

Buying Beachfront in Puerto Peñasco

Thousands of Americans already own property in Puerto Peñasco, Mexico — but coastal purchases require careful legal navigation. This guide covers what you need to know to protect your investment.

U.S. BUYER'S LEGAL GUIDE



Made with GAMMA

The Fideicomiso: How Foreigners Legally Buy

Puerto Peñasco sits within Mexico's "**restricted zone**." Foreign buyers purchase through a **bank trust called a fideicomiso** — not a lease, not a loophole.

Administered by a Mexican Bank

The bank holds title on your behalf as trustee.

You Retain Full Control

Sell, rent, remodel, inherit, or transfer at your discretion.

50-Year Renewable Term

Trusts renew indefinitely — your ownership is secure.



Verify the Title — This Is Critical



Improperly titled property — especially **ejido land** — is the #1 way Americans lose investments in Mexico. Demand these documents:

- **Escritura Pública** — official public deed
- **Libertad de Gravamen** — certificate of no liens or debts
- Proof of registration in the **Public Property Registry**
- Written confirmation the land is **not ejido land**



"The title is still pending" or "Everybody buys this way" — these are **major red flags**.

Use a Real Mexican Notary Public

In Mexico, a Notary Public holds far greater legal authority than in the U.S. Every transaction must close through one.

✓ The Right Way

- Mexican Notary Public oversees closing
- Transaction recorded in Public Property Registry
- Fideicomiso established through a Mexican bank

✗ What to Avoid

- Private contracts without notarization
- Informal brokers handling legal paperwork
- Verbal agreements or handshake deals
- "Property managers" acting as legal intermediaries

Check for Hidden Debts & Legal Problems

Many buyers skip this step and discover costly surprises after closing.



Taxes & Utilities

Confirm property taxes, water, and electricity bills are fully current.



HOA & Assessments

Verify maintenance fees are paid and no special assessments are pending.



Legal Disputes

Check for lawsuits against the condo association or unresolved litigation.



Condo Regime & Permits

Review HOA rules, construction permits, zoning approvals, and rental policies.

Investigate the Developer

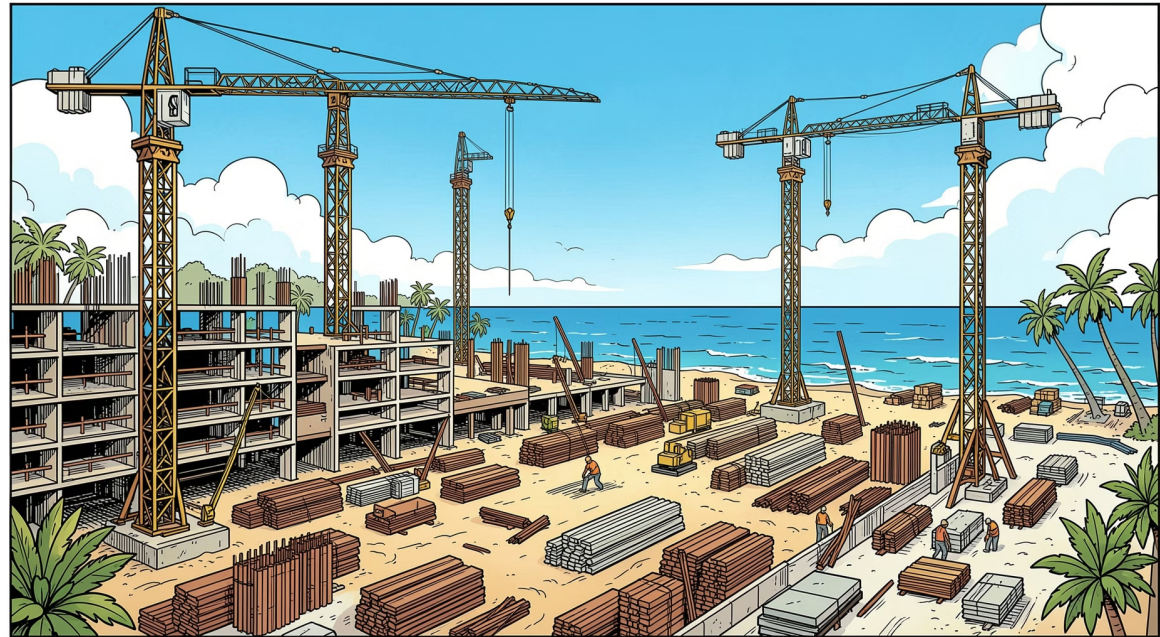
Pre-construction carries the highest fraud risk.

Research thoroughly before committing:

- Previous projects – were they completed on time?
- Reputation among current U.S. owners
- Any pending lawsuits or construction liens
- Whether promised amenities were actually delivered



Aggressive pressure, unrealistic rental return promises, or prices far below market value demand **extra caution**.



