

BUYING A HOUSE IN SPAIN: DON'T LET THEM FOOL YOU!

Dutch lawyer Martijn Bressers from *BRESSERS ADVOCATEN & ABOGADOS S.L.* provides legal advice to English and Dutch speaking foreigners in Spain. Their offices in Barcelona, Alicante and San Sebastián are increasingly flooded by clients who are victims of fraud, usually taking place in the Spanish real estate business. How can this be avoided?


SPANISH REAL ESTATE

To most people, buying a house seems easy. In fact it is: in their own country. But in Spain everything is different. Anyone who sets foot on Spanish ground needs to be aware of those differences. Some people, for example, tend to believe that buying a house is an isolated act with no relation whatsoever to Spanish rules. Or they forget that not only local law on real estate applies (not even the same in the whole of Spain) but also tax law and, maybe later on, marital assets law, succession law, etc.

CULTURE SHOCK

Not only Spanish laws and customs but also the people are in many ways very different from what Northern and Western Europeans are used to. Bressers: "In most West-European countries, cheating is considered morally improper, whereas in most Mediterranean countries cheating is part of doing business in a clever way. And one should never expect any help from the opposite party, nor from the Spanish notary (who just does what the parties tell him to do) nor from any real estate agent (who don't have any legal background). It's all up to yourself. Once foreigners understand this, they are able to change their mindset and the approach towards doing business in Spain, but sadly this usually happens after they've been involved in trouble at least once. Bressers: "People sometimes tend to believe that everything is very well taken care

of, since everything is put down in writing and the seller of the house is 'a really nice and trustworthy guy'. Last year I had a case about an English couple who sought my legal aid after a guy in Málaga sold them a house with a big garden. At least, that was what they thought they had bought. In fact, what they really bought was only the house, and a 'right to use' the ground underneath. These people only found out when a year later they applied for a mortgage and the bank told them that the value of what they owned was about 25% of what they paid for it. The English translation of the contract was rather vague, but the Spanish version -the only one that matters- was very clear about it."

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INTERNATIONAL CONTEXT

As to the international business of the BRESSERS lawfirm, its extraordinary position is partly due to the complexity of its cases. For the majority of these cases, a thorough comparison is made between two or more legal systems. Therefore Dutch and Spanish lawyers collaborate intensively, leading to high standard legal service, tailored to meet each client's specific needs.



Mr M.H. Bressers: "Spain is a great country, but full of pitfalls."

FOREIGN INVESTORS

Bressers: "It is definitely not only private clients who seek legal aid. As far as Dutch and British corporate investors are concerned, we have seen a increasing interest in the Spanish economy and the investment climate in Spain. Spanish economy has grown more than any other European economy over the last couple of years. Also at that corporate level my clients notice over and over again that one cannot do without legal aid."

HANDS-ON APPROACH

The BRESSERS firm offers its clients the ability to communicate in their own language (English, Dutch, Spanish and also -recently- French) with a maximum transparency, in order for this to result in efficient service in a familiar atmosphere. Bressers: "We account for a (somewhat un-Spanish) hands-on approach: take immediate action and be available for the client at almost any time of the day."

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