

5 things your purchaser clients really want to know

Last week's blog post looked at three things all vendor clients want from their lawyer. This week we are looking at five key things purchasers want to know.

1. **Is the vendor entitled to sell the property?** Verify the vendor's title to sell, identify the property correctly and conduct all necessary searches. Build the cost into your standard price.
2. **Am I actually buying what I think I'm buying?** Have a comprehensive standard letter of advice recommending pre-purchase checks and inspections and warning your client of the risks of not doing them. Get clear instructions about what the client thinks they are buying, including chattels. Don't rely on the completeness or accuracy of the vendor's disclosure statement. Do your own searches. Carefully review the contract documents, plans and searches to identify features or characteristics of the property that are unusual or of potential concern.
3. **Will I be able to use the property as intended?** The client will normally be relying on you to identify and explain the implications of any encumbrances including mortgages, caveats, easements, covenants, charges, leases and other possessory rights. Ask the client about their intended use of the property. Identify any relevant notices, planning restrictions and licence conditions, and advise the client in writing of the implications. Don't assume the client will be aware of these, even if they appear experienced.
4. **What will it cost to complete the transaction?** No client wants to be taken by surprise or unprepared for settlement due to unexpected costs. Use a checklist and carefully check calculations of applicable GST, stamp duty, land tax, other charges and adjustments. If you are not charging a fixed price, give a realistic estimate of your costs and inform the client promptly if the estimate is exceeded. Be clear about any disbursements to be charged.
5. **Will my money be safe?** There have been numerous instances in Victoria and elsewhere of a cyber criminal accessing a law firm or client's computer system and monitoring a conveyancing transaction. The fraudster then sends an email purportedly from the law firm to the unsuspecting purchaser misdirecting the transfer of money intended for the firm's trust account. You need to warn purchaser clients of this risk at the start of every matter and [advise them in writing of the necessary precautions](#).

Answer each of these questions fully and correctly and you will avoid most claims by purchaser clients.