



BOOKERS & BOLTON  
SOLICITORS

# Conveyancing Client Guide

February 2020 Edition



# SALES

---

## GETTING STARTED

### Why Choose Us?

It is important that you choose the law firm that is right for you. We pride ourselves on the quality and efficiency of our service. We believe that when paying legal fees you are paying for the time and expertise of your lawyer as well as the support they receive. This ensures they can spend the maximum amount of time on the legal work required, without interruptions. We offer:

- Experienced and qualified legal experts to work on your matter
- A secretary for every lawyer who can help with your enquiries
- An electronic case management system that records and saves your matter, the time spent on it and all correspondence that comes in or out
- Instant quotations that have no hidden charges
- Reception staff that can accept documents or make appointments for you
- A choice of preferred written communication – post or email
- Local knowledge
- An excellent relationship with Estate Agents without paying referral fees
- Membership of The Law Society's Conveyancing Quality Scheme
- Interim billing to help spread the cost
- A reputation for excellence and efficiency

## WHAT WE WILL DO

Once you have instructed us we will send you a set of documents to read, complete and sign. These will include our Terms & Conditions of Business and our Client Care letter that clearly outline all you need to know about the process and the costs involved. We want to ensure that you know what to expect and how you can help at every stage.

## WHAT YOU CAN DO

Read the documents we send you carefully and ask if you are unsure. Give your Estate Agents our details so that they can prepare the **Memorandum of Sale** – a document that goes to everyone involved in the deal and includes any special conditions, such as a specific date you want to move. Ask if you have any questions.

# SALES

---

## THE PAPERWORK

Selling a property comes with lots of essential paperwork. You will need to put time aside to complete the forms we send to you carefully. The key documents are:

- Our Terms & Conditions of Business which sets out how we do business with everyone
- Our Client Care letter which sets out how our Terms & Conditions apply to you specifically
- Client Details Form
- Sale Details Form
- Fittings and Contents Form – for documenting which household items you want to leave, sell or take with you
- Leasehold Information Form (for Leasehold transactions)
- Property Information Form

We will also need confirmation of your identity that includes:

- Photographic ID such as a passport or driving licence
- Proof of your address such as a recent utility bill, no more than 3 months old and not a mobile phone bill.

## WHAT WE WILL DO

We will check these forms to ensure they are filled in correctly when you return them to us. We will then put together a **Contract Pack** that includes a draft contract, relevant forms you have completed, a copy of the title document and any leasehold information for the buyer's solicitor. Your buyer will often not proceed until they have received this pack and so it is important that you send us this information as soon as possible. We will also carry out an electronic ID check.

## WHAT YOU CAN DO

Complete the paperwork quickly and accurately. Your buyer is relying on this information and delays may occur if they have to ask questions. If you do not know an answer you can write '*not as far as the seller is aware*' in the space provided.

Provide your ID immediately as we cannot proceed without it.

When selling a flat, you will also need to provide a management information pack that contains the details of service charges and bills. They are produced by the managing agent and cost about £150-£400. We can order this on your behalf or you can buy it yourself.

# SALES

---

## ENQUIRIES

This part of the process can take up the most time. It is where your buyer's solicitor ensures there are no issues that may affect the future saleability or value of the property. If there is a mortgage lender involved the buyer's solicitor will need to satisfy their requirements too.

## WHAT WE WILL DO

We will respond to all of the enquiries made about the property and should be able to deal with most of the more obvious questions ourselves. There may be times when we need to contact you to ask for further information and so it is vital that we have your contact details and that we know when you are available to call.

## WHAT YOU CAN DO

Try to have as much information about the property to hand. The key documents to locate are:

- Certificates, guarantees and warranties for any fixtures or work carried out on the property
- Boiler service reports
- Building regulations certificates for any work carried out (including FENSA, NICEIC/ELECSA and Corgi/Gas Safe certificates)
- Planning documentation
- NHBC or other New Home Warranty documents if applicable

The more information you provide the quicker we can respond and the faster the transaction will be completed. If you can help us answer any enquiries quickly and efficiently, this will ensure that your sale proceeds without delay.

