

Hipoteca

Katrin Zwirglmaier

El principal propósito de la Ley 41/2007, tal y como revela nítidamente su Exposición de Motivos, era flexibilizar el mercado hipotecario con el fin de estimular y favorecer su constante crecimiento. Para alcanzar estos objetivos se consideró imprescindible dar cobijo legislativo a figuras hipotecarias que, aun conocidas en la práctica bancaria, potenciaran la movilización de la propiedad ya gravada. No obstante, la crisis económica y financiera actual ha revelado la imposibilidad de mantener un incremento del crédito hipotecario hasta límites no sostenibles y ha obligado a buscar, dada la actual coyuntura, medidas paliativas frente al sobreendeudamiento. Y es en este contexto donde algunas de esas figuras introducidas en nuestro Ordenamiento por ese texto legal, pueden hoy jugar un papel relevante en orden a la refinanciación del deudor hipotecario con cargo al valor del mismo inmueble gravado. Con la modificación del art. 4 de la Ley 2/1994, el legislador pretendió -y así lo reconocía expresamente- superar una concepción excesivamente restrictiva de la novación modificativa; concepción que impedía o, al menos, provocaba las dudas cuando se estipulaba una refinanciación o una ampliación del capital asegurado acerca de si la hipoteca previamente constituida podía o no mantener su rango; dudas que, en parte disipó la DGRN, aunque también propiciara otras derivada de la solución que adoptó. Sin embargo, tal y como se revela nítidamente a lo largo de la tramitación parlamentaria, existía también cierta intención de dar cabida en ese precepto a modalidades de hipoteca que, en el Derecho francés, son conocidas con el calificativo de recargables; garantías que permiten una reutilización del capital amortizado para generar nuevo crédito dentro del límite fijado como máximo en la escritura de constitución de hipoteca. La redacción final de ese precepto, pese al tiempo transcurrido, ha suscitado problemas y dudas en la doctrina, pues de seguirse la interpretación más radical o maximalista, habría que aceptar la admisibilidad legal de la denominada -y denostada- hipoteca de propietario. Sin embargo, un primer indicio negativo a esta tesis es la misma conceptualización legal final como novación meramente modificativa del supuesto de ampliación de capital asegurado. En la presente obras se analiza en profundidad la dual interpretación de la que es susceptible este precepto. El principal propósito de la Ley 41/2007, tal y como revela nítidamente su Exposición de Motivos, era flexibilizar el mercado hipotecario con el fin de estimular y favorecer su constante crecimiento. Para alcanzar estos objetivos se consideró imprescindible dar cobijo legislativo a figuras hipotecarias que, aun conocidas en la práctica bancaria, potenciaran la movilización de la propiedad ya gravada. No obstante, la crisis económica y financiera actual ha revelado la imposibilidad de mantener un incremento del crédito hipotecario hasta límites no sostenibles y ha obligado a buscar, dada la actual coyuntura, medidas paliativas frente al sobreendeudamiento. Y es en este contexto donde algunas de esas figuras introducidas en nuestro Ordenamiento por ese texto legal, pueden hoy jugar un papel relevante en orden a la refinanciación del deudor hipotecario con cargo al valor del mismo inmueble gravado. Con la modificación del art. 4 de la Ley 2/1994, el legislador pretendió -y así lo reconocía expresamente- superar una concepción excesivamente restrictiva de la novación modificativa; concepción que impedía o, al menos, provocaba las dudas cuando se estipulaba una refinanciación o una ampliación del capital asegurado acerca de si la hipoteca previamente

constituida podía o no mantener su rango; dudas que, en parte disipó la DGRN, aunque también propiciara otras derivadas de la solución que adoptó. Sin embargo, tal y como se revela nítidamente a lo largo de la tramitación parlamentaria, existía también cierta intención de dar cabida en ese precepto a modalidades de hipoteca que,

La hipoteca inversa. Una alternativa económica en tiempos de crisis (e-book) Henar Álvarez Álvarez, 2009-06 Parece que esta especial figura hipotecaria se originó en el Reino Unido, donde empezó a comercializarse en 1965, bajo el nombre de reverse mortgage (que da lugar, sin duda, a nuestra hipoteca inversa), como contrapuesto al de forward mortgage, que hace referencia a las hipotecas de amortización. La Ley de reforma del mercado hipotecario (Ley 41/2007, de 7 de diciembre) la reguló por primera vez en nuestro ordenamiento jurídico, dotándole de un mínimo régimen jurídico a los efectos de evitar abusos por parte de las entidades que, ya desde hacía unos años, venían ofertando este producto hipotecario. Se trata de una nueva modalidad de garantía real que puede definirse como el contrato por el cual una entidad de crédito (o aseguradora) autorizada para operar en España pone a disposición de una persona física de, al menos, 65 años (o en situación de dependencia severa o gran dependencia), un capital que le será entregado bien periódicamente (de manera temporal o vitalicia) o bien de una sola vez. Dicho capital generará, a su vez, intereses, pero el reembolso de la deuda sólo será exigible a partir del fallecimiento del deudor, quedando asegurada la obligación por la hipoteca constituida sobre el inmueble que se da como garantía. La hipoteca inversa tiene amplias posibilidades de desarrollo en nuestro país, no sólo por el público potencial que puede solicitarla sino por el alto número de viviendas existentes en propiedad. Este libro pretende ser un estudio orgánico y sistemático de esta nueva figura hipotecaria en el que se tratan todos los problemas que plantea, aportando soluciones razonadas.

