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The study of transactions property immovable registration role and documentation of state property in the settlement of disputes

Dr. Dariush Bahrami¹ and Fatemeh Asadi Habib²¹Department of Law, Damghan Branch, Islamic Azad University, Damghan, Iran²Graduate student of documents Registration and state Law.

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ABSTRACT

One of the main purposes of registration rules, prevent conflict and maintain order transactions, and thus secure immovable property transactions, it is valid to know the real transactions, and in order to achieve the mentioned goals, transactions above without adjustment official document, prestige and security of the above, will prevent. The purpose of registration laws and regulations, the ability to create order and security transactions. If transactions do not have the necessary security, and dealers can not freely to any who wish to, to actually make real estate transactions, so it seems, one of the main goals of the registration regulation, establish order and security of property transactions, block trades opposition is immovable property, and in this regard, to fix the problem, transactions must be done by adjusting the official document, both parties to the transaction, the transaction will proceed with confidence, and the transactions are in conflict prevention. In the present study will attempt to do the problems immovable property transactions, a common document to be examined, and strategies, and solutions are also reviewed and proposed.

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Introduction

The increasing importance of immovable property, due to the enthusiasm and willingness of individuals to possess it, the undeniable need for society to immovable property, in housing, commerce, agriculture, and industry, as well as works by the Land Registry, economic security, social, and political, in today's world is no secret. So why, firstly, the need to maintain the security of immovable property transactions, and prevent trading in conflict, and protect the rights of third parties, unaware transferee trading as normal, credits, giving community rights over individual rights, has caused governments, immovable property transactions, limits on work and prove Coagulation and estate contracts, for the parties on the issue of regulation of compulsory registration of real estate, for natural and legal persons (private law), documenting and determining operation for the rights of the public (State), in order to achieve the same purpose had been. Prior to these reforms, and legislation to Real Estate Registration Act of 1931, and the mistakes registration and ownership documents opposing approved in 1954, only judicial mechanism, prevent the trading in conflict, and reduce claims the property, the interpretation of the provisions of the Registration of Articles 22 and 48 law, in such a way that:

First of all agreements and contracts related to real estate records, as long as they have not registered, even though the sale is entitled, according to the regulations, in accordance with Article 10 of the Civil Code be regarded as merely a covenant agreement that, based on its Crush committed, has a claim of committed religious right, and the law is nothing wrong with legislators to achieve the transfer of property, business registration is required. 1 (Shahidi, doctor Mahdi-form of contracts and obligations - Vol. 1 - p. 86)

Secondly, with regard to diversity, and provisions related administration tasks and categories, with each of those functions, documenting immovable property of the state, in the area of lands and properties, the most important issues of public rights, and among these and types of property, which in turn tasks, integrate, and works of each category of property and provisions mentioned in the most elegant and most accurate public rights issues, financial issues computational known, is considered.

In this study, disadvantages and problems of trading, normally by natural persons, and lack of documentation of immovable property of the state, by the state, will be examined, and for an end to the disputes arising from the failure to register property transactions movable, by individuals, and documentation of state property by the state, and thus reduce the volume of lawsuits and criminal, arising from the disputes in the courts, different strategies will be examined.

The first part of the document history in Iran

Write a document and stamped it, life history of mankind to the height of the flour; if a hadith by Imam Sadeq (AS), the first document, written in human history that, after the Prophet Adam (AS) Sixty years of his life, the Prophet David (PBUH) gave, the Lord Gabriel, Michael and the angel of death would be that, in this type of document. They did so, and then' Elleyyeen by the wings of the soil, were sealed. "Then God commanded Gabriel, Michael, Ezraiel: The person spoke to write. Soon he's like his words, will forget, so they wrote it, and its wings were seals, the soil was paradise "It is interesting that in setting this document, writing not satisfied, but also were witness to it, and witness after writing the document, it was October.