## HAVE YOU CHANGED YOUR WILL?

This is the time to make or change your will to reflect your ownership of the property. Our Private Client Department will be happy to assist you with this. Please let us know if you would like us to refer you. Alternatively you can make an appointment directly with Matthew Porter, Partner and Head of Private Client, by contacting his secretary Deborah Quant on [deborah.quant@bookersandbolton.co.uk](mailto:deborah.quant@bookersandbolton.co.uk).

# SALES

---

## EXCHANGE

The key moment in any sale of property, this is where your buyer has agreed to the terms of the contract and their lender's requirements have been met.

Your buyer will then give their solicitor the agreed deposit and they will confirm that they are authorised to exchange contracts.

Both you and your buyer should sign your own copy of the contract.

## WHAT WE WILL DO

### The Day of Exchange

On the day of exchange we will need to speak to:

- You
- Your buyer's solicitor
- Your seller's solicitor if you are buying at the same time

Contact will be made by telephone to confirm that all of the terms of the contract are agreed, including the price of the property, the completion date and any special conditions. Once we have inserted the date of completion, the amount of the deposit and dated the contract, it is agreed that contracts have been exchanged.

## WHAT YOU CAN DO

You must be available by phone on the day of exchange, even if you have given us authority to exchange on your behalf. You will have to confirm that you still want to go ahead with the sale. Your sale cannot proceed without this conversation and so it is absolutely vital that we can get hold of you and that you have your decision ready.

We would advise you not to cancel buildings insurance between exchange and completion as it is a condition of your mortgage.

# SALES

---

## COMPLETION

At this stage you have done the hard work and completion is usually a formality. If your buyer does not complete the transaction, they risk having to forfeit their deposit to you.

The buyer will transfer the balance of the purchase amount to us. Once we have confirmed that we have received the money, the transaction is complete. The property will then belong to the buyer.

We will have sent you a **Completion Statement** which is a breakdown of the sale price and all of the costs that are needed to complete the transaction (including estate agents fees and redemption of your mortgage). If you do not have a related purchase we will pay the net proceeds of the sale as agreed with you.

## WHAT WE WILL DO

We will ensure that the proceeds of sale are correct and then we will:

- Pay off any mortgage owed by you
- Pay your Estate Agents bill (with your authority)
- Return any remaining funds to you OR send the remaining funds to the solicitor of any property you are buying.
- Call the Estate Agent and tell them to hand over the keys to the buyer

## WHAT YOU CAN DO

- Ensure your property is empty and that you have left anything agreed in the sale
- Ensure you have removed all rubbish from the property including the loft and any outbuildings
- Ensure the Estate Agents have all copies of the keys
- Ensure you have cancelled all utility bills, internet, council tax etc.
- Ensure you vacate at the time agreed
- Ensure you provide us with a forwarding address if we are not acting on a related purchase

# PURCHASES

---

## GETTING STARTED

### Why Choose Us?

The key reason stated on page 1 is that we are members of The Law Society's Conveyancing Quality Scheme (CQS). When purchasing a property with a mortgage not all lenders will allow you to be represented by a firm that does not have this membership and is not a member of their panel. This means you could end up having to work with two firms of solicitors – one acting for you and one acting for your lender. This is obviously not ideal and can result in delays.

CQS provides a recognised quality standard for residential conveyancing practices. We have to demonstrate best practice, meet the highest standards of technical expertise and client service and satisfy regulators, lenders and insurers. Most importantly, using a firm that has CQS, gives you peace of mind.

## WHAT WE WILL DO

Once you have instructed us we will send you a set of documents to read, complete and sign. They include:

- Our Terms & Conditions of Business which sets out how we do business with everyone
- Our Client Care letter which sets out how our Terms & Conditions apply to you specifically
- Client Details Form
- Purchase Details Form
- Joint Ownership Form

We will also need confirmation of your identity that includes:

- Photographic ID such as a passport or driving licence
- Proof of your address such as a recent utility bill, no more than 3 months old and not a mobile phone bill.

