



emmersonsolicitors

By John Coulter

www.emmersons-solcitors.co.uk

Conveyancing, It's only signing some forms isn't it?

As a Conveyancing solicitor I am involved on a daily basis with clients, lenders and Estate Agents buying and selling properties. However, what is quite clear to me is that many people do not understand the Conveyancing process and, in particular, what they are paying me for.

There appears to be a common misconception that it is the solicitor who causes the delays and, in some cases, purposely slows down a transaction in order to claim more fees from the client.

Take the recent case of Paul and Sandra. Having looked for a long period of time for a family home they were very excited when their offer was accepted on a property. We advised them that they should consider having a survey carried out. Not surprisingly it highlighted numerous problems with the property. Sandra then obtained quotes to have repairs carried out. They amounted to £20,000! This meant that a lot of work would need to be carried out. Sandra therefore reduced her offer price by this amount. Then an angry estate agent started to ring Sandra, what right did she have to reduce her offer, he was not having it! He was going to make sure they couldn't buy the house at the reduced price. Sandra was very distressed when we heard from her. We simply contacted the seller's solicitor, we pointed out that if they tried to sell at the higher price to someone else then there would be further delay and no doubt the same problems would be uncovered by them. They came straight back to us and accepted the lower offer.

My own view is that for a client to be satisfied with their conveyancer, they should know more about the Conveyancing process. In many cases I have spoken to clients who believe that all the solicitor has to do is produce the documents for signature and transfer the money. This is simply not the case.

When giving Conveyancing quotes, I am often

asked "How long will it take?" The million dollar question. My stock answer is that a transaction should take between four to six weeks to complete and this is true in many cases. However, it is difficult to know exactly how long a transaction will take. There are many issues to consider such as: The mortgage offer - is it being processed by the lender? Are there any special conditions on the mortgage offer? Is the property registered with the Land Registry? Are there restrictive covenants? Have there been breaches of the covenants? Have there been alterations to the property? Is the property Leasehold? And there are also the clients themselves - Are they serious about proceeding? Are they good at returning documents? Are they contactable? Have they gone on holiday without telling us?

These are just a few of the issues which may arise during a transaction. It is impossible to know at the outset which, if any, will arise. Remember, if you are involved in a chain and any difficulties arise for others in that chain then everyone has to wait until those problems are sorted out. Therefore, the initial estimate of four to six weeks needs to be qualified and I make a point of explaining this to all my clients at the outset.

It is your solicitor who will have the legal knowledge as to how quickly matters can proceed. Estate agents are not legally trained and sometimes do not understand how thorough we have to be, not just to protect our clients' best interests but also those of their lender. If a purchase or re mortgage is being funded by way of a mortgage then we will be acting for the lender at the same time, not just our client.

However, you should remember that as a client, you are the customer. Do not be afraid to ask your conveyancer for more information because the more you know, the better placed you will be to assist your conveyancer and agree a swift completion date.