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UDK: 347.232(497.11)

Originalni naučni rad

COMPARATIVE ANALYSIS OF LAND REGISTRIES

The paper focuses on the main differences between the common law systems and continental systems (in particular the Serbian system) in respect of the conveyance of titles and other interests and land registries. Common law systems recognise the conveyance of title by the delivery of deeds or any other instruments, unlike the Serbian system which requires the registration of title in the land registry. The structure and effects of land registries are different between the two systems, whereby the Serbian system provides better protection of future purchaser and of current holders of titles and other interests. Despite those differences there are significant efforts to introduce the internet access to land registries into both systems.

Key words: *land registry, land register, Torrens system, English system, registration, title, deed, grantor-grantee index, chain title, maps, folios, notice*

1. Introduction

Land registries¹ represent an important feature of the property law in all legal systems. It is widely agreed that they give greater certainty and security of property title, as well as providing a better protection against different claims of adverse possession². Registration systems also protect new buyers who can verify the status of property and the ability of the owner to convey a title. No less important is the fact that

1 It is worth clarifying the distinction between land register and land registry. A land registry refers to the institution of maintaining and developing a land registration system. A land register is a record of all registered titles and interests.

2 See in Lyall, Andrew, "Land Law in Ireland", Second edition, Sweet and Maxwell, Dublin, 2000; Sprankling, John, Understanding Property Law, LexisNexis, 2000 and Coughlan Paul, "Property Law", second edition, Gill & Macmillan, Dublin 1998.

registered property ensures a better position of an owner if he or she decides to sell it and simplifies the conveyance procedure. However, registration of property and other rights and encumbrances differ among various legal systems and produce different legal effects. Bearing in mind the well known division between common law and continental systems, it is possible to identify the differences in relation to the issue of land registries and the registration of land title and to compare both systems. In common law countries “the systems of title registration are usually classified broadly in two categories: the Torrens system and the English system”³. The Torrens system was introduced by Robert Torrens in 1858⁴ in South Australia and it was developed from the system of registering ships. This system was consequently implemented in Australia, most states of the United States, parts of Canada, New Zealand and Jamaica. Certain features of this system were introduced in countries based on the English system, such as Ireland. Due to the fact that it simplifies registration procedure, the Torrens system was more suitable for inhabited territories, unlike the English system which tends to be very formal. Although there are differences between those two systems, some characteristics remain the same. The author will mainly focus on the land registry in United States and Ireland and try to outline main differences with the Serbian land registries.

Several differences may be outlined between these two systems and Serbian legal system in the field of land registries and transfer of title and other interests. The two main differences concern the actual delivery of title, that is the acts by which the title is conveyed as well as the structure and effects of land registries in those legal systems.

2. Conveyance and Registration of Title and Other Interest in Common Law Legal Systems

2.1. Deed and its Delivery

The *inter vivos* transfer of a title or any other interest in US law requires a delivery of a deed.⁵ There are four stages that precede the

3 Lyall, Andrew, Op.cit, p. 839.

4 By the Real Property Act, 1858 of South Australia.

5 It represents a written instrument by a conveyance of a title or other interest is carried out.

deed delivery and they can be summarised as follows: locating the buyer, negotiating the contract, preparing for the closing and closing the transaction. Very often a deed is confused with the contract, since in some continental system a contract is a written instrument used for conveying the title⁶, while in common law systems a contract represents a first stage of the sale followed by a registration in the land registry. Moreover, the elements of a deed often led to the same confusion between contracts and deeds. Each deed has a simple form⁷ unlike in the English system, and it must be in writing and contain the following parts: it has to be signed by the grantor, it must identify the grantor and the grantee, it must contain the words of conveyance and it must describe the property. Thus, one could argue that it represents a contract since certain important elements of the contract are present in the deed. However, this is not the case; a deed is a simple instrument for a formal conveyance of a title of other interest, preceded by a contract.

If not delivered a deed becomes void and does not pass any title to the grantee or his successors. The delivery must contain intent of transferring a title. It may be done by words and action of intent, which also include the tacit delivery of title as long as the intent is present. The mere delivery without this intent does not suffice⁸. The most common manner is the physical handling of a deed to the grantee, although, as Lord Coke observed in a famous dictum, “as a deed may be delivered to the party without the words, so may a deed by words without the act of a delivery”⁹.

