



# Home Movers' Guide



**goughs**solicitors

[www.goughs.co.uk](http://www.goughs.co.uk)

# Home Movers' Guide

Whether you are a first time buyer, moving up the property ladder, buying property for investment or selling a property, moving home can be a rollercoaster ride. A real mixture of worry and excitement.

At Goughs we understand the journey you are about to embark on and are on hand to make sure that your conveyancing transaction runs as smoothly as possible.

## Why choose Goughs?

- **We aim to build relationships with all clients in order to fully understand your needs**
- **By putting your needs at the heart of everything we do, we are able to tailor our service around you**
- **This allows us to ensure that you receive the personal attention and quality of service you want and deserve**
- **This flexible, personalised service delivers results effectively, efficiently and on-time, whilst protecting your assets**

## A personal service...

At Goughs we understand that being able to access your Conveyancer is key to a smooth running sale or purchase. Therefore we provide you with:

- **A dedicated, experienced Conveyancer who will act as your single point of contact throughout your entire transaction**
- **Telephone and email access to your appointed Conveyancer who will aim to return all enquiries on the same day**
- **A realistic time frame, regular progress updates and specialist information about the conveyancing process which may apply to your transaction**

Occasionally the conveyancing process will highlight issues with the property you are buying or selling. Our experienced professionals are perfectly placed to foresee possible problems, helping to reduce or eliminate risks, whilst providing you with the information you need to make clear, informed decisions.

With our local knowledge and good relationships with local agents and service providers we can help guide you to a successful conclusion.

**“We are totally satisfied with a first class service. Easily the best service we have had in 40+ years of buying and selling property.”**

**Mr & Mrs Morris, Trowbridge**

# Contents

---

## What does a Conveyancer do?

PAGE TWO

---

## Seven steps to buying and selling your home

PAGE THREE

---

## Our relationship with you

PAGE FOUR

---

## Essential information

PAGES FIVE & SIX

- Searches
  - Planning & Building Regulations
  - Surveys
  - Purchasing Property in Joint Names
- 

## Frequently asked questions

PAGES SEVEN & EIGHT

- What does Freehold and Leasehold mean?
  - What happens at Exchange of Contracts?
  - What happens on Completion?
  - When can I arrange my removals?
  - When do I need to arrange buildings insurance?
  - How much Stamp Duty Land Tax will I pay and when will it be paid?
  - What happens with the keys?
  - What do I do about services at the property when I move?
- 

## Who to tell about your move

PAGE NINE

---

## Planning your finances

PAGE NINE

---

# What does a Conveyancer do?

Our Conveyancers aim to ensure that everything happens at the right time. They will provide you with legal advice and support to guide you through the conveyancing process. They will also liaise with Estate Agents, Mortgage Lenders and the Conveyancer on the other side.

Depending on the complexity of your transaction this can take from around 6 to 12 weeks. Timing is very much a matter of negotiation and will be affected by the issuing of searches, mortgage offers, the length of the chain and the parties' circumstances.

## The role of a Conveyancer...

Initial Enquiries	
IN A SALE	IN A PURCHASE
<ul style="list-style-type: none"> <li>• Take instructions from you</li> <li>• Obtain the Title, checking all information is accurate</li> <li>• Collate information required by buyers, including your responses to standard enquiries etc</li> <li>• Prepare draft contract package and send to buyers' Conveyancer</li> <li>• Deal with pre-contract enquiries and requisitions about the Title raised by the buyers' Conveyancer</li> <li>• Organise the signing of the contract</li> </ul>	<ul style="list-style-type: none"> <li>• Take instructions from you</li> <li>• Receive contract package from sellers' Conveyancer</li> <li>• Organise searches, check replies and investigate</li> <li>• Investigate Title and send pre-contract enquiries to sellers' Conveyancer</li> <li>• Further investigation is required if leasehold</li> <li>• Check replies and approve contract</li> <li>• Organise the signing of the contract</li> <li>• In normal cases receive instructions from your Mortgage Lender</li> </ul>
Exchange of Contracts	
IN A SALE	IN A PURCHASE
<ul style="list-style-type: none"> <li>• Organise Exchange of Contracts and receipt of deposit from buyers</li> <li>• Approve the Land Registry Transfer Deed and organise the signing</li> <li>• Obtain redemption figures from the sellers' Lender</li> </ul>	<ul style="list-style-type: none"> <li>• Organise Exchange of Contracts and payment of deposit to sellers</li> <li>• Prepare Land Registry Transfer Deed and mortgage documents</li> <li>• Request funds from Lender</li> <li>• Carry out any additional pre-completion searches</li> </ul>
Completion	
IN A SALE	IN A PURCHASE
<ul style="list-style-type: none"> <li>• Completion of the sale – Authorise release of the keys</li> <li>• Pay off any mortgage, pay the Estate Agent and account to sellers for the net proceeds of the sale</li> </ul>	<ul style="list-style-type: none"> <li>• Completion of purchase</li> <li>• Prepare Stamp Duty Land Tax Return (SDLT), pay tax and register transfer of property</li> </ul>

