

Biggs & Co.

Solicitors

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Guidance Notes for Buyers and Sellers

COMMENCEMENT

If Estate Agents are involved, they will issue sales details to all parties involved to enable the individuals connected with the transaction to write to each other. *Check that the information is correct when you receive your copy.*

MORTGAGE APPLICATION

You should immediately submit an application for mortgage, pay your survey fee to the Lender or Broker and advise Biggs & Co. of the name and address of your Lender, and the amount of the loan. *Ask the Lender or Broker how long it will be before the formal written offer of mortgage is to be issued, as this will be a guide to the timing of exchange of Contracts.*

PREPARATION OF CONTRACTS

The Solicitor acting for the Seller will obtain the title deeds of the Seller's house and then prepare and submit a draft Contract to the Buyer's Solicitor.

EXAMINATION OF TITLE

On receipt of the draft Contract the Buyer's Solicitor will examine the title to the property (checking ownership and covenants etc.) and raise any questions with the Seller's Solicitor, including a request for a list of fixtures and fittings which are included or excluded.

PRE-CONTRACT SEARCHES

A Local Search and any other relevant Searches will be obtained on the property and examined by the Buyer's Solicitor. *Any adverse entries will be advised to you as soon as known.*

MORTGAGE OFFER

On receipt of your mortgage offer, you should check the terms carefully to ensure that they accord with the original details given to you by your Lender or Broker, e.g.:-

- 1 The total amount being lent.**
- 2 The monthly payments.**
- 3 The term of years.**
- 4 Life cover has been accepted by the Lender.**
- 5 Deductions i.e. Indemnity Premium, Arrangement fee etc.**
- 6 Any penalties for early repayment.**

THE SIGNING OF THE CONTRACT

When the above stages have been completed, you will be asked to make an appointment to attend our offices to go through all papers and sign the Contract.

THE DEPOSIT

The Buyer will be expected to pay a deposit to the Seller. The Contract normally provides for a 10% deposit of the purchase price to be paid. If you do not have savings of your own that can be used to fund this deposit, it may be possible to negotiate with the Buyer's Solicitor to permit your Buyer's deposit to be used for your related purchase. It is not uncommon for a deposit to pass through the entire chain of transactions, but as the prices of the properties vary, it may be necessary for you to add to the deposit. As this may not always be possible, early negotiation is recommended to allow sufficient time for you to make the necessary arrangements for a temporary loan through your Bank or other Financier. ***Please do not hesitate to ask us for advice - many Clients believe they may not have to find any monies when exchanging Contracts.***

THE EXCHANGE OF CONTRACTS

Exchange of Contracts will be effected by Biggs & Co. and the Solicitors acting for the other parties in the chain once all parties have signed their Contracts, received their Mortgage offers, agreed the deposit and a completion date. Normally a minimum period of ***10 working days*** between the exchange and completion is required, but any longer date can be agreed. ***Completion has to take place on a working day.***

POST EXCHANGE

Biggs & Co. will submit the final Searches, requisition the advance money from the Lender, prepare the Transfer of ownership document between the Seller and the Buyer, obtain a redemption statement from existing Lenders and details of any Agent's account or outgoings that will need to be paid at the time of completion, and thereafter prepare a financial statement which will be sent to you.

BALANCE OF MONIES REQUIRED FOR COMPLETION

It will be necessary to have any balance of monies, including costs, from ***you no later than four clear working days prior to completion.*** These will be advised to you in the financial statement.

THE COMPLETION DAY

You are not required to attend the Solicitors' office on the day of completion. The monies payable to Biggs & Co. on your sale will be sent by telegraphic transfer on that day. Once they are received by us, the monies required on your related purchase can then be sent to your Seller's Solicitors, whereupon the matter is complete. ***The Seller's Solicitors will authorise the release of the keys, on receipt of the monies, through either the Estate Agents or the Seller, for collection by you.***

POST COMPLETION

Biggs & Co. will discharge existing mortgages, settle outstanding accounts and outgoings, and arrange for the Transfer document on the purchase to be produced to the Inland Revenue for stamping and H.M. Land Registry for registration. Following completion of the registration at H. M. Land Registry the Title will be registered in your name, and the deeds will then be sent to your Lender.

These Guidance Notes have been produced to assist your general understanding of the Legal Process involved, but you should, of course, pay particular attention to any specific points that are brought to your attention during the course of the transaction. You should not hesitate to contact us at any stage. Remember, we are here to help.