



JOHN FOWLERS

SOLICITORS

Domestic Conveyancing FAQs

How long will it take?

A sale or purchase can all be completed very swiftly if:

- There is no chain and the property is empty
- The buyer does not require a mortgage
- Draft documentation is received promptly by the buyer's solicitors
- Monies are readily available and;
- There are no enquiries to raise

It is, however, more likely that a mortgage will be required and there will be a chain of transactions. If that is the case, it will usually take 4-6 weeks to exchange contracts and then another 2-4 weeks between exchange of contracts and completion making a total of 6-10 weeks from start to finish.

We always try to do all that we can to progress your transaction as quickly as possible but we cannot offer any guarantee about the time it will take and you should not believe anyone else that says they can.

What things can slow everything down?

The conveyancing process often runs quite smoothly but occasionally there can be a problem and the most common things to arise are:

- Incomplete documentation received from the seller's solicitor
- Queries arising relating to the lack of planning permission/building regulations approval
- Additional matters to be dealt with as a consequence of conditions in the mortgage offer
- Incomplete chain
- Other parties in the chain aiming for different completion dates
- Issues arising out of the use of rights of way
- The need to enquire as to breach or possible breach of restrictive covenants (restrictions imposed on the property)

How soon do I need to pay any money?

If you are purchasing a property you will be asked for £250 at the commencement of the transaction to cover the search fees and a 10% deposit will be payable one week prior to

exchange of contracts. The balance of the price and the solicitor' costs etc will be payable one week before completion.

If you are just selling, the legal costs and estate agents fees will be paid out of the sale proceeds on completion before any balance is sent to you. We do not ask for money in advance on when you are selling a property.

Do I need a survey?

If you are obtaining a mortgage a valuer will inspect the property on behalf of the lender. Although his report will give you an indication as to whether he thinks the property is worth the amount that you have asked to borrow, you will probably not be able to rely on it.

For an extra fee you can usually arrange for the same valuer to carry out a more detailed "Home Buyers Report". This can be relied upon by you so if at a later date you find a problem that is not mentioned in the report, you may have some redress against the valuer.

If the property is quite old and/or you are particularly concerned about its condition you can obtain a full structural survey report which is even more detailed.

Always remember the golden rule is "let the buyer beware" so (provided you have not been misled) you will be liable for any problems that you discover after exchange of contracts.

What searches do you carry out and why?

There are six main types of search that can be carried out and the buyer's solicitor will decide which of these are necessary in any particular case:

Local Authority Search

This reveals details of the planning history of the property and whether the Council are aware of any breaches of planning, any proposals for new roads or traffic schemes, tree preservation orders, conservation areas and any other matters within the Council's control that may affect the property.

Drainage Search

This will show whether or not the surface and/or foul water drains run into a public or private sewer and the route that they take.

Environmental Search

This is carried out to see if there are any landfill or waste disposal sites in the area, or if the property has been built on an old industrial site and whether there are any risks from contaminated land, toxic emissions, flooding, subsidence etc.

Planning Search

This is carried out at the same time as the environmental search and will reveal all planning consents that have been passed within the vicinity of the property. If a neighbour has got planning permission on an adjoining property but has not yet started work you will be able to decide if it will affect your decision to proceed.

Land Registry Search

This is carried out just before completion in order to find out if there are new mortgages registered against the property that have not previously been disclosed. If there are then the buyer's solicitor will obviously require confirmation that these will be repaid.

Land Charges Search

If you are obtaining a mortgage the lender will ask your solicitor to carry out a search to make sure that you are not bankrupt! Quite often this search will show an entry against someone else with a similar name. If so you will be asked to sign a copy of the result to confirm that it does not relate to you.

Can I exchange contracts before I receive my mortgage offer?

If for any reason the mortgage offer is declined or delayed or it contains any conditions that you cannot comply with, the money may not be available when required so it would be extremely dangerous to exchange contracts without it.

When do I need to arrange buildings insurance?

Unless the building insurance is being arranged by the lender or it is a leasehold property and the insurance is dealt with by the landlord, you must arrange buildings insurance from exchange of contracts as the property will be at your risk from that time.

The amount of cover should be the estimated cost of re-building the property if it burns to the ground and this is not necessarily the same as the current market value. If you had a survey, or you are obtaining a mortgage, your surveyor or the lender's valuer will usually have suggested a minimum amount of cover in their report.

When should you book your removal company?

Start planning your move as soon as your offer is accepted. You should get three quotations as early as possible. Do not leave it until the last minute as you will have far more pressing things to take care of. Take time to shop around. Booking early reduces stress and allows you to book the removal company at a time to suit you.

If your time is limited, let the removers pack for you. The best removal companies tend to be booked early so you could end up with your third, fourth or even fifth choice. If you leave it too late, you might not have a choice at all and end up paying for a greatly overpriced company. Remember, however, that the cheapest quotation is not always the

best one. Quotations are normally free with no obligation. Beware of cheap firms and do not even consider one that will not visit your house and demands a deposit.

It is highly advisable to avoid Fridays. On a Friday the United Kingdom banking system is exceptionally busy. Any other day of the week everything should happen much quicker and follows therefore with much less stress. There are also often special midweek removal discounts. Try to put a provisional booking down for your most likely moving day. Do not, however, put down a deposit because these dates do change. Please be aware that your legal advisor will find it extremely difficult to indicate the exact day of completion until a few weeks before the due date.

What we suggest is that you make up a removal day survival kit to include personal items, food for the first night, tool box, medication, etc.

What do we need to know if we are buying in joint names?

Most couples who are married or in a stable relationship purchase as “joint tenants” which means that upon the death of one or other of them that person’s half share will automatically pass to the other.

The alternative is to hold the property as “tenants in common” which means that each persons half share is treated as being separate so that upon the death on of one or other of them his or her share will not automatically go to the other but to whoever it has been left to in the deceased persons will or, if there is no will, to his or her next of kin.

If you are putting unequal amounts into the property the person who is paying the larger amount can and often should be protected by a “trust deed” which sets out your respective shares. Then in the event of any dispute or upon the death of one or other of you in the future, your original intentions will be clearly recorded. Once you have considered the above options and/or if you require further advice you should tell your solicitor so that he or she can make sure that your wishes are carried out.

What happens with the keys?

These are usually left with the estate agents (if any) and the buyer collects them once the money has been received by the seller’s solicitor on the day of completion. If there are no estate agents then the seller will hand them direct to the buyer. Either way it is important that arrangements are made in advance to prevent the possibility of the buyer having to wait outside with the removal van.

Although your solicitor will always try to ensure that everything is finalised as early as possible on the day of completion – and usually this is dealt with by mid-day – there can sometimes be a delay if, for example, your solicitor is still waiting for the mortgage monies to come arrive or there is a particularly long chain. If this happens, please don’t panic or

become upset because your solicitor will invariably resolve the problem by early afternoon – if not sooner.

When will I get my money?

If you are only selling, or there is a surplus due back to you after the completion of your sale and purchase, your solicitor will always try to send this to you on the day of completion or, at the very latest, on the next working day.

Payment is usually made by cheque but for larger amounts your solicitor can transfer the money direct to your bank, for which there will be an additional fee payable. You should request this in advance and provide your solicitor with your account details.