

## SUMMARY

**Key Words:** right, share, property, co-owner, dwelling, common shared property.

**Topic of the graduate qualification research:** Regulation of the right of common shared ownership of housing under the laws of the Russian Federation.

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**Topicality of the research:** Nowadays the concept of the nature of shared ownership is debatable. There is a need for a special legal regulation of relations of shared ownership. In addition, it is necessary to distinguish such concepts as the actual ownership and use of a common thing, as well as ownership of a share in the right to this thing. The issues listed become more acute when it comes to housing, as this special object places its mark on the legal relations regarding common ownership. A different kind of objection, which determines the reference of participants in shared ownership, has the right to own a housing, because its nature is multifaceted. The status of a co-owner of a housing often remains in question, because ownership of a share in the right and ownership of a part of a housing does not always mean the same thing, the emerging uncertainty can lead to a conflict of interests between participants in common ownership. Only by adjusting the legislation governing this sphere of public relations we can achieve a balance of interests of the co-owners and solve problems arising in the process of exercising the powers of the co-owners. Thus, the nature of the right of common shared ownership of housing is an urgent issue today. It is necessary to consider and analyze the problems of exercising the rights of shared owners of a housing, to establish gaps in the mechanism for regulating relations regarding common shared ownership.

**The purpose of the research:** formation of a holistic view, nature and content of the concept common shared ownership, as well as features of legal regulation of common shared ownership and mechanisms for the implementation of the rights and obligations of participants in common shared ownership and comprehensive analysis of the problems of exercising the powers of the owner.

**Objective:**

1. to analyze the institution of shared ownership;
2. to determine the legal nature of the share in the right of ownership of housing, taking into account existing concepts of shared ownership;
3. to consider the features of the legal regulation of common shared ownership of housing;
4. to establish a mechanism for exercising the powers of participants in shared ownership of housing;
5. to identify ways to protect the rights of participants in shared ownership;
6. to highlight the practical issues of the exercise of rights and the fulfillment of obligations by participants in shared ownership.

**The theoretical and practical significance of the research.** The theoretical

significance of the research lies at the core of the investigation and definition of the concept of common shared ownership of housing.

The practical significance of the research lies at the core of the analysis of mechanisms for exercising the powers of the owner of common shared ownership, as well as in proposing solutions to problems in the exercise of the right of common shared ownership.

### **Results of the study:**

1. There are shares that have a dual nature, in other words combine the signs of a real and ideal share at the same time, e.g. a share in the ownership of a housing that cannot be completely divided and has established order of the use.
2. Regarding the content of the right of common shared ownership of housing, it can be concluded that any property of a nature can be the object of such a right and its amount depends on the subject of the right of ownership.
3. Law enforcement practice analysis demonstrated that co-owners unfairly use their right to allocate shares for the subsequent transfer of property to other persons, creating a large number of owners.
4. The imperfection of the mechanisms for protecting the rights of owners, which is manifested in the impossibility of actually exercising the right to receive compensation for the inability to use part of the property that constitutes a share.
5. Fractional owners of a housing have a number of problems associated with the difficulty in sharing a common housing, the restoration of rights to a share, as well as the lack of a protection mechanism and legal guarantees in establishing the procedure for using a common housing.
6. In practice, it does not seem possible to establish the procedure for using the housing so that it corresponds to the size of the share, the law provides for the right to receive compensation for the inability to use part of the share belonging to it.
7. An essential feature of the possession, use and disposal of property in shared ownership is the restriction of these powers to the rights of other co-owners. The participant may dispose of his share at his discretion, but taking into account the preemptive right of the remaining co-owners to acquire it.

### **Recommendations:**

1. It is necessary to amend Article 246 of the Civil Code of the Russian Federation, having changed the wording of paragraph 1 “disposal of property in shared ownership is carried out by agreement of all its participants” to “disposal of the premises is possible with the consent of the majority of owners, and in the absence of this possibility, in court”.
2. Supplement Chapter 16 of the Civil Code of the Russian Federation with the following provision: “If the co-owner wants to sell his share, but cannot inform one or more participants in shared ownership, because their or his whereabouts are unknown. The court, taking into account these circumstances, may allow the participant in shared ownership to conclude a reimbursable contract with an outsider, but not earlier than 2 months from the date of receipt of the latest information about the missing.”

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