

Guide

Homeowner & Buyer Understanding Enquiries



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Introduction.

Buying or selling a property involves a lot of moving parts, one of which is dealing with enquiries during the conveyancing process.

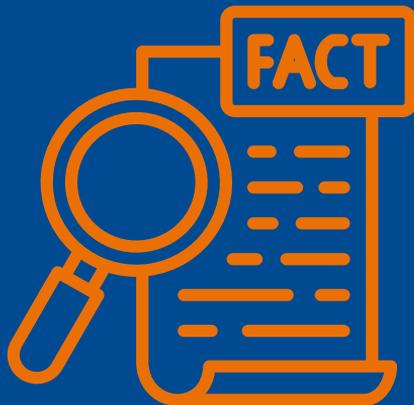
For many, the term "enquiries" can feel a little abstract, so this guide will break it down, explaining what they are, why they matter, and what you can expect from this crucial step.



What Are Enquiries?

Enquiries refer to the questions raised by the buyer's solicitor to the seller's solicitor during the property transaction process. These questions are designed to gather important information about the property, ensure there are no hidden issues, and clarify any uncertainties before moving towards completion.

Essentially, enquiries are the "fact-finding" part of the conveyancing process, helping the buyer make informed decisions and protect their purchase.



Purpose of Enquiries.

The primary purpose of enquiries is to address any concerns or ambiguities that could affect the buyer's decision to proceed with the purchase. They aim to:

- **Highlight Risks:** Identify potential legal, structural, or financial issues with the property.
- **Clarify Ambiguities:** Resolve inconsistencies or missing information in the contract or documentation.
- **Protect the Buyer:** Ensure the buyer has a complete understanding of the property and its conditions, avoiding surprises post-purchase.

This process helps establish transparency and confidence for both parties before contracts are exchanged.

What Do Enquiries Cover?

Enquiries can cover a broad range of topics.

While the specifics will depend on the individual property, common enquiry areas include:

Property Boundaries: Questions about the accuracy of the boundary on the title plan or any disputes with neighbours.

Planning Permissions: Clarification on whether any alterations or extensions have been made and if they have the required planning permission or building regulation approvals.

Lease Details (for leasehold properties): Information about service charges, ground rent, length of the lease, and any restrictions in the lease.

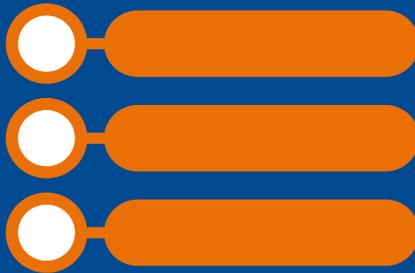
Utilities and Services: Confirmation of utility connections such as water, electricity, and drainage.

Fixtures and Fittings: Questions on whether specific items (e.g. curtains, appliances) are included in the sale.

Repairs or Damage: Any known structural issues, damp problems, or significant repairs carried out on the property.

Legal Obligations: Questions around rights of way, shared access, or other legal obligations tied to the property.

These enquiries ensure that all potential risks or issues are brought to light before the buyer commits fully to the purchase.



Who Does What?

Buyer's Solicitor:

- They are responsible for reviewing the contract, legal documents, and details about the property.
- Based on what they find, they will raise relevant enquiries with the seller's solicitor to address areas of concern or ambiguity.

Seller's Solicitor:

- They respond to the buyer's solicitor to provide the required information.
- Often, they will liaise with the seller directly to gather details and ensure accurate answers.

Buyer and Seller:

- The buyer may need to consult with their solicitor to clarify specific concerns.
- The seller, on the other hand, may need to provide documents or evidence to resolve the enquiries, such as planning consents or guarantees for past works.

How Long Does It Take?

The time required to handle enquiries depends on the complexity of the property and how quickly the seller's solicitor and seller can respond.

On average, this stage can take anywhere from 1 to 4 weeks, but delays can occur if:

There are legal or structural concerns that require additional investigation.

The seller has trouble locating necessary documents.

There is limited communication between the parties.



Common Pitfalls.

While the enquiries process is essential to ensuring a smooth transaction, it can present challenges. Here are some common pitfalls to watch out for:

Incomplete Responses:

Sellers may not provide comprehensive answers, leading to back-and-forth between solicitors and delays in the process.

Miscommunication:

Poor communication between solicitors or misunderstandings about the requirements can cause unnecessary frustration and delays.

Missing Documentation:

Sellers who cannot locate key documents or approvals (e.g. building certificates or guarantees for major works) can slow the process considerably.

Overly Detailed Enquiries:

Occasionally, buyer's solicitors may raise overly detailed or unnecessary questions. While these may be valid concerns, addressing them can drag out the process.

Unexpected Red Flags:

Some enquiries can uncover property issues (e.g. a dispute over boundaries or unauthorised extensions) that may require additional investigation or negotiation, potentially delaying or jeopardising the sale.

Be Prepared For:

Solicitors are increasingly waiting for local searches to come back before raising enquiries. This delays progress in the chain, as all enquiries end up being raised at the last minute. While we encourage solicitors to raise initial enquiries early and then finalise them once the local search is complete, the decision ultimately lies with them. Unfortunately, this last-minute approach is frustrating for everyone but beyond our control.

Solicitors sometimes raise enquiries at the last minute, even though they could have been raised earlier. Unfortunately, this is beyond our control. However, we do our best to ensure enquiries are raised at the right time to avoid unnecessary last-minute stress.



Actions to Complete:

Homeowner:

Enquiries Received from Solicitor

Enquiries Answered and Sent Back to Solicitor

Homeowner Solicitor:

Enquiries from Buyer Solicitor

Enquiries Sent to Homeowner

Received Homeowners Response

Enquiries Sent to Buyers Solicitor

Buyer Solicitor:

Raised Enquiries

Received Enquiries from Homeowner Solicitor

Enquiries Resolved

Update Milestones:

Mark the milestone as complete in your portal to notify everyone.

Tick it off your checklist.

Important Disclaimer.

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For personalised advice, consult your legal or financial advisor.

We look forward to assisting you every step of the way! If you have any further questions, please don't hesitate to reach out.



Final message from the team.

Enquiries are an integral part of the conveyancing process and are essential to ensuring that buyers have complete confidence in their purchase. While this stage may take time and occasionally uncover challenges, it ultimately works to protect everyone involved in the transaction.

If you're in the process of buying or selling a property, working with an experienced conveyancing solicitor will ensure that enquiries are handled efficiently and effectively. They will help you navigate the legal landscape, answer questions with clarity, and keep the process moving smoothly towards completion.

Understanding the role of enquiries can make this part of property buying less daunting and more manageable. Should you have concerns or need professional advice, don't hesitate to consult with your solicitor.

Got any ideas how we can improve this guide?
Please share them -
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