

Navigating the Legal Landscape of Selling Your Home: An Insight from Alison Fielden & Co. Solicitors

Selling a house can be a daunting endeavour, especially for those who have not sold property in many years. At Alison Fielden Solicitors, we understand the unique challenges faced during this process and are here to guide you every step of the way with our expertise and experience.

Preparation for Sale and Marketing

The journey begins with preparation. Before placing your property on the market, it's essential to ensure that all legal documents, such as the title deeds and property boundaries, are accurate and up to date. Consider property boundaries, planning and building regulations consents, certificates for any work related to electrical, gas, and water systems, as well as any warranties or guarantees that the property may benefit from. These documents will be needed by your solicitor to draft the contract package.

As the person handling the sale, you will need to determine who actually owns the property. Ownership can sometimes be more complex than it appears—it may involve multiple parties or legal arrangements, such as:

Multiple Owners: The property may not be solely owned by you; there could be joint owners.

Deceased Owners: Deceased individuals might still be listed on the property deeds.

Trusts: The property may be held in trust by trustees for beneficiaries.

Power of Attorney: You might be selling on behalf of another person under a power of attorney.

In addition, third Parties such as Landlords, estate managers, or other parties may need to consent to the sale.

Carrying out this preparation ahead of time can prevent potential delays down the line and is often overlooked when preparing a house for the market.

Identity and Proof of Address Documents

Prepare and have on hand identity and proof of address documents, these will be required by third parties such as solicitors, estate agents, and financial advisors involved in the sale.

Typically, these parties will require:

Photographic Identification: Such as a Passport, driving license, or bus pass.

Proof of Address: A Recent council tax statement, bank statement, or utility bill.

Partnering with an Estate Agent

Next, you'll partner with an estate agent. A reputable agent will aid in valuing your property and a strategy for marketing to attract potential buyers. Their experience is invaluable in setting a fair price and reaching the right audience through various channels.

The Legal Process of Selling a House

1. Instruction and Documentation

- Engage a Solicitor: Once you've decided to sell, engage with us early to handle legal formalities.
- Client Care Letter: We will provide you with a client care letter and request details about you and the property.

- Documentation: Return the required details and accompanying documentation to your solicitor before any contract is drafted.

2. Drafting a Contract

After agreeing on a sale, the Estate Agent will us and the buyer's solicitor a Memorandum of Sale containing the transaction details.

Once we have received the Memorandum of Sale, we will ask you to complete and promptly return the Property Information Form along with the Fittings and Contents Forms (protocol forms)

Once received we will draft and send a contract package to the buyer's solicitor, including:

- A draft contract with the seller's details, property address, sales price, and title deed information.
- Reference documents such as title deeds, protocol forms, planning and building regulations certificates, and any relevant guarantees or warranties.

3. Pre-Exchange

The buyer's solicitor will conduct property searches, including:

- Local authority records
- Postcode-specific environmental searches
- Local water authority searches

Upon receiving the searches and reviewing the contract package, the buyer's solicitor will raise enquiries this usually takes around 4 weeks. We will with your help address these with your guidance to ensure all parties are satisfied before setting an exchange or completion date.

Once all enquiries are resolved we move to the next step.

4. Exchange of Contracts

This is the most significant part of the transaction as the sale becomes legally binding. Both parties will have signed the contract, the buyer pays a non-refundable deposit, usually 10% of the sales price and a mutually agreeable completion date is set.

5. Completion

On the agreed completion date, the remaining purchase price is transferred to our solicitor's account and ownership is officially handed over to the buyer. You'll receive the proceeds from the sale, and the keys are typically handed over on the same day.

Oter Important Considerations

Boiler Service: Before marketing, consider having your boiler serviced. A recent service can reassure buyers about the condition of your central heating system, potentially streamlining the sale process.

Timeframes: While every sale is unique, a straightforward transaction (i.e., one without title difficulties, leasehold issues, or third-party involvement such as landlords or estate managers) can typically complete within 12 weeks from when the contract is sent. Other complications such as the buyer's finance arrangements or the presence of a property chain may extend this timeframe.

Selling a property is more than a transaction; it's about navigating a significant life change with confidence. At Alison Fielden Solicitors, we tailor our approach to suit your needs, aiming to achieve a smooth transition with minimal stress. Whether it's your first sale or you're returning to the market after many years, our dedicated team is here to make your journey as seamless as possible.

For those considering selling their home and to begin your journey with confidence and clarity our team is ready to offer guidance and support tailored to your circumstances.

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