1 (series of legal research legal validity of the document and its conflicts with other evidence, in the Iranian Law and Jurisprudence, Department of Education and Research judiciary, Page 13, Jangal publish, p. 37)

Stamp the document in the manner of the Prophet (pbuh) himself, can be seen, as quoted Allameh Majlesi (Bihar al-Anvar), when the Prophet Muhammad migrated in the sixth year, had planned to write a letter to King and rulers, His Holiness said the king to the a unkind not care, so prepare him for his kindness, and in al-Hijjah of the same year, six of the Companions of the Prophet's letters to the princes of those times were great. 2 (series of legal research, legal, credit and document conflicts with other evidence, in the Iranian Law and Jurisprudence, Department of Education and Research judiciary, quotes, Majlesi, Mohammad Bagher, Bihar al-Anvar, vol. 2, 382), document means of writing, from ancient times among different nations, including Iranians have been used. One of the priests Testament Artaxerxes, called Tansar (the weight Jafar), which Hirbod Hirbod, and the advisers and the Ministry of Artaxerxes had, in a letter written at the time to Shah Complex, and advised him to agree to Artaxerxes Dolatkhahi data, on the occasion of document, from some contracts is named. 3 (Jafari Langroodi, doctor Mohammad Jafar Wikipedia - vol. 4, p. 471)

In Iran, Achaemenid, and Sassanid, fertile land, geodesy and document set out for them. In Safavid era, had established a department called the top Divankhaneh, documents, contracts and transactions in which the record was set by the judge, and as fights, was cited. 4 (Jafari Langroodi, doctor Mohammad Jafar Encyclopedia of Islamic Sciences, vol. 2, p. 714 and 715)

The second part of the transaction problems, with ordinary pending home One of the problems that are faced by many people, and judicial courts, the authenticity of documents is normal, in other words the role of these documents in the transfer of real estate, and less judge found that, in the judgment, in case the demands of having to adjust the official document, sales delivery paid the price required to fulfill the obligation by reference to the normal letter of promise, not to give judgment, and less lawyer can be found that, under its law, the claims of these demands, not representation, and on the basis of normal document, is not defended his client. And the bulk of cases pending in the law courts (civil) court, involving claims that, on the basis of normal document is sent in real estate projects, and unfortunately due to the complexity and specific issues in relation to such claims, usually "handle it a long way over the track 0.5 (Sahebi- doctor Mahdi- the role of document registration, in Immovable trading - the first printing, Derak publications 2012)

Part III: Statutory Registration law

Registered In word, the infinitive Triad Single, to conquer Sa' and the rest Ba, means putting on instead of being solid, proven and writing 1 (Dehkhoda- Ali Akbar -volume 14- Dictionary - Institute of Tehran University Press, the first edition, Vol. 4 & 5, 1993) in law, to write and record property, contracts and transactions, or any event that the registration requirements, or optional clear sign that, like real estate, company registration, registration and ... 2 (Jafari Langroodi, doctor Mohammed Jafar, terminology rights, the twenty-second edition, Tehran, the treasure of knowledge, 2009)

2-registration of lawyers, of several types divided as to have, for example, in the case of the Registrar General Real Estate Registration Act, registration is normally referred to 1

(Ansari - Masood- Taheri- doctor Mohammad Ali, encyclopedia of Privacy law - Volume II, published by skill - first edition, 2005, p. 758)

Patent, branches of law, including the rights of the public and the confluence of private law, and public law. It is a form of mandatory regulations, and self-organization pays part of civil rights, including laws and regulations, and legal principles and opinions of legal scholars, and judicial procedures and records and so on.

Registration rules, generally mandatory rules and forms, and procedures for individuals and their contacts, binding and compulsory. Consensus and compromise, unlike them impossible, and implies severe sanctions. Basically, the nature of the legal relationship does not apply, but take action and do their formalities, explains, "Nevertheless, compliance and non-compliance, may give rise to the right or prevents the creation of the right, or cause to be declining 1 (doctor Abhari - Hamid and Ali Sorkhi- the role of ordinary documents, in real estate - Fekrsazan. 2008, p. 27)

The current Real Estate Registration Law, approved on 11.26.1931, and before that in the years 1923 and 1928 and also in 1929, legislation was enacted, the legislation was optional registration famous, and yet Act, 1931, to mandatory registration law it is famous. The present law involves two large sections estate documents. Chapter II of Article 9 to 45 provisions of the Land Registry, the third of Article 46 Formalities of registration documents. In Chapter II, Articles 9 to 25 for the registration formalities public property, and it works. Articles 9 to 20, in a book called "preliminary operations Registration", is known. Articles 46 to 48 cases of compulsory and optional documents enumerated, and in Articles 70 to 74, to be paid registration. Land Registry Regulations provisions in the law, are detailed, but relevant provisions of the document, it is stated in law offices and regulations, and also in terms of the implementation of regulations implementing the provisions of official documents, verdicts come.

