Harding Evans
solicitors

GUIDE TO BUYING & SELLING PROPERTY

BUYING A HOUSE

The house buying process usually takes 7-9 weeks for a freehold property and 9-11 weeks for a leasehold (from receipt of contracts).

We are only as efficient as the solicitor acting for the other side and we rely on them to move at the same pace as us! What we can promise you is that we will do everything in our power to ensure the process is as stress-free as possible! Each property we deal with is unique, and sometimes things can crop up that might be unexpected - this guide aims to give you a better understanding of the usual conveyancing process, so that you have an idea of what is ahead. We also answer some of the most frequently asked questions from clients who have already been through the conveyancing process!

Step 1

SALE AGREED

We are normally provided with details of the transaction by the Estate Agent and we will then contact the solicitor acting for your sellers to request the Contract paperwork. We will send you our terms of business and a letter asking you to complete a questionnaire about your purchase, and sale if applicable. It is important that you complete and return everything to us as soon as possible including identification, money on account and signed paperwork. Without this, we cannot start work on the file.

TOP TIP: We will always request proof of funds from you. If the funds are not coming from the sale of another property, please provide us with your bank statements showing where the balance of funds are coming from at the very outset. We appreciate you may have already provided these to the estate agent (if requested) and mortgage adviser but we need to check where funds are coming from due to Money Laundering regulations.

CONTRACTS ISSUED

Step 2

When we receive the Contract paperwork from the seller's solicitors we will review the same, this process is known as "Title Checking". At this point we request your searches from the relevant authorities – the results are usually received within 2 weeks but can take longer depending on the authorities' workloads and turnaround times.

During this time, you will be applying for your mortgage (if applicable and if you have not already done so) and the Estate Agents will contact the sellers to arrange for the mortgage company's valuer to attend the property.

Step 3

ENQUIRIES

Once we have reviewed your documents we will raise additional enquiries if necessary. The sellers' solicitor will usually need to contact the sellers to obtain the replies to our enquiries.

We usually receive the results of the searches at this point which we will review and again raise any issues that may have been identified with the sellers' solicitor.

TOP TIP: If you have access to our app, check out the plan of the property and the fixtures and fittings form. You can confirm that the boundaries are correct and that everything you thought was included in the transaction are as they should be. This will save any last-minute queries.

At this stage it can seem as though everything has gone a bit quiet! This is completely normal and we're just busy behind the scenes completing all of the legal stuff!

