

Residential Conveyancing

A guide to moving



LINDER MYERS
SOLICITORS

LOCAL • NATIONAL • INTERNATIONAL

This guide outlines how the transaction should proceed and is part of our commitment to making your move as painless as possible.

Time scales

There are many stages to selling and buying a property. We find the key to a successful move is allowing sufficient time to complete all these stages. In order to make advance plans we suggest that six weeks is allowed from the date an offer is accepted/made for a property until contracts are exchanged. It is not until contracts have been exchanged that a legally binding agreement is in place to sell/buy a property.

We recommend a minimum of two weeks is allowed between contracts being exchanged and the completion date.

The above are merely guidelines and are obviously subject to change, depending on the particular circumstances of each transaction. We do ask you to bear in mind that the less time you give yourself to move, the more stressful your move will become.

We strongly recommend that completion dates are not arranged until we inform you that we are satisfied with the title to the property you are buying and satisfactory replies to all our enquiries and searches have been received.

The sale

1. Contact us as soon as a buyer has been found, or you are optimistic that an offer will shortly be made, so that:

- (a) We can apply for the title deeds from the lender, to ensure that there is no delay in issuing a contract once negotiations have been finalised
- (b) We can give you a breakdown of the costs involved
- (c) You can complete a Sale Questionnaire and Fixtures and Fittings List to enable us to issue the contract promptly

2. A draft contract will be issued to the buyer's solicitors, together with all the necessary supporting documents. When the contract has been approved, we will ask you to sign this in readiness for exchange of contracts.

3. When the buyers have received their local search and mortgage offer and their solicitor is satisfied as to the title, we will negotiate a completion date and the deposit. Contracts can then be exchanged.

4. On the day of completion, you must clear and vacate the property by 12 noon, leaving the keys with the Estate Agents. We will redeem your existing mortgage and settle the Estate Agents account.

The purchase

1. When you have agreed to purchase a property, the Estate Agent may require you to pay a reservation fee. If this should happen, an allowance will be made for this at completion. Please let us know if you have paid such a reservation fee. We would suggest that any offer for a property is made "subject to survey". This puts the seller on notice that you may wish to re-negotiate the price should your survey reveal that building work is needed.

2. When you let us know you have found the home of your dreams we will ask you for money on account, so that we can carry out the preliminary searches.

3. When we receive the contract from the seller's solicitor, we will:

- (a) Apply for the Local Search, and any other searches we consider appropriate
- (b) Approve the contract and title. We may feel it necessary to raise additional enquiries of the seller's solicitor. When we are satisfied that all is in order, we will return one copy of the contract to the seller's solicitor for signature in readiness of exchange of contracts

4. If the property is leasehold (particularly common when buying a flat) there will be detailed lease terms and conditions. We will need to check these carefully and make further enquiries with the seller's solicitor and/or the managing agents of the property about what service charges and management costs you will have to pay.

5. If you require a mortgage, the offer has to be received from the Lender before exchange of contracts.

6. If you are applying for a mortgage, your mortgage lender will need an independent valuation of the property. Usually, they will appoint their own surveyor to do this, but you will have to pay for it. Remember this is a valuation and not a survey.

You should consider appointing your own surveyor (possibly the same person as the valuer) to carry out a survey on the property, as it is up to you to satisfy yourself that the property is structurally sound before you buy it. If the survey reveals that building work is needed, you should tell your solicitor as this may enable you to re-negotiate the price.

7. If you are arranging any new endowment or life policies, acceptance of risk must be received from the insurance company before exchange of contracts.

8. When we have received the local search and offer of mortgage and have satisfied ourselves as to the title, we will report to you and ask you to sign the contract and mortgage deed. We will also ask you for the deposit to be used on exchange of contracts. If you have a related sale, we will usually be able to arrange that the deposit received from your buyers is used for your purchase and passed up the chain.

