

CONVEYANCING CHECKLIST STEPS TO BE TAKEN FOR THE BUYER

Buyer's name:

Seller's name:

Property:

Completion date: DATE STAMP

Agents:

Deposit payable to:

Registered or unregistered title:

£

Sale price

Deposit

Balance:

BEFORE EXCHANGE OF CONTRACTS

1. Advise client not to do anything without our advice.
2. Advise client about surcharges.
3. Search Land Registry index map (if title offered is not registered).
4. Send agent's particulars to client to see if he agrees with fittings and fixtures mentioned, or if more should be added.
5.
 - (1) study draft contract and other documents received from seller's solicitors.
 - (2) draft additional enquiries before contract.
6. Make:
 - (1) local search (borough or district council).
 - (2) enquiries (borough or district council).
 - (3) enquiries before contract to seller's solicitors.
 - (4) Land Charge department searches against past owners between 1925 and root of title, if enquiries before contract have revealed their names.
7.
 - (1) obtain seller's structural report.
 - (2) if necessary, negotiate purchase price.
8. Advise client about:
 - (1) capital gains tax;
 - (2) development land tax;
 - (3) stamp duty land tax.
9. Write to housing authority and planning authority to ascertain if the property is included in any proposal for slum clearance or redevelopment.
10. Make special enquiries on planning position and other uses where redevelopment or change of use is contemplated.
11. Apply for any planning consent required by the buyer.
12. Make search to see whether Registration No. 1925 and land is not in a built-up area.
13. If buyer needs a mortgage to complete, it must be arranged before contracts are exchanged:
 - (1) Building/Friendly Society, Insurance Company/Bank.
 - (2) loan for £
14.
 - (1) send draft contract and necessary papers to client to read.
 - (2) ask him to check measurements of property on ground with contract plan.
 - (3) warn him of the possibility of future developments by the local authority, public utilities or private developers.
15. Return the draft contract to seller's solicitors approved as amended.
16. In the case of a new development, if contract provides for a National House Builders' Council agreement and certificate, ask seller's solicitors for the printed N.H.B.C. agreement.

17. If purchase is of an existing dwelling in respect of which an N.H.B.C. certificate has been issued, and an N.H.B.C. agreement entered into by the seller, or a former owner:
 - (1) ensure that all costs revealed by the survey have been reported to builder of N.H.B.C. by former owner;
 - (2) provide consent for (a) standing over certificate or policy; (b) assignment of rights under agreement.
18. If sole seller is married (Matrimonial Homes Act 1967):
 - (1) search and charge Class F for
 - (2) obtain up to date official copies of the registered title.
19. Ensure that no land charge Class C corresponding caution notice is revealed.
20. Make fresh search and enquiries (borough or district council) if previous search and enquiries are out of date.
21. Engross contract.
22. Send:
 - (1) contract
 - (2) new N.H.B.C. agreement to buyer or seller.
23. Arrange for payment of (balance of) deposit.
24.
 - (1) exchange contracts.
 - (2) send new N.H.B.C. agreement signed by buyer to seller's solicitor.

