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HISTORY OF TURKISH LAND REGISTRY AND CADASTRE

Historical origins of the land registry organization called “Defterhane-i Hakani” (Royal Registry Office) is based on the Ottoman State organization during Fatih Sultan Mehmet Khan period (15th century) or according to some sources Orhan Bey period (14th century).

The first organization of land registry after transition to private ownership in Ottoman State was established under the name of “Defterhane-i Amire Kalemi” (State Registry Office) on 21st of May 1847 and served until the Republic under variety of names.

The first land records were kept for taxation and ownership determination purposes, no cadastral survey was carried out during this period.
In 1913, First cadastre law, “Law on Defining and Managing of Assets and Real Properties (Emval-i Gayr-i Menkule Tahdid ve Tahrir Kanunu)” was declared on February 18, 1913 as a result of the efforts of Minister of Emperor’s Registry Organization Mahmut Esad Efendi in order to regulate cadastre works which increased after the establishments of Cadastre School and Technical Board in the Ministry.

After the foundation of the Republic of Turkey, establishment of an independent land registry organization become important. Thus, the Organization of the General Directorate of Land Registry was founded in 1924. The cadastral unit was added in to structure of the organization in 1925 by the Law Nr. 658. The current structure and objectives of the General Directorate of Land Registry and Cadastre (GDLRC) were determined by the Law Nr. 2997 dated 29th May 1936 and the Organization was affiliated to the Ministry of Finance. Then, on 7th July 1939, it was attached to the Ministry of Justice and after to the Prime Ministry on 10th August 1951 taking into account the importance and independence. On 22nd November 2002 it was affiliated to the Ministry of Public Works and Settlement. On 8th July 2011 it was affiliated to the Ministry of the Environment and Urbanization.
2 GENERAL DUTIES AND ORGANISATION OF GDLRC

2.1 General Duties Of GDLRC

“Law on Organization and Duties of the General Directorate of Land Registry and Cadaster” by the Nr. 6083 entered into force on 10th December 2010 was determined duties, powers and responsibilities of the General Directorate. They are as follow:

a) To ensure reliable record of land registry which is under the responsibility of the state on a regular manner, to perform all kinds of contractual and non-contractual transactions related to land registry and registration of immovable properties, to follow up and supervise changes on the registry, to ensure the protection of archived records and documents.

b) To make cadastral survey of the country, to follow the changes, to ensure renewal and updating of land plans and to carry out the related control and auditing services.

c) To carry out or have carried out services of geodetic infrastructure, aerial photography, 1/5000 and larger scale photogrammetric and geodetic map production. To control, supervise and to identify the basic principles with the aim of large-scale cadastral and topographic map production.

d) To create spatial information system infrastructure and map production monitoring center, to ensure real and legal persons
and public institutions and organizations benefit from the data, to do the tasks assigned in geographic information systems.

e) To carry out transactions of foreign real and legal persons related to land registry and cadastre in Turkey, to protect the rights and interests of real and legal persons of the Republic of Turkey related to real property abroad, to join the interstate real estate negotiations.

f) To plan and execute joint projects in cooperation with other countries and international organizations on issues related to the area of responsibility.

g) To license surveying and cadastral engineering offices in accordance with the provisions of the Law dated June 16, 2005, Nr. 5368 on the Licensed Surveying and Cadastral Engineers and Offices, to identify and control operating principles and procedures of these offices.

h) To regulate the real estate brokerage activities, to grant license, to identify principles and procedures and control these activities.

i) To determine the principles, to be followed by other public institutions and organizations and professional organizations in relation to duties, services and activities of Directorate General and to ensure coordination.

j) To carry out other duties assigned by laws.
2.2 Organisation Of GDLRC

Organization of the General Directorate is arranged as central and provincial units.

