

CREATEMEMORIES • PHUKET • 2026

30 questions **before** **you sign** in Phuket

What to ask the developer and the agent while the money is still yours. A checklist built on the law, court practice and market reports, October 2026.



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QUESTIONS **30**
BLOCKS **5**

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WHY THIS LIST EXISTS

Almost every loss of money in Phuket that reached the press in the last two years happened not because the buyer was careless, but because nobody asked a question that a document could have answered: who is on the title, which account the money goes to, whether the building holds a licence for nightly rentals.

Here are 30 questions in five blocks. Under each, briefly, why it matters and what backs it: a statute, a court decision, a law-firm publication or a market report. There are no agency promises in this list.

Take it to the meeting. A good developer answers with documents and does not get nervous. If you are told “not to worry” on half of the questions, that is your answer.

HOW TO USE IT

Tick the boxes as you receive documents, not words. A “yes” without paper counts as a “no”. This is not legal advice: before you pay, the contract is read by a lawyer who works only in real estate and is not linked to the developer.



Tick a box when the document is in hand, not when it is promised

01

Land and title

Six questions about what the building stands on. Until you have seen a fresh Land Department extract, everything else is premature.

Chanote

the only title with exact boundaries to accept without reservations

35%

the slope above which building in Phuket is prohibited

80 units

the threshold from which a project needs an EIA

Block 01 Land and title

01 ☐ What type of land title is it: Chanote (Nor Sor 4 Jor) or lower? Show the original and a fresh Land Department extract.

Only Chanote has precise GPS boundaries and central registration. Nor Sor 3 Gor is acceptable with extra checks; Nor Sor 3 and Sor Kor 1 should be declined.

02 ☐ Who is registered as the owner, and is it the same company that signs the contract, receives the money and builds?

In the Alich Grand villa case buyers paid over 100 million baht to an agent while the land belonged to someone else (Thai Examiner, 5 Dec 2025).

THAI EXAMINER, 5 DEC 2025

03 ☐ What encumbrances are on the back of the title: mortgage, registered lease, servitudes, superficies, lawsuits? If the land is mortgaged, how and for how much is my unit released, and can I pay the lender directly?

The release mechanism and direct payment to the lender belong in the contract, not in a verbal promise.

04 ☐ How is access to the plot secured: a public road, a servitude registered on the title, or a right of way by necessity?

An unregistered right of way delays building permits and complicates resale.

05 ☐ Building permit number and issuing authority; EIA approval for projects over 80 units or 4,000 m²; for a slope, an earthworks permit; is the project split into phases to stay under the threshold?

Phuket bans construction on slopes of 35% and over, and caps height at 6 m above 40 m elevation. In 2025 projects were halted both for exceeding the EIA threshold and for earthworks without permits (The Thaiger, 6 Mar and 28 May 2025).

THE THAIGER, 6 MAR AND 28 MAY 2025

06 ☐ For a condominium: has condominium registration at the Land Office been filed or completed?

Registration is only possible on land owned by the registrant and free of blocking encumbrances. Its status tells you whether the developer can transfer the unit at all.

02

Quota and form of ownership

Freehold is capped by the quota, leasehold is capped at thirty years. Both caps are checked with documents, not the seller's words.

49%

foreign quota limit in a condominium, counted by floor area

30 years

maximum lease term under Section 540 CCC

4655/2566

Supreme Court: pre-paid renewals are void

Block 02 Quota and form of ownership

- 07** ☐ What share of the foreign quota is used: in writing, dated, from the condominium juristic person or the developer with a Land Office check? Is the quota reserved for my unit in the contract, or given to whoever registers transfer first?

Section 19 bis of the Condominium Act limits foreigners to 49% of the total unit floor area. It is counted by area, not by number of units.

- 08** ☐ What happens if no quota is left at transfer: a full refund of all payments, within what period, and is it written into both the reservation and the main contract?

If the quota is exhausted, freehold is impossible at any price. The mandatory OCPB reservation form (from 31 Jan 2025) does not cover this case; the clause is added separately (Tilleke & Gibbins, 15 Oct 2024).

FROM 31 JAN 2025

- 09** ☐ If leasehold: what exactly is registered on the title in my name (term, start date), and how is renewal worded: an option at market rate, or “automatic on the same terms”?

In case No. 4655/2566 the Supreme Court held pre-paid promises of two further 30-year terms void and evicted the tenant (Addleshaw Goddard, 10 Mar 2025).

ADDLESHAW GODDARD, 10 MAR 2025

- 10** ☐ What part of the price relates to years 31–90? What happens to the house in year 30, and is a superficies registered for the building?

