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## **SÁBADO Investigation.      The land with two owners controversy**

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**David Mapley bought a house in the countryside in Tavira for his retirement. Now he's discovered that someone else is claiming ownership. The case is in court.**

David Mapley has lived in the United States, Australia, Japan, Hong Kong, Singapore, Canada, Switzerland and Luxembourg, but it was the calm Portuguese lifestyle and the warmth of the Algarve that won him over. This Englishman from Liverpool started looking for a property to retire to in 2021. The requirements were clear: a hill, in an open area, far from other neighbours or main roads. It was through the Fine&Country real estate agency that he found a 2.1 hectare property in Santa Catarina da Fonte do Bispo, Tavira, for more than 600 thousand euros.



The plan they sent you when you bought the property, which includes the land of contention

He visited the site, spoke to the owners - an elderly English couple who, after Covid-19, decided to return to their home country - hired a lawyer and started the purchase process. "In all my life, as I've lived in 11 countries, I've bought and sold 11 houses. I'm familiar with the process. I'm someone who works in finance, and I know how these things work. It's normal to trust lawyers, it's normal to trust estate agents. But more importantly, you trust lawyers because they are there to defend you," he tells SÁBADO.

But David didn't realise what was waiting for him, even though he noticed something unusual. He recalls that he agreed the terms of the contract and the size of the plot with the lawyer and the estate agent, but the whole purchase process was "very rushed". Despite this, he thought the reason was that the owners wanted to return to England because of Covid-19.

With no time to lose, he sold the property he had in the United States in the middle of winter - "which devalued it immensely" and caused him to lose a lot of money - in order to buy his retirement dream home. Everything seemed to be going well and in February last year he became "a proud owner of a house in Portugal, in the Algarve", he tells SÁBADO.

But the apparent tranquillity lasted until the middle of the summer. In July, two Portuguese men entered his property to look at some land. David was worried because he had heard several stories of carob thefts in the region. When he approached them, he was surprised by their justification. "They replied that the land belonged to a very nice Portuguese man, whom I knew from the village. A gentleman who owned a restaurant and with whom I get on very well. And that he was the one who had sent them to see the trees. I thought it was strange and told them it was my land."

The workers eventually left, but the next day the alleged owner turned up with documents that David considered to be "quite credible, very official". To put an end to his doubts, the Englishman digitised the papers and sent them to his law-

yer, Rui Horta. David Mapley explains the unusualness of the matter: "They weren't claiming just any piece of land, it was right in front of my house. I was in my room and I could almost touch them. If true, this would devalue my house enormously. But the lawyer sent me back the plot plan, exactly the same as the one I had been shown before, and said that I owned the whole thing."

### **Is there a problem?**

A week later, David Mapley says he received a call from the lawyer to say that "maybe there was a problem" and that "maybe some adjustments needed to be made". Their relationship began to deteriorate at that point.

With his hands tied, the Englishman decided to go ahead with various legal proceedings. Elisabete Romão, his current lawyer, explained to SÁBADO that at the moment it is still unclear who the real owner of the land is. In fact, it could be David Mapley, as his colleague Rui Horta and the property company Fine & Country claim, but it could also be the case that the land belongs to a Portuguese citizen. The court will have to decide. "We're talking about a fairly small town, with a small number of people from Tavira and therefore people usually know the boundaries of the land. The problem that exists is related to the sale of property to foreign citizens. As they don't know the language and there is no central institute that provides foreigners with the locations and confrontations, they are often forced to contact a real estate agency that may or may not have the documentation in order or that corresponds to reality. That may be what happened here, that the existing documentation isn't the real thing," the lawyer told SÁBADO.

David Mapley currently has one civil case and two criminal cases before the courts. At issue is the "lack of institutional demarcation", i.e. cadastre, in the Tavira region, which is "one of the few places in the country that doesn't have a cadastral survey, which always leads to various disputes between the real owners and the purchasers".

### **An exchange of accusations**

SÁBADO contacted Tavira Town Hall to find out if there is in fact no cadastral survey in the municipality and what justifies this situation. We were offered an interview by telephone and asked for further clarification by email, but no reply had been received by the time this edition closed.

The property agency's lawyer points out that David Mapley contacted them "interested in acquiring a property that the agency had in its portfolio". They guarantee that the process was carried out on the basis of "official and legal" documents that they "had on file", such as the "land certificate, land booklet and utilisation licence".

Months later, they claim to have been the target of "defamatory accusations on social networks", "threats of complaints and claims to public organisations, private entities, business partners" because "in that person's opinion, he had been deceived". Fine&Country states that it never received or viewed the Portuguese citizen's documents and accuses David Mapley of "simply wanting to be compensated" in a "blackmail situation" that the agency "could not tolerate, nor could it give in to, because it is devoid of any logical and/or legal basis". They conclude by assuring that David "contracted a technician who advised and represented him in the aforementioned purchase" so he cannot hold the real estate agency responsible, which "limited itself to carrying out its role of mediation, and for which it cannot be held responsible since it acted in absolute good faith, in strict fulfilment of its obligations, and always within total legality".

For his part, lawyer Rui Horta didn't answer our calls but, via email, wrote that "Mr Mapley's statements do not correspond to reality", since "the areas acquired are correct", and so the matter "is being investigated by the competent bodies and will be clarified in due course".

Three weeks later, he got in touch again to say that after analysing a complaint made against him by David Mapley, the Superior Council of the Portuguese Bar Association had issued an "order to close the complaint and the whole matter". He ended the email by writing: "Denigrating a reputation is easy, restoring the truth is more difficult and time-consuming, but in the rule of law, sooner or later, reason wins."

David Mapley remains hopeful that the case will be resolved. "I hope that within a year the problem will be resolved because it's very annoying. I'm reminded every day of these problems that I have to solve. This will be my home until the end of my life, it was a commitment. I'm working my land and I love it. It's all very bizarre, but I believe in the system," he concludes.

### **Water tank**

His water bill kept rising and it was a neighbour who alerted him to the fact that his meter was outside his property and unsafe. David decided to buy a tank until the matter was resolved. "This summer, as there was very little water in the Algarve, I decided to go back to England so I could have a bath," he says.

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