# Seven steps to buying and selling your home...

## Step 1 - Gathering Information

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On receipt of your instructions we will send you a welcome pack which will include some questionnaires for you to complete and return. We will then start to gather the appropriate information, including the Legal Title on the property you are selling.

## Step 2 - Make your Mortgage Application

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Please forward the details of your proposed Mortgage Lender to us as soon as possible.

## Step 3 - Searches, Surveys and Contract Preparation

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Goughs will organise Legal Searches to be carried out on the property you are purchasing including a Local Authority Search. Your Mortgage Lender will usually carry out a basic Survey. For your own protection we advise that you arrange a further full independent Survey to ensure that you are aware of any major defects in the property.

We will report to you on the paperwork and the enquiries which we will raise on your behalf with the sellers' Conveyancer. We will also prepare the Sale Contract for the property you are selling and send it to the buyers' Conveyancer. The buyers' Mortgage Lender will arrange to carry out a Survey on your home. We will reply on your behalf to your buyers' Conveyancer's enquiries.

## Step 4 - Mortgage Offer

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Once your mortgage offer and search results have been received we will report to you on the replies to our enquiries and send you the contract to sign and return. If time is an issue, we will call you to discuss the findings instead, so as not to delay the progress of your transaction.

## Step 5 - Signing and Exchange of Contracts

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At Exchange of Contracts we use a formula that, where there is a chain of transactions, and as so far as is possible, the contracts all become binding on the same day. On Exchange of Contracts it is usual for the buyer to pay a deposit of between 5-10% of the full purchase price. Once a completion date (moving day) has been agreed by all parties in the chain, we will organise Exchange of Contracts and at this stage the transaction becomes legally binding and the completion (moving) date is set.

You now need to organise insurance on the property you are buying (which must be effective from the date of Exchange of Contracts), confirm your removal arrangements and contact your domestic suppliers to inform them of your move.

## Step 6 - Completion

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Your Conveyancer will arrange for funds to be transferred to the seller's Conveyancer. Once the funds have been transferred you can collect the keys and move in. There is no set time for completion as there are a variety of factors outside of our control, which we need to take into consideration.

## Step 7 - Planning for the future

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Now that you have moved we recommend that you consider making a Will, or if you already have one, to make sure that it is updated. We have a dedicated Wills, Trusts and Probate team who will be more than happy to advise you about making or updating a Will. They can also provide you with potentially cost saving advice about Inheritance Tax Planning. To speak to a member of our Wills, Trusts and Probate team please contact your conveyancer who will put you in touch with the appropriate person.

# Our relationship with you...

## Proof of Identity

As a firm we are subject to Anti-money Laundering Regulations. **We therefore require all clients to provide us with identification before we are able to begin acting on their behalf** (please refer to our earlier correspondence relating to identification requirements). We are legally obliged to report to the National Crime Agency any transactions where we suspect the aim is to launder money, or that the proceeds are being used to fund crime or terrorism. When reporting such transactions we cannot disclose this to our client(s).

The following forms of identification are acceptable. We will need to see and copy one item from each list below:

PROOF OF IDENTITY (A)	PROOF OF IDENTITY (B)
<ul style="list-style-type: none"><li>• <b>Valid Passport</b></li><li>• <b>Valid UK Photo-Card Driving Licence</b></li><li>• <b>Valid HM Forces ID Card with photograph and signature</b></li><li>• <b>Employers Card with photograph and signature</b></li></ul>	<ul style="list-style-type: none"><li>• <b>Receipted Utility Bill - less than 3 months old</b></li><li>• <b>Bank Statement - less than 3 months old</b></li><li>• <b>Council Tax Bill - less than 3 months old</b></li><li>• <b>Mortgage Statement - accounting year just ended</b></li></ul>

If you do not hold any of the items in List A then we may be able to use some other form of identity. Please contact your Conveyancer.

