

Purchase Real Estate Lithuania

The Firm's lawyers in Vilnius are able to assist and provide legal advice and representation to Lithuanian and foreign developers, owners or prospective purchasers of Lithuanian land, apartments and buildings, owners and tenants of commercial and industrial properties, and owners or developers of shopping centers and condominiums.

The Firm's lawyers in Lithuania are able to advise clients with respect to development agreements, including land purchase and assembly, property appraisals and evaluations, zoning matters, joint ventures, ground leases, construction contracts and property management. The Law Firm in Vilnius and its English speaking attorney can also carry out legal due diligence for prospective purchasers of both commercial, residential and agricultural land.

The Law Firm in Vilnius is also able to assist its clients with real estate joint venture agreements, register limited liability companies and partnerships for real estate transactions, real estate tax matters, sale-leasebacks, zoning and land use issues, easements, with the purchase and sale of Lithuanian residential apartments and homes, and with respect to Lithuanian real estate privatization matters.

Purchase of real estate.

The process of purchase of a real estate begins from obtaining of a Certificate for execution of real estate transaction. Such Certificate is obtained from State Enterprise Center of Registers prior notarizing of an Agreement on seals purchase of a property. In case if the property is registered in a separate register then two Certificates are to be requested.

In order to purchase a property it would also be advisable to conduct a research concerning the property itself whether the purchased property is free from any obligations.

It is obligatory to notarize any sale purchase transactions with respect to a real estate in Lithuania.

Transfer of a Title of the Property.

Lithuanian law stipulates the following: the ownership right to the property shall be considered as transferred to the possession of the buyer if the sales purchase agreement states such fact. The seller and the buyer must sign an act on transfer-acceptance of the transaction. Such document shall be considered as part of the sales purchase agreement. The property shall be transferred and the ownership rights to it shall be deemed passed to the buyer as of the day of signing and notarization of the agreement.

In case if the buyer or a seller of a real estate is a legal entity registered then the authorized representative of such legal entity shall submit the following documents in order to purchase or sale a property::

Registration Certificate of the Company;

Minutes of the Meeting of the General Meeting of the Shareholders of the Company confirming the name of the authorized representative;

Statutes of the Company;

Minutes of the Meeting of the Board of Directors of the Company concerning the approval of the sale/purchase of real estate that have books value more than 5% of the seller's authorized capital;

Minutes of the Meeting and a Resolution of the General Meeting of the Shareholders of the seller confirming the sale of the property that have books value more than 5% of the seller's capital, unless otherwise stipulated by the Company's Statutes;

Minutes of the Meeting of the Board of Directors of the Company concerning the approval of the sale/purchase of real estate that have books value more than 5% of the buyer's authorized capital;

Minutes of the Meeting and a Resolution of the General Meeting of the Shareholders of the buyer confirming the sale of the property that have books value more than 5% of the buyer's capital, unless otherwise stipulated by the Company's Statutes;

Power of Attorney if the Buyer or the Seller authorizes to conduct a transaction to a third person;

The Certificate of the property from the State Enterprise Center of Registers;

Detailed plan of purchased property issued by the State Land Planning Agency;

The Seller shall present a document confirming the previous receipt of the property in to its ownership (sale purchase agreement, a permit to build and an act of acceptance of construction etc;

The final step for the sale purchase of a property in Lithuania is a Register of the transfer of the Title with the State Real Estate Register of Property. After the sale purchase agreement is signed and a notary sealed the agreement, the information on the transfer of the property shall be filed with the State Register of Immovable Property. The State Authorities after receipt of the information and appropriate insertion in its data shall issue a Certification of the Ownership in the name of a new owner of such property.

Notarized

The following documents shall be filed with the State Authorities:

An application;

The sale purchase agreement;

ID of the buyer;

A document confirming the rights of the authorized representative of the buyer to act on behalf of the buyer;

Buyer's company Certificate of Registration;

Statutes of the Company;

Confirmation on the payment of the State fees;

Detailed plan of the property;

Act on the transfer and acceptance of the property.

All documents filed with the State Real Estate Register shall be notarize and in two copies. One set of notarized documents will be returned to the owner of the property together with the Certificate of the ownership.

