BUYER INTELLIGENCE · KOH SAMUI

The Samui Property Reality Check

Twelve questions to ask before you transfer a single Baht.

On Koh Samui, the word "condo" is a marketing term — not a legal one. Only a fraction of the island's projects are registered under Thailand's Condominium Act, the sole route to true foreign freehold. Everything else is sold through leaseholds or company structures — the very structures now under nationwide enforcement. These twelve questions separate the two worlds. Ask them early, in writing, and keep the answers.

I LEGAL IDENTITY OF THE PROPERTY

01 Is the building registered as a condominium under the Condominium Act — and can you show me the condominium licence?

WHY IT MATTERS Only registration under the Act creates individual freehold title for foreigners. Portal categories and brochures prove nothing.

RED FLAG *"It's the same as a condo" · "The licence is being processed."*

02 Does this exact unit have its own unit title deed (Or.Chor. 2)?

WHY IT MATTERS A real condo unit has its own title registered at the Land Office — the document your name will appear on.

RED FLAG *You are shown a Chanote (land deed) instead. A land deed is evidence of the opposite.*

03 What is the current foreign-quota status of the building — in writing, from the juristic office?

WHY IT MATTERS Foreigners may hold max. 49% of the total floor area. At the cap, no further foreign freehold transfer is possible.

RED FLAG *Verbal assurances; "quota is no problem" without a dated confirmation letter.*

04 If it is not a registered condominium: what exactly is the ownership structure being offered?

WHY IT MATTERS Leasehold, superficies and usufruct are legitimate and registrable. A Thai shell company with proxy shareholders is not.

RED FLAG *"100% foreign freehold through a Thai company included in the purchase."*

II THE SELLER

05 Who is the registered owner — a person or a company — and who is authorised to sign?

WHY IT MATTERS Only the registered owner (or authorised director, per DBD affidavit) can transfer or lease. Anyone else is noise.

RED FLAG *The "owner" you deal with never appears in any registry document.*

06 If a company owns it: who are the shareholders, and do they look like genuine investors?

WHY IT MATTERS Thai shareholders with no plausible funds, far-away addresses, or dozens of directorships are the classic nominee pattern authorities now screen for.

RED FLAG *Share transfer offered as the "purchase method" — you would inherit the legal risk.*

07 Are there mortgages, liens or ongoing disputes on the title?

WHY IT MATTERS Encumbrances follow the property, not the seller. A Land Office title search reveals them in a day.

RED FLAG *Reluctance to allow an independent title search before deposit.*

III THE MONEY

08 Has anyone explained the FET (Foreign Exchange Transaction) requirement to you?

WHY IT MATTERS Freehold registration requires purchase funds to arrive in Thailand in foreign currency, documented by an FET form. No FET, no freehold.

RED FLAG *A seller or agent who has never heard of it — or suggests paying in cash or THB.*

09 What are the total transfer costs and taxes — and how are they split?

WHY IT MATTERS Transfer fee, specific business tax or stamp duty, withholding tax: typically 3–7% combined. "Split 50/50" is custom, not law.

RED FLAG *Costs revealed only at the Land Office counter on transfer day.*

10 Where does your deposit sit until transfer?

WHY IT MATTERS Reputable deals use a lawyer's escrow or clearly conditional agreements. Deposits into private accounts are gone if the deal dies.

RED FLAG *Pressure to pay a "reservation fee" today to hold a discount.*

IV THE EXIT

11 If leasehold: is the lease registered at the Land Office, and what exactly do renewal clauses promise?

WHY IT MATTERS Only the first 30 years are a registered property right. Renewals are contractual promises against a future owner — value them accordingly.

RED FLAG *"90 years guaranteed" presented as if it were a registered right.*

12 Who will buy this from you in ten years?

WHY IT MATTERS Foreign-quota freehold resells to the widest market. Thai-quota, leasehold and company structures each shrink your future buyer pool — price that in today.

RED FLAG *Yield promises that ignore resale structure entirely.*

NEXT STEP

Twelve honest answers are rare. We obtain them for you.

Independent verification against Land Office and juristic-office records — registration, unit title, foreign quota, seller structure — delivered as a clear, traffic-light report in 5–7 working days. We sell no property and take no seller commissions. We work for buyers only.

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