The central organization of General Directorate is constituted by 13 departments,

Provincial organization of General Directorate constituted by 24 Regional Directorates, 973 District Land Registry Directorships and 81 Provincial Cadastral Directorships under the supervision of Regional Directorates.
Organisation Of GDLRC

DIRECTOR GENERAL

BOARD OF LAND REGISTRY AND CADASTRE
- BOARD OF INSPECTORS
- LEGAL CONSULTANCY DEPT.
- STRATEGY DEVELOPMENT DEPT.
- INTERNAL AUDIT DEPT.
- LAND REGISTRY DEPT.
- CADASTRE DEPT.
- MAPPING DEPT.
- VALUATION DEPT.
- FOREING AFFAIRS DEPT.

DEPUTY DIRECTOR GENERALS (3)
- HUMAN RESOURCES DEPT.
- SUPPORT SERVICES DEPT.
- INFORMATION TECH. DEPT.
- REVOLVING FUNDS DEPT.
- ARCHIVE DEPT.

REGIONAL DIRECTORATES (24)
- CADASTRE DIRECTORATES (81)
- LAND REGISTRY DIRECTORATES (973)
2.3 Board Of Land Registry And Cadastre

The Land Registry and Cadastre Board was established to deal with issues related to the land registry and cadastre and to resolve the differences in their practices and concepts. The Board consist of Deputy Director General (to be appointed according to the subject will be discussed on the Board), Chairman of the Board of Inspectors, Chief Legal Consulter, Head of the Land Registry Department, Head of the Cadastre Department and four members appointed by General Director.

Mission of GDLRC:

To preserve, update and service the proprietary information related to real estate under the state guarantee.

Vision of GDLRC:

To be the leading institution that determines and manages policies for real property.
3 PROPERTY RIGHTS AND LAND REGISTRY IN TURKEY

3.1 Property Rights

Rights are recognized and protected by law in Turkey. One of the main right is property right. Turkish Constitution protects property rights.

The article 35 of the Turkish Constitution as follows;

“Everyone has the right to own and inherit property. These rights may be limited only by law when public benefit has priority. Usage of property right shall not contravene public interest.”

According to the article above; ownership is a kind of right in which the owner has authority of using the subjected goods freely within the restrictions of law. Right of using and benefiting from property can only be restricted by public interest. These restrictions are located in the public law when public benefit is essential and are located in the private law when private relations are subjected.
3.2 Land Registry System

Land registry system is applied in Turkish Laws to determine legal status of real properties and to secure the ownership right. According to article 997 of Turkish Civil Code, “The land registry is kept as a record of real property rights.”

Official land registries are kept under the supervision and responsibility of the state and legal status of the real properties are registered to them.

The following rights and indications related to immovable property are recorded in the land registry:

- Ownership
- Easements and real estate liabilities
- Liens
- Annotations
- Statements

Real properties, which constitute the subject matter of real property ownership in Turkey and can be recorded to the land registry are; lands, individual units registered to condominium ownership books as well as independent and imprescriptible rights that are recorded to a separate page in the land registry. Conditions and procedures for registering substantive and imprescriptible rights are determined with a regulation. Registration of individual units under condominium ownership as real properties is subject to private law provisions.
In land registry system the validity of contracts that aims to transfer real property ownership depends on such contract being officially prepared (Article 706, Turkish Civil Code). According to Land Registry Law, meaning of being officially prepared is official deeds being drawn up by land registry office director or land registry officials. By means of official form rule, execution of contracts regarding ownership by institutions or persons other than directorate of land registry is prevented and state guaranty is ensured by official contracts. Ownership and real rights other than ownership are acquired through registration to land registry.

In Turkish Civil Code, exceptions to acquisition of ownership through registration are also regulated. Ownership is acquired before registration in acquisition due to inheritance, acquisition based on court decision, expropriation circumstances and other circumstances stipulated in the law. However, even under such circumstances, owner is able to carry out acts of disposal depends on whether ownership being registered to the land registry.

In Turkey not only ownership right but also all real rights other than ownership bear legal consequences through registration to land registry. Totality is ensured since all rights and responsibilities regarding the real property are registered in the land registry. Sale, donation, offering as collateral, expropriation of real property are carried out in land registry offices and
Land Registry System

registered to the land registry. Therefore the only authority on land registration and land registry transactions regarding real property in Turkey is General Directorate of Land Registry and Cadastre (GDLRC).

