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DOCUMENTS REQUIRED FOR A SALE WITHIN A CO-OWNED BUILDING

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Documents to be collated for the sale of a copropriété lot (Loi Alur)

The *Alur* law requires the seller of an apartment located in a shared co-ownership building, known in French as a *copropriété*, to collate and provide a set of documents to inform a buyer about the organisation and financial situation of the co-owned building or property.

This data must be provided to a potential buyer, and notary, ahead of the preliminary sales contract.

This set of documents can be requested by the seller from the management company (*Syndic*)

Documents relating to the organisation of the building

The condominium regulations and the description of the division. These are the documents that list all the lots of a building, indicate the distribution of charges and provide the rules that organise life within the building. In the event that these documents have been amended by acts that have been published, the acts must also be attached to the file.

- The minutes of the general meetings of the last three years, unless the seller does not have them and the *Syndic* is unable to provide them.
- The summary sheet of the *copropriété* prepared by the management company which includes the financial and technical data of the building.

Documents relating to the condition of the building

It is also essential to attach to the file the **building maintenance booklet** drawn up by the *Syndic*. It is a 'health booklet' of the building which informs the buyer, the dates on which the major works on the building took place as well as the identity of the receiver in office.

Documents relating to the financial situation of the co-ownership and the lot sold

These documents are as follows:

- The amount of the current expenses of the provisional budget and the expenses outside the provisional budget paid by the seller during the two accounting years preceding the sale.
- Where the syndicate of co-owners has a work fund, the share of the work fund attached to the lot sold and the amount of the last contribution to the fund paid by the co-owner.
- All amounts likely to be due to be paid by the purchaser in relation to the co-ownership.
- The overall status of unpaid expenses within the *copropriété* and any debt to suppliers.

These last two documents are not to be provided in the case where the property is located in a small co-ownership of less than 10 lots (housing, offices or shops), and whose average budget for the last three financial years is less than €15,000.

All financial information must be up to date and correlate with data supplied to the annual general meeting and be approved by the agent holding financial responsibility ahead of signature of the *promesse de vente*.

Additional documents

Additional documents that may be requested but are not limited to, include:

- An information notice relating to the rights and obligations of co-owners and the functioning of the co-ownership.
- Where applicable, the conclusions of the overall technical diagnosis.

All documents relating to the lot sold must be provided to the buyer prior to the notarial or private sale agreement:

- By attaching them to the sales agreement at the time it is signed at the notary's office.
- By provided them to the buyer by registered post or electronic mail, the latter being at the formal and confirmed request of the buyer.

The buyer certifies at the time of signing the sales agreement that the required documents have been delivered to him.

However, if all the documents relating to the organisation and financial state of the property have not been provided to the buyer by the date of signature of the sales agreement at the latest, the start of the withdrawal period shall be postponed: it shall only start to run from the day after the missing information is communicated.

Sellers exempt from the delivery of certain documents

Some sellers do not have to provide all of these documents even though it is a sale within a *copropriété*. Indeed, the volume of information to be given to the buyer is reduced in two cases:

- When the buyer is already co-owner of at least one lot in the *copropriété*.
- When the buyer purchases an annexed lot.

Cases where the buyer is already co-owner of at least one lot in the *copropriété*

In this case, the seller is not obliged to provide the buyer with the documents he already possesses, in principle, i. e:

- The residence's regulations.
- The descriptive state of division.
- The minutes of general meetings.
- The building's maintenance logbook (or, where applicable, the conclusions of the overall technical diagnosis).

However, the seller must still provide the financial information.

When the buyer buys a lot annexed to the building

The volume of information provided by the seller is also reduced when the sale is for a side lot.

This annexe can be a parking lot, a cellar, an attic, a storage room, a cupboard, a shed or a garage.

In this case, the seller is only required to provide the buyer with the financial information of the co-ownership as well as the *copropriété* regulations and the description of the division.

Dependent on the age and size of the building, the seller may also be required to provide the co-ownership summary sheet.

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