



**M&P Estates**  
SALES | LETTINGS | PROPERTY MANAGEMENT

# YOUR GUIDE TO MOVING

The Legal Procedure

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



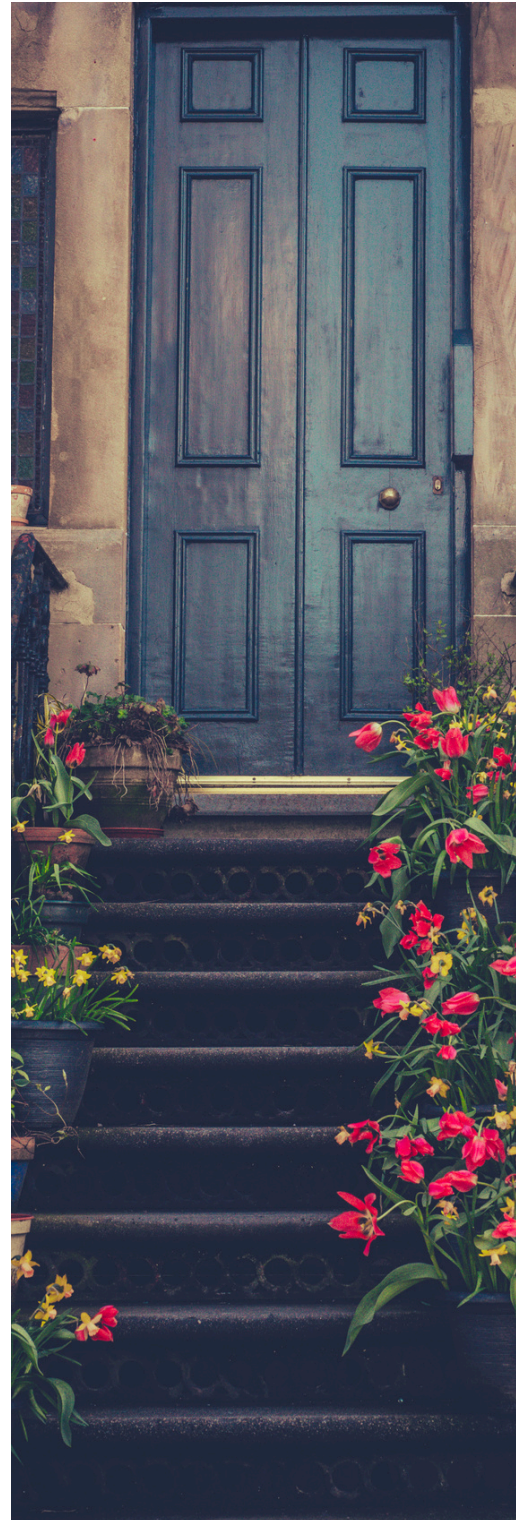
# INTRODUCTION



“WHAT IS  
CONVEYANCING  
?”

CONVEYANCING  
IS THE PROCESS  
OF MOVING THE  
LEGAL  
OWNERSHIP OF  
PROPERTY OR  
LAND FROM  
ONE PERSON TO  
ANOTHER.

This guide is to provide you with an insight into how the sales process works and what procedures we have in place to help with the sale/purchase of your home. The focus of these procedures are to keep you informed and updated on a regular basis on the progress on the sale of your home.







## WHAT TO EXPECT AFTER YOUR SALE IS AGREED

We will send you a formal letter either via email or post confirming the offer price accepted and the names of your purchasers and your property will be marketed as 'sold subject to contract (SSTC). In addition, the solicitors acting on behalf of you, and your purchasers will both receive a copy of the signed property details, a full Energy Performance Certificate and a Memorandum of Sale containing the details necessary for them to correspond with each other.

IT IS  
ESSENTIAL AT  
THIS STAGE  
THAT YOU  
CONTACT  
YOUR  
SOLICITOR  
DIRECTLY  
AND  
INSTRUCT  
THEM TO ACT  
ON YOUR  
BEHALF

Once you have instructed your solicitor, they will send you a pack in the post or via email. This pack is usually referred to as 'Protocol forms. The pack will include your Solicitors terms of engagement, Property Information forms, Fixtures & Fittings contents list, Identification forms and your banking information. Please ensure any documents you hold for your property are provided to your Solicitor at the initial stages. These surplus documents could be, Title Deeds, Death or Marriage certificates, FENSA certificates, building regs certificates, gas and electric safety certificates, if applicable. These forms provide your solicitor with the basic information they require to draft a contract to your purchasers' solicitor.



"ENSURE ANY DOCUMENTS YOU HOLD FOR YOUR PROPERTY ARE PROVIDED TO YOUR SOLICITOR AT THE INITIAL STAGES."