The Exchange

1. At this stage, we are ready to arrange an exchange of contracts once a completion date has been agreed. It is at this stage that stress levels rise! However, we are here to take the strain. The majority of people buying and selling are involved in a chain. This means that there is a linked series of transactions and everybody wants to sell and buy on the same day so that they do not have to pay for bridging finance or rented accommodation. We therefore have to wait until all parties in the chain have:

- (a) A mortgage
- (b) A local search
- (c) Title approved
- (d) Agreed a completion date. We will liaise with the Estate Agents, and other solicitors until the exchange has been achieved.

2. When exchange has taken place, the completion date is legally binding and you can now swing into action and organise your move. The following are just a few reminders of the things you should deal with:

- (a) Arrange contents and buildings insurance
- (b) Contact Gas, Electricity, Water and Telephone Services. Arrange for meters to be read and accounts to be transferred
- (c) Book the removal van
- (d) Cancel Banker's Order for Mortgage payments, after completion
- (e) Notify Local Authority of move and arrange apportioned account for council tax
- (f) Notify:
 - all insurance companies

- premium bonds office
- employer
- doctor
- dentist
- schools
- church
- Utility Suppliers
- banks
- building societies
- DVLC
- relatives and friends

(g) Arrange for friends to look after the children and pets on moving day!

(h) Arrange for mail to be re-directed.

The Completion

1. We will let you have a statement showing all the costs and disbursements due and will draw this up as soon as possible after exchange of contracts, so that you can arrange to let us have a telegraphic transfer, at the latest, one day before completion.

2. On completion day, if you have a sale, we must wait for the buyer's solicitor to send us the sale money by telegraphic transfer before we can send out the money by the same method on your purchase. This means that it is unlikely that you will get the keys to your new house before lunchtime on the day of completion. We would suggest that you do not leave your old house before you have checked with us that everything is in order for you to do so. If you just have a purchase, we can usually send the money quite early on the morning of completion, but you are unlikely to get the keys before midday, as you must allow the seller time to vacate the property.

How you can help us to help you

You can help us to do our best for you by telling us what we need to know and providing documents when we ask for them.

1. Please bring all relevant papers with you when we initially meet. If you are not sure, bring all your papers.
2. Please tell us if you have any special needs relating to the service you want to receive.
3. Please tell us at the start what you expect of us so that we can agree with you what it is possible to achieve.
4. Please tell us immediately if your expectations change.

5. Please tell us immediately if any of your arrangements change. Although we shall speak together from time to time we rely upon you to inform us if your instructions change at any time.
6. Please tell us if you have personal time limits or targets, which may not be obvious to us.
7. Please make sure that you always understand what we have discussed. If you're not sure, please tell us because we always want you to be fully aware of the current situation.
8. Please get in touch quickly if we ask for instructions, documents or information.
9. Please tell us if you change your address, telephone number or email address, or if your circumstances change in a way that may affect the way we deal with your case.

Related legal matters

Buying a property may introduce other related legal matters. For example:

1. If you are buying a home as Tenants in Common with someone you are not married to, you may need to enter into a "Deed of Trust" to set out what share of the property each person owns;
2. You should consider making a Will, which we consider is essential if you are buying as Tenants in Common; and
3. If you already have a Will you may need to update it. In particular if the value of your total estate (including that of your spouse if you are married) exceeds the inheritance tax 'nil rate band', then you should consider taking inheritance tax planning advice. The inheritance tax nil rate band is £285,000 as at 2006 - 2007 tax year and is set to rise to £300,000 in 2007-08 and to £325,000 by 2009-10. You should ensure that you provide in your new will how your share of the property is to be dealt with on your death.
4. You should consider making an Enduring Power of Attorney appointing a trusted friend or family member to look after your financial affairs for you in the event that you suffer an accident or illness in the future, which leaves you incapable of managing your own affairs. If you do not make provision for this whilst you are able to do so, then your family would have to apply to the Court of Protection for permission to look after your affairs, which can be a lengthy and costly procedure.

Please contact us for further information about our Wills and Inheritance Tax planning service.

Finally

We hope this guide will be of some assistance and remove some of the uncertainty associated with moving house. However, if at any time you do have a problem or are not happy with our service, please ring - we are here to help you!

If you are happy with the service you have received, please tell all your friends and colleagues!



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