It is important to note that the Civil Code (Volume I), adopted in 1928, the former general's why in the law is the law, and but Volume III of the Civil Code, enacted in 1314 is, therefore, in this part, are subsequent general is. So if, say, a conflict between the provisions of registration, with Article 10 of the Civil Code considered civil law in general is the former, and law specific accessory, and if, for example, the evidence conflict with the law considered civil law generally subsequent, and legislation the former is a special record, and in either case law is hosted in its own domain, and led to the allocation of civil law, and in any case the provisions of the Civil Code, does not abrogate the provisions of law. 2 (- Abhari, Hamid, Ali Sorkhi, "the role of ordinary documents, in real estate," second edition, published Fekrsazan, Spring 2012)

Part III: review of the registration system of Iran

In Iran, the book is based on real estate office, and with the announcement Registration Office and certain formalities, individual application, and the desired property in the estate office, is registered in their name. Under this system, the rights to the name "System Office Property" is known. Article 22 of the law, stating that "the fact that civil law was registered in the office property, the only one who registered the property in his name, or who the property transferred to him, and this transmission the registered office property, or the property of the owner, Inheritably come to him, the owner will know" 1 (Shahri, Gholam Reza, registration law, documents and

property - Publishing (SID), - unit of Allameh Tabatabai, the sixteenth edition, 2005 - p. 159)

The office property, property or other rights of objective criteria, that is, persons on the property, such as Lien and easement, and thus, legally we will lead, the person that we could take in all the official transfer document .

Part VI: Registration of Transport and transfer of property and it works - Equal Article 21 of the Law, after the registration of property in the estate office, titling it "according to the patent office property", issued and submitted to the owner or owners. So the first and most important work, registration of property, "document property", and proof of ownership issued, according to real estate office, with registered office property, subject to Article 22 of the law is a legal presumption, and it is not possible to prove a negative, because the record property and issued a document "government action and sovereignty", and the law governing it, has absolute authority, and any claim against the assumption wrote, inaudible, and everything positively and negatively requires absolute invalidity, null and void and unacceptable, the other works as well, in brief, is the 0.2 (Asgharzadih Bonab, Mostafa, "utility patent rights, registration claims and protests related to property," Volume I, second edition, Majd Publications, 2012)

2. Date of registration of property in the estate office, the state recognizes only one owner, the property in his name in the real estate office, is registered. (M 22 Registration Act)

3. In accordance with Article 21 of the registration document of ownership, will be issued only when the property is registered in the office real estate.

4. In accordance with Article 24 of the record, after the registration of property in the estate office, claim the rights, while the civil registration will not be accepted from anyone. Not as a cost, and not in any other civil or criminal, none will be heard.

5-registration of property in the estate office, and deed is issued, marked the end of the book the property, and the property is not registered, and the registration of real estate, is distinct.

6-registration of property rights, easement rights holders, not any prejudice.

7. Registration Act in accordance with Articles 46 and 18 of the Law Office after the registration of property in the estate office, all documents relevant to transactions registered on the property, and patents in office property, should be compulsorily registered in the Notarial reached, the transport is possible only official document.

8. accordance with Articles 72 and 88 of the Law registration, real estate transactions recorded in official documents, and property rights registered office, in addition to their dealers and vice president, to third parties, are fully valid and official. While real estate is not registered, only between dealers, and vice president, the value and credibility.

9. According to Article 48 of the Law registration, real estate transactions recorded in official documents, in addition to the above rates, in all offices and courts also accepted, but ordinary transactions recorded documents, which should be registered, and not null and void were legal and valid as against third parties, and in any agency or court, will not be accepted.

10. In accordance with Articles 41, 42 and 43, and other materials Registration Act, the transaction, and set the official document estate transactions registered with the registration of

real estate, even different, and in some cases different law, it is explicitly stated .

11-way does not work, the official documents of property transactions registered by offices and courts, involves criminal, administrative and civil liability. And may not effect such instances, official documents written transactions; give effect to the ordinary documents, is its opposite. Of course, the advantage of the registration document, and mention it here because of the privileges official document. Therefore, in general, privileges is considered the official document, which property is registered in atoms and most perfect way, they are.

