

# LEGAL TITLE REPORT FOR RURAL PROPERTY

*“Fazenda Boa Sorte” – Capitao Poco, Para*

To

CARBONO NOVO MUNDO LTDA-ME

3/13/2013



# Legal Title Report for Rural Property

*“Fazenda Boa Sorte” – Capitao Poco, Para*

## Legal Ownership and Regularity of Rural Land.

It is a request made by **CARBONO NOVO MUNDO LTDA-ME** a report on the 206,3586 hectares of land called **“FAZENDA BOA SORTE”**, located in the municipality of Capitão Poço in the State of Pará. **CARBONO NOVO MUNDO LTDA-ME** owns possession on the land since the year 2000, and it is in process of regularization with ITERPA (Pará Land Institute - Instituto de Terras do Pará) in order to get a Definitive Deed of Title on the land issued by the Government State of Para.

### 1. PRESENTED DOCUMENTS

For this report we analyze the documents submitted by the applicant, namely:

- a. Rural Environmental Registry - CAR No. 75.171 of May 09, 2012;
- b. Proof of Payment of ITR - Rural Land Tax;
- c. Declaration of Ownership - Issued by the Rural Labors Union of Capitão Poço;
- d. Declaration from the Registry Office stating that there isn't any registration in the name of the aforementioned land or in the name of **Carbono Novo Mundo Ltda.-ME**.
- e. Protocol at ITERPA – Regularization by Purchase of Final Title.

### 2. ANALYSIS AND DESCRIPTION OF THE PRESENTED DOCUMENTS

Before entering the actual examination, it is important to certify that the presented Certificates are duly signed by competent representatives of each entity, giving them public

faith. Therefore, the information contained therein should be considered true, along the lines of art. 3 of Law no. 8935 of November 18, 1998, which regulates the art. 236 of the Federal Constitution, providing for registration and notary services (Law of registries).

## **2.a – CAR – RURAL ENVIRONMENTAL REGISTRY**

The Rural Environmental Registry is a public document issued by the Department of Environment of the State of Pará, it listed the property area, the coordinates of the same and a map illustrating the profile of the property.

The property called "**Fazenda Boa Sorte**" is registered under the **CAR / PA No. 75171**, with an area of 206,3586 hectares and is under the coordinates:

**DATUM: WGS84 – W: 47:26:31,32 - S: 02:11:08,90**

The CAR certificate states at the bottom that this is the registry of rural environmental agency, and it states there are no other registries in this location, however in Red it states that this is not the "authorization" (license) to start planting. This certificate is the first step in the licensing process. This step has been passed as there is no overlapping of other properties. As this is passed **Carbono Novo Mundo Ltda.- ME** will have no obstacles to receive a license for planting.

## **2.b – PROOF OF PAYMENT OF ITR - RURAL LAND TAX**

The property is registered with the IRS under IFRS No.: **8107591-0**, on behalf of the Limited Company **CARBONO NOVO MUNDO LTDA-ME**.

The payment of taxes has been submitted for the years 2007, 2008, 2009, 2010 and 2011, and the property meets all taxes duly paid off, as the last statement of ITR held on May 28, 2012.

## **2.c - DECLARATION OF POSSESSION - ISSUED BY THE SYNDICATE OF RURAL LABORS OF CAPITÃO POÇO**

The Syndicate of Rural Labors of the Municipality of Capitão Poço, in a document signed by the Vice President of the Syndicate, Mr. João Alberto A. Nascimento, on May 29, 2012, states that the company **CARBONO NOVO MUNDO LTDA-ME** holds calm and peaceful possession since April 23, 2000, and has as confining "Truman Klaim " and "Antonio

Raimundo Ferreira. It also states that there isn't any domain or third party ownership on the property.

## **2.d – CERTIFICATE FROM THE OFFICIAL REAL ESTATE REGISTRY OFFICE OF CAPITAO POCO, STATE OF PARA**

The Real Estate Registry Office of Capitaio Poco, Para, the municipality where the real estate in review is located, declares in a certificate signed on May 30, 2012, that the land aforementioned is not registered in that Registry. Such certificate aims to reinforce that the government has not issued a deed of title yet for the land, which means that it has its possession held by someone, in this case by CARBONO NOVO MUNDO LTDA-ME.

