**MOURGELAS & ASSOCIATES** *Law Firm*

# ask the lawyer

**I am interested in buying real estate in Greece. What are the steps I should follow for the transfer?**

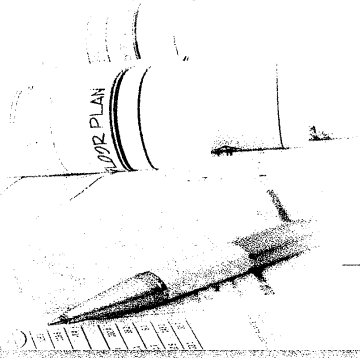
a. First of all, you should verify the real estate's legal status through the help of a lawyer. You should also consult a civil engineer for the technical control of the property, the information on allowed land and/or building use, construction outline and restrictions of the location of the property.
b. All agreements between seller and buyer must be made in the form of a Notarial Deed.
c. Depending on the transfer value each party has to be represented by a lawyer for the signing of the deed
d. After the deed has been signed you must have it registered with the Local Land Registry or Cadastral Office if it exists.

**I intend to rent real estate in Greece. Which is the legal duration of lease contracts in Greece?**

Regarding main residence, the minimum legal duration of lease contracts is three years, whereas regarding commercial leases (i.e. offices, shops, etc.) is 12 years. This practically means that –unless certain procedure is followed- even if the parties' initial lease agreement determines a shorter duration, the minimum legal duration prevails. There is no minimum legal duration for leases of vacation houses/ cottages.

**Is there a minimum rent escalation provided for by law?**

Not in the main residence lease contracts. The rent and any future escalation is freely agreed by the parties. In practice residence lease contracts provide for a readjustment of the rent according to the annual price index plus a certain percentage.
In the commercial leases there is an escalation provided by law in case no such term has been agreed by the parties, but its application is very restricted since in practice the lease contacts also provide for a readjustment of the rent according to the annual price index plus a certain percentage.




**I live permanently abroad and I own real estate in Greece. Are there any procedures in progress that I should be aware off?**

Yes! As of July 2008 the 2nd phase for the establishment of the cadastral map of every right on immovable property in Greece has started. Foreign residents who either own real estate or are beneficiaries of real estate rights in any of the 107 Municipalities currently under cadastral survey must file a formal declaration to the Hellenic Cadastre by March 17, 2009.

Together with the declaration, the ownership titles for each property or property rights, as well as the prepaid fee receipt must be submitted. The declaration is mandatory and can be submitted through one of the following ways:

a. By a proxy, holder of a Notarized power of attorney, whom you will have authorized either to manage your property in Greece in general or to sign and file the cadastre declaration for such property in specific.
b. By a third party, holder of an authorisation signed by you. Signature must be authenticated by the Greek Embassy/Consulate at your country of residence.
c. By a third party, holder of an authorisation signed by you, even without an authenticated signature. In this case, the declaration must have already been filled in, signed and dispatched to him by you so that he can simply submit it. .

In all the above cases (a, b and c) the fixed fee has to be paid beforehand in one of the collaborating banks and the respective receipt must be submitted along with the declaration.

d. Through the internet, using the special application that can be found in the Hellenic Cadastral (Ktimatologio S.A.) website: www.ktimatologio.gr. In this case, which is also the simplest, you may pay the fixed fee by credit card and the rest of the documents are to be dispatched by postal mail to the competent Cadastral Survey Office.

Of course, any real estate should have been registered to the competent Land Registry or Cadastre Office (if it existed) at the time of possession.
Keep in mind that if the real estate is in an area that was included in the first stage of the establishment of the cadastral map, which has ended, and has not been registered at the competent Cadastre Office on time, a procedure in court must be followed for its registration now.

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