



## Property Guide

Our guide will help you understand the process of buying and selling property.

Please take a few minutes to read through it and we will look forward to working with you.

### How long will it take?

On average we aim to complete your transaction between 10-12 weeks.

Sometimes it may take less time and on occasions more.

Each transaction is different and certain unforeseen factors can slow down the process.

Please rest assured however we have acted for thousands of clients over the years and we always do everything to complete as quickly as possible.



### Our initial paperwork

Our initial paperwork is designed to obtain as much relevant information as possible from you at the start of the transaction.

Please take the time to complete the documents as fully as possible as this will help avoid delays.

Please return this to us as soon as possible as we cannot progress your matter without it.



### Returning the paperwork

When returning our paperwork please note we need the following:-

- ❖ Signed client care letter
- ❖ Fully completed and signed questionnaire
- ❖ Completed Sellers Property Information form, Fixtures, Fittings and Contents form (sale only)
- ❖ Certified ID (see page 4)
- ❖ Proof of funds (purchase only) see page 4
- ❖ Any other relevant documents e.g. certificates, guarantees, permissions which are linked to the property (sale only)
- ❖ Money on account, please see your client care letter



### The Conveyancing Process

You make or accept an offer. The property is sold "subject to contract".

Solicitors become involved at this point but the sale/purchase is not binding on the parties until contracts are exchanged.

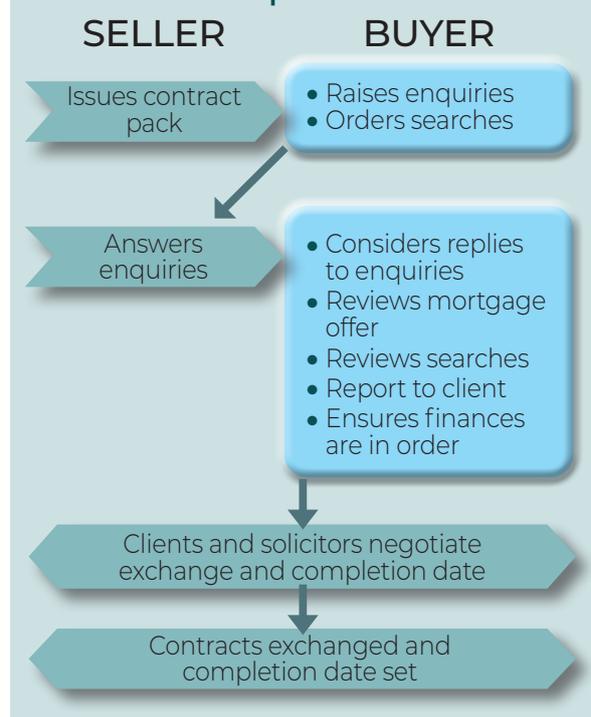
After exchange neither party can withdraw without serious financial consequences.

Solicitors ensure that all legal and administrative work associated with transferring the ownership of the property between parties is done correctly.

If you are buying with a mortgage, your solicitor will usually also act for your lender.



### Sample flow chart detailing the process



## What are property searches?

Searches produce important information about the property and surrounding area which solicitors need to know about so that they can give you and your lender the best information possible about the property.



On occasions the searches reveal information that require further enquiries of the seller and on the rare occasion have meant the transaction doesn't proceed.

Which searches are ordered depends on the location of the property but in general will involve all or a combination of the following:-

### Local Authority

The information supplied covers a wide range of topics including planning, building regulation, road adoption, traffic schemes.

### Drainage and Water

This provides water and drainage information and how the property is served which could affect planned extensions or building at the property.

### Environmental

This search provides a range of information about the property and surrounding area such as contamination issues, flooding, energy projects, ground stability and other related issues.

### Mining

This search reveals past, present and future mining information.

Searches usually take between 10-14 days.

**We can only apply for searches once we receive your initial payment and will assume we are to order them as soon as your payment is with us. Please tell us if you want to delay searches for any reason.**

## Valuation & Surveys

If you are obtaining a mortgage your lender will usually do a valuation report as part of their process.

This provides basic information about the property you are buying.

**Please note however this valuation is done for them and not you. Please let us have a copy as we need to see it. If you don't have a copy please contact your lender.**

Therefore, we always recommend you commission a Home Buyers Survey. This will give you a comprehensive report as to the condition of the property and the cost of any future repairs. It may even give you grounds to negotiate a price reduction.

We can assist in arranging a survey for you please see our questionnaire.

Please note the surveyors' fees do not form part of our fees and you will need to pay any surveyor directly.



## Your mortgage offer

Your lender will send you an offer of mortgage.

Please ensure you sign and return any documents required by them.

They will also send us a mortgage pack containing certain documents which are not included in your pack.

We will then review the mortgage and send you our review and the mortgage deed to sign.

Once we have the signed mortgage deed (and all enquiries answered) we will be in a position to request your mortgage funds and once a date for completion is agreed.

The amount of notice the lender requires for drawdown of funds varies from lender to lender.

Please note that in most cases we will also be acting for your lender in the purchase. This means they are our client also and we have to report to them on anything which is covered by our terms of engagement with them.

