



Global Journal of Scientific Researches

Available online at gjsr.blue-ap.org

©2019 GJSR Journal. Vol. 7(1), pp. 13-15, 20 Jul

The role of the official document in the transfer of immovable and movable property

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Received: 25 May, 2019

Accepted: 10 June, 2019

Published: 20 July, 2019

ABSTRACT

In the legal term, something is traded and traded, for which supply and demand are raised and can be valued and calendered. Movable property in the legal term refers to objects that can be transmitted from one place to another without being damaged to itself or to its place. Immovable property is also referred to as a legal term to a financially non-transferable place. Ownership of movable and immovable property is very important in our rights, and Articles 11-22 of the Civil Code outline it. Accordingly, the present study, titled "The Role of the Official Document on Moving and Immovable Property, explores this issue." The research method is descriptive-analytic. When the request is made, the document, whether formal or informal and its importance, is not a role, but the stability of the movable and immovable property that is carried out by means of an official document, this paper answers the question. 1. The status of the official document in the emul How is moving in Iran's law? Which should be said in the movable property in accordance with Article 46 AH. It is understood that the system of reciprocity has overcome the ceremonial system and is accepted in most countries as a principle. The principles of this principle should be sought in the theory of the will of will, for example, a vehicle in accordance with Article 19. M is a movable property. 2. The status of the official document in the immovable emulsion in Iran's law is that in response, it can be said that, in accordance with Article 47 of the Registration Law, the registration of transactions involving immovable property in the non-official bureaux is compulsory for the purposes of this article, the registration of transactions concerning movable property such as Automobile, jewelery and carpet, which sometimes have more rival value, may not be required at official bureaux, and it is not obligatory in terms of safety, economic, and other issues of the date of registration of movable property in accordance with Article 1287. It has been categorized in the field of competence of official agents.

Keywords: *Movable, Immovable Property, Property, Official Document, Normal, Bid*

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INTRODUCTION

One of the issues that always affects people in the judiciary is the credibility or invalidity of ordinary documents and the role of these documents in the transfer of property, which has the complexity and specific issues of such claims and to address them a long way. Goes along One of the most important issues with ordinary lawsuits is that the accuracy of the regulation does not apply, because it is generally regulated by people who do not have sufficient knowledge of knowledge. Settlement of ordinary documents or record operations requires specific expertise and expertise. Science and experience are two of the strongest executive armies that lack of any of them reduces the efficiency of manpower. The existence of appropriate rules and regulations will bring peace and security at all levels of society. Awareness of the law of registration rights for resolving legal issues is vital, and the growing importance of immovable property and the resulting value of it, the enthusiasm and willingness of individuals to own it, the indisputable need of the community to immovable property in housing, commerce, agriculture And the industry, as well as the effects of real estate registration on the economic, social and political security of the society, are not covered by anyone in the current world, and this is a strong motive for a new look at the registration of documents and real estate and its inevitable effects. To make Accounting affairs are based on the existence of material laws that are wide and diverse in different operational areas, which can be directly linked to documents, real estate, company registrations, etc. The research methodology is most of the library and refer to the rules and the Internet.

Materials & Methods

The simplest type of transaction on movable property (such as a car) and immovable (such as a house) is in the form of a two-way deal that brings two alternatives, namely, the merchandise (commodity), and the other one (cash) into Transfer one another. Another form of exchanging exchanges of two commodities is equally valuable, which, in the assumption of a difference in price, can be traded to another by other means (Amini, 2009, p. 273).

Today, due to some requirements arising from the housing market situation and the lack of ability to pay a single transaction, facilities are leased out by banks or some leasing companies on condition of purchase. Of course, the lease is one of the specified contracts on the condition of its possession, and the trade custom has accepted it. But from a legal point of view, rent is also considered a promise. In the long run, when the property is placed at a disadvantage for a certain period of time, the property becomes permanently assigned to it at the end of the period and payment of the installment, which is obviously what is considered to be considered as a consideration. To be In fact, in this way, two issues are considered; first, the purpose of guaranteeing the payment of installments or, in some cases, the car remains in the ownership of the seller. Second, the seller, instead of lending and borrowing, secures his profits in more expensive sales, thereby giving rise to legitimacy in obtaining an additional amount (Amini, 2009, p. 273).

