

Notarized transactions collected daily by JLR Recherche Immobilière

A

Abandonment of ownership: Act through which a person waives his right of ownership in property.

Adjudication for non-payment of immovable taxes: Granting of auctioned property by judicial authority to the highest bidder. The property is auctioned for non-payment of immovable taxes on an immovable.

Annulment: Voiding of a juridical act or a decision on the basis of substantive defect or defect of form. Annulment is retroactive and is declared by a judicial (or administrative) authority.

Assignment: Transfer of ownership of property or of a right. May be onerous or gratuitous. The assignor assigns the property or right to the assignee.

C

Correction – transfer: Act of correction of a contract of assignment containing an error (e.g. error in the designation, in the appearance, in a clause...) and published in the land register. The correction is made in order to correct an error in such act of assignment, and the correction will also be registered in the land register.

Correction of designation – transfer: This correction is made to an act of assignment when the description that had been made of the immovable in question was erroneous. That description (designation) is corrected through an act of correction.

Correction of designation: This correction is made to an act when the description that had been made of the immovable in question was erroneous. That description (designation) is corrected through an act of correction.

Correction: A correction is made when there is an error in an act. The error is corrected through an act of correction.

D

Declaration of co-ownership: Contains all the rules, descriptions, conditions, rights and obligations of the co-owners of the co-ownership. Notarized document creating the divided co-ownership (condominium) of an immovable.

Declaration of family residence: Declaration contained in an act and intended for publication (registration) in the land registry, made by one or both spouses and defining a residence as being the family residence.

Declaration of transfer of ownership: Written act transferring ownership of property (right of ownership) from one patrimony to another.

Declaration of transmission – hypothecary claim: Written act transferring property or obligations from one patrimony to another. The act sets forth the facts underlying such transmission due to non-payment of the hypothecary claim, i.e. the obligations towards the lender which have not been met.

Declaration of transmission: Written act transferring property or obligations from one patrimony to another. The act sets forth the facts underlying such transmission (e.g. a person deceases and his house is bequeathed to his son).

E

Exchange: Contract through which the parties to the act transfer to each other property other than money, i.e. property (movable or immovable) for other property (movable or immovable).

G

Gift: Act through which a person (the donor) transfers, actually and irrevocably (without the possibility of reversing such act), property owned by said donor, without consideration, to another person (the donee), who accepts it.

Giving in payment: Means of extinguishing (cancelling) an obligation whereby the debtor delivers to the creditor (who must accept) a different thing from what they had initially agreed.

H

Homologated order – transfer of ownership: Decision by a judge, which has been confirmed, in order to make it enforceable, requiring a person to make an act or prohibiting him from doing so, in this case requiring a person to transfer his right of ownership of property.

I

Indivision agreement: Contract defining the terms, conditions, rights and obligations among two (or more) owners of the same property. Has legal effect.

Interim receiver order: The court will issue such an order to protect the debtor's assets. This may occur when the creditor believes that the debtor might waste his property before an order for seizure is issued.

J

Judgment – transfer of ownership: Decision by a court regarding the transfer of ownership of an immovable.

Judgment of surrender – Taking in payment: Judicial decision by a judge or court ordering the (forced) surrender of the immovable in question following non-payment of the claim. Consequently, the creditor becomes the owner of the immovable used as collateral in the hypothecary act since he cannot have his debt repaid with money.

Judgment: Decision by a court.

L

Lease of an immovable exceeding 40 years: Letting contract on an immovable (land, construction or building) with a term of more than 40 years.

Lease of an immovable: Letting contract on an immovable (land, construction or building).

Lease: Letting contract defining the obligations of the lessor towards the lessee and conversely. The lessor commits to providing enjoyment of movable or immovable property during a period of time in consideration of rent (price). A lease may be oral or written.

Legal construction hypothec: Hypothec resulting solely from the law and protecting claims from the persons having taken part in the construction or renovation of an immovable.

