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Any questions? Legal

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Our notaire has sprung an unexpected bill on us...

Q When we signed the *compromis de vente* for our house in Normandy we asked the notaire to list all the costs we would have to pay connected to the purchase of the property. He told us that it would be a percentage of the agreed selling price (€156,000), and his clerk gave us an estimated figure.

However when we went back to the notaire's office for the final signing, he presented us with a bill for 50 per cent of the *géomètre's* charges (€350). We did not expect to be given this bill, as we did not agree to pay half the cost of the *géomètre's* bill in the *compromis de vente*. Is this normal? What should we do?

PETE HUMBERTS, BY E-MAIL

A The *géomètre* charges are usually the costs for the diagnostics (technical reports on the property) which are compulsory for the seller to provide prior to signing the *compromis de vente*.

The costs of those diagnostics are payable by the seller and should not be split with the buyer unless it has been agreed from the beginning and was part of the negotiation. In response to Pete Humbert's question, it is not normal to pay for the *géomètre* charges and you should refuse to pay the

costs. If you have already paid them, you should ask the notaire to provide you with a document where it is stipulated that the surveyor's costs should be split in two, and insist to be reimbursed.

When buying a property in France you should be aware of costs and duties on property transactions which are usually far higher than for similar transactions in England.

At the signing of the *compromis de vente*, you will be asked to pay a deposit which is usually 10 per cent of the purchase price (which can sometimes be negotiated and reduced to five per cent). This will be held by your notaire. It is important to note that it is very uncommon for deposits to be passed along a chain in France.

This sum is not interest-bearing and will remain on deposit until the completion of the sale when it will form part of the purchase price. You will only be entitled to recover this deposit if the suspensive conditions are not fulfilled.

If the sale proceeds, this sum will be applied as part of the price. If the sale does not proceed, the notaire who holds the deposit has 21 days to refund the deposit to you.

On completion, you will be asked to pay:

- the balance of the purchase price which is the

purchase price less the deposit paid at the signing of the *compromis de vente*.

- the notaire's fees, which for properties more than five years old are around seven per cent of the purchase price. The notaire's fees are fixed on a national scale dependent on the purchase price. This means that all notaires should apply the same fees. No negotiation is possible.
- The French equivalent of stamp duty is included within the notaire's fees. Les droits d'enregistrement is payable at a uniform rate of 5.09 per cent (it is not graduated as in the UK).
- the *Taxe Foncière* (property ownership tax): The *Taxe Foncière* will be apportioned between the buyer and the seller on completion. Therefore the *compromis de vente* should provide that the buyer agrees to reimburse the seller the appropriate proportion that may be due to him on receipt of the evidence of payment due.
- The estate agent's commission – if payable by the buyer, which is not always the case.
- The notaire's fees for the registration of the mortgage (if any) which are around one per cent of the amount of the mortgage.

Where are my French title deeds?

Q My husband and I bought our house in the Lot about six years ago but have never received the deeds from the notaire. Is this normal? And is it best to leave your deeds with the notaire where they will be stored safely?

SUE MILTON, WEST SUSSEX

A Yes and no! It is NOT normal as the notaire has two months to register your purchase with the local land registry. Depending which land registry it is (it takes much longer in big cities), the title deeds should be returned to the notaire within two or three months.

The notaire should then send you your title deeds with the balance of the notaire's fees paid. When you pay notaire's fees, the notaire tends to increase their fees to avoid negative client accounts, so once the stamp duties and his fees have been paid, he has a duty to send you your title deeds, with a breakdown of the different payments made, and the balance of the fees paid, if any.

Usually notaires and notary clerks are busy dealing with existing clients, so they will file the title deeds in your file and wait for a call from you requesting it.

It is always better to have a copy of your title deeds. If you were to lose it the notaire will always be able to provide you with a copy as they keep a copy of their deeds for 99 years. Please be aware that you will be charged for any copies.

