

AMES KENT

Guide to buying your property



AMES KENT
SOLICITORS

26 King Street
Frome
BA11 1BH

01373 462017
law@ames-kent.co.uk
www.ames-kent.co.uk

Congratulations

You have had your offer accepted on a property. The next stage is for us to do the legal work. You must never assume that the matter will proceed until contracts have been exchanged. You should not, for example, book a removal van, buy furniture for the new home or give notice to your Landlord if you are in rented accommodation. A completion date (usually the moving date) will only be fixed once everybody in the chain is ready and contracts have been exchanged. At this stage it is probably too early to fix a completion date but if you have a date in mind we can certainly work towards that date.

Our fees

Our fees cover all of the work required to complete the purchase of your new home, including dealing with registration at the Land Registry and dealing with the payment of Stamp Duty Land Tax. Disbursements are costs related to your matter that are payable to third parties, such as search fees, Land Registry fees and Stamp Duty Land Tax. We handle the payment of the disbursements on your behalf to ensure a smoother process. There are certain disbursements which will be individual to your property and will not be known at the initial stages of the transaction. We have a link on our estimate page of our website which gives examples of additional charges which could be payable.

How long will my house purchase take?

How long it will take from your offer being accepted until you can move in to your house will depend on a number of factors. The average process takes around 12 weeks from when we receive contract papers. It can be quicker or slower, depending on the parties in the chain and the type of transaction.

Next steps

Paperwork – Please read through all the paperwork we have sent you and complete the documents we have asked you to complete. The letter from us will ask that you make an appointment to return the completed paperwork and identification. We will also require you to pay £350 on account, this can be done at the meeting, by bank transfer or over the telephone. We accept cheques and debit and credit cards.

Having searches – Once we receive contract papers from the seller's solicitor we will apply for your searches, if you are having a mortgage then searches are compulsory; if you are not having a mortgage, we do recommend you have searches but it is your choice. You must inform us in writing if you do not wish us to do searches, otherwise we may apply for them and you will be liable for the costs. Unless you have requested additional searches, we will only apply for the compulsory local search, water and drainage search and environmental search. These searches will take around 3-5 weeks; they can take a little longer depending on which Local Authority the property is in. Timescales can vary. Please see overleaf for a description of the searches that are available to you.

Raising enquiries – Once the searches are received, we will be in a position to raise enquiries; including asking the seller's solicitor questions about the contract papers and the searches. We check only the legal title to the property and the documents relating to it. We do not consider any physical aspects or its value, that is the surveyor's responsibility. We cannot usually tell you the precise route of any services crossing the property or leading to the property. You may need to enquire with the relevant authorities. We do not consider utilities or Council Tax and these are matters you should investigate if you so wish.

Buying a flat – If you are buying a leasehold property (or a leasehold garage) we will examine the lease and ask the seller's solicitor for a management pack from the management company which contains important information we will require. This can take a few weeks to be received. Please note that on completion you may have to pay fees to the management company and also a proportion of the ground rent and service charges.

Reporting to you – At the same time we raise enquiries we will usually send you a report which will include the fixtures and contents form, plan of the property and searches for your perusal as well as the enquiries which we have raised with the seller's solicitors. Please read through these and let us know if you have any questions.

Having a survey – Although a survey is not a legal requirement, it is recommended. A survey should not be considered an unnecessary expense as it can reveal issues that would otherwise go unseen. This may save you money in the long run, because it can highlight potential expense you may otherwise have been unaware of and would have been responsible for if you had by then exchanged contracts to complete your purchase. A survey before exchange of contracts means that anything of this nature can be

discussed with the seller enabling you, if appropriate, to renegotiate the price, have the seller carry out any work or allow you to rethink your purchase. Please let us know if you would like more information on having a survey.

Any questions – If you have any questions about the property please let us know. Remember we do not see the property, only photographs from the sale particulars, if there are any. We normally only ask questions about the legal paperwork we have received but you may wish us to ask further questions about the property.

Electrics and boiler checks – We would recommend having the boiler and the electrics checked. Before you arrange this, you should check whether this has been carried out within the last 12 months. If not, we may ask the seller to have the boiler checked when we raise enquiries. Having these checks done before exchange of contracts means that if there are any issues, they can be discussed with the seller enabling you, if appropriate, to renegotiate the price, have the seller carry out any work or allow you to rethink your purchase. It is your responsibility to ensure that the boiler and electrics are checked if you wish them to be.

Having a mortgage – Your mortgage broker will submit your mortgage application and the valuer will normally arrange to visit the property. Remember you may have to pay a valuation fee. A mortgage offer will be sent to you with a copy to us.

Proof of funds – If you are using savings to buy your property then we will need proof of funds. This could be bank statements going back at least 6 months but we may need to see more. Please let us know the source of the funds as soon as possible and we can advise you of what further documentation we will require. We will enclose a Money Laundering Regulations 2007 and the Proceeds of Crime Act 2002 leaflet with our client care paperwork, please ensure you read this as we cannot exchange contracts without satisfactory AML checks. Depending on the circumstances we may also carry out electronic checks and these will incur an additional fee.