Land registry is a whole concept consisting of two elements as main registry and auxiliary registries, which shows legal and physical characteristics of real properties and is kept by General Directorate of Land Registry and Cadastre as the official authority. According to 2nd paragraph of article 997 of Turkish Civil Code, main registers are composed of land registry, condominium register and supplementary books and documents as well as plans. Auxiliary registers are determined in Land Register Regulation. Auxiliary registers are listed as dismissals register, rectification register, common property register and title inventory register in the regulation. As these registers can be kept in writing form, they can also be kept in electronic (Information Technologies) environment.

Land Registry Book; is the book showing the legal status of real properties. Ownership right on real properties and all rights and obligations that require legal registration or annotation are shown at the land register.
**Condominium Register;** is the book, in which individual units formed on the main real property subject to ownership, each of which is bound to ownership share and subject to separate ownership are registered. Sections of main real property subject to individual unit ownership are recorded on separate pages of condominium registry.

**General Journal;** is the book, in which claims that require to be processed at land registry or to be rejected, are registered according to order of demand (Turkish Civil Code article 1002). Precedence of rights registered to land registry is determined in accordance with the date and order number of being written in this book.

**Official Documents;** are documents that provide the basis for making registrations in the registry such as official bonds, court decisions, inheritance documents, proxy documents.

**Plans;** are cadastral plans and architectural projects to establish condominium ownership.

Besides from these registers, auxiliary registers are kept as follows;

**Dismissals Registry;** is the book in which dismissal of the proxy is registered for proxy statements given by right owners.
Land Registry System

Rectification Registry; is the book in which corrections are made on registrations in land registry and not required to be written in general journal are written along with the reason for such correction.

Common Property Registry; is the register in which real properties with common property status such as forage, summer pasture, winter quarter, threshing floor, pasture are registered.

Land Registry Inventory Book (Table Repository Book); is the book in which all registers, minute books, general journals and official bond volumes as well as auxiliary registers in directorate of land registry are registered.

Registered limited real rights on land registry book are mortgage, easement rights and real property obligations. These rights subject to transfer to third parties and use freely.
3.3 Basic Principles Of Land Registry

Definition of Land Registry in Turkish Civil Code is to record the rights and responsibilities over immovable property in accordance with some principles.

Dominating principles of land registry are the necessity principle of registry, openness principle, state’s responsibility principle, trust principle and causality principle.

It is obligatory to register immovable property rights in land registry to acquire real property, to transfer ownership right and to establish real property related rights. This obligation of The Civil Code is called “necessity principle” of registration.

Land registry is open to everyone. Anyone who proves the interest in front of the officer may ask to be shown the relevant page of land registry and documents and given the copies of them. Nobody can argue that he did not know a record in the land registry. This is called the “openness principle” of land registry.

One of the dominating principle on land registry is also “state’s responsibility principle”. This principle indicates that the state is responsible with no excuse for any loss that occurs during the registration process. The State compensates the loss from the officials whose failure found in the formation of loss.
Basic Principles Of Land Registry

Any person who is relying on good faith on a record in the land registry, has acquired property or any other real right is protected in such acquisition. This is called “trust principle” of land registry.

Registration to land registry must be based on a legally valid reason. Otherwise, the registration shall be regarded as a wrongful entry. This is called “causality principle” of land registry.
3.4 Real Property Acquisitions Of Real Persons And Legal Entities

Real properties are subject to private ownership in Turkey; only ownerless and public properties are under the rule and possession of the state.

Citizens of the Republic of Turkey and non-Turkish persons if mutual relations established with other countries are defined as the real persons. State, municipality, village, provincial administrations, public enterprises, commercial corporations, banks, associations, foundations and labor unions are defined as the legal entities.

Real persons have real property acquisition and usage right. Non-Turkish persons might have real property acquisition right in case of its permitted by law.

The State as a legal entity may have real property by first registration, paying expropriated price with method of expropriation or with donations from real and legal persons. Also inheritance of a person, who left no inheritors behind, directly becomes state’s property.