12. The non-legal effects of registration of property, significant concessions, and formal legal title holder, has many social and customary rates. Such as credibility and trust that, although the direct effects of registration of property rights, but it is so important that it can not take into account, and ignored, and this may be to encourage more owners, to transport its official registration of property, considered a major incentive.¹ (Abhari, Hamid, Ali Sorkhi, "the role of ordinary documents, in property deals ", second edition, published Fekrsazan, spring 2012.)

With regard to the much mentioned, including documentary films estate of their entry, the circle of economic and financial affairs. And the aforementioned documents are affecting the validity of the holder, and due to earn more credits from financial institutions, and ultimately entering the property, the national wealth and economic exchanges, and this may play a secondary role and for property that is non-essential, especially in today's world that is, thoughts and ideas documentation, and into economic categories, and the creation of wealth, the role is very important and significant. Part VII: real certificate Registration of property deals and its effects

A formal document concept and its validity

1. The concept of official document

Article 1287 of the Civil Code, the official document has defined "Real Estate Registration Office documents, and or notaries public, or to other officials within the limits of their jurisdiction and in accordance with legal regulations, is set official ."

According to the mentioned article, is to formalize the document, the three pillars must be met: First, set by the official agent, and officials may be public servant or not, but should be tasked to do so by law, and in principle his work will be on television. Secondly, the ambassador wrote, about the local authority, and the document is set to embark on his relative, and also respect their inherent jurisdiction, and therefore set the official marriage certificate, birth certificate can not be issued, and such registration officer Damghan, not can issue a certificate of Tehran. Third, a form that all laws and regulations, and respect the nature of the document set, and not against public order and morality as well. Only one of the above provisions, it is considered an unofficial document is customizable, and if it has to be signed, the document can be granted.¹ (Pirhadi, Mohammad Reza, "the transfer of ownership in the contract of sale" (A Comparative Study), published by Jangal, Javedaneh, second edition, 2011)

2- Official Document credit

Credit to three means, means "value" and means "to resist denial and doubt", and ultimately means "the power to impose terms." Official documents containing all three are meaningless, and against Article 70 of the law record all the contents, and Contents official document, and its signature is valid, between the signatories of the document and the vicar

them, so the terms and contents of official documents, essentially valid and have legal effect and is the official and absolute and can not be doubted, unless it Forgery is fixed, and of course, opposing claims and confessions with the document, that document by the parties, and not by official regulators that arise can be dealt with. But it can not be proved, the provisions declared and confessions, is still valid. 2 (Katoozian, Dr naser- civil rights - the general rules of corporation, Publication Joint stock Company , sixty print 2008- vol. 1, p. 85)

B) official document works of registered real estate

1. The accreditation documents written for dealers, and their deputy, against Article 71 of that law, provides: 'records, relating to the trading obligations contained in them, to the parties or the party that has committed, and all persons who are their legal successors, will have accreditation. "

2. The accreditation written documents to third parties, against Article 73 of the Act, which provides: "Judges and other government officials, their denial of the validity of the documents filed, in administrative or disciplinary proceedings are pursued, and If this is the fault of the judges or officials without legal order, and therefore a certain disadvantage compared with owners understand official documents, administrative or disciplinary proceedings, in addition to administrative penalties, they have to compensate the damages, will be sentenced . "

3. The lack of denial and doubt, of the official document, so it may only claim forging, design, and it also requires proof of the claims, or official document proving invalidity, next to legislation, such as the annulment Buy Relish Endowment documents (Article 70 registration Act), - judges and government officials who, through legal or criminal denial and doubt, the effect of or deal with, prosecution, and punishment will be. (Article 1292 of the Civil Code, and Law 70)

5-judges and government officials, on the validity of the records, refusal, in addition to administrative or disciplinary prosecution, if proved, or prove without a legal order for the officers, and caused loss and damage to the owner of official documents there, in addition to disciplinary punishment, was sentenced to compensate their owners will be. (Article 72 of the law)

6. The historical validity of official documents against third parties (Article 1305 of the Civil Code)

7. The entry into force of the above official documents, the Article 93 law, and the entry into force of official documents liabilities, and transactions mentioned (unless exception of movable property, third is occupied and claimed ownership)