## Cancelling Instructions

**With Goughs:** You may terminate your instructions with us at any time by writing to the Conveyancer handling your transaction. In such circumstances you will be charged for the work that has already been carried out, based on our hourly rate, plus any payments already made on your behalf, such as Search fees.

We will retain all paperwork and documentation relating to your transaction until outstanding monies owed to the firm have been paid in full.

**With you:** In very rare circumstances it may be necessary for us to stop acting for you. In such cases we would provide you with a full explanation and reasonable notice. We would charge for the work that has already been carried out, based on our hourly rate, plus any payments already made on your behalf, such as Search fees.

We will retain all paperwork and documentation relating to your transaction until outstanding monies owed to the firm are paid in full.

## Mortgage

When organising the mortgage for your new property it is important to remember the following:

- **Your mortgage application must be in the names of all buyers**
- **You need to continue to make the payments on your existing mortgage until completion of your sale**
- **Do not cancel any standing order or direct debit arrangements**
- **If you are buying and selling you can often ask for the legal costs and agents' fees to be added to the amount you are borrowing (subject to your income being sufficient)**

To ensure the process runs as smoothly as possible please keep us informed regarding your proposed mortgage arrangements. Once you have instructed a Mortgage Lender they will usually instruct us to act on their behalf.

If so, we are obliged to disclose any information you have provided to us which may be relevant to their decision to finance your purchase. In rare circumstances where a client discloses information they do not wish to be passed to the Mortgage Lender it may be necessary for us to stop acting for the Mortgage Lender or for you.

On receipt of instructions from your Mortgage Lender we will send you a form which needs to be completed and returned to confirm that you understand the mortgage offer and are dealing with any necessary matters which arise from it.

# Essential information...

## Searches

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If you are purchasing a property you will need to consider what searches you would like us to arrange on your behalf. As standard we request Local Searches. These will be made with the District and County Councils or Unitary Authority as appropriate to obtain details of any matters affecting the property e.g. planning entries and history, road proposals, whether the property is Listed or in a Conservation Area. Please note that Mortgage Lenders often require more than just a Local Search.

There are two types of Local Search:

**Local Authority Official Search:** Many Mortgage Lenders require an Official Search to be carried out. This is commissioned directly by the Local Authority and the results prepared and compiled by their own staff. If for any reason any of the information disclosed proves to be incorrect or incomplete the authority is liable. The Local Authority Search will not reveal plans to develop vacant land nearby or on neighbouring property, for such information visit your local Planning Department where you will be able to inspect details of planning applications and look at the Local Plan which indicates whether development is permitted in a particular area. Should you have any concerns please contact your conveyancer.

**Personal / Agency Search:** These are generally prepared by search agents who send a representative to the Local Authority office to view the registers and stored documentation. There is no recognised qualification for agency staff. Furthermore, they are not always able to obtain access to all of the registers and information which is disclosed in an Official Search. If any of the information disclosed proves to be incorrect or incomplete, the search agent will be backed by indemnity insurance.

Our advice - The current trend is for Agency Searches to be commissioned, mainly because they are cheaper than the cost of an Official Search. However, the downside of Agency Searches is the risk of inaccurate or incomplete information. The agent's insurance would in principle cover any resulting loss, but a claim would need to be pursued against their insurers, which can prove to be both difficult and time consuming.

**Environmental Search:** We recommend that this search is carried out. Local Authorities are required to inspect and identify seriously contaminated sites and can then issue a Remediation Notice requiring action to be taken to remove any contamination. Liability to do so will fall on whoever caused the contamination, but if they cannot be identified or found the liability falls on the current owner of the land. An Environmental Search will include this type of information and will identify the following: Flooding risk (by proximity to flood plains), previous use of the land from details taken from old OS maps, industrial use in the locality, including information about prosecutions on environmental grounds, discharges to rivers and air pollution indicators and will list regulatory and other bodies of whom further enquiries can be made. As we are not specialists in this area we are unable to advise you regarding any issues identified in the Search. If the Search identifies a problem you will need to refer to your Surveyor or contact the relevant authority whose details can be found in the Search Report.

**Water Authority Search:** We recommend that this search is carried out and in many cases your Mortgage Lender will require one to be obtained. The search will detail the position of mains sewers and mains water pipes running beneath or close to the property. The search also confirms whether the property is connected to the mains water supply and will further confirm whether foul water and surface water from the property drains to the public sewer. This search would be particularly relevant if you are considering an extension or other building works on the property.

