

## RESIDENTIAL PROPERTY PURCHASE

This BOISBRIEF is intended to outline the steps we take in completing a residential property purchase. It is a generalised view and some or all of the steps may differ depending upon circumstances both relating to the client and the property.

- 1 Matters usually start once we receive notification of the property to be bought from the Estate Agent selling the property who would usually identify the seller's (vendor) and buyer's (purchaser) lawyers and the type of property, be it "Freehold", "Flying Freehold" or "Share Transfer".
- 2 We then await receipt of the draft sale documentation, the "Draft Contract", together with the location plan from the Vendor's lawyers. We normally advise earliest completion to be within 4 – 6 of receipt of the Draft Contract unless our researches and enquiries uncover material deficiencies in title.
- 3 Upon receipt of the documentation we commence our researches relating to the property on your behalf. These searches and investigations usually comprise:
- 4 An investigation of title carried out at the Public Registry to ensure that the Vendor has the right to sell the property to you and whether it is subject to a mortgage or mortgages. If there is or are mortgages over the property we will obtain an undertaking from the Vendor's lawyers that the mortgage(s) will be repaid out of the proceeds of sale so that you receive clean title to the property.
- 5 A search at the Public Registry to identify any rights that any third party may have over the property. For example, rights of way, drainage rights across the property, access rights on to and/or across the property whether to maintain a neighbour's property or otherwise. Similarly we will research any such rights that you will acquire over any third party property by purchasing.
- 6 We will carry out research at the Public Registry to identify the boundaries of the property together with any restrictions relating to such boundaries and any restrictions that may apply to the property. For example, if the property is subject to restriction on the number of houses that may be built on it, its usage as a domestic dwelling only.
- 7 We will visit the property and check that its boundaries correspond with those described in the Draft Contract and/or ascertained by our researches and notify you of any issues and, if necessary, request that the Vendor's lawyers to arrange for any defects to be rectified.

However, this is not always possible and sometimes a purchaser will be asked to make a commercial decision as to whether the issue is sufficiently important so as to prompt a withdrawal from the purchase.

- 8 We will liaise with the Bank or other person from whom you may be taking a mortgage and advise them of the property that you are purchasing and any defects in title and will advise you of the documentation that you are required to sign and assist you in completing it.
- 9 Further we will make enquiry of the following service/utility companies and States' of Jersey Departments:
  - The Parish in which the property is situate to ask whether there will be any road widening schemes of any adjoining parish roadways.
  - The Jersey Electricity Company Limited, Jersey Water and Jersey Gas to be advised as to the route of mains services into the property (please note that these advices are tendered on the basis that they may not be accurate). The advices do not locate any residual pipes where the service has been cut off on the property.
  - Public Services (if the property is on mains drains) to ascertain the route of the main service into the property and any road widening scheme of any adjoining main road;
  - Planning & Environment Department who will provide us with details of any Planning Applications made in relation to the property for the past 8 years and whether or not they have been advised of such works having been completed. You may wish to make your own enquiry either directly of Planning and/or through the Planning Department website for reference to other current approved or submitted applications for developments in the vicinity. We do not make such enquiries. Neither are we able to comment on any works or conversions which may have been carried out without requisite Planning approval.
- 10 The searches are usually returned to us within 2 weeks of sending out the relevant letters. At the same time you or we should have received the documentation relating to any loan or mortgage.
- 11 We will then ask you to attend our offices to go through the papers relating to your purchase and advise you of the nature of your purchase prior to the acquisition being completed. We will usually have completed our site visit before that appointment.
- 12 All contracts from 1 November 2006 in relation to property are now written in the English language. This requires translation of all aspects of the contract established prior to the 1 November 2006 from the French language used prior to that date. We endeavour to be accurate and concise in translation. Unfortunately given the nature of the contracts this is not an exact science and in relation to interpretation or dispute the original documentation which records title and will be in French will be referred to.

13 Finally we are not valuers, surveyors, builders or developers. We are lawyers and are unable to give any indication as to the appropriate value or structural issues relating to the property. You should seek independent professional advice on these matters if required.

This BOISBRIEF provides an outline in relation to the issues and topics. It is not intended to be either comprehensive or to provide legal advice. Please contact Daniel Young or Stephen Barnes or the partner with whom you normally deal at BOISBOIS for further information or specific advice.

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