

Guides & Tools

We are here to help you every step of the way and make sure the buying and selling process runs as smoothly as possible. Whether you are selling your property, or looking to buy your dream home, we will hold your hand through every step of the process and ensure you are supported and informed at all times. We make it our mission to take the pain out of property transactions.

The following information provides a detailed overview of each step of the process. Please feel free to call us if you would like any further information or if you would like to arrange an appointment to talk further on **+44 (0)1534 510001**.



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www.hawk.je

A Guide to **Selling**

Your selling journey

START

1 Check your mortgage

Talk to your mortgage company to let them know that you are planning to sell and check any penalties you may incur for paying back your mortgage early. If you are going to buy another property, investigate what mortgage you may need for this.

2 Prepare your property

This is a good time to complete any DIY jobs that you might have been putting off. Cleaning up clutter, a good spring clean, a fresh coat of paint and getting the garden in order will help present your property in the best light for viewings.

3 Contact an estate agent

It is a good idea to get more than one valuation before deciding on your asking price and preferred agent. You might want to consider whether the highest valuation is achievable and accurately reflects market conditions. If the asking price isn't realistic you may end up wasting time by having to lower your asking price at a later date. We will use our experience and knowledge of the market to give you an honest and open valuation and be clear on any fees that will be involved. If you choose us as your agent, we will confirm your asking price and arrange to photograph your property and proceed with the marketing.

4 Viewings

Once your property is on the market, you will need to prepare for viewings. Let us know your minimum notice period for arranging viewings and consider whether you are happy to have viewings at all times, it often helps if the owner of the property is not there so the purchaser does not feel they are intruding and spends more time in the property.

5 Accept an offer

We will contact you with any offers that are made for your property and negotiate on your behalf. Once you receive an offer that you are willing to accept, you will need to confirm the proposed completion date for the sale of your property. At this point, you're not legally obliged to take the property off the market but the buyer may request that you do so. We will formally write to you, your solicitor and the buyer's solicitor to confirm the sale price of the property and ask them to draw up the contract and arrange for the deeds to be released to the buyers' solicitor.

6 Choose a solicitor

If you do not already have one, we can recommend good property solicitors that you may wish to use to facilitate the sale of your home.

7 Surveys

We will work with you and your solicitor to keep you up to date on the progress of the sale. This will include updates such as the buyer's mortgage being approved, the home buyer's survey results and legal search results. If there are any problems at this stage, you are free to pull out of the process and start again. However, be aware that you will still be liable for your solicitor fees for their work.

8 Arrange your move

If you haven't done so already, now is the time to arrange your property move - this normally takes place on the day of completion or earlier, unless agreed in writing with the buyer.

9 Completion

The Jersey conveyancing process for a Freehold property occurs when all enquiries have been agreed. It will end with a contract being passed before the Royal Court (which takes place on Friday afternoons). You can choose to attend, or one of the Conveyancers can attend on your behalf through Power of Attorney. If your property is Share Transfer this can be sold on any day of the week, when contracts are signed and monies change hands.

10 Moving out

Once the payment has cleared and is in your possession, you are no longer the legal owner of the property. If you have not already done so, you will need to surrender the keys to the property and move out.

FINISH

A Guide to **Buying**

Your buying journey

START

1 Work out your budget

Find out how much you are going to be able to spend on your new property and get an understanding of additional costs such as surveyors fees, legal costs, stamp duty, moving expenses and bank fees.

2 Start your search

We would recommend you register with Hawk to let us know what you looking for, location, size and budget of property, we will be able to let you know what properties we have currently, and if anything new becomes available we can let you know first. There are also several property search sites in Jersey like www.place.je

3 Contact an estate agent

Decide on the properties that meet your criteria and plan to go and see them. Don't look at more than six in a day. If you view a greater number, you will forget more about each one than you remember. Make a second viewing if you see something of interest and visit at a different time of day to assess if there are any issues at certain times. You will be surprised at how different a property can seem when you return to it. You will definitely see things that you missed the first time around. On this second visit take a little more time and look at items in more detail. Turn on taps to check water pressure, look at where the power points are located, see if every room has heating and check if your furniture will fit into the rooms available.

4 Make an offer

If you like a property and wish to put in an offer, confirm the amount to us and we will contact the vendor to make the offer on your behalf. Once you receive acceptance of your offer, we will contact you and let you know the vendor's proposed completion date. At this point, the vendor is not legally obliged to take the property off the market, but you can request that they do so. We will formally write to you, your solicitor and the vendor's solicitor to confirm the sale price of the property.

