

SUN

LAWYERS

SINCE 1985

Sun Lawyers is a Family Law Firm established in 1985 with offices in the North & South of the Costa Blanca.

Our profesional Team will be delighted to represent you in any legal matter. Our aim at Sun Lawyers is to give you quality, expert, legal advice. Making everything much more simple and carefree for you, while you enjoy your time in sunny Spain.

All you need is us!

Property Guide

by

Sun Lawyers



Welcome

The **Sun Lawyers Team** has developed an overview of the legal steps behind buying a house in Spain.

Before we start, we have to make clear that **every case is different** and this is just a general guide. We strongly advise that before buying a property in Spain you contact a **local and independent lawyer** who can assist you throughout the whole purchasing process, this will ensure your hard earned money and legal rights are protected at all times.

We have been named Expat Law Firm of the Year*
in both 2020 and 2022. We cover all legalities
in Spain, so it can be said that:

All you need is us!

Your Lawyer in the Sun



What is the role of a property solicitor in Spain?

The fundamental role of a solicitor in buying a property on behalf of a client is the same in Spain as anywhere else. That is:

- To represent you and your interests (whether you are buying as an individual or through a company set up for this purpose)
- To ensure the property you are buying is legal and that it has no outstanding debt charges or rights to third parties.
- To manage the conveyancing process through to you getting the keys for your dream Spanish property.

The above points highlight the importance of an INDEPENDENT solicitor who advises you and no one else connected to the transaction.



When is the right time to appoint a solicitor?

Your solicitor has an important role to play pre-purchase, on the day of purchase and post-completion. The ideal time to appoint a solicitor is at the beginning of your first trip to Spain to view properties or even before.

What are the associated costs with buying a Spanish property?

To help budgeting for costs connected to your purchase, we recommend you add the following percentage on to the agreed purchase price:

- Off plan Between the 12,5% to 14% of the purchase price
- Property in the Valencian Community (Resale) 13% of the purchase price
- Property in the Murcian Community (Resale) 11% of the purchase price.

By far the largest cost element is the property transfer tax (10% Valencia Region / 8% Murcia Region). There is no transfer tax on off plan properties, but instead they are subject VAT at 10% and Stamp Duty (2% in the Murcia Region and 1,5% in the Valencia Region). The remainder are fees payable to your solicitor, notary, bank and the land registry.



Why is it helpful to appoint a solicitor early on?

You will need a solicitor, they are a key part of your advisory team, so why wait until you have found somewhere to appoint one? By waiting, you may end up making a choice in a hurry that you end up regretting later.

Another reason is that in the pre-purchase stage, your solicitor can obtain your NIE number (Número de Identificación de Extranjeros, a Tax Number compulsory in order to pay taxes in Spain, it is like your National Insurance Number in the UK or Personal Service Number in Ireland) and open a Spanish bank account for you. This is done once you have granted your solicitor Power of Attorney.

Power of Attorney

Granting your lawyer Power of Attorney gives them the legal right to progress and act on your behalf, key matters connected to your property purchase. The majority of our clients grant Power of Attorney because it saves them time and money. The Power of Attorney includes:

- Applying for the NIE number
- Opening a Spanish bank account
- Contacting utilities providers
- Setting up direct debits
- Obtaining any necessary licenses
- Acting as your tax representative.
- Signing on your behalf at the Notary the completion



To get the PoA, we need to take some basic details to draft the document, then we accompany you to an appointment at the notary where the document is signed and ratified. Everything can be done in a single morning. If inconvenient to sign the power of attorney in Spain, we can arrange for a local Notary in your area to liaise with you to have the power of attorney signed in the UK.

Pre-purchase – Finding the right property

The internet and TV play an important role in helping to research different properties and areas; But when viewing and choosing properties, use a local and well-established estate agent. Their detailed knowledge and 'boots on the ground' will really help you find the property that ticks all of your important boxes.

Reserving a property

Off plan

If you choose a property that has yet to be built, or completed, before signing anything you will need legal advice to confirm that:

- Suitable background checks have been completed on the property developer, In particular their current financial situation and thus future solvency
- Your build project has been approved by the local Town Hall, by requesting the building licence granted by the Council authorities.
- Payments you make to the builder are covered by a bank guarantee or a special account created only for property payments and insured for these purposes.

