

“THE EARLY BIRD CATCHES THE WORM”



If you have placed your property on the market for sale, 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 of my control. However, these delays 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 estates 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.
- I have come across a number of house sales whereby the boundaries on the ground do not correspond with those in the land registry. In some cases, boundary errors were created by the land registry itself when they recently digitised all maps. If this is the case, then the Land Registry will rectify the boundaries at your request but again this can take time, as the old maps have to be taken up to determine whether the boundary issue 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. Again, this all takes time.

- Planning permission can also be an issue as it often transpires that the client did not build their home in strict compliance with their planning permission. This will cause problems if the purchaser is taking out a mortgage 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.
- If the property was your principal private residence during the years 2009 to 2013, then your property was exempt from Non Principal Private Residence Tax. In that event, your solicitor must be able to produce a Certificate of Exemption from NPPR Tax to the purchaser’s solicitor. The Certificate of Exemption is issued from the County Councils office and will only be issued upon receipt by them of two utility bills for each of the relevant years. I find that it can take a while for clients to dig out old bills or contact utility companies looking for copies of them. This is really something that could be sorted prior to a purchaser even being found for the house.

Contact Dunne Solicitors today if you are considering placing your house on the market for sale.

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