



# *Private Sale Guide*

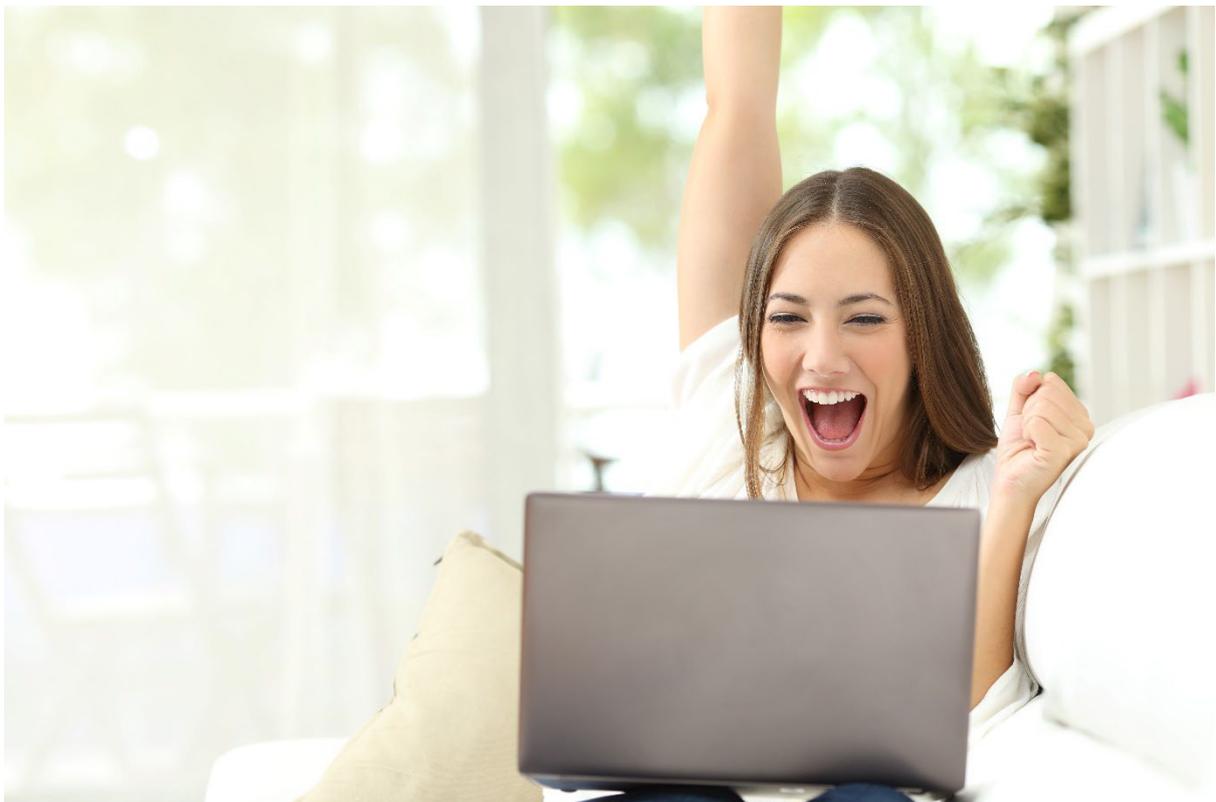
[dwyerlaw.nz](http://dwyerlaw.nz)



# *Want more control over your sale?*

We've put together this guide to give you the tools to sell your property, your way. Use the checklist to carry out all steps yourself, or select from our three packages as to how much help you'd like in the process.

Our goal is to make your experience as rewarding and stress-free as possible.



# The private sale process

## step one: preparing your home for sale

How your home comes across in both marketing photographs, and in the first few minutes of viewing with a potential buyer can be a crucial part of the outcome of a sale process.

This step involves taking a truthful look at your home. Some homes require barely any work to prepare them for sale; and others need a little additional help. We've put together some recommendations to make your home the one buyers want.

