

* Did you know...?



• What distinguishes the registration made in a Real Estate Registry Office from the one made in a Titles and Documents Registry Office is the fact that the former constricts the document to its validity clause*, while the latter gives it more amplitude, granting it publicity erga omnes**, including in what refers to bail, when it is the chosen location guarantee.

• Location can be defined for any period of time, but, if equal or superior to ten years, it will depend on conjugal consent, and an absent spouse will not be obliged to regard the exceeding stated period.

• The renter will be able to denounce the location for an indeterminate stated period by writing an acknowledgment to the landlord (the best and safer means to accomplish this measure is making an extrajudicial notification in a Titles and Documents Registration Office), at least thirty days in advance.

• The total or partial cession, sublet or loan of the property can only be made with the previous written consent of the landlord.

• In the cases of de facto separation, judicial separation, divorce or dissolution of the steady union, location will automatically continue with the spouse or partner who remains in the property. In these cases, subrogation must be notified to the landlord by means of a written communication, and he will have the right to request, in the stated period of thirty days, the substitution of the bailer or the presentation of another kind of location guarantee permitted by the law.

4 Where should i register it?

DOCUMENT REGISTRY CENTRAL OFFICE

Rua do Carmo, 57 / Térreo (groundfloor)
Centro (Downtown) - Rio de Janeiro / RJ
Telephone number: (21) 3852-6641
Site: www.cerd-rj.com.br

ANY DOUBT? CONTACT US!

5th Titles and Documents Registry Office

Officer: Durval Hale
e-mail: 5rtdrj@mundivox.com.br
Telephone: (21) 2507-5197

6th Titles and Documents Registry Office

Officer: Sônia Maria Andrade dos Santos
E-mail: oficiala@6rtd-rj.com.br
Telephone number: (21) 2233-7878

Register your ::: DOCUMENTS



LOCATION CONTRACT



SUPPORT:



Project Conception: Sônia Maria Andrade dos Santos
Illustration: Miguel Paiva | **Graphic Project:** Diego Paiva
Research: Helena Portella Raposo

① What does it consist of?

Location Contract is the document where a natural or legal person establishes the conditions to grant another natural or legal person, for a determined or non-determined period of time, the use and profit of chattel or real estate, provided a certain remuneration is paid. It must include the specification of the rent's object, amount, readjustment basis, expiration, payment kind, place and delay fines, as well as an official inspection form describing the rented object's conditions at the moment it is yielded to the tenant, in order to have it returned to the landlord in the same conditions.

According to the Brazilian legislation – more precisely for Federal Law 8.245, that regulates the location of urban property -, the owner (or landlord) has the right to ask the renter (or tenant) for a guarantee, which can be: a security, in goods or money, equaling up to three months of rent; a bail, in which the guarantee is provided by a bailer indicated by the renter; or a bail-insurance, in which it is given by an insurance company.

Rent value readjustment is usually based on the average year-round variation of inflationary indexes. And in case a governmental change should occur, all the aggregate values of the rent, or even the rent itself, can be revised by the parties.

② Why should it be registered?

Actually, there are two different kinds of location contracts, which request two different kinds of registration: those which contain a validity clause, establishing the alienation of the leased thing (art. 167, I, 3, of Law n. 6.015/73), must be registered in the Real Estate Registry Office; and those which concern the location of buildings, regarding what is defined in art. 167, I, n. 3, that grants them validity against third parties, must be registered in the Titles and Documents Registry Office.

③ How can i register it?



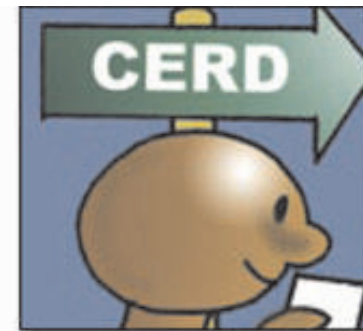
1st STEP:

The parties must make the contract and define its clauses;



2nd STEP:

The contract must be signed by the parties and also by two witnesses. Make at least two copies of the contract, one of which will be filed in the Registry's archives;



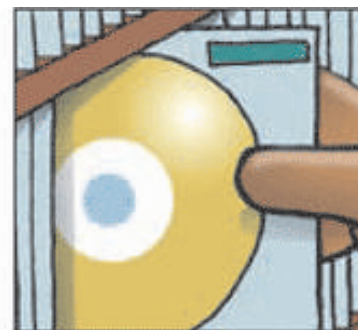
3rd STEP:

Take the original contract and the copy to the Central de Registro de Documentos (Document Registration Central) – CERD, and present them in the Attendance Sector;



4th STEP:

Pay for the registration according to the table of fees established by Directorate-General of Justice of the State of Rio De Janeiro;



5th STEP:

The document is sent to one of the six Registry Offices, where it will be stamped, sealed, signed and filed in microfilm and/or DVD;



6th STEP:

Pick up your contract at CERD's Devolution Sector., duly registered. It will be available within no more than 24 hours.