

EASY TO FOLLOW CONVEYANCING PROCESS TIPS

The conveyancing process involves preparing documents for transferring ownership of a property from the current owner to the purchaser. There are multiple steps throughout the conveyancing transaction from Pre-contract to Post-settlement, which must be carried out with due diligence.

1 CONTRACT OF SALE

This is an important legal document for the transaction of the property. It includes details regarding the price, information of ownership, names of all parties involved in the contract, property details and the rights and obligations of each party. We recommend that the contract terms be reviewed by your legal representative, negotiated if needed, and then signed by both the parties.

2 SPECIAL CONDITIONS

The special conditions in the contract of sale may have due dates for items such as finance approval and satisfactory building and pest inspection reports. Your legal representative will note these important dates and you should also diarise these as once these due dates have passed, those special conditions will lapse and the contract is no longer conditional upon them being satisfied. If you are purchasing and require an extension of these dates, your conveyancer can make a request on your behalf prior to the due dates lapsing.

3 DEPOSIT IS PAID

After the contract of sale is signed, the date for payment of the deposit is set. You should ensure that payment is made by this date. Payment is usually made to the real estate agent although other arrangements can be made to pay it to the Vendors legal representative. The deposit must be held in a trust account until settlement date, unless a Section 27 early release of deposit statement is served. This statement, if agreed to by the purchaser, allows the Vendor to have the deposit released to them less the agents fees. The deposit amount is generally stipulated by the seller or their agent and can vary (it's mostly around 10% of the property value). If you buy your property at Auction, your full deposit will be due on the day of sale.

4 TRANSFER OF TITLE

With the introduction of PEXA (Property Exchange Australia), we can now electronically create a Transfer of Land for land titles. The stamp duty is also paid at settlement though PEXA. Documents are created digitally and all communications between the parties are conducted through the PEXA workspace. Once your settlement has taken place, the Transfer of Land is registered instantly and the property will be registered in the purchasers name.

5 PRE-SETTLEMENT INSPECTION

Prior to settlement, the purchaser will contact the selling agent to organise a time with the vendor to conduct a pre settlement inspection. The purchaser will attend the property and look for any defects that were not present when they first inspected the property. If there are any issues, the purchaser should immediately contact their legal representative.

6 STATEMENT OF ADJUSTMENTS

A week or 2 prior to settlement, a statement of adjustments is prepared. A statement of adjustments is a document prepared by the purchaser's legal representative that sets out how various rates will be apportioned by the vendor and purchaser based on the number of days each party is occupying the property in a rate period. Your legal representative will supply you with a copy of this prior to settlement and explain your obligations in this regard.

7 SETTLEMENT

On the settlement date, the title documents are transferred to the purchaser upon payment of settlement funds in the PEXA workspace. This makes the conveyancing process quick and convenient. Through PEXA the parties can easily see that settlement has taken place. If you have a discharging mortgagee or a lender, your legal representative will liaise with them directly to organise your settlement date and funds required to settle.

8 POST SETTLEMENT

Following settlement, your legal representative will advise all parties of the change in ownership including the agent, rating authorities and the State Revenue Office, on your behalf.



Whether you are looking to buy, build or sell a property, we will guide you every step of the way.

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