
Advanced Skill Certificate in Legal Portuguese for Real Estate

Legal Terminology in Portuguese

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Legal terminology in Portuguese is essential for professionals working in the legal field, particularly those dealing with real estate matters. Understanding key terms and vocabulary in Portuguese can help individuals navigate legal documents, contracts, and negotiations effectively. This guide aims to provide a comprehensive explanation of important legal terms in Portuguese for real estate professionals.

1. Advogado/Advogada (Lawyer/Attorney)

In Portugal and Brazil, a lawyer or attorney is referred to as an "advogado" for males and "advogada" for females. These legal professionals provide legal advice and representation to clients in various legal matters, including real estate transactions. They are licensed to practice law and uphold ethical standards in their practice.

Example: O advogado está representando o vendedor na transação imobiliária. (The lawyer is representing the seller in the real estate transaction.)

2. Contrato (Contract)

A contrato is a legally binding agreement between two or more parties that outlines the terms and conditions of a transaction. In real estate, contracts are commonly used to formalize the sale or lease of a property. It is essential to clearly define the rights and obligations of each party to avoid disputes.

Example: O contrato de compra e venda do imóvel foi assinado pelas partes. (The contract for the purchase and sale of the property was signed by the parties.)

3. Propriedade (Property)

Propriedade refers to ownership or possession of real estate. It encompasses the rights and responsibilities associated with owning a property, including the right to use, sell, or transfer the property. Property ownership is protected by law and can be transferred through legal means.

Example: A propriedade do terreno foi transferida para o novo proprietário. (The ownership of the land was transferred to the new owner.)

4. Hipoteca (Mortgage)

A hipoteca is a legal agreement where a borrower pledges real estate as collateral for a loan. In case of

default, the lender has the right to foreclose on the property to recover the loan amount. Mortgages are common in real estate transactions to finance the purchase of a property.

Example: Eles estão negociando as condições da hipoteca para a compra da casa. (They are negotiating the terms of the mortgage for the purchase of the house.)

5. Escritura (Deed)

An escritura is a legal document that formalizes the transfer of property ownership from one party to another. It is signed before a notary public or a lawyer to ensure its authenticity and legality. Deeds are essential in real estate transactions to establish clear title to a property.

Example: A escritura de compra e venda do imóvel foi registrada no cartório. (The deed for the purchase and sale of the property was registered at the registry office.)

6. Locação (Lease)

Locação refers to a lease agreement between a landlord (locador) and a tenant (locatário) for the rental of a property. The lease outlines the terms of the rental, including rent amount, duration, and conditions of the lease. It is essential for both parties to adhere to the terms of the lease to avoid conflicts.

Example: Eles assinaram um contrato de locação de um ano para o apartamento. (They signed a one-year lease agreement for the apartment.)

7. Testamento (Will)

A testamento is a legal document that outlines the wishes of an individual regarding the distribution of their assets after their death. In real estate, a will can specify how a person's property should be transferred to heirs or beneficiaries. It is important to have a valid will to ensure the proper transfer of real estate assets.

Example: O testamento do falecido indicava que a propriedade seria dividida entre os filhos. (The will of the deceased stated that the property would be divided among the children.)

8. Usucapião (Adverse Possession)

Usucapião is a legal concept that allows a person to acquire ownership of a property through continuous and uninterrupted possession for a specified period. In real estate, adverse possession can occur when someone occupies a property without the owner's permission and meets certain legal requirements. Usucapião can be a complex legal issue that requires careful consideration.

Example: O tribunal concedeu a posse da propriedade ao ocupante por usucapião. (The court granted ownership of the property to the occupant through adverse possession.)

9. Desapropriação (Eminent Domain)

Desapropriação is the legal process by which the government acquires private property for public use, with compensation to the owner. Eminent domain allows the government to take property for projects such as roads, schools, or utilities. Property owners are entitled to fair compensation for their land under desapropriação laws.

Example: A prefeitura anunciou a desapropriação de terrenos para a construção de um novo parque. (The city announced the eminent domain of lands for the construction of a new park.)

10. Registro de Imóveis (Property Registry)

O registro de imóveis is a public record that documents ownership and other legal rights related to real estate properties. The property registry provides information on property titles, encumbrances, and transactions. It is essential to register real estate transactions to establish legal ownership and protect property rights.

Example: O registro de imóveis confirmou a titularidade do proprietário do terreno. (The property registry confirmed the ownership of the landowner.)

11. Aditivo (Addendum)

An aditivo is a supplementary document that amends or adds to an existing contract. In real estate transactions, addendums are used to modify terms or conditions of a contract without invalidating the original agreement. It is important to clearly outline any changes in an addendum to avoid misunderstandings.

Example: O aditivo ao contrato estabelecia novas condições de pagamento para a venda do imóvel. (The addendum to the contract established new payment terms for the sale of the property.)