Including property rights for some people in shops and passages is goodwill and business right, which is regarded as immovable property. Although it is transferable to the ordinary document, but for the benefit of its legal privileges it is better to deal with the formal document in one of the offices.

Explain that in the case of contractual relationships in commercial real estate, such as shops or commercial apartment units, it relies on three axes of ownership, owner of the owner and owner of the property, which the tenant is called to. In fact, goodwill is the amount charged by the tenant when arranging a rental contract, other than rent, in order to be granted a business location. In other words, goodwill is considered as an intangible and intangible asset, including the location of the place and the type of decorating the building and the board, etc. Because it is not a physical asset, such as a building or equipment. The basis for this financial right arises from the fact that business positions, such as streets or units that are built inside passages, although owned by others, are traded. However, a value other than its material value belongs to the person who created it, this irrevocable right allows its owner to obtain the result of its activity from the owner or the person who intends to lease the place after it And also removes Tom Hold's authority to expel a tenant.

But the right to business and trade is a right that gradually builds over time with a customer attraction and business reputation for the tenant. Among its examples, the value of a brand, a good customer, a good customer relationship, any kind of invention, copyright or proprietary technology, represents the right to business. Therefore, from a legal point of view, these two phenomena are of a completely different nature (Amini, 2009, p. 273).

In the rules before 1376, wherever the goodwill word was used, it meant the right to business or trade. But according to the law that was introduced in the year from that date, any lease contract concluded for commercial premises is permitted to receive goodwill, but in the current situation, the tenant is no longer entitled to business and trade. Take up Therefore, at the present time, the law of landlord and tenant relations, approved in 1976 and 1376, governs all leasehold relations with regard to the places and business centers of the country, however, since Article 2 of the Executive Code of the Law of 1376 stipulates the lease relations prior to the law and relations Due to the transfer of the rights of the former tenant to the new tenant prior to the entry into force of the said law, it has not been included in the law of 1376, the wide range of leased premises is still covered by law 1356 (Bahrami, 2005, p. 20).

Of course, under the law of 1376, when the owner assigns his commercial property to a tenant, he can receive a goodwill from the tenant. He may also receive a sum from the lessor or other tenant as a goodwill during the tenancy period for the assignment, unless he has been denied the right to transfer, other than him, during the lease.

One of the important points about business units is that, in the event of a change in the location of the lease business, contrary to the agreement and the contract, not only the vendor may request the tenant to dispose of the premises and, if he refuses to sue him, But in this case, no amount of goodwill will be paid to the offender. For example, a shop for renting a bakery will become a photographer. However, it should be recalled that jobs that are not considered mysterious, such as the fact that the bakery is producing and supplying fantasy bread or photocopying and faxing services in photography, is inevitable.

Also, the Municipality Law does not constitute a commercial law office, notary, marriage and divorce, office and related businesses, such as radiology and physiotherapy, the office of the newspaper and the magazine or the engineering office by the owner. In addition, the transfer of storage and parking is not only prohibited to non-members of the building, but, if changed to a place of business, is contrary to the municipal regulations and as a result of the violation, and the matter is subject to the Commission's Article 100 and then closed (Bahrami, 2005, p. 20).

Among other examples, it is assumed that the ordering of a product is given as a project and the provision of its materials.

