

HOW TO SELL YOUR HOUSE (OR SECOND HOME) IN TODAY'S MARKET by Graham Dorman



Now that the Housing Sector has bid an unfond farewell to the controversial Home Information Packs, I hope that I am not the only professional who thinks that there were some aspects of HIPS which were actually quite helpful in making the market work. These elements forced Sellers to focus on what Buyers would be looking for and enquiring about, thus making sure that those issues were addressed in advance of any substantive transaction.

With 30 years' experience as a Non-Contentious Property lawyer, I am convinced that some of the pre-marketing elements of HIPS, which were introduced in England and Wales on 1st August 2008 but suspended by the new Coalition Government from 21st May 2010, were actually quite helpful in making the housing market work and should still be used to help homeowners to sell their homes more quickly and with greater certainty.

Some of the HIPS regulations were undoubtedly onerous and simply increased sellers' costs, but Homeowners who are planning to sell their homes should consider following the more sensible aspects of the HIPS regime, even though they are no longer compulsory. These will help sellers to present their properties to best advantage and ensure that buyers do not encounter any unwelcome surprises which they could then use to justify withdrawing from a transaction just when it is regarded as a 'done deal' by the seller and estate agent.

There are eight specific issues which sellers should address to help them sell their properties more easily and more quickly:

- Check whether any changes have been made to the property that may have needed Planning Consent or Building Regulations and, if so, are those consents, approvals and completion certificates available? If not, legal advice should be obtained with regard to effecting indemnity insurance.
- Is all the land that is used and enjoyed by the seller within the boundaries of the legal title? If this is not the case then legal advice will be required as to ownership of the land and possible claims to it by adverse possession. Insurance cover can usually be obtained, but given that the time scales involved are often tight it is always best to do this before the property is placed on the market.
- Does the property enjoy any undocumented rights of way, drainage easements or other such factors? The period of the use of the right may be relevant and indemnity insurance may be required. Legal advice on these issues should be

sought beforehand to allow sellers to either deal with the issue pro-actively, or at least have an answer ready for any nervous buyer.

- Is the property accessed over common land or a village green? This could lead to problems in respect of access by vehicles and early legal advice should be sought as to the position and the legal remedies which are available.
- Do you know who is responsible for all the boundary features? Ensure that all of the walls, fences and hedges are in a sound state and carry out routine maintenance in agreement with your neighbours before putting the property on the market. If a third-party needs to give permission for any repairs or maintenance, ensure that full details are provided to your solicitor at the outset.
- Ensure that all the land is registered at the Land Registry. A 'clean' registered title is much easier to sell than an unregistered one, not least because fewer and fewer conveyancers have experience of unregistered conveyancing. In addition, if the buyers are from abroad they may be alarmed by an unregistered title, because nationals in most EU countries will be used to guarantees of ownership and may be 'spooked' by the lack of registration.
- Choose your agent with care. If you have already had success with an agent, perhaps as a result of purchasing your existing or second home through them, keep faith in that person. The phrase "I sold this house to Mr and Mrs X and they have been very happy here" will be reassuring to a nervous buyer in this fragile market.
- Finally, involve your solicitor fully before putting your property on the market, as this will avoid any unseemly and expensive rush later. The solicitor can draw up the Sale of Agreement and help you to organise the documentation which your buyer will want or need. If you are selling your second home, or an investment property, the tax aspects will also need to be addressed and unless your solicitor is happy to deal with these aspects of the sale it would probably be sensible to seek advice from your accountant on Capital Gains Tax, Inheritance Tax and VAT issues, if they arise.

When selling a property, particular difficulties can arise over boundaries/access issues and whether there have been disputes or differences with neighbours, the likelihood of flooding and even the noise created by a regular public event or festival held nearby. All these issues must be considered and addressed or disclosed so that the buyer has reassurance of knowing that the home or investment property being purchased is as it appears to be.