

Trainer Shepherd Phillips Melin Haynes.

COMPLAINTS PROCESS

We want to give you the best possible service. However, if at any point you become unhappy or concerned about the service we have provided then you should inform us immediately, so that we can do our best to resolve the problem.

In the first instance it may be helpful to contact the person who is working on your case to discuss your concerns and we will do our best to resolve any issues at this stage.

If you would like to make a formal complaint, then please contact Mike Shepherd on mshepherd@tsplaw.com or Chris Phillips on cphillips@tsplaw.com or by telephone 020 7734 8303. Making a complaint will not affect how we handle your case.

The Solicitors Regulation Authority can help you if you are concerned about our behaviour. This could be for things like dishonesty, taking or losing your money or treating you unfairly because of your age, a disability or other characteristic. You can raise your concerns with the Solicitors Regulation Authority.

What do to if we cannot resolve your complaint.

The Legal Ombudsman can help you if we are unable to resolve your complaint ourselves. They will look at your complaint independently and it will not affect how we handle your case. Before accepting a complaint for investigation, the Legal Ombudsman will check that you have tried to resolve your complaint with us first. If you have, then you must take your complaint to the Legal Ombudsman:

- Within six months of receiving a final response to your complaint and
- No more than six years from the date of act/omission; or
- No more than three years from when you should reasonably have known there was cause for complaint.

If you would like more information about the Legal Ombudsman, please contact them.

Contact details:

Visit: www.legalombudsman.org.uk

Call: 0300 555 0333 between 9am to 5pm.

Email: enquiries@legalombudsman.org.uk

Legal Ombudsman PO Box 6806, Wolverhampton, WV1 9WJ

CONVEYANCING GUIDANCE NOTES

In accordance with the Solicitors Regulation Authority (“SRA”) SRA Transparency Rules, from 6 December 2018 we are required to provide information on conveyancing and probate legal services which we, Trainer Shepherd Phillips Melin Haynes LLP, offer to potential clients.

The following information provides guidance on our conveyancing services and estimate costs. However, if you require further information, please do not hesitate to contact us on 0207 7348303 or email us on: info@tspmlaw.com.

1. CONVEYANCING SERVICES

Our fees are based on the fee earner’s hourly rates (which range from £225 - £375 + VAT) and our experience of the time that will be involved for the type of transaction. Our fees will vary depending on the complexity, requirements and value of the particular transaction. If you would like to consider instructing us to act for you then we will give you a specific quote for fees and disbursements tailored to your individual transaction.

Please note that the estimated fees above may change if (not limited to) the matter becomes more complex or there is additional delay on either side.

1.1 FREEHOLD SALE OR PURCHASE

The estimated fees for a sale or purchase of a freehold property will cover all of the work required to complete either the sale or purchase including dealing with registration at the Land Registry and dealing with the payment of Stamp Duty Land Tax (Stamp Duty) if the property is in England or Land Transaction Tax (Land Tax) if the property you wish to buy is in Wales.

Please inform us if you require conveyancing services for the simultaneous sale of one freehold property and the purchase of another freehold property, or the conveyancing services for multiple properties.

In addition to the legal fees listed above, the following third-party costs (known as ‘disbursements’) may also be payable. These are only estimates based on average fees because these are dependent on the area and price of property.

- Property search fees £300
- HM Land Registry fees found at the following link: <https://www.gov.uk/guidance/hm-land-registry-registration-services-fees#scale-1-fees>
- Electronic money transfer fee (CHAPS payment: £25 or BACS: nil)
- VAT on legal fees is currently 20%. Please note that there is no VAT payable on the SDLT or Land Registry fees.

We will organise and arrange the above disbursements on your behalf to assist with an efficient process.

For a purchase of a freehold property, the buyer will also need to pay Stamp Duty Land Tax (SDLT), the SDLT amount payable will be based on the purchase price of the property. Please see the link at the end of this note under ‘Helpful Additional Sources’ for the HMRC SDLT calculator.