- **Street appeal.** First impressions count. Gardening and potted plants can add appeal to the first impression.
- **Maintenance.** Fix any small maintenance items like leaking taps, sticking doors, making sure all light fittings are working. The standard sale and purchase agreement warrants that all chattels are in reasonable working order, so now is the time to fix the dishwasher and anything else going with the sale.
- **Clutter.** Remove as much as possible. Clean out garages, sheds, and cupboards to show how much storage is available. Consider hiring a storage unit to house objects you don't use often during the sale process.
- **Depersonalise.** Removing personal effects will allow buyers to start to view the house as their space.
- **Space and light.** Enhance space and light in the home by opening all blinds, trimming any overhanging branches outside, installing bright light bulbs to brighten dark rooms, adding mirrors to small rooms, removing unnecessary furniture or replacing this with appropriately-sized furniture.

### TIP

Hiring a home staging consultant can help give an outsider's view of your home, and help your property appeal to a wide range of buyers.

*We know home staging consultants who have helped other clients -  
let us know if you'd like their details.*

## step two: getting the information ready

This step could also be called "vendor due diligence". It involves getting together all the information a buyer would need to carry out checks on your property, and putting it together in a property pack. Having this ready for your buyers makes you look professional and a serious seller.



But there is another key benefit with doing this, and having your lawyer review it for you before sale. Going through a marketing campaign only to have the first buyer discover a problem could mean that (1) you lose your best buyer; and (2) you then have a 'stale' house listing for future buyers while you try to sort out the problem.

We can do a pre-sale check of your title and LIM to see if there are any issues before you list your house for sale. This check also allows you to make sure that you don't inadvertently make any misleading statements in your marketing or dealings with buyers.

The documents we recommend including in this pack include:

- **Title search** (including all key instruments on the title like land covenants).
- **Land Information Memorandum** (ordered from the local Council).
- **Property description**, including any special features, chattels being sold, and items not being transferred to the buyer.
- **Details of any insurance claim**, earthquake repairs or similar information (this relates primarily to Canterbury properties).
- **Area description / suburb profile**. Don't forget the information pack is a marketing pack too! This is your opportunity to give information about why you originally thought the property was in a great location and a great buy.
- **Sale and purchase agreement**. We think it's a good idea to put this in upfront, especially if you want any special conditions in here. It lets the buyer know what you would like for a settlement date and for the terms of sale, and makes it easy for them to make an offer.

*We can put your property pack together for you -  
see our packages below.*



## step three: marketing your property

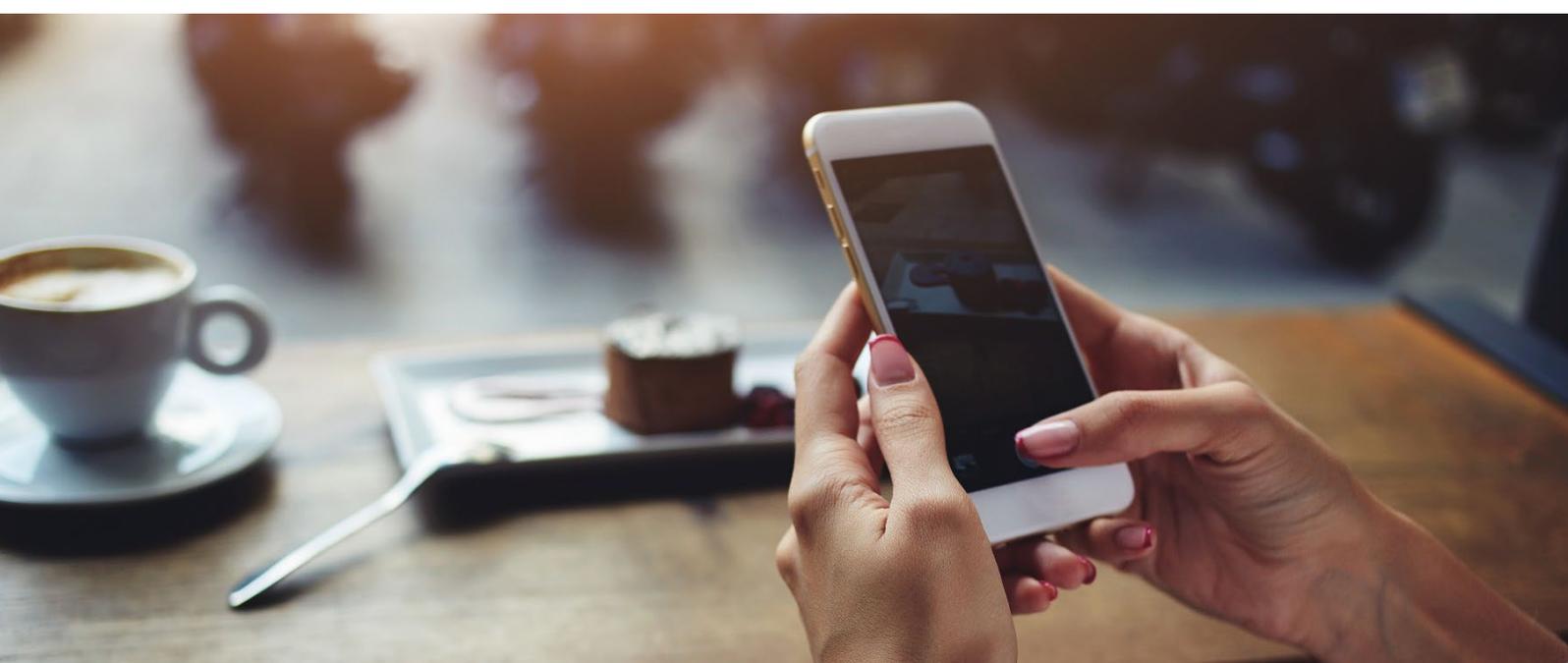
Once you've got your house and property pack ready, it's time to start marketing to those buyers!

