

Client Alert

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Real Estate Sales Agreements Can Now Be Concluded Before Notary Publics

On 28 June 2022, an amendment was made to Notary Law No. 1512. Amendment authorizes the notary publics to issue real estate sales agreements.

After the sales agreement's execution, parties do not need to take any further action before the land registry office. Notary public will carry out the registration with the land registry information system. Sale agreement and other documents will be physically archived at the notary publics. Notary publics are not allowed to conclude the sale if right-holder cannot be identified from the land registry records and other pertinent documents, or if there is a legal circumstance that prevents the sale.

Land registry fees (real estate transfer tax) will be calculated and collected by notary publics. Real estate sales agreements will be exempt from stamp tax and valuable paper tax. Notary fees relating to these agreements will range between TRY 500 and TRY 4,000, depending on the real estate's value. These amounts will be increased each year at the revaluation rates to be determined and announced, effective from the beginning of each calendar year. A revolving fund fee will also be charged for these real estate sales.

In addition, as per the recent amendment, notary publics can annotate "real estate promise to sell agreements" with the land registry through the land registry information system, upon the request of either party.

Upon the land registry information system's establishment, notary publics will have the foregoing authorities. System will be operational by 1 January 2023. However, the President may extend this period up to six months. Procedures and principles regarding the sales agreements to be concluded before notary publics will be regulated separately by a new regulation, which is expected to be issued in the near future.

Please contact us if you need further information on this matter.