



# The Conveyancing Process



## Step-By-Step Guide



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## *About this Department*

Moving Home, Selling up or Buying your first property is likely to be a major investment for you, both financially and emotionally. At Brighthouse Wolff we recognise this and will guide you through the Legal process.

Our friendly and professional team are dedicated solely to undertaking Conveyancing. Once you have found your home we help to ensure the whole transaction is completed accurately and speedily.

## *Instructions*

Once your offer has been accepted on your own property, contact us with instructions to act on your behalf. Full details of the transaction will be taken from you by a member of our staff and a file will be Opened. It is important to inform us if any of the information you have provided changes or if the transaction is no longer proceeding.

We will provide you with a quotation for the work to be carried out by us. Our quoted fee will not alter unless there are complications with the transaction, in which case we will advise you of this. If your transaction does not proceed, our fee will be assessed on the amount of time spend working on your file.

Please bear in mind that the prices shown on your quote for the appropriate Searches and Land Registry fee may change from time to Time.



## *Quotation*

Your quotation will show our Conveyancing fees together with the VAT charged and the appropriate Search and Land Registry Fees. It is now necessary to register all Purchases and Re-mortgages at HM Land and the Land Registry fee shown on your quotation is for this purpose.

If you are buying a new property the builders may make a small charge for Production of the legal documents.

Our quotation for a Re-mortgage assumes that the Title is already registered at the Land Registry. You should note that the Land Registry Fee will be slightly more than that shown in our quotation if the Title is for the property to be Re-Mortgaged is still unregistered.



### *Local Authority Search*

This is a Search which is sent to the Local Council. It reveals whether there are any charges or Orders registered against your property by the Local Authority which will affect you after your Purchase. It also provides information regarding planning consents granted and council maintenance of roads and services.

### *Mining Search*

This Search will be necessary if your property has been built in an area where there has previously been mining activity. It will reveal whether mining issues affect the property.

### *Index Map Search*

This Search is carried out where the land you are buying is not registered at HM Land Registry. It will reveal whether anyone has ever tried to register ownership of the land.

### *Company Search*

If you are buying from a Limited Company, this search will be carried out to ensure the Company is still entitled to sell the property.

### *Land Registry*

This Search is carried out immediately prior to completion of your Purchase to ensure that there have been no Mortgages or Notices registered against the property you are buying.

### *Bankruptcy Search*

If you are buying with a Mortgage, we have to carry out this Search against your names on behalf of the Bank/Society. This would reveal any Court proceedings pending against you, which of course, would need to be pointed out to the lender.

### *Drainage Search*

This Search is sent to the Local Water Authority and will confirm whether the property is connected to the mains drainage.

Depending upon the circumstances of your purchase, it may not be necessary to carry out all of these searches.



Alternatively, other Searches may be necessary. You will be advised of this as your purchase progresses.

### *Environmental Search*

It is now possible to have an environmental search carried out on the property. This will reveal matters such as contaminated land, flooding risk and location of landfill sites. You will need to confirm to us prior to exchange of contracts if you wish this search to be undertaken.

### *Your Purchase*

#### *The Contract*

The Contracts and supporting documentation will be forwarded to us by your Seller's Solicitors. We will then carry out appropriate investigations to ensure Legal Title to the property is satisfactory.

#### *Property Information & Fixtures & Fittings Forms*

We will also be forwarded Property Information Forms and Fixtures and Fittings Forms from the Sellers which will reveal more information about the property. In particular, a list will be provided of all the items to be left at the property when you buy it. You will receive copies of these before you attend our offices.

#### *Mortgage*



While we are carrying out our investigation of the Legal Title of the property, you will, if appropriate, be completing your mortgage application, and the Lender will be carrying out its Survey of the property. usually you will be arranging Life and Building Insurance in connection with your Mortgage and we shall require full details of these when you come in to sign the documentation.

#### *Private Survey*

The Survey carried out on behalf of your Building Society or Bank is for valuation purposes only. You may wish to have a more detailed private survey carried out. If you are a Cash Buyer we would always recommend that you have survey of the property carried out. Now is the time to organize this in order that Exchange of Contracts need not be delayed.

#### *Signing the Contract*

When our investigations are complete, we will write to you asking you to make an appointment. When you come in to sign the Contract and Mortgage, a member of staff



Will discuss all the documentation with you. They will be pleased to answer any queries you have. In addition, they will also discuss the financial details of the transaction and you should be ready to pay your deposit at this stage.

### *Exchange of Contracts*

Once all outstanding queries have been satisfactorily answered and your Seller is also ready, a Completion Date may be agreed and Contracts may be exchanged.

Exchange of Contracts is the stage at which the transaction becomes legally binding. The Completion Date is inserted in the Contract and this date is also binding. The Completion Date is when the property legally becomes yours.

As soon as Contracts have been exchanged you should ensure that cover is commenced for your Life and Buildings Insurance. After Exchange of Contracts, the final Searches are carried out and formalities complied with in requesting the Advance from the Bank or Building Society in connection with your Mortgage.

NOTE – If you are living in rented accommodation you should not give Notice of Termination of your tenancy to your Landlord until Contracts have been exchanged.

### *Completion*

On the day of Completion the money is paid through the CHAPS System. This means that it is telegraphically transferred between the Buyers and Sellers Solicitors Banks. As we have our own CHAPS machine, the transaction can be completed quickly and efficiently.