Resale Property

Paying a deposit will ensure your Spanish property is taken off the market. Before doing this, we advise that you explain to the agent that you want to do the process via your solicitor. You pay us the deposit in the first instance, we then carry out preliminary checks on the property and in the mean time we will prepare the purchase contract, once it has been signed by both parties we will release the deposit to the seller.

Whether you are buying an off plan or resale property, we will estipulate the right clauses to protect your best interest. This contract is known as “*Contrato de Compraventa*”. Normally it will be a bi-lingual contract and we will take you through the clauses, making sure you understand everything before signing.

The day of purchase

Once a completion date is agreed, the final balance is confirmed and payments, completion takes place before the Notary. This is when the public deeds of purchase are signed by both the buyer and seller. If you want to be in-person for this final step, which is your right, we will accompany you to the signing. If you would prefer that we complete on your behalf, we can of course sign on your behalf if a power of attorney is in place. Then you collect the keys from us the next time you come to Spain. Congratulations! You are now the owner of your dream home in Spain.

After Completion

There are a number of obligations and recommendations when you own the property. These include:

- Submission of the public deed and payment of purchase taxes to the appropriate land registry and Tax Office.
- Utilities, council tax (IBI) and community charges will be changed into your name and direct debits set up from your Spanish bank account.
- Registering as a tax payer with the Spanish Inland Revenue for payment of the the taxes connected to the ownership and usage of the property.
- Assisting with suitable property insurance.
- Applying for a tourist licence if you intend to rent the property for short periods
- Applying for visas if you intend to spend more than 90 days at a time in Spain.
- A Spanish Will for your Spanish assets – this Will is drafted to be concurrent with any existing UK Will you may have.

Relocating to Spain and visa applications

Since the UK left the EU after the transition period ended on 1 January 2021, the rules for applying for Spanish residency changed. A British passport holder wanting to spend more than 90 consecutive days in Spain will need a visa. British citizens as part of Brexit are now treated in the same way as the non Europeans (Americans, Canadians....). Sun Lawyers helps clients with applications for the most popular types of visas, namely:

- Non-Lucrative Visa
- Digital Nomad Visa
- Golden Visa

The visa application is made **before** travelling, at one of the three Spanish Consulates in the UK, located in [London](#), [Manchester](#) and [Edinburgh](#). The visa is then exchanged for a temporary TIE card within one month of arrival. TIE renewals then take place after 1, 3 and 5 years after which time residency can be applied for.

Sun Lawyers can help prepare your visa application, so that when you attend your consulate appointment, you can be confident that all of the paperwork is in order.

Contact Sun Lawyers

We are here to help and we always provide a first complimentary meeting. We have the largest number of offices on the Costa Blanca. See below for the closest office to where you are buying. If you would like to make an appointment, please call (from the UK) 0800 130 3669 (from Spain) 965 321 193 or email admin@sun-lawyers.com

[Map and office details]

COSTA BLANCA NORTH

Javea

Avda Tamarits, Edificio Arenal, Bajo. Local 1
Playa del Arenal
03730 Javea
Alicante

Calpe

Carrer la Santamaria, Bajo, Local 6,
03170 Calpe
Alicante

COSTA BLANCA SOUTH

Cabo Roig

Calle Cielo, 9, Bajo 3
03189 Orihuela Costa
Alicante

Dehesa de Campoamor

Avda de las Adelfas, 12, local 6
Dehesa de Campoamor
03189 Orihuela Costa
Alicante

La Zenia

Calle Malaquita, 1, Local B32
Centro Comercial Costa Zenia
03189 Orihuela Costa
Alicante

La Fuente

Calle Ramón de Campoamor, 8, Local 9
Urb. Dehesa de Campoamor
03189 Orihuela Costa
Alicante

COSTA BLANCA SOUTH

Pilar de la Horadada

C/. Mayor, 118
03190 Pilar de la Horadada
Alicante



Contact us:

(+34) 965 321 193

(+34) 865 689 928

www.sun-lawyers.com

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