

# **Real Estate Investment under China's New Land Use Laws**

## **Mitigating Complex Legal Risks, Seizing New Opportunities**

**A Live 90-Minute Teleconference Program with Interactive Q&A**

**Tuesday, January 8, 2008**

**1:00 p.m. Eastern Time / 12:00 p.m. Central Time /  
11:00 a.m. Mountain Time / 10:00 a.m. Pacific Time**

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As China's population skyrockets past 1.3 billion and the demand for living and office space increases, U.S. investors anxiously seek real estate investment opportunities there. However, investment restrictions, land ownership rules and China's unique culture make foreign investment complicated.

New Chinese Property Laws became effective in October 2007, providing some direction for investors. However, regulations limiting foreign access to investment in the Chinese real estate market create continuing uncertainty for U.S. investors.

This teleconference will explain the current cultural and regulatory environment for real estate investment in China, the legal risks of investing in Chinese real estate and best practices for mitigating those risks.

- I. Recently enacted laws impacting real estate investment in China
  - A. 2007 Chinese Property Laws
    - 1. Renewal, transfer and termination of land use rights
    - 2. Registration of land use and access to registration records
    - 3. Eminent domain
    - 4. Mortgages
  - B. 2006 regulations for acquisition of land use rights
    - 1. Must invest via a China-based foreign invested real property company
    - 2. Must obtain approval from Chinese government for capital contributions
  - C. 2007 foreign investment guidance
- II. Best practices for mitigating investment risk
  - A. Understand China's unique land issues, e.g., verifying ownership, renewing and transferring land use rights
  - B. Use separate foreign invested real property company for each property purchase
  - C. Use appropriately structured shareholder loans
  - D. Consider joint ventures

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