



HELPING YOU MAKE THE MOVE

Buying a property can be a real mix of emotions - excitement at the prospect of having a new home, sadness at leaving your current property and trepidation at the thought of navigating your way through what can often be a complex process before you finally get the key!

Based on our many years of experience helping clients buy properties, we have developed this advice sheet to explain the whole buying process and what you can expect.

MAKING A START

- We obtain detailed instructions from you and check your identity, which we are obliged to do.
- We send you our Terms of Business and confirm who will be dealing with your case in a Client Care Letter.
YOU SHOULD BY NOW HAVE STARTED THE MORTGAGE APPLICATION PROCESS, IF YOU ARE GETTING A LOAN,
- We will contact any estate agents who are involved and make contact with the Sellers' Solicitors.
- The Seller's Solicitors will send us a draft contract, copies of the Title Deeds, a Property Information Form, a Fixtures and Contents Form and any other relevant documents (e.g. guarantees, planning permissions and the Energy Performance Certificate).
- We then send off all the standard searches. These normally include a search with the Local Authority, an Environmental Search and a Water/Sewage Search. Other searches may be applicable e.g. a Mining Search. These searches provide essential information and highlight any potentially onerous issues.

MORTGAGES AND SURVEYS

- If you are applying for a mortgage, a Mortgage Valuation/ Survey will be carried out once all the standard mortgage checks have been made.
- We strongly recommend that you have your own survey done as well. The legal onus is on you to check the property before buying it.
- A property is sold 'as seen' unless the parties agree otherwise and issues about the structure etc. cannot be raised at a later stage.
- We will raise any further enquiries that are applicable at this stage.
- A Mortgage Offer is normally issued to you at this point, setting out the terms of any Mortgage Advance, including the size of the loan, re-payment terms and any requirements of the Lender.

THE CONTRACT

- Once all the issues are resolved we can think about you signing a Contract and making the deal binding.
- A date for legal completion is set at this point. The legal completion date is when you become the owner, get the keys and have the right to move in to the property.

DID YOU KNOW?

- A property transaction under English Law does not become legally binding in any way until Contracts are exchanged. This is the process whereby two identical Contracts (one signed by the Sellers and the other signed by you) are exchanged by the respective solicitors.
- You normally have to ensure that the property is fully insured from exchange of Contracts onwards.
- The time it takes to get to exchange of Contracts is approximately 6/8 weeks unless the Sellers have a linked purchase, which can add time to the transaction.
- There is no rule as to how long the gap should be between exchange of Contracts and legal completion. It is normally between a few days and a couple of weeks. Each transaction is different and it is simply agreeing a date that suits everyone.



THE MONEY

- The normal procedure is for a 10% deposit to be paid by us to the Sellers' solicitors when the Contracts are exchanged.
- The balance of 90% (including any Mortgage funds) is then paid over by us to the Sellers' solicitors on legal completion and any Mortgage re-payments will start from that date.
- In the period between exchange of Contracts and legal completion we carry out further searches. This is to ensure, for example, that no additional Mortgages or adverse matters have been registered against the property since the purchase began.
- We also prepare the Land Registry Transfer Deed, which is signed by you prior to completion - together with the Mortgage Deed (if a loan is involved).
- The transfer of money on legal completion takes place by automatic bank transfer.
- Once the money has gone through the keys are released to you that same day - either direct from the Sellers or via the estate agents.
- We will have already obtained from you (prior to completion) all the money that we need to complete the transaction together with our fees, plus Stamp Duty Land Tax, if applicable.
- We normally ask clients to reimburse us at the time for the initial searches that we carry out prior to exchange of Contracts. The balance is then paid by you at this later point.

THE LEGAL DOCUMENTS

- Once the transaction has completed all the legal documentation/deeds are sent to us by the Sellers' solicitors.
- We then notify HM Revenue and Customs of the transaction and pay any applicable Stamp Duty Land tax.
- We also ensure that any Mortgage that has been secured on the property by the Sellers is discharged and register your Legal Title (and the interest of your Lender, if applicable) at the Land Registry.
- We will confirm to you when this process has been concluded and any relevant documentation will then either be kept by us or forwarded to you.

This is the basic format of a property purchase, and while every transaction is different, particularly if you are buying a leasehold property or a brand new property, you can use this as a general guide to your transaction. We are always here to help if you do need any other information about your purchase at any stage.

If you would like further information on how we can help you with your property purchase contact us on 01904 624903 or visit guestwalker.co.uk



12a Shambles, York, YO1 7LZ
solicitors@guestwalker.co.uk

Tel: 01904 624903
Fax: 01904 611181