Estudios sobre el Banco de Crédito Hipotecario y las leyes de hipotecas García Calderón (Pres. Peru), 1868

Portuguese Business Dictionary Morry Sofer, 2011-12-01 Up-to-date business terms including banking, the internet, computers, accounting, insurance, real estate, taxes, and more, designed to facilitate communication and cross linguistic barriers.

Spanish Business Dictionary Morry Sofer, 2011-12-01 Doing business in Spanish requires a dictionary that is up-to-date with the 21st century. Because terminology differs from Spain to Latin America, from Argentina to Mexico, businesspeople need a dictionary that provides terms used throughout the Spanish-speaking world. The Spanish Business Dictionary fulfills such a need. In addition to hundreds of new computer and internet terms, this dictionary includes all areas of business terminology used in the United States and throughout the Spanish-speaking world with designators for the country of the term's origin.

La hipoteca global: Valoración y crítica. José Luis Arjona Guajardo-Fajardo, 2004 Plantea la hipoteca como obligación garantizada, el pensamiento tradicional sobre las hipotecas, así como los derechos, tanto de quien la da, como de quien la recibe.

La hipoteca en la legislación chilena Fernando Alessandri R., 1919

La hipoteca en España y su evolución histórica Manuel Valverde Villa, 2022-02-22 El presente libro forma parte de una trilogía que empezó con el estudio del 'Préstamo y sus garantías en Egipto antiguo', donde ya se

introducían hipotecas generales en los contratos celebrados a partir del siglo VIII a.C. y, a partir del siglo III a.C., hipotecas especiales. Luego, se continuó con la 'Historia de la hipoteca en Grecia y en Roma antiguas', cada una integrada en su cultura, siendo distintas la hipoteca griega y la hipoteca romana. Ahora, se continúa con la evolución de la Hipoteca en España, y su evolución histórica, desde el momento en que los romanos conquistaron Hispania, seguida del paso por la península de visigodos y musulmanes y entrando después en la Edad Media española, el imperio de los Reyes Católicos y nuestra actual etapa moderna con la legislación castellana, así como con la codificación civil e hipotecaria, llegando hasta nuestros días con la Ley Hipotecaria de 1861. Manuel Valverde Villa nació en Madrid el 22 de junio 1949. Cursó los estudios de Derecho en el Centro de Estudios Universitarios-C.E.U.- y se licenció en la Universidad Complutense de Madrid en el año 1971. Desde su juventud compatibilizó los estudios de Derecho con el trabajo en Banca. Ingresó en el año 1978, por oposición, en el cuerpo de Letrados del Banco de Crédito a la Construcción. Ha sido Letrado Asesor del Banco Hipotecario de España desde 1982 hasta el año 2000 y Abogado Senior de la Asesoría Jurídica del Banco Bilbao Vizcaya Argentaria hasta el año 2010 Especializado en Financiación de la Vivienda en España y experto en Derecho Inmobiliario Registral, asuntos a los que ha dedicado gran parte de su actividad. Informes jurídicos, contratos financieros y procedimientos judiciales han sido parte de su labor cotidiana. Diplomado por el Instituto de Estudios Inmobiliarios en 1978; Diplomado en Derecho Marítimo Privado por el C.E.U. en 1980; ha sido socio de la Liga Naval Española y de la Asociación de Abogados de Empresa. En el año 2016 ha publicado el libro 'El Préstamo en el Antiguo Egipto', haciendo un estudio pormenorizado de los préstamos existentes en el antiguo Egipto y las garantías reales aplicadas en los mismos. En 2021 ha publicado la 'Historia de la hipoteca en Grecia y Roma antiguas', que se desarrollaron de forma independiente, siendo distintas la hipoteca griega y la hipoteca romana, tanto por su origen en el tiempo de nacimiento, como en su naturaleza y rasgos específicos de cada una de ellas. En el mismo año 2021 ha publicado 'El origen del crédito territorial en España en el siglo XIX', que contempla el nacimiento y constitución en España de la primera entidad de crédito hipotecario, el Banco Hipotecario de España, a semejanza de las instituciones existentes en Francia y Alemania.