12. Condomínio (Condominium)

Condomínio refers to a type of property ownership where individuals own a unit within a larger building or complex. Condominiums have shared common areas and facilities that are maintained collectively by the owners. Condominium regulations govern the rights and responsibilities of owners in the property.

Example: Eles são proprietários de um apartamento em um condomínio fechado na cidade. (They are owners of an apartment in a gated condominium in the city.)

13. Vistoria (Inspection)

A vistoria is an inspection of a property to assess its condition and identify any defects or issues. Property inspections are common in real estate transactions to ensure that the property meets the agreed-upon standards. It is essential to conduct a thorough vistoria before finalizing a real estate deal.

Example: A vistoria revelou problemas estruturais no imóvel que precisavam ser corrigidos antes da venda. (The inspection revealed structural issues in the property that needed to be addressed before the sale.)

14. Ação Judicial (Legal Action)

A ação judicial is a legal proceeding initiated in court to resolve a dispute or enforce a legal right. In real estate, legal actions can arise from breaches of contract, property disputes, or other conflicts. It is important to seek legal advice before pursuing a legal action to protect your interests.

Example: O proprietário entrou com uma ação judicial contra o inquilino por falta de pagamento do aluguel. (The owner filed a legal action against the tenant for non-payment of rent.)

15. Compra e Venda (Purchase and Sale)

Compra e venda refers to the purchase and sale of real estate property between a buyer and a seller. The transaction involves the transfer of ownership rights from the seller to the buyer in exchange for a monetary consideration. It is important to formalize the compra e venda through a legally binding contract.

Example: Eles estão finalizando os detalhes da compra e venda do terreno com a construtora. (They are finalizing the details of the purchase and sale of the land with the developer.)

16. Rescisão (Termination)

Rescisão is the termination or cancellation of a contract or agreement before its completion. In real estate, rescisão can occur due to breaches of contract, non-performance, or mutual agreement between the parties. It is important to follow legal procedures when terminating a real estate deal to avoid legal consequences.

Example: A rescisão do contrato foi acordada entre as partes devido a um desacordo sobre as condições de pagamento. (The termination of the contract was agreed upon by the parties due to a disagreement over the payment terms.)

17. Avaliação (Appraisal)

A avaliação is an assessment of the value of a property conducted by a qualified appraiser. Property appraisals are used to determine the market value of a property for sale, purchase, or refinancing purposes. It is important to obtain an accurate avaliação to ensure fair pricing in real estate transactions.

Example: A avaliação do imóvel indicou que o valor de mercado estava acima das expectativas do vendedor. (The appraisal of the property indicated that the market value was higher than the seller's expectations.)

18. Permuta (Exchange)

Permuta is a type of real estate transaction where two parties exchange properties of equal value. Permuta can be a practical solution for individuals looking to acquire a property without the need for cash. It is important to establish clear terms and conditions in a permuta agreement to avoid misunderstandings.

Example: Eles concordaram com a permuta de seus apartamentos para facilitar a troca de propriedades. (They agreed to exchange their apartments to facilitate the transfer of properties.)

19. Penhora (Foreclosure)

Penhora is a legal process where a creditor seizes and sells a debtor's property to recover a debt. In real estate, penhora can occur when a borrower defaults on a mortgage or loan secured by the property. It is important to understand the implications of penhora to protect property rights.

Example: A propriedade foi colocada em penhora pelo banco devido ao não pagamento do empréstimo hipotecário. (The property was foreclosed by the bank due to non-payment of the mortgage loan.)

20. Incumprimento (Breach of Contract)

Incumprimento is a failure to fulfill the terms and conditions of a contract by one of the parties involved. In real estate transactions, breaches of contract can lead to legal disputes and financial consequences. It is important to adhere to the terms of a contract to avoid incumprimento.

Example: O comprador foi acusado de incumprimento do contrato devido ao atraso no pagamento do preço de compra. (The buyer was accused of breaching the contract due to the delay in payment of the purchase price.)

21. Promessa de Compra e Venda (Promise of Purchase and Sale)

A promessa de compra e venda is a preliminary agreement between a buyer and a seller to formalize a future purchase and sale transaction. This document outlines the essential terms of the deal, such as price, conditions, and timelines. It is important to clarify the rights and obligations of each party in a promessa de compra e venda.

Example: Eles assinaram a promessa de compra e venda do imóvel antes de finalizar o contrato de venda. (They signed the promise of purchase and sale of the property before finalizing the sales contract.)

22. Registro de Escritura (Deed Registration)

O registro de escritura is the process of recording the deed of a property at the public registry office. Deed registration is essential to establish legal ownership of a property and ensure its transfer to the new owner. It is important to complete the registro de escritura promptly after signing the deed.

Example: O registro de escritura do imóvel foi concluído com sucesso, confirmando a transferência de

propriedade. (The deed registration of the property was successfully completed, confirming the transfer of ownership.)

