

## The Law Allowing Real Estate Sales Contract to be Concluded Before Notary Public is Published

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Law numbered 7413 on the Amendments to the Law on Judges and Public Prosecutors and Certain Laws ("**Amendment Law**") was published in Official Gazette dated 28 June 2022 and numbered 31880.

Herewith, substantial amendments allowing real estate sales agreements to be executed before notary publics have been introduced to Notary Public Law numbered 1512 ("**Law**").

Remarkable amendments in the Amendment Law are summarized below:

- Pursuant to changes on the Article 60/1-3 of the Law, execution of real estate sales agreements has been added to the duties of the notary publics, in addition to the execution of preliminary agreements for the sale of real estates. In this context, the real estate sales agreements can be executed before the notary publics as well as the land registry offices.
- Pursuant to Article 61/A added to the Law, the general procedures and principles to be applied by the notary publics for the real estate sales contracts are regulated as follows:
  - Upon the application regarding the sale of the real estate, the notary public will issue an application document. The land registry sample and other relevant documents will be shared with the notaries via electronic means by the General Directorate of Land Registry and Cadaster.
  - The notary will examine whether the submitted documents are complete, who is the right holder, whether there is any restriction on the real estate and whether there is a legal situation preventing the sale within the scope of restrictions in the legislation. If it is understood from the land registry and other documents that there is a situation preventing the sale, the sale will not be carried out by the notary. If the notary determines no problems, then the real estate sales contract will be made.
  - Following the conclusion of the sales contract by the parties, the notary will submit the contract and related documents under the land registry information system and will archive them physically. After the contract is recorded under the land registry information system, it will be registered to the land registry of the real estate by the directorate of land registry.
- In accordance with the amendment made to Article 162 of the Law, notary publics are also held responsible for the damages arising from the conclusion of the real estate sales contract.
- Only the title deed fee will be charged from real estate sales contracts to be made by notaries, and also these contracts will be exempted from stamp duty and valuable paper fee. The notary fee will be between 500 to 4,000 Turkish Liras according to the value of the real estate. These amounts will be increased at the revaluation rate each calendar year.

Details on the practice will be regulated by a communique to be issued by the Ministry of Justice. The amendments will come into effect as of 1 January 2023.

Please find the full text of the Amendment Law [here](#) (only available in Turkish)

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### Related Attorneys

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