

# MOVING HOME

## A SHORT GUIDE ON THE PROCESS AND PROCEDURES OF BUYING OR SELLING RESIDENTIAL PROPERTY

### INTRODUCTION

Moving home can be a daunting and stressful experience – we hope to help make it as painless as possible for you and we hope this guide helps you to understand the process.

The word “conveyancing” is used by solicitors and others to describe the process of buying and/or selling property.

Buying and selling property is more complicated than transactions involving day-to-day products or services. For a start, for most people, the sum of money involved makes it the biggest investment they will ever make – hence the need to rely on experts to help advise and process the transaction. The number of people and bodies involved in the transaction, helping, advising, wanting information, requiring monies and fees can complicate the issues and make management of the process a little complex.

In addition, transactions involving property are subject to particular rules and regulations which do not apply to other goods and services.

Part 1 of this document describes the Buying process and part 2 the Selling process.

# PART 1 - BUYING PROPERTY

## Step One – Preliminary steps

Let us have details of the property you hope to buy. We will provide a detailed estimate of the fees you are likely to incur.

## Step Two – Instruct Us

Once the seller has accepted your offer, you are ready to start the buying process. We will require the following:

- Two documents to prove your identity (typically, passport and utility bill) in order to comply with Money Laundering Regulations
- Details of your estate agent, the address of the property, the price you have agreed and details of the seller's solicitor.
- Your signature agreeing to our terms and conditions of business.

## Step Three – Draft Contract

We will contact the seller's solicitors to request draft contracts.

We will also discuss with you the search or searches, it will be in your best interests to arrange, to establish whether the local authority has any plans which may affect the value of the property, and any other matters which we or you consider it important to clarify.

We will request Property Information and Fittings and Contents forms to allow the seller to declare which fixtures and fittings and other contents of the property are included in the sale, excluded from the sale, or are subject to negotiation.

We may also request other documents or searches where appropriate (for example, covering rights of way, ground stability, and actual or potential environmental hazards such as flooding and contaminated land) or guarantees and warranties for work previously carried out on the property.

At this stage you will need to decide what type of survey of the property you require. There are different types, with different attendant costs which you will have to bear, and we will advise you on these if requested.

## Step Four – Pre-Exchange

Once we have received satisfactory replies to all our enquiries of the seller's solicitors the following steps need to have been completed:

- A satisfactory mortgage offer received by you (if required) and a copy for us.
- A meeting with us so you can sign the contract.
- Your deposit (if required) must be sent to us.

## Step Five – Exchange

This is the point of "no return" as exchange of contracts legally binds you to complete the purchase.

At this point, the Completion Date is agreed with the seller, and we transfer your deposit to the seller's solicitor. The deposit is non-returnable. It is normally 10% of the purchase price but this is negotiable and we will have agreed it beforehand with you and with the seller's solicitor.

The time period between exchange and completion is also negotiable but is typically 14 days ahead. As with the amount of deposit, we will have pre-agreed this with you and with the seller's solicitor.

Exchange is affected via a telephone call between the two solicitors.

You should put in hand your buildings insurance.

### **Step Six – Post Exchange**

At this point, there is little for you to do legally - although you do need to make all the logistical plans for your move!

We now will draw up the transfer document (which transfers the title of the property from the seller to you) and send it to the seller's solicitor. Once both parties have agreed on the draft, it needs to be signed by you and by the seller.

We will liaise with your lender to ensure the transfer of funds for completion, and submit Bankruptcy and HM Land Registry searches.

We provide you with a completion statement advising of the balance required to enable completion.

### **Step Seven – Completion**

Monies are transferred to all parties requiring funds and you receive the keys to your new home!

### **Step Eight – Post Completion**

Hopefully you are now in, and enjoying, your new home. Our work, however, continues a while longer.

We have to file Stamp Duty Land Tax forms with HM Revenue & Customs, with the appropriate tax.

Then we send Transfer Documents to the Land Registry so that you are registered as the new title holder.

This final step can take up to 6-8 weeks – once completed you become the Registered Legal Proprietor of your property.

## PART 2 - SELLING PROPERTY

### Step One – Contact Us

Inform us as soon as you have decided to sell your property. We will send you an estimate of the total costs involved including details of any monies we shall require on account.

### Step Two – Instruct Us

We will take the necessary steps to commission your Energy Performance certificate.

An **Energy Performance certificate** shows how energy efficient a home is on a scale of A-G. The Certificate also tells you, on a scale of A-G, about the impact the home has on the environment.

We will also send you a Fittings and Contents Form for completion and return - this summarises the items which will go into the draft contract covering items (such as fixtures and fittings) which you will be leaving behind. You will also need to complete a Property Information form which covers things such as any shared amenities, boundaries to the property etc.

### Step Three – Pre Exchange

We prepare the draft contract and send it to the buyer's solicitors together with supplementary papers. The contract sets out the terms of the sale including the price you have agreed with the buyer.

Usually the buyer's solicitor will raise a number of queries about the draft contract

and supporting papers, and we will obtain the replies from the relevant bodies and, where appropriate, from you.

All parties then review the contract and, once all are satisfied, you will be required to sign a final copy. Ideally we would like to meet with you at this stage to explain any procedural issues that may need clarification.

### Step Four – Exchange

Exchange is effected via a telephone call between us and the buyer's solicitors.

The Completion Date is agreed (if you are in a chain the date will need to be agreed with other parties as well as you and the buyer) and we receive the buyer's deposit on your behalf. Both parties are now legally bound to go ahead with the transaction.

### Step Five – Completion

When we confirm completion has taken place, you can move out of your home and hand over your keys to your agent who will give them to the buyer or his/her representative.

We organise final accounts, prepare a statement for your approval and collect the balance of funds required. Monies are transferred to all parties requiring funds.

### Step Six – Post Completion

We hand over the title deeds and, after repaying any mortgages and settling your estate agent's account, send the balance of money to you

For further information, please do not hesitate to contact Gillian Humphreys, Margaret Marshall or Deborah Maunder on: 01494 525941 or by email at: [gillian.humphreys@rpj.uk.com](mailto:gillian.humphreys@rpj.uk.com), [margaret.marshall@rpj.uk.com](mailto:margaret.marshall@rpj.uk.com) & [deborah.maunder@rpj.uk.com](mailto:deborah.maunder@rpj.uk.com)