



BUYING AND SELLING
YOUR HOME



Buying your property is probably the largest single investment that you will make in your lifetime. It is also widely regarded as one of the most stressful times of life!

Our aim at Woodcock & Thompson Solicitors is to make your transaction as straightforward as possible, and to ensure that we deal with your Conveyancing efficiently and quickly (unless a delay is in your interests!).

The purpose of this brochure is to set out how the Conveyancing procedure works.

We appreciate that the Conveyancing system is not “customer friendly” and we hope this section will help you to understand the complex legal work involved and what we are actually doing for you!

Sometimes we also need your help, in establishing friendly relations with the other parties in the chain and in chasing your mortgage offers and insurance arrangements.



Many Clients are unsure, especially if they have not sold or purchased a property for a long time, or whether Clients are first time buyers and have no knowledge of a conveyancing transaction, and may need reassurance throughout the transaction of what stage has been achieved.

Set out below is a quick summary of the conveyancing process, which may be of use throughout the transaction, but should not be relied upon entirely and is a quick guide for information purposes. All our team are happy to assist at every step of the transaction to make your transaction run as smoothly and as stress free as possible.

How the Conveyancing Procedure Works

| <u>SELLER'S ACTIONS</u> | <u>BOTH PARTIES</u> | <u>BUYER'S ACTIONS</u> |
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| | <u>BEFORE CONTRACTS ARE EXCHANGED</u> | |
| | | Buyer makes offer on property "subject to contract and survey" |
| <p>Seller accepts offer</p> | | |
| <p>Sellers complete Sale Questionnaire, Sellers Property Information Form and Fittings & Contents List and pay initial payment to Solicitors.</p> | <p>Find and Instruct Solicitor</p> | <p>Buyer</p> <ul style="list-style-type: none"> a) Pays search fees provides ID and Purchase Questionnaire to Solicitor. b) Organises Mortgage Application Valuation any Private Survey. c) Provides evidence of funding to their Solicitor. |
| | <p>Agents issue particulars of sale</p> | |
| <p>Seller's Solicitor</p> <ul style="list-style-type: none"> a) Obtains the title Deeds from the Sellers lender or Seller direct or Land Registry b) Obtains provisional Redemption Statement from the Lender. c) Prepares the Contract and copies of all the title deeds and submits to purchasers Solicitor | | <p>Buyers Solicitor writes to Sellers solicitors (via email or fax) to request the contract documentation.</p> |
| | | <p>Buyers solicitor</p> <ul style="list-style-type: none"> a) Applies for Searches. (see Search Information Sheet) |

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| | | <ul style="list-style-type: none"> b) Approves/amends the draft Contract. c) Raises initial Additional Enquiries, Requisitions on Title and prepares a Transfer for the Sellers solicitor. d) Checks the contract and Title documentation and reports to the Buyer on this. e) Buyer checks the documentation accords with his expectations and reports any discrepancies to his Solicitor. |
| <p>Seller's solicitor</p> <ul style="list-style-type: none"> a) Send copies of enquiries raised by buyer's Solicitor to the client, on receipt of answers his Solicitor responds to the Buyer's Solicitor b) Prepares "engrossment" Contract. c) Approves the draft Transfer Deed. d) Responds to Requisitions on Title. | | |
| | | <p>Buyer's Solicitor</p> <ul style="list-style-type: none"> a) Checks responses to Additional Enquiries. Further "observations" may prove necessary b) Checks the Search results and any legal queries raised on the buyers survey and raises these with the Sellers Solicitors as necessary |
| <p>Seller's solicitor deals with any observations/enquiries raised by searches and surveys</p> | | <p>Buyer receives Mortgage Offer</p> <p>Buyers Solicitor receives copy mortgage offer and reports to Buyer on this, checks any conditions are satisfied, reporting any issues to lender (e.g. gifted deposit, indemnity insurance).</p> |
| | <p>Both parties are sent the Contractual paperwork and sign the contract in preparation for Exchange of contracts</p> | <p>Buyer</p> <ul style="list-style-type: none"> a) Arranges Buildings insurance and provides copy of policy to Solicitor. b) provides deposit to solicitor by way of cleared funds |