Following this, most deeds are registered although this is not necessary for deed to be valid and effective. However, a “prudent grantee will immediately record his deed in order to protect his title against later claimants”¹⁰. Moreover, a registration of a deed serves as a notice to a third party that a conveyance of a title of other interest took place.

Some common law systems, such as the Irish legal system, are in several aspects very similar to certain continental law systems, such as the German or Serbian systems, insofar as the conveyance of a registered title is done by registered transfer, although the “executed transfer for

6 Articles 938, 1138 and 1583 of the French Civil Code.

7 More in Sprankling, John, Op.cit, p. 360.

8 See *Martinez v. Martinez*, 678 P. 2d 1163 (N.M. 1984).

9 Sprankling, J, Op. cit, p. 367.

10 Sprankling, J, Op. cit, p. 374.

consideration which has been delivered but not registered is nevertheless valid against the registered owner and his devisee”¹¹. Here we see a certain alteration of a delivery by a deed or some other lawful instrument as a result of previous registration in the land registry. Consequently, this practice will improve and intensify the continuous registration of titles and other interests and ensure a greater security of conveyance of titles.

2.2. Land Registries in Common Law Systems

As it is the case with continental legal systems, registration refers not only to property titles but also to all other interests including, for example, easements, mortgages, possession and all other possible encumbrances. However, there are significant differences in the land register structure and the process of registration. It is worth noting at this point that the Irish system is considered as one of the most advanced common law land registration systems in Europe.

The land registration in common law systems is voluntary, such as in the United States, Ireland and England. However, in certain cases compulsory registration is prescribed by law. For example, the Irish Registration of Title Act (1964) stipulates following situations when the registration becomes mandatory where:

1. land is conveyed under the Land Purchase Act; and
2. all freehold and leasehold land:
 - a) where land is acquired by statutory authority; and
 - b) land in areas designated by the Minister of Justice by order.¹²

All common law systems are open to public inspection, which is a widely recognized principles concerning the land registries. This principle enables their main goal, namely the protection of registered titles and other interests as well as interests of future purchasers. Most common law countries, notably the United Kingdom and Ireland, provide internet access to public registers and possibility to print out what appears on the screen. The data entry and alteration are left strictly in the hands of the

11 Lyall, A, Op. cit, p. 845-846. See also Section 51 of the Irish Registration of Title Act, 1964, <http://www.irishstatutebook.ie/1964/en/act/pub/0016/sec0033.html#zza16y1964s33>.

12 Sections 24(1) of the Irish Registration of Title Act, 1964, <http://www.irishstatutebook.ie/1964/en/act/pub/0016/sec0033.html#zza16y1964s33>.

county recorder officials, in order to ensure the security and reliability of data contained in the land register. Any person may also receive copies of any documents available from the register for a prescribed fee.

The registration process is somewhat longer in the US legal system than it is the case in continental systems. Most of states require an acknowledgement of a deed or other document conveying a title before a notary public or a similar official. The acknowledgement either entails the statement of a grantor that he signed the deed or it is a statement by a witness that he witnessed the signing of a deed by a grantor. Following this, a deed and other document is presented to the county officer who stamps the date and the exact name of the receipt onto the deed, together with the assigned document number. In respect of registration there are small differences between common law systems. Thus, the Irish legal system requires the registration of deed memorial¹³ which must be signed and sealed by one of the parties of the transaction and be witnessed by two witnesses, at least one of whom was also a witness to the delivery of a deed.

Two main features are universal to common law systems - the chain of title principle which requires the continuity in title and other interest holders and the anatomy of land registers. Almost all common law systems use grantor – grantee index organized alphabetically according to the names of the parties involved and the year the transaction occurred. The track system or land index based on the legal description of the parcel involved is used to a lesser extent in some places. The Irish land registry is more detailed and advanced and the land index is cross referenced to the registry maps (prepared by surveyors) and indicates the particular folio where the ownership is registered. This system facilitates investigation of the land registry. “An entry normally consists of the following elements:

- the type of the document (e.g., deed, lease, mortgage);
- the grantor’s name;
- the grantee’s name;
- the document number;
- the recording date;
- the location where the document can be found in the _____ records (e.g., the book and the page number), and

¹³ The memorial represents a summary document which facilitates and speeds up the registration.

