



From Will to Deed: the Road to Property Ownership in Greece

By Anna Haughton, J.D., Member of
Massachusetts Bar, Evridiki Lerou,
Member of Athens Bar, and Gianna
Zafeiropoulou, Member of Athens Bar

So you were left some property in Greece. Perhaps Papou or Yaiya, or your parents or even Uncle George left you land in their Will. Now what?

Converting what has been written and published in a Will, into a Deed in your name, can be a very involved process in Greece. Many factors come into play. How was the Will written? Is the property clearly identified?

Many old Greek Wills are vague in their bequests, for example: "I bequeath all my property to my siblings." When some others do not clearly describe the property: "I bequeath my son the land between Yannis' farm and Demetra's rock wall." Where is the property located, its square meters or standing boundaries?

To legally accept property (transfer the Deed into your name), or even filing a declaratory tax form (E9/E1), you must have a clear description of the land you are attempting to claim, even if it is only the square meters within a given area. Of course not all Wills are ambiguous. Many clearly describe the land, any structures on the land and state who is to inherit.

Regardless, if a Will is clear or vague, the single most important first step is to research the chain of title. Competent research is the cornerstone of tracking land in Greece. If the research is not done correctly problems may surface later when developing or selling the land.

The Framework

In Greece there is no centralized/computerized National Land Registry system. While in some areas Land Registries have been created, they are few and far between. In most areas only Mortgage Offices exist. As attorneys we often refer to the Land Registry for clarity, but in fact we are talking about the Mortgage Offices here, because in other countries the meaning of the Office is different. The primary difference is that the Mortgage Office records titles by name and the Land Registry uses many more parameters.

Only Lawyers are qualified and permitted to research in the Land Registries and Mortgage Offices in Greece. In any land transaction the title to the land must be researched. Sometimes this involves more than one Mortgage Office. For example, in Athens, there used to be only one Mortgage Office. Over the years more than 30 new Mortgage Offices have been created. These Offices cover different time periods as well as areas; therefore, the researcher may have to search in several Offices to track down a property. In some island locations there is no Mortgage Office at all and the Office covering that island's land may be located on a larger neighboring island.

In almost every case a lawyer must travel to the Mortgage Office or Land Registry if one exists, which covers the area where the land is located. If the land has recently been sold or accepted (covered below), the documentation may be clear enough for some other transactions. However, if the documentation is an old Will, or an even older acceptance deed, then it is imperative that the research is current to protect your interests. Changes may have occurred to the land or ownership rights over time. For example town boundaries may have changed which effects zoning or parts of the supposed inheritance may have been sold off without the claimants' knowledge.

So what needs to be done?

1. The present owners (claimants) have to be identified by your attorney after studying:
 - a) Any existing Wills (inheritance occurs either through a Will or intestate (w/out a Will));
 - b) A detailed family tree in order to determine who can claim a share in light of Greece's inheritance laws and identifying individual deaths which may impact the claims, and;
 - c) In cases of intestate succession the heirs' nationality will impact their share.
2. The properties must be identified by your lawyer. This can sometimes be the harder of the two endeavors depending on the documents provided, the information logged at the Mortgage Office, and if there are individuals locally who can actually identify the property.

For example, when trying to identify property, if there is no Will describing the property or if the existing Will is unclear and no documentation exists at any of the Mortgage Offices or Land Registries then you may have a serious problem. If there are no living relatives/friends residing near the property, to help with identification of the land, then there are limited ways to identify the land. In some cases, property has been trespassed on and if there is no written proof at the Land Registry, i.e. an adverse possession lawsuit, the only way to determine if trespass has occurred is by actually visiting the property.

Another way of looking at these steps required under Greek Civil Law, both the necessary documentation and the legal steps to clear title to your land, is that the Greek Government is trying to protect your property claims and those of your children. If anyone could walk into a Mortgage Office or Land Registry and claim a parcel of land, your ancestor's land probably would have disappeared long ago. The reason to only allow licensed Attorneys to research at these offices is to create another level of protection for these irreplaceable documents.

There are real dangers to letting land "sit" without claiming it through these legal steps. It is your responsibility to establish clear title or you can leave the door open for trespassers. (see Hellenic News of America, "Think you own Property in Greece"). In addition, with the Greek Government's attempts to reorganize the Countries Land Registries into a truly functioning property database, failure to assure current and clear title could mean the loss of your land. If you value your land in Greece, it is imperative that you act to protect your interests.

The Documentation

In order to avoid further delays and also help your attorneys better understand your case, you should provide them with the following:

1. Copies of any and all documentation describing the land (bills of sale, acceptance of inheritance documentation, acceptance of gifting, Wills) you have on hand and;
2. Draft out the family tree listing full names of family members including maiden and married names, if possible two generations before the grantor (drafter of the Will) down to you and your siblings. The attorney should search back through these family names to make sure you are aware of all your property claims, as well as, the share of the property you may claim.

The reason to have so many generations, apart from following the property in cases where there are no recent titles is that the Mortgage Offices record titles by name only. In some villages all the male children may carry the same name. The researcher must be able to differentiate which familial line is the correct one back through several generations.

