

# CONVEYANCING GUIDE TO BUYING AND SELLING

## Helping you to understand the process.....



### TO BEGIN

- The Seller instructs an estate agent to market the property.
- A purchaser is found to buy the property and the Seller accepts the Purchaser's offer. The purchase price is agreed.
  - The Seller and Purchaser each instruct a solicitor to act on their behalf
- The Seller's solicitor will ask the Seller to complete a Property Information Form, Fittings and Contents List and standard instruction paperwork
- The Purchaser's solicitor will ask the purchaser to complete the standard instruction paperwork and provide monies on account for search fees
- The estate agent issues the "Memorandum of Sale" which is sent to all parties. This gives full details of the transaction
  - The purchaser considers his/her mortgage and survey
- The Seller's solicitor issues the draft Contract and supporting paperwork ( "Contract Package") to the Purchaser's solicitor and requests the title deeds from the seller or the Seller's mortgage lender
- Upon receipt of the Contract Package, the Purchaser's solicitor will apply for the local authority search and other relevant searches (usually a water/drainage search and an environmental search) as required.
- The Purchaser's solicitor will approve/amend the draft Contract, submit a draft Transfer and raise any additional enquiries. These are sent to the Seller's solicitor.
- Upon receipt, the Seller's solicitor will answer any additional enquiries raised by the Purchaser's solicitor. These usually need to be forwarded to the Seller for his/her reply and then the replies will be sent back to the Purchaser's solicitor.
  - The Seller's solicitor will arrange for the seller to sign the Contract and Transfer.
- The Purchaser's solicitor will review the replies to enquiries, receive and review the search results and mortgage offer (if required).
- The Purchaser may need to renegotiate via the estate agent regarding any remedial works or defects revealed by the Purchaser's survey

- The Purchaser's solicitor will report to the purchaser and the purchaser will sign the contract and mortgage deed and any other relevant paperwork and will arrange for the deposit to be transferred to the Purchaser's solicitor.
- The parties will agree a completion date with the other parties in the chain. All parties in the chain must be ready to exchange and agree the same date.

### **CONTRACTS ARE EXCHANGED**

- Once all parties in the chain are ready, exchange of contracts takes place by a telephone conversation between the Seller's solicitor and the Purchaser's solicitor. It is at this point that the completion date is fixed and the seller and the purchaser are legally bound to complete the transaction.

Each party confirms their removal arrangements.

- The deposit is paid by the purchaser's solicitor to the seller's solicitor on exchange of contracts. The deposit cannot be released to the Seller personally and will be held on the Seller's solicitor's client account.
  - The Purchaser is responsible for insuring the property from exchange of contracts.
- The purchaser's solicitor requests mortgage funds from the mortgage lender (if appropriate) and the purchaser arranges for any balance funds due from him/her to be transmitted to the purchaser's solicitor.
- The Seller's solicitor advises that estate agent that exchange has taken place and obtains the estate agents' commission account as well as a final redemption statement from the seller's existing mortgage lender.

### **DAY OF COMPLETION**

- The purchaser's solicitor receives the mortgage monies from the mortgage lender and any monies from a related sale and pays the purchase monies (less any deposit already paid) to the seller's solicitor.
- Upon receipt of the purchase monies, the seller's solicitor telephones the estate agent to authorise the release of keys to the purchaser, redeems the seller's existing mortgage and pays the estate agents commission account.
  - The seller vacates the property and the purchaser can move in.
- The seller's solicitor will send the Transfer and any title deeds to the Purchaser's solicitor and will pay any net proceeds of sale to the seller.
- The Purchaser's solicitor will pay the stamp duty land tax and arrange for the change of ownership and new mortgage to be registered at the Land Registry.