

ALL ABOUT LEGAL CLAIMS ON REAL ESTATE

Legal claims mean when someone challenges other people's rights to real estate or declares their rights to another person's property.

On what kind of property can legal claims be imposed?

Legal claims can be imposed only on real estate. Such real estate can be categorised as follows:

- Land plots;
- Buildings;
- Facilities;
- Perennial plantings and other property, firmly associated with the land.

What are the essential types of legal claims?

In accordance with paragraph 1 of article 53 of the Law of the Republic of Kazakhstan "On State Registration of Rights to Real Estate" (hereinafter - "Law"), the following facts may appear as legal claims:

- Fact of appeal or appealing judicial decisions;
- Decision on the withdrawal of the land plot; agreement (receipt) about the deposit;
- Preliminary agreement;
- Other facts that testify to challenge by anyone or the interest in real estate rights and transactions;

Who can initiate a legal claim?

In accordance with paragraph 1 of article 53 of the Law, the initiator of registration of a legal claim can be any interested party challenging either having an interest in certain real estate rights or transactions. Plaintiff in a lawsuit with a claim for real estate rights, a party to the contract and others can serve as initiators.

Where to register a legal claim?

To register legal claims, it is advised to contact the service center of the public corporation called "Government for citizens" at the location of real estate.

What kind of documents are necessary for legal claim registration?

In accordance with paragraph 2 of article 53 of the Law, a legal person who wants to register a legal claim is required to provide the following documents to registering entity:

- An identity document;
- A document confirming a legal claim (statement of claim, complaint, deposit receipt, other statements that indicate the reason for the imposition of a legal claim);

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- A receipt for the payment of a fee for the state registration of a legal claim.

How long does it take to register a legal claim?

In accordance with paragraph 1 of article 3 of Appendix № 3 under the rules for the provision of state services "State registration of rights (encumbrance) for real estate" Registration is completed within 3 business days from the date of submission of an application to the service center.

Extension and re-registration of a legal claim.

In accordance with paragraph 4 of article 53 of the Law, interested parties may apply to the extension of registration of a legal claim before the expiration of the 3-year validity period. In case of an expiration of a 3-year period, you can re-apply for the registration of the claim.

How does a legal claim affect the closing of a real estate transaction?

In accordance with paragraph 3 of article 53 of the Law, the state registration of legal claims is recorded and does not entail the suspension of state registration or establishing the encumbrance of rights to real estate. Based on this paragraph, the owner has the right to own, use and manage its property without any problems.

How to withdraw a legal claim?

In accordance with paragraph 4 of article 53 of the Law, withdrawal of legal claims is carried out in the following cases:

- If the circumstances ceased to exist, which served as the basis for registration of legal claim by the statement of the interested party;
- At the request of the interested person and with the consent of the party who initiated a legal claim;
- If after 3 years from the moment of state registration of a legal claim, it was not withdrawn, then the state registration of legal claim is canceled by the registering authority itself, which notifies the applicant no later than 10 business days before the expiration date.

When is the state able to initiate a legal claim?

In case of compulsory alienation of the land plot or other real estate for state needs, the state may act as the initiator of the registration of the claim. In accordance with paragraph 2, 5 of article 64 of the Law of the Republic of Kazakhstan "On State Property" notice of the forced alienation of land or other real estate in connection with the withdrawal of the land plot for state needs as a legal claim is subject to state registration.

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