- a brief legal description of the parcel.”¹⁴

The same elements are registered in the grantee index. Investigation of a registered title should be carried out by searching both indexes. The Serbian system uses a more complex track system which provides a higher degree of security and reliability of data entered into the system. The chain of title principle applies in the US registration system, but due to the fact that the registration is based on grantor-grantee scheme the search must go all the way backward in time in order to make sure that all encumbrances are found¹⁵. Although, the search should go backwards to the point when the land was owned by a sovereign, in practice the search is limited to the last 50 years. The Serbian system is much more user friendly since the encumbrances are registered with each transfer of a title, thus it is sufficient to inspect the only last entry in the registry.

Some common law systems such as the Irish systems have additional components of land registers which are very similar to the continental systems, especially the Serbian land register. Each register¹⁶ consists of “separate folios which are devoted to recording the title to the particular freehold land, leasehold interest or incorporeal hereditament held in gross”¹⁷. Each folio is divided in three parts, whereby the first part contains the relevant piece of land, by reference to the registry map and setting out boundaries together with the rights for the benefit of the property (“all properties in respect of which a title is registered must be depicted on a Land Registry Map”¹⁸). The second part is devoted to the ownership of the interests and contains the personal data of the title or interest holder, the classes of owner and of the titles, the devolution of the property, co-ownership or other limited ownerships (in Ireland under the Settled Land Act) and the third part enumerates all pending encumbrances concerning the relevant piece of land. The index of names¹⁹ and track based index are equally used in the Irish land registry,

14 Op. cit, p. 397.

15 However, it should be noted that it may happen to register a document outside the chain of title, but in that case it does not provide constructive notice.

16 Note that Irish have three separate registers: a register of the ownership of freehold land, a register of the ownership of leasehold interests and a register of the ownership of incorporeal hereditaments held in gross.

17 Coughlan Paul, Op.cit, p. 100.

18 See Anderson, Jack, “Irish Land Law”, - Revision, Gill & MacMillan, Dublin, 2002, p. 65.

19 It contains the name and the address of respective holder of title, interest and

which enables thorough searches for relevant property.

Common law land registries are also based on some form of government survey system which ensures the proper physical depiction of land. In the United States there are three methods of land description: a) metes and bounds, b) government survey and c) plat or subdivision map. The plat and subdivision maps are similar to the continental methods of land description. It entails maps “depicting the lots in a new subdivisions, usually prepared by a surveyor”²⁰, subsequently approved by the planning commission or other responsible government agency. Irish land registry are also based on maps based cross reference with the folio and the registry map made by the government surveyor. This system is well established in almost all continental law countries.

Upon registration, an owner is issued a land certificate which identifies his or her as the title holders and serves as a proof of ownership²¹. “In effect it represents a copy of the relevant folio”²².

Rectification of errors in registration is recognised by all common law systems. It may concern misstatement, misdescription, omission or otherwise either in a register or in a registry map. Depending on the type of error the rectification competence lies in the registrar or the court. For example, the Irish Registration of Title Act prescribes a competence of courts if it is of the opinion that the error can be rectified without injustice to any person²³.

Adverse possession is another example of differences between the aforementioned systems, which derives from the procedure of acquiring the title by possession. In common law systems a registrar, in a certain respect, acts like a judge in continental systems, since he considers the application and ensures the fulfilment of all requirements²⁴ for acquiring the title by possession. If the title is acquired in this way, a title holder will submit an application to the registrar setting out in

incorporeal hereditament.

20 Op. cit, p. 366.

21 Section 28 of the Irish Registration of Title Act, 1964, <http://www.irishstatutebook.ie/1964/en/act/pub/0016/sec0033.html#zza16y1964s33>.

22 Coughlan Paul, “Property Law”, second edition, Gill & Macmillan, Dublin 1998, p. 102.

23 Section 32(1) of the Act.

24 Usually they include actual, exclusive, open and notorious, adverse (good faith and other elements that demonstrate possessor’s state of mind) and continuous possession for the statutory period.

detail the circumstances of the acquisition together with the date when the possession was established and finally acquired.

2.1. *Effects of Registration*

Although the registration can be considered as procedural in common law systems, it still affects the substantive law in many respects. *Lyall* differentiates two main effects of the registration – “it produces a new classification of interests in land and it affects the legal relationship between people in relation to registered land²⁵. These effects are universal for all common law systems with very small differences between them.

2.3.1. Classification of Titles

As for the list of titles and interests that may be registered, the common law systems differ from the continental systems due to the historical background originating from feudal times. The common law system is well known for its division of estates in freehold and leasehold depending on the terms and conditions under which the land was held. This division led to differentiation of titles that may be entered into the land registry. Thus, the class of a title will depend on the quality of title concerned.