1990 Census of Population and Housing: Puerto Rico ,1992

1990 Census of Population and Housing ,1994

No Pierdas tu Fortuna Douglas R. Andrew,2008-01-10 Expert financial planner Douglas R. Andrew's bestselling definitive guide on managing your money, now available in Spanish. We've been hearing the same advice on managing your money for years - always prepay your mortgage. Always invest in a 401(k). Defer your taxes for as long as possible. What if someone told you that following that advice would be a waste of your money? In his groundbreaking book on personal finance, Douglas R. Andrew debunks these myths, along with several others, and gives essential knowledge on how to wisely manage your money and win back your missed fortune. By following tips such as investing your home equity, discovering hidden tax breaks, and turning your life insurance policy into an investment, you can discover millions of dollars worth of hidden assets. Now, this best-selling book is being brought to the Spanish language audience. Translated by Mario Cisneros, a personal finance expert, the translated book will serve the large audience who have been

clamoring for it since Missed Fortune 101's initial English language publication.

La Hipoteca Adolfo Oscar Miranda, 2005-01-01

La hipoteca flotante Azofra, Vegas, Fernando, 2015-02-06 La presente monografía aborda el estudio de la hipoteca flotante del artículo 153 bis de la Ley Hipotecaria. Se trata de una modalidad hipotecaria que permite garantizar una o más obligaciones, presentes y/o futuras, incluso sin conexión causal entre ellas. No exige individualizar la responsabilidad máxima hipotecaria atribuida a cada una de las obligaciones garantizadas, por lo que cada euro de la responsabilidad hipotecaria cubre cada euro de los créditos garantizados (la “indiferenciabilidad” típica de esta hipoteca). Cabe una hipoteca flotante en garantía de obligaciones futuras, definidas por referencia a los actos jurídicos básicos de los que deriven, sin que sea preciso que exista, al tiempo de la constitución de la hipoteca, la relación jurídica en cuyo seno nacerán. Se analizan en la obra peculiaridades de esta figura en los trances de cesión o subrogación, de todas o respecto de todas, o sólo de una parte, de las obligaciones garantizadas por la hipoteca, y sus efectos sobre la garantía. También identifican los problemas derivados de la multiplicidad de titulares de la flotante, defendiéndose en última instancia la tesis de que las partes de la hipoteca tienen plena y legítima motivación para articular la cotitularidad sobre la hipoteca de manera diversa a la titularidad o cotitularidad existente sobre los créditos garantizados. El autor presta merecida atención a las vicisitudes de la ejecución, en vía judicial o extrajudicial, en particular en relación a la “ejecución parcial” (esto es, sin purga de la hipoteca, manteniéndose en aseguramiento del resto de las obligaciones garantizadas, si bien con una responsabilidad hipotecaria menguada). Se decanta el autor por la innecesariedad de la constancia registral del nacimiento o cuantía de la obligación garantizada por la que se procede como condición previa a la ejecución del bien hipotecado. Finalmente, se estudia la resistencia de la garantía en expedientes preconcursales y concursales, así como la posibilidad de movilizar los créditos asegurados por esta hipoteca mediante la emisión de títulos hipotecarios. Fernando Azofra Vegas es Doctor en Derecho (cum laude) por la Universidad Complutense y Licenciado en Ciencias Económicas y Empresariales por la Universidad Pontificia de Comillas (ICADE E-3). Es socio del despacho de abogados Uría Menéndez, al que se incorporó en 1993. Es un reconocido jurista en materia inmobiliaria e hipotecaria, financiación y refinanciación, con más de 40 artículos doctrinales y colaboraciones en obras colectivas. Los principales directorios jurídicos internacionales (tales como Chambers & Partners, The Legal 500, International Who's of Business Lawyers, etc.) lo identifican como abogado líder. Es oficial de publicaciones del Comité de Derecho Bancario de la Asociación Internacional de Abogados. Es Capitán de Yate y un enamorado de la vela. Es el armador del “Ansias”, el velero más rápido al sur del Segura (el segundo más rápido, cuando lo gobierna él).

Hipoteca y préstamo de dinero Celia Weingarten, Carlos Alberto Gherzi, Eugenia Díaz Palacio, 2001

Hipoteca revertida , 2003

1990 Census of Housing , 1993

La hipoteca naval en España Leopoldo González Revilla, 1888

El préstamo equitativo , 2009

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Hipoteca Book Review: Unveiling the Power of Words

In some sort of driven by information and connectivity, the ability of words has are more evident than ever. They have the capacity to inspire, provoke, and ignite change. Such could be the essence of the book **Hipoteca**, a literary masterpiece that delves deep in to the significance of words and their impact on our lives. Published by a renowned author, this captivating work takes readers on a transformative journey, unraveling the secrets and potential behind every word. In this review, we will explore the book is key themes, examine its writing style, and analyze its overall effect on readers.

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