

## If I have a notary, why do I also need a lawyer?

The notary performs a different role from the lawyer. The notary performs a public office and is responsible for checking the identity of the seller and the purchaser, obtaining the excerpt from the Land Registry, checking the legality of the agreement and collecting the state taxes on the transaction. Some sellers and purchasers do however conduct real estate transactions without lawyers and rely on the notary alone to deal with the transaction, including drafting the documents. Our view is that a prudent purchaser will use a lawyer, who will liaise closely with the notary on the verification of the title, obtaining the Land Registry excerpt and the drafting of the agreement for the transfer of ownership of the real estate. This is because the lawyer will be solely acting for and is responsible to his or her client, whereas the notary will not have the same degree of responsibility to the purchaser. Notarial fees are calculated on the basis of the value of the transaction, which may also have some degree of influence on the diligence of the enquiries made into the title. Notaries will however give discounts on their fees where the contractual documentation has been prepared by lawyers.