Most Solicitors will ask for monies on account to act on your behalf, this will enable them to carry out the initial work and these monies will be deducted from your final bill. Some Solicitors will offer you a service of a 'no sale, no fee' please make sure you thoroughly read through your Solicitors terms and condition before formally instructing them. On the next page's are some examples of what information your solicitor will expect from you.

"SOME  
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READ YOUR  
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T&C'S"

# 1.

For your solicitor to comply with Anti Money Laundering Regulations (AML) they will require photo ID (a valid driving license or a valid passport) a recent utility bill (gas, electric, and water and / or council tax bills) dated within the last three months. Please note that the solicitor will require seeing the original documents or have the original documents certificated by a professional person.







## 2.

If you have made significant alterations to your property, such as an extension, a loft conversion, a garage, a conservatory, please ensure you can provide any relevant documents such as planning consents or building regulation certificates. If you cannot find any of these documents, or if works were carried out by the previous owner, then please consult with your solicitor who will advise you of the necessary course of action.



# 3.

Any guarantees, receipts or certificates relating to remedial work such as electric wiring, damp proofing, window replacement or timber treatment should be given to your solicitor.





# SELLING A LEASEHOLD PROPERTY



"SELLERS  
INFORMATION  
LEASEHOLD  
PACK' ALSO  
KNOWN AS A  
'LPE1'

When selling a leasehold property

If there is a management company, you will need to provide their name and contact details to your solicitor. All management companies charge for a 'Sellers Information Leasehold pack' also known as a 'LPE1' and we advise all clients to contact their management company to find out the cost of this and to order it themselves and then send it on to their solicitors, as this can save time in the sales process.



This can be a lengthy process so we would advise that this is ordered as soon as your solicitors have been instructed. Or alternatively when you decide to sell your home and instruct your agent. You can pay and order pack directly from your management agency also known as the 'Freeholder.'

Once your solicitor receives all the necessary information, they are then in a position to create the draft contracts, as stated, and these will then be sent across to the purchasers' solicitors, usually via email but sometimes via post.





# **PURCHASERS MORTGAGE / SURVEY**

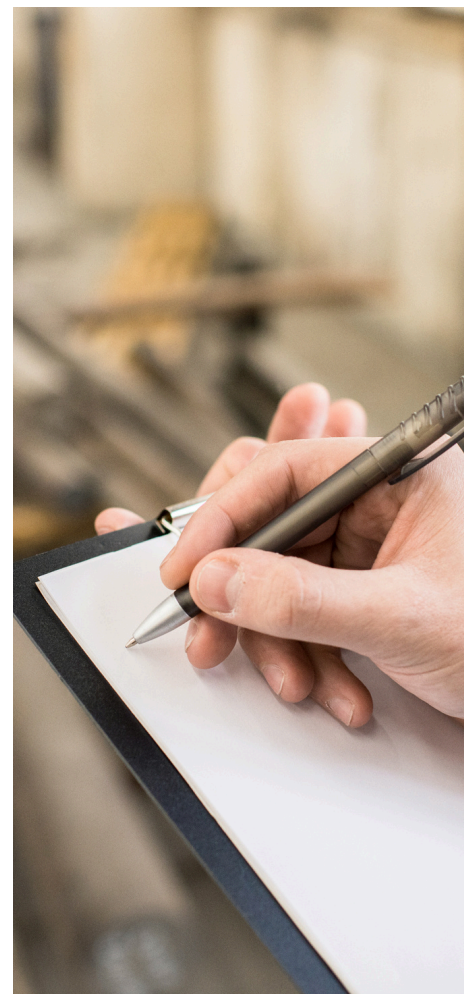
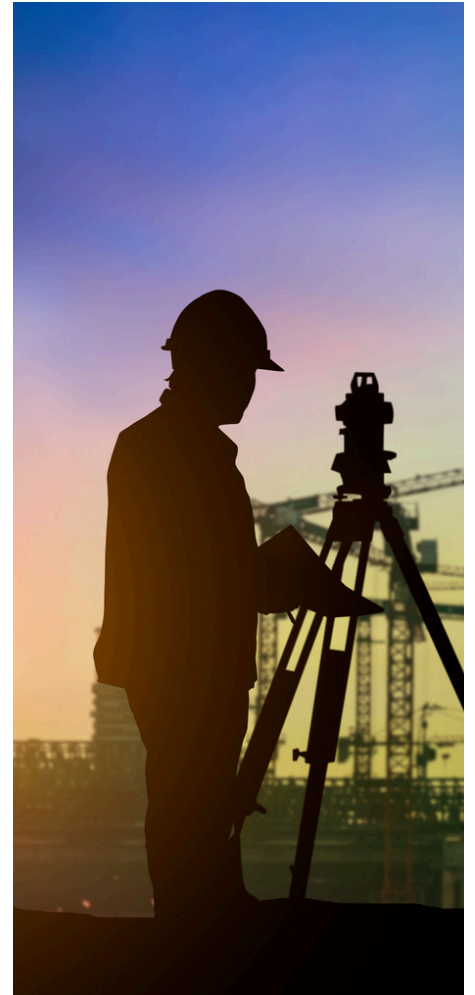
Our aim is to ensure that the purchaser is able to financially move forward with the transaction. We do this the following: -

- We ask to see a Mortgage in Principal certificate which will be verified by our own in-house mortgage broker or advisor.
- We ask for proof of deposit, photo ID and proof of address which needs to be within the last three months.



