

## Appeal Resources

Category: Earth Control

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Written by Equipo de Producción Nacional

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- Promotional Writ of Appeal with the stamp of \$ 5.00 MN and as many copies as counterparts, stating the date of submission and who receives it.
- Registry File of the deceased owner, or those of the parties when it comes to usufructuaries.
- Proof of summons to the parties, deliver a copy to each one giving a term of 20 days for them to answer.
- The answer writing must have the stamp of \$ 5.00 MN.
- New verifications and investigations carried out, which must include the practice of the tests proposed by each of the parties.
- Criterion of the President of the CCS and the Board of Directors regarding the appeal.
- Criterion of the President of the municipal ANAP on the appeal.
- If there is a contradiction between the criteria issued by the Municipal Delegate for Agriculture and the President of ANAP at that level, submit to the consideration of the Municipal Commission for Agrarian Affairs and incorporate a copy of the Minutes into the file, they must attend the meeting the discordant parts.
- Foliate the new documents chronologically, incorporate and index them, updating the procedure sheet.
- Legal opinion on the Resource, which must be approved by the Director or Head of the Municipal Department of Land Control and the Head of the Legal Department.
- Criterion of the Municipal Delegate for Agriculture addressed to the Minister, containing elements that make it possible to make a concrete proposal on the ruling to be issued.
- When it is a refusal to hand over land in usufruct, authorization must also be requested to join a Credit and Services Cooperative, stating the causes.
- When a resolution is issued declaring a place, the Municipal Delegate is ordered to issue a new resolution, handing over the land.
  - o Cases have been presented in which the productions to which the land is dedicated are modified and for this the Municipal Delegate, as the case may be, must issue a new resolution authorizing the change, taking into account that the land has already been delivered and is comply with the provisions of article 11 of Decree 304/12, it is not necessary to make a new application process; in other cases, a change of relationship is requested, since the production unit cannot continue to serve the usufructuary for various reasons, in this case it is not necessary to issue a new resolution, as it is not contained in article 11 mentioned above and therefore , It will be done by supplementing the usufruct contract requesting authorization from the Minister when it is for a Credit and Services Cooperative.
  - o When the Minister of Agriculture issues a resolution in a review or appeal procedure, it is mandatory, even if the land has been handed over to another person, he must leave the land immediately, since there is no possibility of claiming In the administrative or judicial way against the dictated resolution, an inventory and appraisal must be made, proceeding to the payment of the resulting value to the outgoing usufructuary.
  - o When a usufructuary dies and a family member or another person is working the land, a fine should not be imposed or an illegal occupant declared, what should be done is to expeditiously process the file to continue agricultural and forestry production.
  - o Prior to the request for a declaration of public utility and social interest as a cause to extinguish a usufruct partially or totally, it is an essential requirement that the exchanges with the usufructuary have been exhausted, so that the waiver is presented and another process of delivery of land, the Minister must present cases in which there is no agreement between the individual and the administration as established by article 425 of the Law on Civil,

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Administrative, Labor and Economic Procedure, must take into account that the abandonment of the land it is when the benefactions are paid.

- Resolution issued by the Minister of Agriculture.
- Notification to all parties.
- Proof of payment at ONAT.
- Registration Act.