



## Delamere Park

### **A guide for sellers of properties on the Park**

If you are planning to sell a property on Delamere Park, there are a few things that you need to think about at an early stage. This document is intended to assist you in that process. As always, the office staff and Trustees will do all that they can to assist you, but there are several steps that must be addressed before a sale can be completed.

A critical part of completing the sale of a property on the Park is that DPML must issue a certificate of compliance with the transfer of the covenant. This should be straightforward, but experience shows that some issues come up time and again and can delay completion. Hopefully if you follow this guide these delays can be avoided.

#### **Potential purchasers**

It can save a lot of problems later if potential buyers understand at an early stage what Delamere Park is and how things work. There is a sister document to this one for purchasers and we would encourage you to share this with potential purchasers who show serious interest in your property. The document is freely available from the office and on the DPML website. In particular, it explains the effects of the Covenants they will be expected to sign on purchase and the current fee levels.

#### **Plot Fees**

When a property on the Park is sold, the first thing that DPML checks is the current status of plot fees. As the fees are due and payable on 1<sup>st</sup> October, the fees **MUST** be paid up to date before the Trustees will sign off on the certificate required to complete the sale. This is most often a problem when the current resident is paying by Standing Order and has only paid say 4 of the 10 required payments. The remaining 6 payments **MUST** be paid by the vendor to DPML before completion of the sale. It is not possible to transfer the outstanding unpaid monthly instalments to the purchaser. It is between the vendor and purchaser how they then apportion the fees for the current year between themselves.

#### **Property changes**

As I am sure that you know, all changes to the exterior of the property and/or the “landscaping scheme” of the Park require the prior approval of the trustees.

It is now common practice for purchaser’s solicitors to make quite detailed enquiries into permissions for any changes made to the property before exchange of contracts. As a result, it is advisable to ensure that you have copies of any property change approvals to hand in good time. The Property team in the office will be happy to help you with copies of any approvals on file.

We would also be happy to share previous approvals with any prospective purchaser if you give us your consent to do so.

If you have made any changes to your property which required consent but have never been approved, it is possible to apply for retrospective consent. You should start this process as soon as possible as it will take at least 3 weeks and often considerably longer for Trustees to consider such applications. Also, it is possible that retrospective consent may not be granted and you may need to undertake considerable remedial work, which may lead to considerable cost and delay in the completion of the sale.

There was a major fire in Delamere Park’s Clubhouse in 2004 and all records prior to that were lost. This means that there are no records of approvals or rejections for projects applied for before 2005. As a result of this, the Trustees would automatically grant retrospective approval for any changes made prior to 2005.

It may well be that potential purchasers would be intending to make any external changes to the property. The Trustees and DPML office staff would be happy to provide a non-binding opinion to you or the purchasers on whether similar changes have been approved elsewhere in the past. Alternatively, the potential purchaser could

with your consent submit a change request via the office which will go to the residents for comments for 2 weeks and then be considered by the Trustees at their next monthly meeting. Overall, this will take from 3 to 6 weeks depending on the date of the next meeting.

### **Other Covenants**

Clause 4 relates to the parking of commercial vehicles or caravans in front of the line of the existing building. This is a bit tricky as some properties have drives clearly behind their building lines and parking of vans on those properties is not a problem. Conversely, many properties have drives well forward of the building line and parking commercial vehicles would not be allowed. This is further complicated by there being no clear definition of a commercial vehicle. Anyone considering purchasing a property on the Park who may wish to park a van or other work vehicle on the premises is advised to contact the Trustees for advice prior to committing to a purchase. Several purchasers have fallen foul of being told by friends or previous owners that this covenant is never enforced. The Trustees will enforce this covenant.

Clause 3 on hanging washing outside on Sundays and Bank Holidays is not generally policed though it may need to be enforced in the event of a complaint.

### **Fees related to property sales**

For a few years there have been some issues with the fees involved in managing the process of transfer of covenants etc. There was a charge to the seller referred to as 'for a pack' from the solicitors who were handling the process. The name was misleading as in fact most of the fee related to the considerable work in handling queries from the buyer's solicitors. There was also a second charge to the buyer for "the certificate".

The Trustees have now taken the process of managing these transfers in house rather than using external solicitors. The pack of information needed to sell/buy a property on the Park is now freely available from the office and on the website.

### **Property Sale**

There is a single fee of £250+VAT payable to DPML by the buyer (via their solicitor) before issue of the completion certificate for a property sale. The fee covers all the compliance checks, providing the certificate and any work involved in managing queries etc. from solicitors.

### **Internal Property Transfer / name Changes to the Deed of Covenant / Leasehold Extension**

There is a single fee of £125+VAT payable to DPML for any of the following:

1. Internal property sale. When moving from one property on Delamere Park to another property on Delamere Park, we reduce the fee as you are already a Plot Owner
2. All minor changes to the title deed which require a change to the Deed of covenant, or which require the issuing of a new certificate of compliance. Such as changing the name/s of who owns the property when putting the property into the name of a Trust, adding or removing name/s of ownership.
3. Lease extensions

The fee covers all the compliance checks, providing the certificate and any work involved in managing queries etc. from solicitors.

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