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## THINK YOU OWN PROPERTY IN GREECE?

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Many individuals of Greek decent have inherited property in Greece from their parents or relatives. Under Greek Law a series of procedural steps must also be taken by an heir to establish ownership and clear title to inherited land and buildings.

To protect your property assets in Greece it is in your best interest to find a competent and trustworthy attorney to help guide you through the necessary procedural steps. In addition, you should be actively involved in protecting your property either through a representing attorney or by you own physical periodic presence in Greece. Following through on these issues will provide benefits to you and your family for future generations.

#### The Land Registry

In Greece there is no central computerized system researching land titles. Every local area has its own Land Registry where all transactions regarding real estate are filed. These files can only be accessed and researched by attorneys.

From the Land Registry files your lawyer can determine the status of your title. The attorney can determine if there are any burdens or liens against the estate and then advise you as to what steps to take to clear your title.

#### Accepting Your Inheritance

Ownership of land in Greece requires an individual, who has received property through inheritance, to follow a formal legal process of accepting their inheritance. Along with the proof of inheritance, the process of accepting ones inheritance includes: 1) submitting an Acceptance/Tax Declaration to the Greek Authorities; 2) signing a Deed of Acceptance with the Greek Notarial Authorities and; 3) filing the Notarized Deed with the Greek Land Registry.

If your property is taxable, the Greek Tax Authorities will notify the heirs about the pending taxes and the options to pay them (one option is by installments). The tax notification, and any amounts due, occurs after filing the documents listed above.

After accepting the inheritance and gaining clear title, the owner then has the choice of what to do with their property. To use the property, sell the property or keep it as an investment. If renting the property is an option an attorney can act as your administrator to collect the rents for you.

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#### Property values – Appraising your property

In Greece, every property is determined by two values:

- 1) The objective value (this is the value determined by the Tax Office and it is usually smaller then the market value). Any taxes due will be calculated by the Tax Office based on this value, and;
- 2) The market value or actual value (what the land is actually worth in the market)

An attorney can view your land and determine its condition, if it needs maintenance, cleaning etc. He/she can also appraise its market value by talking to local realtors and evaluating similar properties that have sold in the area, as well as, talking with potential buyers to provide you with alternatives at this junction.

#### Problems emanating from owners absence

Landowners who live abroad can face a variety of problems particularly if they are absent for long periods of time. The most common problem for absentee landowners is



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trespassers. Under Greek Law, if someone enters your property, and cares for it continuously for a period of twenty years, this trespasser can then claim the land as their own. This is a common danger for absentee landowners residing outside of Greece who are unable to care for and oversee their property. Surprisingly, in most cases the trespasser is a relative living in Greece or a neighbor who eventually claims the land as his own.

These laws are not unique to Greece; The United States also has similar laws whereby land can be taken if it is openly occupied by a trespasser for a continuous period of time. Each State varies as to the period of time and the criteria needed to claim land under "Adverse Possession."

The purpose of these laws is to discourage owners from allowing land to lie fallow. An owner has the responsibility to care for their land, to not allow it to accumulate garbage, or to become a health risk. In addition, landowners are required to pay the taxes and fees to the Country in which the land is located for upkeep of the local municipality. Therefore, if an individual takes care of a parcel of land continuously for twenty years, fences the property, cuts the grass, cultivates the orchards, or builds on the land, without any involvement over that time from the original owner, they can become the legal owners and titleholders of the land.

#### Protect your Property

If you have clear title to a parcel of land in Greece you must make the effort to protect your property if you are living abroad. You must periodically visit your land, fence it if possible, cultivate it, take pictures of it and keep it litter free. These actions show to others your involvement with your property so that a trespasser can not claim an uninterrupted, continuous presence on the land. Another option is to rent the property, even for a minimal amount (rather than leaving it unoccupied), so that a lease exists. The written documentation of a lease shows that you are actively involved in your property. An attorney can help you with any or all of the above steps to protect against trespass.

#### If you think you own Property in Greece

The purpose of this article is to give you the information to act now to protect your property, The Laws in Greece, particularly if a land issue must resort to the local courts, can tie up a parcel of land for years at great cost to the owners.

In addition, through gifting, you can minimize the risk of passing land to your future heirs with tax burdens or with so many procedural difficulties that the value of the property becomes negligible. If you do not put your estate in order, to the benefit of future heirs, you may leave them with more of a burden than a gift. By acting now to take the necessary steps to assure the lands clear title, you will retain its value, both monetary and emotional, for future generations to enjoy.

#### Getting an Attorney

Especially for people living abroad, establishing a trustworthy relationship with a Greek attorney is essential. Keep in mind that if English is your strongest language you will want an attorney that can communicate with you and understand your expectations. Also it is in your best interest to understand that there are cultural differences between Greek attorneys and American attorneys both in perceptions of time to complete projects and for Greek Administrative Agencies to process documents. You may also want to consider that an older family lawyer, based outside of a major city may also have a different concept of time altogether.

When you find your attorney, he/she can act as your legal representative in all legal issues pertaining to your land, even if you have clear title. Your attorney can travel to the necessary Land Registry to determine the status of your property, and if there are multiple party claims to the property, the attorney can determine which steps the parties need to take so that all parties can obtain clear title.

In addition, your attorney can evict trespassers and/or collect back rents. By giving an attorney a "limited" Power of Attorney, he/she can act on your behalf in all of the Greek Agencies, banks, bills, filings etc, which can save you the time and trouble of traveling to Greece.

Taking care of your property issues benefits you, your future heirs and the Greek community. So if you think you own property in Greece, take the necessary steps to protect your ownership rights.

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