After the ruling, years 31–90 are legally empty. Lawyers advise pricing a leasehold at 30 years and writing in a buy-out of the building at market value if no new term is agreed.

- 11** ☐ Who owns the lessor company, and what happens to my “renewals” if that company is sold or dissolved?

Renewal promises are personal obligations, not property rights, and do not bind successors. The registered lease itself survives a sale of the land under Section 569 CCC.

- 12** ☐ If the villa is held through a Thai company: who are the Thai shareholders, what did they actually pay for their shares, do they have income and a vote? What happens to the house if the company is investigated?

In September 2024 the Criminal Court convicted 23 members of a Phuket nominee network and dissolved the companies. Since 2026 beneficial ownership is checked, and such villas take longer to sell (Thai Examiner, 21 Jun 2026).

THAI EXAMINER, 21 JUN 2026

03

Money during construction

Escrow in Thailand is voluntary, and almost the whole price goes to the developer before the keys. Your protection is your contract and your developer.

90%

of the price the median Phuket buyer pays before the keys

0.01% a day

minimum delay penalty under the standard condo form

15 / 45 days

reservation refund periods under the mandatory OCPB form from 31 Jan 2025

Block 03 Money during construction

- 13** ☐ **DBD extract on the developer: capital, age, directors, three years of accounts, related companies, lawsuits. Which two completed projects in Phuket can I visit, and which owners can I talk to?**

Every named Phuket failure of 2024–2025 involved a small or unknown developer. A built and occupied building matters more than any presentation.

- 14** ☐ **Is the reservation contract on the mandatory OCPB form (condos, from 31 Jan 2025)? Does it state the date for signing the main contract, the 15/45-day refund periods, and the conditions under which negative legal due diligence gives a refund?**

The OCPB notification bans keeping the reservation fee except for the buyer's breach (Tilleke & Gibbins, 15 Oct 2024). Without a definition of "negative due diligence", the refund depends on the seller's mood.

TILLEKE & GIBBINS, 15 OCT 2024

- 15** ☐ **What is the payment schedule: how much before the foundation, how much at handover? Are instalments tied to verifiable construction stages rather than calendar dates?**

Across 234 published schedules the median Phuket buyer pays 90% before the keys (Mendeley Data, 10 Aug 2026). The more that remains for handover, the stronger your position.

MENDELEY DATA, 10 AUG 2026

- 16** ☐ **Whose account receives the money: the developer, the landowner, or a licensed escrow agent under the Escrow Act B.E. 2551? If they say "escrow", show the agent's licence and the escrow agreement.**

Escrow in Thailand is voluntary and rarely offered by developers. A "project account" at a bank is not escrow.

- 17** ☐ **What is the penalty for late handover, and after what delay can I terminate with a full refund? For a villa: which clause replaces the missing standard form?**

For condos the standard form gives at least 0.01% per day capped at 10%, then termination with refund and 3% interest. Villas have no standard form; your contract decides everything.

- 18** ☐ **Who is the main contractor and what have they built in Phuket? Is the final payment conditional on an independent snagging inspection with a re-inspection date? Which warranty periods are written in?**

In a Thalang estate, defects were claimed in 174 of 354 houses, after which the contractor went silent (The Nation, 3 Apr 2025). After the final payment a defect becomes a request, not a condition.

THE NATION, 3 APR 2025

04

Management and rental

The brochure yield is almost always gross, and nightly rental without a hotel licence is illegal. Verify with neighbours' statements and the licence number.

< 30 nights

stays shorter than this require a hotel licence for the building

-6%

Phuket hotel occupancy in 2025 vs 2024 (C9 Hotelworks)

12 months

of real statements from a neighbouring unit to ask for

Block 04 Management and rental

19 ☐ Does the building hold a hotel licence (number, issuing authority), and do the condominium rules allow stays under 30 nights? What is the yield if I can only rent from 30 nights?

Without a licence nightly rental breaches the Hotel Act (up to a year and/or 20,000 baht plus 10,000 per day) and the Condominium Act. In July 2026 a Wichit condo was referred for prosecution (The Thaiger, 30 Jul 2026).

THE THAIGER, 30 JUL 2026

20 ☐ Is the promised yield gross or net, and net after what exactly: management, booking platforms, fees, sinking fund, repairs, taxes? What does the same unit cost without the guarantee?

6–8% guarantees are usually built into a price premium. Net yield after all deductions on the island is well below the brochure's gross figure.

21 ☐ Who is legally the guarantor of payments: the developer's SPV, its management arm, or the hotel brand? What is the guarantor's capital, and is there a bank guarantee or escrow?