The first group of the state owned real properties are the places that are under the rule and possession of the state. Non-owned places and properties that are in use of public benefit are accepted under the rule and possession of the state by The
Real Property Acquisitions Of Real Persons And Legal Entities

Turkish Civil Code. According to this rule, real properties such as rocky areas, hills, mountains, coasts, forests, pastures, roads, and graveyards are belong to the state and these properties are not registered principally but it is possible to register them by demand.

The second group of the state owned real properties are the real properties which are under special usage of the state. This group of real properties are like governmental buildings which allocated to public benefit and real properties like agricultural lands which allocated for non-public benefit. Real properties under state’s special usage are registered in the land registry. The real properties allocated for public benefit can not be transferred to third parties unless their usage purposes has changed. But transfer of the state’s real properties allocated for non-public benefit is possible.

Public institutions and organizations in Turkey obtain their rights from Turkish Constitution.

Local administrations are municipalities, provincial special administrations and village administrations.

Municipality is a public entity, which has responsibility of supplying people’s common demands in its territory. Mayor and municipal assemble are elected by residences of that area.
As known, unplanned urbanization problem is an important issue to be solved in many countries in the world. Unplanned urbanization is usually occurs with constructing buildings on others land without permission, although “Slum Law” has been legislated. According to this law, state owned lands in municipal areas may be transferred to municipalities without price for social houses constructing.

Provincial special administration is a public entity which works for common needs of province like health, social aids, environmental protection, sports, training, education, agriculture, economy, trade, culture and tourism. Head of provincial special administration is Governor.

Village is a kind of community and settlement that has populations between 100-2000 and has no municipal organization yet. Mukhtar is the elected village head by villagers.

Public enterprises are organizations that more than 50% shares owned by state. They are established to act in commercial and/or industrial areas. These public enterprises, which explained briefly above, may have real property by methods of buying, donation and expropriation when necessary. Also some private laws give real property acquisition and transferring right to public entities in specific fields in Turkey.
Legal entities are established to carry out their duties with public power given by private law provisions. These private laws are Turkish Civil Code, Turkish Commerce Law, Banks’ Law, Cooperatives’ Law and Associations’ Law. These legal entities are Commercial Corporations, Banks, Associations, Labor Unions and Foundations.

Commercial corporations may acquire real properties in the frame of activities defined in their Main Contract. Banks may acquire real properties for banking activities.

Associations are Non-Governmental Organizations (NGO) and established for realization of a certain and common goals that are not forbidden by law. Associations may acquire real properties bounded with the objectives and activities.

Foundations formed by allocation of real property to achieve a certain goal may acquire real property restricted by their goals and activities.
3.5 Types Of Transactions Carried Out In Land Registry

The rights that can be registered to land registry as real right are; Property right, right of easement, real property obligations and right of mortgage. Establishment, removal, transfer and change of these rights are only possible with land registry transactions for immovables recorded in the Land Registry.

These transactions can be grouped into the following five groups;

• **Registration;** Land registry transactions for establishment or transfer of real rights.

• **Cancellation;** Is a land registry transaction that ends the real right registered in the land registry.

• **Amendment;** Is a land registry transaction for changing the real rights registered in the land registry.

• **Annotation;** is strengthening personal rights, protection of a contentious right, the restriction of the owner’s authority of disposition or the temporary writing of a registration.

• **Statement;** is the information that would be useful for informing people who may be entitled.

On the other hand, we can divide transactions made by Land Registry offices into contractual and non-contractual transactions. In addition to these, there are also transactions made with official letter. For example; seize, injunction, bankruptcy, public seize,
Types Of Transactions Carried Out In Land Registry

annotation/declaration of expropriation, indication of cultural property to be protected.

Contractual Transactions: Consist of sale, donation, exchange (barter), mortgage, easement right establishment, contractual take care until death, contractual income until death, condominium ownership, timeshare property right, usufruct, passage right, source right, construction right and other easements and property obligations. Contractual transactions shall gain validity by the official deed to be issued by the person who has a right in the land registry and the other contracting party.

