

How are the rights of a wife, husband, and children secured during the state registration of a transaction of land and other immovable property?

(Law of the Kyrgyz Republic "On State Registration of Rights to Immovable Property and Transactions related thereto")

WHERE

Transactions involving immovable property, such as purchase and sale, lease, inheritance, trust management, mortgage, etc., are subject to state registration. This process occurs at the local registration body situated at the property's location. Failure to register such transactions will result in their illegality, rendering the associated rights to immovable property invalid.

RIGHTS OF WIFE AND HUSBAND, CHILDREN AND OTHER RESIDENTS

established by the legislation of the Kyrgyz Republic are considered to be VALID regardless of whether they have been registered or not.

WHO HAS THE RIGHT TO REGISTER?

- Owner (proprietor)
- Landlord who is not the owner (proprietor)
- Tenant (lessee)
- Mortgagee (pledgee)
- Trustee(s)
- Special administrator(s) in cases of bankruptcy proceedings
- Guardian
- Trustee (guardian)
- A person without property rights but possessing power of attorney for state registration
- Other individuals as specified by legislation

If an authorized representative of the property owner submits the registration application, a notarized power of attorney for the registration of immovable property or related transactions must be provided.

WHAT DOCUMENTS ARE PROVIDED:

- An application of the prescribed form
- An identity document. For an authorized representative - an identity document and a power of attorney
- Title documents for the unit of immovable property*
- A document containing technical characteristics of the unit of immovable property

** A title deed is a legal document that establishes, transfers, limits, or terminates the ownership and other rights to a unit of immovable property (law, decision of the relevant competent authority, contract, court decision, Certificate of Right to Inheritance, etc.).*



REQUIREMENTS FOR DOCUMENTS SUBMITTED FOR STATE REGISTRATION:

- All documents submitted for registration must contain complete details, including the name of the issuing body, institution, or organization, along with the document's date, number, and seal or corner stamp.
- Personal information, such as surnames, first names, patronymics, and residence addresses should be presented without abbreviations.
- Legal entity names should be written in full, without abbreviations, and must include both postal and legal addresses. The taxpayer identification number should be indicated on the stamps of legal entities.
- Any corrections made in the documents must be authenticated by the issuing authority. If the submitted title deeds span multiple sheets, they should be appropriately numbered and endorsed by the applicants, with certification by the issuing body's seal. In specific cases stipulated by law, notary certification may be required.
- Copies of judicial acts submitted for registration are only valid if certified by the court.
- Two copies of all documents must be submitted to the registration authority, one being the original. After the right is registered, the original document will be returned to the applicant, and the copy will be archived in the registration file.

REGISTRATION DEADLINE

Initial registration shall take place within **seven (7) working days** from the date of application submission.

The re-registration of rights to immovable property is carried out within **2 (two) working days**. At the same time, rights arising from transactions with immovable property that do not require mandatory notarization are registered within **3 (three) working days**. (Law of the Kyrgyz Republic "On State Registration of Rights to Immovable Property and Transactions related thereto")

PROCEDURE AND COST OF STATE REGISTRATION

1

INITIATE THE PAYMENT FOR THE REGISTRATION OF RIGHTS.

2

SUBMIT THE APPLICATION ALONG WITH THE REQUIRED DOCUMENT PACKAGE. OBTAIN A RECEIPT ACKNOWLEDGING THE ACCEPTANCE OF YOUR APPLICATION AND DOCUMENTS.

3

COLLECT THE REGISTRATION DOCUMENTS UPON COMPLETION OF THE PROCESS.

1. The registration of rights to real estate based on an agreement involves:

For individuals: **520 som**

For legal entities: **1040 som**

2. State registration of a contract of sale, gift, and exchange of immovable property that does not require mandatory notarization costs:

For individuals: **1325 som**

For legal entities: **2850 som**

Ensuring the Rights of Spouses and Children in State Registration of Land and Property Purchases

PROCEDURE STEPS

Step 1.

Draft a written sale and purchase contract with the seller and ensure its notarization.

Step 2.

Apply for a Land Registration Certificate to the local registration authority within 30 days of finalizing the transaction with the notary. You will need to submit the following documents for your application: the notarized sale and purchase agreement, state certificate for the homestead plot, and technical passport for the house.

Step 3.

Complete the payment for the state registration of ownership for both the homestead plot and the house.

Step 4.

Obtain a receipt acknowledging the acceptance of the application and accompanying documents.

Step 5.

Collect the registration documents, including the State Certificate for the homestead plot and the technical passport for the house, confirming your ownership rights to the purchased real estate.

Note: The rights of the wife, husband, children, and other dependents, as established by Kyrgyz law, remain valid irrespective of whether they have undergone registration, if a person purchasing real estate has registered his/her rights. Nevertheless, it's crucial to note that the absence of state registration for rights to immovable property resulting from a transaction renders it invalid. Such a transaction is deemed null and void, rendering the associated rights invalid.

RESOURCES

Refer to attached data/contacts (as of December 31, 2023):

Kyrgyz Republic Law "On State Registration of Rights to Immovable Property and Transactions Therewith".

1. State registration of rights to immovable property based on an agreement costs:

- For individuals: **520 som**
- For legal entities: **1040 som**

2. State registration of a contract of sale, gift, and exchange of immovable property, which does not require mandatory notarial certification, costs:

- For individuals: **1325 som**
- For legal entities: **2850 som**

Transactions (purchase and sale, lease, inheritance, trust management, mortgage, etc.) of land and other immovable property are subject to state registration in the local registration body at the place of their location.

The contacts of local registration authorities for registration of rights to immovable property can be obtained by calling them at (0312) 30-06-45 or through email at eicn01@cadastre.kg and eicn01@mail.ru. Additionally, this information is available on the website of the State Institution "Cadastre" at <https://cadastre.kg/svc-portal/about/aboutpayment.do>

