

# APPRAISAL OF THE LAND INCONSISTENT WITH THE CADASTRAL RECORDS

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## ABSTRACT

The vicinity of Usu volcanic region in Hokkaido, Japan have been suffering from unexpected aftermath of volcanic eruption of early this year, appearing in succession of real estate disputes. If the lava gushed from the volcano right in the middle of the Pacific Ocean, the dispute on claiming title to the land would not be a big problem, as the land lain hidden under the sea merely floated up to the surface of the water.

However, it can be a different matter when the lands are resided by inhabitants, involved with various rightful relationships. As the boundaries of an estate were in a mess as a result of the crustal disturbance followed by an eruption, even though the volcanic activities were finally settled down, the rightful relationships of real estates were getting incredibly complicated. Getting confused about land ownership between the neighbors, friendly relationships of neighbors continuously got to loggerheads over land rights.

Aerial photogrammetry proved that the surface of the land around Usu Mountain had moved up to 20 meters by the eruption of five month ago. Consequently, an example of physical inconsistency occurred between the rights in the cadastral records and the present state of real estates due to the natural disaster. Some expressways have occupied the private land while some houses have abruptly 'moved' into another's territory.

If that is the case, some properties became broader while some properties became smaller. There arose complicated problems such as my building dispossessing another's territory or someone encroaching on my territory. For an expressway passing through the volcanic region, the development is watched with keen interest how to solve this problem with landowners as it invaded about 11 Km length of private land.

Though the relevant authorities have been considering any countermeasure continuously in the Emergency Council, there seems to be no extraordinary solutions coming out as a result. 'We can not take any measures until we understand exactly how far and wide the land have been moved', said an official betraying his embarrassment. What is worse, volcanic activity of Usu Mountain hasn't been extinct yet so such a crustal disturbance may happen again in the near future.

The above is the case that inconsistency of land register has occurred by natural disaster. In fact, it is no exaggeration to say that 'there are almost no lands without having any problems of inconsistency of land register' throughout the country in Korea.

In Korea, the disordered use of land while the Korean War threw the country into social chaos was indicated as a key cause of inconsistency. In addition to this, main factors of inconsistency of land register are geographical factor, surveying technique, the primitive

state of supplying and demanding technical manpower and land use in disorder. As the inconsistency of land register will affect the land behavior, it is necessary to analyze its causes and improve relevant plans.

With that in minds, this paper has firstly dealt with key factors of inconsistency of land register and produced several actual cases. Despite the fact it was an inconsistent land with Cadastral records, there were some cases even professional appraisers misjudged and issued appraisal statement of identity just because the present condition has strong resemblance to the cadastral map. How many appraisers can be able to raise a question when they face the situation without knowing the fact that it is an inconsistent land with Cadastral records. We will bring up this matter and try to find a solution to it.

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