Non-Contractual Transactions: Unilateral declaration of the owner or the beneficial owner is sufficient for the transaction to be valid in the Non-Contractual transactions carried out in the Land Registry Offices. Based on this declaration of will, it is possible to register with the registration request document to be issued by the Land Registry Offices.

Examples of these transactions like; matrimonial home annotation, leasing, right of pre-emption, right of acquisition, equity of redemption, rental right, commercial enterprise pledge, promise of donation, contractual take care until death, correction of technical errors.
Types Of Transactions Carried Out In Land Registry

According to the article 26 of the Land Registry Law Nr. 2644, the official authority to arrange contracts to ensure the transfer of immovable property is land registry director and officers. However, there are exceptions such as contractual take care until death transactions which can also be made by notary or court of peace.

Another exception of the rule of issuing a formal deed in contractual transaction is the court decisions. Namely; if there is a court decision on any contractual transaction, registration is made based on the court decision without issuing formal deed.
3.6 Administrative Structure Of Land Registry Offices

Administrative boundaries of every district have been accepted as a land registry directorship’s responsibility region in Turkey. Objective of this definition is to establish a Land Registry Directorship in every district.

Land Registry Director has been authorized to make all kind of contracts concerning real properties within the authority region (jurisdiction). Real property ownership and limited ownership rights on real property are also registered on land registry books, arranged separately for every quarter or village.

It’s also possible to make land registry transactions outside the jurisdiction (even in abroad) of Land Registry Office.
3.7 TAKBIS (Land Registry and Cadastre Information System)

TAKBIS is one of the fundamental e-government projects aiming at keeping all real estate ownership information within the country and allow to make queries in the IT (Information Technologies) environment. The purpose is to keep and integrate all land registry and cadastre records in IT environment, to allow carry out all kinds of transactions online. TAKBIS provides effective monitoring and supervising of both private and state immoveable properties in IT environment. Land Registry and Cadastre Information System provides, reliable, updated and quick service to our citizens.
TAKBIS is an integrated information system that provides:

- Implementation of all transactions related to land registry and cadastre according to the regulations in the IT environment, thus standardization of transactions provided.
- Minimization or elimination of transaction mistakes by using control and warning mechanisms in the software,
- Computer supported informations and explanations regarding the transaction to the staff,
- Opportunity for our citizens to carry out transactions from any place of Turkey and abroad,
- Information for directors to monitor the performance of staff and units,
- Production of real-time statistical results to institutions in relation with immovable properties,
- Monitor of real estates owned by foreigners, where foreigners prefer to buy immovable properties,
- Accurate and updated data base to other spatial databases like Agriculture Information System,
- Effective support to state’s fight against bribery and corruption by providing query results regarding the financial crimes by using financial crime and asset search from one center.
REAL ESTATE ACQUISITION BY FOREIGNERS IN TURKEY

In the past decade purchasing property in Turkey became very popular through holiday homeowners and investors worldwide. The first time that it was permitted to foreign buyers to purchase real estate in Turkey was in the year of 1934 with the Land Registry Law. At the present day the real estate market in Turkey is developing and becoming one of the prominent markets in the World.
4.1 Legal Basis

In accordance with the Article 35 of the Land Registry Law Nr. 2644, amended by Law Nr. 6302, which entered into force on 8 May 2012, the condition of reciprocity for foreigners who wish to buy property in Turkey is abolished.

Information on countries whose citizens can buy property and real estate in Turkey can be provided from the Turkish Embassies/Consulates abroad and the General Directorate for Land Registry and Cadastre.

Persons with foreign nationality can buy any kind of property (house, business place, land, field) within the legal restrictions.

Persons with foreign nationality who buy property without construction (land, field) have to submit the project, which they will construct on the property to the relevant Ministry within 2 years.
4.2 Format Of The Contract

According to the Turkish laws and regulations in force, transfer of ownership of a property is only possible with an official deed and registry, which is signed at the Land Registry Directorates.

