

Selling a residential property

When you sell a property, the title or ownership will be transferred from you to the purchaser. If there is a mortgage on the property, this must be paid off so that it will not be on the purchaser's title. Proceeds of the sale will be used to do this, together with other funds, as necessary. As you will see below, 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 sale, if the answers to the Get a Quote questionnaire indicate that your sale is likely to be a straightforward sale.

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

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 seller, may not know all the detailed information about the property that will be needed to answer the purchaser's questions. If you instruct a firm and they then get that detailed information, 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 sale. 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 sale 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 – details of seller(s):

- Name, address, telephone number/mobile phone number, email address of seller(s).
- Marital status/civil partnership/cohabitee, single or other status of each seller.

- Marriage/civil partnership certificate, if applicable.
- Death certificate, if a current owner or someone who had an interest in the property has died.
- PPS number and tax type applicable to each of the sellers.

Information the solicitor will need from you – details of property and sale:

- Address of the property.
- Sale price.
- Name and contact details of purchaser(s).
- Name and contact details of purchaser's solicitor.
- Name and contact details of auctioneer/estate agent.
- Amount of the booking deposit, if any, paid to the auctioneer/estate agent.
- Details of contents included in sale and the division of price between the house and contents.
- Other outgoing due on the property (for example, payments for group water scheme, service charge).
- Proposed closing date.
- Whether property is a principal residence/investment property.

The work to be done by the solicitor will vary depending on the type of property you are selling – a house or an apartment. It will also depend on the particular details relating to that property. For the sale of a house or apartment, the work might include the following:

Planning

- Get details of any developments of the property since purchase, such as extensions.
- Get details of planning permissions applied for in relation to extensions.
- Check details of any protected structure. Obtain copy of relevant correspondence from local authority.
- Check planning permissions and procure appropriate certificate from engineer/architect regarding extensions or development since purchase by seller.

Ask for and note other matters affecting the property

- Details of any disputes with neighbours about boundary walls, fences or hedges.
- Details of any rights-of-way or easements affecting the property.
- Details of services, including gas, electricity and telephone.
- Roads, footpaths and services in charge of the local authority?
- Details of any pipes or cables serving the property that cross a neighbour's land.
- Building Energy Rating Certificate (BER) and advisory report.
- Up-to-date discharges for property taxes.
- Details of any charge in favour of a Health Board – for example, the nursing home Fair Deal Scheme.

Current mortgage

- Get details of lender.
- Get seller to sign an authority for the release of the deeds to the solicitor.
- Get authority of seller to give a professional promise or undertaking to the lender in accordance with their requirements (for example, undertaking to pay off the loan out of the proceeds of sale in due course) and, in the meantime, to hold the deeds on behalf of the lender.
- Get details of the amount of any outstanding loan and get the figure that will be needed to pay off the loan.
- Get the lender's consent to the release of the mortgage if any outstanding loan exceeds the net proceeds of sale.
- Correspond with the lender to plan the removal of the mortgage from the title.

Preparation of contract documentation

- Receive title deeds from lender.
- Examine title deeds.
- Prepare contract documentation.
- Send to purchaser's solicitor, together with copy title.
- Respond to any pre-contract inquiries raised by the purchaser's solicitor.

Exchange of contracts

- Receive signed contracts and deposit from purchaser's solicitor.
- Arrange for seller to sign contracts.
- Return one signed contract to purchaser's solicitor, to complete the exchange of contracts. (A binding contract now exists, subject to any outstanding conditions.)

Further examination of title

- Review queries on title from purchaser's solicitor.
- Obtain detailed information from seller to respond to any queries.
- Continue to respond to queries until all queries are resolved.

Preparation for closing

- Prepare any documents needed on closing.
- Arrange for seller to complete the documents and to swear to the content of any of them, as necessary.
- Arrange the closing with the purchaser's solicitor, either by way of appointment or a postal closing.
- Advise the seller to arrange final reading of meters, and so on.
- Confirm that the property has been completely vacated and get the keys from the seller.

Closing the sale

- Give the original title deeds, other closing documents, and keys to the purchaser's solicitor in exchange for purchase moneys.
- Use the purchase moneys to pay off the existing mortgage or other outstanding debts charged on the property.

After completion

- Obtain the discharge (paper or electronic) from the lender. This will remove the mortgage from the title.
- If a paper discharge, send it to the purchaser's solicitor. If an electronic discharge, arrange for it to be registered in the Land Registry.
- Obtain the release of the solicitor's undertaking from the lender.
- Prepare the solicitor's final bill and send to seller.
- Pay the balance proceeds of sale to the seller.

Closing the file

- Close file.
- Diary forward for file destruction.

Summary of questions for a seller

- Contact details - name, email, phone, postal address.
- Type, age, location and other details about the property.
- History of extensions, if any.
- Access to property/rights of way.
- Outgoings.
- Charges on the property.
- Personal and tax matters.
- Finance/mortgages.

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.
- Problems with the seller's ownership, such as if the property was formerly a family property and is still registered in another family member's name.
- Mapping difficulties.
- Missing deeds.
- Delay by either side resulting in additional work.
- Problems in the course of the transaction that will require us to negotiate a solution with the other side.
- Advices relating to litigation about the sale.

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 Sale 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](#).

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