

Purchase Transaction Guide

Introduction

Purchasing a property is undoubtedly one of the largest financial commitments that you will ever have to make. The legal process involved can be frustrating, especially if you don't understand the process and the terminology involved. The following narrative is intended to act as a guide to assist you with the house buying process.

Initial Instructions

Once we receive instructions to act on your behalf a member of our Conveyancing Team will contact you in order to explain the conveyancing process and to define your role and responsibilities and that of your Conveyancing Team. Our initial telephone call will help you to understand our open and friendly service.

The Conveyancing Process

Contract Papers Received

Within two or three weeks of your having negotiated the purchase of your new property, your Conveyancer will receive what is known as 'pre- contract documentation' from the Sellers Solicitors. This documentation will contain copies of title deeds to the premises. It will also contain answers to enquiries which we have raised in relation to the premises, such as whether or not any extensions have been built at the premises, or whether or not there are any on-going neighbour disputes. The package will also contain a Fixtures Fittings and Contents List which will detail all of those items which are to remain at the premises following completion of your property purchase.

Report to the Client

Once your Conveyancers receive all relevant pre-contract documentation they will provide you with a report sending you copies of the title deeds and the plan to the premises and enclosing all relevant pre-contract enquiries including the Fixtures Fittings and Contents List for you to scrutinise. In the event that you have any queries at that stage, you will need to contact your Conveyancing Team in that regard so that they may discuss these issues with you further and take the appropriate action.

Implement Searches

A number of searches need to be undertaken in order to ensure that we know as much about the property that you are purchasing as possible.

Local Authority Search

This is a vitally important search which reveals whether or not any planning or building regulation entries have been made against the property. It also specifies whether or not any road works are due to take place within 200 yards of your property.

Our Conveyancers undertake personal local authority searches in order to ensure that they can get your search back within 48 hours of the date of request.

Environmental Search

Our Conveyancers will commission an Environmental search in the majority of cases in order to ensure that the property is not liable to be at risk from environmental issues such as flooding or previous contaminated use of the land.

Coal Authority Searches

If appropriate, a Coal Authority search will be undertaken on the premises in order to ensure that the property is not liable to be damaged as a result of previous or future coal mining activity.

Drainage Searches

A Drainage search is normally carried out in order to ensure that the property has the benefit of mains drains and water facilities.

A payment on account of the aforementioned disbursements is normally required in advance in order to ensure that we can undertake these searches on your behalf as soon as possible.

Offer of Mortgage Received

From the outset of the property transaction, you should be taking steps to ensure that your application for a mortgage is being processed as quickly as possible.

A survey will normally be undertaken on the property by your mortgage company. Please note that in the majority of cases this survey is for mortgage valuation purposes only and you will not be able to take any warranty in relation to the findings of the survey. It may be possible for you to upgrade your survey to a full Home Buyers Survey which will provide you with a more comprehensive survey.

Your offer of mortgage is a tangible document that will arrive on your doorstep. Your Conveyancer will receive a copy of your offer of mortgage at the same time as you receive your copy.

Once we are in receipt of your offer of mortgage you should be in a position to proceed to the next stage of your property transaction which is exchanging contracts with a view to completing your property purchase.

Request of Funds

Once your Conveyancing Team are in receipt of your offer of mortgage and we are nearing a position where we are ready to proceed to completion of your property transaction, our Conveyancing Team will provide you with a Statement of Account stipulating the money that needs to be paid by you in relation to your property transaction. All funds will pass through your Conveyancers Client Account. The monies which you have available as a deposit and all other legal costs and disbursements are to be paid to your Conveyancers prior to exchange of contracts. This includes any monies payable in relation to Stamp Duty etc.

Once your Conveyancers are in a position to proceed they will request that your Mortgage Lender provide them with your mortgage advance. This procedure involves them in sending a Certificate through to the Mortgage Lender confirming that the property complies with their security arrangements. The offer of mortgage unfortunately does not arrive with a cheque and hence this process can take up to five days between the date that the Certificate is sent and the funds are received by your Conveyancers.

Signing Documents

Once you are in a position to proceed, your Conveyancers will write to you and request that you sign all of the relevant documents which will include a contract, a mortgage deed and a transfer document. Full explanations in relation to the execution and necessity of these documents will be provided.

Exchange of Contracts

The contract is the document that will commit you to purchasing the property and commit the Seller to selling the property. The contract contains details of the Seller and the Buyer, the property and the purchase price.

The purpose of exchanging contracts is to commit all parties to the property transaction. Its purpose is also to fix the completion date. The completion date is the date that the property transaction is finalised and the date that you move house.

Please note that contracts are not exchanged by you simply signing the contract. More often than not a contract is exchanged by the Legal Representatives acting for both parties talking to each other over the telephone and confirming that contracts are exchanged.

Completion

The completion date is the date that you will purchase your new property. The keys to your new property should be available by approximately mid-day on the day of completion. You will need to ensure that all services and utility providers are connected/informed of the completion date and meter readings are obtained at your new property.

Post Completion

Once your Conveyancers have completed your transaction their involvement does not end there. It will be necessary for them to pay any Stamp Duty that is payable to the Inland Revenue. Likewise they will need to register your interest and that of your Mortgage Lender in the property at the Land Registry.

Once all formalities have been completed they will send you copies of your title deeds. Your original title deeds will be forwarded onto your new Mortgage Lender (if applicable).