The Irish and English system differentiates the titles of freehold and leasehold owners whereby the a freehold owner may be registered as absolute, qualified or possessory title and leasehold owners has an additional fourth class called good leasehold title. The *absolute title* is the maximum class title that may be assigned to a holder with all express or implied rights, subject to all registered and unregistered burdens. *Qualified title* is the second degree class that is assigned in cases if, on an application for registration with an absolute title, it appears to the Registrar that the title can be established only for a limited period or only subject to certain reservation²⁶. *Possessory title* is restricted to cases when the title was acquired by possession or in cases when the registrar, on an application for registration with an absolute title, is not satisfied that either an absolute or a qualified title would be warranted, he may

25 *Lyall, A, Op. cit, p. 844.*

26 Section 33(5) of the Irish Registration of Title Act, 1964, <http://www.irishstatutebook.ie/1964/en/act/pub/0016/sec0033.html#zza16y1964s33>.

register the applicant as owner with a possessory title. The applicant may be registered as owner with a possessory title on giving such evidence of title as may be prescribed. However, the possessory title does not prejudice and affect the rights of others before the expiration of the required time limit for acquiring the title in this manner. Lastly, the leasehold title entails a fourth *good leasehold title* which has the same effect as absolute title, except that registration does not affect or prejudice the enforcement of any right adverse to or in derogation of the title of the lessor to grant the lease.²⁷ There is a possibility of converting the title with which the land is registered²⁸.

This aforementioned division also influences the registration of different classes of ownership. The following categories are for example recognized by law in the Irish legal system:

- as full owner of freehold land, that is to say, as tenant in fee simple;
- in the case of settled freehold land, as limited owner thereof, that is to say, a tenant in tail or tenant for life or as having under the Settled Land Acts the powers of a tenant for life;
- as full owner of a leasehold interest, that is to say, as the person in whom the leasehold interest is vested in possession; or
- in the case of a settled leasehold interest, as limited owner of the interest, that is to say, as tenant for life or as having under the Settled Land Acts the powers of a tenant for life²⁹.

The US system recognises six basic types of estates: three freehold estates (fee simple, fee tail and life estates) and three non freehold estates (terms of years tenancy, periodic tenancy and tenancy at will) which results in various restrictions of the right of transfer and effects

27 Section 45 of the Irish Registration of Title Act, 1964, <http://www.irishstatutebook.ie/1964/en/act/pub/0016/sec0033.html#zza16y1964s33>.

28 See Section 50 of the Irish Registration of Title Act, 1964, <http://www.irishstatutebook.ie/1964/en/act/pub/0016/sec0033.html#zza16y1964s33>.

29 Section 27 of the Irish Registration of Title Act, 1964, <http://www.irishstatutebook.ie/1964/en/act/pub/0016/sec0027.html#zza16y1964s27>

of the registration.³⁰ However, various titles systems are determined by individual state law. While they are mostly the same there is some variation amongst states. For example, Louisiana follows the French civil title system.

2.3.2. Competing Title Claims

As in all legal systems, there is always a question of conflicting or competing title claims. One way of resolving disputes is by the registration in the land registry, although this approach is limited by the fact that common law systems do not require a mandatory registration in the land registries. However, the registration creates a strong incentive for a buyer since this act provides a constructive notice³¹ to any subsequent purchaser. Conflicting title claims most frequently occur in a situation of dispute between several persons claiming the title. Moreover, this may happen between the holder of possessory estate and claimant of a non-possessory interest, as well as non-possessory interest holders who challenge their respective priority.

Since all common law systems recognise delivery of a deed or other lawful instrument as a moment of transferring the title, with the exception of registered titles in Irish law which are transferred by registration, generally common law takes a simple approach to competition legal interests by applying the well known rule *prior tempore potior iure*. However, there are exceptions to this rule which, to certain extent, differentiate between common law systems. The common exception protects the subsequent *bona fide* purchaser provided that the adequate amount in relation to the market value of the respective immovable was paid. This resembles the rule in the continental legal systems whereby the priority is given a person who registered the title first, provided that he was *bona fide*. The other exception serves as a protection of a person who acquires a title or interest from a *bona fide* purchaser who also has precedence over a “first-in-time claimant”³².

