

HAROLD BENJAMIN

POCKET GUIDE

Residential Property



Who we are

Harold Benjamin offers a niche residential property legal service.

Through our in-depth local knowledge and strong relationships with estate agents and developers, new clients feel safe putting their business in our hands and existing clients keep coming back.

Our Residential Property team has specialist in-depth experience in all aspects of residential conveyancing.

We act for individuals and corporate clients alike located throughout the UK and abroad and aim to provide a responsive, personalised and user-friendly service whilst being uncompromising on professional standards.

By offering pragmatic and cost-effective solutions to potential problems and being pro-active and positive we steer transactions through as quickly and efficiently as possible.

We have the added advantage of being able to call on the expertise of other departments to provide advice when needed.

Core team



Andy Finkel

Partner, Residential Property

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"I would like to thank you and your team for your extended efforts, smartness and diligence without which we would not have been able to complete on our property in the manner in which we did. This only manifests what we have come to expect from Harold Benjamin and the firm's talented and professional team."

"An excellent service provided with good personal contact at all times. Good explanations were given about all actions being taken. Highly recommend."

"The process of buying and selling property is littered with risks and uncertainty. Your negotiations not only saved me money but, in addition, the pace of the sale was largely driven by your tenacity."

Who we help

- Buyer and mortgage lenders on the purchase of flats and houses, including new plot purchases, right to buy and shared ownership
- Seller and lender on the sale of flats and houses
- House or flat owners and their lender in remortgaging their property to a new lender and/or redeeming their previous mortgage
- Shared Ownership leaseholder purchasing an increased share in the ownership of the property ("staircasing")
- Flat or house owner who is transferring their interest in their property to another co-owner or vice versa ("Transfer of Equity")
- Transfer of Equity on breakdown of matrimonial relationship
- Flat owner and their mortgage lender where the landlord has agreed to change the wording of the lease ("Deed of Variation") at the request of the flat owner
- Flat owner and their mortgage lender in extending their lease on terms not initially agreed with their landlord under the Leasehold Reform, Housing and Urban Development Act 1993
- Landlord whose flat owner lessee wishes to extend their lease
- Group of flat owners acquiring the freehold of the whole of their building including statutory Enfranchisements
- Freeholder of a building granting lease extensions or new leases to some or all of the flat owners (often where the freeholder is a company controlled by the flat owners)

Why choose us?

- We are accredited members of the Law Society's Conveyancing Quality Scheme; a Scheme designed to ensure that participating firms use best conveyancing procedures
- We have a comprehensive professional training scheme for all our lawyers, ensuring that they stay up to date with key developments
- We are on the approved panel of solicitors for most mortgage lenders which means we can act on their behalf negating the need for you to incur the fees of a separate conveyancer
- We use an intelligent, interactive online pre- and post-completion checklist and risk management tool for conveyancers, supported by the Council for Mortgage Lenders and recommended by insurers
- Our sophisticated case management system allows us to speed up the pace at which we can process your matter
- We undertake all property searches using online providers saving you time and money
- We register your property electronically with the Land Registry documents online service saving you 50% of the standard fee
- We aim to respond substantively to clients' emails within one working day of receipt
- We have a credit/debit card payment facility
- You will be provided with direct dial phone numbers to the conveyancers dealing with your case
- Our pricing is transparent and a full breakdown is available on our website

Lease extensions & leasehold enfranchisement

Acting for Landlords or flatowners in relation to:

- Voluntary extensions of individual flat leases
- Statutory lease extension of flats under the Leasehold Reform, Housing and Urban Development Act 1993 ("the 1993 Act")
- Voluntary purchase of freehold reversions to flats
- Enfranchisement of freeholds of buildings comprising flats under the 1993 Act
- Deeds of variation of leases

A lease of a flat is the right for a flat owner to occupy premises for a defined period ("the term"). At the end of the term, the lease must be handed back to the ground owner ("landlord").

A long lease of a flat has a capital value. However, the value will reduce as the term decreases.

A lease which has less than 80 years to run is generally perceived to be "a short lease". Buyers will be more reluctant to pay the full market price expected by the owner, and mortgage lenders are more reluctant to lend on properties with short leases.

Whether you are a flatowner or prospective flatbuyer, who needs to coerce the landlord to extend the lease; or a landlord who has been requested by the flatowner to extend their lease, or who has been served with a Section 42 Notice under the 1993 Act by the flatowner formally claiming a lease extension, we can help you through the process.

There is often a misconception that a such flatowner does not need to extend their lease if they have a "share of freehold". The term "share of freehold" is often (wrongly, from a technical point of view) used to describe the situation where the landlord of a block of flats is a limited company controlled by the flatowners. We act for such freehold companies and can guide them through the process of offering extended leases to the flatowners to preserve the values of their individual flats. There are usually economies of scale in this exercise which mean the cost to the flatowner is less than if they were the only flatowner extending their lease in the building.

We have the expertise to deal with these specialist areas of law. We are accredited members of ALEP – the Association of Leasehold Enfranchisement Practitioners.

Andy Finkel is a member of the Association of Leasehold Enfranchisement Practitioners.

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