**Commons Search:** If the property you are buying is adjacent to common land and particularly if the access crosses common land this can have serious implications. Most Local Searches will not include a Commons Search. If you believe there might be a common in the vicinity (they are usually signed and named) please tell the Conveyancer dealing with your case and ask about Commons Searches.

**Footpaths and Bridleways:** Again most Local Authority Searches will not include a Footpath and Bridleway Search, but this is an optional search that can be carried out. It is particularly important if there is any possibility that the property you will be purchasing will be affected by a public footpath or bridleway. It is worth noting that sometimes footpaths and bridleways are not apparent on the ground and many have been incorrectly routed. If in doubt you should have the search carried out. If you think it may be required in your case please discuss this with your Conveyancer.

**Neighbourhood Planning Search:** The Local Authority Search relates specifically to the property you are purchasing. It will not reveal plans to extend other properties which may adjoin or overlook the one you are buying. For this information, separate enquiries would need to be made against the adjoining properties. As this would incur additional fees we do not carry out these enquiries as standard. Please inspect the property, as far as you can, and let us know immediately if there is anything which you wish us to investigate.

**Flooding:** If you don't have an Environmental Search carried out we recommend carrying out a Flood Search. You can make your own enquiries and must in any case check with your insurers before you exchange contracts that you can insure your new property on reasonable terms. We can carry out a specialist flood search for you, usually for under £30. If you require such a search please discuss this with the Conveyancer dealing with your case.

**Energy searches:** Many people are now becoming concerned by the proximity of solar/wind farms to their property, particularly owners enjoying rural country views, or those within close proximity to open/agricultural land. If you are concerned about the proximity of existing solar/wind farms, or indeed planning proposals in this regard, for solar/wind farms, then please ask your conveyancer to put in hand an "Energy Search". The cost of an energy search is in the region of £30 and takes approximately 5 working days to be processed.

**PLEASE NOTE: The cost of the searches mentioned above do vary and need to be carried out before an exchange of contract takes place. Please therefore advise your conveyancer of any additional searches which you require at the earliest opportunity.**

# Essential information...

## Planning and Building Regulations

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Since April 2002 it has been necessary to obtain Building Regulations Approval for the replacement of windows and doors unless the builder carrying out the work issues a FENSA Certificate. Please let us know if there have been any replacement windows or doors at the property you intend to buy (or sell or re-mortgage) so that we can check that there is appropriate Building Regulations Approval or a FENSA Certificate.

Similar requirements also affect significant electrical work (since January 2005) and the installation of boilers and water heating appliances (since April 2005). If you know or suspect that such works have taken place, please advise us. Please also let us have full details of any extension or building works to the property including, but not limited to, the erection of any conservatories, loft conversions, sheds, greenhouses, log burners/multi fuel stoves.

## Surveys

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We recommend you consider having your own Survey. Remember, you purchase the property in its present condition including any faults, except in the case of a newly constructed property. You have no claim against the Seller if you find defects in the property after Exchange of Contracts.

The valuation or Survey carried out by a Mortgage Lender is for their benefit only. To protect your own interests you should consider having a private Survey and valuation. This can either be a Building Survey or the less detailed, and less expensive, Home Buyers Survey. The latter should identify major problems and indicate whether a more detailed investigation is needed. We can provide the names of local Surveyors, if required.

Properties less than 10 years old usually have the benefit of an NHBC (National House Building Council) 10 year insurance certificate. This will protect you against new defects or existing defects which were reported by a previous owner within two years of the date of issue. However, it does not protect you against existing defects which have not been reported. So again we recommend you consider having your own Survey.

## Purchasing Property in Joint Names

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If you are buying a property with someone else, you will need to choose how you want to own the property. There are two types of joint ownership:

**Joint tenants:** As joint tenants the property is owned in equal shares, even when owners have contributed unequally. If one of you dies the property will pass automatically to the surviving co-owner(s), irrespective of any instructions in your Will.

**Tenants in common:** As tenants in common a property can be owned in unequal shares. On death the property shares will not pass automatically to any co-owners, they can be left to someone else by making provision within your Will.

Your choice can have serious implications should your relationship come to an end. You will be given further advice with a view to being able to make a reasoned choice during the course of the transaction.