8. The ability to use legal benefits, such as no deposit potential damage, as documented in garnishment proceedings, is an official document (Code of Civil Procedure Article 105)

9. Use indirect benefits (though not legal, but common importance, and so is social)

Part VIII: The validity of the contents, and the contents of an official document

First Speech: The validity of the contents of official documents

The contents of a document, the contents are different, because the claim that, in Article 70 of that law, provides: "a document that has been registered in accordance with the rules official, and all the contents and signatures contained therein, will be valid unless it is proven that the document Forgery. "deny the contents of official documents, not heard. The contents of the official document that, usually as the material document referred, expressions and signatures and

fingerprints and Stamp that, the document is available, and can be seen and touched, the Article 70 law, in this case For clarity states that: "a document that has been registered in accordance with the Official rules, and all contents and signatures contained therein, will be valid unless it is proven that the document Forgery." the validity of the contents of the document, assuming its authenticity the owner of the document, it is signed, and the law on their behalf, certain Issuance knows, unless it is proved Forgery, the party who has signed the document can not be signed on assignment, and phrases to hesitate, or refute it, let's say that this signature is not issued by him, or read the signed document, Article 65 of the law says: "the signing of the document after reading it, by the parties to the transaction or their lawyers, because they will be happy. "so if in dispute, the parties to prove their legitimacy, has expressed official document, and to invoke it, the need to handle the authenticity of it, is not a court, and all its content is valid, unlike ordinary document, the sides must reason, the authenticity and its contents, providing 1 (-Emami-doctor Seyed Hasan- civil rights -vol 6-Eslamieh publishing - VII-1996-page 71)

Second discourse: the credibility of the official document

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The contents of the official document, the terms, the meaning of the phrases that, the document stated that "the content of the document" is famous. Contents of the document, unlike its contents, which are usually considered to be the spiritual affairs of the document, referred 1. (-Emami- doctor Seyed Hasan- civil rights -vol 6-Eslamieh publishing - VII-1996-page 71), and means the validity of the contents of official documents, it is, nobody can accept that, phrases mentioned in official documents belonging to him and on his behalf issued, they deny reality. 2 (-Mohebi, Mahmood, organization and regulations of Notarial, How to register an official document, Tehran, Khorsand press, 139)

For example, in this case, to accept that the document he signed, but claim to admit that, of taking the transaction, and the document has been contrary to fact, or the buyer's claim who acknowledge that the transaction has taken on, and the document is, on the contrary has been located. The last part of Article 70 law, in this case says "deny the contents of official documents relating to obtaining all or part of the money or property, or the obligation to pay money or give money not heard. Judicial or administrative, civil or criminal the way, the above deny addressed, or in some way or the contents of the official document, the receipt of funds or property, or the obligation to pay money, they do not know or give a valid property, the temporary suspension of six months to a year, will be sentenced. ». 1 (Shahri, Gholam Reza, registration law, documents and property - Publishing (SID), - unit of Allameh Tabatabai, the fifteen edition, 2005 - p. 159)

It should be noted that the contents of official documents is twofold: 1. What is the official agent of the senses and its obvious, said the document did not reflect, that legally assumption is true, so what the head office after consideration of documents , and expression of identity documents, dealers, etc. in the document indicating the transaction has legally assumed the accuracy is, unless it is proved that, were fake, claiming fraud, must bring his claim for 2 (Mirzayi- Alireza-Registration Law of Practical And Practical, Third print-2009, Behnami press p.132)

That part of the contents of that document, according to the announcement, in the presence of official, indicating the document is sent, and officials no responsibility for the

accuracy it and take responsibility for it themselves, so the notary Official statements or committed dealers, registered office and responsibility in research, about the accuracy of, or failure to comply with the real; if creditors in the head office, confessed to receiving your quest, and head office his oral confession, as announced by his record in office, whether really crave your responsibility, your credits received from, or as formal and untrue admitted, his responsibility, and can not later retracted her confession, , since firstly deny the confession is heard. Secondly, he confessed in the presence of an official agent, and the office has recorded his confession, and the signature is that one can be against it because 0.3 (Bahrami, doctor Daryush, property record rights in Iran – Mizan publishing , printed II spring 2014- Page 403)

