

MAIORCA LAW

Real Estate | Estate Planning | Probate

When experience matters...

Why should you use a Real Estate Attorney when purchasing or selling a home?

In Florida, the purchase or sale of a home involves complex legal transactions that require a high level of expertise. A real estate attorney can provide invaluable assistance in these transactions to navigate potential pitfalls ensuring that the buyer's or seller's rights are protected and that all legal requirements are met.

Firstly, a real estate attorney is responsible for investigating the title to real estate, making a painstaking examination of the records, reporting all facts relating to the title, giving an opinion on the marketability of the title to the property, and handling the real estate closing. This is a critical role that requires a deep understanding of real estate law and the ability to navigate complex legal documents and processes.

Secondly, a real estate attorney can provide legal advice that a title company cannot. In Florida, a title company is not allowed to hold themselves out as having legal expertise in real estate transactions or other legal matters. They cannot give advice, orally or in writing, relating to the methods of taking title or concerning the legal effect of any document. This means that without a real estate attorney, a buyer or seller may not fully understand the legal implications of the transaction.

Thirdly, a real estate attorney is crucial in safeguarding the rights of all parties involved. They ensure that sellers fulfill their legal obligations, such as the disclosure of all pertinent information about the property in Florida. If a seller neglects this duty, the attorney can provide invaluable assistance to the buyer, assessing the situation for potential legal actions and facilitating a fair settlement. This legal support is essential in maintaining the integrity of real estate dealings and protecting client interests.

Finally, a real estate attorney can ensure that all contracts and agreements are legally binding and enforceable. In Florida, no real estate shall be transferred except by an instrument in writing signed in the presence of two subscribing witnesses. A real estate attorney can ensure that all contracts and agreements meet this and other legal requirements.

In conclusion, using a real estate attorney in Florida when buying or selling a home can provide significant benefits, including expert legal advice, protection of legal rights, and assurance that all contracts and agreements are legally binding and enforceable. Without a real estate attorney, a buyer or seller may face significant legal risks and potential financial loss.

Maiorca Law is your premier Real Estate Partner! With over 30 years of experience practicing in Real Estate, Estate Planning and Probate, the team at Maiorca Law can ensure your interests are properly represented. Contact us today and see what our experience can do for you!

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