

Buying a residential property

When you buy a property, the title or ownership will be transferred from the seller to you. If you are getting a loan, the mortgage or loan that you get to help you buy the house will also have to be registered. There are many other matters that will need attention.

The quotation

This scheme provides that the firm(s) you select will give you a quotation in writing for their professional fees for a straightforward purchase, if the answers to the Get a Quote questionnaire indicate that your purchase is likely to be a straightforward purchase.

The quotation may be for a specific fee or based on an hourly rate. If the quotation is for an hourly rate, you will be given an estimate of the total number of hours the firm is likely to spend working on your purchase.

VAT

You will also be told the rate of VAT that you will have to pay on the firm's fees.

Outlays

Finally, you will be told the amount of outlays that may be payable to third parties during the transaction. If these amounts are not yet known, you will be given the firm's best estimate.

Limits to the firm's quotation

At present, you, the proposed purchaser, may not know much detail about the property. For example, you may not know about the planning permissions that affect it. If you instruct a firm and they then get detailed information about the property from the seller's side, it may be that your transaction is more complicated than had been indicated by your initial information.

New issues may also arise during the course of the purchase. At the end of the summary of the questions (see below), examples are given of some complex issues that might arise. If this happens, a new, separate quote will be given for the additional work. **In that case, the final fees will be the total of both quotations if your first quotation was for a particular amount.** If the quotation was for an hourly rate, the estimate of the number of hours of work the firm will have to do will have to be increased. You should budget for this possibility.

The firm's contract with you for legal services

- Before you proceed to instruct a firm, you can enquire about any standard terms of business being used by the firm.
- After you instruct a firm, the firm is required by law to give you written details again about the costs and outlays in your particular case. If there is no new information indicating that the purchase will not be straightforward, the costs information will be the same as the quotation the firm gives you now.

The solicitor's work

Information the solicitor will need from you regarding **details of purchaser(s)**:

- Name, address, telephone number, mobile phone number, email address.

- Marital/civil status.
- Marriage certificate/civil partnership certificate, if applicable.
- Evidence of PPS number and tax type.
- Whether the property is to be a principal residence/investment property.

Information the solicitor will need from you regarding **details of property and purchase**:

- Address of the property.
- Purchase price.
- Name and contact details of seller.
- Name and contact details of seller's solicitor.
- Name and contact details of auctioneer/estate agent.
- Amount of any booking deposit paid to the auctioneer/estate agent.
- Details of contents included in purchase and/or value of contents.
- Proposed closing date for the purchase.

The work to be done by the solicitor will vary depending on the type of property you are purchasing - a house or an apartment. It will also depend on the particular property. For the purchase of a house or apartment, the work might include the following:

Before the exchange of contracts for the purchase

- Obtain contracts from the seller's solicitor.
- Carry out initial examination of title.
- Advise on the need for a survey of the property.
- Get details of surveyor.
- Give the purchaser a map to arrange to have it checked by an engineer or architect.
- Discuss with purchaser the division of price between the house and contents.
- Give advice to purchaser in relation to contract and title furnished.
- Check if there are extensions on the property.
- Arrange searches and investigation of planning permission and certificates of compliance (engineer/architect to inspect). Check if the planning covers any extensions.
- Check how seller's mortgage will be cleared off.
- Check whether the net sale proceeds will exceed the amount outstanding on any seller's loan affecting the property.
- If there is a management company managing some parts of the property, get the relevant information.

Loan

- Details of lender.
- Amount of the loan.
- Examine loan offer documents.
- Arrange for signing of acceptance of loan documents.
- Get purchaser's authority to give any professional promise or undertaking required by the lender.
- Return acceptance documents to lender.

Exchange of contracts between seller and purchaser

- Raise pre-contract inquiries with seller's solicitor and consider responses.
- Arrange for purchaser to sign contracts.
- Obtain 10% deposit from purchaser (less booking deposit paid to auctioneer).
- Send contracts to seller's solicitor with the deposit.
- Raise detailed queries on the title. Review the responses. (This process to be repeated until all issues arising are resolved.)