## **2.e – ITERPA PROTOCOL - REGULARIZATION FOR PURCHASE OF FINAL TITLE.**

ITERPA stands for *Instituto de Terras do Para*, it is the state governmental agency that is in charge of all lands in the state of Para.

By Instruction No. 04, dated on June 8, 2010 (which English version is found at the end of this report), ITERPA has established the criteria to land use regularization of occupied public lands subject to the limit of 500 hectares. In the process of regularization the occupation of vacant public lands must be respected. By this mean occupation is expressed by the effective use of the land and customary habitation. Then, it is a sine qua non condition that the area is occupied.

Another aspect that ought to be taken into consideration is the commands existent in environmental regulations. Thus, the areas to be regularized must go through, prior the issuance of any title, the Rural Environmental Registration or Licensing (CAR/LAR), under the authority of the State Environmental Agency (SEMA).

To be apt to regularize his/her possession, the beneficiary must prove: (a) continuous possession; (b) effective use of the land for no less than a year; (c) inexistence of opposition of a third party; (d) inexistence of other propriety in his/her name; (e) that he/she did not receive any other concession of land or any incentive from the agrarian reform program; and (f) adequate use of natural resources.

The Property "**Fazenda Boa Sorte**" is with all documents required by INTERPA Instrucion No. 04, and it is in process of regularization in obtaining the Definitive Title in

name of the company **CARBONO NOVO MUNDO LTDA-ME** with ITERPA - Pará Land Institute, which process is registered under **Protocol number: 2012/250798**, issued on May 28, 2012.

It is also important to point out about the conflicts among criteria for possession regularization. In the event there is conflict of interests in a same area, the order of priority for land regularization is: in the first place, possessions traditionally occupied by indigenous groups and quilombolas communities; secondly, areas necessary to the protection of natural ecosystems and those occupied for traditional populations; in third place, areas destined to agrarian reform (family properties). For the cases above mentioned the Public Power has no alternative: it has to recognize territorial rights of these social groups and to protect natural ecosystems.

The survey on the property "**Fazenda Boa Sorte**" hasn't appointed any conflict of interest on the land, neither indigenous or quilombolas communities, however, in order to approve the title on the land, the Public Power will carefully verify all information about the land with the government agencies, such as INCRA , GRPU, IBAMA and any other that may be needed.

### **3. REMARKS. THE LEGAL RESERVE**

In accordance with Part III of Art. Third of the very recent Brazilian Forest Code, introduced by Law n. 12651 of 25 May 2012, Legal Reserve area is located within a rural property or possession, with the function of ensuring the economic use of natural resources sustainably in rural property, assist the conservation and rehabilitation of ecological processes and promote the conservation of biodiversity, as well as shelter and protection of wildlife and native flora.

It is noteworthy that the legal reserve should be kept with native vegetation cover by rural property owner, possessor or occupier of any title, person or entity, public or private. However, it is acknowledged economic exploitation, through sustainable management, previously approved by the competent body of SISNAMA.

According to the Law 8171/91 establishing new obligation for the owners of the land, ie, recompose the RFL and within a maximum of 30 years (1/30 cents per year) for those properties devoid of forest cover; thereafter not just book portion of the area, but it is imperative to plant where there is no forest cover or purchase an equivalent area of forest to recompose;. **Carbano Novo Mundo Ltda.- ME** will need to purchase 206 hectares or replant

the land with native vegetation sometime after the Eucalyptus project is complete and before 30 years.

#### 4. CONCLUSION

After a careful review of the documentation submitted and the legislative framework of the State of Pará, the area in question is able to achieve the economic projects of Reforestation. **Carbono Novo Mundo LTDA-ME** holds the possession on the land of 206,3586 hectares identified as “**FAZENDA BOA SORTE**”, located in the municipality of Capitão Poço in the State of Pará, and **Carbono Novo Mundo Ltda. – ME** has fulfilled all aspects of the law in the process set forth by the government of Para to acquire the Definitive Deed of Title on the land with the government land agency ITERPA, by the Process No. **2012/250798** which status shows that it has been analyzing by the government agencies.

