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Dominican Real Property Registration

In Dominican Republic (DR) real estate property is regulated by the Real Property Registration Law 108-05, as amended, enacted on March 23rd of 2005 and came into force on April 7th of 2007.

The aim of Law 108-05, is regulating the surveying and registry of all real estate property rights, as well as the charges and encumbrances that a property can be subjected to, in relation to real estate property that constitute the Dominican Republic territory.

According to Law 108-05, the government is the original owner of all the real estate properties that constitute the Dominican Republic. However, the real estate properties registrable under the Dominican Government's name, are those over which no one can prove a right over them.

Therefore, any real estate property registered under the provisions established will have all the legal protections and guaranties from the Government.

The Real Property Registration Law is assisted by regulations and complementary norms issued by the Supreme Court and by any other resolution issued by the Property Registry Office or the Cadastral Measurements Office.

The Real Estate Jurisdiction

Pursuant Law 108-05, all the matters concerning Real Estate property are governed by the Real Estate Jurisdiction, which has the exclusive competence over the issues that may arise in the application of the provisions established under the Law and its Regulations.

The Real Estate Jurisdiction comprises: a) The Land Courts and The Superior Land Courts; b) Dominican Property Registry Office; c) Dominican Cadastral Measurements Office.

The **Land Courts and the Superior Land Courts** are the district and appeals courts, respectively, in carrying out the legal actions and procedures brought to them pursuant to the Real Estate Property Registration Law 108-05.

The **Dominican Property Registry Office** is the institution within the Real estate property Jurisdiction in charge of the coordination, managing and regulation of the activities undertaken by the Registry of Property Offices, as well as oversee the compliance of the real estate legislation within its competence and the compliance of the Regulation of the Property Registry.

The **Dominican Cadastral Measurements Office** is the institution in charge of coordination, managing and regulation of the activities undertaken by the Regional Dominican Cadastral Measurements Offices (DRMC), also is the sole entity in providing with technical support the Real estate property Jurisdiction.

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Processes before the real estate property Jurisdiction

- A- **Surveying process:** It is the public process by which a real estate property is determined and individualized, the rights over such are surveyed and then are registered for the first time.
- B- **Litigation over registered properties:** is a process introduced before the Land Courts in relation to a real estate property or rights registered and the Land Courts are the only Courts competent in solving the issues and disputes arising from properties registered under Law 108-05.
- C- **Eviction of Registered Real estate property:** has been defined as a procedure by which a registered property is set free from an illegal occupation after the State Attorney has verified the legitimacy of the documents submitted by the owner and any provided terms have ended, it will order the eviction.
- D- **Summary Proceeding:** is the process by which an empowered Land Court can provide urgent provisional measures regarding a property at the request of an interested party, during the course of a litigation process.
- E- **Partition of Registered Property:** is the process by which the undivided condition of a property among co-owners regarding a registered property is ended by the Land Court from the jurisdiction of the property.
- F- **Amendment of Parcels:** Any modification of real estate property is established as a procedure by which an interested person may request changes in its parcel prior approval of the DRMC.

Condominium Law 5038

The horizontal property in the Dominican Republic (DR) is regulated by the Condominium Law 5038 of 1958 and by some provisions of the Real Estate Property Registry Law 108-05 and its regulations.

The aim of Condominium Law 5038 is to regulate the individual property of a building, providing that each owner has its individual and exclusive functional right over a portion of the building and at the same time being the undivided owner of the common areas shared with other owners.

It is established by the Condominium Law that each unit owner shall contribute proportionally to the related expenses for the conservation, maintenance, repair and administration of the common areas and facilities.

The request for the registration of a Condominium

Any person who wishes to divide the property of a building, already constructed or to be constructed, into floors, apartments or independent commercial establishments, pursuant the provisions established by Law 5038, shall register its right over a land in accordance to the provisions established by the Property Registry Law 108-05 and request for the registry of a property pursuant the Condominium Law registration requirements.

Questions about this information can be directed to Our Team at 809.472.2222 (info@aclaw.com) or to our lead contact Felipe Isa Castillo (fcastillo@aclaw.com).

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