Causes of official document regulation

Legal relations between people in communities, affected by cultural, social and economic them, and in trade and contracts, to strengthen this relationship, since ancient times and early civilizations, cultural, social and economic, growth were not enough, we have been taking on traditional trades, rather than Muslim countries, not to limit the testimony, and they were not allowed to spend the credit entries, and replace it with regard to the principles of justice and fairness, because of the overwhelming testimony are known. 1 (Matin-Daftari-doctor Ahmad-Civil Procedure Code and Commerce (2 volum) frothy print, publishing Majd- 2013 -S 412)

Usually due to two reasons, the major seller, to set an official document in the presence of a notary will not be the same. Or in property prices, are contracts to set date document provides a significant progress, so that all feel the loss, and thinks the property is sold at a low price, and if the current transaction has not set an official document disrupt, can be traded to another person, with higher prices and sell. Another reason is that, the property was built, and still assuming the divisive document, such as "apartment has been issued for it, the seller to set a document, to purchase. The process of granting official document, separately for each apartment, getting the working end of the municipality, the builder because of the counters in the building, refused to pay municipal fines, and obtaining end, and thus is not an official document obtained 1 (Jafari Lngroodi- doctor Mohammad Jafar- Alfareq book, Encyclopedia of public Law. Volume Fifth - library of Ganj Danesh – Tehran, first edition - 2007), though due to lack of planning drawing document, other than the two mentioned, numerous cases can be, but two major and common causes that, in most cases required to set the official document, can be seen, rising property prices, and the building is wrong. in any case, the date that has been mentioned in a Pledge of allegiance, seller or owner of the property, the notary is not present, the action required by the seller and the buyer had no choice but to set an official document in court does not see, to win the fights set the official document, or in other words, buyers who want to move to the design of the lawsuit, the three about to prove: first, read about the transaction from a person, bought, and the amount it has paid, and for the rest of the transaction, we are prepared to pay. To prove the transaction, according to a signed Pledge of allegiance is enough. It should be noted, at the hearing in court, carry the Pledge of allegiance is necessary. Proof of payment for the transaction, the bank check if the sums are paid, the court checks the receipt of funds from the banks of Inquiry (ies). The confession seller in the transaction shall receive, not without effect. In the case of a transaction between the parties, there is no sales, or pending home being

destroyed for any reason, should not be disappointed, but must resort to other evidence, the judge confirmed the transaction. Second, read or prove that the seller unfaithful to their commitment regarding the presence of the Registrar official documents, and set an official document transmission has failed. To prove this, too, or certificates of participation issued by the notary, specified in Pledge of allegiance a court. Either the statement sent by the buyer to the seller. Third, we need to prove to the court, this is the formal owner, called the deal a person, or is the seller. In other words, the court for the seller's obligation to set an official document shall seller ascertains that, the planning pledge official document, empty shoulder, the Deed owner, and his name in the official document, as last the transferee shall be registered. If the seller is the formal owner, not the king, and his name in the official document is not, in other words, forced him to transfer the document, it is futile. He is originally, because the owner does not attempt to set an official document for purchase. To prove this, there is a need for specific measures, because in most cases, the requirement to set up an official document generally Court, the status of disputed ownership registration plate, shall inquire from the registration office premises. 1 (Ansari - Masood-Taheri- doctor Muhammad Ali – Encyclopedia of Law Privacy - printing of Maharat - Print Nobtavel, 2003-third volume)

Rights in the judiciary process, the process is long and costly. Even many cases, a person whose rights have been violated, by mistake and without consulting with a lawyer, the action lawsuit, and after years of wandering in the courts, realizing that, if you do not commit mistakes in the initial action plan was less time and costs, lost. One of the most important issues in the design of any legal proceedings, particularly proceedings to set binding official document, mentioning all the demands of the claimants in the request, in printed form for the petition. For example, if the property purchased is not yet succumbed to the buyer, the buyer in addition to the obligation to set an official document, requiring the seller to deliver and delivery of the transaction, should, as requested in the petition. Person who, to be aware, and to petition the latest writers who, in all judicial complex is organized, non-technical and non-principled petition to regulate the issue after the first sentence, and passed deadlines law, to protest and the final votes were in court, the appeals process is long, consider that the seller of the apartment, not returned to him. Now he has all these steps, the first action plan required to be submitted for the property, which might cause the additional time and cost, it is.

