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Previously Owned Property

Purchasing

When considering purchasing a used property, from the legal perspective it's imperative to check who has Title to the land. It is important to establish that the person purporting to sell the property is the owner, with rights registered in the Land Register (Tabu טאבו). A search of the Register will also show if there are outstanding mortgages or other encumbrances on the property. This might include a Notice of Imminent Sale (ha'arat azhara הערת אזהרה) - a sign your seller has undertaken to sell the property to someone else. He/she will not be able to sell the property to you until the notice is removed.

A proper Title search will include not just Tabu, but other agencies too. Your lawyer will know where to conduct appropriate searches.

Selling

Before you enter into an agreement to sell a property, you must check that it is properly registered in your name in the Land Register (Tabu טאבו) and that there are no outstanding problems that might prevent its transfer to the buyer. If the transaction is delayed because of a Title problem, you may find yourself penalised in terms of the sale contract. If you "almost" sold to another buyer and that person registered a Notice of Imminent Sale (ha'arat azhara הערת אזהרה), it will have to be removed before you can pass Title to the new buyer.

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