We will also need to check the identity of anyone else involved in funding this transaction.

## WHAT YOU CAN DO

- Read the documents we send you carefully and ask if you are unsure.
- Return the documents to us as quickly as possible as we cannot proceed without them.
- Provide any money on account as requested for buying searches. Details of how to pay us this money are included in the Client Care letter.

# PURCHASES

---

## INVESTIGATION

It is vital before you buy a property to make sure that is saleable, in a good location and worth the money you are paying for it. We will carry out legal checks on the ownership (title) and lease (if applicable) and undertake searches, the results of which will be sent to you. There are different types of searches and it is vital that you understand the value and merit of each:

1. **LOCAL AUTHORITY SEARCH**

This discloses matters which affect the property **directly** such as planning applications, building regulations approvals, existing Tree Preservation Orders and conservation areas, etc. It does **not** cover plans to develop adjoining land. If you wish to find out about planning proposals on adjoining land, you should call at the Planning Office of the Local Authority and ask to inspect their records. We can advise you of the address.

2. **ENVIRONMENTAL SEARCH**

This deals with matters which are not covered by the Local Authority search. It reveals potential land contamination related to past use, likelihood of flooding, ground stability, existence of Radon Gas and proximity to energy exploration sites.

3. **DRAINAGE SEARCH**

This confirms that the property is connected to mains water, the relevant water undertaker and the method by which the supply is charged. It also confirms whether the property is connected to mains drainage and the location of the nearest known public sewers.

4. **NEIGHBOURHOOD SEARCH – This is not done automatically and needs to be requested by you.**

This will reveal if any neighbours have applied for planning permission for extensions, whether any developers have made applications in the area for more houses, supermarkets or industrial estates and the local council's classification of the neighbouring areas on the local plan.

## WHAT WE WILL DO

We will review the results of the searches, the title documentation and your mortgage details and provide you with the outcome in a document called a **Report on Title**. For leasehold properties we will report on the key points of the lease.

## WHAT YOU CAN DO

Whilst waiting for the results of our investigations, this is a good time to book a survey. There are three levels of survey:

- a) Valuation – usually carried out by your mortgage lender and paid for by you. This is carried out purely for your lender and cannot be relied on by you.
- b) Home Buyers Survey – this is a basic survey carried out on a template form

- c) Full Structural Survey – this a more comprehensive report that covers all aspects of the property

The valuation/survey may reveal matters which merit legal investigation and we therefore look forward to receiving a copy.

## PURCHASES

---

### ENQUIRIES

Throughout the process we will be raising any enquiries we have with the sellers of the property. This is to ensure there are no problems that affect the value or the saleability of the property in the future. We are doing this on behalf of your mortgage lender as well as you.

Please let us know if you have any specific concerns or questions you want us to raise.

Mortgage lenders only work with law firms that are members of their lending panel. We are on most lending panels and so this is rarely an issue for us. If they do request **Separate Representation** this will not affect how we work with you.

### WHAT WE WILL DO

We will ensure we are approved by your mortgage lender to act on their behalf.

We will enquire about any issues relating to:

- The results of the searches, e.g. if they show any breaches of planning permissions or building regulations.
- Title – questions about the current ownership of the property, rights granted to it or restrictions that may affect the value or saleability
- Leasehold – problems with the lease that we feel may restrict you or may be unenforceable or may not comply with your mortgage lender's requirements

### WHAT YOU CAN DO

Let us know of any questions that you have regarding the property. This may include concerns about the structure of the property after receiving your survey, the lease, items to be included in the sale or the value.

Read the **Report on Title** we have sent you carefully and make sure you ask any questions as soon as possible.

