

### Who are we?

Launched in 2022, Home Property Law is Beyond Law Group's third specialist legal practice following Beyond Corporate and McAlister Family Law. Home Property Law embodies the Group's ethos of providing clients with a boutique service but with the confidence of working with an established, modern firm.

Here at Home Property Law, we know that the process of buying any property can be somewhat overwhelming, especially if it is your first time, but we hope that this guide answers as many of your questions as possible, guiding you through the process step by step.

### Before you start the buying process...

Before you decide on purchasing a property, we recommend that you consider whether buying a home is right for you. Whilst generations before saw homeownership as the goal, and the majority of people in the UK wanting to own their home, owning your property isn't always the right decision for everyone.

There are both advantages and disadvantages to owning your home, but the first question you need to ask yourself is whether or not you can afford it. If you find that buying a property is only slightly out of your budget, we recommend exploring the different government schemes available to help you.

Owning your home gives you the ultimate freedom and security, as well as many other advantages, such as decorating and furnishing as you wish, no need to deal with any landlords and you can make money in the long run.

However, owning your home is a big financial commitment and you are liable for your mortgage payments no matter what happens. On top of this, without a landlord, any repairs or replacements are down to you, and you are then tied to that house and that location.

### If you're already on the property ladder, should you sell before you buy...

If you are already a homeowner, you may want to consider whether or not it is right for you to sell your current property before you buy your next property. Again, there are both benefits and risks in doing this, and you need to question whether you can afford to keep your current property whilst buying your next.

One of the biggest benefits to selling your current property after your purchase is that you can break the housing chain, meaning that you are not reliant on selling your current property in order to purchase your next. This can make you a much more attractive buyer to sellers!



## What's your budget?...

Deciding how much you can spend on a property is often decided by how much you are able to put down on a deposit. Again, we recommend exploring the different government schemes available to you. It is also important to consider what budget you may need for renovations, upkeep and any other one-off or ongoing costs of buying a home.

## Plan your finances...

If you know which property you're looking to buy, calculate how much of a deposit you can pull together for the mortgage. If you are already a homeowner, it is worth considering how much you would get by putting your current home on the market and paying off your deposit.

Shop around for mortgages and decide upon which type of mortgage you want then try and get a 'mortgage in principle'. If you are struggling to find a mortgage that is right for you, or could do with some help navigating the mortgage market, a mortgage advisor can be exceptionally helpful in getting you a mortgage that works for you.



## Choosing where your next property will be...

Deciding where you want to live is a really big life decision, bearing different amounts of weight depending on whether this is your first property purchase or if you are buying your 'forever home'.

There are many factors at play when deciding where to purchase your next property depending on your needs from the area. Do you need to be close to work, a school, a hospital? People's needs from their new property differ from buyer to buyer, and many come to the decision that they are quite happy with the area that they live in currently, it fits their needs, and they're just looking to upsize or downsize.

## Choosing your next property...

Once you have decided on an area, the fun bit begins. Have a look at the properties available in that area and get to know the local market. Speak to the estate agents in the area and get some viewings booked in to view whatever properties they have to offer. We recommend that you visit as many properties as possible to get a full understanding of what is available to you.

It is also important to understand whether the property is freehold or leasehold, and that it is not on a short lease. Often overlooked, the difference between freehold and leasehold is enough to make a property worth buying or not. Freehold means that you own both the building and the land it stands on.

On the other hand, leasehold means that you have a lease from the freeholder to use the home for a certain number of years, ranging anywhere from 40 to 999 years. Whilst the latter means you don't really have anything to worry about, purchasing a leasehold property as your 'forever home' may leave you stuck sooner than expected. As the Leasehold is a legal contract with the freeholder, there can be many leasehold responsibilities and restrictions, for example, as a leaseholder you will pay maintenance fees and ground rent, you may be limited in doing any major works to the property and there may be restrictions on owning pets or subletting.

## Make your offer...

Make sure you are in the strongest possible position as a buyer by forming a strong relationship with your estate agent. Having a good relationship with your estate agents can have many benefits, including forewarning of great properties that aren't yet on the market.

When making your offer, think about how much you are willing to pay, taking into consideration the fixtures and fittings that will be coming with the property. Let your estate agent know your offer and put it in writing. If the seller is interested in your offer, there may be some negotiations which go through your estate agent. Be prepared that you may be asked to pay a small holding deposit which will be repaid if the sale falls through.

### **Arranging a mortgage...**

If your offer is accepted, you should now go back to your mortgage company with the agreed offer to complete the process. Your mortgage lender will then make you a formal mortgage offer and you can then exchange contracts.

### **Find a Conveyancing Solicitor...**

Now that your offer has been accepted and you have arranged your mortgage, it is time to find a conveyancer to handle all of the legal work involved in transferring the ownership of the property to you.



Depending on your mortgage lender, they may require you to use a conveyancer that is on their existing mortgage panel. Do some research on the firms that are in your area and get an idea on how much conveyancing fees cost. We recommend that you look at which conveyancers are available to you, read some reviews and hear what their previous clients have to say, collect some quotes and bear in mind that expensive doesn't always mean the best.

Your conveyancer will act on your behalf to complete any legal documentation and searches, such as with the local authority and Environment Agency, to ensure that the property that you are purchasing has no major problems.

### **Think about having a survey...**

To ensure that your future property has no hidden issues, you may wish to commission a survey. Mortgage lenders will also require a valuation by a surveyor to check that the property is in good enough condition to lend against, but this would only look superficially at the property.

### **Arrange your deposit on the property...**

Before you can exchange contracts with the current property owner, you need to arrange a deposit on the property. This is usually around 10% of the sale price of the property and is organised through your conveyancer.

### **Exchanging the purchase contracts...**

Once you have completed all of the steps above, and your conveyancer has completed all of the legal documentation required for the purchase of your future property, the contracts can exchange.

Before you exchange contracts with the seller, you need to agree upon a completion date, this is usually around 4 weeks after exchanging contracts. When you have exchanged contracts with the seller, it is at this point that you are legally required to purchase the property and the seller is legally required to sell it to you. Bear in mind that if, for whatever reason, you need to pull out of the purchase, you risk losing your 10% deposit.

The seller is legally allowed to remain in the property until the day of completion and you are allowed to visit the property in the period between the contract exchange and the date of completion. It is at this point that we recommend that you obtain buildings insurance for your new property starting from the date of exchange.



### **Negotiating final arrangements...**

If you are buying any of the seller's appliances, you need to negotiate the purchase. Additionally, you need to organise things like the supply of electricity, gas, water and a telephone service to the property. You may wish to negotiate a name change with the seller on the current supply contracts as this may be much easier than changing or reorganising suppliers.

Your Conveyancer will notify the land registry that they are in the process of transferring ownership of the property to you, and will be liaising with the mortgage company to ensure that the money will be ready for completion.

### **Completion...**

Taking ownership of the property usually occurs at midday but will have been negotiated with the seller throughout the contract drafting process. It is the time when the money is transferred from buyer to seller through the estate agent and the deeds of the property are transferred between each side's conveyancer.

### **Getting the keys...**

The seller is legally required to leave the property before the time of completion, at which point you should be able to collect the keys from the estate agent. Now, after all of the above has been completed, you are free to move into your new property.

### **Settling up...**

After completion, your conveyancer will send an account to you, covering all of their costs, as well as the purchase price of the house and stamp duty. Once you have paid, your conveyancer will transfer the money to the seller's estate agents and pay the stamp duty on your behalf.



**For further information or to arrange a free, no obligation consultation, then please contact our team on:**

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