




Conveyancing Guide

A guide to our residential property legal services

0344 2452500

info@foreverlegal.co.uk www.foreverlegal.co.uk/conveyancing



A Brief Guide to the Conveyancing Process

The conveyancing process can be daunting, particularly if you are a first-time buyer, or if it has been a while since you last moved. We have created the below step by step guide based on a freehold sale and purchase.

The Draft Contract Pack and Searches

Once an offer has been accepted, your estate agent will send out a memorandum setting out the details of the sale to both solicitors. The buyer should ensure they have submitted their full mortgage application, if relevant, and commission a survey. A survey should identify any existing physical defects in the property and may warn of potential problems. It is important to be aware of such issues before you exchange contracts as a buyer will not be entitled to any compensation from the seller if they have to put right any defects. We would also strongly recommend the buyer commission an inspection report for the heating system and electrics for the same reason.

The seller's solicitor will then produce the draft contract pack containing the following to send to the buyer's solicitor:

- ⊕ draft contract;
- ⊕ official copy title entries for the property;
- ⊕ property information form (containing standard questions on the property and responses from the seller);
- ⊕ fittings and contents form (listing the items to be left at the property and any monies to be paid in relation to specific items); and
- ⊕ any other relevant documents and guarantees such as planning and building regulation certificates and gas and electrical certificates.

The Draft Contract Pack and Searches continued

Usually, the buyer's solicitor would wait until the contract pack has been received to submit the property searches. We give our buyer's the option for searches to be submitted prior to the pack being received to speed up the process. Searches will usually include the following:

- ⊕ Local authority search– this provides planning information relating to the property along with other important information, for example relating to public highways, proposals for new roads, rail schemes or planning decisions that could affect the property (please note local search results can take up to six weeks to arrive).
- ⊕ Environmental search– this gives details of the past uses of the land in the vicinity of the property and whether such past uses are likely to have caused any potential contamination of the land on which the property is situated. It will also confirm whether the property is located in an area with a risk of flooding.
- ⊕ Water and drainage search- this will reveal whether the property is connected to mains water and drainage and whether there are any public drains or sewers within the property.
- ⊕ Chancel indemnity policy – if the property has not been sold for value since 13 October 2013, there is a chance that it could be subject to a chancel repair liability which has not been noted on the title to the property. Depending on your requirements and those of any lender, we may therefore put in place an indemnity policy to protect against the risk of a chancel repair liability notice being placed on the title to the property between exchange of contracts and completion.

Additional searches, such as a coal mining or flood search, may also be necessary depending on the results and/or location of the property.



Pre-contract Enquiries

The buyer's solicitor will now review the contract pack and raise initial enquiries with the seller's solicitor.

The seller's solicitor will forward on the enquiries to the seller for their comments and obtain any documents requested. The Seller's solicitor will then provide the buyer's solicitor with replies.

This process repeats until the buyer's solicitor is happy with the replies.

Once the search results have been received it is often necessary to raise additional enquiries.

Report on Title

The buyer's solicitor will now prepare the report on title and send this to the buyer, along with supporting documentation, to review.

The report is often lengthy and pulls together all the important information contained in the contract pack and replies to enquiries.

The buyer should read through the report and discuss any concerns or points they do not understand with their solicitor.

If the buyer is happy with the report and the solicitor has received the mortgage offer from the lender (if applicable) the buyer will now be ready to exchange contracts.



Exchange of Contracts

The respective solicitors will send the contract, transfer and mortgage deed (buyer only) to their clients to sign and return to their solicitor in hard copy by post.

The buyer and seller will agree a date for completion of the sale and the buyer will transfer their deposit (usually 10%) to their solicitor.

The solicitors will then call each other to exchange contracts with completion to take place on the agreed date. At this point, both parties will be contractually bound to complete on the said date and the buyer will forfeit their deposit if they fail to do so.

The buyer's solicitor will request completion monies from the buyer's lender. Lenders usually require 7 days' notice in order to release the monies. There is therefore usually a week or more between exchange of contracts and completion to allow for monies to arrive.



Completion

On the day of completion, the buyer's solicitor will send the completion monies to the seller's solicitor.

Once the seller's solicitor has received the monies, they will phone the buyer's solicitor to confirm completion and instruct the estate agent to release the keys to the buyer.

Both solicitors will date the transfer document and the seller's solicitor will send their transfer document to the buyer's solicitor. The seller's solicitor will then pay the estate agent's invoice and redeem any mortgage registered on the property before returning the balance of sale proceeds to the seller.

Once the buyer's solicitor has received the transfer document, they will send it to the Land Registry along with an application to register the property in the buyer's name. The buyer's solicitor will also submit the stamp duty land tax return to HMRC and make the SDLT payment (land transaction tax will be payable instead if the property is in Wales).

Once the registration is complete (this can take a number of weeks/months depending on the complexity of the transaction), the Land Registry will notify the buyer's solicitor who will send the updated official copy title document to the buyer showing them as the registered owner.



General

The process usually takes around 12 - 16 weeks. Leasehold transactions and off plan purchases are more complex and there will be additional steps and time involved. We are happy to discuss these additional steps with you if you wish.

This guide is for general information only and does not constitute legal advice. No two transactions will ever be alike therefore the process will vary.



Forever Legal Limited,
Lindley Court,
Scott Drive,
Altrincham,
Cheshire, WA15 8AB

T: 0344 2452500

E: info@foreverlegal.co.uk

W: foreverlegal.co.uk