AUGE HORIZON NOTAIRES

Notaires de France

QUESTIONNAIRE
SALE OF AN APARTMENT

This questionnaire must be completed by the seller of an apartment and returned to the notaire.
We can also send you this questionnaire by email upon request.

French law and case law require the seller of real property to provide the buyer with information, transparency and numerous warranties. The rules on capital gains also require a preliminary review to determine any tax that may have to be deducted from the sale price. The information below will enable your notaire to prepare the deed of sale so that it accurately reflects your situation and that of your property. This questionnaire also enables your notaire to advise you by drawing your attention to any particular feature of the transaction or any possible tax exemption.

SELLER 1

Surname
First name(s)
Date and place of birth
Town / City
Postcode
Occupation
Nationality

If you are a foreign national, please attach a copy of your residence permit and your birth certificate translated into French.

☐ Single
☐ Widowed
☐ Married
Date of marriage
Town / City
Postcode
If you entered into a marriage contract or made a declaration of applicable law under the Hague Convention, please attach a copy.
Place of first permanent residence after marriage

☐ Divorced
By judgment of the court of
Dated

☐ Divorce proceedings pending
☐ You have entered into a PACS which is still in force
Attach a copy, together with the declaration filed with the court registry or the receipt of registration by the notaire.

☐ You entered into a PACS which has since been terminated
Attach a copy of the notice of termination.

☐ You are a trader, craftsperson or company director
Attach proof of registration with the Trade and Companies Register.

☐ You are subject to judicial reorganisation, liquidation or cessation of payments

☐ You have applied to the personal over-indebtedness commission

CONTACT DETAILS

Postal address

Telephone
Home
Work telephone
Mobile telephone
E-mail
Fax
Bank details (RIB) - please provide them.
Are you a French or foreign tax resident? ☐ Yes ☐ No

SELLER 2

Surname
First name(s)
Date and place of birth
Town / City
Postcode
Occupation
Nationality

If you are a foreign national, please attach a copy of your residence permit and your birth certificate translated into French.

☐ Single
☐ Widowed
☐ Married
Date of marriage
Town / City
Postcode
If you entered into a marriage contract or made a declaration of applicable law under the Hague Convention, please attach a copy.
Place of first permanent residence after marriage

☐ Divorced
By judgment of the court of
Dated

☐ Divorce proceedings pending
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☐ You have applied to the personal over-indebtedness commission

CONTACT DETAILS

Postal address

Telephone
Home
Work telephone
Mobile telephone
E-mail
Fax
Bank details (RIB) - please provide them.
Are you a French or foreign tax resident? ☐ Yes ☐ No

CO-OWNERSHIP (COPROPRIÉTÉ)

Please attach copies of the minutes of the last three general meetings (or all meetings held since your purchase, if more recent).

Is your co-ownership structured as a division into volumes? ☐ Yes ☐ No

Is your co-ownership part of a housing development (lotissement)? ☐ Yes ☐ No

If yes, is there an owners' association (association syndicale)? ☐ Yes ☐ No

If yes, name and contact details of the association president:

Is the co-ownership managed by a professional or volunteer managing agent (syndic)? ☐ Yes ☐ No

If yes, give the name and address:

Please send us the latest quarterly service-charge statement.

If not, is there insurance covering the whole building, particularly the common parts? ☐ Yes ☐ No

If yes, attach a copy.

Do you have the co-ownership regulations and any amendments? ☐ Yes ☐ No

If yes, please attach them. If not, the office will have to obtain copies at your expense from the Land Registry.

Please also send us copies of the floor plans showing the property being sold.

Are you aware of any particular difficulties within the co-ownership that should be dealt with by special agreement between you and the buyer (ongoing proceedings, etc.)? ☐ Yes ☐ No

If yes, please specify:

Have you brought proceedings against the co-ownership, or has the co-ownership brought proceedings against you? ☐ Yes ☐ No

If yes, attach a note explaining the matter.

Is there a water-damage claim currently being handled by an insurer? ☐ Yes ☐ No

If yes, what have you agreed with the buyer?