In The Peaks case buyers won a civil claim, but the company had no assets (The Thaiger, 5 Sep 2024). An unsecured guarantee is a promise.

THE THAIGER, 5 SEP 2024

22 ☐ Show 12 months of real owner statements for a comparable unit in the same building with every deduction, and give read-only access to the booking dashboard.

No agency collects occupancy data on private units. A neighbour's annual statement is the only document that shows the truth.

23 ☐ Management contract terms: duration, exit without penalty on 30–60 days' notice, a resale lock during the guarantee, owner-use limits, force majeure, income split by pool or by unit?

Ten- to fifteen-year terms without exit, resale locks and an undefined "net" come up regularly. In a pool the successful unit subsidises the rest.

24 ☐ What occupancy and average rate does the model assume, month by month, and how does it compare with the 2025–2026 market?

In 2025 Phuket hotel occupancy fell 6% while rates rose 5%; in Kamala occupancy dropped 24% (C9 Hotelworks, March 2026). Developer models usually assume 70–80%.

C9 HOTELWORKS, MARCH 2026

05

Taxes and costs

Transfer fees, the FET form, annual charges and tax on rent. Nobody cheats here; people simply forget to count.

**2 + 3.3 +
0.5%**

transfer fee, specific business
tax, stamp duty

15%

withholding on rent for a non-
resident owner

180 days

a year: Thailand's tax residency
threshold

Block 05 Taxes and costs

- 25** ☐ Who pays each transfer cost, separately: 2% transfer fee, 3.3% specific business tax, 0.5% stamp duty, the seller's withholding tax, and on what base? If you are promised 0.01%, on what grounds?

The 0.01% relief runs to 30 Jun 2027 only for property up to 7 million baht and only for Thai individual buyers (Tilleke & Gibbins, 24 Apr 2025; Forvis Mazars, 27 Aug 2026). "50/50" without an itemised list is ambiguous.

TILLEKE & GIBBINS, 24 APR 2025; FORVIS MAZARS, 27 AUG 2026

- 26** ☐ How must the money arrive for the bank to issue the FET form: in foreign currency, in my name, with the purpose "purchase of unit X in project Y", for the full amount? Who keeps the original FET until resale?

Without the FET the Land Office refuses freehold registration, and a transfer in baht or without a purpose blocks both registration and repatriation on sale.

- 27** ☐ What are the costs after the keys: common fee per m², sinking fund at transfer, 1–3 years of fees paid upfront, the juristic person's budget and fund balance, building insurance, land and building tax?

In 2025–2026 projects common fees run 55–80 baht per m² per month and the sinking fund 500–800 baht per m². Tax on a non-primary residence is 0.02%, with no relief decree for 2026.

- 28** ☐ Who withholds tax on my rent (15% for a non-resident), does the management company issue withholding certificates, and do I need a Thai tax ID?

Rental income from Thai property is taxed regardless of the owner's residence (Chambers Real Estate 2026). Returns are filed on a 0–35% scale with a 30% standard deduction.

CHAMBERS REAL ESTATE 2026

- 29** ☐ What do I pay on resale: withholding tax by formula and 3.3% if sold within five years? Does the contract price match the price that will be registered?

There is no separate capital gains tax, but an understated registered price at purchase shifts the burden to you when you sell.

- 30** ☐ If I spend 180 days or more in Thailand in the year of purchase: is the transfer itself taxable income, and how do I document when and where the money was earned?

Since 1 Jan 2024 tax residents pay tax on foreign income earned after that date in the year it is remitted. The promised exemption had not become law as of 5 Oct 2026 (ThaiLawOnline).

THAILAWONLINE

You have the list. Now you need projects that pass it.

I put these questions to developers before I show a project to a client. Out of a hundred sites on the island, a handful are in my work. Tap the form below or scan the code: once you send it, I will message you on WhatsApp with:

- a vetted shortlist of 2026 projects for your budget and goal
- a free consultation: 30 minutes on your scenario, no obligation
- a net-yield model on specific properties, not island averages

WHAT ARE YOU BUYING FOR

Income · for myself · both

BUDGET

up to 150 · 150–300 · 300–700 · 700K+ \$

YOUR NAME

Name

WHATSAPP

+ ...



Get the shortlist and a consultation

creatememoriesphuket.blog/en/checklist

1

Form on the site: goal, budget, contact

2

I message you on WhatsApp within a day

3

Shortlist and a call when it suits you

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This is not legal advice. The checklist helps you ask the questions and collect the documents; before you pay, the contract is read by a lawyer who works only in real estate and is not linked to the developer. Figures are current as of October 2026 and may change.