



THINKING CONVEYANCING

BUYING OR SELLING PROPERTY

Buying and selling property is an incredibly exciting time in your property journey. Although the prospect of beginning a new chapter in a new house is liberating, it can also be quite stressful. It is important to be mindful of certain requirements and expectations when purchasing or selling a property. These include considering elements such as the Contract, your loan or mortgage and having realistic time expectations.

Purchasing

When purchasing it is important to consider how you will be purchasing the property. This may be as an individual, a company, at trust, by a superannuation fund, as joint tenants or tenants in common.

If jointly or as a tenant in common, you will need to consider how this might affect your estate planning with your solicitor. One important issue is to determine who you wish for your share in the property to go when you pass away. If you elect to purchase as joint tenants, your share in the property will usually be inherited (unless contested) by the surviving joint tenant of the property. Tenants in common means that your interest in the property will be inherited by your estate pursuant to your Will.

Be mindful of how you intend to pay for the property and how all other related costs will be paid for. Some other related costs include, the deposit, stamp duty, agents and solicitor fees. The deposit amount is usually required to be paid on exchange. Exchange is when the contract is dated and becomes a formal agreement. The deposit amount is normally 10% however, you may have an option to negotiate the reduction of the deposit to 5% or some other amount or use a deposit bond. If you are applying for a loan it is important that you speak with your bank or financial institution and that your financier/mortgagee's contact details are provided to your solicitor. Written unconditional approval of your loan will need to be provided to your solicitor before contracts can be exchanged.

Before contracts are exchanged, it is essential that you order a pest and building inspection report.

These reports consider the quality of the buildings and improvements and will indicate whether there are any substantial faults in the property that you may not have previously been unaware of. It is vital that you have a good knowledge of the condition of the property that you intend to buy before exchanging contracts.

Once contracts have been exchanged, you will need to consider how you are going to pay stamp duty. Stamp duty is a State government tax liable on the transfer of land. If you are a new home buyer, you may be eligible for a stamp duty exemption. This too can be discussed with your solicitor.

Selling

One of the first things to consider is whether you are selling your property privately or through an agent. If you sell through an agent, the contract must be prepared prior to advertising the property. This is called a marketing or listing contract. You will need to meet with your solicitor to discuss the preparation of your contract. This includes ordering the relevant searches for your property and discussing the inclusions and any special conditions that may be required. Remember to inform your solicitor of any notices you may have received from the Local Council and/or the RTA and if there are recent building renovations or any disputes with your neighbours.

If you have an existing mortgage on the property, you will need to organise the discharge of this mortgage. You can do this by speaking with your bank or mortgage lender in relation to completing any required paperwork.

It is important to be mindful that the preparation and execution of a contract can take time. The standard time period between exchange and settlement is 42 days. If you wish for an earlier settlement, this can be discussed with your solicitor and negotiated with the other side. Talk to us. You'll be inspired!

Amelia Brayley
Solicitor

Thinking conveyancing



Your goals Our know-how

All the experience, skill and tenacity needed to get you there

Solicitors

From commercial, insurance and business transactions to family, employment and estate matters.

Conveyancers

Fast, accurate detailing of all property transactions.

Mediation

Sensitive dispute negotiation to help you avoid going to court.

Notary Public

Witnessing and certifying the validity of documents, affidavits and depositions.

Migration Agent

Negotiating with government on your behalf for family, lifestyle or career reasons.



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