



A GUIDE TO BUYING AND SELLING YOUR HOME

What is conveyancing?

Conveyancing is the legal transfer of property from one owner to another.

The conveyancing process, if properly carried out, ensures that the purchaser actually owns all the property, land and rights that have been paid for.

Our conveyancing service

We provide a service that is designed to safeguard your interests at each stage of the transaction. Although there are many reasons why delays can occur in the conveyancing process (problems on survey, the wait for Local Authority Searches, broken housing chains etc), it is failure to communicate these, which can cause frustration and confusion.

The conveyancing department at our firm are fully aware of the need to keep in touch with clients at every stage of the transaction.

We will do our best to ensure that delays are minimised and that your sale or purchase goes through as smoothly as possible.

Selling your property

The legal processes involved in selling a property are relatively straightforward. We will:

- Help you organise and Energy Performance Certificate (EPC), which must be done within 28 days of the house going on the market, if you do not already have one
- Obtain the Deeds from your mortgage lender (if you have one)
- Send a draft Contract to the buyer's solicitor and answer enquiries raised
- Obtain an up-to-date redemption figure for your mortgage
- Redeem the mortgage and send the net proceeds of the sale to you (or put them towards the purchase of your new property)

Buying a property

This is more complicated because here we will be seeking to ensure that the property you buy does not involve you in any unforeseen disputes over rights of way, boundaries, fences, restrictive covenants, road charges or other legal entanglements.

We begin the process by obtaining the relevant searches for the property you wish to buy. The Local Authority Search establishes whether there are to be any public works affecting the property (such as motorway schemes) and whether there are any planning restrictions. The information obtained relates ONLY to the property being purchased and not to the neighbourhood in general. We would also normally recommend Water and Drainage enquiries and an Environmental Search, which will generally indicate if further searches are required. These are compulsory searches if you are taking out a mortgage on the property. We will then advise you if we feel that further searches are necessary in order to ensure that there are no nasty surprises later on!

Then, after receiving the Contract from the seller's solicitor, we check through the documentation and raise any specific queries. The next steps are:

- **Surveyor's report**

The building society valuation report is simply that. It is not a full structural survey and it is not certain to uncover defects in the property. If the property that you are buying is not newly-built, we would recommend that you appoint a surveyor to prepare a full report. If significant defects are found, it may be possible to negotiate a lower price with the seller.

- **Receipt of mortgage offer**

Written confirmation of the mortgage advance will be received from the bank or building society.

- **Exchange of Contracts**

This takes place after the full deposit is paid (usually 5-10% of the selling price). Once Contracts have been exchanged, the sale is legally binding.

- **Receipt of mortgage funds**

We receive the funds from your bank or building society.

- **Completion**

The full purchase price is paid, ownership is transferred to you and you can then collect the keys! After completion we continue to act on your behalf, ensuring that Stamp Duty Land Tax is paid and that the Title to the property is properly registered at the Land Registry.

The majority of property purchases proceed without complications but we have the expertise necessary to advise you if problems arise. We do, for example, check the Title Deeds to ensure that the person selling the property is its rightful owner. We will also tell you of any unusual circumstances that may affect your ownership of the property.

The cost

Seeing a solicitor provides valuable protection but it is important for clients to know how much the service is likely to cost. We will be happy to give you a written quotation, which includes the cost of fees (known as disbursements) such as Land Registry fees, Search fees and Stamp Duty Land Tax.

Related legal matters

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

- If you are buying a home 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;
- If you do not have a Will, you should consider making one; and
- If you do have a Will, you may have to update it

In all cases we can offer you legal advice as part of a complete professional service.

How to contact us

We welcome enquiries and consultations by telephone, letter and e-mail, or why not call in to one of our offices and ask for further information.



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