Being gifted money – We will need to make sure your mortgage lender knows about any gifts. We will also need to obtain proof of funds and identification from the person gifting you the money and have them sign a gift letter which will state that the money is a gift and that they have no interest in the property.

Meeting – Once we have received satisfactory replies to enquiries from the seller's solicitors and your mortgage offer, if one, we will arrange for you to attend the office to go through and sign all the paperwork. Alternatively, we may do a written report to you; this will be discussed with the fee earner during the course of your transaction. If there is anything outstanding at this time, we will let you know. We may also give you a completion statement showing a breakdown of fees and charges and what money has been received from you as well as what money will be received from your mortgage company (if you are having a mortgage).

Deposit – If you have a related sale then we will normally be able to use the deposit from that on your onward purchase. If you do not have a related sale then we will discuss with you paying the 10% deposit to our bank that we will require before we can exchange contracts. Please note that our bank details will never change during the course of your transaction and you should ensure that they match those on the completion statement. Our bank details are also in our client care letter. We will not accept any liability if you make a payment to an incorrect bank account.

Booking removals – Although you may have obtained quotes from removal companies, we would not recommend paying a non refundable deposit to them until we have exchanged contracts as the completion date is not fixed until then and may change.

Exchange of contracts – Once everything is ready, the rest of the chain is ready and agreed a completion date and you have paid us the deposit monies (if required) we will exchange contracts. You do not need to attend the office to do this but you must be available on the telephone so we can make sure you are still happy to proceed. Once contracts have been exchanged you and the seller are legally bound to buy and sell the property. If you have a related sale, we will exchange contracts on the same day as your purchase.

Insurance – You must make sure your building insurance is in place from exchange of contracts. If an insurance claim is made between exchange and completion it will be your insurance company to whom the claim will have to be made. We must see the insurance schedule before we can use your mortgage money on the day of completion. This can be sent via email. If you have a sale you should keep the property insured until completion.

Day of completion – If you have a related sale then once we receive the sale proceeds, we will send the required sum to the seller's solicitors, along with any mortgage money. If you do not have a related sale then normally at around 10am (depending on the number of completions we have on that day) we will send the purchase money to the seller's solicitors. Once the seller's solicitors receive the funds in their account, they should instruct the estate agents to release the keys to you or give us a time that they may be collected by you. We will then contact you with this information. This is usually around lunchtime but maybe later.

When you may get the keys – We cannot control the money once it is in the banking system. There are occasions when completion does not take place until later in the day. This could be because it is a very long chain or there may be an issue at some point in the chain with the banking system. We will keep you informed on the completion day and you are welcome to telephone us for regular updates.

After completion – Once completion has taken place, we will arrange to pay your stamp duty and register the property in your name. If the property is already registered at the Land Registry then this will take several weeks. If the property is unregistered or a new build this registration can take upwards of 5 months.

Information about searches

Local Authority search – This consists of a series of questions to which the Local Authority replies in regard to the property you are buying, but not about any adjoining or adjacent land. If you wish to enquire about any other land we must be told in writing and a further fee, for any additional searches, will be payable. If you wish to do more research into the local area you can contact the Local Authority Planning Department by telephone or email and also look on their website. This Local search is required if you are having a mortgage.

Water and Drainage search – This search is required if you have a mortgage. This is an enquiry to the water company which should confirm whether the property has mains drainage, and it should send a plan showing the route of the nearby services. It may not show the location of the sewers within the boundary of the property. You may wish to contact the local water company responsible for the property asking for confirmation whether the sewers, drains and pipework are maintainable by them or you. We do not check this.

Environmental search – This search is required if you have a mortgage. An environmental search identifies whether the previous land use of the property creates a potential environmental risk or is risk free. This type of search will highlight issues including landslips, subsidence, contaminated land due to historic landfills and waste sites, the risk of flooding from nearby rivers or seas and radon gas. You may decide to do further investigations on the results and/or ask us to undertake further searches on your behalf.

Chancel Check search – This search is done to reveal whether or not the property you are proposing to purchase may be affected by a potential Chancel Repair obligation to the local Parish Church. This search is not compulsory and you will have to decide whether you wish to have it done, we will not accept liability if you decide not to have a search done or obtain an indemnity policy. Please let us know if you require more information on Chancel Repair.

Plansearch Plus – Provides important planning, neighbourhood and local amenity information. It supports the homebuyer in making an informed decision by supplying quality information for the property and surrounding area, and may provide peace of mind by helping to reveal any potential surprises around the corner. This search is not compulsory and you will have to decide whether you wish to have it done but is a useful search to have done.

Mining search – A mining search is required if the property is situated in an area with previous or current mining history and is at risk of being built on unstable ground. Depending on the location of the property our search provider may recommend that a mining search is carried out and if so, your mortgage lender will require one to be done.

Flood Risk report – This is an additional search which will give you information on the potential flood risk and confirm if it may adversely affect your ability to obtain suitable insurance. This search is not compulsory but worth thinking about if the property is near a river, lake, stream, on low ground or on ground which has flooded in the past.