

The process is to instruct a qualified architect to measure exactly what exists on the land in terms of the size and location of the property, swimming pool, etc including an accurate identification of boundaries and right of access.

The architect is charged with producing a certificate, which measures and fully describes the property, including a location plan and the date of any construction. This certificate is then presented to a notary for authentication.

The next process is to present this to the local town hall and insist upon another certificate stating that they have taken no action to remove this property since its construction.

Not necessarily legal

With these important documents the owner of the property has to then publicly declare the buildings on a new title-deed at the notary and pay the relevant taxes. The process is to demonstrate that your due diligence now entitles you to enjoy your property. Immediately this process is completed the new buyer is safe to proceed.

Sounds complicated? Not so when you use experts like ourselves. While time-consuming, it is absolutely necessary in the sale process.

Who pays? That's normally by negotiation, but we are not talking about an expensive process.

Within our organisation, we normally convince the seller to pay by reminding them that their property is not saleable until all these issues are resolved on the title deed and the Land Registry.

Until the new law, it was always too easy for an unscrupulous agent or lawyer to say, "Here is your title deed for the rustic land, it's all correct".

But just because the piece of land had a good title deed it didn't mean it was legal for residential use. If there had

been no mention or attempt to register the property then it was illegal, simple as that.

How many times have I heard people saying they had trusted in the agency or lawyer. Well it is simply too bad and the only consolation is that with the present economical climate, most of these agencies have now failed and we would hope they never appear again.

Finally there is one other important area to be aware of; the illegal practice of offering "Off Plan" properties that do not have building licenses.

How often do we read about buyers losing their deposits, or discover that they must wait another two or three years for completion?

Palmera Properties is one of the main culprits, and we know first hand about them as they have projects near us in Molina and Fuente de Piedra.

They were offering properties for sale through many local agencies that had no formal licences in place.

One such "Cortijo" style project was to construct 400 houses in Humilladero and at a price of 330.000€.

I found it extraordinary that any estate agent could risk their reputation in offering such a product.

But even as I write, there are agencies still offering these properties for sale. A quick Google search, typing in "cortijo in Humilladero", and I found four agents selling these properties.

But from my very first contact with Palmera in 2004, I was extremely wary of their proposals and practices.

Palmera built and sold over 200 properties within a very close proximity to our Molina offices. I refused to offer any of these properties, and after reading about all the problems I am frankly over the moon about not getting involved. After all, imagine how we would look with our slogan "You're in Safe Hands" if we had done?

A final bit of advice and a clever

er tactic you could employ in the buying process is to always state to the agency that you want the maximum mortgage available from a local bank that has English-speaking staff.

Even if you don't require a mortgage, you are being smart as the bank will by law investigate the legality of the property and if they are not willing to lend the money, then why risk yours?

Don't forget you can always decline the mortgage offer after the bank's experts have done their job.

Happy house hunting!

DO THE CHECKS: If not you might end up with one of the thousands of illegal properties liable to be demolished, like the ones we reported on in recent issues in Cordoba (right) and Almeria (below)



Graham Govier has been working in real estate in Andalucia for a decade and is often credited with running the region's number one inland estate agency



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