

PROPERTY PURCHASE : CHECK THESE SIMPLE FACTS!

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While we must mind the implementation of land reforms long term, there is need to occasionally highlight some of the “potholes” those who routinely walk our property terrain must mind too. We all attach high premium to properties we set to buy or develop. No one therefore wishes to find themselves soaked with avoidable costs or losses. Some of the pertinent challenges relating to purchase and development of property in our country today are humbling. But we should navigate around them.

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Watching over vacant land

Let’s start with my friends’ joke about Kenya. While discussing the challenges associated with property development, he asserted, “But Mwathane you know it’s only in Kenya that people have to spend money guarding undeveloped land. Like it’s a cow or a house”. Think this a joke?

Have you seen the now popular sign boards standing on vacant properties announcing “THIS PLOT IS NOT ON SALE”? Even this isn’t foolproof. Shrewd fraudsters only need to ensure that the owner is away then walk you into the plot and show you around. While doing so, they will tell you how bad people have become nowadays to justify why “they” had to erect the sign you see so that “their” property is never sold in “their” absence.

Kenyans beware; vacant properties have fallen foul of cartels out scouting for vacant land. They will buy relevant survey maps then identify the reference number to the property targeted and proceed to conduct a search in the relevant Lands office. Armed with the relevant ownership details, they commission forgery bureaus to prepare a title or lease document to match. You will be surprised how perfect the artwork. One can never tell the difference between this and the original. Many have fallen victims. Once they show you the search and title documents and pretend to be the owners, you are cooked. How do they “pretend to be the owners”? They commission the bureaus to prepare them a fake matching national identity card. Knowing that the intending buyer wouldn’t know the physical looks of the true owner, they “become” the person registered on title through the fake identity card.

Fraud on the deceased

This fraud has been extended to developed properties of deceased people and those who travel out of the country for long too. These are easy targets. Fraudsters can take as many people as possible to view such properties without fear that the true owner may pop up. Detached properties left unoccupied and locked up for long in prime locations in cities are easy targets. They are easy sell. Not knowing that the titles are fake and since they aren’t obliged to visit properties once they obtain searches, conveyancing advocates easily transfer.

“Caveat emptors” in local newspapers warning would be buyers to beware are on the rise.....clear evidence of counter measures to keep fraudsters off people’s vacant plots. That’s why my friend was right. The sure way to ensure your property isn’t sold while you whirl away time elsewhere is to erect a small guard house and position someone thereon. Else have your neighbor keep watch. When you travel, leave behind some caretaker. These extra costs are certainly much less than the costs of trying to reclaim irregularly sold out property.

To be on the safe side while purchasing property nowadays, ensure you make independent on-site enquiries from neighbours, gardeners or even kiosk owners nearby. Get details of the property history and the true owners. And never be rushed. These “false owners” usually request part payments in cash, convincingly arguing that they have major bank overdrafts and need hard cash either for a sick patient or school fees for children abroad. Cheque payments, they plead, would see their banks strike off the overdraft equivalent and defeat the purpose for selling. This should ring a bell. And when dealing, get to know either the office or residential house of the seller. Secretly check ID with national registration bureau. Take his photograph too.....most cell phones can. This information may come in handy. Obviously, buying property

from those we know well helps. And those with properties unknown to their spouses, children or relatives risk losing it to fraudulent cartels on death. Disclosure helps.

Confirm neighbours and land size

But there's a more recent innovation. Some property owners have set to enhance the value of plots they wish to sell by deliberately duping prospective buyers about their neighbours. They will tell you that a certain big hospital, College or University owns the land next door. They may lie that there's a proposed major road. The lie about such neighbours and anticipated development infrastructure is mischief to help drive sales and escalate asking prices. Please always check with the roads agencies or such institutions before you get duped.

Then a word of caution to those who purchase land within Kajiado and Narok Districts where maps were prepared to accuracies befitting big ranches which have been subsequently subdivided into smaller parcels with time. Accuracy begs in many such instances. For these areas, before committing payments please get a surveyor to verify the size of your parcel of interest. This can save you money. This mapping problem in Kajiado and Narok can be technically resolved by the government. Till that's done, please verify parcel sizes upfront.

Now the easiest to handle. Urban plots are usually defined through high precision survey with clear corner beacons. But many develop them without calling in surveyors to point out the correct perimeter boundaries. I have come across many incorrectly positioned developments. Offending owners have had to compensate for encroaching, conditionally buy the encroached plot or demolish developments. Use surveyors to avoid this and to avoid constructing on road reserves too.

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