As mentioned, one of the main reasons for refusal vendors, regulators and sign official documents disposition of property, construction of new homes, and lack of formal property process of document issuance process, such as getting Finally, surveying and obtaining for the House resolution, and other items that, all these demands in a row, has asked the court as to what they want, and must be mentioned in the court order must be written.

The real deal official document, since as soon as the outbreak of the transaction and the buyer proves ownership, such as a reference by the official (notary public) transaction and recorded, and health conditions of the contract, it has been established, but in normal document relating to immovable property, when set, there is no official, to verify whether or not it accepts the validity 1 (Dr Mahdi Shahidi, sales of immovable property paper, without setting official document,

in the set legal papers, second edition, published of Hoghooghddanan, 1999, p. 58.)

Article 22 of the same Act, which provides that "the only person who registered the property in his name, or the one the property has been transferred to him, and transfer it in the office property, has been registered owner will recognize the ..." imply the invalidity of the transaction, under normal document could not be registered in the office real estate, and discredit their absolute no ordinary document. , According to which, the transaction is subject to normal document invalid, and can not or judicial review, the authentication of the transaction, so the seller to set the official document, as one of the parts of the transaction shall be required.

But also set the official document, the specific conditions of validity of the transaction immovable property is recorded, as a result of this transaction, the contracts procedure. As legislators in some contracts, billing practice known health condition, and in Articles 46 and 47 of the Act, setting a condition for signing the official document, was considered to be the real deal without it, the transaction will not be realized.

Set official document, in immovable property transactions, related to public order and territorial sovereignty, and prevent conflict of transactions, and if normal document as a document of sale of immovable property is accepted, it will open the door to abuse. In other words, articles 46 and 47 law, peremptory aspect, and the assignment that the parties should do, and this obligation is not contingent, but contracts and transactions of immovable, with its registration application. This law governs not only in relations between individuals but, in transactions between legal entities, and in particular the ruling executive agencies, executive agencies and custodians transactions, especially transactions of immovable property, necessarily deal with the official document , and the competent officer (Notarial) is located, to avoid creating problems for the origination, prevent conflict. (Tafakorian-Mahmood, Official office recognition Registration law (registration provisions of the contracts, obligations, marriages and divorces) - printing first winter 2006)

Conclusions and recommendations

In our country and in the patent, set the official document, the specific conditions of validity of the transaction of immovable property is recorded, and therefore such a deal of formal contracts, as some lawmakers contracts, billing practice known health condition , in Articles 46 and 47 of the law, regulation official document, which is a condition for signing the transaction is immovable, without realizing it, the transaction will not be realized. 2 planning official document in immovable property transactions, related to public order and territorial sovereignty, and to prevent conflicting transactions, and if the document is normal, be accepted as proof of sale of immovable property, will open the door to abuse. In other words, articles 46 and 47 of peremptory law, and the parties must do homework, and this obligation is not contingent, but with the registration of immovable contracts and transactions, and is actually realized. Therefore, without a doubt, one of the entries safe from hypocrisy, official documents, which, by the competent government official, trusted, to comply with certain formalities which, under the trust is wise to them, to be adjusted. And legislators are given these documents, and has supported, and against the denial and doubt not heard.

Articles 46 and 47 Law, documented forced to sign an official document, and Article 22 of the Documentary, through authorized and exceptional transport and change, contracts and

transactions and evidence, both to legislators, and collecting toy multiple established, in because of proof, the legislator and the integration of the official document comes from and whether it is acceptable, and is compulsory, and normally prohibited and rejected, and the effect is unacceptable and (the transaction is not waste deal voidable)

On transactions of immovable property of natural persons (individuals) and legal entities (state and executive agencies), and to avoid any type of conflict, and prevent trading in conflict, resulting in the possibility of violation of the rights of the treasury, should such transactions with the official document, and shall be competent officials, to dispute, filings in multiple jurisdictions, resulting in the accumulation of legal cases, and a waste of time and energy, and prevent these problems, the above transactions officially, and through the offices of official documents, and official transactions, and from the beginning has been registered, or legislative bodies and competent in this field seeks to invent, and create centers like legal services offices, or police+10, instead of offices and real estate, and do any kind of immovable property transactions, through the offices, so Pending regulatory or Pledge of allegiance letters, officially supported by law, be done the dispute, and transactions contrary, be avoided.

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