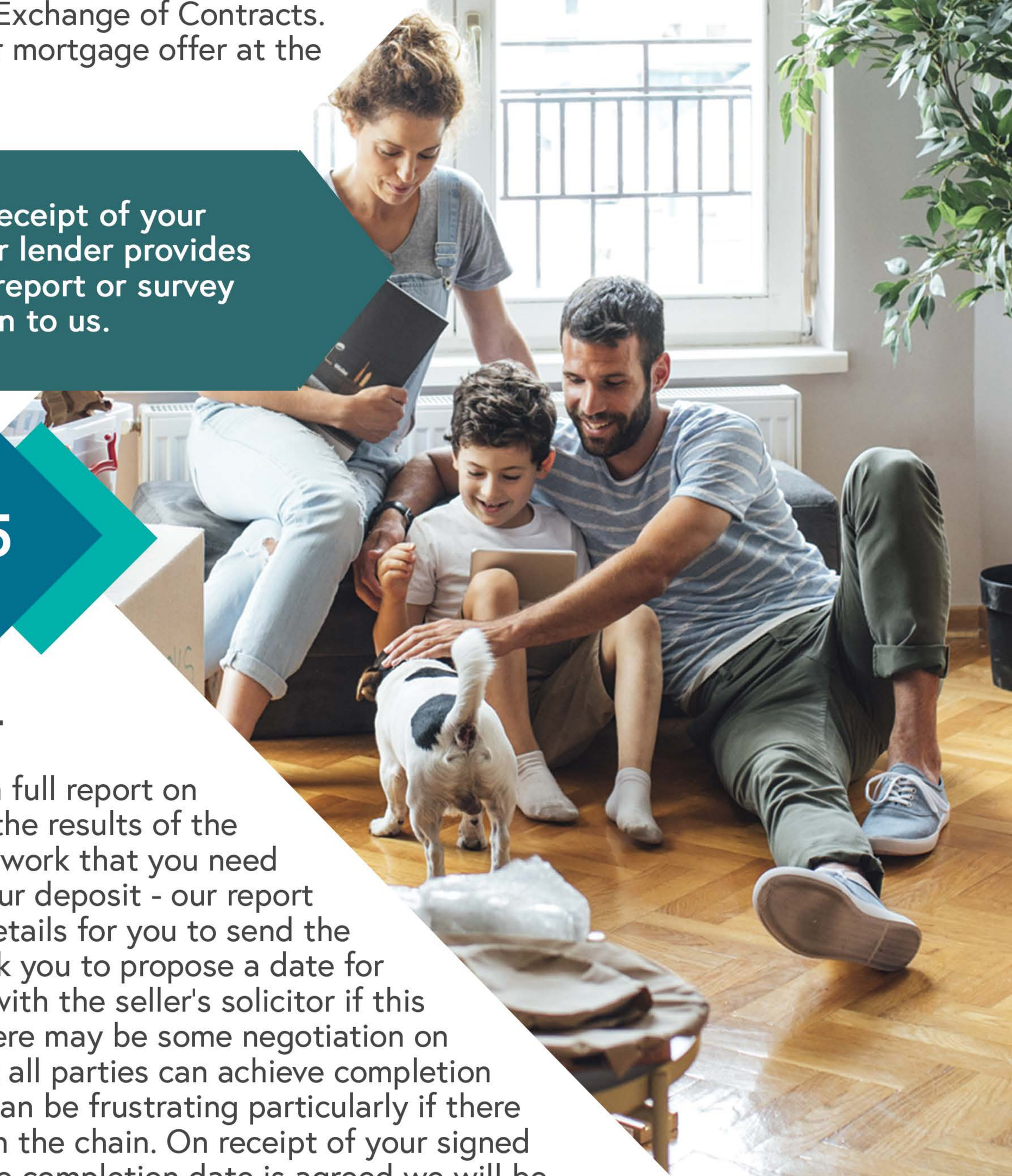
Step 4

MORTGAGE OFFER

You need to ensure that you have a mortgage in place (if applicable). Once we receive your Mortgage Offer we will need to make sure that all of the details are correct and report any inaccuracies to the lender.

The lender may include 'Special Conditions' in the offer that we must comply with before we are able to proceed to Exchange of Contracts. You should receive your mortgage offer at the same time as us.

DON'T FORGET! On receipt of your mortgage offer if your lender provides you with a valuation report or survey please forward this on to us.



Step 5

PROPERTY REPORT

We will now send you a full report on the property including the results of the searches and the paperwork that you need to sign. We'll ask for your deposit - our report will contain our bank details for you to send the money. We will then ask you to propose a date for completion and check with the seller's solicitor if this date can be agreed, there may be some negotiation on the date to ensure that all parties can achieve completion on the same day. This can be frustrating particularly if there are several properties in the chain. On receipt of your signed paperwork and once the completion date is agreed we will be able to exchange contracts.

TOP TIP: On exchange of contracts you're agreeing to purchase the property as seen. If you have any concerns about the property you should organise a specialist contractor such as a plumber or electrician to attend the property to provide you with a report prior to exchange.

Step 6

EXCHANGE OF CONTRACTS

The standard conditions of the contract come into effect on 'Exchange of Contracts', you are now legally committed to proceed with the purchase. We will pay a deposit of up to 10% of the purchase price to the sellers' solicitor and at this point the completion date is fixed.

We will need to speak to you on the day of exchange to get your authority. If the exchange is delayed on the day that you have given authority we will contact you the following working day.

DON'T FORGET! It is your responsibility to take out building insurance on your new property from exchange of contracts. We will need a copy of your building insurance schedule if you're buying with a mortgage.

Step 7

COMPLETION

Once the money is received by the sellers' solicitor the sale is completed. The conveyancing process is now finished, we will transfer your funds to the seller's solicitor and you officially own the property!