Our recommendations for this step are:

- **Photographs.** This is the very first impression of your property. Have a good selection of photographs that gets the buyer interested in learning more.
- **Write the ad.** Think about why you bought the property in the first place. What makes it different from other properties that buyers might be looking at? Be descriptive and try to evoke the emotions you felt when you purchased. While you want to encourage buyers, you do want the ad to be compliant and not misleading. We can help write or review your ad to ensure this.
- **TradeMe.** We believe that TradeMe Property has now taken over as the 'go-to' for buyers. An advertisement here is going to be the key marketing tool for your property.
- **Facebook.** There are a number of private seller's groups on Facebook, and we can provide a listing on our Sellability page as a boosted ad. The advantage of doing this as well as a TradeMe ad is that you can attract the buyers that might not be actively looking but who will be attracted by your particular property. Facebook posts can be targeted to particular areas and types of buyers to get the most value out of your ad.
- **Website.** If you'd like to provide more information to your buyers to really showcase the property, you can have a separate webpage for information, and for the buyers to download the documentation pack and find information on open homes. We can set this up for you on our Sellability website.
- **Signage.** Interested buyers in the area may be attracted by a sign on the property, or people living in the area may alert their friends and family. You may also have buyers doing a 'drive-by' to check out the property before investigating further and a sign lets them know they have the right one. We can assist with providing a standard for-sale sign with a QR code directing potential buyers to the website for further information, or a bespoke photo sign.

### TIP

Photos are your first impression to get attention for your property. Consider hiring a photographer to get photos to really showcase your asset.



## step four: buyer queries / appointments / open homes

By this step, the marketing will ideally be driving buyers to get in contact. You need a plan for how you are going to deal with this.

Our tips for this include:

- **Appointments / open homes.** Are you going to have open homes at the property or viewings by appointment only? If you are doing open homes, you need to set dates and times and have this listed on your marketing. If you are doing viewings by appointments only, it's still a good idea to think about acceptable times, so that you are prepared for when buyers ask to view.
- **Record details.** However, you deal with buyers, you should have a system for recording their details. This is not only important to know who comes onto your property, but also to follow up with those buyers to see if they are interested, let them know of further information on the property, and to generate interest and ideally get a multi-offer situation if another party wants to make an offer.
- **Health and safety.** When you are letting people into your home, think about any hazards you might need to warn people about. Are there bodies of water that small children need to be careful of? Are there any trip hazards?
- **Feedback.** When a buyer has been in contact, diarise to follow up for feedback. Ask about their impressions of the property, whether it suits their needs, what they feel the likely value would be for the property and how it is priced (if you are marketing with a price). Even if the buyer isn't interested, this is useful feedback for you to possibly adjust your marketing for other buyers.

*We can assist with forms or with even dealing with buyers for you - see our packages below.*

## step five: receiving offers / negotiation

Great! A buyer wants to make an offer. How do you do this?

You should try to get an buyer to put its offer down on paper as soon as possible. This gets them committed in your property, rather than other properties on the market. This is a key reason for having the sale and purchase agreement form in the property information pack upfront.

