

## Purchasing a Property

### Our helpful guide



The conveyancing procedure in England and Wales can be daunting, especially if you are an overseas buyer, so as a guide we set out below a brief summary of the stages of the conveyancing process in respect to a purchase:

### Pre-Contract Stage

1. We will send you an engagement letter setting out the terms upon which we will act. An acceptance of the retainer letter will need to be signed by you and returned to us.
2. We will need to carry out our client identification checks. If you are an individual we will require a certified copy of your passport (information page) showing name, date of birth and photograph; and an original or certified copy of a recent utility bill or other suitable evidence showing your residential address such as a letter from your bank together with three month's bank statements to show the source of funds. (If you are an overseas buyer, we require twelve month's bank statements to show the source of funds).
3. Once we receive the Sales Memorandum detailing the terms of your purchase, we will make contact with the seller's solicitor requesting a draft contract and supporting paperwork (including copy title documents).

## **Pre-Exchange of Contracts**

4. When we receive the draft contract and paperwork, we will submit the appropriate conveyancing searches, including a local search, drainage and water search, chancel check search and environmental search.
5. We will negotiate the form of contract and (if a new lease is being granted) the form of lease with the seller's solicitors and raise any necessary additional enquiries of the seller and (where the property is an apartment) Managing Agents for the building resulting from our investigations and searches.
6. We will advise you to have a survey and valuation carried out. We will also liaise with the surveyor and review the survey report and raise any additional enquiries with the seller's solicitors arising from the survey.
7. We will need to check with you that your financing of the purchase is in order prior to exchange of contracts.
8. If you are buying a new build house or apartment off plan, we will need to make sure the property has the benefit of NHBC (National House-Building Council) Buildmark cover or other acceptable form of New Homes Warranty. In certain circumstances we may require a full pack of purchaser warranties from the professional team, main contractor and sub-contractors.
9. We will report to you on the contract and title and deal with any queries you may have.

## **Exchange of Contracts**

10. You will then normally be expected to exchange contracts with the seller prior to completing your purchase. On exchange of contracts, a 10% deposit is generally payable to the seller's solicitors which they normally hold as stakeholder or agents. Once you have exchanged contracts, you will be committed to purchase the house or apartment. The completion date will be specified in the contract, which will usually be up to 28 days after exchange. In the case of a new-build purchase, completion will normally be triggered by the seller serving notice on you or us, notifying you or us, that the new apartment or house is completed.

## **Pre-Completion**

11. We will carry out certain pre-completion searches, raise requisitions on title and completion arrangements with the seller's solicitors, prepare the form of Transfer (if applicable) for the seller to approve and get signed. We will also advise you in advance of the amount required to complete and liaise with your bank as to drawdown of any bank funding.
12. Completion will generally take place on or before 2pm on the day of completion, whereupon the keys to the house or apartment will be released to you.

## Post Completion

13. After completion we will:

- 13.1 Prepare a land transaction return (using Form SDLT 1 and any applicable supplemental forms) for you to sign notifying HM Revenue & Customs (HMRC) of the transaction and pay any stamp duty land tax that is due (subject to your having put us in funds for the SDLT). As to the amount of SDLT payable on your purchase, the rates are set out on HMRC's website. The link is set out below: <http://www.hmrc.gov.uk/sdlt/intro/rates-thresholds>. In any event we will advise you of the amount of SDLT you will have to pay.
- 13.2 Apply for registration of the Transfer or new Lease (as applicable) at the Land Registry.

For more information about how we can help you with the purchase of your property, please contact Sammi Hsu on 020 7462 6026, [sh@cbglaw.co.uk](mailto:sh@cbglaw.co.uk) or Alex Hutchings on 020 7462 6961, [ah@cbglaw.co.uk](mailto:ah@cbglaw.co.uk)