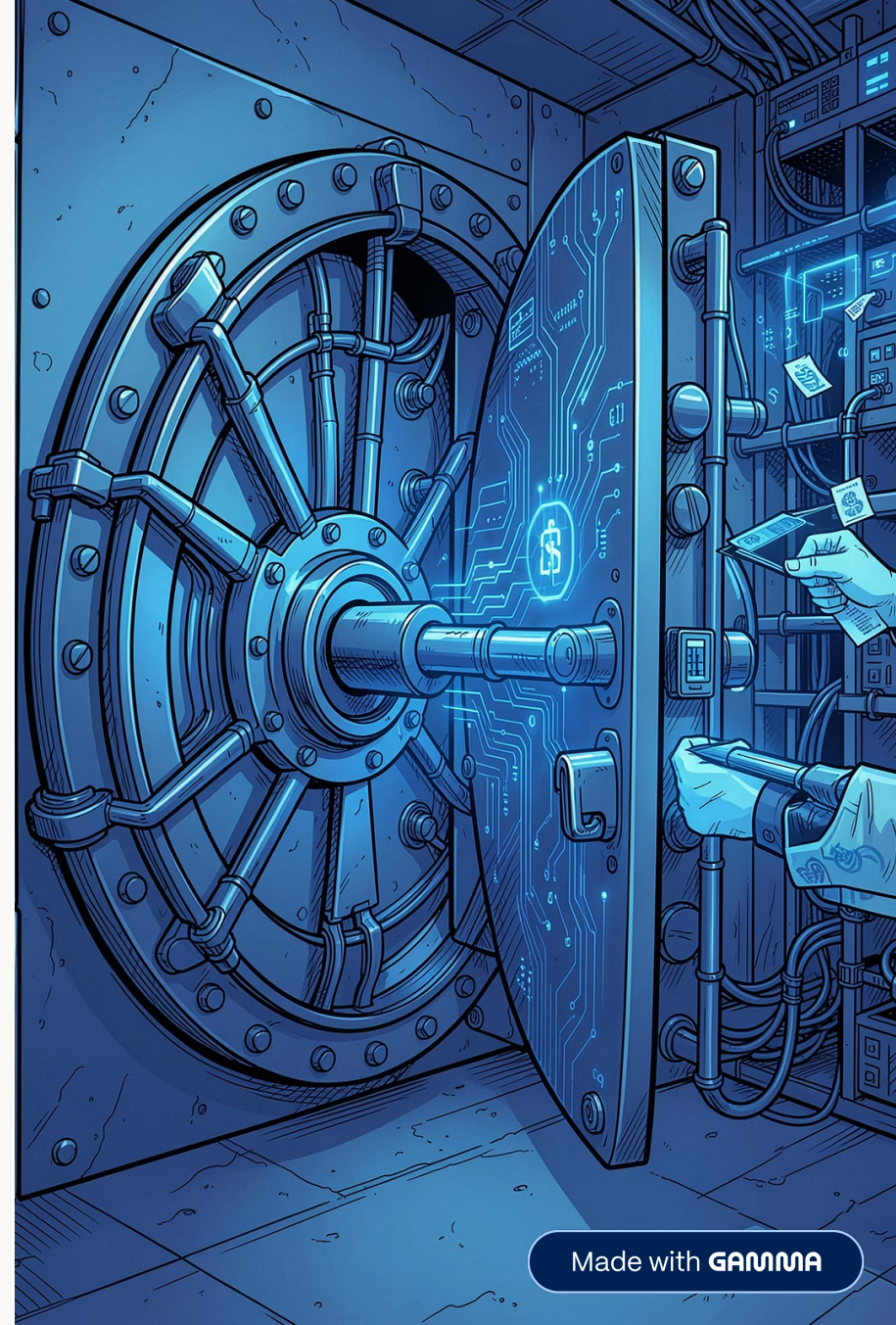
Never Wire Money Without Protection

✓ Use Escrow or Notary

Funds should flow through a licensed escrow service or the notary's trust account — with written documentation at every step.

✗ Avoid These

Personal transfers, cash payments, or wiring to unknown accounts are unprotected and unrecoverable if something goes wrong.



What You'll Need to Close the Deal

A Mexican residency visa is **not required** to purchase property. Here's what you typically need:

01

Valid Passport

Primary identification for all legal documents.

02

Mexican Tax ID (RFC)

Your notary can help you obtain one if needed.

03

Proof of Funds

Bank statements or financial documentation.

04

Fideicomiso Setup

Established through a licensed Mexican bank.

05

Notarized Closing

Final purchase agreement executed through a Mexican Notary Public.

Major Red Flags — Walk Away If You See These

"You don't need a fideicomiso"

Legally incorrect for restricted zone purchases.

"We'll fix the paperwork later"

Deferred documentation is a classic fraud signal.

"The title isn't ready yet"

Never deposit without clear, registered title.

Pressure to wire money immediately

Urgency is a tactic — legitimate sellers allow due diligence.

Seller refuses to use a notary

A deal without a notary has no legal protection.

Prices far below market value

If it seems too good to be true, it usually is.



Your Smart Buying Checklist

Before placing a deposit, hire your own independent professionals — **never rely solely on the seller's agent or developer's attorney.**



Independent Attorney

A real estate attorney representing *you*, not the seller.



Mexican Notary Public

Ensure the notary is licensed and independent.



Title & Registry Review

A specialist to verify title, liens, and registry status.

Every informed investor helps build a stronger business community.

We believe education, transparency, and due diligence create better investments and stronger communities for everyone.

Attorney Carlos Soto

carlosesotoo@gmail.com