This can be frustrating for you as we have no control over how quickly they deal with things. Please be patient with us in these circumstances.



## Communication Between Us

**Our preferred method of communication is by email.**

As you will appreciate we have hundreds of clients at any one time trying to move house.

This means we receive a large amount of emails on a daily basis.

We will reply to your emails however we cannot always do this immediately but will attempt to respond within 1-2 working days. Please be patient.

If, however you need to ring us please do so. The person dealing with your file will try and take your call. Where they can't however you may talk to one of their colleagues who will know the file and try to help you.

Where it's necessary to leave a message, the message will be passed onto the person handling your file and they will call you back as soon as possible, however this may not be the same day.

If the message is urgent you should inform the message taker.



## It's all gone quiet!?

Your file will be worked on behind the scenes regularly throughout the process. There is therefore no need to be concerned if you don't hear from us during the middle section of the transaction when we are reviewing information, chasing replies to enquiries etc.

We will always contact you at important stages.



## Completion Dates

Please let us know if you have any preferred completion dates and the reasons for this.

It is however, not always possible to meet that date for a variety of reasons.

We will work with you and the other solicitor to agree a date as soon as possible and exchange contracts to fix the date as soon as everyone is ready.

Until this date is fixed we would advise you not to book removals, hand notice in if you are in rented accommodation, or book time off work etc.



## Day of Completion

This is the day the seller gives up the right to occupy the property and the buyer gets the keys.

We will guide you through the day but essentially the buyer solicitors transfer the money to the sellers' solicitors by bank transfer and when received the sellers' solicitors notify the estate agent and the buyers solicitors the keys can then be released to the buyer.

**Note** - if there is no estate agent involved you will have to make private arrangements for the handover.

**Note** - we cannot be responsible for delayed transfer of your funds from your bank. We will usually request that funds arrive the day before completion.



## Signed Documents

We ask that any documents we send you for signature are returned to us promptly.

We cannot exchange contracts without a signed contract and mortgage deed.

Any transfer document that requires signing should also be returned immediately.



## Witnesses

Any one over the age of 18 can witness your signatures as long as they are not family members (including in laws) or a partner.

They should always add their name and address.



## After Completion

If you are selling and there is a mortgage to repay we do this.

If you are buying then we will register your ownership at the Land Registry and when this is done, send out to you your Deeds or store the same at the office if you have asked us to. This can take a number of weeks so please do not be concerned.



# Helpful hints to avoid delay

Please read this carefully as we have learnt over the years certain issues are the main causes of delays and frustration.

## Sale Documents

- ❖ If your property is less than 10 years old we will most likely be asked to produce planning permissions, building regulation certificates, NHBC documents and other supporting planning documents such as section 38, section 104 & section 106 Agreements. We would expect the solicitor who acted for you on the purchase to have these. If they didn't send them to you after completion please contact them as early as possible to ask for them.
- ❖ If you are unable to obtain them you can purchase duplicates from the local authority.
- ❖ If you have had building work done at the house please provide us with all guarantees, certificates and permissions. If you don't have any please let us know to save us asking you for them.
- ❖ If you are selling a leasehold property let us know immediately who collects the service charge and the ground rent as they may not be the same. Please provide full contact details.

Please note we will be asked to provide a management pack compiled by the Management Company or freeholder as soon as we know who they are. We will contact them to find out how much they charge for the pack and we will need you to pay us this amount.

## Certified Identification

Our regulations require us to obtain certified identification on all of our clients. We realise this is frustrating but we have no choice.

The certification can only come from a small number of people.

- ❖ Solicitor
- ❖ FCA regulated professional i.e. mortgage adviser
- ❖ Accountant

The certification should say "I certify this to be a true copy of the original document and a true likeness of

\_\_\_\_\_ : (Passport / Driving Licence)

Or

"I certify this to be a true copy of the original document" (Utility Bill etc)

## Proof of Funds

On all purchases we are required to obtain proof of purchase funds to ensure they came from a legitimate source.

We will therefore need to see evidence at the earliest stage where funds have come from. Please therefore provide as with a copy of your bank statement showing the funds in place.

If you are being gifted any element of the purchase price we will need proof of the source of those funds i.e. a third party bank statement.

## Gifted Deposits

If you are being gifted money from a relative we will need the following:-

1. Name and address of the giftor
2. Certified ID for the giftor
3. Gifted deposit letter. This may have already been provided to your mortgage broker. If so we need a copy of this letter as we have to satisfy ourselves that your lender knows about it and the letter is in the correct form. If not we will produce one for signature by the giftor.
4. Proof of funds

## Help to Buy ISA's

If your purchase involves a Help to Buy ISA then we will guide you through this process of accessing these funds. Do not close your account yet.

## Building & Contents Insurance

This needs to be in place from the date of exchange and we need to see a copy of the policy before we can exchange. Most insurance companies will email this to us when asked to do so by you.

## Transferring funds to us

We will send you a Completion Statement showing how much we need from you.

We strongly suggest that you transfer funds to us as soon as possible using a CHAPs payment as we require cleared funds in our account on or before the day of completion.