

Jersey property end of year review

DECEMBER 2017

As we fast approach the festive season, it has once again been a busy year in the interesting world of local conveyancing and property law.

While property buying and selling can be tumultuous, we're here to help you with any unnecessary stresses to help smooth over any potential pitfalls.

So, as we head into a New Year, here are some of our more interesting buyer and seller dilemmas that we've assisted with:

- We used high tech satellite equipment to pinpoint historic boundary stones originally located on a piece of remote headland. With aerial photography from the occupation and a employed drone to fly up a rock face we were able to re-confirm their original location which was otherwise physically impossible to measure. End result – confirmation of the property's boundaries, something very important when insuring your property.
- We managed a dispute between owners where one party was claiming that the tree roots from another's land had grown under the dividing garden wall and were digging up the neighbours newly tarmacked drive. It's important that disputes of this nature are sorted and written into the terms of the property for when it next comes up for sale.
- A lovely family home couldn't be moved into as the drains didn't work properly and it needed thousand of pounds of unexpected repair and renewal. A stressful situation, but we assisted in obtaining a large retention from the price until the repairs were completed so the new owners could move in to their new home.
- We employed the services of heir finders to trace missing long lost relatives and prove the enforcement of a registered Will of Realty so that all of the correct legal heirs could benefit from the sale proceeds of an inherited property.
- We assisted our client when they discovered that their drain service crossed someone else's land based upon a handshake agreement from many years before. These old handshake agreements crop up from time to time and again it's important that these are formally agreed upon should you sell the property or pass it on to family members.
- We had a client selling an old house built on top a hill. Many years previous, a small fortune was spent to shore up the foundations but unfortunately a surveyor acting for the new buyer could not agree with a structural engineer as to whether those structural works had actually been carried out properly. Fortunately a third professional opinion was obtained and the property has since been successfully sold.

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And here are some of our lessons for our clients for 2018:

- Defective Title Indemnity Insurance is often required for numerous types of problems such as protecting the title to inherited property, breaches of building restrictions, encroachments onto neighbouring land and a lack of legal rights for services, drains, repairs to buildings or rights of way, where without such insured protection, a lending bank simply will not take security over that particular property.
- Last minute delays can often occur for relatively minor matters, such as:-
 - Parties not being able to agree the date to hand over vacant possession
 - Items missing off inventories of contents
 - When bank instructions to transfer funds miss the bank's daily cut off times and they are forced to wait another full week before completion can take place
 - Snagging issues with renovated or newly built properties

Make sure you have all of these type of issues sorted in order to have a timely and coordinated sale or purchase.

- Our local drainage authorities now take a very tough stance on permitting foul and surface water drains to drain into the publicly owned island wide system and can insist they are separated out at great expense and delay! If a particular property is in breach of the sewerage law, the current owner may have to spend thousands on splitting up their drains, putting in soakaways and digging up their property.
- When selling apartments, properties of multi-occupancy or various types of commercial premises, obtaining the required Fire Safety Certificates can take several months, so consider this carefully before starting the sale and conveyance process so that your timings aren't delayed..

These are just a few things we've learnt from this year but we are looking forward to working with you next year to make your process as simple and successful as possible.

Wishing you all a very Merry Christmas and a happy and healthy New Year, from the Collas Crill property team.