# Siam Legal International Warns Foreign Buyers on Koh Samui Property Legal Risks

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Siam Legal International, a full-service law firm with more than 22 years of experience assisting foreign nationals in Thailand, is warning foreign nationals considering property purchases on Koh Samui to engage legal representation before making any financial commitment, as undisclosed title defects, unregistered encumbrances, and unfair contract terms continue to expose buyers to significant financial and legal risk.

Koh Samui has become one of Thailand's most active property markets for foreign buyers, with strong demand from Russian, Chinese, British, and European nationals drawn by the island's established expatriate community and growing appeal as a long-term residential base. Despite strong market activity, Siam Legal's property team reports that legal problems concealed behind attractive listings remain a consistent issue across all price segments, from entry-level condominiums to high-value beachfront villas.

Common issues identified during due diligence include sellers who do not hold clear title to the property they are offering for sale, undisclosed mortgages or liens registered against the title, land use restrictions that affect how a property can be developed or occupied, unresolved boundary disputes with neighboring plots, and sale and purchase agreements containing terms that disadvantage the buyer. None of these issues are

visible in listing materials or property walkthroughs. They only become apparent when the underlying legal documentation is examined directly. Thailand's title deed framework adds a further layer of complexity, as Chanote title provides full land rights with precise boundaries, while other title types such as Nor Sor 3 Gor and Nor Sor 3 carry different limitations and may not have exact boundary demarcations, with direct implications for how a property can be transferred or developed.

"Many buyers wait until the deposit stage to think about legal help, and by then some of the damage is already done," said Rex Baay, Operations Manager at Siam Legal International. "A lawyer brought in before any financial commitment is made can identify title problems, undisclosed encumbrances, and unfair contract terms before they cost money. After a deposit has been paid, the buyer's negotiating position is significantly weaker." A full guide to the legal checks required before purchasing property on Koh Samui is available in Siam Legal's Koh Samui property buying guide.

The sale and purchase agreement stage carries particular risk for unrepresented buyers. Contracts on Koh Samui are typically drafted by the seller or the developer and may include penalty clauses that limit the buyer's ability to withdraw, inadequate deposit protection provisions, and terms that restrict legal recourse in the event of a dispute. Independent legal review before any signature is given is the only way to ensure contract terms are balanced and enforceable.

For foreign nationals, ownership structure adds a further compliance dimension. Foreign freehold ownership is limited to condominium units within the 49% foreign quota, provided purchase funds are remitted from abroad and documented with a Foreign Exchange Transaction Form. Direct land ownership is prohibited, meaning houses and villas are typically held through registered 30-year leaseholds, superficies arrangements, or company structures, each carrying its own legal requirements. The ongoing nominee enforcement campaign that has resulted in prosecutions and asset seizures across Koh Samui and Koh Phangan in 2025 and 2026 has significantly raised the compliance risk of company-based ownership structures that do not reflect genuine business activity.

Siam Legal International is a full-service law firm with more than 22 years of experience assisting foreign nationals in Thailand, with offices in Bangkok, Chiang Mai, Phuket, and Pattaya. The firm provides comprehensive legal support across property transactions, corporate structuring, immigration, business law, and litigation.

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# Siam Legal International

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