator of inheritance over the land administered by him, unless the law provides to the contrary.

Article 122-1

The receiver of inheritance shall present court documents validating his/her appointment when applying for registration of the receiver of inheritance for the land in his/her charge.

Article 123

The legatees shall, jointly with the inheritors, apply for the registration of the transfer of the ownership of legated land, after the inheritors have applied for the registration of inheritance. If the testament appoints specific executors of testament, the legatees shall, jointly with the said executors, apply for the transfer of the ownership of legated land, after the completion of the registration of the executors of testament and of inheritance.

In the case that the inheritors are unable to manage the inheritance for some reason and there is no executor of wills, the receiver of the inheritance shall apply for the aforementioned registration jointly with the legatee following the registration of the receiver of the inheritance and of inheritance.

Under the conditions of the first paragraph, the legatees shall apply jointly with the said executors, for the registration of the transfer of the ownership of legated land, after the completion of the registration of the executors of the testament, even if there is no inheritor or it is not clear whether there is any inheritor.

Chapter IX: Registration of the Trust of Land Rights

Article 124

The term “registration of the trust of land rights” (abridged as “registration of trust” below) referred to in this Regulation shall mean the registration of change of land rights undertaken according to the Trust Act.

Article 125

The registration of trust shall be jointly applied for by the trustor and the trustee if the trust is created by a contract.

Article 126

The registration of trust shall be jointly applied, after the inheritors have carried out the registration of inheritance, by the trustor and the trustee if the trust is created by a testament. The registration of trust shall be jointly applied, after the completion of the registration of the executor of the testament and inheritance, by the executor of the

testament and the trustee if the executor of the testament is specifically appointed by the testament.

In the case that the inheritors are unable to manage the inheritance for some reason and there is no executor of wills, the receiver of the inheritance shall apply for the aforementioned registration jointly with the trustee following the registration of the receiver of the inheritance and of inheritance.

The conditions of the first paragraph, the administrator of inheritance shall, still, apply jointly with the trustee, for the registration of trust, after the completion of the registration of the administrator of inheritance, even there is no inheritor or if it is not clear whether there is any inheritor.

Article 127

When applying for registration upon the acquisition of land rights according to Paragraph 2 of Article 9 of the Trust Act, the trustee shall submit the trust relations proof document. When applying for the registration referred, the fact that the property acquired is under trust and the data concerning the trustor's status shall be clearly noted in the proper column of the application form. The registration agency shall undertake the registration according to Articles 130 and 132.

Article 128

When the trusting relation vanishes after the trusted property has been subject to a registration of the trust according to Article 125, the obligee shall apply, jointly with the trustee, for the registration of deletion of the trust or the registration of identification of the trust according to the provision of Article 65 of the Trust Act.

When applying for the registration referred to in the preceding paragraph, the obligee may solely apply by submitting documents of evidence sufficient to prove the vanishing of the relation of the trust, when the trustee is unable to apply jointly. If s/he fails to submit the certificate of ownership of land or improvements held by the trustee, s/he may submit a recognizance or note clearly in the application form explaining why s/he failed to submit. The original certificate of rights shall be nullified with a public announcement after registration has been accepted.

Article 129

The new trustee shall apply jointly with the trustor for the registration of change whenever there is a change of trustee.

In the event that the trustor is unable to or not required to apply for the aforementioned registration together with the new trustee, the new trustee may apply alone with documents that provide sufficient evidence. The stipulation set forth in Paragraph 2 of the preceding article applies when no certificate of rights is presented

Article 130

The registration of trust shall be entered into the section of ownership or of other rights of the register, besides entering the data of trusted property and the status of trustor, and the wording: “refer to the special trust roll for the detailed contents of trust”, shall be put into the column of other registration matters.

The registration agency shall transfer the matters entered in the column of other registration matters referred to in the preceding paragraph when the registration of change of trustee and of the acquisition of trust is undertaken in the areas where the cadastral data is processed by computer.

Article 131

The certificate of ownership of land or improvements, or the certificate of other rights over land shall be noted with the data of trusted property and the wording: “refer to the special trust roll for the detailed contents of trust”, when the certificate is issued after the completion of the registration of trust.

