

Selling a Property

The following is a general guide to the conveyancing procedure when you are selling a property. If you are in doubt about any specific issue you should consult your conveyancer directly.

Initial steps

- Once you have told the conveyancer that you wish to use their services you should receive a Terms of Engagement letter with confirmation of terms of business. You should sign and return this as soon as possible so that they can start work.
- Once your conveyancer has been formally instructed they will either obtain the title directly from the Land Registry if the property is registered, or ask you to supply the Deeds if it is unregistered land.
- Your conveyancer will also require you to complete the 'Property Information Form' and the 'Fixtures Fittings and Contents Form'. These are standard forms provided by your conveyancer. If your property is leasehold you will also need to complete a 'Seller's Leasehold Information Form'.
- If you have a mortgage or more than one mortgage you will need to let your conveyancer have all your Mortgage Account numbers together with the contact details for each Lending institution.
- You should provide your conveyancer with all original paperwork you hold regarding the property including pre-registration deeds, planning permissions, building regulation approvals, completion certificates and competent persons certificates (FENSA for windows and doors, Napit for electrics and Corgi for boilers etc.), the Lease, ground rent and service charge receipts and all paperwork from the Landlords Management Company or their Agents (Leasehold only).
- You need to let your conveyancer know from the outset if you are also buying a property and need the transactions to be linked together.
- You should inform your estate agent which conveyancer you plan to use so that they can send a 'Memorandum of Sale' to all the relevant parties together with a copy of the property particulars.

Legal work prior to Contracting to Sell

- Once your conveyancer has obtained and ascertained the title to your property he or she will prepare a draft contract and send this together with the completed standard forms and copies of all paperwork you have supplied to the buyer's conveyancer for approval.
- If the property that you are selling is leasehold your conveyancer may receive a standard Managing Agents Questionnaire from the buyer's conveyancers which is sent on to relevant Landlord/Managing Agents/Residents Association.
- Once your buyer's conveyancer has examined this paperwork they may need to seek clarification on certain points which they will do by sending a letter to your conveyancer raising enquiries. Your conveyancer will liaise with you to formulate replies to these enquiries.
- The buyer is entitled to rely upon any information that is supplied on your behalf so it is important that information supplied to your conveyancer is accurate and that you make a full disclosure of any relevant facts about your property.

Your Mortgage

- When a completion date is suggested your conveyancer will request from your Lender an up to date statement detailing the amount which is required to repay your mortgage.
- You should provide your conveyancer with details of all loans secured against your property as these will need to be repaid by your conveyancer using the sale proceeds upon completion of your sale.

Signing your Contract

- Once the contract has been approved by your buyer's conveyancer you will be contacted by your conveyancer to sign it in readiness for exchange.

Exchange of Contracts

- Before an exchange can take place all the parties involved need to agree on a completion date.
- From the point at which contracts are exchanged you are legally bound to sell and your buyer is legally bound to buy. Should either party back out the other will be entitled to claim compensation for losses arising.

Preparing for completion

- Your conveyancer will contact you to confirm the redemption figures for any mortgages or secured loans that will need to be repaid on completion and that you are content for the Estate Agents bill and your conveyancer's bill can be paid from the proceeds of sale.
- You will be required to sign a Transfer Deed in readiness for completion.
- You should arrange to drop off the keys with the Estate Agents for the buyer to collect.

On completion

- Your conveyancer will pay off any mortgages and other expenses, give an undertaking to your buyer's conveyancer to send sufficient funds to your Lender to allow them to release any charges and send signed Transfer and other documents to your buyer's conveyancer.
- Once your conveyancer has confirmed that all the remaining monies have arrived, your sale has completed.

Joanne Goodfellow, Conveyancing Assistant

Adam Leece, Associate Solicitor

Call us on Barnsley 01226 213434 to arrange an appointment.

Opening hours Mon – Fri 9.00am to 5.30pm

If you have an appointment there is a car park at the rear of the premises (off Eastgate, use post code S70 2EX, large blue gates on right hand side).

A ramp is available for wheelchair users using the front entrance.

The Premises we use in Church Street used to be the Old Grammar School. The original building on the site dates back to around 1600. Newman & Bond moved to these premises in the 1920s.