Is the Report.

Belém, March 25, 2013.



**Soraya Brant -Brazilian Bar Nr. OAB/DF 17.953**

Rua Helmuth Neumann 185-A,  
S. Jacinto, 39801-500 – T. Otoni  
Phone:: +55 33 3521 8823  
USA: +1 817 428 6946  
Email: sorayabrant@gmail.com

*PA ITERPA Instruction No. 04 of June 8, 2010*

*(DOE 15.06.2010)*

*Fixed the legal procedure for regularization of costly public lands of the State of Pará, with fulcrum in art. 241, section II of the State Constitution of 1989, the State Law No. 7.289/09 and State Decree No. 2.135/10.*

*The President of the Land Institute of Para - ITERPA, using the powers conferred upon him by Article 5, paragraphs "g" and "k" of State Law No. 4584 of 08 October 1975, resolved:*

*Chapter I*  
*General Provisions*

*Article 1. This standard is intended to discipline under the Land Institute of Pará (ITERPA) the process of regularization of public lands state collected by the State of Pará, in the form onerous, through direct sales to individuals and businesses, wherever found the impossibility of competition, under State Law 7.289/09 and State Decree No. 2.135/10.*

*§ 1. Consider it will be impossible to compete every time you checked the situation envisaged in §§ 1 and 2 of art. 7, the State Law. ° 7.289/2009, and in § 2, art. 37, the State Decree No. 2.135/10.*

*§ 2. You may not postulate regularization of land that features fractionation areas, contiguous or not, even through an intermediary.*

*§ 3. For purposes of regularization does not require costly permanent residence of the applicant in the batch object regularization, just that it carries agricultural activity.*

*Article 2. For purposes of this Instruction, the following apply:*

*I - Permanent address, or habitual effective: Calm and peaceful occupation of an area in order to develop their agricultural activity;*

*II - Effective Culture: farm agriculture, agribusiness, agro-forestry, mining and fisheries, held in rural property, with the goal of providing the applicant and his family, through the production and income generation;*

*III - direct Occupation: that exerted by the occupant, with occasional help from a third party;*

*IV - Indirect Occupation: that exercised only through an intermediary;*

*V - Calm and peaceful Occupation: that exercised without opposition and continuously;*

*VI - Property familiar: the rural property that directly and personally operated by the farmer and his family, they absorb the entire workforce, providing them with subsistence and social and economic progress, and eventually work with the help of third parties, as provided in Article 4, item II, of Law no. 4.504/1964;*

*VII - Areas with Agricultural Activities: thus understood as:*

- a) planted areas;*
- b) areas with native pastures and / or planted;*
- c) exploration areas quarrying plant or animal;*
- d) areas under technical process training or recovery of pasture or permanent crops.*

*Article 3. The fulfillment of the requirements for the acquisition of public lands will be verified through technical inspection, the applicant may submit other documents corroborating the evidence of direct occupation, such as invoices related to the acquisition of rural inputs; proof of payment of the Rural Land Tax and / or rural union dues; enrollment in the Certificate of Registration of Rural Property (CCIR), the National Institute of Colonization and Agrarian Reform (INCRA); joined the State Bureau of Agricultural Defense of the State of Pará (ADEPARA) or other documents have the same purpose.*

*§ 1. The validity of the survey will be determined by the opinion of the Board of Land and Land Development (DEAF), may revalidate or invalidate previous surveys.*

*§ 2. On completion of the term of 5 (five) years, the applicant may use the time of the occupation of the previous third area of interest, since it proves to ITERPA this situation and is occupying the rural property for at least one (1) year.*

*§ 3. He admits to ensure fulfillment of the head of this device that the area is occupied regularization object directly through an intermediary or representative of the applicant, provided that demonstrated the existence of legal bond between them and not characterized the prohibition in art. 7, § 4, the State Law 7.289/09.*