The sellers' solicitor will inform the estate agents to release the keys. We cannot give a definite time for completion on the day as this is dependent on several factors, such as the banking system, or if you have sale funds coming in from your related sale. We'll call you when funds have been sent and we would hope that around an hour after that call you will get the keys to the property.

TOP TIP: Don't forget to read your meters when you attend at the new property for the first time following completion. We'd recommend taking a photos as evidence, so that the utility company only bill you from the date that you officially own the property.

Step 8

REGISTRATION

We will now forward all the information to the Land Registry to register you as the new owners of the property. Once this is completed they will send us the updated Title Register which we will then forward to you. Please note this process can take a while as this is in the hands of the Land Registry.

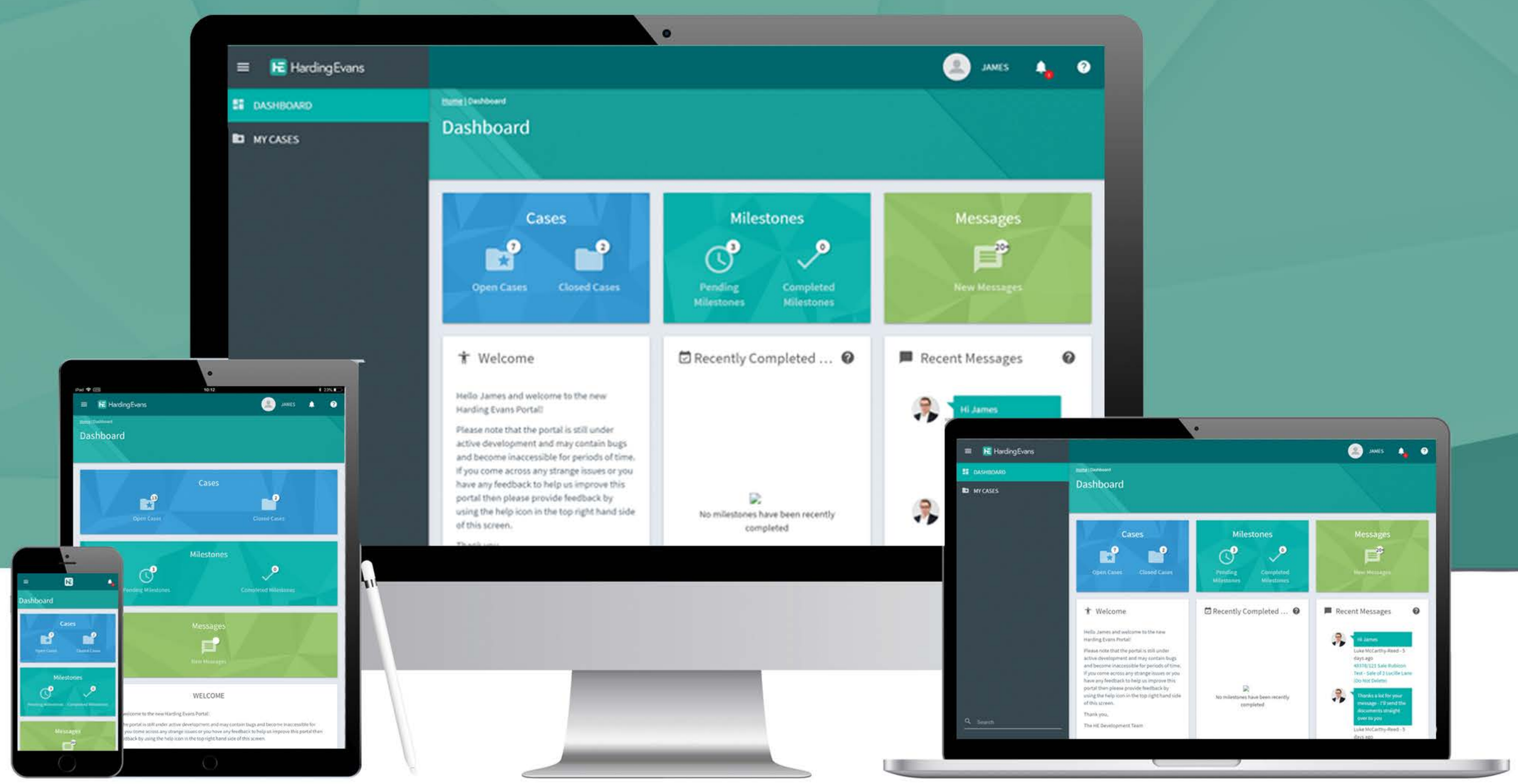
DON'T FORGET! Now is a good time to start thinking about making a will, see page.13 for details of our will-writing services.

