

Usufruct in Thailand

There is a legal mechanism that may allow a foreigner to secure guaranteed access to and use of a piece of land for his or her lifetime. The Thai legal term "Sit thi jap gin ta lord cbiwit" is a translation from Roman Law of the term "Usufruct" (the right to use and enjoy the profits and advantages of something belonging to another as long as the property is not damaged or altered in any way).

It is similar to a lifetime lease. However, some usufruct agreements have been appealed by the landowner and, in some cases, the period of the usufruct has been reduced to 30 years in line with French Law.

The usufruct or sit thi jap gin ta lord cbiwit is a notation that is added to the land title document together with your name. It costs 75 baht to add this to the land deed or title and must be done at the time of purchase and title transfer. I believe there is a limit of one rai on the size of the land this can apply to, and there may be other restrictions.

This method has the advantage over a lease because it is not limited to 30 years. However, unlike a lease, it cannot be willed or transferred to another party; the benefit dies with you. Very few people, including Thai lawyers and real-estate professionals, have ever heard of sit thi jap gin ta lord cbiwit. I suspect that lawyers don't want to know about it because there is no way for them to make money out of it. Check with your lawyer, and if he hasn't heard of it, ask him to research it. It may be a very useful way to secure a lifetime lease without the limits and expense of a lease agreement. This method may have advantages over a lease if you plan to live in Thailand longer than 30 years, plan to keep the land until you die, and are happy to leave everything to your Thai partner and their heirs when you die.

I have heard that not all land offices will register a sit thi jap gin ta lord cbiwit. You should check with your local land office before you purchase the land.