Legal hypothec of the syndicate of co-owners: Hypothec resulting from the law and charging the share of the co-owner in default of payment of the common expenses and contributions to the contingency fund for more than 30 days .

Legal hypothec under a judgment: Hypothec resulting from a judicial decision by a judge or court creating the obligation to pay a determinate amount of money.

Legal hypothec: Hypothec resulting solely from the law.

N

Notice of Administration of the Public Curator: Notification through which a person informs everyone that a person's property will henceforth be administered by the Curator Public due to that person's inability to manage their property.

Notice of bankruptcy: Notification through which a person informs everyone that an individual is bankrupt.

Notice of contamination: This notice is published in the land register in the event that inspection of the land reveals that the content of the soil does not meet environmental or other standards. The notice remains in force until a notice of decontamination is registered for the immovable concerned.

Notice of decontamination: This notice voids the notice of contamination published regarding a given immovable. It will remain in force as long as a new notice of contamination is not published for the same immovable. However, there may be restrictions on the use of such immovable.

Notice of designation of the liquidator: Notification through which a person informs everyone that he has made an act of designation of the liquidator on property whose owner has deceased. The liquidator has the administration of the property of the deceased.

Notice of expropriation: Notification through which a person informs everyone that property is expropriated. Expropriation refers to the public administration requiring a person to cede it immovable property owned by that person for purposes of public utility and in consideration of a fair and prior indemnity.

Notice of sale by judicial authority: Notification through which a person informs another individual that he has made an act, i.e. taken the decision to exercise his hypothecary right by way of sale of the immovable by judicial authority, following the owner's failure to meet his obligations.

Notice of the acquirer – right of redemption: Notification through which a person informs another individual of his intent to exercise his right of redemption.

Notice of the appointment of a liquidator: Notification through which a person informs everyone that he has made an act appointing the liquidator on property whose owner has deceased. The liquidator has the administration of the property of the deceased.

Notice of the Minister of Revenue: Notification through which a person (the Minister of Revenue) informs another individual that they have acted and taken the decision to exercise their hypothecary right by way of taking administration of the immovable, following the failure of the owner to meet its obligations to the Minister of Revenue.

Notice of transfer of title – school board: Notification through which a person (school board) informs another individual that it has made an act of transfer of ownership on the immovable in question, i.e. taken the decision to exercise its recourse in non-payment of school tax.

Notice of transfer of title: Notification through which a person informs another individual that he has made an act of transfer of ownership on the immovable in question, i.e. taken the decision to exercise his recourse.

O

Order – Commission de la protection du territoire agricole: Judicial decision requiring a person to do something or prohibiting a person from doing something regarding the preservation of agricultural land.

Order for discontinuance: Decision by a judge requiring the renunciation by a person of one of his rights (e.g. right of ownership).

Order for forfeiture: Decision by a judge requiring a person to confiscate property, to take property belonging to someone in order to punish him.

Order: Decision by a judge requiring a person to do something or prohibiting a person from doing something.

P ; ALL FOR POINT of View and RNAS

Prior notice – Sale by judicial authority: Notification through which a person informs another individual of his intent to exercise his hypothecary right by way of sale of the immovable by judicial authority, following the failure by the owner to meet his obligations.

Prior notice – sale by the creditor: Notification through which a person informs another individual of his intent to exercise his hypothecary right, by way of sale of the immovable by the creditor (lender).

Prior notice – Taking in payment: Notification through which a person informs another individual of his intent to exercise his hypothecary right by way of taking the immovable in payment by the creditor (lender), which means that the creditor will become the owner of the immovable if the default is not remedied.

Prior notice – Taking possession: Notification through which a person informs another individual of his intent to exercise his hypothecary right by way of taking possession of the immovable by the creditor (lender).

Prior notice of a hypothecary right: Notification through which a person informs an individual of his intent to exercise his hypothecary right (taking in payment, sale under judicial authority, sale by the creditor, taking possession for purposes of administration).