*Article 4. Can be regularized under State Law 7.289/09 and Decree 2.135/10 State, the rural property where it appears from the record irregular recognition of the applicant's settlement or outcome of the analysis performed by ITERPA.*

*Article 5. Legal costs and the final price of the object of sale area will be obtained by the rules established in the Resolution of the State Board of Agricultural Policy, Land and Agrarian (CEPAF) in force at the time of the relevant act of recollection.*

*Article 6. In case of conflict of interests on the same area, will be observed the following order of preference, as determined by constitutional and infra, for purposes of settlement:*

- a) possessions traditionally occupied by indigenous communities and territories maroon;*
- b) areas necessary for the protection of natural ecosystems and other traditional peoples occupied;*
- c) Equity urban areas or urban expansion;*



- d) tracts of land for settlement and family occupancy;
- e) plots for AE activities (agriculture, livestock, harvesting or mixed) to average rural properties;
- f) lands for agri-environmental activities (agriculture, livestock, harvesting or mixed) for large buildings.

*Article 7. The alienation of public land costly state in any capacity, shall comply with the following:*

*I - Property rural area to the extent of five **hundred (500) hectares, may be sold directly by ITERPA, in accordance with Resolution No. 02/2008 of CEPAF;***

*II - Building rural area with more than five hundred (500) hectares up to a limit of 1,500 (one thousand five hundred) hectares, the applicant must submit a plan of economic exploitation, as contained in Annex VIII screenplay, which will be submitted for approval to ITERPA and for later validation of CEPAF;*

*III - Property rural area with more than 1,500 (one thousand five hundred) hectares up to a limit of 2,500 (two thousand five hundred) hectares, in addition to the prior approval of the plan of economic exploitation (Annex VIII) by CEPAF, the case will be forwarded to approval of the Legislative Assembly of the State of Pará;*

*IV - Property with an area greater than 2,500 (two thousand five hundred) hectares will be sent to Congress for prior approval of the sale, pursuant to Article 188, § 1 of the Constitution, once declared the public interest in the regularization process by Decree of the Head of the State Executive.*

## *Chapter II*

### *Section I*

#### *The application*

*Article 8. The person will direct the application for regularization of the Presidency ITERPA by application itself or standard form as Annex I and Annex IV of this Instruction, declaring not the owner, occupier or possessor of another rural area unless acquired through sale or costly By donating third, and quietly and peacefully occupying the area for at least five (5) years (Annexes II and V).*

*Article 9. The petition referred to in the previous device should contain:*

- I - The name and complete qualification of the petitioner;*
- II - The complete home address and email address for notification;*
- III - The identification of the telephone number with area code for contact;*
- IV - The name of the area, the municipality and the extent of the property in hectares, according to the georeferencing presented;*
- V - The payment of the price of land, whether in cash or in installments.*

*§ 1. In case of installment payment, the applicant shall inform the percentage of payment of the price of land equivalent to the first installment and the number of annual installments*

*through which it intends to pay the balance, within the period provided for in art. 7, § 1, of Law No. 7.289/09.*

*§ 2. The value for the first installment may not be less than 10% of full VTN.*

*Article 10. The petition application for regularization should be educated with the following mandatory documents:*

*I - If a natural person:*

- a) certified copy of the official document of personal identification with the applicant's photo issued by the government or class;*
- b) certified copy of the Register of Individuals (CPF / MF) of the applicant;*
- c) certified copy of proof of residence, with all information necessary for receiving notifications;*
- d) if the applicant is married in the regime of community property, coexist under a marriage or relationship homoafetiva, shall submit the same documents from your spouse or partner (a).*

*II - If corporation:*

- a) certified copy of the articles of incorporation of the corporation;*
- b) certified copy of the National Register of Legal Entities (CNPJ / MF);*
- c) certified copy of the registration state Department of Finance;*
- d) full particulars of all members of the legal entity;*
- e) certified copy of the official document of personal identification of all members of the legal entity, issued by the government or class that contains photo;*
- f) certified photocopy Register of Individual (CPF / MF) of all members of the legal entity.*