Harding Evans solicitors

PROPERTY APP

- The newest customer led innovation in legal services -

MOVING HOUSE JUST GOT A WHOLE LOT EASIER



PROGRESS

Quickly and easily track the progress of your transaction by logging into your account and checking out your personalised dashboard.

ACCESS

Access to your documents all in one place, at the click of a button; at home, at work or on the go! Download, save and print anytime.

COMMUNICATION

Cut down on the delays caused by poor communication between parties, with 24/7 access to your account and documents.

SECURITY

Access all of your information securely with two-factor authentication, this allows you to rest safe in the knowledge that your sensitive information is 100% secure.

BUYING OR SELLING YOUR HOME SHOULDN'T INTERRUPT YOUR LIFE

We think that when the time comes to buy or sell your home, you shouldn't have to find it more stressful than it already is.

We created the Harding Evans app with you in mind. We want the conveayncing process to be simple, efficient and worry-free. From offer to completion.

Download our app today, free for all of our conveyancing client.

DOWNLOAD FOR FREE TODAY

GET IT ON Google Play

Available on the App Store

SELLING A HOUSE

The house selling process usually takes 7-9 weeks for a freehold property and 9-11 weeks for a leasehold (from receipt of contracts).

We are only as efficient as the solicitor acting for the other side, so we rely on them to move at the same pace as us! What we can promise you is that we will do everything in our power to ensure the process is as stress-free as possible! Each property we deal with is unique, and sometimes things can crop up that might be unexpeceted - this guide aims to give you a better understanding of the usual conveyancing process, so that you have an idea of what is ahead. We also answer some of the most frequently asked questions from clients who have already been through the conveyancing process!

Step 1

SALE AGREED

We are normally provided with details of the sale by the Estate Agent and we will then contact the solicitor acting for your buyers.

Shortly after you instruct us you will receive our company terms of business and a letter asking you to complete some questions about your purchase (if applicable) and sale.

It is important that you complete and return everything as soon as possible, including ID and monies on the account. Without these we cannot start work on the file.

If the property is leasehold, it's useful for us to receive as much information as you have from your landlord or management company. If you have an early repayment charge on any existing mortgage please advise us of this and provide your mortgage account number.

CONTRACTS ISSUED

Step 2

We'll draft the contract and send the same to your buyers' solicitor together with the Property Information Form and Fittings & Contents Form that you have completed. If you have a mortgage on the property we'll also request a redemption figure from your existing mortgage company

During this time the buyers will be applying for their mortgage (if applicable) and the Estate Agents will contact you to arrange for the surveyor/valuer to attend your property. The buyers' solicitor will apply for their searches from the Local and Water Authorities – the results should be received within 2 weeks but can take longer depending on the Authority's workload.

Step 3

ENQUIRIES

The buyers' solicitor will review the documentation that we have provided together with their search results and will then raise additional enquiries if necessary.

Once the enquiries are received by us we will answer the points that we can but usually we will need to contact you to obtain your replies to the queries we cannot answer.

TOP TIP: If you have any guarantees, planning permissions or building regulations certificates please provide these to us at an early stage. It will help reduce any queries your buyers and their solicitors may have.

SIGNING

We will send you the Contract and Transfer to sign in readiness for exchange and completion. Please be advised that by signing the contract at this early stage you are not committing yourself to the transaction. The contract only becomes binding on exchange of contracts.

Step 4

DON'T FORGET! Your signature must be witnessed on the transfer document. The witness can be anyone other than a member of your family and must be over the age of 18 – they'll need to sign and print their name, confirm their occupation and address. If there is more than one person signing, then each signature will need to be separately witnessed and the same witness can witness all signatures. We cannot complete a sale without being in possession of the original signed transfer document.