There are two ways of doing this:

- **Buyer to put in an offer via their lawyer.** The buyer can take the sale and purchase agreement in the property information pack to their lawyer, and get their lawyer to assist them to fill it out and make an offer.



- **You (or we as your agent) assist the buyer to put in an offer.** This option is more typical of how an offer would work if you had a real estate agent involved. You can meet with the buyer with the sale and purchase agreement, and have them write in the number they are prepared to offer and include any special conditions.

We are aware that this step is the one that most private sellers find difficult. Sellers can be nervous as to whether they are filling out the form correctly, might not know how to answer buyer questions, and it is also hard for a lot of people to feel comfortable negotiating a price. We strongly believe that this step is why many private sellers accept less than when a real estate agent is involved.

We can help with this step. We can meet with the buyer (in person or by video link), and walk them through the offer process, just as a real estate agent would. We can then take that offer to you, discuss it with you, and go back and negotiate with the buyer to reach an agreed position.

*Helping you with this step is a key part of our packages below - peace of mind for you that the offer is done correctly, and the ability to drive the buyer to the highest price.*

## step six: under contract / the conditional period

Congratulations! Your property is now under offer. What now?

This is where your lawyer would normally get involved with the process, working through the conditions with the buyer's lawyer, providing information and following up to take the buyer through to unconditional status.

During this process, you can still (and we think you should) be dealing with other buyers, and you can be receiving back-up offers in case the first buyer isn't able to go unconditional. We can help with those.

## step seven: unconditional / pre-settlement

Once the buyer declares the contract unconditional, then (once you've put that all-important sold sticker on your sign) the next step is to receive the deposit. We would receive the deposit into our trust account, and then release it to you. We have the distinct advantage of not being required to hold the deposit for 10 working days before we do this.

We then undertake all the usual conveyancing steps leading up to settlement, including getting discharges from your bank, arranging for you to sign all necessary paperwork, and dealing with the buyer's lawyer.



One step a real estate agent would usually do is organise a pre-settlement inspection 48 hours before settlement. In a private sale situation, we would arrange this inspection for you to carry out with your buyer.