Article 132

The registration agency shall compile the trust contract or the photocopied testament into a special trust roll after the registration of trust of any land rights, for public viewing or photocopying. The fees for viewing or fees for expenses prescribed by the Land Act shall, *mutatis mutandis*, apply.

The special trust roll shall be retained for 15 years from the date of the registration of the cancellation of trust.

Article 133

If the change of contents of trust does not involve the registration of change in land rights, the trustor shall apply, jointly with the trustee, to the registration agency for the registration of change of the contents of trust by submission of the application form and the documents indicating the changed contents of the trust.

The registration agency shall, after receiving the application form referred to in the preceding paragraph, enter the changed contents and the date for the change into the other matters column of the land register according to the documents indicating the changed contents of trust, and file the application form together with the special trust roll.

Article 133-1

When an applicant applies for trust registration according to the Real Estate Securitization Act or the Financial Assets Securitization Act, the validity documents approved or declared by the competent authority and the documents proving the trust relationship shall be enclosed in the case of asset trust registration; when the registration agency handles the registration, the trustor’s name or appellations shall be indicated in the “others” column in the register.

In the case of investment trust, the validity documents approved or declared by the competent authority shall be enclosed, while the documents proving the trust relationship are not required; when the registration agency handles the registration, the statement that the asset is a trust asset under the Real Estate Investment Trust shall be provided in the “others” column in the register.

After completing trust registration pursuant to the stipulation in the preceding paragraphs, Articles 128 and 133 no longer apply when the trust relationship is terminated or when modifications are made

Chapter X: Registration of Rectification and Restriction

Article 134 (Deleted)

Article 135

If any land is registered in the register under the name of *Huei Sher* or *Juher* (i.e. company or partnership in Japanese terms) prevalently used in the Japanese occupation period, the original obligees or their inheritors may apply to the registration agency for the registration of rectification with the submission of documents of evidence related to their share holdings or the ratios of their investment capital, according to the following methods:

(1) If the share holdings or the ratios of the investing capitals of the original obligees are fully proven without doubt, a registration of co-ownership based on the share holdings or the ratios of the investing capitals of the original individual obligees shall be undertaken.

(2) If the share holdings or the ratios of the investing capitals of the original obligees are not fully proven without doubt, the original obligees or their inheritors shall negotiate their rightful share over the undecided portion of land rights. Their rightful share shall be equal if they fail to reach an agreement.

A recognizance shall be attached to the application for registration referred to in the preceding paragraph, to recognize if there is any error or omission of the obligee, that the applicant will be responsible for the compensation of injury and for related legal liabilities.

The original obligees referred to in Paragraph 1 shall mean the shareholders of the *Huei Sher* or *Juher* on October 24th of Year 34 of the Republic of China (namely AD1945). But if the shareholders of the *Huei Sher* or *Juher* were Japanese, the Republic of China will be deemed to be the original obligees and registered as the owner with the share holding based on the share holdings or the ratios of the investing capital by the said Japanese.

The registration agency shall notify the Bureau of National Property of the Finance Ministry and publicly announce for 90 days, after receiving the registration of rectification referred to in Paragraph 1 and when the rectification is proved to be correct by examination. If, on the expiration of the period of public announcement, no objections have been raised thereto, the registration of rectification shall be undertaken according to Article 69 of the Land Act; if objections are raised, the matter shall be dealt with according to the provisions of Paragraph 2 of Article 59 of the Land Act.

Article 136

The registration of restriction referred to in Subparagraph 8 of Article 78 of the Land Act shall mean the registration which restricts the nominee, whose name is registered, from disposing of his/her land rights.

The registration of restriction referred to in the preceding paragraph includes the registration of caution, the registration of attachment, provisional appropriation, provisional disposition, or bankruptcy, and any other restriction on disposition registered according to the laws.

Article 137

The written consent and the certification of the seal of the nominee whose name is registered shall be submitted, besides the submission of the documents prescribed by each subparagraph of Article 34, upon the application of the registration of caution. The nominee, whose name is registered, referred to in the preceding paragraph shall personally present himself at the registration agency and follow the procedure prescribed by Article 40, except for when conforming to the conditions provided by Subparagraphs 2, 4-8, and 10 of Article 41.