Is there a works reserve fund and/or a co-ownership loan? ☐ Yes ☐ No

WORKS

Have you carried out works in your apartment that altered the exterior appearance of the building and/or affected the common parts (for example, opening a load-bearing wall, creating a loggia, moving pipes, adding load to a terrace, extending into part of a corridor, etc.)? ☐ Yes ☐ No

If yes, please specify:

Have you changed the designated use of any part of the premises (for example, use differing from that permitted by the co-ownership regulations)? ☐ Yes ☐ No

Have you divided or combined any co-ownership lots? ☐ Yes ☐ No

Were these works or alterations authorised by the co-ownership and/or the relevant authority? ☐ Yes ☐ No

If yes, attach copies of the authorisations, including the application file and the decision.

Does the property include a macerating toilet (Sanibroyeur type)? ☐ Yes ☐ No

LOCAL TAXES (DECLARATION H)

Following these works and/or alterations, did you file a declaration with your tax office (cadastral service)? ☐ Yes ☐ No

TECHNICAL DIAGNOSTIC REPORTS

Please send us the technical diagnostic file (floor area, asbestos, termites, lead, energy performance certificate, risks report, gas and electricity, in particular).

Did the surveyor indicate that any parts of the property being sold could not be inspected? ☐ Yes ☐ No

LOANS - MORTGAGES

Are foreclosure proceedings currently under way in respect of the property being sold? ☐ Yes ☐ No

Have you taken out one or more loans secured by a mortgage over the property being sold? ☐ Yes ☐ No

Do you have a bridging loan pending the sale of this property? ☐ Yes ☐ No

Has the property been mortgaged in favour of the French Treasury in order to obtain deferred payment (for example, inheritance tax)? ☐ Yes ☐ No

If yes, for each loan attach a document showing the bank's address and the loan reference so that the notaire can obtain a redemption statement, or confirmation that the loan has been repaid.

CAPITAL GAINS

Is the property being sold your main residence? ☐ Yes ☐ No

If yes, since when?

If not, please answer the following questions:

Are you selling it in order to reinvest the proceeds in the purchase of your main residence? ☐ Yes ☐ No

Are you retired or disabled and on a modest income? ☐ Yes ☐ No

If the property is not currently your main residence, have you carried out extension, construction or improvement works? ☐ Yes ☐ No

(Maintenance and repair works are not taken into account.)

If you received the property by gift or inheritance, did you personally pay the transfer or inheritance duties? ☐ Yes ☐ No

If yes, attach a copy of the inheritance tax return or deed of gift. In all cases, attach a copy of the notarial completion statement relating to the acquisition.

PROFESSIONAL ACTIVITY IN THE PROPERTY

Have you carried on a professional activity in the property? ☐ Yes ☐ No

If yes, are there any accounting consequences for the business concerned?

EXISTING CONTRACTS RELATING TO THE PROPERTY

OCCUPATION / TENANCIES

Will the property be vacant on completion? ☐ Yes ☐ No

If the apartment is sold with a tenant or other occupier in place, attach the tenancy agreement and all annexes and amendments, the latest rent receipt and the amount of the security deposit.

Has the property previously been rented out? ☐ Yes ☐ No

If yes, attach the tenancy agreement and the original notice given by the tenant, or the notice served by you.

Is this the first sale since the building was placed under the co-ownership regime? ☐ Yes ☐ No

ALARM

Is the apartment subject to an alarm or monitoring/intervention contract? ☐ Yes ☐ No

If yes, attach a copy of the contract showing the current charges. All information necessary to operate the system will need to be passed to the buyer.

TAX INCENTIVE

Has the property been subject to a rental commitment linked to a tax incentive (Besson, Malraux, Robien, Duflot, Pinel, ANAH grants, etc.)? ☐ Yes ☐ No

If yes, which one:

Has the rental commitment ended? ☐ Yes ☐ No

OTHER CONTRACTS

Is the apartment subject to any other contracts (boiler maintenance, chimney sweeping, pest control, etc.)? ☐ Yes ☐ No

If applicable, attach copies of those that may be taken over by the buyer.

Are any items of equipment still under warranty? ☐ Yes ☐ No

If applicable, attach copies of invoices or warranty certificates.

