Registration of property rights on the basis of gift agreement

What is giving a gift

Giving a gift is a relationship between two parties (donor and donee), in which the donor transfers a property free of charge into the ownership of the donee with his/her consent.
It should be noted that a person has no right to give a property as a gift, if such act eliminates means of livelihood of the donee or persons dependent on him/her.
Also it is prohibited to conclude a gift contract on behalf of a guardian (trustee) person.
If the donor maliciously conceals a defect in the gifted property, he/she shall reimburse the donee a damage incurred.
As for promising a gift, it only rises an obligation of giving a gift if it is executed in written form.

Procedure of executing/terminating a gift contract

A gift contract with respect to an immovable thing shall be deemed to be executed from the moment when the ownership right provided for in the contract is registered in the Public Registry.
It is possible to execute a gift contract through notarization, as well as in the simple written form. In the latter case, signatures of the parties to the Contract are notarized by an authorized person of the Public Service Hall or the National Agency of Public Registry.
The parties may determine that the validity of the gift contract depends on the performance of certain terms or on the achievement of a particular objective. This objective may be the common good as well (donation) If the donee does not perform the term, then the donor may repudiate the contract.
As for termination of the gift contract, it may be terminated if the donee grossly insults or shows extreme ingratitude towards the donor or his/her near relative. If the gift is revoked, the donor may recover the gifted property.
The gift may be revoked within one year after the donor becomes aware of circumstances that give him/her the right to revoke the gift.
There is one more circumstance, when it is possible to revoke the gifted thing. In particular, if after giving the gift the donor falls onto hardship and is unable to maintain himself/herself or his/her dependents, then he/she may demand the return of the gift thing from the donee, provided it still exists and the return would not put the donee in hardship. At the same time, it should be noted that: The thing given as a gift may not be recovered if the donor put himself/herself into hardship intentionally or through gross negligence.

Procedure and Conditions of Registration

For registration of origination of ownership to property, or change and termination of ownership, an interested person (donor or donee) shall apply to a territorial office of the National Agency of Public Registry, Public Service Hall, notary or other authorized person.

Documents to be filed for registration:

- Application (this is filled out in the respective electronic program directly by the operator, admitting the documents);
- Copy of an identity document of the interested person;
- Gift contract duly certified;
- In case of registration of change and termination of the ownership to property based on the gift contract - an agreement on making amendment to the gift contract or a document confirming revocation of the gift;
- The document confirming payment of a fee; It is also possible to provide an accelerated service. In this case, service fees and terms are the following:

Service fee and rules

Within 4 business day - GEL 75
On the day of submitting the application - GEL 300
Within one business day - GEL 220
Counting for the registration term starts on the day following the day of filing/registering the application and ends with passing the last day of the term. This rule does not apply to the cases when service is provided on the same day of filing the application.
If service shall be provided on the day of filing the application, the registration term ends with passing the last day of the term.
If service shall be provided within one business day, the registration term ends with passing the last day of the term.
If the last day of the term coincides with non-business day or holiday, the last day of the term is the next business day.

Additional Information

If an interested person wants to carry out registration not personally but through a representative, in this case a duly certified document validating the representation shall be produced, as well as a copy of identity document of the representative.
In addition to the above-mentioned documents, in certain cases it is possible that the National Agency of Public Registry would additionally request any document/information that is necessary for registration of ownership right.
The donee shall be charged with tax in the amount of 20% of the value of gifted property, except cases when he/she is a heir of first or second priority (son or daughter, spouse, parent, brother or sister). If the donee is a heir of third or fourth priority to donor (grandparent, uncle, aunt), he/she will be taxed if the value of gifted property is GEL 150,000 or higher.