

DOMAIN

EDITOR MIRANDA TAY

DEPUTY EDITOR MARY O'BRIEN

WRITER DENISE GADD

DESIGNER SUSAN CHARALAMBIDIS

PRODUCTION PETER WEEKES

STYLIST MICHELLE CAMMIADÉ

EDITORIAL ASSISTANT HOLLY EVANS

READER SERVICES 9604 1136 FAX 9601 3137

E-MAIL domain@theage.fairfax.com.au

ADVERTISING ANTHONY SCHULTZ 9601 3256

NANCY VOLTA-HOPKINS 9601 2210

REAL ESTATE SUBMISSIONS 9601 2576

Hot spot

MICHAEL BULA of MBS, International Lawyers (www.mbsols.com.au), French law and property specialists

Q What do Australians need to consider if buying property in France?

A While very little water separates the United Kingdom and France in the English Channel, there is a vast ocean in the body of law that separates common law countries such as Australia with those of the civil law like France.

Both caution and romance are needed when buying a property in France, where the system



is deeds-based, somewhat like our general law one, and decentralised (based on land titles offices in its departments and regions).

The essential considerations include the compulsory use of a notary – the notaire (specialist lawyer) – in France who charges legal costs as a percentage of the sale value. The fee scale varies with the type of property from off-the-plan to rural (no conveyancing kits there!).

Potential buyers will need to take into

account the different types of conveyancing documents used in France – including a variety of contracts and the sale deed, differences between the Australian and French taxation systems and government registration duties (in France, stamp duty scales vary not only according to the amount but the type of property), as well as potential conflicts between the two countries' laws surrounding such issues as wills and probate. Powers-of-attorney in French may be required if a person is not present.

Other aspects include how you will handle pre-contract issues such as zoning and post-settlement matters such as handling mortgages, leases and bank accounts.