### *Keys*

The keys will be passed over on the day of Completion, You may negotiate with the Sellers directly to collect the keys from them at the property or, alternatively, you may arrange to collect the keys from the Estate Agent.

### *Stamping and Registration*

When your purchase has been completed, we shall arrange for the Stamp Duty to be paid on your behalf and for the Registration formalities to be completed.

### *Deeds*

If you are buying with the assistance of a Mortgage, your Title Deeds will be lodged with the Building Society or Bank. If you are a Cash Buyer, you may retain the Deeds yourself or, alternatively, we will keep them for you in our Deeds Safe free of charge.





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As soon as Contracts have been exchanged you should ensure that cover is commenced for your Life and Buildings Insurance. After Exchange of Contracts, the final Searches are carried out and formalities complied with in requesting the Advance from the Bank or Building Society in connection with your Mortgage.

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## *Council House Purchase*

In case where a council house is being purchased under the 'Right to Buy' Scheme the procedure is slightly simpler than for a normal purchase. The Council will produce the sale paperwork in a standardized form.

The normal searches detailed above will still be required as will your Mortgage Offer. However there is no 'Exchange of Contracts' stage involved.

We will need to see you to sign the Council House Conveyance and your Mortgage Deed. The transaction then proceeds to completion and a date will be agreed with you and the Council for this purpose.

You must ensure your rent is paid up to the date of Completion. Stamping and registration formalities will be carried out as with a normal purchase

### *Your Sale*

#### *Deeds*

Prior to drafting the Contract we shall need to obtain your Title Deeds. If they are held by a Bank or Building Society you should provide us with the account number in order that the Deeds can be traced more easily.

#### *Property Information & Fixtures & Fittings Forms*

These forms will be forwarded to you for completion and return to us. Your replies will be forwarded to your Buyer's Solicitors.



#### *Office Copies*

If your property is registered at the Land Registry we must obtain an up to date copy of the Register (Known as an Office Copy) to supply to the Buyers. The cost of these will be included on your quote.

#### *Contract*

Upon receipt of these documents, we will draft a Contract which will be forwarded to your Buyer's Solicitors. Once they have approved this, and they are almost in a position to proceed, we will contact you with regard to signing the Contract.

#### *Exchange of Contracts*

When both sides are ready and a Completion Date has been agreed, Contracts will be exchanged. This is the stage at which your Sale becomes legally binding.



## *Completion*

The balance of the money will be paid over via Solicitors on the Completion Date and you must give up vacant possession of the property to the Buyer from this date. Please note that all your furniture and belongings must be removed from the property by 2pm at the latest on the Completion Date.

Once we have received the purchase money through the Banking System, you may release the keys. You may deliver these to your Estate Agent or, alternatively, arrange to pass them to the Buyer directly, but only after checking with us that the purchase money has been received.

## *Redemption of Mortgage*

Your Mortgage will be repaid by us from the sale proceeds on the day of Completion.

Occasionally the figures that are given for repayment by your Building Society or Bank do not take account of your most recent payment. If this happens and an over payment is made you will normally receive a refund within the next 2 or 3 weeks. You should ensure that you cancel your Direct Debit payments.

NOTE – If there is a Negative Equity we will need to collect the shortfall from you as cleared funds before Exchange of Contracts.

Any Life Insurance Policies that were with the Deeds will be reassigned to you unless required in connection with a new Mortgage. If the Policies are to be released to you we will forward them on to you as soon as the appropriate formalities have been completed.

## *Re-mortgage*

If you are arranging a Re-mortgage much of the procedure will be similar to that of a purchase. It will be necessary for us to obtain your Title Deeds from your existing Building Society or Bank and your Mortgage offer. We will then carry out the appropriate Searches and arrange to see you to sign the Mortgage documents.

On the day of Completion your existing Mortgage will be repaid using the advance obtained from your new Mortgage. When your re-mortgage has been completed we will arrange for registration formalities to be completed at HM Land Registry.

Life Insurance Policies will be reassigned to either yourself or assigned to your new Bank or Building Society depending on their requirements. If there is a balance due to you after Completion of your Re-Mortgage, this will be forwarded to you normally on the day of Completion.



## *Contacts Details*

*If you would like further information or to make an appointment please call us on:*

**01695573202**

[www.brighthouse-wolff.co.uk](http://www.brighthouse-wolff.co.uk)

[www.brigw.co.uk](http://www.brigw.co.uk)

## *Solicitors Offices*

### **Ormskirk**

28, Derby Street,  
Ormskirk,  
Lancashire,  
L39 2BY

### **Skelmersdale**

Whelmar House,  
Southway,  
Skelmersdale.  
Lancashire,  
WN8 9HP

### **Maghull**

21, Liverpool Road  
North,  
Maghull,  
Merseyside,  
L31 2HB

### **And**

82, Sandy Lane,  
Skelmersdale,  
Lancashire,  
WN8 8LQ

## *Estate Agents Offices*

### **Ormskirk**

20 Aughton Street,  
Ormskirk,  
Lancashire,  
L39 3BW

### **Skelmersdale**

82, Sandy Lane,,  
Skelmersdale,  
Lancashire,  
WN8 8LQ