**Declaration of Trust:** If you are buying a home together, moving into a home your partner already owns or are buying a property with unequal amounts of capital, then you might both like to consider a declaration of trust. A declaration of trust is an agreement which details the proportion of property each unmarried partner will receive if you separate. This document can be as simple, or as complex, as you both require and as your circumstances change the deed can always be re-written. It is important that you are both very clear about your intentions and the purpose of the trust and we recommend that you discuss the working of the trust before you commit, to ensure fair results for you both.

**Cohabitation Agreements:** Families have changed considerably over the last few decades, with more and more people choosing to cohabit. There is a common misconception that they are afforded protection as a 'common law' wife or husband. There is no such thing. During the course of a relationship, an unmarried couple may buy property together, have children, and make Wills in each other's favour but then discover they have little or no recognition or financial protection if the relationship ends. As a result, some cohabiting families can find themselves facing real difficulties upon separation.

To ensure that both parties are protected equally and fairly a co-habitation agreement can be drawn up which allows parties to agree on who owns what, how your assets should be divided in the event of a split or demise of the other as well as other issues.

For more information about any of the areas described above please speak to your Conveyancer who will put you in touch with the appropriate lawyer at Goughs.

# Frequently asked questions...

## What does Freehold and Leasehold mean?

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**Freehold:** Freehold means you completely own the building you are purchasing and the land it stands on. As the owner of a freehold property you have full responsibility for the maintenance and repair of the building.

**Leasehold:** Leasehold properties tend to be flats in purpose built blocks or converted houses. As the purchaser of a leasehold property you purchase the right to use and live at a property for a specified period of time, as stated in the Lease Agreement (traditionally 99 - 999 years). Various obligations including legally binding promises, restrictions and regulations will be included in the lease.

As the land on which the property stands is not owned outright by the buyer, they may be liable to pay additional fees including ground rent, service charges and management fees.

The Residential Conveyancing team at Goughs are accustomed to dealing with the complexities of leasehold properties. If you have any queries or concerns please contact your Conveyancer who will be happy to explain any issues specifically related to your property in more detail.

## What happens at Exchange of Contracts?

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When we have completed the Searches and Enquiries in relation to your purchase we will ask you to sign the contract. This does not in itself create a binding agreement. The contract only becomes binding when we exchange the part you sign with the part the sellers sign.

At Exchange of Contracts we use a formula to ensure that, where there is a chain of transactions, and so far as is possible, the contracts all become binding on the same day. You will need to pay a deposit of up to 10% of the purchase price of the property you are buying. If you are a first time buyer and/or you are borrowing more than 90% of the purchase price we will aim to negotiate a reduction of the deposit. Please advise your conveyancer at the outset as to the amount of deposit you will have available for exchange of contracts.

We usually arrange for the deposit paid by your buyer to be used towards the deposit on the property you are buying. If you are buying a more expensive property than the one you are selling we can usually negotiate a smaller deposit to save you funding the difference.

**PLEASE NOTE: For regulatory and insurance reasons we are unable to accept cash payments of more than £1000. Our bank details will be provided to you by your conveyancer at the appropriate stage to enable you to forward funds directly to our bank account. Cheques should be made payable to "Goughs Solicitors", but please be aware that cheques take ten working days to clear in our account and therefore the preferred method of funds transfer for exchange and completion monies is by way of bank transfer.**

Once you have given us your authorisation for us to proceed with the Exchange of Contracts process, and we have instructed the other parties involved, your authority cannot be revoked. As already mentioned you will need to have buildings insurance arranged on a property being purchased from Exchange of Contracts. However, on your sale we strongly advise that you do not cancel it until the completion date.

## What happens on Completion?

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This is the date (agreed and fixed at Exchange of Contracts) on which the sale / purchase is legally completed and the balance of the purchase price paid. To enable you to make removal and other arrangements the completion date is normally about 1-2 weeks after Exchange of Contracts, but this can vary.

When there is a chain of linked transactions, each dependent on the other, it can be difficult to agree a completion date until the last link in that chain is ready. The rate of progress is often outside of our or your control. Mortgage Lenders often raise last minute technical issues which can cause delay.

Please tell us if there is a date you wish to aim for. We will make sure that the Conveyancer for your buyer/seller is aware of this, but it is important that you do not make firm removal arrangements until we confirm that contracts have been exchanged. Only then is it certain that everyone in the chain is ready and that the target date can be met.

