

Tips for a First Time Buyer of Land in Kenya

Real estate investment is one of the most vibrant sectors of the Kenyan economy and is a popular venture. Land being a precious commodity, has attracted people with genuine dealings as well as some crooked elements out to con rookie land buyers of their hard earned cash. The following tips should be helpful to a first time land buyer in Kenya.

The first and most important thing that a prospective buyer needs to confirm is the existence of the land. This can be done by applying for an official search at the lands registry in addition to visiting the land. An unfortunate story is told of a Kenyan in the diaspora who sent a big chunk of his savings to his relatives to buy property on his behalf. His relatives approached a land dealer and a piece of land was identified. A sale agreement was hurriedly signed and the entire purchase price paid. Thereafter a title to the land was presented to the relatives. Later, the relatives came to find that the land was deep in the ocean and not a beach plot, as they had been promised. This sad predicament serves to highlight the importance of an independent search where dealing with land that is registered at a registry.

In addition to conducting a search at the lands registry it is also important to physically visit the property. For such visit to be useful it is prudent to obtain a map of the area on which the land is situated. Such a map can be purchased at the Lands registry at a nominal price. The map is helpful in establishing the borders of property that one is about to purchase. It also helps ascertain if there is encroachment affecting the property

and hence the possibility of disputes relating to borders. In certain instances, it is advisable to get a surveyor who will accurately point out the borders of the land.

It is advisable to use a lawyer and also for the buyer and the seller to use different lawyers so that they both stand on equal footing. The lawyers will be responsible for preparing a sale agreement containing the terms and conditions of the sale transaction. After signing the agreement the process of ownership changing from the seller to the buyer is done by way of transfer. The lawyers will also prepare the transfer documentation to be signed by both the Seller and the Purchaser. In this regard, it is worth noting that the sale agreement is not enough; you have to transfer property so that the new ownership particulars are reflected at the lands registry. Once the transfer process is finalized at the lands registry, it is advisable to do another search to confirm that indeed the ownership details in the lands registry have changed.

To summarise

- Do an independent search at the lands registry. Do not depend on the search provided by the seller.
- Have a lawyer scrutinise the agreement for sale before signing it.
- Visit the property and ascertain its borders.
- Follow the terms in the sale agreement to avoid forfeiture of deposit or adverse legal action.
- Conduct another independent search after the seller has transferred the property to you.

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