

The Marbella Property Buyer's Guide

Purchasing property in Marbella is generally a smooth and well-established process today. However, there are still important aspects to take into account—some obvious, others less so. This guide provides a clear, expert overview to help you navigate each stage with confidence.

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Navigating the Marbella Property Market

The internet is undoubtedly the most powerful starting point for anyone searching for property in Marbella. Most buyers begin by browsing online portals and agency websites to identify properties that match their criteria.

However, once you start finding appealing options across multiple platforms, the question arises: is it wise to contact every agent advertising those properties—many of whom you may not know, or who may provide limited information about their credentials?

An alternative and often more effective approach is to first select a highly qualified and experienced real estate agency to represent you. Marbella is home to several reputable agencies with extensive local knowledge, long-standing experience, strong ethical standards, and a substantial portfolio of properties.

Working with such an agency ensures a more personalised service. A dedicated agent will take the time to understand your needs, budget, and preferences, share up-to-date market insights and recent comparable sales, and guide you towards the most suitable options. If the ideal property is not within their own listings, they will actively source it through trusted professional networks on a shared-commission basis.

Choosing a Lawyer

It is strongly recommended that buyers appoint an independent, qualified Spanish solicitor to represent their interests and advise on all legal and tax matters. Even before identifying a specific property, establishing a relationship with a lawyer while you are in Marbella can be extremely valuable—especially if negotiations later take place while you are abroad.

A key requirement when buying property in Spain is compliance with anti-money laundering (AML) regulations. This applies when opening a bank account, instructing a lawyer, and working with real estate agents. Buyers must verify their identity and demonstrate the lawful origin of funds.

For EU citizens, this process is usually straightforward. For buyers from certain non-EU countries, such as Eastern Europe or the Middle East, it may take several weeks. For this reason, addressing these requirements early can prevent delays later on.

Getting the Basics in Place

Having the essential elements prepared—such as appointing a lawyer, obtaining an NIE number (foreigners' identification number), completing AML checks, and opening a Spanish bank account—significantly strengthens your position as a buyer.

Once these are in place, you are able to act quickly when the right opportunity arises, including paying a deposit immediately if your offer is accepted.

Negotiating the Purchase

An experienced agent plays a crucial role during negotiations. Offers that are unrealistically low may fail to engage the seller and can sometimes hinder further discussions. A well-structured and clearly presented offer, on the other hand, is more likely to receive serious consideration.

It is generally advisable to present your offer in writing (subject to contract) and to include all relevant terms from the outset, rather than negotiating in stages. These should include the proposed price, deposit amount and timing, target completion date, items included in the sale (such as furniture or fittings), and confirmation that all technical systems and installations will be in proper working order.

If you are considering alternative properties, informing the seller can also be a useful negotiating point.

Your lawyer should be consulted to ensure the offer meets all legal requirements and may, in more complex situations, participate directly in negotiations.

The Purchasing Process

Buying property in Spain follows a clear and structured legal process. Ownership and any existing charges or encumbrances are confirmed through the Property Registry.

In most cases, unless the full purchase price is paid immediately, a private purchase contract is signed. This contract outlines the essential terms of the transaction, including the legal description of the property, agreed price, payment method, completion date, and possession date. Upon signing, the buyer pays a deposit, the amount of which depends on the agreed conditions and timeline.

Deposit and Insurance

For properties completing within 30 to 60 days, a typical deposit is around 10% of the purchase price.

In the case of new-build properties purchased off-plan, payments are made in stages throughout construction. Spanish law (Law 38/1999) requires that all advance payments be secured by a bank guarantee or insurance policy. If the property is not completed by the agreed date, the buyer is entitled to recover all amounts paid, plus legal interest.

Additionally, developers are required to provide a ten-year insurance policy covering major structural defects, with the buyer named as beneficiary.

Title Deeds

Once the full purchase price has been paid, the seller grants the public title deed of conveyance (“escritura”) to the buyer, free of debts and charges. This deed is signed before a Spanish notary.

The notary submits the deed to the tax authorities—either for Transfer Tax in the case of resale properties or Stamp Duty for new properties—and then to the Property Registry for registration. A provisional registration is recorded immediately after the deed is executed.

Property Purchase Costs

In addition to the purchase price, buyers should budget for official acquisition costs and professional fees. These typically amount to approximately 10–11% for resale properties or around 12% for new-build properties, plus legal fees.

Transfer Tax (ITP)

Payable by the buyer when purchasing resale property from a private individual.

- Standard rate for resale properties: **7%**
- Reduced rate for real estate professionals purchasing for resale within five years: **2%**

VAT (IVA) and Stamp Duty (AJD)

Applicable when purchasing new property directly from a developer:

- Residential property and annexed garages: **10% VAT + 1.2% Stamp Duty**
- Building plots or new commercial premises: **21% VAT + 1.2% Stamp Duty**

Notary and Property Registry Fees

These vary depending on the value and complexity of the deed, but typically amount to approximately **€3,000**.

Legal Fees

Legal fees are generally around **1% of the purchase price**, plus VAT, depending on the lawyer and the nature of the transaction.