30 Sprankling, J, Op. cit, p. 93.

31 Notice represents a legal notification required by law or agreement, or imparted by operation of law as a result of some fact (such as the recording of an instrument) – Black’s Law Dictionary, eight edition, Thomson West, USA, 2004.

32 More in Sprankling, J, Op. cit, p. 389-390.

1.1.1.1 Bona Fide Purchaser – Notion of Notice

The key element of this exception in all common law systems is the lack of notice on the side of the *bona fide* purchaser. There are several types of notice depending on the source of information: the actual notice, the constructive notice and the imputed notice. The existence of one of those notice binds the purchaser by any pending interest in relation to the respective property.

Actual notice – This notice concerns specific information given or received by a respective contracting party. This information may have been found or received irrespective of the legal transaction that led to the transfer of title or any other interest.

Constructive notice - Although it mostly represents a notice arising from registered documents this notice derives from any facts and circumstances that a party has a duty to take notice of, which may also arise from litigation or a similar proceeding. The US legal system requires the fulfilment of four conditions in order for a registered document to provide constructive notice, namely: “it must meet formal requirements for registration; it must contain no technical defects; it must be registered in the chain of title and properly indexed”³³.

Imputed notice – It refers to the situation where a party is represented by an agent who is obliged to disclose any information related to the property in question acquired through the required inspection and inquires. Again this knowledge can come through some earlier dealings of the agent with other parties.

3. Main Differences with the Serbian Land Registry

Although at the moment there are two parallel land registries in Serbia, the differences between the two systems are negligible, with the exception of the authority keeping the registry. The old system introduced in 1930³⁴ follows the German system whereby the land registry is kept and maintained by courts while the physical depiction

33 Sprankling, J, Op. cit, p. 401.

34 Although in 1930s three statues concerning the land registers were passed, the introduction of land registers in some parts of Serbia, for example in Vojvodina, began in 1855. In 1874 land registers in the Hungarian language were introduced on the territory of Vojvodina.

of immovable is kept by the governmental surveyor's agency. The new system called the "uniform record-keeping" brought together these two systems and the government surveyor's agency is in charge of this new registry³⁵. This latter system was highly criticised due to the fact that the registration of title and certain other interest represents a constitutive element of ownership. Bearing in mind this fact as well as the fact that the governmental agency is in charge of this new "uniform record-keeping", there are concerns that the new record keeping may lead to partial processing of data due to the fact that the competence of record keeping is entrusted with the executive branch of government. In the old system this potential danger was prevented by the simple fact that the courts are in charge of land registry. The other concern is that the government surveyor's office, unlike courts, does not have adequate legal knowledge to keep and maintain this data since often the data entry and alteration may give raise to complex legal problems.

Unlike the common law systems, in the Serbian legal system registration in the land registry is compulsory³⁶, which was also prescribed by the recent amendments of the new land registry³⁷. During the communist era compulsory registration was only prescribed for the socially owned property. Unfortunately, this type of property was the least frequently registered due to the fact that it belonged to everyone. While some may argue that *ex officio* registration represents an unjustified restriction of personal freedom³⁸, it seems that a compulsory registration ensures a high level of protection of title and other interest holders as well as potential purchasers. Moreover, it provides a chain of titles and other interests in the land registries which again guarantees the consistency in title holders and enables the supervision of uniform title and other

35 State Land Survey and Registration of Titles and Interests Act, Official Gazette of the Republic of Serbia, No. 83/92, 53/93, 67/93, 48/94, 12/96, 15/96 - corrigendum, 34/2001 – amendments by the other statute, 25/2002 and 101/2005 – amendments by the other statute).

36 Article 5, paragraph 4 of the State Land Survey and Registration of Titles and Interests Act. The registration of data concerning immovable and title and other rights concerning the same immovable shall be performed *ex officio* or upon the request of the title holder.

37 Article 61 of the State Land Survey Act, Official Gazette of the Republic of Serbia, No. 72/09.

38 Živkovic, Miloš, Land Registries in "Amendments of the Property Law in Serbia", Institute of Comparative Law, Belgrade 2005, p. 100.

interest conveyances. The land registries in Serbia are open to public inspection which is the case with the common law systems.

