



GLOBAL
solicitors

A Guide to Conveyancing Buying & Selling



www.atglobal.uk

www.atlglobal.asia

The Conveyancing Process

Selling

Working with your Conveyancer and understanding the legal process will help ensure you have a smooth and efficient Conveyancing experience.

1

Instruction

2

Prepare the Contract Pack and answer enquiries

3

Exchange of Contracts

4

Transaction Completion day

5

After Completion

Important

This guide has been prepared to help you understand the Conveyancing process.

Ask your Conveyancer for clarification if you do not understand anything they say or send to you. The national average timescale for house buying currently stands at between 14-20 weeks depending on whether the purchase is of a Flat or a House. It could be sooner and we will always look to complete at the earliest opportunity, however, it is important that we inform you that we are only as fast as the slowest in the chain or third party such as Local Authority/Lender. Please note that this timescale usually begins once a contract pack has been issued by a sellers Solicitor.

Please be as clear as possible when you give your Conveyancer instructions on the purchase of your new property.

Stage 1

Instruction

Our New Business Team will begin the legal process of selling your home, they will provide you with all the necessary paperwork to complete within a client care pack.

This will consist of personal details, information about the property and transaction, bank account details and other additional forms, which will provide information about the property

Please read, complete, sign and return this paperwork to your New Business Team Executive as soon as possible, so everything is ready to move forward when an offer is agreed.

As part of the client sign up process and to meet professional regulations, your Conveyancer is required to verify your identity and explore any potential money laundering risk.

This is usually a very quick and straightforward process, however speak with your Conveyancer if you have any questions.

There are some things you can do to help your Conveyancing experience run smoothly:

- Ask for clarification if you don't understand anything your Conveyancer says or sends to you
- Return paperwork promptly
- Be as clear as possible when you give instructions.



Hand over the paperwork to your Conveyancer



Your Conveyancer will check your identity and once approved request initial payment on account.



Estate agent tells you and your conveyancer when an offer has been accepted and issues the sales memo to you, your buyer and both solicitors acting.

Stage 2

Prepare the Contract Pack and answer

Your Conveyancer will prepare a number of documents called the 'contract pack' which they will then send to your Buyer's Conveyancer. The contract pack contains information about:

- The sale price
- Property boundaries
- Fixtures and fittings that will be included (like carpets and kitchen units)

The Buyer's Conveyancer will conduct searches and ask us questions (called enquiries) to clarify issues such as:

- Legal restrictions or rights, which may include public footpaths or rules about using the property
- Planning restrictions
- Services to the property (e.g. drainage, electricity and gas)

Your Conveyancer will work with you to answer any reasonable questions that the Buyer's Conveyancer asks and provide any documents requested. Your Conveyancer will also ask you to sign the contract and the transfer document which the Buyer will need after completion to register their new ownership at Land Registry.



Your conveyancer will send a contract pack to the buyer's conveyancer on your behalf.



The buyer's conveyancer will conduct searches, review the contract pack and raise enquiries.



Your conveyancer will ask you to sign the transfer document & contract and provide replies to enquiries or forward any documentation requested.

The buyer if obtaining a mortgage will make an application to the mortgage lender who will perform a survey on your property. Even if the buyer is not having a mortgage they may possibly have a survey.

If you have a mortgage your conveyancer will request a redemption statement and a copy will be sent to you.

Stage 3

Exchange of Contracts

You will be sent a detailed statement in relation to your sale for approval, known as a completion statement. When the contract is agreed and all questions are answered, your Conveyancer will send you the contract to sign.

The Buyer's Conveyancer will also send a copy of the contract to the Buyer for their signature.

After the contracts have been signed by both parties, finance is in place, and all enquiries including a moving date have been agreed, your Conveyancer will exchange contracts with the Buyer's Conveyancer.

Once contracts have been exchanged the buyer cannot back out of the contract without a financial penalty as the sale is legally binding!



The conveyancers will then send the contract they had to each other.

Stage 4

Transaction Completion Day

The time completion takes is largely dictated by the number of parties in the chain and the position you are in the chain. For example, if there are three parties below you in the chain, you are likely to complete later than if there is only one party below you.

This is because the completion monies have to travel up the chain between the Conveyancers' client accounts - and the more there are, the longer this process will take.

On the day of completion the Buyer's Conveyancer will send to your Conveyancer the balance of funds required to purchase the property. You will need to vacate the property on the day of completion (unless the property is sold with a tenant in situ). When the money has been received, your Conveyancer will let both the Estate Agent and you know that completion money has been received and that the keys can be released to the Buyer.

