

COURT OF APPEAL OF TRIESTE

I CIVIL SECTION

represented in chambers by the following persons:

Vincenzo Colarieti Presiding judge

Manila Salvà Counsellor Judge

Francesca Mulloni Judge

in chambers during the 10-25-2016 hearing;

as for the proceeding registered in the General Register with No. 155/16, voluntary process;
pronounced the following

DECREE

having regard to the documents pertinent to the request of the Municipality of Trieste, lodged on 2-29-2016, aiming to the completion of the Land Register involving the census districts of Trieste, Greta, and Barcola, by virtue of the title established *ex lege* (art. 1, paragraphs 618 and 619 of Italian Law No. 190 of 12-23-2014), by registering:

1. in a new Tabular Parcel of the Census District of **Trieste**, numbered cadastral parcels:

[*omissis*]

2. in a new Tabular Parcel of the Census District of **Gretta**, numbered cadastral parcels:

[*omissis*]

3. in a new Tabular Parcel of the Census District of **Barcola**, numbered cadastral parcels:

[*omissis*]

as part of the assets belonging to the Municipality of Trieste in the Land Registry Book;
considering that those immovable properties - assets to be registered as available assets - were never recorded in *pubbliche tavole* (public tables), in the pertinent book and register, in which they would be registered for the first time;

noting that, under the procedure foreseen in Regional Law No. 15/2010, the Commissar in charge, with seat in the Land Registry Office of Trieste, has begun the procedure of completion by preparing the plan for the new Land Registry Parcels, posting the related notice of deposit at the town hall of the Municipality of Trieste, at the Court of Trieste, and at the Land Registry Office itself, for 30 consecutive days, and finally publishing the same notice on the Official Bulletin of Autonomous Region Friuli Venezia Giulia;

noting that all public bodies concerned, when asked about the matter, gave their approval, which means implicit approval, avoiding to express their negative opinion.

noting that, due to the origin of the asset as a property of the State and due to the inspection carried out, the rights *in rem* of third parties on the assets *de quibus* shall be deemed non-existent, thus the *procedura di regolazione* [correction of the registration of ownership / *Richtigstellung*] can be omitted;

noticing that the President of the Court of Trieste, with a note dated 6-24-2016, expressed a favourable opinion to the omission of the correction of the registration of ownership;

reviewing the observations to the completion of the Land Registry Book requested by the Municipality of Trieste, which were lodged on 6-24-2016, by Parovel Paolo and by Giurastante Roberto, declaring themselves representatives of a State called Free Territory of Trieste (*Territorio Libero di Trieste*), the minutes of the hearing of date 19-7-2016, and following further acts lodged by the opposing parties until date 10-28-2016;

considering that the questions raised in the statement of opposition are not relevant for the purposes of the peculiar verification of the entitlement to present the request (paragraph 2 of *Bollettino delle Leggi dell'Impero - Reichsgesetzblatt* No. 96 - Bulletin of the Laws of the Austrian Empire) in the present procedure, in which the applicant, the Municipality of Trieste, grounds the request on the above mentioned law (art. 1, paragraphs 618 and 619 of Italian Law no. 190 of 12-23-2014) and the fact that the asset is a public property is undisputed;

considering that all possible questions concerning the ownership of those assets can - if necessary - be raised before the competent Courts;

DECREEES

the correction of the registration of ownership on the Land Registry Book be omitted as for the Census Districts mentioned above, with reference to the newly-established Tabular Parcels regarding the cadastral particle described above;

DECIDES

that, pursuant to paragraph 3 of *Bollettino delle Leggi dell'Impero - Reichsgesetzblatt* No. 96 - [Bulletin of the Laws of the Austrian Empire], the newly-established Tabular Parcels take effect from December 31st, 2016 in compliance with the project approved, lodged and published.

ORDERS

the present decree be forwarded to the Land Registry Office of Trieste

Decided in Trieste on 11-4-2016.

Presiding Judge and Rapporteur
Vincenzo Colarieti
[signature]

DECREE

THE LAND REGISTRY JUDGE

HAVING READ the papers pertinent to the Request of Completion of the Land Registry Book register with No. 04/COMP/2016;

HAVING EXAMINED the decision of the Court of Appeal of Trieste No. 346/16 voluntary process, dated 11/04/2016, lodged on November 8th, 2016, omitting the *procedura di regolazione* [correction of the registration of ownership / *Richtigstellung*] for all the assets referred to in that Request of Completion of the Land Registry Book;

HAVING READ the minutes of the decision of the Municipality of Trieste No. 7 of February 22nd, 2013;

IN VIEW of Italian Law No. 190 of 2014, especially art. 1, paragraph 619, and Italian Royal Decree 499 of 1929, as well as of the annexed general law on Land Registry Books;

ORDERS

1. To register for the first time in *pubbliche tavole* (public tables) the following cadastral parcels:

[omissis]

and establishing with them the 1st *corpo tavolare* (Land Registry Body) of the newly-established tabular particle No. 90645 in Trieste, thus underlining that it was decided that this registration takes effect from December 31st, 2016, with the notation that the *procedura di regolazione* [correction of the registration of ownership / *Richtigstellung*] was omitted, and registering the right to own it under the name of:

MUNICIPALITY OF TRIESTE - based in Trieste -

2. To register for the first time in *pubbliche tavole* (public tables) the following cadastral parcels:

[omissis]

and establishing with them the 1st *corpo tavolare* (Land Registry Body) of the newly-established tabular particle No. 7538 in Trieste, thus underlining that it was decided that this registration takes effect from December 31st, 2016, with the notation that the *procedura di regolazione* [correction of the registration of ownership / *Richtigstellung*] was omitted, and registering the right to own it under the name of:

MUNICIPALITY OF TRIESTE - based in Trieste -

3. To register for the first time in *pubbliche tavole* (public tables) the following cadastral parcels:

[*omissis*]

and establishing with them the 1st *corpo tavolare* (Land Registry Body) of the newly-established tabular particle No. 4670 in Trieste, thus underlining that it was decided that this registration takes effect from December 31st, 2016, with the notation that the *procedura di regolazione* [correction of the registration of ownership / *Richtigstellung*] was omitted, and registering the right to own it under the name of:

MUNICIPALITY OF TRIESTE - based in Trieste -

the present decree be forwarded to the Land Registry Office of Trieste

Trieste, November 22nd, 2016.

The Keeper of the Land Registry Book

[*signature*]

the Land Registry Judge

[*signature*]