# PURCHASES

---

## EXCHANGE

This is the key moment in a property purchase and we have to ensure that:

- All outstanding queries have been answered and both sides are happy with the outcome
- We hold a copy of your mortgage offer
- You have signed and returned a copy of the contract
- You have transferred your deposit to our client account

## WHAT WE WILL DO

### The Day of Exchange

On the day of exchange we will need to speak to your seller's solicitor. Contact will be made by telephone to confirm that all of the terms of the contract are agreed, including the price of the property, the completion date and any special conditions. Once we have inserted the date of completion, the amount of the deposit and dated the contract, it is agreed that contracts have been exchanged.

## WHAT YOU CAN DO

You must be available by phone on the day of exchange to confirm that you still want to go ahead with the purchase. Your purchase cannot proceed without this conversation and so it is absolutely vital that we can get hold of you and that you have your decision ready.

Transfer your deposit using the banks' Clearing House Automated Payment System (CHAPs). Do not use any other method for transferring the deposit as they are not guaranteed to clear the same day and this will delay the purchase.

Take out buildings insurance on the property as you will be responsible for it after exchange has taken place.

Ensure you have a Will which outlines what should happen to the property in the unlikely event of anything happening to you.

# PURCHASES

---

## COMPLETION

At this stage you have done the hard work and completion is usually a formality. We will have sent you a **Completion Statement** which is a breakdown of all the costs that are needed to complete the transaction (including the balance of purchase price, Stamp Duty Land Tax and Land Registry fees). Once you have agreed this and you transfer the outstanding funds to us we will finalise the transaction.

All you have to do now is ensure the remainder of the funds is transferred correctly. If you fail to complete the transaction then you may forfeit your deposit to the seller.

Once we have transferred the balance of the purchase amount to your seller and receipt has been confirmed you will be the owner of the property and can collect the keys from the Estate Agent.

## WHAT WE WILL DO

We will ensure that we have the correct money in our Client Account and will transfer this to the seller using CHAPs bank transfer.

Once completed we will:

- Ensure the Stamp Duty Land Tax has been paid (SDLT)
- Register the property at the Land Registry
- Comply with any notice requirements in your lease (if applicable)

We will write and inform you when this has been done but it can take at least six weeks.

## WHAT YOU CAN DO

Ensure that you send the balance of funds to us before the completion date.

We will add these together with the deposit you have already paid, and any mortgage advance received from your lender, and send them to your seller's solicitor.

Once we have confirmed that this transaction has taken place you can pick up your keys and enjoy your new property!



# BOOKERS & BOLTON

## SOLICITORS



### WHO ARE WE?

We have been in our current offices at **6 High Street** in Alton since 1956 and the history of Bookers & Bolton dates back to 1893 so you can rely on us to be there for you and your family in the future. There is a security in our history and we act for many clients whose grandparents were advised by us. We have built a reputation for quality and reliability in Hampshire and the South and we are committed to maintaining and building on that reputation. Whilst other firms come and go and may offer the promise of low cost legal services, we remain committed to providing you with the best. We recognise that you only come to us when faced with the most important decisions in life and we treat you, and those issues, with the respect and legal diligence they call for.

### HOW CAN WE HELP?

With many years' experience our Property team are here to reduce the stress of moving home. With local knowledge and an excellent reputation with Estate Agents, our team can provide you with the excellence your matter deserves.

### CONTACT US

**Address:** 6 High Street, Alton, GU34 1BT

**By phone:** 01420 82881

**By email:** [enquiries@bookersandbolton.co.uk](mailto:enquiries@bookersandbolton.co.uk)

**Online:** [www.bookersandbolton.co.uk](http://www.bookersandbolton.co.uk)

**Facebook:** [www.facebook.com/BookersBoltonSolicitors](http://www.facebook.com/BookersBoltonSolicitors)

**Twitter:** @BookersBolton

### OUR OTHER SERVICES

Please ask about our other services.

**PROPERTY** **PRIVATE CLIENT** **FAMILY & YOU** **BUSINESS**