

# Spanish Property Check

Secure property purchase in Spain

[www.spanishpropertycheck.com](http://www.spanishpropertycheck.com)

[spc@irl353.com](mailto:spc@irl353.com)





# Buying a property in Spain?

## Buying a Spanish property?

It is important not to sign any document to buy a property in Spain until you have made certain basic checks.

Spanish property check offer in these uncertain times of bad publicity for buying a property in Spain the facility to purchase a property in Spain, safely and securely.

- **Why use Spanish Property Check?**
- **60% less expensive than most Spanish abogados**
- **60% less expensive than most Spanish lawyers**
- **70% less expensive than most Solicitors in Spain**
- **100% safe, secure, accurate, Spanish property Check at affordable prices**

# Verify the selling agent / agency status

- **Buying a Spanish property?** Independent checks for your Spanish property, independent checks for your Spanish estate agent, independent checks on the property for sale in Spain, independent checks on the vendor of the property for sale in Spain – is the vendor the owner and entitled to sell the property? Spanish property check offer independent checks on the planning possibilities for your property in Spain. **It is important not to sign any document to buy a property in Spain until you have made certain basic checks, Spanish property – Check it!**
- **Buying a Spanish property?** Many people buy a property in Spain, without having made any checks on the estate agent in Spain – who may not even be legally entitled to operate as a Spanish estate agent. Check out whether your Spanish property agent is registered and regulated in Spain. Check out whether your estate agent is bonded with the appropriate insurances and public liability cover. **It is important not to sign any document to buy a property in Spain until you have made certain basic checks, Spanish property – Check it!**



# Verify the *Escritura* -title deed

- **Buying a Spanish property?** Many people buy a property in Spain without checking the deed of the property for sale in Spain, the title deed is the *Escritura Publica* and each time a property is sold a new *Escritura Publica* is prepared by the Notary, as a purchaser you are entitled to have sight of the previous deed – in Spanish of course – this is a very important document and details the type of property and purpose of property, access issues and detail the vendor(s). Ask to look at the Nota Simple – this has further information on the property such as whether there are any mortgages or unpaid debts registered on the property. Remember in Spain, debts stay on the property NOT with the previous owner. **It is important not to sign any document to buy a property in Spain until you have made certain basic checks, Spanish property – Check it!**
- **Buying a Spanish property?** Many people buy a property in Spain without checking whether the property for sale in Spain is fit for purpose – can you live in the property? **It is important not to sign any document to buy a property in Spain until you have made certain basic checks, Spanish property – Check it!**



# Spanish property check

- **Buying a Spanish property?** Thousands of Spanish property purchasers lose deposits on potential property purchases, many more lose money on their Spanish property purchases, with property that is not fit for purpose. Hundreds of people face the prospect of having their property demolished because of planning infractions, illegal construction, false, fraudulent building permits and because they did not have their Spanish property purchase checked out.
- **Buying a Spanish property?** You have a choice - do not leave such important issues to chance and be aware that the Notary Public who carries out the legalities of the purchase of your Spanish property generally **will not advise** upon the estate agent or Spanish estate agency, generally will not advise upon the planning aspects of the purchase, but will, as a public official, carry out the transaction of the property sale from the vendor to the purchaser according to the pertinent laws – which do not include giving independent advice.
- **Buying a Spanish property? Don't buy a lemon!! Buy safe, buy secure and protect your investment.**





# Contract check

- **Buying a Spanish property?** It is important not to sign any document to buy a property in Spain until you have made certain basic checks. If you sign a contract without making the relevant checks and withdraw from that contract at a later date you will lose your deposit.
- **The checks start with the contract** - is the property correctly defined in the contract? Is the vendor the owner of the property? Does the vendor have the right to sell the property? Is the price correct? **Is the property fit for purpose** – if you are buying an apartment, villa or country house – can you live in it? If you are buying land described as building land – can you construct? To assist in the preliminary checks there are certain documents that you need to look at.
- **Spanish Property Check** will look at the Nota Simple and the previous Escritura Publica, the IBI (Impuestos sobre Bienes Inmuebles) receipts or records.
- **Spanish Property Check** will report who has the legal right to sell the property.
- **Spanish Property Check** will confirm whether there are any unpaid debts or mortgages registered on the property – remember in Spain property debts remain on property and not the individual who incurred those debts so ensure you will not inherit the previous owners debt, IBI debts can be for a period of up to 5 years for the municipal property tax.
- **Spanish Property Check** will report on the land classification and the urbanised situation of the property as set down in the contract.
- **Spanish Property Check** will report to you whether because of its proximity to the coast the property is likely to be affected by the Ley de Costas 1988