Prior notice of sale for non-payment of immovable taxes: Notification through which a person (city, municipal corporation) informs the owner of the immovable, following non-payment of taxes, of its intent to sell the immovable for unpaid taxes.

R

Receiving order: Decision by a judge to preserve the funds from the sale of an immovable (or of a stock in trade) until the formalities are completed with a view to paying the creditors who have rights in the sale price obtained and then handing the balance to the seller.

Registered lease: Letting contract published in the land register. (only 5 to 10% published)

Restraint order: Decision by a judge prohibiting a person from disposing of, or otherwise dealing with any interest in, the property specified in the order otherwise than in the manner specified in the order. The judge may order either not to dispose of the property or to hand it to an administrator appointed by the court. That administrator then becomes the only person authorized to manage the subject property.

S

Sale by judicial authority: Sale of an immovable upon request from the creditor of a hypothecary right by a person appointed by the court and under the conditions determined by the court.

Sale by the creditor: The creditor is a natural or legal person to whom an amount of money was due by the owner of an immovable and who had a guarantee on said immovable. The owner having failed to pay its debts to the creditor, the creditor has availed himself of his guarantee in exchange for the release of the debt to the owner. So it is the creditor who has become the owner that proceeds with the sale.

Sale by the sheriff: Contract of transfer of ownership in consideration of an amount of money. The sale by the sheriff does not confer any warranty, not even that the debt is due. The sheriff is an officer of the court responsible for seizures in execution of immovables in Quebec.

Sale for non-payment of immovable taxes: Sale of an immovable upon request from the city or school board following consecutive non-payment of immovable taxes by a person appointed by the court and under the conditions determined by the court.

Sale of land: Sale of an immovable without a building i.e. vacant land.

Sale with right of redemption: Sale under a resolutive condition whereby the seller transfers ownership of property to the buyer while reserving the right to redeem it.

Sale: Contract of transfer of ownership in consideration of an amount of money.

Seizure – minutes: Seizure refers to a creditor putting under judicial authority property belong to his debtor in order to protect his rights or to successfully execute a judgment. Minutes of seizure are a writing by an officer of the court, who describes the acts that he has performed or the facts that he has observed in the course of his functions following the seizure of movable or immovable property.

Servitude: Charge on an immovable (the servient land) in favour of another immovable (dominant land) where each immovable belongs to a different owner. Under the charge the owner of the servient land is required to tolerate, in favour of the owner of the dominant land, certain acts of use (e.g. right of way) or himself abstain from exercising certain rights (e.g. servitude of no building) relative to the property. Servitudes attach to the immovable and not to the owner.

I

Transfer of an immovable: Onerous or gratuitous assignment of an immovable. The assignor assigns the immovable to the assignee.

V

Voluntary giving in payment: Means of extinguishing (cancelling) an obligation whereby the debtor delivers voluntarily to the creditor (who must accept) a different thing from what they had initially agreed.

Voluntary surrender – Resolution of the sale: Act through which the owner of a hypothecated immovable abandons it voluntarily for the benefit of the hypothecary creditor (lender). This act amounts to payment of the debt where it cannot be repaid with money. Resolution of the sale means that following the debtor's failure to meet the obligations previously contracted, the contract of sale is voided.

Voluntary surrender – Taking in payment: Act through which the owner of a hypothecated immovable abandons it voluntarily for the benefit of the hypothecary creditor (lender). This act amounts to payment of the debt where it cannot be repaid with money. The creditor will take the immovable in payment.

Voluntary surrender: Act through which the owner of a hypothecated immovable abandons it voluntarily for the benefit of the hypothecary creditor (lender). This act amounts to payment of the debt where it cannot be repaid with money.

W

Withdrawal of authorization to collect claims: The right of a person to collect claims (debts) for movable or immovable property is withdrawn.

Withdrawal of authorization to collect the rent: The creditor withdraws the debtor's right to go collect the rents for movable or immovable property in order to allow the creditor to collect them himself.

