

## Conveyancing – What is Involved?

### Freehold and Leasehold Purchase

It is important for us to agree exactly what work we will be conducting on your behalf. Please do not assume that anything that is not specifically referred to in the following lists will be done by us. Please ask us if there is anything that you think we ought to do on your behalf, but which is not shown in the following lists. Possibly such work will be covered by our retainer but not necessarily and we cannot be held responsible if you had expected us to do something that does not appear in the following lists.

#### Items Included

On a sale of property, we may undertake the following work on your behalf if relevant, although not all of these items are necessarily relevant to your transaction.

- locate and obtain your title deeds
- obtain official copy entries from the Land Registry or otherwise prepare an abstract of the title if the property is unregistered
- draft a contract for the sale of the property
- arrange for you to complete a Property Information Form and list of Fixtures Fittings and Contents using the Law Society Transaction scheme
- reply to any additional enquiries raised by the buyers' solicitors
- agree with you a completion date
- exchange contracts
- agree the format of the transfer deed and arrange for you to sign this
- reply to any requisitions (enquiries) about the title to the property
- obtain a settlement figure from any mortgage lender calculated to the date of completion
- obtain your selling agent's account
- complete the sale
- arrange repayment of your mortgage
- pay your estate agents account from the sale money
- account to you for the net proceeds of sale usually in the form of a client's account cheque or bank transfer by way of a CHAPS transfer

#### What is involved in a sale?

Although every sale is different and the precise steps taken can vary according to the type of property being sold and where it is located, the following will give you an idea of the kind of steps that we will be taking on your behalf.

The process of selling a property breaks down into three main series of steps:

- The pre-contract stage – what we do before you agree to selling the property;
- The post-contract stage – what we do to make sure that ownership is transferred to the purchaser of your property; and
- The post-completion stage – what we do after you have completed the sale.

We will always make sure you know what is happening and when things need to be done by you.

### Pre-contract steps

- We will take your instructions to act for you in your sale. As soon as possible after someone offers to buy your property or – if your sale is linked to the purchase of another property – as soon as you have found a property to purchase so that we can carry out any preliminary work in readiness for a sale, you need to tell us what you are selling, how much it is for, who the estate agents are and who is buying it.
- We will also need to know where the documents for your property are, whether you have a mortgage to be paid off and whether you are buying another property. We are required by law to ask you for evidence of your identity so that we can comply with the duties of the money laundering regulations.
- Usually, we will be contacted by your estate agent who will give us details of the purchasers of your property and their solicitor/conveyancer. If no agent is involved, you will need to supply us with that information.
- If you are selling a leasehold property, we will tell you about any specific duties there are such as notifying the landlord and if your property is owned jointly, we will provide you with any advice necessary as to any issues that arise.
- Once we have the documents to your property, we can prepare a contract. We will send this, together with any accompanying documents, to the solicitor/conveyancer for the person buying your property. The contract sets out details of the property being sold and the terms upon which you are selling it.
- The solicitor/conveyancer for the person buying your property will go through the contract and documents, carry out searches and ask questions (referred to as pre-contract enquiries) about the property. We may need you to help us to answer these enquiries. They might relate to the gas/electricity or relate to planning and other issues affecting the property such as mining, flooding or subsidence.
- Once the solicitor/conveyancer for the person buying your property is happy that everything is satisfactory, and they are happy to go ahead, we will ask you to sign the contract. We will then “exchange contracts” – in other words enter into a binding agreement to sell the property to the purchaser. The timing for this may depend upon any sale that you have or any purchase that the person selling to you has. This is something that can often delay the transaction.

- Prior to or at exchange of contracts you will usually agree the date when the sale will be completed – that is to say when the property ceases to be yours – known as the “completion date”.
- It is usual for a deposit to be paid to you on exchange of contracts - normally 10% of the purchase price although you may be asked to accept a lesser sum if, for example, the purchaser is obtaining a 95% mortgage or has had to accept a reduced deposit from his or her purchaser.
- The deposit is a way of showing that the purchaser intends to go ahead with the purchase, and they may lose it if they do not go ahead with the purchase after contracts have been exchanged. For that reason, you may want to insist on the full 10% – but do bear in mind this could mean that the transaction does not go ahead.

### Post-contract steps

- Once contracts are exchanged, we will begin the work leading up to the completion of the sale.
- We will approve the transfer document (which will be drafted by the purchaser’s solicitor), get you to sign it in readiness for completion, obtain a redemption figure for any mortgage on your property and we will make sure that everyone else in the transaction is ready to proceed.
- We will work out the financial details and either tell you how much you are getting from the sale or, if there is a related purchase, how much will be repaid to you or how much we still need to complete the purchase. That sum will include any other payments we still need to make such as the land registration fee and any stamp duty land tax.
- On the day of completion, we will receive the balance of purchase money from the purchaser’s solicitor, send them any deeds and documents relating to the property and deal with the money appropriately. We will check with you over this so that you can make arrangements to hand over the keys to your property to the purchaser.
- Bear in mind that until such time as the money is received by us that the purchaser cannot move into the property and you should not let them do so until we tell you it is safe.

### Post-completion steps

- After completion has taken place, we will pay off any outstanding mortgage from the proceeds of sale and account to you for any balance which is due. If you are purchasing another property will carry out the remaining purchase tasks.