It is possible to sign a “sales commitment agreement” in a notary. However, legal ownership of the property does not transfer with a “sales commitment agreement” or other kind of sales agreements to be signed in the notary.
4.3 Legal Restrictions For Foreigners In Buying Property

a) Persons with foreign nationality can buy maximum 30 hectares of property in Turkey in total and can acquire limited rem right.
b) Foreigners cannot acquire or rent property within military forbidden zones and security zones.
c) Persons with foreign nationality can acquire property or limited rem right in a district/town up to 10% of the total area of the said district/town.
d) Legal restrictions do not apply in setting mortgage for real persons and commercial companies having legal personality, which are established in foreign countries.
e) The properties are subject to winding up provisions in following cases:
   • if the properties are acquired in violation of laws;
   • if the relevant Ministries or administrations identify that the properties are used in violation of purpose of purchase;
   • if the foreigner does not apply to the relevant Ministry within the time in case the property is acquired with a project commitment;
   • if the projects are not materialized within the time.
4.4 Application And Procedure

Buyer should be from the country whose citizens can acquire property or limited in rem right in Turkey and meet the necessary conditions.

Application: The owner of the property or his/her authorized representative should make a preliminary application to the Land Registry Directorate. (Preliminary applications are made before noon by taking sequence number)

If the preliminary application is incomplete, the file will be kept waiting.
4.5 Required Documents

a) Title deed of the property or information on village/district, block, parcel, individual unit number.
b) Identification document or passport (Together with its translation).
c) “Property Value Statement Document” to be provided from the relevant municipality.
d) Compulsory earthquake insurance policy for the buildings (house, office, etc.)
e) One photo of the seller, two photos of the buyer (taken within last 6 months, 6x4 cm. size)
f) If one of the sides cannot speak Turkish, certified interpreter,
g) If transaction will be performed with a power of attorney issued abroad, original or certified copy of the power of attorney and its approved Turkish translation.
Powers of attorney are issued by the Turkish Embassies or Consulates. If the power of attorney which is issued by a notary of a foreign country is certified according to The Hague Convention dated 5 October 1961 and if it bears “Apostille (Convention de La Haye du Octobre 1961)” in French, there is no need for an additional certification of the said power of attorney by the relevant Turkish Consulate.

If the power of attorney is issued by a notary of a foreign country which is not party to The Hague Convention date 5 October 1961, the signature of the said notary has to be certified by the relevant authority of the foreign country and then the signature and seal of the said foreign authority have to be certified by the Turkish Consulate in that country.
4.7 Financial Aspect Of The Procedure

a) Both seller and buyer have to pay the tittle deed fee, calculated according to the selling price, which cannot be less than the “Property Statement Value” to be issued by the relevant municipality. (According to the Charges Law No:492, the title deed fee is 2%.)

b) Revolving Fund fee which is determined by local coefficients has to be paid.

c) In the ownership transfer transactions in accordance with Article 35 of the Land Registry Law Nr. 2644, a fixed fee shall be charged by Land Registry office, in addition to determined revolving fund service fee for the transaction.
4.8 Other Issues For Foreigners Who Wish To Buy A Property In Turkey

- The foreigner has to inquire with the Land Registry Directorate if there is any limitation on the property, such as mortgage, arrestment or any obstacle, which prevents the sale of the property.
- If the application of the foreigner for buying a property is rejected, appeals can be made to the relevant Land Registry and Cadastre Regional Directorate.
- It is advised that foreigners do not work with persons/companies who/which are not expert or reliable.
- Having a residence permit is not a condition for the foreigner who wishes to buy a property in Turkey.
- If there is a disagreement between the sides on the sale of the property, the case has to be brought before the Turkish courts by referring to judicial authorities.
4.9 Acquisitions By Foreign Companies

Acquisition of property by foreign companies, which are registered in Turkey, is regulated by Article 35 of the Land Registry Law No 2644.

a) Foreign commercial corporations which are established according to the relevant laws of their countries of origin can acquire property and limited rem rights within the provisions of private laws. These private laws are:

- Turkish Petroleum Law Nr. 6491
- Law on Encouragement of Tourism Nr. 2634
- Law on Industrial Zones Nr. 4737

b) No restriction is implemented in favor of the said commercial companies in establishing mortgage.