*III - In addition to the documents listed in the preceding paragraphs, the applicant for regularization shall instruct its request with the following mandatory documents:*

- a) if an individual writ - as Annex I - the declaration of occupation, according to the model contained in Annex II,*
- b) if a legal entity initial application - referred to in Annex IV - the declaration of occupation, according to the model contained in Annex V;*
- c) georeferencing area in accordance with Law No. 10.267/2001 and other rules that govern;*
- d) proof of enrollment in the Rural Environmental Registry (CAR) of the State Department of Environment (SEMA);*
- e) certificate of nonexistence of record housing area before the Registry of Property competent;*
- f) a statement listing the documents submitted as Annexes III and VI;*
- g) proof of payment of court costs.*

*Single paragraph. The models in Annexes I to VIII will be available in the sector and protocol in the website's ITERPA.*

*Art.11. If there is irregular record of the area in accordance with art. 4, the applicant shall submit the certificate of current and complete chain of ownership of the property, stating the intention of cancellation of registration or certified copy of the request for cancellation before the competent estate usefulness.*

*§ 1. The annotation of de-registration can be submitted until the time of requesting Certificate of Inmate Public Land (COTP).*

***§ 2. Failing to submit the registration of cancellation of registration to date of performing the calculation of the price of land, the land regularization process will be suspended.***

*Article 12. In the application form prepared by an attorney, should also be joined:*

- a) specific powers of attorney to represent and perform actions on behalf of the principal on their regularization process, notarized if the instrument is particular;*
- b) if a legal entity, a certified copy of the minutes that empowers the client to appoint a proxy;*
- c) photocopies of official identification document issued by the staff of the prosecutor or government bodies containing class photo;*
- d) certified copy of Registration of Individuals (CPF / MF) the prosecutor;*
- e) complete address for notification on behalf of the principal, if so provided in this power of attorney.*

*Single paragraph. The eventual execution and delivery of definitive can only occur to someone other than the buyer by proxy public and with specific powers for these purposes.*

## *Section II*

### *Processing of the application for regularization*

*Article 13. Filed the application for regularization under Section I of Chapter II of this Instruction, the Service Management and Control (GAC) will provide the assessment of the administrative process, the calculation of court fees and expedition guide their payment.*

*Article 14. Upon the protocol GAC also certify the presence of formal documents listed in Articles 10 to 12, as well as those submitted by the applicant.*

*§ 1. The lack of documentation prepared in Articles 10-12 of the election will matter in the stoppage.*

*Article 15. After the outbreak of CDI, the case will proceed to General Counsel - DJ in order to perform the analysis of the admissibility of the petition, the formal validity of the documents accompanying the application and the framework of the regularization method described in Art. 7 of this Instruction.*

*§ 1. In the case of the existence of titles and set the events set forth in art. 6 and in art. 38, II, the State Decree No. 2.135/2010, the infraction as to limit 2.500ha (two thousand five hundred hectares) and / or the need to supplement or provide clarifications about the information provided for in Articles 10 to 12 of this Instruction, the applicant will be notified to appear.*

*§ 2. Not accepted the claim of the applicant, the DJ will prepare legal opinion rejecting the request and forwards the case to the Presidency for approval ITERPA.*

*§ 3. Assuming favorable opinion of the admissibility of the petition DJ and regularity of the documents submitted, the case will proceed to the Board of Land and Land Development (DEAF).*

*Article 16. A DEAF determine the Coordinator of Registration and Georeferencing of Rural Property (CGIR) analysis of the pieces presented georeferencing and then send the case to Management Cartography and GIS (GCG) to carry out the plot area object regularization Base Digital Land of ITERPA, aiming to:*

*I - Define the location of rural property;*

*II - Report existence of incidents in federal areas and indigenous lands, protected areas, state and federal settlements built or under pretense of creation in quilombolas or under pretense of recognition, pretense or in areas already affected the social interest or utilities, and other administrative processes, which must be identified;*

*III - Show on the classification of the region of location of the property in accordance with the Macro zoning Ecological and Economic and Ecological Economic Zoning;*

