

BUYING SAFELY · FOR PROSPECTIVE BUYERS

The legal *checklist*

A thorough guide to buying safely on the Costa del Sol.



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UNDERSTANDING THE PROCESS

Buying in Spain

A purchase in Spain is supported by four parties. This checklist lets you follow their work — so you know exactly what happens and can run your own extra check.

The agent

Searches, negotiates and coordinates the whole process from start to finish.

The lawyer

Carries out the legal review of every document. Always choose one who is independent of the seller.

The notary

As a neutral official, formalises the title deed at completion.

The gestor

Handles the administration after the purchase: registration, taxes and formalities.

01 Preparation

I.1 Apply for your N.I.E.

Compulsory for every purchase — for EU and non-EU buyers alike. Arrange it yourself or have your lawyer do it (± €150-300). Choose your independent lawyer **before** you make an offer, not after.

I.2 Set your budget

Budget for additional costs and taxes on top of the purchase price.

RESALE

I0 — I2%

ITP 7% · notary €1,200-2,000 · registry
€400-1,000 · lawyer ± 1%

NEW-BUILD

I2 — I4%

10% IVA + 1.2% AJD + costs

NON-RESIDENT

max. 70%

mortgage on the property value

KEY CHECKPOINTS

At the property

CHECKPOINT	ACTION	WHAT TO LOOK FOR
Nota simple	Request	Check ownership and mortgages
Seller	Verify	Identity and that they are the actual owner
Building permit	Check	LPO present and no illegal extensions
Debt certificate	Request	Outstanding payments, minutes and planned derramas
IBI & basura	Check	Payment receipts — outstanding debt passes to the buyer
Catastro	Compare	Floor area and boundaries match the Land Registry
VUT licence	Check	If you plan to let: licence held or obtainable, and the community allows it

EACH CONTRACT EXPLAINED

The three contracts

I **Reservation contract** — *documento de reserva*

Usually €3,000–10,000; takes the property off the market. Drawn up by the agent — have your lawyer review it before you sign.

2 **Private purchase contract** — *contrato de arras*

Usually a 10% deposit, only after due diligence. Mind the type: with *arras penitenciales* you lose your deposit if you withdraw — if the seller withdraws, they repay double.

3 **Title deed** — *escritura pública*

Signed at the notary: balance paid and keys handed over. Your lawyer or gestor then handles registration and taxes.

CRUCIAL STEPS

At signing

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- 01 **Never** sign anything your lawyer has not seen — not even the reservation contract.
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- 02 Understand which type of *arras* contract you are signing; it determines your rights and your risk.
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- 03 Check the energy certificate (CEE) and that the property is delivered free of tenants.
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- 04 Avoid cash payments or transfers to private accounts. Pay via your lawyer or a client account.
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- 05 For new-build, insist on a bank guarantee for each instalment paid, for extra security.
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ABOUT PAULA JANSON

Questions or a quick sounding board?

This checklist does not replace your agent or lawyer — it lets you follow their work and run an extra check yourself. Unsure about something? There is always another home.

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