# Planning permissions

- Whether you are about to buy a newly constructed property or you are considering purchasing a property that requires renovation or wish to purchase land upon which to build - several matters have to be considered in respect of planning decisions already made or planning applications that will need to be lodged.

**The most important issue for you is to NOT sign any documentation whatsoever until you have explored the options available.**

- **In general, in Spain, there are three types of land classifications:**
  - **Urbano** -land with permission to construct upon which you would have a legal dwelling subject to receipt of *Licencia de Primera Ocupación* - see below
  - **Urbanizable** – land that may be urbanised for development and once urbanised upon which you would have a legal development - subject to receipt of *Licencia de Primera Ocupación*
  - **No urbanizable** – land that is non constructible.
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- Once it is confirmed that you are purchasing the type of land that you require you will need to submit a dossier to the relevant authorities for your project. This should be dealt with by a competent authority as planning issues in Spain are complex and can easily be misinterpreted.



# Licencia de Primera Ocupación & Cedula de Habitabilidad

- Equally, you may be purchasing a newly constructed apartment or villa, here too there are important documents that should be provided by the developer or builder to include the *Licencia de Primera Ocupación*, a licence granted by the local authorities that confirms the property can be assigned to its legal use ( a dwelling) and that it is constructed to a certain standard - fulfilling basic health and safety obligations, constructed on land that allows legally for such construction and that the developer has fulfilled his commitments to the urbanisation of the surrounding land. A failure to produce this certificate and the *Cedula de habitabilidad* (required to obtain mains services) - will lead to problems for the development receiving mains services, electricity, water, gas, telephone etc...
- You should not occupy a property without the *Licencia de Primera Ocupación and Cedula de Habitabilidad*.
- In certain circumstances, even if the deed has been signed before the Notary and the *Licencia de Primera Ocupación* has not been produced the purchaser may have the right to claim compensation and damages as the seller could be in breach of his contract by not producing this document. All such cases are different and each case must be studied on its merits and on its papers, there is no one catch all solution to this issue other than to state that without *Licencia de Primera Ocupación* you do not have a legally habitable property.



# Fit for purpose?

- There are many seemingly '*urban development's*' of villas and apartments that are totally illegal having been constructed either without the appropriate permissions, or constructed on land with a '*permission*' granted by a person or authority that is not entitled to grant such a permission - or built on land that is *no urbanizable*. The proprietors of such property are open to prosecution, imprisonment and face having their homes demolished by the authorities as the property should not have been constructed in the first place. Misinterpretation and misunderstandings (amongst other issues) have led to many people constructing illegal property and buying illegally built property that will never be legalised and that could lead to the owner of that property facing a fine, possibly a prison sentence and the demolition of the property.
- **To protect yourself NEVER sign a contract to purchase a property whether in a rural or urban environment until you have had the land title checked out.**
- **Spanish Property Check** will review the classification of the land and report to you regarding the possibility of any renovation or development and the existence of any *Licencia de Primera Ocupación*.



# Why Spanish Property Check?

## Why use Spanish Property Check?

- Professional checks, peace of mind, ensure that you have the full facts before you - BEFORE you sign any contract to purchase your property in Spain. Remember in Spain it has always been 'Buyer beware!'
- With SPANISH PROPERTY CHECK this is no longer the case – our experts will report back to you for you to make that most important considered decision.

## Spanish Property Check:

- 60% less expensive than most Spanish abogados
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- 70% less expensive than most Solicitors in Spain
- 100% safe, secure, accurate, Spanish property Check at affordable prices
- Contact Us to Check Out the land classification at [spc@irl353.com](mailto:spc@irl353.com)

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