There may be a slight delay in your Conveyancer receiving funds - this is common and usually caused as a result of a property chain. Funds are usually expected from 10.30am onwards on the day of completion. Many transactions complete early afternoon, but be reassured that your Conveyancer will contact you as soon as funds are received.



You take meter readings of the property to give to the utility provider so you can get the final bill.



You leave the property keys with the estate agent and the estate agent gives the keys to the buyer.



Buyer transfers the funds to their conveyancer before completion day, who will transfer funds to your conveyancer on completion day.



Your conveyancer will contact your estate agent and you once the funds have been received to confirm completion and release the keys.

Stage 5

After Completion

Once the funds have been received on the day of completion, your Conveyancer will pay off any existing mortgages on your property and pay your Estate Agent. Your Conveyancer's bill will be settled and the balance of the sale proceeds will then be sent to you. If you are buying another property, this will form part or all of the purchase money for your new property. You will be sent a final detailed statement in relation to your sale, known as a completion statement.



Funds transferred to you



Mortgage redemption



Estate agent fees



Our fees

The Conveyancing Process

Buying

1

Instruction

2

Contract received, finance obtained, enquiries responded to, searches received

3

Exchange of Contracts

4

Transaction Completion day

5

After Completion

Important

Ask your conveyancer for clarification if you do not understand anything they say to you or send to you.

Make sure you send your Conveyancer your deposit funds in plenty of time ahead of exchange as they need to be cleared in your Conveyancer's account in order for them to proceed with the transaction.

The national average timescale for house buying currently stands at between 14-20 weeks depending on whether the purchase is of a Flat or a House. It could be sooner and we will always look to complete at the earliest opportunity, however, it is important that we inform you that we are only as fast as the slowest in the chain or third party such as Local Authority/Lender. Please note that this timescale usually begins once a contract pack has been issued by a sellers Solicitor.

Before sending monies to us please call us to verify our account details.

Please be as clear as possible when you give your conveyancer instructions on the purchase of your new property.

Stage 1

Instruction

Similarly to when you're selling, when your New Business Team Executive begins helping you buy your home, they will provide you with all the necessary paperwork to complete within a client care pack. Please read, complete, sign and return this paperwork to your New Business Team Executive as soon as possible, so everything is ready to move forward once your offer is accepted.

The Estate Agent will let you know when your offer has been accepted. At this point they will ask you for your Conveyancer's details, so it is up to you to make sure they have all the relevant information they need.

It is at this point it's recommended that you make your mortgage arrangements if required. As part of the client sign up process and to meet professional regulations, your Conveyancer is required to verify your identity and explore any potential money laundering risk.

This is usually a very quick and straightforward process, however speak with your Conveyancer if you have any questions.



You hand over the paperwork to your conveyancer.



Your conveyancer checks your identity and obtains an electronic verification of your id to comply with aml.



Estate agent contacts you and your conveyancer when your offer has been accepted and they will issue a sales Memorandum. This provides the details of the solicitors acting for the seller and you as well as the sellers details.



You apply for mortgage, either with a mortgage broker or direct with the lender.

Stage 2

Contract Received, Searches Submitted and Enquiries Raised

The Seller's Conveyancer is responsible for starting the process. They send a contract to your Conveyancer and other documents such as the Land Registry title information which relates to the property you are purchasing.

Your Conveyancer considers this very carefully - this is known as 'Investigation of Title'. If your Conveyancer finds any issues, they will discuss and advise you on these immediately. Your searches are submitted and these can take a few weeks to be returned. Please note we are not in control of third party turnaround times.

Your Conveyancer relies on you to provide accurate information in the questionnaires and throughout the transaction; it is all they have to work with and they are on there to act in your best interests. They do not visit the property.

- Are there any legal restrictions or rights?
- Are certain services like water and drainage, connected to the property?
- Are there any planning restrictions?
- Have there been any structural alterations or extensions which need local authority consent?

The Lender will provide its mortgage offer valuation to us. The Lender will provide your Conveyancer with all the necessary information relating to your mortgage offer. This includes the paperwork required to release your mortgage funds and the document you will need to sign called the Mortgage Deed.

Stage 2

Contract Received, Searches Submitted and Enquiries Raised



The seller's conveyancer will send a contract to your conveyancer on the seller's behalf.



