

Conveyancing

A young man with glasses, wearing a brown and orange plaid shirt and blue jeans, is carrying a young woman on his shoulders. The woman is wearing a green long-sleeved shirt and blue jeans. They are both smiling and looking towards the right. The background is a blurred white building with windows.

■ GRAYSONS ■
SOLICITORS
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About Graysons

Whether you are buying or selling, Graysons offers a first class conveyancing service delivered by an experienced and friendly team.

A relatively straightforward process can often get complicated. This can be frustrating and stressful because it is often due to circumstances beyond your control. Years of experience and literally tens of thousands of property transactions have taught us that people really appreciate being kept informed throughout, and we pride ourselves on being able to provide a personal, friendly service.

Our conveyancing team are backed up by the latest electronic conveyancing technology which assists in making your move go ahead as quickly and smoothly as possible. Whatever your transaction, Graysons will provide you with the best possible service at all times.

This guide covers the questions we are most frequently asked by people buying or selling property.

What is Conveyancing?

Conveyancing is the legal term for transferring ownership of property or land from one person to another. There are many legalities associated with property transactions and either a solicitor or a licensed conveyancer will carry these out for you. A licensed conveyancer is a specialist lawyer who is trained and qualified in all aspects of the law dealing with property.

How much will the legal work cost?

At Graysons, we keep our pricing as transparent as possible, so you can see exactly what you are paying for.

We will provide you with an estimate before our work begins and this will include all foreseeable expenses relating to the conveyancing work. We will itemise our legal fees as well as any other legal expenses, called disbursements, which you will incur.

If during the process of your transaction any additional disbursements become necessary we will always discuss these with you prior to incurring the costs.

What other costs are involved?

During a property transaction other expenses may be payable on your behalf, commonly referred to as disbursements. These may be for conducting searches to find important information about the property you are buying, fees payable to government bodies like the Land Registry or taxes such as Stamp Duty Land Tax.

The disbursements payable may vary depending on where the property is located. For instance, if the property is located within a mining area you will need a coal mining search to find out if the house may be liable to subsidence.

Some of the most common disbursements include:

□ **Local Authority, Water and Drainage Searches**

The Local Authority search reveals whether there are any Charges or Orders registered against your property which may affect you after your purchase. It also provides information regarding planning consents granted and council maintenance of roads and services which may affect you. The Water Authority search will confirm whether the property is connected to mains water and drainage.

□ **Land Registry Fee** The Land Registry charge a fee for registering the new owner as registered proprietor of the property. The fee is based on the purchase price of the property.

□ **Stamp Duty Land Tax** SDLT is a tax on property transactions. A percentage is charged on purchases according to the purchase price of the property.



How long will it take?

The length of time a transaction will take varies depending on a number of factors, the most important one being the length of the chain involved. The chain is the term used to describe the different parties involved in the buying and selling process. The people buying from you are dependent on the people buying from them and so on. The longer the chain, the more co-ordination of the different parties is involved and the greater the chance of a problem within the chain delaying the transaction.

Unfortunately, one in every three chains falls apart, due to one party not being able to proceed. This can be for financial or personal reasons, or because something revealed in their property survey puts them off buying. This is often unavoidable and for this reason no conveyancer can guarantee you a definite timescale for your transaction.

One of the biggest hold ups when buying a property can be the issue of a formal mortgage offer. It is your responsibility to sort out this aspect of the process as early as possible by submitting your mortgage application to the lender of your choice.



What type of survey should I get?

When you buy a house you have the choice of different types of surveys being conducted on the property you are buying. A surveyor will assess the structure of the house and its condition and advise on any restorative work required. This will depend on the type of survey you have.

The three types of survey available are:

- **Valuation** This type of survey is carried out by your mortgage lender. This is a very basic survey, and you have to bear in mind that it is for the benefit of the lender and is only to ensure that should you default on your mortgage payments there will be sufficient security in the property to repay the amount owing to them.
- **Homebuyers' survey** This is a more thorough survey, and should highlight areas that could need work in the future or require specialist investigation.
- **Building survey** This is the most thorough type of survey and is often referred to as a 'full structural survey'. It is more expensive but it is recommended for very old properties or those in need of work, or simply if you want the extra peace of mind that it can provide.

The type of survey you choose will depend on the type and age of property you are buying and the cost involved. Do bear in mind that a thorough survey can pay for itself if it uncovers defects in the property which may put you off buying it, or enable you to re-negotiate the purchase price.

