

La Maison du Bonheur

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COUNTDOWN TO COMPLETION

Congratulations! The big decision is taken and a sale agreed – the first step to realising your dream of a French home. The frenzied activity of driving around the French countryside is over. Buying a house under any circumstances is said to be one of the most stressful things you can do. Buying at a distance, in a foreign country, with a different system, probably increases the stress, no doubt because you are not entirely at ease with what is happening. Those of us now living and working in France appreciate what you are going through as we have all been through the system ourselves. It can be a lengthy process, full of frustrating bureaucracy. However, that is no reason to be afraid of it, and our job, as agents, is to smooth the path and have all the headaches for you.

The time between your agreed sale and completion can seem endless. It will appear that nothing very much is happening, and you probably want to contact your agent every other day to check on progress. From our angle, there is quite a lot happening, albeit very slowly. Needless to say, the notaire figures heavily in this scenario, and your agent may be as frustrated as you when things seem to be at a standstill, but there is nothing you can do to hurry the process along. The attitude over here is much more relaxed – the notaire will take his long lunch break like everyone else; he may be closed on Mondays; he, too, likes to go on holiday. No amount of e-mails or telephone calls will make it better – sorry, but you simply have to be patient. With all this in mind, it might be useful to go through what happens from agreement to Completion.

First of all, your agent will require personal information – date and place of birth / marriage / divorce, with photo-copies of certificates and passports. (Sorry, ladies. We really do need your correct date of birth!) These details will be passed to the notaire to form part of the first contract, commonly known as the *compromis*, though in the Gers we call it the *sous seing*. If you have children from your present or previous marriage it is important to say so, as this can influence the way the contract is drawn up, bearing in mind the French form of inheritance. If your circumstances are particularly complicated it would be wise to ask for expert advice.

If the purchase is subject to obtaining a mortgage it has to be entered in the contract as a *clause suspensif*. You should be pressing ahead with arrangements for this and keeping your agent informed. Remember, the notaire will add a mortgage registration fee to all the other costs.

The notaire will ask for a deposit of 5% or 10% and once both parties have signed the *compromis* there are seven working days in which to retract without penalty. After that, you could lose your deposit unless you are covered by a particular *clause suspensif*. It is vital that you delay as little as possible between agreeing the sale and the first signing. Technically speaking, if you have negotiated a price, the owner is within his rights to accept an offer from someone else willing to pay the full price, and this does happen! In France, the sale is not agreed until the contract is signed.

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So, the signing is done and seven working days have passed. The notaire now starts the next phase. He has to notify, and apply to, certain bodies for information, for permits, certificates, etc. This includes checking that the vendors are the ones legally entitled to sell; there are no outstanding loans larger than the selling price; there are no pre-emption rights; there are no restrictions, such as rights of way; there are no proposed planning schemes directly affecting the property. These bodies can be notoriously slow. For example, in rural areas, SAFER (Agricultural Commission representing farming and rural interests) has the right to pre-empt any sale where there is land over 2,500m². Unfortunately, it takes about 2 months to decide and they have been known to exercise this right.

In some areas it is compulsory to have a termite inspection, in which case it is paid for by the vendor and arranged by the notaire or the agent. If a *bornage* (official measurement of boundaries) is required, the agent or notaire will contact the *geometre* and, in our case, the agent will be on site to witness it. Here is more paperwork as the *geometre* has to prepare a new ground plan to be signed by you and the vendors before completion, and then it has to be registered.

Finally, the notaire draws up the second contract or *acte de vente* which is not vastly different from the *compromis*. He oversees the signing, arranges the registering of the deed, collects and disburses all fees and taxes due.

So, in effect, the notaire and the agent each have their 'countdown' list of things to do in time for Completion. In the final stages, they will be liaising to make sure they are on course and to agree the final balance which the agent will ask you to transfer in good time for Completion. Some agents, ourselves included, will change the utilities to your name and arrange, if necessary, for bills to be sent to your UK address. On Completion day itself, your agent will accompany you to the notaire to help you through the proceedings. Hey presto! It's yours!

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