Article 138

The court or the Administrative Enforcement Agency shall note clearly the descriptions of the object and matters for registration in the written request, when it requests the registration agency to undertake the registration of attachment, the registration of provisional appropriation, the registration of provisional disposition, or the registration of bankruptcy, after the general registration of land. The registration agency shall undertake the registration immediately after receiving the request of the court or the Administrative Enforcement Agency, without being bound by the sequence of the collection of the application.

If the object of the above registration has been applied for by the nominee whose name is registered for the registration of transfer or setting encumbrance, but the process for registration has not been completed, the registration agency shall transfer the undertaking of the registration of attachment, the registration of provisional appropriation, the registration of provisional disposition, or the registration of bankruptcy according to the provisions of Article 75-1 of the Land Act, and notify the

applicants.

If the object of the above registration has been transferred from the nominee whose name is registered to the third party and the process for registration has been completed, the registration agency shall immediately reply to the court or the Administrative Enforcement Agency that it is unable to undertake the requested registration. But if the court's or the Administrative Enforcement Agency's request to undertake the registration of attachment is due to the execution of the right of mortgage by the obligee by the sale of pledge by auction, the registration agency shall still undertake the registration of attachment and notify the third party, and reply to the court or the Administrative Enforcement Agency that the registration of transfer has been completed, even though the object of the above registration has been transferred to the third party and the registration has been completed.

The provisions of the three preceding paragraphs shall, *mutatis mutandis*, apply to the registration of prohibition of disposition requested by other authorities to the registration agency according to the provisions of laws.

Article 139

When the court or the Administrative Enforcement Agency requests the registration agency to undertake the registration of attachment, the registration of provisional appropriation, the registration of provisional disposition, or the registration of bankruptcy, on the unregistered improvements which are located on registered lands, the court shall note clearly the wording: "Confirmed descriptions for registration are based on the result of survey appointed by the staff of the court or the Administrative Enforcement Agency" in the written request.

The improvements referred to in the preceding paragraph shall be jointly surveyed on a fixed date by the staff of the court or the Administrative Enforcement Agency and the registration agency. The court or the Administrative Enforcement Agency shall order the obligee to pay the survey fee to the registration agency beforehand.

Soon after the completion of the survey of the improvements, the registration agency shall compile improvement numbers and improvements registers, and enter the registration of attachment, the registration of provisional appropriation, the registration of provisional disposition, or the registration of bankruptcy into the section of ownership, besides forwarding the photocopies of the improvements registers and the floor plan and the map of location to the court or the Administrative Enforcement Agency.

Article 140

If the court or the Administrative Enforcement Agency asks again for the registration of attachment, the registration of provisional appropriation, or the registration of provisional disposition on the same land on which has been undertaken the registration

of attachment, the registration of provisional appropriation, or the registration of provisional disposition, the registration agency shall not receive the case and shall reply to the court or the Administrative Enforcement Agency with the date and case number of the completed registration.

Article 141

If the land on which the registration of attachment, the registration of provisional appropriation, or the registration of provisional disposition has been undertaken due to the request of the court or the Administrative Enforcement Agency, and the said registration has not been cancelled, the registration agency shall stop undertaking any new registration related to the rights concerned, except where any one of the following conditions applies:

- (1) Expropriation, zone expropriation or purchase of land at declared value.
- (2) If the obligee, who applies for the registration of transfer, setting encumbrance, or cancellation according to the judicial decision, is the obligee of the original registration of provisional disposition.
- (3) Inheritance.
- (4) Any other registration that does not obstruct the registration of prohibition of disposition.

Documents of evidence of no other obligee co-undertaking the attachment issued by the Civil Execution Department of the court or the Administrative Enforcement Agency after examination, or proven by the file of sale by auction, shall be furnished if the conditions referred to in Subparagraph 2 of the preceding paragraph apply.