23. Contrato de Locação (Lease Agreement)

O contrato de locação is a legal document that formalizes the rental agreement between a landlord and a tenant. The lease contract outlines the terms and conditions of the rental, including rent amount, duration, and responsibilities of each party. It is important to have a clear contrato de locação to avoid disputes during the tenancy.

Example: Eles assinaram o contrato de locação do apartamento por um período de um ano. (They signed the lease agreement for the apartment for a one-year period.)

24. Conflito de Interesses (Conflict of Interest)

Conflito de interesses refers to a situation where an individual's personal interests conflict with their professional duties or responsibilities. In real estate, conflicts of interest can arise when a professional's actions are influenced by personal gain rather than the client's best interests. It is important to disclose and manage conflicts of interest ethically.

Example: O advogado recusou-se a representar ambas as partes devido a um potencial conflito de interesses na transação imobiliária. (The lawyer refused to represent both parties due to a potential conflict of interest in the real estate transaction.)

25. Notificação (Notice)

A notificação is a formal communication that informs a party of a legal action, obligation, or event. In real estate, notifications are used to communicate important information related to property transactions, disputes, or legal proceedings. It is important to provide accurate and timely notificações to ensure legal compliance.

Example: A notificação foi enviada ao inquilino para informar sobre o aumento do aluguel a partir do próximo mês. (The notice was sent to the tenant to inform about the rent increase from the next month.)

26. Intermediação Imobiliária (Real Estate Brokerage)

A intermediação imobiliária refers to the business of facilitating real estate transactions between buyers and sellers. Real estate brokers act as intermediaries to help clients buy, sell, or rent properties. It is important to work with a licensed intermediação imobiliária to ensure a smooth and legal real estate transaction.

Example: Eles contrataram uma empresa de intermediação imobiliária para ajudar na venda do imóvel. (They hired a real estate brokerage company to assist in the sale of the property.)

27. Inadimplemento (Non-Performance)

Inadimplemento is a failure to fulfill contractual obligations or perform as agreed. In real estate transactions, inadimplemento can occur when a party fails to meet their responsibilities under the contract. It is important to address non-performance promptly to avoid legal consequences.

Example: O vendedor foi acusado de inadimplemento por não entregar a propriedade conforme acordado no contrato. (The seller was accused of non-performance for not delivering the property as agreed in the contract.)

28. Matrícula do Imóvel (Property Title)

A matrícula do imóvel is the official property title document that identifies the ownership and legal status of a property. The property registry office issues the matrícula, which contains information about the property, such as location, size, boundaries, and ownership history. It is important to verify the matrícula do imóvel before completing a real estate transaction.

Example: Eles solicitaram uma cópia da matrícula do imóvel para confirmar a titularidade antes da compra. (They requested a copy of the property title to confirm ownership before the purchase.)

29. Averbação (Annotation)

A averbação is the process of recording changes or legal events on the matrícula do imóvel. Annotations are made to update the property title with information such as transfers of ownership, mortgages, or encumbrances. It is important to complete the averbação promptly to maintain an accurate record of the property's status.

Example: A averbação da hipoteca foi registrada na matrícula do imóvel para garantir a prioridade do credor. (The annotation of the mortgage was recorded on the property title to ensure the priority of the creditor.)

30. Alienação (Alienation)

Alienação is the transfer of property ownership from one party to another. In real estate, alienação can occur through sale, gift, inheritance, or other legal means. It is important to follow legal procedures for alienação to ensure the validity and legality of the property transfer.

Example: A alienação da propriedade foi concluída com a assinatura da escritura de compra e venda. (The alienation of the property was completed with the signing of the deed of purchase and sale.)

31. Clausula Penal (Penalty Clause)

A cláusula penal is a contractual provision that establishes a penalty or compensation for non-compliance

with the terms of the agreement. In real estate contracts, cláusulas penais can deter breaches of contract and provide remedies for damages. It is important to include clear and enforceable penalty clauses in legal agreements.

Example: A cláusula penal estabelecia uma multa por atraso na entrega da propriedade durante a construção. (The penalty clause established a fine for delay in the delivery of the property during construction.)

32. Usufruto (Usufruct)

Usufruto is a legal right to use and enjoy a property owned by another person. The usufrutuário has limited ownership rights, such as the right to occupy the property or receive income from it. Usufruto can be temporary or for life, depending on the terms of the agreement.

Example: O usufruto foi concedido ao filho mais velho para garantir seu sustento após a morte dos pais. (The usufruct was granted to the eldest son to ensure his livelihood after the parents' death.)

33. Arrendamento (Leasehold)

Arrendamento refers to a type of property ownership where the lessee (arrendatário) holds a leasehold interest in the property for a specific period. Leasehold properties are commonly found in condominiums or rental buildings. Arrendamento grants the right to occupy and use the property under the terms of the lease agreement.

Example: Eles assinaram um contrato de arrendamento de cinco anos para o escritório no edifício comercial. (They signed a five-year leasehold agreement for the office in the commercial building.)

34. Reivindicação (Claim)

Reivindicação is a legal action to assert ownership or rights over a