- Prepare the documents that will be needed to complete the sale, including the deed of transfer/conveyance.
- Send the draft closing documents to the seller's solicitor for approval.

The mortgage

- Complete and arrange the signing of the mortgage documents by the purchaser.
- Complete the family home declarations, confirming marital/civil partnership/cohabitee/single status and arrange for purchaser to swear to the contents.
- Give a professional promise or undertaking to the lender, usually to send them the deeds, when they have been stamped and registered, and to certify the title as a good title, in due course.

Arrangements for the completion of the sale

- Request the loan funds from the lender, so that they are available for the closing date.
- Prepare the solicitor's bill.
- Request and receive from the purchaser any balance purchase money needed, in addition to the loan, together with the solicitor's costs, stamp duty and registration fees.
- Receive loan funds from the lender.
- Get proof of payment of property and household taxes.
- Conduct closing searches in the various State registries to ensure the title is still clear on the date of closing.
- Advise the purchaser to do a final inspection of the property before the closing appointment to check the premises and its contents and to ensure the property is vacant.
- Set up the arrangement for clearing off the seller's mortgage.
- Arrange with the seller's solicitor as to how the sale will close – meeting/postal closing?

Closing of the sale

- Exchange the purchase money for title deeds, other closing documents and keys.
- Advise the purchaser to insure the property immediately, if this is not being done by the lender.

After completion

- Arrange for the purchaser to sign the deed transferring the property to him/her.
- File a stamp duty return online and pay the stamp duty to the Revenue Commissioners within 44 days of the first signing of the deed. If the amount of stamp duty to be paid must be ruled on by the Revenue Commissioners, file the return and pay the stamp duty within the relevant timescales.
- Print off certificate of stamping when received.
- Advise purchaser that stamping has been completed.
- Lodge certificate of stamping, deed and other documents in the Land Registry or Registry of Deeds for registration.
- Answer any Land Registry queries arising.
- Follow up any professional promises or undertakings made by the seller's solicitor to send on any final documents that were not available on the day of the closing.
- When the registration is completed, obtain a copy Land Registry folio showing the purchaser's ownership (Land Registry) or the deed of conveyance or other deed showing the purchaser's registration (Registry of Deeds).
- Advise purchaser of completion of registration.
- Certify the title and send certificate of title with the original title deeds to the lender, if there is a professional promise or undertaking to do so.
- Obtain written confirmation of receipt of title deeds and certificate of title from the lender, together with a release of any professional promise or undertaking given.

- Advise purchaser that the deeds are with the lender and that the undertaking or professional promise has been released by them.
- Reconcile any amounts remaining in the client account and finalise with the purchaser.

Closing the file

- Close the file.
- Diary forward for file destruction.

Summary of questions for a purchaser

- Contact details - name, email, phone, postal address.
- Type, age, location and other details about the property.
- Loan details, if any.
- Purchaser's details, including marital/civil status.
- Tax matters.

Disclaimer

The quotation for professional fees will not include additional work that might arise from the circumstances of your particular case. Examples would include the following, but there could also be other additional work:

- Planning problems.
- Advices relating to litigation about the purchase.
- Problems with the seller's ownership, such as mapping difficulties.
- Missing deeds.
- Delay by either side, resulting in additional work.
- Problems arising in the course of the transaction that will require us to negotiate a solution with the other side.

List of participating firms

To contact a legal firm of your choice, select from the [list of participating firms](#).

You can make an appointment to go through the full questionnaire with them by phone or at the firm's offices.

Questionnaire

If you would prefer to complete the questionnaire now, open and save the [full questionnaire here](#).

Please note you should save the questionnaire to your PC or mobile device before completing and/or printing it.

You can then send the completed questionnaire to your [choice of firms](#).

[Back to top](#)