# SURVEY

The survey is our next stage in the sales progression process. We ask vendors to bear in mind that banks and building societies work in different ways and have different procedures. Some lenders will instruct the valuation / survey once the application has been lodged, where others will not instruct valuation / survey until all the references have been taken and the mortgage is approved, subject to the valuation.





# PURCHASERS SOLICITOR



When your purchaser's solicitor receives the draft papers, they will apply for searches. The searches are Drainage, Local Authority and Environmental searches. Solicitors work in different ways, some solicitors will raise enquiries straightaway, while others will wait to raise enquires until all of the searches have been received. Many of the enquiries can be answered by your solicitor as you have already provided substantial information in your Sellers Information Pack and fixtures and fittings list. If there are any other enquires your solicitor will contact, you for further information. Sometimes there will be further enquiries on the information that has already been given. It is a good rule of thumb to bear in mind that the solicitor acting for the purchaser has never been to your property and likely never been to the area, this is mainly to have clarification on certain points.

# EXCHANGE OF CONTACTS



"SOLICITORS  
CAN OFTEN  
SEND  
CONTRACTS FOR  
SIGNING AT  
DIFFERENT TIMES  
DURING A  
TRANSACTION"

Once the buyer's solicitor has all their enquiries answered, they will approve the contract and forward a copy to your solicitors for you to sign. Solicitors can often send contracts for signing at different times during a transaction; it is not always at the end. A further copy will be signed by the buyers once all the legal checks have been completed and their mortgage offer is in place. At this point the buyer will be asked to provide a deposit.





# DEPOSIT

The usual deposit is 10%, although some solicitors will ask to reduce this. In addition, we sometimes entertain simultaneous exchange and completion so exchange and completion will take place on the same day. It is important to note that a completion date must be agreed by all parties in the chain and once exchange has taken place the contract is binding between both you and your buyer.

"A  
COMPLETION  
DATE MUST  
BE AGREED  
BY ALL  
PARTIES IN  
THE CHAIN"

# EXCHANGE PROCESS

If your property is in a chain the exchange will always take place from the property at the bottom of the chain and works its way through to the top, also known as a 'domino affect'. We often refer to this as a release, this means that the solicitors at the bottom of the chain will release the contract for exchange to the solicitor above them and so on until it reaches the top. You need to bear in mind that your solicitor will need to get your consent for exchange,







without this they cannot exchange on your behalf and nor can any of the other solicitors within the chain unless they get their client's consent. If exchange does not reach all the way to the top by the close of business, then it will have to start again the following day. Again, your solicitor will contact you to obtain your consent. It is our practice to inform you to contact your solicitor first thing on the proceeding morning if this does happen.





On the day of completion, we suggest that you take all meter readings, including gas, electric and water. In addition, that you ensure all rubbish has been removed from the property. Whilst we realise, some vendors wish to move themselves this can cause a problem in the fact that once your purchasers' moneys have arrived in your solicitors account you no longer own that property and, therefore, they have a right to keys and access. We have seen many vendors try to move themselves only wishing that they had hired a removal company because on the day of completion a removal company will turn up at the property and move all your belongings onto their lorry ready for your onward purchase.



# THE KEYS TO YOUR HOME

It is usual practice for our clients to drop all sets of keys off to our office either before but no later than the day of completion and we will not release these keys until we have confirmation from the solicitors that we are in a legal position to do so. When collecting keys from our office photo ID, such as a photo driving license or passport, must be presented and all keys signed for.



"WE WILL NOT  
RELEASE KEYS  
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CONFIRMATION  
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SO"

We hope that this leaflet provides you with more insight into the moving process but don't forget that at M & P Estates you will be appointed with a sales progressor who will deal with your sale from start to finish. Again, you are always free to contact and speak to the sales negotiator who sold your property at any stage of the process.





### **National Network**

As a Member of The Guild, we demonstrate a real commitment to local, regional and national marketing. We are part of a national network of offices working together to serve you better.

### **Trust and Confidence**

The Guild have their own strict Code of Conduct which ensures every Member of The Guild is either a qualified Member of The Royal Institution of Chartered Surveyors (RICS) or a Member of The Property Ombudsman.