Unlike the common law systems where the delivery of a deed conveys a title or other interest³⁹, in the Serbian legal system this is achieved by the registration in the land registry⁴⁰ or by any other way prescribed by law if it concerns the transfer of immovable by legal transaction. This legal rule provides a greater security of legal transaction and ensures a better protection for any future purchaser. Unfortunately, land registries are not established for significant parts of Serbia or they are not updated due to the aforementioned problems with non-registration of socially owned property. Moreover, a significant number of buildings were for years constructed without planning permissions. This latter problem may be will be partly rectified by a possibility of registering the holder by possession over a real estate prescribed by the State Land Survey Act.⁴¹

The registration process in Serbia requires a submission of a request, contract or other written instrument conveying a title or other interest, as well as the certificate of paid tax to the registration office. However, certain title documents such as contracts must be signed and verified before a court, which demonstrates that the procedures are not that different, since a certain form of official certification is required in both cases. The difference lies in the fact that both contracting parties must sign a contract, which must be in written form and no witnesses are necessary in the acknowledgement procedure before the court⁴². However, some common law systems such as the Irish one are very similar in this respect as was explained earlier. If there are several competing titles, the priority is given to a holder who first submitted a request for registration, that is first registered as a title holder. However, there is an exception of this rule which protects a *bona fide* purchaser who bears the burden on proof.

The Serbian land registries are based on the track based index which provides greater security and an easier search of the index.

39 This transfer entails *inter vivos* conveyance of title or other interest.

40 Article 33 of the Bases of the Property Relations Act. The delivers represents a *modus acquirendi* for movables (Article 24 of the Bases of the Property Relations Act).

41 Article 96 (2) and 97 (3)(4) of the State Land Survey Act.

42 Article 4 of the Immovable Transfer Act, Official Gazette of the Republic of Serbia, No. 42/98.

Moreover, this system ensures a better overview of all pending interests and encumbrances in relation to a certain immovable. Both types of registries are based on the physical depiction of land and all buildings prepared and kept by the surveyor's office.

As for the structure of the land registers there are no significant differences in relation to the common law systems, especially with the Irish Register of Titles. The new "uniform record-keeping" that combined the records kept by courts and surveyor's office has the following folios:

- folio A containing land data;
- folio B containing data on land holder;
- folio C containing data on building, apartments and business premises within the building and their respective holders and
- folio C containing data on all pertaining encumbrances and restrictions.

4. Conclusion

Despite the very many substantive differences between the common law and continental systems the objectives of all land registries is to render the conveyance of title and other interest expeditiously, efficiently and inexpensively in order to ensure stability and safety of registered property rights. Moreover, the registered title represents a *par excellence* proof of title and facilitates the burden of proof in cases of conflicting title claims. In time, land registries should provide the "mirror principle which entails that the registration should be a mirror of the title, reflecting all the interests which affect the land in question so that a purchaser does not have to go behind the register to discover interests binding on him"⁴³. Although there are significant differences between the common law and continental systems, significant efforts and resources in both systems are put in creating user friendly internet database systems that would ensure a greater protection of prospective buyers and all other interests' claimants. One of the most advanced electronic land registers in Europe is the Irish Land Register. The continuous registration may gradually led to the compulsory conveyance of title or other interest by registered transfer, which will render the effects of registration in the common law system similar to the effects of registration in the continental law system.

43 Lyall, A, Op. cit, p. 844.

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KOMPARATIVNA ANALIZA REGISTARA NEPOKRETNOSTI

U ovom radu prikazane su osnovne razlike između anglosaksonskog i kontinentalnog pravnog sistema u materiji sticanja prava svojine i drugih prava, kao i samih registara nepokretnosti, s posebnim osvrtom na osobenosti sistema u Srbiji u odnosu na anglosaksonski sistem. Anglosaksonski sistemi predviđa sticanje prava svojine na osnovu pravnog posla predajom isprave o sticanju ovog prava ili bilo koje propisane isprave, dok se prema pozitivnim pravu u Srbiji zahteva upis u javnu knjigu ili na drugi odgovarajući način određen zakonom ukoliko se radi o sticanju prava svojine na nepokretnosti na osnovu pravnog posla. Struktura i dejstvo registara nepokretnosti se razlikuju između ova dva sistema, tako da sistem u Srbiji pruža bolju zaštitu budućih sticalaca i trenutnih imaoaca prava svojine i drugih stvarnih i obligacionih prava. Uprkos tim razlikama u oba sistema se pokušava sa uvođenjem internet pristup registrima nepokretnosti.

Ključne reči: pravo svojine; registri nepokretnosti; srpski sistem registara; anglo-saksonski sistem.