We have detailed the following steps which we can assist you with in the conveyancing process although the precise stages will vary according to circumstances:

- Taking your instructions and giving advice on the required conveyancing
- Checking finances are in place (to fund a purchase) and contact lender’s solicitors if required
- Advising on contract documents
- Arranging searches and providing advice on the search results
- Obtaining further planning documentation if required
- Making enquiries of the solicitors on the other side
- Advising on all information you receive during the conveyancing process
- Discussing any mortgage offer (if applicable)
- Arranging completion date with you and the party on the other side
- Exchanging contracts with the other side and updating you
- Arranging for all monies to either be received or sent by you
- Completing purchase or sale of property
- If applicable, arranging the payment of any SDLT which is payable
- Completing an application for registration at the Land Registry (if applicable)
- Plus additional services which are discussed and agreed at the beginning of the matter

1.2 FEE ASSUMPTIONS

Whilst we cannot give a set fee for each conveyancing matter as no conveyancing matter is identical and issues may develop during the process, we have provided the above estimates of fees to provide guidance on the likely cost.

However, the above estimates are based on certain assumptions in relation to your conveyancing matter that:

- The conveyancing matter is a relatively simple and no unforeseen matters arise during the process. For example, a defect in the title of the property which may include additional time to be spent to correct before completion, or the preparation of additional documents required before the matter can complete
- The transaction is concluded in a timely manner and no unforeseen complications arise
- All parties to the transaction (on both sides) are co-operative and there is no unreasonable or unexpected delay caused by a third party (e.g. waiting on a third party to provide required documentation)
- No indemnity policies are required – additional disbursement costs may apply if indemnity policies are required (in addition to potentially increasing legal fees)

Please note that additional taxes may be payable which will be in addition to the estimated prices set out above.

1.3 HOW LONG WILL THE PROCESS TAKE?

The average process from having your offer accepted (on a purchase either of freehold or leasehold) or accepting an offer (on a sale of either freehold or leasehold) to completion can take between 4 -12 weeks.

However, this will depend on several factors, for example: whether the property is in a chain, timetable of the other side, whether there is a mortgage involved and whether there are any unexpected property issues which are found by property searches.

2. LEASEHOLD SALE OR PURCHASE

2.1 In addition to the estimated fees and costs detailed above, the following additional disbursements may be applicable for leasehold properties:

Sale

- Management pack the cost of which is set by the managing agent but is usually between £300 and £600.

Purchase

- Notice of Transfer fee – this will depend on whether the lease requires this and is set out in the lease. Usually the fee is between £50 - £100
- Notice of Charge fee – this will be applicable if the leasehold is to be mortgaged. The fee for this will be set out in the lease. Generally, the fee will be between £50 - £100
- Deed of Covenant fee – this will be determined by the management company for the leasehold property and cannot easily be estimate, however, usually is between £100 - £200
- Certificate of compliance fee – this will be confirmed on receiving the new lease (likely between £100 - £200)

Please note that the above fees will vary between different properties and may be more than the estimate ranges above. It will be possible to give a better indication of the fees on inspection of the relevant property documents.

Further, for leasehold properties, it is likely that additional charges will apply such as ground rent and service charge which will likely be applicable each year of ownership. We will notify you as soon as we have information on these charges.

Please note that additional taxes may be payable which will be in addition to the estimated prices set out above.