### **The Guild Standard of Service**

Every Member company of The Guild of Property Professionals is a carefully

selected independent estate agency – as such, we adhere to the highest standards of estate agency practice and all work together to provide you wider marketing and better service.

As part of the national network of property professionals, we have access to a myriad of other services all bound together in an enterprising spirit of teamwork and professionalism that helps with selling houses.

### **Training**

You can be sure you are dealing with professionals as The Guild offers training through its Guild Associate Scheme. This is an educational training system for Member's

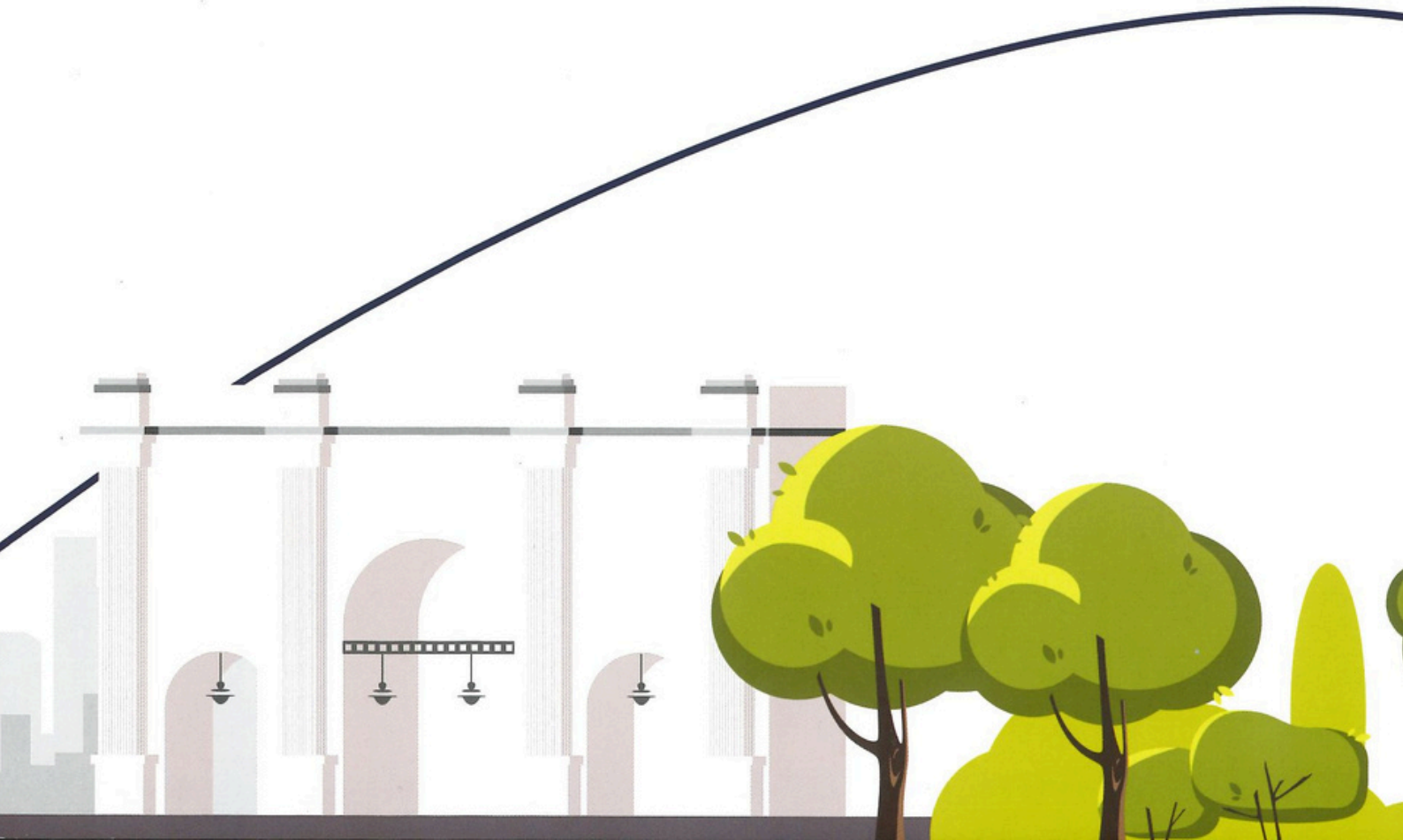
staff to ensure fundamental technical competency throughout the network. It covers the basic legal estate agency practice, plus knowledge of The Property Ombudsman, The Guild and Money Laundering. Entrants are examined on their competency and, when an adequate level of proficiency is achieved, are invited to become a Guild Associate.

### **Auditing**

The Guild is committed to raising industry standards with compulsory auditing for new Members. This ensures that every agent operates to the same level.

We are property professionals.

Find your local Guild agent at [guildproperty.co.uk](http://guildproperty.co.uk)





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SALES | LETTINGS | PROPERTY MANAGEMENT

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