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| | Both parties agree a provisional Date for completion | |
| | The Sellers and Buyers Solicitors <u>EXCHANGE CONTRACTS</u> (over the telephone). THE ARRANGEMENT IS NOW LEGALLY BINDING | |
| The Seller continues to insure the property | | Buyer puts Property Insurance "on risk" |
| Seller's Solicitor obtains Redemption figure on the Sellers Mortgage(s) and obtains Estate Agents Account | | |
| | Both parties Solicitors prepare financial Completion Statements which they send to their clients | The Buyer's Solicitor applies to the mortgage lender for the Advance monies and obtains any other funds needed from the Buyer |
|  | <u>COMPLETION DAY</u> BOTH PARTIES MOVE HOUSE WHEN THE BUYERS SOLICITOR HAS SENT THE SALE MONIES (INCLUDING ANY MONIES FOR CHATTELS) TO THE SELLERS SOLCITOR BY BANK TELEGRAPHIC TRANSFER AND THE SELLERS SOLICITOR ACKNOWLEDGES RECEIPT BY RELEASING THE KEYS AT THE ESTATE AGENTS |  |
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| | <u>POST COMPLETION</u> (Yes, you've moved but we are still working!) | |
| Seller's Solicitor redeems the Seller's mortgage, pays the Estate agent and sends the deeds to the Buyer's Solicitor | | |
| | | The Buyer's Solicitor pays stamp duty, submits the title deeds and transfer to the buyer to the Land Registry to register the deeds in the buyer's name Once registered, a copy of the register is sent to the lender and the deeds and the documents are sent to the buyer for safe keeping. |

DEALING WITH SOME COMMON QUERIES

Q: What happens if things go wrong prior to exchange of contracts, can I claim reimbursement of my costs from the other party?

A: Until exchange of contracts there is no legally enforceable agreement, you will not be able to claim your costs from the other party

Q: Can you act for my Buyer / Seller in this transaction?

A: In most cases this is not possible this is to protect you from any potential conflict of interest and is forbidden by the Law Society's code of conduct. However we can act for the Seller and Buyer if they both agree to be dealt with, one by our Northampton Office and once by our Daventry Office. There will be a form that the Clients need to sign to say they are happy for this to happen.

Q: How long will it take?

A: Unfortunately there is not a simple answer to this one! Our normal estimate is six to eight weeks from the issue/receipt of Contract papers; however each transaction must be judged on the length of the chain, complexity of the properties involved and parties desired timescales!

Q: When can we exchange contracts?

A: Please see the Conveyancing Procedure, this details all the stages that need to be dealt with prior to exchange of contracts.

Q: Does there have to be a gap between exchange and completion?

A: In 99% of cases yes – this is mostly to obtain funds from a mortgage lender and dealing with legal formalities. Exchange of contracts is the first time there is actually a binding contract for you to buy or sell a property. If you exchange and complete on the same day there is always the risk that things might fall through at the last minute - this is obviously far from desirable and due to the additional work required we do make a charge for this.

Q: How long do we need between exchange and completion?

A: We never recommend less than a week. The run up to completion checklist details just how much needs to be done by all parties between exchange and completion.

Q: When I sell my house how soon do we get money due to us after completion?

A: Provided you have signed the Transfer Deed (which transfers legal title to your buyer) payment will be made to you on the day of completion, either via a cheque or a telegraphic transfer to your bank of cleared funds, but a small charge is made for this.

Q: When I buy my house when do you need my deposit and how much do you need?

A: We will need cleared funds to be able to exchange, this means a telegraphic transfer. On exchange we need 10% of the purchase price unless you are borrowing more than 90% of the value of the property or purchasing a new build property. If you are utilising the deposit from your sale this is a slightly different scenario and we will discuss this with you in due course.

THE RUN UP TO COMPLETION CHECKLIST (ONCE EXCHANGED!)

- Book removal company or arrange hire van
- Arrange disconnection and reconnection of telephone
- Arrange final meter readings for gas and electricity
- Inform both your current and new Local Authorities, Water Board and service providers of your moving date
- Organise disconnection and reconnection of major appliances i.e. cooker, washing machine
- Order carpets and curtains or book fitter to lift and relay any carpets being moved
- Arrange printing of change of address cards and new stationery
- Inform children's current Head Teachers of move
- Visit new Head Teachers preferably with children
- Register with new Doctor and Dentist
- Cancel any regular orders i.e. newspapers or fuel
- Sign legal and purchase documents and arrange for the balance of the purchase money
- Redirect post
- Completion Date - collect keys and move in. Consider changing locks

Notify the following of your New Address

- Bank and Building Society, Credit Card/Student Loan Companies
- Local Authority
- Life, Motoring and Contents Insurance Companies, DVLA
- TV Licensing Office
- DSS, if receiving Child Benefit, Pension or other benefits
- Friends
- Us!

THE FUTURE

We would like to take this opportunity to wish you every happiness in your new home.

We will hold your file for safe custody for a minimum of twelve years.

Have you made a Will - if not talk to us?



We hope our relationship will not end here, and if you run into any problems where you need a Solicitor, please talk to us.