



5 important aspects of due diligence to perform before buying land

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When undertaking any transaction for sale and/or purchase of land, it is always hoped that the property has clean title and that no issues will arise after the purchase. It is common knowledge that one ought to conduct an official search before purchasing a property. However, this may not be enough since it only shows the current legal owner of the property and may not bring out other pertinent information about the property. Below are other measures a buyer needs to take when doing their due diligence on a property.

1 Confirm whether the land is subject to ongoing succession

It is illegal to transact in the property of a deceased person before the confirmation of the grant. Such an illegal transaction is known as intermeddling and is an offence under the law. It is important for

a potential buyer to ascertain whether the property is subject to succession and whether the person selling it is an executor or administrator with a confirmed grant in relation to the property.

2 Check the status of pending litigation

Often, when property is subject to litigation, the court is likely to put interim measures in place to preserve the property pending the final determination of the suit. Buying property that is subject to litigation may present challenges in terms of delays in developing or occupying the property. Where it is determined that the buyer did not acquire proper title to the property, they could be stripped off the same. This could mean years of litigation in trying to recover the purchase price from the seller.



3 Check the possibility of it being public land

When performing due diligence, it is important to check into the history of the property to ensure that over time, the property has legally changed hands. This is particularly important for property that is next to public roads, forest reserves, water catchment areas and any other areas that may be designated for public use. Having a qualified surveyor ascertain the boundaries is essential in ensuring that you are not buying and encroaching on public land, which is likely to be reclaimed with no compensation.

4 Occupation of the property

When buying land, it is possible to overlook the current occupation of the property. The general assumption is that the property is vacant. It is

important to determine whether the property is occupied, since although legal title may belong with the seller, the property could be occupied by persons who have leased the property, trespassers, people who have right of easement or owners by adverse possession. This will ensure that once the transaction is complete, the buyer can enjoy peaceful occupation.

5 The identity of the seller

Often, sale and purchase of land is done through agents and brokers. Although this may save the buyer from the process of looking for a property on their own, it is advisable to confirm the identity of the actual buyer to minimize chances of fraud and impersonation.