

Preventing Dispossession and Other Real Estate Risks in Mexico City

Organized documentation, physical supervision, and registry monitoring: how to protect your property and how to act when an irregularity arises.

Legal file

Title, contracts, and receipts up to date.

Property supervision

Visits, access points, and keys under control.

Registry monitoring

Real Estate Alert and certificates.

Protecting a property requires organized documentation, physical supervision, and monitoring of its registry status. These measures make it possible to identify irregularities and to have better elements with which to act in a timely manner.

Prevention must address both what happens at the property and the legal acts relating to it.

Risks may arise through unauthorized occupation, but also through forged documents, identity theft, or transactions of which the owner is unaware.

1. Ownership and Possession: Why Is It Important to Distinguish Them?

Ownership

The right over the property.

Possession

Refers to the de facto power exercised over the property.

Both may belong to different persons: for example, in a lease, the owner retains ownership and the tenant receives derivative possession. This distinction is recognized in Articles 790 and 791 of the Civil Code for the Federal District (Código Civil para el Distrito Federal), applicable in Mexico City.

Accordingly, **occupation by a third party does not, by itself, imply unlawful conduct.** In the event of a dispute, the origin of the possession, the existing documents, and the circumstances of the case must be reviewed in order to determine the appropriate actions.

2. Maintaining an Up-to-Date Legal File

Prevention begins with documents that make it possible to identify the property, establish the rights over it, and explain who occupies it and under what conditions. The following is recommended:

- ✓ **Review the title deed and its registry inscription**, verifying that the owner's and the property's details are correct.
- ✓ **Address pending regularizations**, particularly where there are inheritances, adjudications, or property transfers that have not been formalized.
- ✓ **Document any handover of the property to third parties** through lease agreements, loan-for-use agreements (comodato), or other appropriate instruments, accompanied by delivery and receipt records.

- ✓ **Keep receipts for property tax, water, utilities, and maintenance**, as well as photographs and other documents relating to the administration of the property.

- ✓ **Review powers of attorney granted** to administer or dispose of the property and consider revoking those that are no longer necessary.

Receipts and supporting records may provide helpful elements, but **they do not replace the title deed or, by themselves, establish every aspect of possession**. Their scope depends on their content and on the other evidence available.

3. Supervising the Property and Controlling Access

Surveillance is especially relevant for vacant properties or those the owner visits infrequently. Practical measures include:

- ✓ Conduct periodic visits and keep records of the property's condition.
- ✓ Keep locks, entrances, and enclosures in good condition.
- ✓ Keep track of keys and of the persons authorized to enter.
- ✓ Install cameras or alarms where the characteristics of the property warrant it.
- ✓ Maintain communication with building management, neighbors, or security personnel in order to receive notice of unusual situations.

An internet connection may facilitate remote monitoring, but subscribing to one does not, in itself, constitute a legal protection measure.

4. Monitoring the Registry Status

Real Estate Alert (Alerta Inmobiliaria)

The Public Registry of Property and Commerce of Mexico City (Registro Público de la Propiedad y de Comercio de la CDMX) offers a service that provides notices of inquiries or movements relating to the property. It is advisable to verify that it is activated and current, and that the registered contact details are correct. Its usefulness lies in facilitating timely detection; receiving an alert is not the same as preventing or canceling the reported procedure.

Certificate of Freedom from or Existence of Liens

It makes it possible to learn the property's legal registry status with respect to liens, limitations on ownership, and preventive annotations. It should be reviewed with attention to its date and content; it does not, by itself, establish the absence of any dispute or of occupants. Depending on the case, it is advisable to supplement it by consulting the real folio (folio real) and the registry history.

Unrecognized movements

A preventive notice linked to an unknown transaction requires immediate attention. Such a notice may relate to the preparation of a deed and does not necessarily mean that the property has already been transferred. It is necessary to identify the procedure, its origin, and its effects.

5. Acting Promptly When an Irregularity Arises

The presence of unauthorized persons, changed locks, unfamiliar sale or rental listings, judicial notifications, or unrecognized registry movements are situations that must be verified without delay. In such cases, the following is recommended:

- ✓ **Preserve evidence:** photographs, videos, communications, documents, and details of potential witnesses.

- ✓ **Verify the authenticity and scope** of any deed, power of attorney, notification, or ruling that is invoked.
- ✓ **Obtain immediate legal advice** to determine whether to file a criminal complaint, bring civil actions, or request protective or restitution measures.
- ✓ **Avoid recovering the property by taking matters into your own hands**, through force, threats, or other conduct that may give rise to liability. Even the owner may commit dispossession in the circumstances provided for by criminal law.

Prevention should be part of the management of one's assets. Assigning responsible persons, scheduling reviews, and maintaining an up-to-date file make it easier to detect risks and respond in a timely manner.

Legal advice makes it possible to adapt these controls to the characteristics of each property and to the way it is used.

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