INSURANCE CLAIM / COMPENSATED LOSS

Has an insurance payment been made for damage to your building recognised as a natural disaster (an official natural-disaster order is required):

- **before you became the owner?** ☐ Yes ☐ No
- **since you became the owner?** ☐ Yes ☐ No

VAT

Did you benefit from a VAT recovery mechanism when purchasing the property? ☐ Yes ☐ No

Did you benefit from a special VAT regime when purchasing the property? ☐ Yes ☐ No

PROPERTY INCOME DEFICIT (DÉFICIT FONCIER)

Has the property generated property-income deficits in previous tax years that were offset against your overall taxable income? ☐ Yes ☐ No

PROPERTY OWNED BY A CIVIL COMPANY (SOCIÉTÉ CIVILE)

If the property is owned by a société civile, is the company:

- **subject to personal income tax (IR)?** ☐ Yes ☐ No
- **subject to corporation tax (IS)?** ☐ Yes ☐ No

If yes, attach the latest balance sheets and profit and loss account. In all cases, attach the up-to-date articles of association, details of the current shareholders/members, their tax residence and the percentage of shares held by each.

REASON FOR THE SALE

Why are you selling?

☐ Professional relocation
☐ Family event
☐ Marriage / PACS / Divorce
☐ Birth / Death

(Delete as appropriate.)

Transfer of savings for:

Other reason (please specify):

COMMENTS OR PARTICULAR CIRCUMSTANCES

Please state any particular circumstances that you consider should be brought to the buyer's attention, or that may assist with the smooth handling of the matter:

Signed at On

(to be dated and signed by each seller)

The notarial practice, hereinafter the 'Data Controller', processes personal data concerning you for the performance of notarial activities and/or property management and real-estate negotiation.

Processing relating to notarial activities is based on the performance of a task carried out in the public interest or in the exercise of official authority. Processing relating to property management and real-estate negotiation is based on the performance of a contract (or steps taken prior to entering into a contract).

Data processed in connection with notarial activities may be disclosed to the following recipients:

- public authorities or legally authorised partners such as the French Public Finances Directorate (Direction Générale des Finances Publiques) or, where applicable, the land register; notarial bodies and organisations; and the profession's central registers (Central Register of Last Wills, Central Electronic Register of Notarial Deeds, PACS register, etc.);

- notarial practices participating in or contributing to the deed;

- relevant financial institutions;

- specialist advisory bodies supporting notarial activities;

- the Conseil supérieur du notariat or its delegate, for the production of statistics used to value real property pursuant to Decree no. 2013-803 of 3 September 2013;

- public or private bodies carrying out checks relating to politically exposed persons, asset freezes or sanctions, and anti-money laundering and counter-terrorist financing. These checks may involve the transfer of data to a country outside the European Union, governed by European Commission standard contractual clauses designed to ensure a level of data protection substantially equivalent to that guaranteed within the European Union.

Disclosure of this data to these recipients may be necessary for the performance of notarial activities.

Data processed in connection with property management and real-estate negotiation may be disclosed to the following recipients: property-advertising organisations; bodies producing statistical information; financial institutions holding the tenant's and/or owner's account; and, where applicable, notarial practices belonging to the group.

Documents used to prepare, register and publish deeds are retained for 30 years after completion of all formalities. The authentic deed and its annexes are retained for 75 years, or 100 years where the deed concerns minors or protected adults. Checks relating to politically exposed persons, money laundering and terrorist financing are retained for 5 years after the end of the business relationship.

Data concerning you processed for property management and real-estate negotiation is retained for up to 6 months in relation to a property search where the request is not renewed.

In accordance with applicable regulations, you may access personal data concerning you. Where applicable, you may request its rectification or erasure, obtain restriction of its processing, or object to its processing on grounds relating to your particular situation. You may also give instructions regarding the retention, erasure and disclosure of your personal data after your death.

These rights may be exercised directly with the Data Controller or its Data Protection Officer, whose contact details may be requested from the Data Controller.

If, after contacting us, you believe that your rights have not been respected, you may lodge a complaint with a European supervisory authority: in France, the Commission Nationale de l'Informatique et des Libertés (CNIL).