

## Role of your Solicitor

All Solicitors practising law in England and Wales must also be registered with the Law Society. As soon as you place your property on the market for sale by way of Private Treaty with an Estate Agent they will ask for your chosen Solicitor's details to pass onto the Buyer's Solicitor. It is recommended that you establish contact with a Solicitor prior to placing your property on the market to avoid having to make this significant decision in a hurry! Finding a suitable Solicitor is often best achieved through a personal recommendation.

**Your Solicitor's role is to take care of all legal aspects of moving house.** This will include aspects such as sourcing the Title Deeds to your property if you are selling (usually held by your Mortgage Lender if you have a Mortgage over the property), carrying out Searches, raising enquiries against the Title and acting on behalf of your Mortgage Lender if you are purchasing a property. Your Solicitor should endeavour to ensure that the transaction runs as smoothly as possible. He/she will deal with the Contract and Transfer elements of the transaction as well as deal with the Land Registry and arrange for the appropriate monies to be transferred to your nominated bank/building society account upon completion after deduction of legal costs and disbursements.

The role of your Solicitor in the selling and buying process is a very important one. If you are unsure about anything during the conveyancing process keep asking until you are sure.

### Selling

Your Solicitor will check the Title to the property ensuring it is clear of any issues and that the property is marketable.

You will be asked to complete a Property Information Form and Fixtures and Fittings Form and provide any certificates, guarantees, planning permissions, building regulations approvals etc. to accompany the draft Contract prepared by your Solicitor and submitted for inspection and approval by your buyer's Solicitor.

A mortgage redemption statement will be requested from your Lender in case of an existing mortgage and/or any loans secured against your property will be ascertained.

Enquiries raised by your buyer's Solicitor will be dealt with upon your behalf in a prompt and efficient manner to avoid untimely delays.

Upon parties agreeing any outstanding issues being resolved, a deposit will be received from your Buyer's Solicitor to hold to order until completion. A completion date will be agreed by all parties, signatures taken to the Contract and Transfer and then Contracts can be exchanged.

Completion day - your Solicitor will arrange to receive the balance of sale monies, authorise a key release via the Estate Agents and the Title Deeds are sent to the buyer's Solicitor. Any outstanding mortgage or loans are settled, Estate Agents fees are paid and Legal costs taken from the proceeds of the sale before remitting the net proceeds of sale to you, the client.

## Buying

Your Solicitor is responsible for ensuring that you are acquiring a good and marketable Title to the land/property.

Your Solicitor is responsible for ensuring that you have sufficient funds to purchase the property and will need to know the source of funds to facilitate your transaction. If you are not taking a Mortgage over the property then you will have to prove by way of copies of bank statements and the like or proof of inheritance that you your financial situation is sound. In the case of a Mortgage (Charge) or other Loan, your Lender will be represented also by your Solicitor and there are strict guidelines that your Solicitor will have to follow in doing so and this is his/her responsibility. He/she will request a copy of the formal Mortgage Offer.

Your Solicitor will make the necessary arrangements to put in Searches against the property with the Local Authority and request a payment from you on account to cover these costs up front. Upon receipt of the draft Contract and supporting documentation from your seller's Solicitor, enquiries will be raised against the Title to the property. Any issues found within the Search results will be communicated to the seller's Solicitor. Once satisfactory replies have been dealt with, you will be invited to sign the Contract, Transfer and Mortgage Deed.

A completion date will be discussed with you and then agreed by both parties and then Contracts can be exchanged. Typically at this point, a deposit (usually 10%) will be requested by your Solicitor to be held to order until completion. The balance of funds to complete the purchase will be required from you prior to completion by means of either a mortgage advance/proceeds of your related sale/personal financing or a combination of these.

Post-completion your Solicitor will arrange collection and payment of stamp duty upon your behalf and prepare and forward an application to HM Land Registry to register your ownership.