5 Instruct your solicitor

If you do not already have one, we can recommend good property solicitors that you may wish to use to facilitate the purchase of the house. You will need to instruct your solicitor to draw up the contract and liaise with the vendor's solicitor. For all Jersey property sales, you will need to obtain the consent of the Housing Minister who will determine your qualification status. Consent will only be granted when the Minister's office is satisfied that you have the correct qualification status. Your solicitor will go through the usual steps of conveyancing the property including checking the title and ensuring there are no

other rights or claims over the property or land you are looking to purchase. They will do the standard local authority searches which in Jersey also include checks with the Minister for Planning and Environment, the Transport and Technical Services Department and the individual Parish. Your solicitor will visit the property to ensure that there are no additional factors that need to be determined when drawing up the contract of sale, including flying freehold (a freehold property of which a small part reaches into, or is built on or over, a neighbouring property) and building restrictions. All the information uncovered in this visit will be reflected in the contract and you will be made aware of any issues that may affect your purchase.

6 Surveys

If you are applying for a mortgage from a bank or building society, the lender will do a valuation survey to determine that they are lending on the right property and that their valuation matches the actual sale price. This is different from a homebuyer's survey. In Jersey, all sale contracts include a 'vices cachés' clause which states that the buyer is buying the property in the condition found on the date of the contract with any and all defects found (hidden or otherwise) as may exist. We strongly advise you instruct a surveyor to carry out a detailed homebuyer's survey before you exchange contracts. We work with a trusted selection of surveyors and will happily recommend one.

7 Arrange your move

If you haven't done so already, now is the time to arrange your property move - this normally takes place on, or after, the day of completion.

8 Completion

The Jersey conveyancing process for a Freehold property occurs when all enquiries have been agreed. It will end with a contract being passed before the Royal Court (which takes place on Friday afternoons). You can choose to attend, or one of the Conveyancers can attend on your behalf through Power of Attorney. If your property is Share Transfer this can be sold on any day of the week, when contracts are signed and monies change hands.

9 Moving in

Once all the payments have cleared, the vendor will surrender the keys to the property and you can move in.

FINISH

Property Ownership

Freehold

In Jersey, if you own land you also own everything in, on, above and below that land and anything built on that land, be it a house, block of flats, hotel or just a small shed. You own it in perpetuity. This is called freehold ownership and it is transferred by a conveyance or contract passed before the Royal Court. While freehold ownership gives clear title to the land and everything built on the land, it is not possible to convey the freehold ownership of part of a building.

Flying Freehold

This is a relatively new concept of property ownership in Jersey. In 1991 the States passed a law relating to the co-ownership of buildings, popularly referred to as the flying freehold law. The person or company who has the freehold title to a block of flats (or any other multi-use property) can register with the Royal Court a Declaration of Co-Ownership which will contain a detailed description of the freehold property to which it relates.

The Declaration effectively divides the property into various individual parts, known as lots, as well as those parts of the property which are for common use and maintenance, known as the Common Parts. An Association of Co-Owners is also created by the Declaration, which sets out the rights and obligations of the individual lot owners and the Association, which owns the Common Parts. The flying freehold law enables the sale of an individual flat (or other part of a building) by a conveyance of the particular lot (as well as an interest in the Common Parts) passed before the Royal Court in just the same way as a freehold conveyance.

It is a requirement of the flying freehold law that the Association of Co-Owners appoints a Representative (usually a professional property manager) to manage the property and to ensure that the Association carries out its obligations particularly in relation to repairs and to insurance of the building.

Share Transfer

Before the flying freehold law, the commonest method, still widely used today, of acquiring a flat was by what has come to be known as share transfer. Under this method the freehold of the whole of the land and block of flats is owned by a company.

The articles of association, or rules, of the Company have very much the same effect as the Declaration under the flying freehold law. They identify the various units and give the holder of a specified number of shares the rights of exclusive occupation of a designated apartment as well as setting out which parts of the property the company is responsible for and which are the responsibility of the individual shareholders.

Housing Categories

All previous "A-H" and "A-K" properties have become "qualified" property. In general, all other properties are now "registered" (previously "unqualified"). If you have questions about the status of your property, you should contact the Population Office.

Residential Status

You will need a registration card if you move to Jersey, move house or change job.

The categories - explained in the table below - will determine where you can work and live. Your residential status will be printed on your registration card which can be obtained at the Social Security Department, La Motte Street, St Helier.

Residential Status	Definition	Housing	Work
Entitled	Someone who has lived in Jersey for 10 years.	Can buy, sell or lease any property.	Can work anywhere and do not need a licence to be employed.
Licensed	Someone who is an "essential employee".	Can buy, sell or lease any property in their own name if they keep their Licensed status.	Employer needs a licence to employ a Licensed person.
Entitled to work	Someone who has lived in Jersey for five consecutive years immediately before the date the card is issued, or is married to someone who is Entitled, Licensed or Entitled to Work.	Can buy property jointly with an Entitled spouse/civil partner. Can lease "registered" (previous "unqualified" property as a main place of residence).	Can work anywhere and do not need a licence to be employed.
Registered	Someone who does not qualify under the other categories.	Can lease "registered" property as a main place of residence.	Employer needs a licence to employ a Registered person.

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