

Our Legal Services

We offer a wide range of legal services to help you when you need it most:

- Moving home
- Family matters, marriage and divorce
- Making a Will and elderly care advice
- A death in the family including Probate, Tax and Trusts
- Employment advice
- If you are in trouble with the police

Plus Business Legal Services:

- Setting up or changing the structure of a business
- Support with business property
- If you need help with business dispute resolution

If you need to discuss any of the above legal matters, please feel free to call us on either of the numbers shown opposite, email us or visit our website for more information.

www.ldjsolicitors.co.uk

Contact Us



Nuneaton Office

29 Dugdale Street, Nuneaton,
Warwickshire, CV11 5QN
Tel: 02476 745000



Hinckley Office

Elizabeth House, St Mary's Road,
Hinckley, Leicestershire, LE10 1EQ
Tel: 01455 637030

enquiries@ldjsolicitors.co.uk



Matrimonial Property



Matrimonial Property

Our specialist Matrimonial Department are currently dealing with your matrimonial issues. There may come a time in the negotiations when you start to realise that this involves the transfer of your matrimonial home or other properties that you may own.

It is easy to forget that these transfers are not part of the advice that will be provided by our Matrimonial Department.

These property transfers would be dealt with by our experienced Residential Property Department.

Your Matrimonial Solicitor will discuss this with you and if you would like our Residential Property Department to deal with the legalities of the property transfer for you then they will refer the matter internally to the Residential Property Department.

Transfers of Equity

In matrimonial issues it may be possible for a transfer of equity to take place when ownership of the matrimonial property is transferred from the names of two people into one.

This can be done subject to the current mortgage or by repaying the current mortgage and taking out a new one. Either way it is important for you to speak to a financial adviser about this. This is because you will need to have a new financial assessment to see whether or not you qualify financially to either take over the current mortgage repayments or to take out a new mortgage.

Sometimes the financial assessment can take some time so it is recommended that this advice is sought right at the beginning of the transaction.

Residential Property Department

Whichever way you decide to proceed, you will need a property solicitor to act for you.

We will either draft the transfer deed ourselves or check, alter and approve the transfer deed having been drafted by your ex-partner's solicitor.

The transfer deed will transfer the legal title from or to you in accordance with whatever is agreed between your Matrimonial Solicitors.

The form of the transfer depends whether it is subject to the current mortgage or not. It also depends whether it is pursuant to a court order or not.

It is important that the deed releases the outgoing person from their mortgage obligations yet ensures that the person remaining on the title deeds retains an ongoing obligation to repay the mortgage.

If we are also acting for the mortgage company, we will try to ensure that the costs are kept to a minimum by checking with the mortgage company whether we can proceed without instigating property searches. A mortgage company usually proceeds without insisting on fresh searches but it does depend on the individual lending criteria.

Identification and Registration

The Land Registry has stringent rules on the checking of identification in property transactions such as these.

This is because there has been a large number of fraudulent cases where people have been known to sign transfer deeds on behalf of another party without that party knowing or even consenting to the transfer.

When we send the application for registration to the Land Registry we have to certify that we have verified your identity.

The rules state that we have to have had sight of certain forms of identification such as your passport or driving licence or a bank statement or utility bill. One form of ID

has to have a picture on it and the other has to have your address on it. The identification must be no older than three months.

This means that more often than not we cannot use the identification provided to your matrimonial solicitor because it may be out of date.

ID1 Form

In some instances you may not wish us to act for you with relation to the property transfer, although we would not advise this.

If the other person's solicitor drafts the transfer document and you do not want any legal advice on whether it releases you from the mortgage, in order for the transfer to be registered at the Land Registry, it will still be necessary for your identification to be verified by a solicitor. The Land Registry has a specific form for this called an ID1.

Our Residential Property Department can assist with these too, provided that the identification checks noted above are completed satisfactorily. In addition you would need to have a passport sized photograph taken and we have to sign the rear of the photograph, a little like a passport application.

Transfer or Sale of Property

Our Residential Property Department can also provide Conveyancing services upon the sale of your matrimonial property(ies). We have specialists in either Nuneaton or Hinckley who would be pleased to take your instructions.

By keeping your matrimonial property transfer or sale within the same firm it will make the communication easier and this will, in turn, mean that the matter proceeds smoothly and quickly.

If you would like to instruct our Residential Property Department to assist with your matrimonial transfer then please discuss this with your Matrimonial Solicitor who will refer your case directly through to the Residential Property Department.