

## The Regulation on the Procedures and Principles Applicable to Real Estate Sales Agreements Issued by Public Notaries (“Regulation”) has been published in the Official Gazette.

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The Regulation on the Procedures and Principles Applicable to Real Estate Sales Agreements Issued by Notaries ("**Regulation**") was published in the Official Gazette dated 11 January 2023 and numbered 32070. The provisions of the regulation will enter into force on January 11, 2023, when it was published. However, the Regulation will start to be implemented as of the announcement on the official website of the Ministry of Justice that the establishment of the information system stipulated in the Notary Law numbered 1512 and dated 18/1/1972.

With the Regulation, the notary publics are obliged to examine the issues that prevent the transfer of the real estate in the agreements and transactions to be made, similar to the land registry officers.

For the application for issuance of an agreement, the real estate to be sold through the e-Devlet portal and the notary public whose agreement is requested are selected from the "e-appointment/application" application of the "Turkish Public Notaries Association" ("**Association**").

Identity, address and contact information of the parties and their representatives, if any, information on legal or contractual representation, the real estate tax value of the immovable, the sales price determined between the parties, in case the buyer party is a foreign natural person, the supporting documents of the Turkish Lira amount recorded in the foreign currency purchase document Turkey Notaries It will be uploaded to the Turkish Public Notaries Association Information System ("**TPNAIS**"). The originals of these documents will be submitted to the notary public at the date and time of the appointment.

The public notary issues the application document over TPNAIS. In case the application document cannot be prepared for any legal or factual reason, the notary public rejects the application and the parties are informed via text message to their phone numbers that they can update their notary public information via TPNAIS.

While issuing an agreement, the notary public will take as an example the sample prepared by the Association and recorded in TPNAIS, taking into account the form and content of the Land Registry and Cadastre Information System ("**LRCIS**") agreement. The notary public sends the application document to the General Directorate of Land Registry and Cadastre via the Land Registry and Cadastre Sharing System ("**LRCSS**"), and inquires about the real estate to be sold through this system. If the records and documents related to the immovable are complete, the real right owner is determined as a result of the examination and it is determined whether there is a legal situation preventing the sale of the immovable.

The notary public prepares the agreement in accordance with the procedures and principles in the legislation; however, no terms or conditions that invalidate the registration can be written in the agreement.

The notary public notifies the parties with a text message of the e-collection serial number and payment method, as well as the date and time of the appointment for signing the agreement. If the parties are not present at the notary public's office on the date and time of the appointment, they are informed that the application will be cancelled if they

do not apply to the notary public within ten days via a text message to be sent to them on the same day.

The notary public performs the procedures during the conclusion of the agreement and determines whether there are rights and obligations on the immovable, informs the parties, if any, and if the parties demand to accept this situation and finalize the transaction, the rights and obligations on the immovable are written accurately and completely in the agreement, and a declaration of acceptance of the parties is received.

No deletion, residue or protrusion can be made in the agreement. If the right holder cannot be determined from the title deed registration sample and other documents, and a legal situation preventing the sale is determined, the sale cannot be rendered.

If there is no legal situation that restricts or prevents the sale of the immovable, the notary public has the parties sign the agreement and, after obtaining the journal number from TAKBİS, records the agreement and other documents in LRCIS and TPNAIS for indefinite storage, and also archives it physically. The title deed is issued by the notary public after the land registry directorate ensures that the immovable is registered in the land registry with this record.

Please see this [link](#) for the full text of the Regulation (only available in Turkish).

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