

## Content

Title : Operating Guidelines for Dividing Lands Co-owned by the State and a Private Entity **Ch**

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2. Amended in accordance with Letter No. (74)-Tai-Cai-Chan-I-zi-00206 dated January 8, 1985 from National Property Administration (NPA) of Ministry of Finance (MOF)

3. Amended in accordance with Letter No. (86)-Tai-NPA-I-zi-86020437 dated August 27, 1997 from National Property Administration (NPA) of Ministry of Finance (MOF)

4. Amended in accordance with Letter No. (94)-Tai-NPA-Jie-zi-0940034084 dated November 9, 2005 from National Property Administration (NPA) of Ministry of Finance (MOF)

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Content : **Article 1**

The National Property Administration (NPA) of the Ministry of Finance (MOF) may apply for one or multiple divisions of common lands (hereinafter referred to as the "agreement for division") co-owned by the state and a private entity.

**Article 2**

The agreement for division (of common lands co-owned by the state and a private entity) shall be handled by the subordinate branch or office of the NPA in the jurisdiction where the common lands are located. Where there are multiple lots of co-owned lands for division, and they belong to different jurisdictions in which different branches and offices of the NPA are located, the branch or office in the jurisdiction where the sponsoring land office is located shall handle the multiple divisions of the common lands.

**Article 3**

For the agreement for division (of the common land co-owned by the state and a private entity), where part of the land has been used for public use or belongs to the land for public facilities under urban planning, the land shall be marked, divided, and registered first, while the original scope of rights shall be maintained, before each of the divided parts separately are further handled for agreement for division.

**Article 4**

For national lands subject to an agreement for division and allocation, those located beside a road, with orderly terrain and easy for management and use, shall be given priority for the agreement for division.

## Article 5

Where there is mortgage established on the co-owned land subject to the agreement for division, the consent of the mortgagee shall be obtained first, and the corresponding mortgage shall be transferred to each piece of the post-division land obtained by each original owner.

## Article 6

Where the co-owned land subject to the agreement for division is located in the same municipality or county (city), the land shall be divided by the distribution principle of proportional area within the scope of rights or current land value announced in the current land assessment. Where the value entitlement of each co-owner is higher or lower than the actual value of the post-division area acquired, the discrepancies shall be compensated mutually in cash among the co-owners.

However, where specific shares of the land were, by location, sold or given to the co-owners by a government agency or state-run enterprise institution, each co-owner shall be entitled to a post-division area, by location, equivalent to each respective original scope of rights, without mutual compensation to each other.

For the agreement for division mentioned in the preceding paragraph, an agreement shall be entered into (see Annex for the format). In cases where mutual compensation in cash to each other are needed for the agreement for division, a contract of ownership division shall be entered into, and the registration of separate ownerships shall be made, after the compensations are made.

The first compensation standard is as follows:

- (1) Where the post-division area increases or decreases by less than one square meter (inclusive), the compensation shall be calculated based on the current land value announced in the current land assessment at the time of registration of the division and transfer of ownership.
- (2) Where the post-division area increases or decreases by more than one square meter, the compensation shall be calculated based on an appraisal assessment conducted in accordance with the provisions on the valuation method for national properties.

Where the co-owned land subject to the agreement for division is located in different municipalities or counties (cities), the land shall be divided by the distribution principle of the original land value of both parties, and the land value shall be assessed in accordance with the provisions on the valuation method for national properties. Where the value entitlement of each co-owner is higher or lower than the actual value of the post-division area acquired, the discrepancies shall be compensated mutually in cash among the co-owners.

## Article 7

Any fees associated with the re-survey and registration of the agreement for division shall be shared among each co-owner according to the respective proportion.

## Article 8

When other co-owners petition the court for a judgment on the division of the co-owned property, they should try to defend the case and reach reconciliation by proposing a distribution plan according to the distribution locations and distribution principles as provided in Articles 4 and 6.

Once the judgment in the preceding paragraph is determined, the other co-owners shall be urged to apply for the registration of change of rights in accordance with the provisions of Article 73 of the *Land Act*.

## Article 9

The division of common lands co-owned by the state and a public entity, or co-owned by the state, and public and private entities, shall be handled in accordance with the provisions of these *Operating Guidelines for Diving Lands Co-owned by the State and a Privately Entity*.