c) Other foreign corporations (i.e. foundation, association, ...) cannot buy property and acquire limited in rem right.
4.10 Acquisition Of Property By Companies With Foreign Capital

The companies with foreign capital,

- If the foreign investors hold, individually or collectively, 50 % or more shares of the said company,
- If the foreign investors do not hold any share of the said company, but have a right to assign or remove the managers of the said company on the condition that the said company has a legal personality in Turkey, could buy property in Turkey in accordance with Article 36 of Land Registry Law Nr. 2644 and the “Regulation on Acquisition of Property and Limited in Rem Rights by Companies and Corporations within the Context of Article 36 of Land Registry Law Nr. 2644”, dated 16.08.2012.
- General Directorate of Land Registry and Cadastre has published a circular Nr. 2012/13 (1735) on “acquisition of property and limited in rem rights by companies with foreign capitals”
5 CADASTRE

5.1 Purpose

The aim of cadastral works in Turkey is to determine and to keep updated both the legal and geometrical status of real properties. In this way, the modern land registration that is anticipated in Turkish Civil Code will be founded.
5.2 Procedures Of Cadastral Works

1. Determination of Cadastral Regions and Announcement

Cadastral region is an area within the administrative border of central district and other districts of each province. Cadastral region is declared by an announcement before the start of cadastral works.

2. Establishment of Cadastral Crews

A cadastral crew consists of at least two technicians and the headman (muhktar) of village/quarter and three expert witnesses from the village/quarter.
3. Determination of Cadastral Working Area

Each village within cadastral region and each quarter within municipality border is cadastral working area. Each village or quarter is declared by an announcement before the cadastral works begun. Then, during cadastral working area determination a bordering sketch of the area is drawn.

4. Obtaining of Documents Concerning Real Property

Maps and other documents are obtained for defining real property from related organizations and related persons.

5. Demarcation of Parcels

Cadastral working areas divided by blocks (lots) surrounded by natural or artificial borders such as road, path, highway, railway, river, lake and sea. Blocks consist of parcel groups.
Demarcation of parcel is based on related title deed and tax records, additionally given information by Village headman and expert witnesses while potential owners are ready on the field.

Borders of a parcel is determined with related documentations. A possession sketch is drawn to indicate parcel borders and owners names.

6. Measurements

All vertex points of parcels shown on possession sketch are measured by using terrestrial and/or photogrammetric methods.

7. Determination of Ownership

After completion of the demarcation and the measurements of a parcel, property ownership is determined. Documents such as tax records and title deed information are used to determine ownership. Cadastral crew considers statements of village or quarter headman and expert witnesses under the rules of Cadastral Law. During ownership determination, minutes of cadastre are prepared. A minutes of cadastre contains Information concerning examinations of real property and the decisions.
According to the Turkish Civil Code article 713, any person may request for registration of a real property with exceptional prescription if this person uses a real property unregistered in the Land Registry without a dispute and without an interruption for 20 years as an owner.

8. Examination of Objections

Anyone may object to the results of the cadastral determination on legal or geometric position of real property if he/she has got some documentation during the cadastral works. These objections are evaluated and concluded by Cadastral Commissions. Parties may object to the decision of the Cadastral Commission to sue in Cadastral Court.
9. Announcement of Cadastral Results

Cadastral results are declared by an announcement of one-month duration. If parties has objections to the final result of the cadastre may go to the Cadastral Court, during announcement period.

10. To Finalize and Registration

Cadastre Directorship finalizes cadastral determination of real properties if there is no objection in announcement period. Documents such as cadastral minutes and maps are approved. Then land registry is created based on approved minutes. Approved cadastral maps are the bases of real property boundaries.
5.3 The Services Upon Request

Owners of the registered real property may request some services such as plan copy or stake out of a cadastral parcel by paying fee in the tariff. Moreover, maps related to real property are controlled by Cadastre Directorship by paying fee in the tariff.

