



# Property pitfalls

Words of advice from **Caroline Sherry**, Partner and Head of Residential Property Department at Glazer Delmar Solicitors in Peckham

**T**o avoid delays when selling properties, the government is planning to make it compulsory to provide a Home Owner's Pack (Seller's Pack). Will this work? The jury is still out due to the costs involved as it could cost a seller more than £600 before the property can even be marketed. But there are a number of steps that sellers and buyers can take now to minimise delays.

If you are selling a property, instruct a solicitor at the same time as you instruct the estate agent to market the property. The contract package can then be prepared and sent out immediately you find a buyer. If your solicitor has a connection to Land Registry Direct then it won't even be necessary to wait for the title deeds from your lenders.

When Mr D contacted us he was in a panic because he was due to emigrate shortly but had only just found a buyer for his house in Bary Road SE22. Using Land Registry Direct, we were able to send out contracts that day. Luckily Mr D had all the guarantees for work done to the house and the buildings regulations

consent for the loft conversion and there were no delays. Contracts were exchanged before he left the country.

If you are selling a leasehold property be aware that managing agents are notoriously slow at dealing with enquiries (with a few honourable exceptions). Mr B was selling a flat in Upland Road and his managing agents took over 9 weeks to respond to standard leasehold enquiries. During that time, Mr B's first buyer pulled out due to the delay. Luckily another buyer was soon found and the sale completed.

Consider asking your solicitor to raise enquiries with the managing agents at the outset and if you have kept your ground rent receipts and service charge accounts, hand these to your solicitor.

If you are buying a property, the local search can be a delaying factor. Instruct your solicitor to carry out a search as early as possible. If your solicitor can order the local search on-line through NLIS (National Land Information Service) it should not be necessary to wait for a plan from your seller's solicitor. The record for carrying out a search this way is 13

minutes (needless to say this was not one of the London Boroughs). However, all councils are computerising their information to enable the searches to be processed more swiftly if they are carried out on-line. If you are in a real hurry, it may be possible to carry out a personal search. Mr W was in a contract race to buy a flat in Crystal Palace Road SE22. We carried out a personal search on the day he instructed us and we were in a position to exchange within 48 hours. Mr W moved into the flat 2 weeks later.

It makes sense to try and arrange your mortgage, in principle, before you even start looking at properties. This way you will know what you can afford and avoid disappointment. Mr and Mrs B were intending to buy an investment property in Nunhead but their mortgage offer was delayed. Eventually their seller lost patience and imposed a deadline for exchange. The mortgage offer came in the day after the deadline had expired but the seller would not reconsider and they lost the property.

Unfortunately solicitors are not magicians and we cannot change human nature. Sometimes, even though you might have done everything you can to speed things up, the person on the other side may seem to be doing everything that they can to slow things down. Keep in contact with your estate agent, they can talk directly to the other party to find out what the problem is and discuss the delays with your solicitor to see if it is possible to overcome them. If not, then it may be time to re-market your property or find somewhere different to buy.

The most important advice is to choose a good solicitor. Ask your friends if they can recommend a solicitor or ask your agent for a recommendation. Buying and selling is an expensive business and it can be tempting to cut costs by taking the cheapest quote but this can be a false economy. The cheaper the fee, the more cases a solicitor has to take on to make ends meet and the less time they will have to concentrate on your file.

*Glazer Delmar Solicitors, 223-229 Rye Lane SE15 (020 7639 8801)  
www.glazerdelmar.com*