Article 142

The registration agency shall register the matters and then notify the related authorities if any one of the following conditions applies:

- (1) If after the land is requested by the court or the Administrative Enforcement Agency for the registration of attachment, the registration of provisional appropriation, the registration of provisional disposition, or the registration of bankruptcy, and any other authority asks again for the registration of prohibition of disposition according to laws
- (2) If after the land is requested by any other authority for the registration of prohibition of transfer according to laws, and the court or the Administrative Enforcement Agency asks again for the registration of attachment, the registration of provisional attachment, the registration of provisional injunction, or the registration of bankruptcy

Chapter XI: Registration of Cancellation and Deletion

Article 143

Upon the extinction of the land right registered pursuant to this Regulation due to waiver of right, combination, termination, expiration of existence, debt repayment, exercise of right of cancellation, or court ruling, apply for the registration of cancellation shall be made.

The application of registration for cancellation mentioned above involving holder(s) of other rights against the land right shall require the written consent of such right holder(s) and a concurrent application of registration for cancellation of such other right. If there is no legal beneficiary to such land right, the applicant shall clearly state on the proper column of the registration form that there is no other legal beneficiary, and sign the registration form.

Upon the completion of registration for cancellation for the waiver of private ownership of land, the registration agency shall immediately register the land as state-owned land.

Article 144

Before any third party acquires and registers afresh a land right, having registered according to this Regulation, the registration agency may cancel the land right after reporting to the municipal or county (city) land office for examination and approval if any one of the following conditions applies:

- (1) The authority in charge confirms the documents of evidence are forged
- (2) If the error in registration is purely caused by the negligence of the registration agency

The facts referred to in the preceding paragraph shall be annotated in the column of other matters of the register before the registration of cancellation.

Article 145

Except for the termination of rights, the obligee, the originator or any person with interests in other rights may solely apply for the registration of cancellation by submitting the documents listed in Paragraph 1 of Article 34.

The documents listed in Subparagraphs 2 and 3, Paragraph 1 of Article 34 may be exempted if any of the following conditions occurs during the aforementioned registration application:

- (1) Application for registration of cancellation of permanent lease or real estate easements due to expiration
- (2) Application for registration of cancellation of superficies over works other than the improvements due to expiration
- (3) Application for registration of cancellation of the right of agricultural exploitation six months after it expires
- (4) Application for registration of cancellation of real estate easements due to loss of property that enjoys easements or extinction of rights concerning the use of the property that enjoys easements

Article 146

The consent of the original applicant, who has the right to claim for the registration of caution, shall be furnished for the cancellation of the registration of caution.

The person with the right to claim referred to in the preceding paragraph shall personally present himself at the registration agency and follow the procedure prescribed by Article 40, except for when conforming to the conditions provided by Subparagraphs 2, 4-8, and 10 of Article 41.

Article 147

The cancellation of the registration of attachment, the registration of provisional attachment, the registration of provisional injunction, or the registration of bankruptcy, or other registrations of prohibition of disposition shall be requested only by the authorities who request the said application or who execute the sale by auction. But after the completion of expropriation, zone expropriation or purchase of land at declared value, the authorities in charge of the compulsory purchase or purchase may request the registration agency to cancel the said registration.

Article 148

The registration of deletion shall be applied when the land is destroyed. Registration of cancellation of real estate easements over the property encumbered with easements shall be simultaneously undertaken in the case of land that enjoys easements.

If the land referred to in the preceding paragraph is encumbered with other rights or registration of restrictions has been undertaken, the registration agency shall notify the obligee of other rights, requesting organizations or the persons with the rights to claim due to a registration of caution after the completion of the registration of deletion.

Chapter XII: Other Registrations

Section I: Registration of Change in Name and Registration of Change of Administrator

Article 149

Registration of change in name of the right holder having been changed after a land right has been registered, shall be applied; the same shall apply to the change of the name of administrator.

In the case that a right holder or administrator as natural person and whose name has been changed at the competent household agency, the registration agency may comprehensively register name change for all of the concerned land rights directly according to the household information provided on the application form and, upon the completion of the registration, notify the right holder or the administrator to renew the certificate of right.

Article 150

If a legal person or temple acquires the ownership of or other rights over land during the preparatory period and has registered under the name of the representatives of the originators, the registration of a change in name shall be applied after the qualification of the legal person is granted or after the registration of the temple.

Article 151

If there is a change of the administrator of public land, a registration of the change of the administrator shall be requested of the registration agency.