Step 5

EXCHANGE OF CONTRACTS

Once all enquiries are satisfied and the buyer is in receipt of their Mortgage Offer and Search results contracts can be exchanged. The standard conditions in the contract come into effect on "Exchange of Contracts" and you become legally committed to proceed with your sale of the property.

On exchange of contracts the buyer will be required to pay a deposit of up to 10% of the purchase price. At this point the completion date is fixed - the date you will need to move out of the property and the purchase money becomes payable. Following exchange of contracts we will forward you a completion statement for approval.

TOP TIP: We will need to speak to you on the day of exchange to get your authority to exchange. Should exchange be delayed on the day that you have given authority we will contact you again the following working day to once again for your authority.

Step 6

COMPLETION

On completion you must vacate the property and make arrangements to hand over the keys, usually to the estate agent. Once the balance of the purchase money is received by us the sale is complete. We will pay off any existing mortgages you have on the property in accordance with the Completion Statement, pay the estate agent if applicable and send you any remaining balance; or if you have a related purchase we will transfer the money across to your purchase file.

We cannot give a definite time for completion, as this can be down to several factors such as the banking system and number of properties in the chain. We will call you when funds have been received. Where there is an estate agent keys should be left with them. You will usually have until 2pm to vacate the property on the day of completion.

TOP TIP: Remember to read the meters and advise any utility supplier of final readings, we would also advise taking photo evidence as proof. The estate agent's fees will usually be subject to VAT.

FAQs

We have over 150 years of experience in succesfully helping people buy and sell their homes. Below are some of our most frequently asked questions about the buying and selling process.

Who is the person dealing with my house sale and purchase?

The details of the person dealing with your property and reference can be found in the top right-hand corner of your client care letter. Our address can also be found at the bottom of our headed paper. Our letters will also include an email address and direct line telephone number. If you opt to use our App, you can message us directly there.

Can you certify my identification?

If you require us to certify your ID, we will require you to send us the originals and advise you do this by recorded delivery. If you are local, please feel free to call into our offices with original identification where our receptionist will take photocopies of your ID and certify them for you. No appointment is required for this and our reception desks are open 8.30am - 5pm Monday to Friday. If you want to provide online utility bills, please forward these to us they will be considered on a case by case basis.

Why do I have to sign the client care letter and the authority to proceed?

By signing your client care letter, you are confirming you have read the letter and agree to the terms and conditions. By signing the authority to proceed letter you are confirming that you are happy for us to act for you. You must sign both documents.

Can I email identification and client care letter?

We require all inked documents and ID to be posted to us.

How long will the selling/buying process take?

We estimate a rough guide of 7-9 weeks from receipt of contracts. Leasehold properties can take longer due to management companies involved. We are also reliant on the other parties solicitor and anyone else in the chain to move at the same pace.

What is Land transaction tax/ Stamp duty land tax? Do I have to pay?

This is a tax payable by a purchaser when purchasing a property subject to certain conditions. If the property is in Wales, then Land transaction tax is payable. Further details can be obtained from the Welsh revenue website as follows: - https://beta.gov.wales/welsh-revenue-authority

If the property is in England, then Stamp duty Land tax is payable and the relevant website is as follows to calculate the amount due: - https://www.tax.service.gov.uk/calculate-stamp-duty-land-tax

How do I make a payment?

You can call our accounts department and make a card payment. Or you may transfer the funds to us. All details can be found within your client care letter. We cannot begin work on your file until all relevant documentation has been returned and money has been paid on account.

Is my fee fixed?
The legal fee is fixed; however, the disbursements can vary. We try to advise the best as we can regarding any disbursements that may be applicable and any additional charges we will advise you as well by trying to highlight potential charges in our client care letter.

We previously instructed and paid for a firm who have conducted searches for us, however they are not on the panel and therefore we have instructed you. Can we get our money back and can you use their searches?
You will need to contact the previous firm instructed to discuss a refund of any fees you have already paid. The searches will need to be sent to us and we will need to confirm with the lender that we can accept them.

