

Williamson & Barnes

12-14 Queen Street, Deal, Kent CT14 6EU
Tel: 01304 373154 Email: legal@williamson-barnes.co.uk

THE CONVEYANCING PROCESS AND WHAT OUR FEES COVER

TIMESCALE

How long a conveyancing transaction takes from its commencement to completion will depend on a number of factors, including the number of parties in any conveyancing chain, whether any problems with the legal title to the property or its condition are identified, whether a mortgage is required and, if so, how quickly that is obtained and issued and what requirements the mortgage lender needs to be fulfilled. In our experience the average process takes between eight to ten weeks. Transactions involving leasehold properties tend to take longer than those involving freehold properties because of the need to obtain management information from freeholders or their agents and to comply with other requirements that may be imposed by individual leases such as obtaining the consent of the landlord to the transaction and/or entering into deeds of covenant.

In domestic conveyancing transactions there are generally six stages which are as follows:

STAGE 1 – PRELIMINARY

1. Acceptance of an offer to purchase and instruction by both parties to the transaction of their conveyancing representatives.
2. The selling agents send to each conveyancer a sale memorandum giving details of the property, sale price agreed, the parties to the transaction and their conveyancing representatives.
3. Buyers and sellers respectively must provide their conveyancers with the identification evidence required by law before work on their matter can commence, plus any payment on account of disbursements required.
4. A buyer who requires mortgage finance ensures that the necessary mortgage application is submitted and being processed.

STAGE 2 – PRE-CONTRACT WORK

ON A SALE we will:

1. Obtain the legal documents of title and then prepare and send to the buyer's solicitors a draft contract.
2. Ask you to complete and return to us a Seller's Property Information and Fixtures and Contents Forms which will then be sent to the buyer's conveyancer.

3. In leasehold transactions, request standard management information and any transfer requirements from the freeholder/landlord or managing agents.
4. Deal with any enquiries/questions raised by the buyer's representatives in respect of the property, its legal title or matters arising from the results of the buyer's searches or survey.
5. Arrange to obtain a preliminary repayment figure in respect of any mortgage secured on the property.
6. Arrange for you to sign the contract when the buyer's solicitors approve the draft and confirm that their clients are happy to proceed.
7. Liaise with you and the buyer's representative to agree a mutually acceptable completion (moving) date.

ON A PURCHASE we will:

1. On receipt of a draft contract, legal title documentation and Property Information and Fixtures and Fittings Forms from the seller's representatives:
 - (a) Check through the documentation and raise with the seller's representatives any questions which are considered necessary.
 - (b) Initiate any searches which are considered necessary in respect of the property. These will normally include:
 - (i) A search of the local authority registers (a Local Search) relating to matters such as the planning history of the property, local authority notices relating to the property, local highway information and whether the property is in a conservation area;
 - (ii) A local Water Authority Search relating to matters such as the location of mains water and sewage pipes and the basis on which the property is charged for such services;
 - (iii) An Environmental Search to ascertain whether the property is likely to be affected by matters such as contaminated land, flooding or other environmental risks.
2. If a mortgage is required, on receipt from the lenders of their mortgage documentation we will check the terms of the offer, that any conditions imposed by the lender for release of the funds can be satisfied and seek any further clarification required as a consequence of the mortgage terms.
3. In leasehold transactions, consider the management information supplied by the freeholder/landlord or managing agents and any requirements imposed by the lease in connection with transfers.
4. Report to you once all the pre-contract investigations have been satisfactorily completed on the results of those enquiries and arrange for you to sign the purchase contract if you are happy to proceed.
5. Request you to provide us with the deposit to be paid to the seller's representatives on exchange of contracts. This is normally 10% of the purchase price. If you have a

related sale we may be able to use the deposit from your buyer as or towards your deposit.

6. Liaise with you and the seller's representative to agree a mutually acceptable completion (moving) date.

PLEASE NOTE: You will normally be responsible for the property from exchange of contracts and should therefore ensure that arrangements are in hand to put buildings insurance cover for the property into effect as soon as contracts are exchanged.

STAGE 3 – EXCHANGE OF CONTRACTS

(This is the stage at which both buyer and seller become legally bound to proceed with the transaction on the agreed completion date and a deposit, usually 10% of the purchase price, is payable by the buyer via their conveyancer to the seller's conveyancer to be held by them until completion).

- When all parties are ready to proceed and a date for completion has been agreed, the conveyancing representatives can exchange contracts. This is carried out over the phone with each representative inserting into the contract the date of exchange and the agreed completion date and then sending the other their client's part of the contract via the post.
- Upon exchange of contracts you can confirm any preliminary/conditional booking made with removers for moving and contact utility suppliers to notify the forthcoming change in the details of the property occupier, the date it will take place etc. You may also want to make arrangements with the Post Office for mail forwarding.

If buying you must put into effect buildings insurance cover for the property from the date of exchange.

STAGE 4 - BETWEEN EXCHANGE AND COMPLETION

ON A SALE we will:

1. Obtain from your estate agents their commission account.
2. If there is a mortgage on the property obtain the redemption (settlement) figure as at the date of completion.
3. Prepare a completion statement showing all the money due to be paid to or through us.
4. Arrange for you to sign the Transfer Deed which will transfer ownership to the buyer.

ON A PURCHASE we will:

1. Initiate pre-completion searches.
2. Prepare and send to you for approval and signing a Stamp Duty Land Tax Return.
3. Prepare and send to the seller's representative the Transfer Deed which will transfer legal ownership of the property to you.
4. If there is to be a mortgage:

- (a) arrange for you to sign the Mortgage Deed; and
 - (b) report to the lenders and request payment of the mortgage funds for the date of completion.
5. Prepare and send to you a completion statement showing all the money due to be paid to or through us and any balance funds due from you for completion. Any balance due must be in our possession as cleared funds by the day of completion, preferably the day before.

STAGE 5 - COMPLETION (the moving day)

On completion day the balance of the purchase price is paid via the buyer's representative to the seller's representative by bank transfer. The seller moves out and the buyer can move in. Completion takes place when the purchase monies are received by the seller's representatives. This will depend upon factors such as the time at which sale proceeds are received on a related transaction or mortgage funds are received from a lender. The keys to the property will not be released until the funds transfer has taken place. Normally the seller will aim to vacate the property, leaving it empty, by around midday, but must do so by no later than 2pm. The seller will usually deposit the keys to the property with the estate agents on moving out so they can be collected from them by the buyer once completion and key release are effected.

STAGE 6 – POST-COMPLETION

ON A SALE we will:

1. Deal with the redemption of any mortgage.
2. Pay your estate agent's commission account from the sale proceeds.
3. Send to the buyer's representatives the legal documentation in respect of the property.
4. Account to you for any sale proceeds due to you.

ON A PURCHASE we will:

1. Date any Mortgage Deed.
2. Arrange to submit a Stamp Duty Land Tax Return and make payment of the duty due on the transaction.
3. On receipt from the seller's representative of the Transfer Deed and other legal documentation, arrange for registration at HM Land Registry of your legal ownership of the property and details of any mortgage secured on the property.
4. In a leasehold transaction, give any required notice to the landlord or agents and arrange payment of any notice of transfer or covenant fees payable to the landlord or managing agent.
5. When registration has been completed, send to you a copy of the updated Land Registry title entries and any other documents we consider you need to retain.