*IV - State whether the location of the tract of rural land was registered by the state and collects or is it vacant state land;*

*V - Other information that the relevant agency land understand.*

*§ 1. Demonstrations techniques of each sector (CGIR / GCG) shall conclusively answer the items I through IV of this device.*

*§ 2. In case of technical failure of the demonstration under the preceding paragraph, the CGIR and / or GCG, as applicable, state (ao), in preliminary demonstration, the efforts and technical clarifications that may be necessary.*

*§ 3. Given the inadequacy of technical parts, based on preliminary manifestations of CGIR and / or GCG, the Office of the President shall notify the applicant to redevelop the pending and / or manifest as appropriate, which will be subject to assessment by the technical body of Municipality.*

*§ 4. Failing to demonstrate, to the satisfaction unfulfilled diligence or not upheld the claim of the applicant technique, as listed in the previous paragraph, the DEAF shall certify the fact to the proceedings and submit the case to the DJ drafting an opinion rejecting the application, which then will be subject to assessment by the Presidency of ITERPA.*

*§ 5. If the land requested for regularization focus on areas with obstacles foreseen in art. 40, the State Decree No. 2.135/10, or in the cases described in art. 6 hereof, based on preliminary views of CGIR and / or GCG, the Office of the President shall notify the person filing the request, which shall have a period of 15 (fifteen) days to contest.*

*§ 6. In the case of incidences in state conservation units of sustainable use, which is permitted in the existence of private property, ITERPA require the State Department of Environment - EMS information management plan for the area especially protected or equivalent document to verify the adequacy of the application for regularization purposes of the conservation unit.*

*§ 7. Given the inadequacy cited in the preceding paragraph, shall apply the procedures provided in § 4 of this device.*

*Article 17. In cartographic analysis if it detected the incidence of two or more rural properties, one should take into consideration the following situations:*

- a) already titled: DEAF expected to manifest itself on the consistency of the location of outright and, if necessary to conduct an inspection to determine the location indicated by the Digital Land Base.*
- b) with other purchase orders: the property is titled in favor of whom prove effective occupation, respecting the order of preference of art. 6.*

*Single paragraph. In the case described in paragraph "a", confirming the overlap of application title already issued by ITERPA, the process will be rejected unless the applicant submits new proposal for regularization, excluding the impact.*

*Article 18. If there is no pending or expired ones found in DEAF shall survey the expense to conduct an inspection of the area, the applicant shall be notified to attend the ITERPA within fifteen (15) days and pay the amount determined.*

*Single paragraph. Failing the payment of costs and the expiry mentioned in the caption of this device, the DEAF certify the event and send the case back to DJ for preparation of legal advice and referral process to the Presidency ITERPA.*

*Article 19. Returned to guide the collection of inspection fees duly paid, the DEAF designate crew ITERPA for the visit, which will be responsible for checking in the field presented georeferencing and verify the presence of elements contained in the plan of economic exploitation presented by petitioner.*

*§ 1. The crew must also verify the presence of other elements that allow to characterize the time of the occupation, the existence of previous occupation and how the succession occurred, the development of agricultural exploitation, agribusiness, agro-forestry, mining and fishing, and the consolidated occupation, and meek peaceful, without the defense of others.*

*§ 2. Should the survey report indicates non-compliance with legal requirements laid down in art. 38 of the State Decree No. 2.135/10, the DEAF shall notify the applicant to provide his or clarifications manifest in 30 (thirty) days after notification, which will be evaluated by the technical body of the municipality.*

*§ 3. In his explanation and / or demonstration the applicant may submit documents and request an inspection of completion at its expense, to prove its allegations.*

*Article 20. Favourable inspection and / or accepted the allegations of the applicant, the case will be referred to the jurisdiction of the DEAF calculation to calculate the price of land according to the form of payment proposed by the applicant in its application, considering what the art. 7, § 1, 6 and 7, the State Law No. 7.289/09 and the final court costs, pursuant to Resolution CEPAF into force.*

*§ 1. The spreadsheet will contain prepared to pay the price in the form specified by the applicant, specifying the discounts applicable legal and other financial charges.*

