

when selling a house

Access Legal from Shoosmiths will...	You need to...
Prepare your Home Information Pack	Ask us to prepare your Home Information Pack Instruct an estate agent to help sell your property

AND WHEN YOU HAVE A BUYER

Access Legal from Shoosmiths will...	You need to...
Provide you with contract forms to complete	Provide suitable evidence of identity and residence to satisfy regulations
Review your Home Information Pack	
Obtain title information	
Retrieve your title deeds	Complete property information form and fixtures list and return to Access Legal from Shoosmiths
Issue a contract package to your buyer's conveyancer	
Send contract to you for signature	Return signed contract to your conveyancer
Retrieve such information as requested including: <ul style="list-style-type: none"> planning papers consents guarantees indemnity insurance to satisfy the buyer's conveyancer 	Arrange to leave keys with Estate Agents to allow buyer's surveyor access Investigate removal companies
Reply to any enquiries raised by your buyer's conveyancer	
Check redemption figures on your mortgage	Investigate alternative accommodation needs
Confirm completion date	
Exchange contracts	Exchange contracts
Buyer's deposit received	
Request final settlement figures from your lender	Agree arrangement for hand over of keys
Organise final accounts	Book the removal company
Approve transfer deed (legal change of ownership document) and send to you for signature	Ensure signed transfer deed is returned to your conveyancer prior to completion Notify Council, banks, DVLA etc of your address from completion
Settle balance of funds with you	MOVE OUT
Pay Estate Agent	
Pay off any outstanding mortgage	
Pass deeds to your buyer's conveyancer	

Questions, Questions

Here are some of the most commonly asked questions

What's a Home Information Pack?

This is a pack of legal information including Energy Performance ratings for your home, certain searches and title information all prescribed by legislation, which must presently be ordered when a seller puts a residential property on the market. The government currently plan at some future date to make it compulsory to have the pack fully compiled even before a property can be marketed. The pack should be made available to a prospective buyer, and in due course their conveyancer.

How long will it all take once a sale is agreed?

No two transactions are the same. It is possible for new build transactions, with no chain, to be effected in four weeks. Straightforward transactions typically take 8 weeks to reach exchange of contracts but this will depend on the length of the chain of transactions, the personalities of the parties and their need to secure mortgage finance.

Don't make any financial commitments for moving until contracts have been safely exchanged and a definite completion date agreed.

Should I have a survey done?

If anything is found to be wrong with the property after exchange of contracts the seller is not liable and the buyer will have to pay for any necessary repairs.

If you are arranging a mortgage, a valuer will inspect the property on behalf of the lender. It is not advisable to rely upon the valuation report alone because it does not consider the condition of the property in detail and offers you limited protection.

It is often possible, for an extra fee, to arrange for the same valuer to carry out a more detailed inspection called a "Home Survey and Valuation Report" or even a full building survey, if the property is very old or needs extensive repairs or alterations.

Is a deposit necessary?

When contracts are exchanged, a deposit is paid to the seller's conveyancer.

The seller's conveyancer will often ask for at least 5% of the price. Please contact us if you have agreed a lesser deposit. Where your purchase is

dependant on a sale, we will endeavor to use your buyer's deposit on your related purchase. If the buyer fails to complete the purchase on time, the seller can keep the deposit as part-compensation and retain the balance of up to 10% (although this is more complex with chains).

What does "Exchange" & "Completion" mean?

Two identical contracts are drawn up, one to be signed by the seller and the other to be signed by the buyer. When both sides are ready to commit themselves to sell and to buy, the two signed contracts are dated and "exchanged" between the conveyancers. At this point the contract becomes binding which means there is no turning back. At the same time the date for "completion" is usually agreed. Completion is the date on which the keys and deeds are handed over in return for the purchase money and the buyer can move in.

What is a Local Authority search?

This is an investigation to find out any important information affecting the property, which may be on the Council's records. For instance, it may reveal that an extension on the property has been in breach of Building Regulations or the nearest road is not maintained by the Council. It will not give any information about proposals affecting neighbouring property and if you have concerns in this respect, contact the Local Authority Planning Officer for advice.

Why is a written mortgage offer so important?

Before we commit you to buying the property (by exchanging contracts) we need written confirmation that your lender will provide the funds you require. There are often many conditions in the mortgage offer that need to be satisfied before funds are released. You need to be happy with the product you are being offered, and to be able to take advice on it prior to legal commitment.

What should I do about life cover?

We recommend that you arrange sufficient life cover for your mortgage liabilities to protect your dependants. The type of cover will depend upon the mortgage you take out so you will need to liaise with your financial adviser and lender. Life cover must go on risk from exchange of contracts and some lenders will insist on the policies being assigned or deposited with them.

What do I do about building insurance?

A second hand property should be insured by the buyer from exchange of contracts. A brand new property should be insured from completion. Houses should be insured not necessarily for the price paid but for the estimated cost of rebuilding. Sometimes this is different to the actual market value. You should be able to arrange buildings insurance through your mortgage adviser or your lender. Otherwise you will need to make your own arrangements as quickly as possible.

Can I transfer an existing secured loan to my new property?

All secured loans outstanding on a property (e.g. a business overdraft facility, Legal Aid Charge or personal loan) must be paid off out of the sale proceeds unless the lender concerned agrees to secure the loan on your new property. This may take some time for the lender to organise, and if you want to do this you should contact the lender for consent as quickly as possible. When the lender gives their approval, they will send written confirmation to us.

When are the estate agents and conveyancers paid?

If you are selling, the Estate Agents will send their invoice to us after exchange of contracts and we will settle the amount on completion from your proceeds of the sale.

Prior to completion we will require you to provide sufficient funds to settle our fees, expenses and Stamp Duty Land Tax liability.

Why does completion have to take place on a working day?

Purchase monies are transferred between conveyancers electronically. At present, banks only transfer money electronically on a working day and, therefore, completion cannot take place at the weekend or on a Bank Holiday.

How do I sort out the keys?

Unless special arrangements are made, the keys are handed over on the completion day in exchange for the purchase monies (the seller having previously handed them to the Estate Agent). It frequently happens that this is not convenient and the seller will hand them direct to the buyer. It is important that you find out and agree the arrangements for the keys.

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For more details please contact us on:

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