REAL ESTATE

CLIENT ALERT

JUNE / 2019

AMENDMENT TO THE BRAZILIAN PUBLIC REGISTRY LAW PROVIDES NEW RULES ON THE GEOREFERENCING PROCEDURES FOR RURAL REAL PROPERTIES

The Federal Law No. 13,838, enacted on June 04, 2019, was published in the Official Federal Gazette on June 05, 2019, amending the Brazilian Public Registry Law (No. 6,015 from December 03, 1976) in order to provide that the bordering rural properties landowners' consents are no longer mandatory for the annotation of the georeferenced dimensions defined in the land's legal description and records archived with the Real Estate Registry Office.

With the abovementioned legal revisions, the 176th article of the Brazilian Public Registry Law has now an additional paragraph and reads as follows:

> "Art. 176 -
> .....
>
> § 13 – For the descriptions transcribed at paragraphs 3rd and 4th of this article, the bordering rural properties landowners' consents are no longer mandatory. The claimant's written declaration assuring the boundaries and limits have been preserved shall be sufficient for such acts"

In enlightenment to the new Law, the Real Estate Registry Office shall now only require a written declaration, provided by the owner of the rural property, stating that the characteristics, boundaries, and location therein specified are precisely identified and authentic, aiming, therefore, to make matters agile and less bureaucratic within the Real-Estate Registry Office.

The requirement of georeferenced dimensions was introduced into the Brazilian legal system by Federal Law No. 10,267 / 2001, and its surveying technique considers the coordinates of the vertices, measured with the help of GPS and magnetic coordinates by satellite (UTM) in order to specify the area, shape, and location of a rural property. For land subdivision, parceling and / or appending process requiring georeferenced dimensions, the Brazilian Public Registry Law had already demanded INCRA's (Brazilian

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Institute of Colonization and Agrarian Reform) certification, that, unlike the Real Estate Registry Offices, did not make mandatory the consent of the landowners of bordering rural properties. For instance, a rural property landowner with ten bordering rural properties was obliged to contact all the respective owners in order to get each one's consent stating that his georeferenced dimensions, that had already been certified by INCRA, was accurate and legitimate. Now, with the publication of the Federal Law No. 13,838/19, herein elucidated, this scenery has finally evolved.

We are at your disposal if you have any questions or need additional information.

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