



## **FIRST TIME BUYERS**

### **SEE YOUR SOLICITOR FIRST!**

You will have a great deal to think about when you buy your first home - deciding where you want to live and what you can afford, deciding what type of mortgage you want and which Building Society or Bank it should be arranged with.

Another important decision, and one that is often left to chance, is your choice of Solicitor. It is your Solicitor's job to act on your behalf to ensure that you get full legal ownership of your home without any problems in your Deeds. The Solicitor will also act for your Building Society or Bank in the Mortgage formalities, so it is important to ensure that you choose a firm that is likely to be on your chosen lender's "panel" of Solicitors, which means that it should be a firm of repute and of reasonable size.

You should also check that your purchase will be dealt with by a qualified member of staff. Find out as well if there are back up professional staff in the firm if the person you are dealing with is absent for any time - there is nothing more frustrating than finding your transaction has ground to a halt because your Solicitor is on holiday!

**THOMAS FLAVELL & SONS** reassuringly fit this bill. With a team of professionally qualified staff all with efficient secretarial backup working with modern computerised systems, you can feel confident you will receive prompt, first class service.

We can help you with your transaction at whichever of our offices is most convenient for you - Hinckley, Earl Shilton or Market Bosworth. We are always happy to receive a telephone enquiry from you and the professional member of staff that you should ask for at each office is detailed below. Alternatively contact us by e- mail at [law@thosflavell.co.uk](mailto:law@thosflavell.co.uk)

**Hinckley:** [Chris Stratford](#) [Jamie Connolly](#) or [Gail Tanner](#) (01455 610747)

**Earl Shilton:** [John Cowlard](#) (01455 842297)

**Market Bosworth:** [Gavin Hammond](#) (01455 290203)

Once you have had your offer accepted by the Estate Agent and asked us to start the legal work on your behalf, this is essentially what happens next.

### **Before Exchange of Contracts**

1. The Sellers' Solicitors prepare a Contract which they send to us together with other information regarding your home, including a list of all items to be left at the property.
2. We will check the information received and carry out searches on the property and if appropriate raise further enquiries. Note that the Local Search cannot give details of the way the area might change in the future and does not give details of use of neighbouring land.
3. Because an owner of a property may now have to pay for decontamination even if that owner was not responsible for the contaminating event, we will normally carry out a basic Environmental Search on the property to ascertain the likelihood of any contamination being present.
4. You will have applied for a Mortgage (if you require one). The Bank or Building Society will have a valuation carried out on the property which they will require you to pay for. While this valuation may indicate to you any major physical defects in the property you cannot hold the Surveyor who carries it out responsible for missing any defects which you discover later on. Nor can you later sue the Seller for any defects you discover. It is therefore wise to consider having a more thorough survey carried out which your Lender may well be able to arrange simultaneously with the valuation. You should then receive a written offer of Mortgage.
5. Ideally you will then come to our offices to go through all the paperwork including the Contract and associated papers, the Searches and your Mortgage Instructions. It usually takes three to four weeks from the time you make your offer to buy your home until this stage is reached. If a visit is not convenient the documents can be sent to you with an

explanatory letter. If you and we are satisfied with all matters you sign the Contract. The Contract is not binding yet merely because you have signed it.

### **Exchange of Contracts**

You pay a deposit to us at this stage which is passed on to the Sellers' Solicitors. This is usually 10% of the price of your home, however if you are having a Mortgage greater than 90% of the price of your home the Sellers' Solicitors will usually accept whatever is the difference between the price of the home and your Mortgage sum. We exchange Contracts on your behalf. This means that we send the Contract you have signed to the Sellers' Solicitors who send a duplicate Contract signed by the Sellers to us.

A completion date is inserted into the Contract which is a date suitable to and agreed between you and the Sellers. The completion date is the date when ownership of the property will pass to you and removals will take place. The completion date is usually about two weeks after exchange of Contracts.

If you are having an Endowment Mortgage you should inform your Financial Advisor that Contracts have been exchanged so that your Endowment Policy can be put on risk.

### **Between Exchange of Contracts and Completion**

The Contract is legally binding and you can be sure your purchase will go through. However much of our work remains to be done.

We must:-

1. If not already reviewed and considered, check the Title Deeds to make sure they are in order.
2. Raise 'Requisitions' i.e. any questions which arise from the Deeds.
3. Draw up a Transfer. This is the final Deed which will put the property into your name.
4. Prepare a Stamp Duty Land Transaction Return for you to sign confirming the Stamp Duty payable.
5. Carry out some final Searches on Government maintained registers to see if certain matters affect the property.
6. Send a written request to your Building Society or Bank to ensure that your mortgage advance is with us in time for the completion date.
7. Arrange for your signature to the Transfer, Mortgage Deed and Stamp Duty Land Transaction Return. The Transfer is then sent to the Sellers' Solicitors for the Seller to sign.
8. Collect from you any final money which may have to be paid, including Stamp Duty and Land Registry fees.

Meanwhile you should inform the appropriate Authorities (Local Authority, Water Authority, Electricity Company, Gas, Telephone etc.) of the date on which you will take over your new home.

### **Completion Date**

This is the moving date and the day ownership of the property passes to you. We pay the purchase money, less any deposit we have previously paid, to the Sellers' Solicitors. They hand over the Title Deeds and the Transfer signed by the Sellers to us. They also give us written assurances that any mortgages affecting the property will immediately be paid off. You can collect your keys from the Estate Agents or the Sellers themselves (or the Site Office if you are buying a brand new home). Removals are usually around midday.

### **After Completion**

We still have work to do.

We send the Stamp Duty Land Transaction Return to the Inland Revenue with payment of any Stamp Duty and then submit the Transfer to the Land Registry to register your transaction. Following registration your Deeds are sent to your Building Society if you are having a Mortgage or can be sent to you if you are not.

### **How Much Will it Cost?**

Please telephone or call at our offices for a competitive quote

or e- mail us at [law@thosflavell.co.uk](mailto:law@thosflavell.co.uk)

In addition to our fees there will be other payments to be made to others on your behalf namely:

1. Value Added Tax on our fees.

2. Money charged by the Local Authority and Water Authority for answering Search questions. The fee may vary from one Authority to another.
3. Money charged by the Company instructed to carry out any land contamination search.
4. Money charged by the Land Charges Registry for Searches.
5. Land Registry dealing fees. These fees are charged by the Land Registry and they are based on the price of the home. We can supply you with the Land Registry published table of charges at any time.
6. Stamp Duty Land Tax.

### **How Long Will it Take?**

This is a very difficult question. It can all be done in a week. It hardly ever is. We must wait for a number of things:-

1. The Seller is buying a home and that transaction is not ready to proceed.
2. The time it can take to obtain answers to additional searches and enquiries.
3. You will have to wait for a Mortgage offer before Contracts can be exchanged.
4. The work that we have to do between exchange of Contracts and completion takes some time. From reading the earlier part of the leaflet you will see that the mere time for posting documents is such that about a fortnight between exchange of Contracts and completion is generally needed even if everybody involved acts in the shortest possible time (which given the number of people involved is rather much to hope for).

The average time from first seeing us to completion is between one month and two months. Sometimes it is quicker. On the other hand it can be much longer if the pieces of the jigsaw do not come together quickly.