

5 Legal Risks You Must Check Before Buying Property in Krakow

Legal due diligence for foreign real estate buyers - avoid hidden debt, ownership traps, and risky paperwork in Poland

The apartment looks perfect. The price is great. The seller seems honest. But here's the truth: many real estate mistakes happen **before the notary**, not after. As a foreign buyer in Poland, you must protect yourself. This guide shows you the **top 5 legal risks** when buying property in Krakow – and how to avoid them.

1. Incomplete or Fake Ownership

Always check the **Land and Mortgage Register** ("Księga Wieczysta") – it's the only official record of who really owns the property.

Red flags to look for:

- The seller is not listed as the owner
- There are multiple co-owners and you're talking only to one
- The ownership transfer is still pending in court

Always ask for a recent online extract and compare it with the notarial deed.

2. Hidden Debts, Mortgages or Court Claims

Some apartments in Krakow come with unexpected burdens:

- Mortgages or loans registered on the property
- Court enforcement or bailiff (komornik) claims

- Life-use rights granted to elderly relatives or former spouses

These issues do not disappear after the sale – you might inherit them.

Always check section III and IV of the Land Register, and confirm findings with the notary.

3. Unclear Legal Title or Inheritance Disputes

If the property was inherited or received via donation, make sure:

- All heirs are known and agree to sell
- The inheritance case is legally completed (court decision or notarial act)
- There`s no “suspended” title waiting for court registration

If someone contests the inheritance later, you might lose the property or be dragged into a legal dispute.

4. Planning or Construction Problems

Especially relevant for land or new builds. Always verify:

- The zoning plan (MPZP or WZ decision) – what can be legally built?
- Legal access to the property – is there a road?
- Building and use permits – are they valid and final?
- For flips: whether the building is legally registered as residential or commercial

These documents are often overlooked but can destroy the value of a deal.

5. Full Powers of Attorney and Fraud Risks

If the sale is done by someone representing another person, demand:

- The original Power of Attorney (POA)
- A notarized copy with exact address and dates
- Direct contact with the actual owner, or at least a written confirmation

Never rely on verbal claims like “my uncle gave me permission” or scanned PDFs from unknown sources.

How to Buy Safely in Krakow?

Checklist for foreign investors:

- Download and read the full Land Register
 - Compare deed, register, inheritance docs, ID
 - Ask the notary to explain all risks before signing
 - Work with a local expert who does real due diligence – not just shows apartments
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Final Word

In Poland, the law protects buyers – **but only if you know how to use it.**

Most legal traps are avoidable if you slow down and verify. The goal is simple: **no surprises after the notary.**

Let us help you buy property in Krakow with peace of mind and legal clarity.

Ekspert Nieruchomości Dariusz Winiarski - representing your interests, not the seller`s.



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