

CONTACT YOUR SOLICITOR AS SOON AS YOU CAN WHEN SELLING YOUR PROPERTY



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Q I have just approached an auctioneer about putting my house on the market. At what stage should I contact a solicitor and is there anything I can be doing now to ensure a speedy sale?

A. You should contact your solicitor immediately. So often, I get contacted by clients only when their auctioneer has secured a purchaser for their property. This causes delays in issuing contracts, delays which are outside my control. However, these problems can be avoided with a little forward planning.

The following are some of the issues I have come across which can cause delays and can be avoided by seeing your solicitor immediately:

If you have a mortgage on your house, the title deeds will be with the bank. I am finding that it can take up to three weeks to take up title deeds from banks, even with expedite letters and plenty of phone calls to the deeds section of the bank. Contracts cannot be prepared or issued without the title deeds as the copies of the deeds need to be sent to the purchaser's solicitor when sending the contracts. In addition to this, the title deeds will determine the special conditions I will be adding to your contracts. If you contact your solicitor now, your solicitor can have the title deeds taken up from your bank and draft contracts prepared well before a purchaser is secured.

If your house is in an estate, your solicitor will have to determine whether the estate roads and services have been taken in charge by the local authority. In newer housing estates and apartment blocks a management company may have been set up to look after and maintain the common areas. Your solicitor will have to gather information about the Management Company such as accounts, insurance, details of any service charge levied etc and this can take time to gather.

In most cases when a developer was selling houses in an estate it was agreed that ownership of the common areas would not be transferred to the management company until such time as the last house is sold. In 2011 the Multi Unit Development Act sought to deal with this issue and required that in the case of existing housing estates all common areas be transferred to the Management Company by 1st October 2011.



There are many housing estates around the country where this has not been complied with.

I have come across a number of house sales whereby the boundaries on the ground do not correspond with those in the land registry. This will be either caused by the land registry as when the land registry were digitising the maps, the boundaries were often

transferred across to the new system incorrectly. If this the land registry s fault, then they will fix it at your request but again this can take time, as the old maps have to be taken up to determine whether it was their fault. If it transpires that the land registry are not at fault for the boundary issues, then you need to ask your neighbour who's boundary is also affected to sign deeds of rectification and an engineer will have to be brought in to mark new maps to correspond with what is on the ground.

Planning permission can also be an issue as it often transpired that the client did no build their home in strict compliance with their planning permission. This will cause problems if the purchaser is taking out a mortgage as as non – compliance with planning permission could impact on the value of the bank's security and result in the purchaser losing their finance. Therefore, you may need to make an application to the council for retention. This can cause a delay of a couple of months.

Therefore, it is imperative that you contact your solicitor immediate in order to identify any problems now which could cause unwanted delays.

If you contact your solicitor now, they can take up your title deeds, ensure that all the title documents are in order, deal with any issues with same now and prepare draft contracts so that when you do finally secure a purchaser for your house, the contracts can be issued to their solicitor without delay.

If you have any queries regarding this article please feel free to contact Jacquelyn Dunne Solicitor on (086) 1617418. Send your questions for next week's article to jacquelyn@dunnesolicitors.ie or by post to Dunne Solicitors, Ballyshonock, Kildorrery, Co. Cork.

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