EXCHANGE OF CONTRACTS

25. Enter in diary date for making Land Charges Department or Land Registry search.
26. Enter completion date.
27. Inform client of exchange of contracts.
28. Inform agents of exchange of contracts.
29. See that insurance cover is obtained immediately or give notice to existing insurance company.
30. Consider whether it is necessary to register the contract as an estate contract (register if completion is likely to be delayed for more than one month).
31. Ensure seller's solicitors:
 - (1) expedite delivery of abstract of title;
 - (2) send new N.H.B.C. agreement signed by seller;
 - (3) send N.H.B.C. insurance policy.
32. Where the land is unregistered, check abstract of title.
33. Draft requisitions on title.
34. Send requisitions on title to seller's solicitors.
35. Draft the conveyance or transfer.
36. Draft assignment of existing N.H.B.C. agreement (if buyer is taking over the benefit of it).
37. Draft the mortgage (we act for mortgagee).
38. Draft receipt for the purchase price of chattels.
39. Inspect road agreement and benefit of any.
40. If the property is to be mortgaged and we do not act for the mortgagee:
 - (1) send a copy of the abstract to the mortgagee's solicitors when as it is received (if the land is unregistered) a copy of the official copies of the registered title; tell them of the last date for requisitions; ask if there are any particular requisitions they wish to make;
 - (2) make extra copy of the abstract for use to keep in our file (if the land is unregistered);
 - (3) send copies of the draft conveyance or draft transfer to mortgagee's solicitors for their observations.
41. Send draft conveyance or draft transfer to the seller's solicitors.
42. Send:
 - (1) draft receipt for the purchase price of chattels;
 - (2) draft assignment of existing N.H.B.C. agreement to seller's solicitor.
43. Send:
 - (1) report on title;
 - (2) building society surveyor's plan to building society.
44. Register priority notice if:
 - (1) acting for an equitable mortgagee;
 - (2) acting for legal mortgagee and the conveyance/transfer contains restrictive covenants.

45. Make the appropriate searches of the Land and Charges Department of the Land Registry if the land is unregistered, or the Land Registry if it is registered.
46. If the land is agricultural land, search under the Agricultural Credits Act 1928.
47. Search against the title if the land is mortgaged under the registered property and we act for mortgagee, or are asked by mortgagee's solicitors to do so.
48. Search in Companies Registry if seller is a company.
49. On receipt of completion statement check it.
50. Send completion account to client. In addition to the normal items, include:
 - (1)
 - (2)
 - (3)
 - (4)
 - (5)
51. Engross conveyance or transfer.
52. Engross assignment and H.B.C. agreement.
53. Engross mortgage (where for mortgagee).
54. Have conveyance or transfer executed by client, if necessary.
55.
 - (1) have mortgage executed by client.
 - (2) decide whether to have buyer's cheque cleared directly with his bank.
56. Send engrossment of conveyance or transfer to seller's solicitors for execution by him.
57.
 - (1) send engrossment of assignment of existing N.H.B.C. agreement to seller's solicitors for execution by him.
 - (2) send engrossment of receipt for purchase price or matters to seller's solicitors for execution by him.
58. Ensure that the Land and Charges Department search of the Land Registry search has arrived back and is clear.
59. Ensure that the Companies Registry search has arrived back and is clear.
60. Arrange time for completion with:
 - (1) seller's solicitors,
 - (2) mortgagee's solicitors.
61.
 - (1) instruct solicitor's agent to complete, if necessary.
 - (2) prepare steps on completion of purchase.
62. At completion:
 - (1) have cash or bank draft for correct amount;
 - (2) if part of deposit is in the hands of stakeholder, send over a letter releasing the deposit;
 - (3) examine title deeds if not already examined;
 - (4) check receipts for outgoings, (in the case of commonhold property) assessments or levies necessary to support the completion statement;
 - (5) examine conveyance or transfer to see it has been executed;
 - (6) see that it is dated;
 - (7) if buyer has to execute conveyance or transfer but has not yet done so, send over an undertaking to have it executed;
 - (8) receive from the seller's solicitors:
 - (a) all title deeds and documents including:
 - (i) conveyance or transfer;
 - (ii) assignment of existing N.H.B.C. agreement,
 - (iii) N.H.B.C. certificate,
 - (iv) existing H.B.C. agreement,
 - (v) where relevant, all commonhold documentation;
 - (b) a solicitor's copy of above in duplicate;
 - (c) all keys;
 - (d) all insurance policies being taken over;
 - (e) where appropriate, authorities of tenants to pay their rents to the buyer;
 - (9) where sellers are personal representatives, require a commonhold document of the conveyance to be endorsed on the grant of representation;
 - (10) in case of registered land where sellers are personal representatives but the title is still registered in the name of the deceased, either a grant of representation or an official copy or a certified copy of the title should be handed over to the buyer's solicitors for production to the Land Registry and returned to the seller's solicitors or the seller's solicitors should give an undertaking to lodge with the Land Registry;

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