Section II: Registration of Change in Domicile

Article 152

If there is a change of the address of the nominee whose name is registered, the registration of the change in domicile shall be applied with submission of the photocopy of the identity card or of the household certificate, or the household registration transcript. If the ID number indicated in the identity card is not in accord with that registered in the register or there is no registration of the ID number in the register, additional documents of evidence with the original domicile shall be furnished to prove the nominee's status.

If the nominee is a legal person and its ID number indicated in the documents of evidence for registration is not in accord with that registered in the register, the documents of the change of the registration of its domicile shall be furnished.

Article 153

The registration agency may directly undertake the registration of change in domicile after due investigation if the domicile of the nominee whose name is registered has changed and he fails to apply for the registration of change in domicile.

Section III: Registration of the Exchange and Re-issue of the Certificate

Article 154

If the certificate of ownership or other rights of land is damaged or destroyed, the nominee whose name is registered shall apply for its exchange or re-issue.

Article 155

Whenever the registration of exchange or re-issue of the certificate of the ownership or other rights of land is applied, the nominee whose name is registered shall state clearly the reason of destruction by furnishing the recognizance or other related documents of evidence. The registration agency shall publicly announce for 30 days and notify the nominee whose name is registered. The certificate shall be re-issued if no one raises objections within the publicly announced period.

The nominee, whose name is registered, referred to in the preceding paragraph shall personally present himself at the registration agency and follow the procedure prescribed by Article 40, except for when conforming to the conditions provided by Subparagraphs 2, 7, 8, 10, and 15 of Article 41.

Section IV : Registration for Use and Management

Article 155-1

The registration agency shall clearly state the reception date and document number, the details of use, management, and partition of the jointly owned property on the registration form and compile a management booklet if the joint owners apply for registration according to Paragraph 1, Article 826-1 of the Civil Code.

The joint owners filing for the abovementioned registration according to Paragraph 1, Article 820 of the Civil Code pertaining to the decision for management or court ruling shall clearly state on the proper column on the application form that other joint owner(s) have been notified and have signed the application form. The same shall apply to the application of registration due to change of such decision or court ruling.

Article 155-2

In the case where the holder of superficies over a partition and the holder of rights to use and acquire profits apply for registration according to their agreement regarding the restrictions on the use and acquisition of profits, the registration agency shall indicate the reception date, document number and the booklet for the agreements regarding the restrictions on land use and acquisition of profits in the other registered matters column of the superficies over the partition, as well as property rights subject to the restrictions on the use and acquisition of profits.

After obtaining approval of the landowner concerning the abovementioned agreement, the registration agency shall register the agreed matters in the other registered matters column of the land ownership section. The registration method is subject to the stipulations in the preceding paragraph.

Article 155-3

Upon the completion of the above-mentioned registration, the registration agency shall compile a use and management booklet for the jointly owned property or a booklet for the agreements regarding the restrictions on the use and acquisition of profits, which shall include the copies of the agreement, decision, or court ruling, and make the booklet available for reading and/or photocopy with service fee according to Article 79-2 of the Land Act.

Article 155-4

Any change made after the registration as set forth in Article 155-1 or Article 155-2

shall require registration of change; the applicant shall present an application of registration and document(s) pertaining to such change or approval of cancellation to the registration agency.

Upon the acceptance of applications for registration of change, the registration agency shall clearly state the reception date and document number, subjects of change, and date of change in the other registered matters column of the section for ownership of rights concerning the superficies over a partition and associated rights to use and acquire profits, or the other rights section of the descriptions of the register. In the event of registration of cancellation, the notes originally registered shall be cancelled.

Upon completion of the aforementioned registration, the registration agency shall make a photocopy of the application, and store the photocopy in the use and management booklet for the jointly owned property or the booklet for the agreements regarding the restrictions on the use and acquisition of profits.

Chapter XIII: Supplementary Provisions

Article 156

The form and the rules for filling out the registration forms, lists, registers, records, cadastral maps and certificates required by the Regulation shall be formulated by the Central Land Administration.

Article 157

This Regulation shall come into force on the day of its promulgation.

The enforcement date for the amended Articles of the Regulation is separately enacted.