

The Swiss property purchase process: reservation, notarial deed and land register

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Buying property in Switzerland follows a formal sequence that differs in important respects from practice in Asia, the Middle East or common law jurisdictions. A public deed is mandatory, the notary system depends on the canton, and ownership passes only when the land register entry is made. Knowing these steps helps buyers plan their funds and their timetable.

1 Reservation and preparatory steps

Once buyer and seller have agreed on the main terms, developers and brokers frequently ask for a reservation agreement and a reservation payment. Such agreements are common, but their legal effect is limited, because a commitment to buy land is binding only in the form of a public deed. A reservation fee paid under a simple written agreement may therefore be refundable if the buyer withdraws, depending on the wording and the circumstances. Buyers should read these documents carefully before transferring money.

During this phase the buyer should obtain a current extract from the land register, review easements, mortgages and other encumbrances, check zoning and building permits and, for foreign buyers, confirm the position under the Lex Koller.

2 The public deed

Under Art. 216 CO, a contract for the sale of land must be executed as a public deed. The same requirement applies to pre-emption agreements with fixed terms, options and contracts to sell in the future. The notary prepares the deed, reads it out or has it reviewed by the parties and certifies the signatures. Parties who do not speak the official language of the canton

may need a translation or an interpreter, which should be arranged in advance.

3 Cantonal notary systems

Notarial law is a cantonal matter, and the systems vary considerably. Some cantons, including Geneva, Vaud and Basel-Stadt, have independent notaries who practise as members of a liberal profession. In the canton of Zurich, notarial offices are state offices with salaried notaries. Other cantons operate mixed systems in which lawyers with a notarial licence may also execute deeds. As a rule, the deed for land must be executed in the canton where the property is located, and fees differ markedly from canton to canton.

4 Deposits, payment and timing

On signing the deed, a deposit is often paid, commonly in the range of ten per cent of the purchase price, with the balance due on completion. To protect both sides, payments are usually made through the notary or secured by an irrevocable payment promise from the buyer's bank. For new-build projects, the purchase price is sometimes paid in instalments as construction progresses, which calls for appropriate security for the buyer.

5 Transfer of ownership

Ownership passes only on entry in the land register, as provided in Art. 656 CC. The notary normally files the application for registration after completion, and the entry takes legal effect as of the day of filing in the daybook. Between signing and registration, the buyer holds a contractual claim, which is why the timing of payment and registration should be closely aligned.

6 What pays off in practice

- **Avoid large reservation payments** before the deed is signed, or make sure they are clearly refundable.
- **Secure the purchase price through the notary** or a bank payment promise rather than paying the seller directly.
- **Plan the timetable around the canton**, since notary availability, fees and registration practice vary.

7 How Ressos Legal helps

I advise buyers on the review of purchase agreements and reservation documents and coordinate with notaries, banks and land register offices throughout the transaction. [Contact me](#) for a first conversation.

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