Send your attorney copies of the above documentation and the family tree and they will be able to determine the next steps to take. Almost always the first step is Research.

The Research

If an old Will is the primary documentation it may take your attorney a while to sort out the wishes of the grantor and who the takers are, particularly if there are multiple marriages and numerous offspring involved. It needs to be determined if previous generations have accepted their inheritance so that the current generation may accept their inheritance. It is a layered process so that the chain of title remains intact.

Of course, problems can arise even with a recent Will. If, for example, the grantor (testator) leaves all of his property and assets in a Trust of some kind, the situation in Greece needs delicate handling. Trusts are not recognized and do not exist in Greece and they create enormous problems. It is wiser for individuals owning property in Greece to leave their Greek holdings outside of a Trust.

Keep in mind that the research at the Mortgage Office/Land Registry is the most important step in legally clearing property. The attorney should also research under all family names (i.e. grandmother's maiden name), siblings, aunts and uncles. Most of the Mortgage Offices have numerous handwritten volumes which need to be cross referenced and then re cross referenced within their own organizational system. If other family members have accepted their inheritance these documents should be on file and will help in the research particularly if the property is jointly owned. The research should include verifying that there are no liens or burdens against the land, that the land has not been sold or gifted, and that there are no pending claims of ownership through trespass.

As stated earlier, in some cases, depending on how old the Will is, and depending on where the property is located, the Mortgage Office may have little information. For many years land was passed orally and written documentation did not exist. If there is no paperwork and no one locally can identify the land and the local Mortgage Office does not have any documentation it can be very difficult to trace property.

Of equal importance is verification that the properties actually exist. We prefer a visual identification to ascertain that no one has trespassed on the land. However, if the property is inaccessible (no roads) or there is no one locally to point out the property, this visual identification may be impossible.

The Acceptance

In Greece, one must accept their inheritance or gift of property. It is a formal, legal process involving a number of steps.

Your lawyer's list of things to do when Accepting your inheritance:

1. Research property, verify shares of takers, verify property parameters (see above)
2. If and when property is identified your attorney may recommend hiring a local surveyor to map out property that has a high value.
3. Calculate the property's value (in some cases it has an objective value which is set by the Tax Office, in other cases the value is set by the Tax Office + additional data and is an estimated value). It is on this value that the inheritance taxes, Notarial fees and the Land Registry fees will be based.
4. Draft Power of Attorney (P.O.A.) giving the attorney power to act on behalf of the client for all the next steps.
5. After receiving the original P.O.A. fully notarized and sealed from the client, (and a copy of the clients' passport or driver's license) a Greek Tax Id needs to be issued for the clients (these are requirements of the Tax Office).
6. Gather necessary certificates (such as certificates verifying existing Wills, death certificates, filing of foreign Wills, if they have not been filed in Greece etc.)

7. Complete Inheritance Tax Declaration and filing it at the competent Tax Office on behalf of the client. In some cases there are no property taxes. This can happen if the Tax Office has given the land a small value (agricultural), or because of a death occurring before a certain date. If there is an inheritance tax it can be paid in installments. The inheritance tax declaration must be filed within a year of the death of the grantor. If this deadline passes, a small penalty may be set by the Tax Office.

8. Draft the Inheritance Deed

9. Submit all certificates and Tax Declarations to the Symvolografos or Notary (not the same as U.S. Notary) and sign the Inheritance Deed in their presence.

10. filing official copy of Notarial Deed with the Land Registry.

11. Some areas of Greece require additional steps.

After this last step, the property is finally transferred in your name.

All of the above legal processes, while not cost prohibitive, are not inexpensive. Calculate by your own country's standards, what it would run to send a lawyer to a remote location, island or mountainous village, where they may get stranded due to inclement weather or perhaps hours away by car to conduct research in less than desirable conditions. Depending on the location it may involve an overnight trip to access all the offices that in Greece only have morning hours. Researching through old books, perhaps fire singed or volumes miscataloged, not to mention the time to research within these documents and filing the necessary paperwork. This involves an outlay of legal working hours alone not to mention travel expenses. Depending on your case you may need to add in inheritance taxes and maybe Court costs if there is a challenge to the land. Many of the above costs are set by the Greek Government, certainly taxes and Land Registry Fees. By sending your attorney paperwork up front in most cases they can estimate the initial step to research your property.

Land is an investment. If generations before you did not take the time or make the investment to clarify their title it is now in your hands. You must decide if it is worth the investment to you and your family, remember you cannot sell or develop property without taking these steps in Greece. The next generation, with the reorganization of the Land Registries may not get this choice.

Anna Haughton, J.D.--Member of the Massachusetts Bar, ABA
Evrudiki Lerou--Member of the Athens Bar
Gianna Zafeiropoulou--Member of the Athens Bar

For more information, contact attorneys Haughton, Lerou, and Zafeiropoulou directly: Boukouvala 8, 114 71 Athens, Greece. Additionally, HCS has posted other articles about Greek laws and procedures written by Attorney Haughton; see the section of our extensive archives titled [Greek Laws and Procedures](#).

HCS encourages readers to view other articles and releases in our permanent, extensive archives at the URL <http://www.helleniccomserve.com/contents.html>.
