

Buying a home

Below is a brief outline of the conveyancing process highlighting the different stages of a purchase transaction. The precise stages involved will vary according to the individual circumstances.

1. TAKE INSTRUCTIONS

- (a) We will write to you to confirm that we will be acting on your behalf on your purchase and will enclose a questionnaire which you will need to complete and return to us with a cheque for money on account for disbursements.
- (b) We will write to the estate agent and the Seller's solicitors to confirm that we are acting for you.

2. RECEIVING THE CONTRACT PACKAGE AND SUBMITTING SEARCHES

- (a) The contract package will consist of a draft contract, an Official Copy of the Register and plan from the Land Registry, a Fittings and Contents Form and a Sellers' Property Information Form both completed by the Seller/s
- (b) On receipt of the contract package we will investigate title to the property and submit any searches. The searches which are usually submitted (i.e. that mortgage lenders require) are an environmental search, a local authority search and a water and drainage search.
- (c) We will send you a copy of the title and plan to the property, the Fittings and Contents Form and the Property Information Form for you to review and let us know if there are any enquiries you wish to raise from your personal knowledge of the property

3. RAISING ADDITIONAL ENQUIRIES

- (a) On receipt of the contract package we will raise additional enquiries which are questions arising from the replies the Seller has provided in the property information forms and any queries we have from reading the title documents. If you are purchasing a leasehold property it is likely that some additional enquiries will be sent to the landlord or managing agent.

- (b) It is likely that on receipt of the search results we will raise further enquiries for the Seller's replies.

4. MORTGAGE

If you are obtaining a mortgage for the purchase of the property we will receive a copy of the mortgage offer directly from the lender. Once this is received we have a duty to meet the lender's requirements and they in turn also become our client.

5. REPORTING TO YOU

- (a) Once we have received satisfactory replies to our additional enquiries we will be in a position to report to you. We will do this by way of a purchase report which will summarise our investigation of the title documents and search results. We will also send you the contract, the stamp duty land tax form and the mortgage deed (if any) for your signatures.
- (b) Exchange of contracts is when the contract becomes legally binding on both parties - as purchasers you become legally bound to purchase the property. Upon exchange of contracts you will have to pay a deposit. This is to secure your performance of the Contract and will be forfeited if you fail to complete. The deposit will be deducted from the purchase price on completion and is usually 10% of the purchase price but 5% may be acceptable to the Seller. We will not be in a position to exchange until the agreed deposit monies are cleared in our client account.

6. EXCHANGE OF CONTRACTS

- (a) This occurs when all parties in the chain are in a position to proceed and have agreed a completion date. The completion date is the date when you will pay the balance of the monies to the sellers and in return you will obtain possession of the property

and be able to move in. Although a moving date may have been discussed beforehand it can only be worked towards. If you attempt to fix an unrealistic date before this, any unexpected delay or technical difficulty on either our transaction or somewhere else in the chain could lead to disappointment and the need to alter any arrangements you have made.

- (b) Once contracts have been exchanged you are legally bound to buy the property from the Sellers on the completion date and at the price agreed.
- (c) We will send your signed part of the Contract to the Seller's solicitors with the deposit cheque and we will receive the Seller's part of the contract. Usually the deposit will be held by the Seller's solicitor's client account until completion (unless otherwise instructed and agreed between the parties).

7. PREPARING FOR COMPLETION

- (a) If you have obtained a mortgage to assist in purchasing the property we will write to your mortgage lender to request the mortgage monies to be sent to our client account 24 hours prior to the completion date.
- (b) We will prepare our firm's invoice and financial statement which will set out the amount of money due from you prior to the completion date. This figure will include our legal fees, stamp duty land tax, land registry fees, searches and all incidental disbursements in preparing for your purchase
- (c) Between exchange and completion we will prepare a transfer deed and send it to the Seller's solicitors for their approval. Once the Seller's solicitors have approved the deed we will send it to you for signature. This is the legal document that transfers the property title from the Seller to yourselves and requires your signatures to be witnessed.

8. COMPLETION

- (a) In order to ensure that we complete on the date fixed in the contract we would request that any monies due to us are cleared in our client account prior to the completion date.
- (b) On the completion date we shall send the balance of the purchase monies to the Seller's solicitors, normally this must be done prior to 2pm. Once received by them, the keys will be ready to be collected by you from the estate agents.

9. POST COMPLETION

- (a) On the day of completion we will submit your

stamp duty land tax form with the requisite fee to HMRC.

- (b) If there is a mortgage lender involved in the transaction we will write to them to confirm that completion has taken place.
- (c) The Seller's solicitors will send us their client's part of the transfer deed and any other miscellaneous documents in relation to the property.
- (d) Once we have received the Seller's transfer deed we will submit an application to the Land Registry to transfer the property to your names.
- (e) When the Land Registry has completed our application they will send us a Title Information Document which confirms that you are the new owners and gives brief details of your mortgage over the property. We will then forward this document, and all other documents relating to the property, to you for your safekeeping.

Purchase of leasehold properties

If you are buying a leasehold property (a flat/ maisonette) then the transaction may take longer than a freehold property as additional information will be required by us from the Seller's solicitors.

We will require information about and evidence of the ground rent and service charges payable, as well as the buildings insurance certificate and various other documents from the Landlord/ Management Company.

We will also send a questionnaire which will need to be completed by the Landlord/Managing Agents which asks various questions about the property and the Lease.

It is only when we are satisfied with the information provided that you will be ready (subject to all other matters having been satisfactorily dealt with) to proceed to exchange of contracts.

Timescale - how long will this take?

The timescale is determined by a host of factors – legal, personal, social and financial. If there is a chain, then all parties in the transaction will need to be ready at the same time, which means that all the legal paperwork needs to be in place for each party together with cleared deposit funds in order to facilitate exchange of contracts. It can take some 6-8 weeks to get to the point of exchange of contracts, longer normally for leasehold purchases. Completion will take place at a date mutually agreed by the parties.