As the buyer, your conveyancer will conduct the necessary searches on the property once the contract documents have been received.



Your conveyancer will investigate the title and raise enquiries about the property on your behalf. These will be sent to the seller's conveyancer so they can provide the replies usually by sending them to the seller for information i.e. Planning documents. They are sent along with TR1 - the document which transfers the property on completion into the buyer's name.



The seller's conveyancer sends the replies to enquiries and all documents relating to the completion of the transaction i.e. the bank details to enable the transfer of monies on the day of completion.



The mortgage offer is received and a report is sent to you with the mortgage deed for signing & returning to your conveyancer.

Stage 3

Exchange of Contracts

On receipt of all answers to any enquiries made about the property, your Conveyancer will then send you a report advising on their findings, along with a copy of the contract. Be sure to read the report carefully before you sign the contract.

Once both yourself and your Conveyancer are happy, it is time for you to sign and return a copy of the contract and other legal documents.

The next document is a completion statement, which sets out the financial aspects of your purchase. This includes stamp duty and any breakdown of funds your Conveyancer will receive such as mortgage advances as well as money from your sale (if applicable).

You will need to:

- Provide evidence of the source of your funds unless you already have done earlier in the process
- Send the deposit and any other monies set out in the completion statement
- Ensure that you have buildings and contents insurance from the date of exchange

When your deposit has cleared in your Conveyancer's account, the contracts are signed by you and the Seller, finance is in place and all enquiries (including a move in date) have been agreed, your Conveyancer will exchange contracts with the Seller's Conveyancer.

At this point, you cannot back out of the deal without a financial penalty. Your Conveyancer will explain more about this when they send the contract to you to be signed.



Your conveyancer will send you the title 3 report, the contract for signing and all the documents i.E. Title plan, fixtures & fittings from sellers.



You sign the contract & other documents and return it to your Conveyancer with your deposit.



Exchanging contracts will require your conveyancer to call you on the day to confirm your authority to exchange by going through the contract confirming names, price & completion date. Once you and anyone you are purchasing with gives authority your conveyancer will telephone the seller's conveyancer to exchange contracts.

Stage 4

After Completion

If you have a mortgage, your lender will send the mortgage funds to your Conveyancer. Similarly, if you are selling a property on the same day, your Buyer's Conveyancer will send the balance of funds from your sale to your Conveyancer. Any other funds such as stamp duty will have been discussed with you by your Conveyancer and by this stage they will have received these funds from you.

Therefore, all the funds required to buy your new property need to be in place at this stage. On the day of completion the following things occur:

- The funds are transferred from your Conveyancer to the Seller's Conveyancer.
- The legal documents needed to transfer ownership are handed to your Conveyancer.
- The Seller moves out and leaves the property in the state agreed in the contract.
- The Seller hands over the keys to you, usually via the Estate Agent.
- The property now belongs to you.

If there are any delays with receipt of funds by your Conveyancer's bank, this may delay the release of the keys. Your Conveyancer will keep you informed of progress throughout the day.



Prior to the day of completion you send your conveyancer the balance of funds including any fees.



Your lender will send your conveyancer the mortgage Funds.



Your conveyancer will transfer funds to the seller's conveyancer. Once this is done, the property is yours and you should be able to pick up the keys from the estate agent. If however there is a related purchase the keys on the related transaction will not be released until funds are received. All parties should be out of the property they are selling by 2pm.

N.B. This is not always the case as delays in funds being received can and do occur.

Stage 5

After Completion

When you move in you should take meter readings and consider changing the locks.

Your Conveyancer will have already collected any stamp duty that's due and will pay it on your behalf to the Inland Revenue.

Your Conveyancer will register your ownership of your new property at Land Registry and give you a copy of your title once the registration is completed.

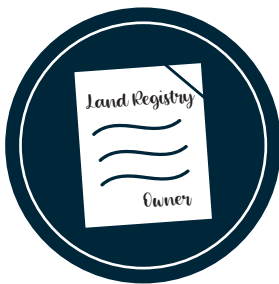
This may take a few weeks as the Land Registry process takes time and can be complex.



The seller's conveyancer transfers the balance of funds to the seller.



Your conveyancer transfers the stamp duty funds to the government.



Your conveyancer registers your ownership at land registry.



Once everything is completed, your conveyancer will send you the title document for your property. Depending on type of transaction this could be within a week or a number of months.



www.atglobal.uk



www.atglobal.asia