

What would a cross-border mortgage require to be registered in your land register?

Francisco J. Gimeno
Secretary General ELRA



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WHAT LAW APPLIES TO A MORTGAGE LOAN?

- **The guaranteed loan**
- **The mortgage**
- **Foreclosure**
- **Requirements for formalization and registration**

GENERAL FEATURES REGARDING THE MORTGAGE DEED AND ITS REGISTRATION

- **Identification of the parties**
- **Capacity**
- **Representation**
- **Identification of the mortgaged plot**

WHAT DO WE EXTRACT IN THE LAND REGISTRY?

- **Amount of the loan**
- **Duration**
- **Responsability of the immovable**
- **Early termination provisions**
- **Taxation**

WHAT HAPPENS WITH FINANTIAL CLAUSES?

- **Interest rate / Ordinary and late payment / Calculation**
- **Expenses / Fees**
- **Other financial provisions**

OTHER PROVISIONS OF THE MORTGAGE

- **Scope of the mortgage**
- **Judicial foreclosure. Extrajudicial?**
- **Obligation to preserve the mortgaged property**
- **Personal security**
- **Transfer of the property and subrogation to the personal mortgage debt**
- **Transfer of the mortgage**
- **Jurisdiction and applicable law**

PROTECTION OF CONSUMERS

- **Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 on credit agreements for consumers relating to residential immovable property**
- **Law 5/2019, of March 15, 2009, regulating real estate credit agreements**
- **What is a consumer, what does the Law apply to?**
- **Pre-information: Notarial Act**
- **General terms of contracts - Registration**

QUESTIONS FOR THE ROUND TABLE

- 1. Does the mortgage loan require a notarial deed to be registered? Would you admit a foreign deed?**
- 2. What aspects of the mortgage loan do you extract in the LR entry?**
- 3. Do you, as Land Registrars, assess the financial provisions of the loan? Do you include them in the LR entry?**
- 4. Do you apply any special measures for the protection of consumers? And for family dwelling?**

THANK YOU



Francisco J. Gimeno
Secretary General ELRA
secretary.general@elra.eu