2.2 HOW LONG WILL THE PROCESS TAKE?

The same time issues and estimated fees for a freehold property purchase or sale will also apply for the sale or purchase of a leasehold property. However, in relation to completing the matter for a leasehold property this may be slightly longer than to complete on a freehold property. For example, if you are purchasing a leasehold property which also requires a lease extension, this may extend the completion time considerably, between 2 – 6 months

3. HELPFUL ADDITIONAL SOURCES

Stamp Duty Land Tax calculator: <https://www.tax.service.gov.uk/calculate-stamp-duty-land-tax/#/intro>

PROBATE GUIDANCE NOTES

1. PROBATE: APPLYING FOR THE GRANT OF PROBATE, COLLECTING AND DISTRIBUTING ASSETS

1.1 FEE QUOTES

The following estimated fees relate only to uncontested probate cases where all assets under the estate are in the UK. The amount of work required will vary from estate to estate and the number and type of assets that the deceased held. For example, for a simple probate matter with one beneficiary with no estate property costs will be at the lower end of the range. For an estate which includes more than one property and different beneficiaries, this will incur a higher fee. We charge at an hourly rate for probate work and the hourly rates depending on the experience and seniority of the fee earner between £225 - £375 + VAT.

For estates where:

- There is a valid will
- No more than one property in the estate
- No more than two bank or building society accounts
- No other intangible assets (for example stocks and shares)
- There are 2-4 beneficiaries
- No dispute between the beneficiaries over the estate or the division of assets. Please note that if a dispute over the estate occurs this will increase costs.
- No inheritance tax is payable and the executors of the estate do not need to submit a full account to HMRC
- No claims have been made against the estate

We would estimate that our fees would be between £2500 - £5000 + VAT.

The following costs payable to third parties known as 'disbursements' will be included in the estimated costs:

- Probate application fee (currently £155 if the application is made through a solicitor, £215 if processed without a solicitor)
- Swearing of the oath at £5 (per executor), plus an additional £2 swearing fee for exhibits (e.g. the will)
- Bankruptcy only Land Charges Department searches at £2 per beneficiary
- Publication fee in the London Gazette which is currently £155 + VAT (to protect against unexpected claims against the estate from unknown creditors)
- Publication fee in a local newspaper of £200 - £400 + VAT (also to protect against unexpected claims)

Our firm will handle the above disbursements during the course of the matter to assist with a quicker and more efficient process. Please note that probate disbursement costs will be increasing in April 2019.

Potential additional costs will be payable in the following circumstances if:

- There is no valid will
- The estate includes shareholdings (e.g. stocks and shares)
- Additional copies of the grant of probate are required which will cost £0.50 per copy

Please note that the above is not an exhaustive list and additional costs may be payable based on several different factors, for example: if the matter becomes more complex, required information is not available / delay in getting information and whether the estate is testate or intestate, taxable or non-taxable.

Please note that dealing with the sale or transfer of a property in the estate is not included.

The work we will carry out for you will include:

- Provide you with a dedicated and experienced probate solicitor at the outset of the matter. If this person changes, we will notify you as soon as possible.
- Identify the legally appointed executors or administrators and the beneficiaries of the estate
- Identify the type of probate application for the matter
- Obtain relevant documents required from you or third parties to make the application
- Complete the probate application and relevant HMRC forms
- Draft a legal oath for you to swear
- Make the application to the Probate Court on your behalf
- Obtain probate and provide you with two copies
- Collect and distribute all assets in the estate

1.2 HOW LONG WILL THIS TAKE?

It is estimated that a simple probate matter as outlined above will conclude within 6 - 12 months. Generally, obtaining the grant of probate will take 12 weeks.

The time taken for collection of assets and distribution of the estate will vary according to the type of asset. For example if the estate includes a property that has to be sold this will inevitably take longer from the start of marketing of the property to completion of the sale and receipt of the sale proceeds for distribution to the beneficiaries. If the estate consists solely of collecting in money held in bank or building society accounts then this will take between 4 – 6 weeks to collect in and prepare estate accounts for approval. If a sale of property is involved this can mean a period of up to one year before estate accounts can be prepared. The property market in some areas of the United Kingdom is slow which can hold up the distribution of an estate for some time.

We aim to keep you informed of progress at all times.

1.3 HELPFUL ADDITIONAL SOURCES

For information on Inheritance Tax: <https://www.gov.uk/inheritance-tax>