



Selling your Home



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Boyd Rice Solicitors has 30 years' experience in residential conveyancing. When it comes to selling your home you need a Solicitor who will guide you through the process as quickly as possible with minimum fuss.

▶ When should I instruct a Solicitor?

It is best to appoint a Solicitor at the earliest opportunity, around the same time that you instruct an estate agent. This allows for the Solicitor to obtain your title deeds from your mortgage lender, if you have one, which can take some time. Any issues with the title can then be identified and actioned. Our conveyancing team will handle the conveyancing transaction for you with the time, care and expertise that it deserves.

▶ What happens when my property is sale agreed?

The Estate Agent will send a Memorandum of Sale to your nominated Solicitor within Boyd Rice Solicitors. This will provide the Solicitor with confirmation of the following details; the full address of the property, the name of the Purchaser, the Purchaser's Solicitor, the purchase price and any other conditions that have been stipulated.

We will send you a letter of engagement with terms to accept and return. Your Solicitor will ask for identification and proof of address to comply with regulatory obligations.

▶ How long will the process take?

The timescale for the transaction to complete will typically be 8-10 weeks but this is subject to a number of different factors. We will keep you advised as the transaction develops.

▶ What are Title Deeds?

Title deeds are the key documents relating to the property and confirm the ownership of the property. They will indicate any rights or obligations that benefit or burden the property. These must be sent to the Purchaser's Solicitor to be inspected. The quicker these are provided to the Purchaser's Solicitor the quicker the transaction can complete which is why it is key to instruct us at the earliest possible stage.

▶ What are Property Certificates?

We are obliged to obtain two property certificates and forward these to the Purchaser's Solicitor.

- ▶ **Local Council Certificate** – this certificate shows if any works have been carried out to the property and if the owner had the appropriate permission to do these works. It also shows if the property is affected by any legal proceedings taken by the council.
- ▶ **Regional Property Certificate** – this certificate addresses matters such as whether the property is serviced by public sewers and water mains, whether there has been any planning applications made in relation to the property and provides other information from statutory agencies.



▶ What searches are required?

▶ **Bankruptcy:**

This search is against the Vendor(s) of the property. If the Vendor is adjudged bankrupt, their ability to sell the property will be severely restricted.

▶ **Enforcement of Judgements Office (EJO):**

This search is against the Vendor(s) of the property. This will confirm if there are any Judgments against the Vendor.

▶ **Statutory Charges:**

This search is against the property and lists any Charges which have been placed against the property by statutory agencies. An example would be if there is a Tree Preservation Order in respect of certain trees at the property.

▶ What are the Replies to Pre-Contract Enquiries?

This is a questionnaire which covers almost every conceivable aspect of the property. Example areas covered include whether there have been any disputes with neighbours, whether any works have been carried out to the property and if so confirmation that planning permission was obtained in respect of the works and confirmation that building control approved of the works.

This document ensures that the Vendor discloses all key information about the property that may not found in the other documents.

▶ What is a Fixtures and Fittings List?

This document is included in the Replies to Pre-Contract Enquiries. It sets out which fixtures and fittings the Vendor is intending to leave in the property, and which will be removed. If the Vendor wishes to leave an item in the property, they can include a price for the item. The Purchaser's Solicitor will discuss this with their client.

▶ Do I need to provide an Energy Performance Certificate (EPC)?

An EPC rates the energy performance of a property. This must be provided to the Purchaser when selling your home. The assessment for the EPC is usually arranged by the estate agent as part of their service. An EPC is valid for 10 years.

▶ Will a survey be carried out on my property?

If the Purchaser is obtaining a mortgage, then their mortgage lender will carry out a valuation on your property. This will not be very detailed. However the Purchaser also has the option to obtain a survey of the property. This survey will be a comprehensive review of the condition of the property. It will flag up any issues which the average layperson may not be able to spot.



▲ Are there any additional documents I will need to provide?

Dependent on your circumstances you may need to provide other documents to the Purchaser's Solicitor. These can include:

▲ **Planning permission and building control:**

This will be required if you have carried out any works to the property within the past 10 years. If you have done this without seeking consent, then we can help you obtain retrospective consent.

▲ **Ground rent receipt:**

If the property is leasehold you should provide a copy of the up to date ground rent receipt to your Solicitor. If you do not have one you should contact the ground rent collector to check the balance and discharge this prior to completion. The receipt can then be provided to the Purchaser's Solicitor.

▲ **Gas safety certificate:**

If the property has gas central heating or contains any gas appliances then you should obtain a gas safety certificate to ensure they are working safely.

▲ When will I sign the contract?

Typically the contract is signed within a couple of weeks of the intended completion date. The Purchaser signs the contract first. It is then sent to us. You will sign it and once it is returned to the Purchaser's Solicitor the contract is formed and binding. In practical terms, this is the point of no return.

At the same time the Purchaser's Solicitor sends the contract to your Solicitor he/she will send a draft deed. This is the document that will formally transfer the legal interest in the property from you to the Purchaser. You will sign this prior to completion and your Solicitor will send it to the Purchaser's Solicitor after completion.

▲ What happens at completion?

The Purchaser's Solicitor will transfer the purchase monies to our client account. Once this has been received your Solicitor will contact the estate agent to inform them that they may give the Purchaser the keys.

Your Solicitor will subsequently send the Transfer Deed to the Purchaser's Solicitor. The Purchaser's Solicitor submits the Transfer Deed to the Land Registry for registration and ownership of the property is transferred to the Purchaser.

We will send the redemption money to your mortgage lender to close the mortgage, if you have one, before providing you with a Cash Statement showing the balance funds owed to you and which we will then send you by bank transfer or cheque.

The above information is intended as a guide only. It should be read in conjunction with legal advice from one of our experienced team of Solicitors.



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BoydRice
Solicitors

To discuss your case please contact us at
property@boydricesolicitors.com or by phone [02891817715](tel:02891817715)