*§ 2. A DEAF notify the applicant of the amount payable under the price of land, occupancy rate and final legal costs, which could provide another form of payment or challenge the spreadsheet.*

*§ 3. Failing manifestation or not upheld the claims of the applicant, will sign DEAF reasoned opinion to that effect, and that the Office of the President (GP) proceed further notification of the applicant to collect the amounts due.*

*§ 4. Not attested the collection of amounts due, the competent sector of the DEAF shall certify the fact to the proceedings and records shall be forwarded to the DJ preparation of legal opinion and forwarding to the Presidency ITERPA.*

*§ 5. In case of filing another form of payment, the competent sector of DEAF held recalculation and adopt the necessary measures to payment of value, and can only repeat this procedure once, subject to the provisions of paragraphs § 3 and 4.*

*§ 6. The amount of legal fees will not be parceled out.*

*Article 21. Accepted the spreadsheet by the applicant, DEAF finalize the technical procedures with the approval of the opinions that you compete and the preparation of the draft ordinance for approval of technical work by the Presidency of ITERPA.*

*Article 22. Approved the technical work, ITERPA become public alienation from the press officer of the State of Pará, as determined in State Decree No. 2.135/2010, and the standard model contained in Annex VII.*

*§ 1. Occurring challenges, new cars will be brought to the processing and judgment of the controversy, which will be joined to the land regularization process, in which the applicant will be guaranteed the right to regularization and contradictory defense.*

*§ 2. While pending completion of the dispute process, the process of regularization remain suspended.*

*§ 3. Costs and expenses necessary for the instruction of the dispute process should be fully answered by the contestant, subject to rejection and termination of proceedings.*

*§ 4. Should the defense be founded, the ITERPA refuse the application for regularization.*

*§ 5. In case of dispute be judged partially founded, the person may continue the process of regularization of the area uncontroversial and should ITERPA realize the existing backlog of sanitation and other necessary corrections.*

*§ 6 Once the batch to be regularized in the area of state jurisdiction and available, there is no conflict, at the request of the applicant, ITERPA issue the Certificate of Occupancy for Public Land onerous character.*

*Article 23. Failing disputes, or being totally unfounded DJ exarará conclusive opinion on the merits of the request for disposition sought.*

*§ 1. According to that contained in the records, the DJ should check and opine on:*

- a) the presence of all required legal documents;*
- b) the existence of the survey report and its conclusion;*
- c) the existence of grounds for disqualification to the sale;*
- d) the fulfillment of the commitments made in the Term Commitment Adjustment (TAC), if any;*
- e) the manner of payment of the price of bare land (VTN);*
- f) compliance with the due process of regularization under this Instruction;*
- g) other elements deemed necessary to the case.*

*§ 2. The DJ can determine the sanitation of addictions and require supplementary information, if duly justified.*

*§ 3. In the case of finding reparable pending, the applicant will be notified to meet them in the manner prescribed in this Instruction, within thirty (30) days of notification.*

*§ 4. Once the period without the manifestation of the applicant or partially met the disputes, the DJ will prepare the opinion according to the state of the process.*

*§ 5. Upon payment by the applicant informed the DJ will recommend the nature of title to be issued.*

*§ 6. In the case of non-approval of the legal opinion, the presidency should ITERPA do appear in the records the technical and / or legal rejection of the application for regularization and must then notify the applicant to appeal pursuant to Regulation Institute.*

*Article 24. Deferred titration, the chair of ITERPA notify the applicant to attend sector competent to receive (s) guide (s) for payment of the price of land and court costs finals with their updated values.*

*§ 1. The sector's competent ITERPA only repeat once the procedure of generating payment slips, except the duly justified cases.*

*§ 2. In the event of non-payment of the sector by order shall inform the manifestation happened to the presidency of ITERPA.*

*Article 25. The COF after confirming the payment of the price of land and court costs end, the CDI will forward the case for making the title or contract setting forth the conditions subsequent set out in art. 11, the State Law No. 7.289/2009, and what the art. 45, the State Decree No. 2.135/2010.*



