

BoydRice

Solicitors



Selling your Home



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Boyd Rice Solicitors has been helping Vendors sell their homes for over 30 years. We are known for our speed and attention to detail. Here we set out some of the common questions you might have when it comes to buying your new home.

■ 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 10-12 weeks but this is subject to a number of different factors. We will keep you advised as the transaction develops.

■ What documents does my Solicitor need to provide to the Purchaser's Solicitor?

The documents that your Solicitor will need to provide include;

■ Title Deeds:

The Title Deeds are the key documents relating to the property and confirm the ownership of it and the boundaries. They will indicate any rights or obligations that benefit or burden the property. The quicker these are provided to the Purchaser's Solicitor the quicker the transaction can complete which is why it is key to instruct Boyd Rice Solicitors at the earliest possible opportunity.



▶ **Draft Contract:**

This will incorporate the Law Society's General Conditions of Sale, and any special conditions deemed relevant at that time.

▶ **Property Certificates**

We are obliged to obtain two property certificates and to forward these to the Purchaser's Solicitor. One is obtained from the local council of whichever council the property is located and the other is from the Regional Property Certificate Unit. These documents contain important information including; has there been any Building Control applications within the last ten years; is the property accessed by a public road; have any planning applications been made, etc.

▶ **Searches**

These include Bankruptcy and Enforcement of Judgments Office searches against the Vendor. If these searches reveal the Vendor has been adjudicated bankrupt it can severely restrict his/her ability to sell the property. A Statutory Charges Register search must also be provided. This search is against the property rather than the Vendor and will indicate whether any statutory agencies have placed a charge against the property.

▶ **Replies to Pre-Contract Enquiries**

This is a detailed questionnaire completed by the Vendor which covers many aspects of the property including; whether there have been any disputes with neighbours, whether any works have been carried out to the property and if so what statutory approvals were sought, and whether there has been any flooding at the property. The Vendor needs to be sure they do not provide any misleading replies as these can be used against the Vendor if the Purchaser proceeds with the transaction in reliance on any incorrect replies.

▶ **Fixtures and Fittings List**

This document forms part of 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.

▶ **Energy Performance Certificate (EPC)**

This Certificate confirms the energy performance of the property. It is a legal requirement for the Vendor to provide. The Vendor's estate agent will usually arrange for an assessment to be carried out. An EPC is valid for 10 years unless works have been carried out which may cause the rating to change.

▶ **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.



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.

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

Meet the Team



Ben Wall
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Demi Mills
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