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Procedures on the Execution of Real Estate Sales Transactions by Public Notaries: New Regulation

On June 28, 2022, significant amendments were enacted to the Notary Law (Law No. 1512). Accordingly, notaries were given the authorization to execute real estate sales contracts. While this regulation was expected to enter into force on January 1, 2023, the expected date for the completion of the installation of the required system was postponed to July 1, 2023, by the Presidential Decree.

In this context, the Regulation on the Procedures and Principles Applicable to Real Estate Sales Contracts Issued by Notaries ("Regulation", Official Gazette No. 32070) was published on January 11, 2023, and entered into force on the same date.

Pursuant to the new Regulation, applications for the issuance of a real estate sales contract by notary publics will only be made through the online platform of the Notaries Union of Turkey ("Union").

While drafting the contract, the notary public uses the template prepared by the Union and uploaded to Information System of the Union ("TNBBS").

The notary public submits the application document to the General Directorate of Land Registry and Cadastre ("TKGM") via Land Registry and Cadastre Sharing System ("TAKPAS"). Thereafter, detailed land registry information and documents of the real estate to be sold is queried from TAKPAS.

Missing documents or information, if any, shall be requested from the relevant land registry office through TAKPAS. The requested documents and information shall be uploaded by the land registry office within three business days at the latest.

The title transfer fee calculated by the notary public is notified to the General Directorate via TAKPAS. The General Directorate generates an e-collection serial number and sends it to the notary public. The notary public notifies the parties via text message of the e-collection serial number and payment method, as well as the date and time of the appointment for signing the contract.

After the contract is signed by the parties, notary public submits the contract and other documents in Turkish Land Registry and Cadastre Information System ("TAKBIS") for registration of the real estate in the land register. Once the registration is completed, the title deed is drawn up in the name of the new owner. The contract and other documents are recorded in TNBBS by the notary public and physically archived.

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