Why do I have to provide proof of funds?
We are required to have evidence of your proof of funds. We do not share this information it is confidential. If you have funds in separate accounts which you are using towards the purchase, you will need to provide evidence for all accounts. We will need this information at the outset, failure to provide this information will cause delays. We cannot take any responsibility for failure to provide this information when requested at the outset.

What do I need to do if I have a Help to Buy ISA?
If you have a Help to Buy ISA, you need to confirm that this on your initial questionnaire. We will send you a declaration to sign. Once we advise you to close the account, you need to forward to us the closing statement. We require this to apply for the bonus, which cannot be used as part of your deposit to exchange contracts. Once we have submitted the application we can then confirm to you the amount of the bonus due to you and the amount due back to you after completion.

Can I make an appointment?
If you have any questions after you receive your paperwork please don't hesitate to call or email us. If you live locally to one of our offices, please feel free to drop paperwork in to us - no appointment required. If you feel you require an appointment you will need to provide us with notice so that we can agree a mutually suitable date and time.

If the property falls through what will I be charged?
If you are selling and your buyer pulls out, we are happy for you to accept a new offer and continue the transaction at no additional cost. If you wish to pull the property from the market, we may charge for any work already carried out. If you pull out of the transaction before any searches are completed, we will refund you the initial payment. If no money is spent, we can hold the initial payment until you find a new purchase.

Can you carry out searches before I return my paper work?
By signing and returning the paper work you are confirming instruction. Without this we will not be able to conduct any searches. Please bear in mind we will need the draft contracts from the seller's solicitor to request the searches.

I need to book my removals to ensure I have secured them? I need to give notice on my rental property to vacate?
Nothing is legally binding until exchange has taken place. If you do book removals or give notice in on a rental property prior to exchange of contracts this is entirely at your own risk.

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PROTECTING WHAT'S IMPORTANT

"I was incredibly impressed with the service I received, which exceeded expectations by a very long way. Friendly and professional."

IT'S TIME TO PROTECT
WHAT IS IMPORTANT.

MAKE A WILL

Making a will gives you the peace of mind that your loved ones will be looked after in the way you intend after you are gone. It is particularly important if you have children, own property, or have investments or business interests.

You can include anything you want in your will, it's a document where you can record who will inherit your money and possessions, the details of your funeral, and who you want to carry out your wishes by appointing executors and trustees.

If you have young children, you can also set out clearly who you would like to look after them in the event that both parents die or maybe you have remarried or are in a new relationship, you can make sure your will balances between providing for your new spouse or partner and any children from previous relationships.

If you die without having made a will, the state decides what happens to your money and possessions. Meaning you may not be able to look after your loved ones as you had wished.

Please see the opposite page for information on our will making services and the associated prices to help you with your decision.

FEES

We understand that each of our clients has different needs and demands when it comes to writing their will. To accommodate this, we offer a variety of services:

WILLS	FEE	Inc VAT
Single Will	£175	£210
Mirror Wills (for a couple)	£250	£300
Single Codicil/Minor Amends to Will	£150	£180
Double Codicil/Minor Amends to Mirror Will (for a couple)	£200	£240
Mirror Property Protection Trust Wills	£350	£420
Severance of Joint Tenancy	£150	£180
Single Will inc a Discretionary Trust	£350	£420
Mirror Wills including a Discretionary Trust (for a couple)	£400	£480

Please note that more complex Wills involving multiple trusts may be charged on an hourly rate.

Our services can be delivered either by telephone or appointment at our offices. The fees above include two appointments: one to take your instructions and another to supervise the valid signing of your will. We will also provide a draft of your will by post for you to review before your second visit.

If you would like an appointment away from our offices we do offer home appointments - we will charge for travelling on an hourly rate basis.

If your instructions require time to be spent, over and above what we believe is reasonable for preparing your will under any of the above fixed fee services, additional charges may be payable. We will always discuss this with you and agree additional costs before starting any work.

For People

Residential Property
Wills & Probate
Power of Attorney
Family & Matrimonial
Medical Negligence
Personal Injury
Landlord & Tenant
Human Rights
Criminal Law

For Business

Employment Law
Commercial Property
Company & Commercial
Dispute Resolution
Debt Recovery
Sports Law

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