



# Records and documents to be delivered in step deliveries between administrators.

The Court of Palermo prepare a short handbook to make a first selection.

## What documents to deliver?

The administrator of a condominium, pursuant to art. 1713 cc, is obliged to give an account of the work carried out and to hand over all documents in his possession, since you can not "... essential to exempt the agent from the obligation to remit to the client everything he has received because of sent ... "(ex multis, Cass. Civ. 844/1960).

Vast and peaceful on point is the law: which shows that even the non-delivery of service documents to the Condominium former client would **not even justified in case are due sums of money to the administrator**, being the sources of its obligations of a different nature and could not be applied in this case, the principle of 'non-compliant non est adimplendum "(ex multis, Cass. Civ., December 3, 1999, n. 13504)

**The non-delivery of the condominium documents**, the end of the administrative office, is in fact able **to seriously affect the successful and proper management of the condominium**, given the prosecutio of legal relations - capital that go the condo intra et extra walls.

Most of the time, during the handover, there is, however, a latent difficulty identifying acts and documents that have to be delivered: there being a pre-definable list to refer to.

(**Top:** The administrator is "crying" prepaid expenses if the same have not been ratified by the Assembly.)

## The brief handbook.

The 'Order issued by the Court of Palermo, in the person of Judge Dott. Walter Turton, dated January 28, 2014 responds to this question and is able to be used as a handbook to make a first selection.

With the measure in question, the judge hearing the case, in fact, was not limited to "order" a former administrator of the Condominium deliver all documentation relative relevance, but went much further: identifying partitamente those materially due, after the guidance contained in the application hesitated.

In particular, and despite making himself other than by referring to the documents indicated by the combined provisions of Articles. 1130 and 1130 bis cod. civ., he was obliged to hand over the outgoing administrator to the applicant block the following acts and documents:

- a) last approved balance sheet, made with next account until the handover.
- b) List of condominiums and their addresses (register condominium registry).
- c) Tables thousandth and communal regulations.
- d) Keys and stamps of the condominium.
- e) Records of the meeting minutes.
- f) Contracts with supplier firms and their solutorie bills (Enel, water, elevator maintenance, scale cleaning, autoclaving, etc.).



- g) Operating Booklets and documentation related to the joint facilities.
- h) Tax Code of the condominium.
- i) Passage of the current account and / or service checking accounts and online access keys.
- j) Of the building insurance policy.
- k) Fire prevention certificate.
- l) Procurement contract facade rehabilitation work, work progress, certificate of acceptance and execution of the work in a workmanlike manner.
- m) Disciplinary assignment with the construction manager.
- n) Provision of the City of Palermo, industry Historical Center of public assistance grant and bank bills of payments received, plus all the relevant documentation has.
- o) Judicial Acts disputes that have in the meantime involved the Condominium.
- p) Certification Model 770, as well as the communication anagrafe tax amount of goods and services, even for the outgoing director from office for his takeover.
- q) Closing Documentation cash.
- r) Any other condominium documentation of accounting or administrative nature necessary or helpful to the continuation of the current management.

**At this point the administrator will have no more excuses**, if they fail to deliver some of the acts and the condominium documents to his successor, for a mere oversight.

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