

How a lawyer can help you when buying or selling property

When looking for a lawyer to carry out property transactions the first step is to ensure that they are qualified. This can be done by doing a quick online search on the Law Society of Kenya advocates search engine. This is to avoid a scenario of having your documents wrongly drafted or in some instances having your transaction cancelled. Below, are ways a lawyer may assist you in a property transaction:

1. Explaining the process

Your lawyer may explain the process of the transaction to you, including the timelines and what you need to provide for the transaction. At this point, you may discuss on the legal fees for the transaction, which is usually guided by the Advocates Remuneration Order, although you may agree with your lawyer on the legal fees.

2. Performing due diligence

Your Lawyer will be responsible for ensuring that the records at the Lands registry on the property are correct. This mainly involves carrying out an official search on the property to ascertain ownership and sometimes checking the history of the property to see if there are any encumbrances registered against it.

3. Communication with the other party

Your lawyer will also be the one to liaise with the other party to ensure that have delivered the required documents to effect the registration. For Instance, if you are the buyer, your lawyer will ensure that the seller has delivered to you a consent to transfer, the original title and their identification documents.

4. Drawing up of the necessary documents

Your lawyer will be responsible for drafting and reviewing the sale agreement and the transfer documents and ensuring that the clauses are well drafted to protect your interests.

5. Ensuring completion

Your lawyer will also take the necessary steps in ensuring that the transaction is complete. He will be responsible for applying and obtaining the necessary consents and clearances to facilitate the transaction, submitting the documents at the registry and paying the requisite fees and Stamp Duty on your behalf. This may also include holding the funds in trust for both parties pending the transfer and effecting the payment once the property has been transferred.

6. Carrying out any post transaction activities

Your lawyer may also assist you in carrying out any post transaction activities. For instance, if you are the buyer your lawyer may assist in conducting a search on the property to ensure that it has been registered in your name. A lawyer may also advise you on what to do in case the other party does not adhere to the terms of the sale agreement.

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