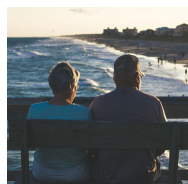


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WHEN A RETIREMENT DREAM HOME BECOMES A LEGAL NIGHTMARE

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As a follow up to my previous article, where I signed off with "There are simple investments, like an investment property near to where you live " ([click here to read...](#)), I now advise a cautionary tale re how the cosy realtor/lawyer relationship can result in a legal nightmare for an expat retiring to the Algarve and a dream home.

Expat Person X was introduced through various webinars to a real estate company, specialising in buying/selling homes for non-Portuguese moving to the Algarve. X viewed a number of country estates, before choosing a lovely villa and estate with some cultivation amidst local farming. The privacy and land area were the desired factors for X, and after viewing and a bid being accepted, the realtor introduced him to a local real estate lawyer.

So far so good - the realtor went to the Town Hall, sourced various property documents and sent them to the lawyer and to X, confirming the description of the property and the land boundaries. All proceeded without hitch, the lawyers re-confirmed the land boundaries to X before and after the promissory contract was signed, and in due course the property was purchased.

Alfarroba season, and suddenly 2 labourers turned up on X's land, to harvest carob. X confronted them and explained they were trespassing on his land. They left, and returned the next day with the previous owner who had sold his land and house to the vendors who had sold to X. The topographical surveys indeed confirmed that a large part of X's land was not his at all, and that the plot of the land boundaries supplied by the realtor, confirmed by the lawyer, were totally incorrect. The previous owner's land almost touches X's house, and a simple re-location of the previous owner's pig farm would result in a living hell for X.

The boundary markings or stones are of course missing (a criminal act in Portugal). The realtor blames the lawyer, the lawyer blames the realtor acting for the vendor. X now learns that the vendors had no lawyer representation, as known to the realtor (and lawyer), yet neither conducted proper due diligence re. the land documentation they glibly circulated.

Despite the blame game between realtor and lawyer, X is left to sort out his own problems.

No remorse, simple washing of hands by the "real estate professionals"!

X has therefore filed complaints with the Portuguese Bar Association, IMPIC which licences real estate brokers in Portugal, as well as heading to the Centre for Arbitration in Faro for a financial damages claim.

No doubt the realtor and lawyer combination have already moved on to the next expat home purchase.