What happens in a purchase?

Below is a simplified explanation of the process of conveyancing which covers the main points when buying a property. We conduct a great deal of legal work behind the scenes to ensure that your move runs smoothly and that you are made aware of anything which could affect your purchase of the property.

- **Instruction and Searches** Upon receipt of the relevant information about the parties and property involved, we contact the seller's solicitor to obtain draft contracts, title information such as copies of the deeds, a list of fixtures and fittings and a property information form. We conduct various searches on the property you are buying to uncover anything which you need to be aware of which could affect your purchase.
- **Contract report and Mortgage** details We check the terms of the contract and the title information in detail and carry out additional enquiries with the seller's solicitor. When we have received the results of the searches and replies to any additional enquiries, we will prepare a property report for you, bringing to your attention the property details. At this stage we will ask you to sign the documents in relation to your purchase and let us have the

deposit. We will then check the details of your mortgage offer and ensure there are no special conditions that have to be satisfied before the funds can be made available. Once you have signed the documents and your mortgage offer has been checked, we can begin to discuss possible dates for completion; this is the moving date. The completion date must be agreed by all the chain before contracts can be exchanged. We strongly recommend that you do not agree completion dates with the other parties in the chain before we have advised you that we are at that stage, as this can lead to you feeling frustrated and disappointed.

- **Exchange of contracts** Exchange of contracts takes place between us and the seller's solicitor. At this stage you and the seller are legally committed to the transaction. We will deal with requesting funds from your lender and dealing with the final searches and any balance which is required from you.
- **Completion** This is the point when the money is transferred electronically between parties. Once this has taken place completion is effected and keys can change hands. Your conveyancer will deal with payment of Stamp Duty Land Tax and register your ownership at the Land Registry.

What happens in a sale?

The process of selling a property can be slightly more straightforward. A brief outline of the process is:

- **Instruction and Documentation** Once you have instructed us we obtain your title deeds, usually from your mortgage lender. We will ask you to complete a property information form and a list of fixtures and fittings which are to be included in the sale, this will form part of the contract. We will also ask you to provide any other relevant documentation such as planning consents and guarantees (e.g. Damp proof course or double glazing).
- **Contract package** We will prepare a contract package which will include the draft contract, title documentation, property information form and list of fixtures and fittings which will be forwarded to the buyer's solicitor. Upon receipt the buyer's solicitor may raise additional enquiries.
- **Exchange of contracts** takes place between us and the buyer's solicitor. At this stage you and the seller are legally committed to the transaction.

- **Mortgage** If you have an existing mortgage we will obtain a redemption figure from the lender and prepare for you a financial statement showing all aspects of the transaction.
- **Completion** This is the point when the money is transferred electronically from the buyer's solicitor to us, vacant possession of the property is required by the new owners and the keys are released to them. At this point we pay off any outstanding mortgage, legal fees and estate agents fees and forward any remaining monies to you.



What happens in a re-mortgage?

The process of re-mortgaging is simpler than buying a new home because the deeds of the property are already registered in your name.

- **Documentation** We request the title deeds and a mortgage redemption statement from your existing mortgage lender. We check the mortgage offer from your new lender and obtain searches if required. Once we have checked all these documents and agreed them with you we arrange a completion date.
- **Completion** Your new mortgage lender sends us the money and we pay off the outstanding mortgage with your previous lender. We will deal with registration of the new charge at the Land Registry.



I am a first time buyer, what other expenses should I budget for?

There can be many costs associated with buying and moving into a house, remember to include:

- ❑ Solicitors' fees
- ❑ Stamp Duty Land Tax
- ❑ Mortgage application costs
- ❑ Removals costs
- ❑ Survey costs
- ❑ Insurance costs

There are various types of insurance available to protect your property and your mortgage. These include:

- ❑ **Buildings insurance:** your lender will normally insist on this.
- ❑ **Contents insurance:** you may want to arrange cover to start from the day of your move.



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- Industrial Disease Compensation
- Wills, Estates and Trusts
- Elderly Client Services
- Conveyancing
- Medical Negligence Claims
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Contacting us is easy If you would like more information on any of the areas we cover we have a range of brochures available to help you.

Phone us or return one of our pre-paid cards to receive more information.

Or go online to download our full range of brochures and information sheets.

Or phone or email us to request an appointment.

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