

What is the legal process of selling a property?

Once you have accepted an offer, your solicitor can start the legal transaction process for you.

1. Offer is accepted and solicitor/conveyancer is instructed
2. Seller completes property questionnaires
3. Solicitor drafts the contract
4. Request details of outstanding mortgage payable (if applicable)
5. Exchange of contracts
6. Between exchange and completion
7. Completion

1. Offer is accepted and solicitor/conveyancer is instructed

An offer is made and accepted through the estate agent (if any) who will also confirm with all parties the necessary evidence, e.g. proof of funds, ID checks and names of solicitors. If not already done so, you will need to instruct a solicitor/conveyancer.



2. You (the seller) completes property questionnaires

Several questionnaires will be sent to you from your solicitor that you will need to complete regarding the property you are selling.

These must be completed truthfully to the best of your knowledge. Anything that is purposely withheld or is later found to be untruthful could leave you open to the buyers taking legal action resulting in you paying compensation. Or even the buyers pulling out altogether if this is revealed before exchange of contracts.

The questionnaires you will be sent may include some or all of the following;

- TA 6 – a general questionnaire that asks for information on boundaries, building works, council tax, utilities, sewerage and contact details. It will also ask if there have ever been any neighbour disputes and complaints and if you know of any proposed developments (like motorways or railways).
- TA7 / TA9 – For further information if you do not own the freehold
- TA 10 – detailing the contents that will be left with the property such as fittings and fixtures.

3. Your solicitor drafts the contract

Your solicitor/conveyancer will use the questionnaires provided from you (from stage 2) to draw up a draft contract. This is sent to the buyers conveyancer for approval.

Negotiations and agreements will be made on what fixtures and fittings will be included in the price and what can be paid extra for. If the buyer has had a building survey done and any issues are raised, whether this will affect the selling price.

This stage may require some back and forth and can take up to several weeks.

4. Details of outstanding mortgage payable

Before you can exchange contracts, your solicitor will need to request a redemption figure from your mortgage company. This is how much you pay upon completion of the sale.

(On completion day and transfer of funds, your solicitor will arrange payment of the outstanding mortgage from the proceeds of sale.)

5. Exchange of contracts

This is the part of the process where you become legally bound to sell the property. Once contracts have been exchanged, neither party can withdraw from the transaction without penalty.

You (the seller) and the Buyer agree on a completion date and contracts are formally “exchanged” – meaning both parties are legally committed to the transaction.

Transfer deeds are then approved by the solicitors and a completion date is agreed.

6. Between exchange and completion

Although bound legally to sell the property, you still own the property until completion day, so there is no need to move out before then unless you choose to.

It's a good idea to check the property before completion to ensure that everything you listed on the fixtures and fittings questionnaire is still in the property.

7. Completion

The day that the property must be vacated by and you hand over the keys (usually to an estate agent)
Your solicitor will complete all further payments on your behalf such as paying the outstanding mortgage on the property.

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