Rrsults

Given the fact that in today's society, ownership is one of the most important reasons for promising ownership, and many sellers, including real estate agents, have set up a major deal and, in particular, have received a significant percentage of the

money for various reasons. In the official bureaux and official document registration, however, there is a lack of debate among the lawyers about the question of whether the sale of property, whether immovable or not, is ceremonial, or legal, but the judicial process is a matter of unconformity (whether or not) Immovable, thus relying on items such as materials 23-21-230 Civil Law and Law of Civil Procedure Article 198 (Q..d.m) and principles and the principle of trading based on what Mbayh a common property "Avfva Balqvd" jurisprudence, such as the principle of movable and immovable property is valid

It is possible to say that the most important and most common economic contract among people is the purchase agreement, which is the contract of sale and purchase, which is in the sale of the seller and the buyer is referred to the customer and, according to the agreement, a certain amount of the seller's property for the financial Another specification of the buyer's property is transferred and seized under the strictly legal and contractual conditions of the parties to the transaction. In the contract, the money transferred from the seller to the buyer is usually sold or traded in the same commodity, and, conversely, is transferred from the buyer to the seller or paid to the seller, the sum or the amount of the transaction is called. In addition to the general terms and conditions of the contracts, it is essential that the specific principles of the contract be fulfilled, either in terms of the type of contract or in terms of the special conditions governing the parties that conclude it.

Due to the fact that the subject of the contract is property, but in view of the variety of property and the validity of the difference in the nature of their contracts, the contracts are different and varied. In a division, movable and immovable property is divided. Movable property, objects that can be transmitted from place to place, without being damaged to their own place or place, are movable (Article 19), such as automobiles, ornaments, equipment and furniture, and ...

In this regard, most movable property, since initial agreements between the seller and the buyer are carried out, the exchange and seizure of movable property and the amount sought are often concluded and concluded, and the cases of controversy in these types of contracts are very rare and limited. However, it should be noted that the transaction of some of the movable property should also be made prudent and within the framework of a special legal procedure due to some special economic or security conditions.

Although the formalities do not imply the importance or strictness of the provisions on immovable property transactions. Among these, jewelry items include gold and silver, jewelry and precious stones, tear from antiques, as well as dealings on various types of cars and agricultural machines and publishing houses.

To purchase or sell jewelery, obtaining and presenting a valid invoice, with full details of the parties and unambiguous coordinates of the transaction, is essential and car transactions are subject to the completion of the transfer of document and jaw number and other related matters. Nevertheless, the importance of immovable property and their transaction is such that it has led the legislator towards the enactment of the law on the registration of property and documents of the country and the establishment of an organization of the same name and for this purpose, although, until the goal of achieving the ideal society in This area has remained a long way, but for more than 80 years, at the same time, the efforts of the sovereignty and trilateral authorities to identify and consolidate land ownership and immovable property and the protection of their formal and legal owners have come to an end, which should now be more than 80% of the immovable property of a city has a history of registration, it is necessary to complete the normal purchase and sale of land and Immovable property is avoided. While it is silent for the registration of movable property, and it is purely generalized in Article 1287 AH. He stated that "documents officially registered with the Office of Registration of Documents and Real Estate, or of official documents, or with other officials, within the limits of their competence and in accordance with legal provisions."

Therefore, the sentence set forth in Article 1287 of the Code of Civil Procedure is in place and the place of dispute in this matter is there whether people have to go to the official documents after referral to the transfer centers.

By referring to Article 1287, the answer to this question would be that their law enforcement agencies will be considered as official officials within their jurisdiction, since Article IV, Clause 2 of Article 4 of the Traffic Law, is the responsibility of the Traffic Management Board, and is divided into two service departments And traffic. In the field of services, the issue of certification and its numbering is stipulated, and the law on the issue of property is assigned by the law enforcement force as a competent authority. Immovable property: the immovable property is that it can not be quoted from place to place ... (Article 12 C). Movable property: Items that can be transferred from one place to another without being damaged to their own place or place thereof (Article 19 of the Criminal Code) shall be recorded. The property is discussed legally. Instead of registration of immovable property, the registration of the immovable property is substantiated, and its material also includes immovable property, and therefore it seems that it is not necessary in the case of movable property of a formal document in terms of its definition in the law of registration in principle. "Owning persons by the state when the official property certificate is registered in their offices in the name of the Office Article 22. E) All transactions relating to rights previously recorded in the property office. According to Article 46 AH. It is understood that the system of reciprocity is based on the formal ceremonial system

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