



Buying a Home

Buying a property can give rise to a number of issues which your solicitor will have to work through. The basic stages which the transaction will have to go through before you own your property is set out below.

Signing the Contract

Before you sign a contract your solicitor should receive a draft. Your solicitor will then check the draft contract and advise you on your obligations and any changes that may be required.

Once the terms of the contract are acceptable to both the seller and the buyer the contract can then be signed.

Your Solicitor will provide a copy of the signed contract to your bankers and advise you of the critical dates under the contract.

Cooling Off Period

Upon you or your solicitor receiving a copy of the fully signed contract the cooling off period will apply. The cooling off period is a five business day period that allows a buyer to change their mind in purchasing the property. This five business days run from the receipt of the signed contract. If you are to terminate the contract under the cooling off period then the seller is entitled to retain 0.25% of the purchase price from the deposit.

Risk/Insurance

The property is at your risk from 5 pm on the business day following the contract being

signed. You will need to approach your insurer to arrange a cover note over the property. Your solicitor will also advise you to arrange a cover note.

Deposit

The deposit on a property can range from nothing to 10% of the purchase price. You should discuss this with the agent or seller before making an offer.

Finance and Building and Pest Inspections

Most contracts are subject to both finance and building and pest inspections. You should approach your chosen financier, builder and pest inspector as soon as the contract is signed.

You should contact the sellers agent to arrange a time and date for the inspections. The results of your finance application and the building and pest inspections should be given to your solicitor as soon as possible. Time is of the essence under the contract and failure to give notice by the critical dates gives the seller the right to terminate the contract.

Duty

Most buyers are required to pay duty to the State Governments Office of State Revenue. There are some exceptions for first home owners. However, all

other buyers are required to pay Duty calculated on the purchase price. As your financier will require a stamped transfer at settlement duty has to be paid prior to settlement so that your solicitor can attend to stamping. Your solicitor will be able to provide you with the amount of duty payable when discussing the draft contract with you. A failure to stamp the contract once it becomes unconditional may result in further monies becoming payable by you called unpaid tax interest or UTI.

Enquiries and Searches

Once you have obtained your finance approval and are satisfied with your building and pest reports your solicitor can make enquiries and searches as follows:

[SEE AVAILABLE SEARCHES](#)

Adjustments

Should the searches reveal monies owing to the local council or another government body, these amounts will be adjusted in your favour at settlement. You will be provided with a copy of the settlement statement prior to settlement for your approval.

Before Completion

Before completion your solicitor will send you their settlement statement showing any monies that are due and payable to the seller. If the monies are due from you then you should make this payment as soon as you are able to and your solicitor will liaise with your financier.

You should make arrangements for the supply of gas, electricity and telephone service and make sure that the seller is arranging for final meter readings to be made.

On completion

On the day of settlement:

- The financier releases the settlement funds. If the monies are coming from the sale of your property your solicitor will need to wait for the proceeds of sale to be transferred to them.
- The deeds to the property and the transfers signed by the Seller are provided to your financier and the seller must also hand over any keys to the property and provide you with vacant possession.

After Completion

Your solicitor or financier will then register the transfer and if applicable the mortgage document. You are able to collect the keys from the agent after being advised that the contract has settled.

Please call Malcolm Bougoure, Shane Mead, Glenn Shipway, Natalie Lovett, Rebecca Perry, Erica Lindsay or Margaret Schaeffer on 07 4662 2033 for more information, or email them on info@carwin.com.au.

This information is for guidance only and does not constitute legal advice.

Liability limited by a scheme approved under Professional Standards Legislation.

The firm does not accept service by email.

2 Stuart St, Dalby QLD
PO Box 527, DALBY QLD 4400