

# Buying a house:

what does the notary do for you?



HOUSE & MORTGAGE

FAMILY & MARRIAGE

DIVORCE & CHILDREN

TESTAMENT & WILL

ENTERPRISE & LEGAL PERSONS

POWER OF ATTORNEY & LEGALIZATION

## CONTRACT OF SALE

Once an oral agreement is reached, the contract of sale is drawn up; this is usually done by the estate agent, but the notary can also do this for you. A contract of sale is a written document by which agreements are made by the seller and the buyer on matters such as the purchase price and date of transfer (of the keys). Signing the contract of sale does not yet officially make you the new owner of the house; for this you first need to see the notary.

## CHECKING EVERYTHING

The notary checks the contract of sale for, among other things, the so-called resolutive conditions, i.e. grounds for rescinding the contract, as well as the (correct) registration with the land registry and agreements on the deposit. In addition the notary verifies the legal aspects of the contract and checks whether any other special obligations apply, such as easements or preferential rights. On the basis of this information and the conditions from the contract of sale, the notary then draws up the deed of transfer.

## DEED OF TRANSFER

The deed of transfer is a notarial deed which contains the notary's findings and the agreements from the contract of sale. The deed of transfer is signed by the seller, the buyer and the notary.

## MORTGAGE DEED

If a mortgage is settled on the house as well, the notary will also draw up a mortgage deed. The mortgage deed is signed immediately after the deed of transfer.

## COMPLETION STATEMENT

The notary also draws up the completion statements, so that it is clear to everyone what is received by whom and what needs to be paid by whom. All payments must have been received by the notary at the time of signing the deed of transfer.

## THE TRANSFER

The notary then invites you to come to his office for the transfer. Before the transfer the notary checks whether there have been no changes in the situation in the interim. If everything is in order, the deed of transfer and mortgage deed can be signed, and from that moment you are officially the new owner of the house. Congratulations!

## BUYING A HOUSE TOGETHER

Are you buying a house together with your partner? In that case there are a number of important things that should be considered carefully. If you are not married, it is advisable to make certain agreements with regard to the house in the form of a cohabitation contract, or partnership or prenuptial agreement.

## DO I ALSO NEED A WILL?

By law the house will go automatically to the surviving partner in case of the other partner's death. However, this applies only if you are married or in a registered partnership. If this is not the case, it is important to stipulate in your will that the house should go to the surviving partner.

## SUMMARIZING

At the same time as the transfer, the notary can also draft a cohabitation contract, partnership or prenuptial agreement, and a will. This enables you to take care of everything at once!

For further information, please feel free to contact us at any time without obligation.

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