5.4 Renovation Of The Cadastral Maps

Technically inefficient cadastral maps are renewed according to Cadastral Renovation Law. Cadastral Renovation includes only technical correction works. Property rights cannot be changed during Cadastral Renovation works.
5.5 Licensed Surveying And Cadastre Engineers And Offices

Turkey legislated the “Act concerning Licensed Surveying and Cadastre Engineers and Offices” (LOSCs) at 2005. According to this Act, the GDLRC could then transfer its application power to chosen private surveyors and their offices by giving a “license” that could differentiate them from the rest of the regular private surveying offices/companies. Act recognizes licensed surveyors as civil servants in some aspects that are backed by the law. This private-public officer then works regardless of the operating hours and still has to obey certain rules such as the price list of their services determined by the GDLRC.

According to the Act, licensing requires certain conditions for the applicants which are: being registered in the Chamber of Surveying and Cadastre Engineers, work experience of at least 5 years as a surveying engineer in the public or private sector, succeeding in the licensing examination and some additional conditions. After succeeding in the exams and fulfilling other requirements, surveyors can receive their licenses and open their LOSCs in predetermined locations. At 2019 there are 227 operating LOSCs in 61 Provinces of Turkey. Service requests to directorates of cadastral are immediately directed to the LOSCs. LOSCs can only provide services that are defined in the
regulation of LOSCs, which are restricted to boundary surveys, consolidation of parcels, establishment of easements and changing land-use types. The LOSC’s are prohibited from making other commercial activities.
Revolving Fund; is the fund allocated to the managements established by public administration in order to sustain activities related to production of goods and services which arise due to the primary and permanent public duties given to the public administrations by laws and which can not be carried out according to the general administrative principles.

When the state enterprise which established the revolving fund system continues its activities and maintains the flow of money, the earned money is recorded as revenue in the revolving funds. As a result of the activities carried out by the institutions, the income they earned is recorded as revenue to the revolving fund budget, not the general budget, so that the capital can be reused. With the expenditures made from the revolving funds, the income and expenditure cycle is established and the revolving fund system starts to operate in an effective manner.

The cost of the public service produced by the Revolving Fund activities is collected from beneficiaries of the service, not from the general budget. Thus, the tax-paying private and legal entities will not be able to pay taxes for the services they will never receive. In this way direct recycling of the cost is also provided.
The revolving fund system established in public institutions in many countries of the world also prevents the allocation of the general budget appropriation to state institutions. This is also very important for the country’s economy since the state’s general budget does not have to pay constantly when the revolving fund system is effectively running.

Revolving fund administrations are affiliated to general and special budget administrations and are established by a special law or by the law of the establishment of the relevant institution. The principles and procedures regarding the management, fields of activity, operations, capital resources, all kinds of administrative and financial transactions and revenues and expenses of revolving fund enterprises are determined by the regulation. The financial transactions, revenues and expenses of operating revolving funds are subject to the audit of the Ministry of Finance and the Court of Accounts.

Current legal basis of Directorate of Revolving Fund Administration, which has been serving since 1987 in the structure of General Directorate of Land Registry and Cadastre is “The General Directorate establishes revolving fund operations within the headquarters or regional directorates in order to obtain income from all land registry, cadastre, maps and archives information and documents produced by the Organization”
Law Nr. 6083” which is in the Organization Law of GDLRC.

In addition, revolving fund administration units are established within the structure of the Land Registry and Cadastre Regional Directorates and the needs of the related directorates are met by these units.

The revolving fund service fees collected for the goods and services produced by all units of the General Directorate over the prices in the Revolving Fund Price List are collected and registered within the Directorate of Revolving Fund Administration. Income collected is service cost and not tax, duty, fee or contribution. Accounting, taxation and fulfilment of legal obligations of all income of the Revolving Fund Administration is carried out centrally. In addition, the General Directorate of Land Registry and Cadastre, Revolving Fund Accountancy Department serves in Ankara, which is affiliated, to the Ministry of Finance.

Directorate of Revolving Fund Administration of GDLRC continues its services with the budget reaching 1.2 billions TL in the fiscal year 2019.