# Frequently asked questions...

## When can I arrange my removals?

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It is important that you do not make firm arrangements with a removal firm or landlord if you are renting, until the contracts have been exchanged. Once contracts have been exchanged the completion date is binding and you can confirm all of the final details.

## When do I need to arrange Buildings Insurance?

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When purchasing a property you often need to ensure that Buildings Insurance is in place from the date of Exchange of Contracts, unless you are insuring through your Mortgage Lender or buying a leasehold flat where insurance is arranged by a management company.

We have to provide evidence of cover to your Mortgage Lender before they will release the mortgage funds, so please provide us with a copy of your insurance policy/certificate and/or details of the same as soon as possible.

## How much Stamp Duty Land Tax will I pay and when will it be paid?

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The rate of Stamp Duty Land Tax can vary over time. For the current rate please speak to your Conveyancer who will be happy to advise you.

On completion we will complete an "on line" return to Her Majesty's Revenue & Customs on your behalf and pay the tax for you where applicable. Your conveyancer will forward the stamp duty land tax return to you prior to completion for you to check, sign and return to us. The form will be prepared on your behalf using the information you have provided to us during the course of the transaction. It is essential that you let us know immediately if there are any discrepancies in the form (for example your national insurance number or date of birth). Your return of the signed form to us constitutes your unequivocal authority for us to make any necessary amendments to the form (if you have made any in manuscript) and to submit the same on your behalf to HMRC.

**PLEASE NOTE: The level of SDLT payable may vary with current legislation and that upon a sale you may be liable for Capital Gains Tax, if a property is not your permanent residence. We do not provide tax advice and therefore you will need to speak to your tax adviser.**

## What happens with the keys?

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If you are using an Estate Agent let them have at least one set of keys on or before the moving date. We will authorise release of the keys to the buyer when the purchase monies have been paid. Any additional sets should be left in the house. On a purchase you should arrange to collect the keys from the sellers' Estate Agent.

## What do I do about services at the property when I move?

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It will be necessary for you to organise for any gas, electricity and water meters to be read before completion and for all bills and council charges to be settled on the date of completion. It is also helpful to organise for your post to be redirected via the post office. This usually takes between 5-10 days to become effective.

# Who to tell about your move...

Who to inform	Phone number	Done
Employer		
School, College or University		
Doctor		
Dentist		
Bank / Building Society		
Credit & Store Cards		
Electoral Register & Council Tax		
Insurance Companies (Home / Car / Life)		
TV Licensing		
Utility Suppliers (Gas / Electricity / Water)		
Telephone Supplier (inc. Mobile)		
HM Revenue & Customs		
National Insurance Office		
DVLA		
Motoring Organisations (AA / RAC)		
Publications & Subscriptions		
Veterinary Surgery		

**Don't forget to tell your family and friends!**

# Planning your finances...

Sale costs	Purchase costs
Sale Price: £	Purchase Price: £
Legal Fees: £	Legal Fees: £
Estate Agent Fees: £	Searches & Disbursements: £
Removal Fees: £	Stamp Duty: £
Mortgage Redemption: £	Removal Fees: £
<b>TOTAL: £</b>	<b>TOTAL: £</b>

# A Conveyancing service designed around you...

What our clients say about us...

“Fantastic service, we were always kept up-to-date and informed about issues so that we could make decisions in good time. We will definitely use Goughs again and tell our friends and family too!”

**Mrs B, Bath**

“Many thanks to Goughs for all your help, support and straightforward communications - and for doing what you said you would do when you said you would do it!”

**Mr & Mrs Tierney, Corsham**

“Thank you so much for your excellent service. We were very pleased and impressed by the quality, speed and professionalism of your work. We would highly recommend you to anyone. Thank you”.

**Mr Heap & Ms Bell, Corsham**

## Our offices...

<b>Calne</b>	<b>Chippenham</b>	<b>Corsham</b>	<b>Devizes</b>	<b>Melksham</b>	<b>Trowbridge</b>
The Strand Calne Wiltshire SN11 0JU	Mill House 1 New Road Chippenham Wiltshire SN15 1EJ	23 Pickwick Road Corsham Wiltshire SN13 9BH	Ramsbury House 30 Market Place Devizes Wiltshire SN10 1JG	5 Bath Road Melksham Wiltshire SN12 6LN	2 Fore Street Trowbridge Wiltshire BA14 8HX
T: 01249 812086	T: 01249 444499	T: 01249 712193	T: 01380 726913	T: 01225 703036	T: 01225 762683



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