*Article 26. The definitive agreement and the concession of use shall be compulsorily underwritten by the applicant and beneficiary of the act, within sixty (60) days after notification under Section below.*

*Single paragraph. In the event of non-attendance within quoted, the Office shall certify the fact and forward the case to the Presidency ITERPA to take adequate measures.*

### *Section III*

#### *Notifications, time and resources*

*Article 27. Unless otherwise provided in this Instruction, are fifteen (15) days the deadline for the applicant to submit clarifications, demonstrations, challenges, fulfill pending and / or make applications.*

*§ 1. The term provision of the head may be extended once for an equal period since the nature of the investigation so warrants.*

*§ 2. The deadlines established in this Instruction are preclusive.*

*Article 28. Notifications will be made by the Office of the President, with the draft prepared by the requestor sector diligence by letter with acknowledgment of receipt.*

*§ 1. Frustrated notification by letter with acknowledgment of receipt, ITERPA arrange the publication of a notice in the Official Gazette of the State to fulfill this purpose.*

*§ 2. The applicant may become aware of the content of the notification in their own cars.*

*§ 3. Consider it will be aware that the applicant has committed any act that allows unequivocal conclusion that noted the content of the decision, and the civil servant responsible for the views certify the fact and date of the incident.*

*Article 29. The period referred to in Art. 27 has the day from the beginning, as appropriate:*

*I - if notification occurs by mail, the date of its receipt;*

*II - occur if service by publication, date of publication in the Official Gazette of the State;*

*III - if the applicant appear before the Court, the date of the science content of the decision, in the event of non-issuance of notification or failure to return the letter with acknowledgment of receipt.*

*§ 1. In calculating time limits shall be excluded from the day of commencement and including maturity.*

*§ 2. It is considered the deadline extended until the first business day if the due date occurs on holiday or on a day that is determined ITERPA closure, or the record is closed to the public prior to normal.*



*§ 3. The deadlines begin to run only the first working day after notification.*

*Article 30. Only administrative appeal may be the final decision of the Presidency of ITERPA.*

*Single paragraph. Do not be appealed to the Chair of the Board and ITERPA the Municipality of interlocutory decisions made by the Boards of the Institute and sectors.*

*Article 31. The processing of the appeal shall be governed by what the Institute has to rules.*

### *Chapter III*

#### *Transitional and Final Provisions*

*Article 32. Demonstrated at any time proof of fraud in some legal requirement to obtain the right to regularization, the process will be canceled and terminated, without prejudice to other civil and criminal penalties applicable, ensuring the person concerned, in any case, the right of appeal and defense.*

*Article 33. The applicant for the process of buying land in the state public ITERPA filed through the date of publication of this statement, have a term of six (6) months to suit your application requirements defined in this standard, subject to shelving.*

*§ 1. May be seized parts and technical and legal opinions practiced earlier this Instruction, provided that met the requirements of this standard and should be ratified in the new process by the relevant Local Authority sectors.*

*§ 2. The surveys performed may be validated and used for the purposes of this Instruction, if approved by the relevant Local Authority technical sectors.*

*Article 34. In case of refusal is not based on the existence of legal impediments to regularization, the applicant may request new protocol regularization.*

*Single paragraph. There will be harnessed fees paid dismissed the case in the new proceedings.*

*Article 35. A DEAF present the descriptive memorial collection area to instruct the procedure of collection of rural property.*

*Single paragraph. In the analysis procedure of the chapeau of Article, will seek the collection of the largest possible area, joining any neighboring property.*

*Article 36. The request for regularization of continuous area above 2,500 (two thousand five hundred) hectares following the procedure provided in this Instruction.*

*§ 1. The request must contain the documentation provided in this Instruction, including the presentation of the Economic Exploitation Plan, which will be analyzed by ITERPA.*

*§ 2. After analysis of ITERPA follow the process to the Chief Executive, for compliance with art. 4, V Decree 2.135/2010.*

*§ 3. Declared the social interest, the conclusion of the sale will be subject to the prior approval of Congress.*