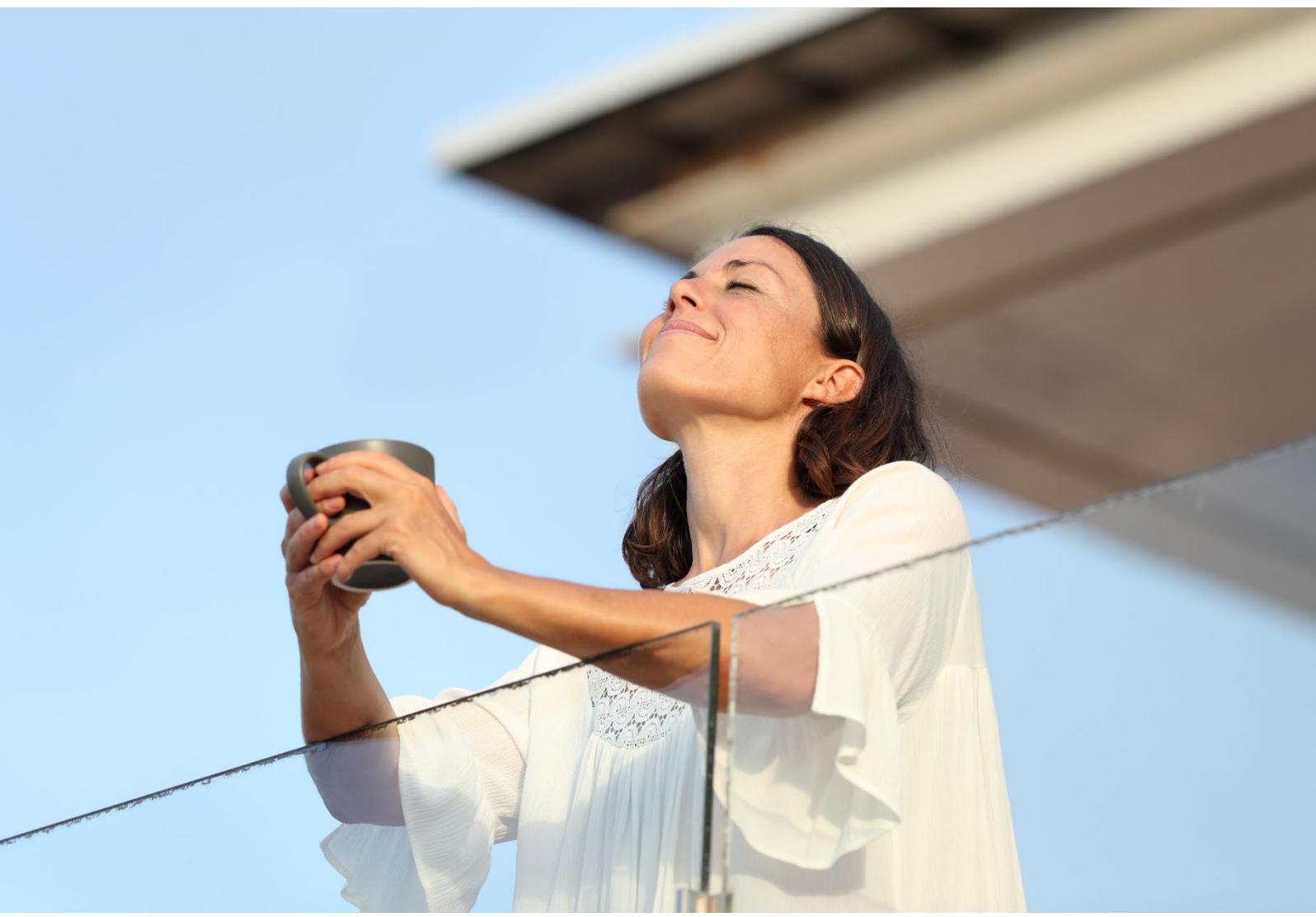
### step eight: settlement

Settlement day! This is the day that the money and title changes hands. You are usually required to give 'vacant possession' so we recommend that you ideally arrange to move out before the settlement day.

We would deal with the buyer's lawyer to give and receive undertakings and receive the settlement funds. We then pay out your mortgagee and pay you the balance.

Finally, a real estate agent would usually provide the buyer with the keys to your property following settlement. You can do this yourself and meet with them on the property, or we can arrange for the buyer to collect the keys from our office.

Well done – it's time to relax or move on to your new property or venture.



# How we can help

Selling your property, your way. Choose from our three packages as to how much help you'd like in your private sale process.

## what's included

|                             | basic   | standard  | comprehensive  |
|-----------------------------|---|---|--|
| property information pack   | <ul style="list-style-type: none"> <li>Property information pack:               <ul style="list-style-type: none"> <li>Title search</li> <li>Land Information Memorandum</li> <li>Property Description</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>Property information pack:               <ul style="list-style-type: none"> <li>Title search</li> <li>Land Information Memorandum</li> <li>Property Description</li> <li>Area profile</li> </ul> </li> </ul>                     | <ul style="list-style-type: none"> <li>Property information pack:               <ul style="list-style-type: none"> <li>Title search</li> <li>Land Information Memorandum</li> <li>Property Description</li> <li>Area profile</li> </ul> </li> </ul>                    |
| sale and purchase agreement | <ul style="list-style-type: none"> <li>Drafting a sale and purchase agreement tailored to your property</li> </ul>  | <ul style="list-style-type: none"> <li>Drafting a sale and purchase agreement tailored to your property</li> </ul>  | <ul style="list-style-type: none"> <li>Drafting a sale and purchase agreement tailored to your property</li> </ul>   |
| advertisement               | <ul style="list-style-type: none"> <li>Reviewing your advertisement for compliance</li> </ul>   | <ul style="list-style-type: none"> <li>Drafting your advertisement, and reviewing it for compliance</li> </ul>  | <ul style="list-style-type: none"> <li>Drafting your advertisement, and reviewing it for compliance</li> </ul>   |
| photographer                |   |   | <ul style="list-style-type: none"> <li>Organising a photographer on your behalf</li> </ul>   |
| advertising                 | <ul style="list-style-type: none"> <li>Basic website listing on Sellability</li> <li>FB post on Sellability's page</li> <li>Post in private sale FB groups</li> </ul>   | <ul style="list-style-type: none"> <li>Loading your ad and your photos onto TradeMe Property</li> <li>Standard website listing on Sellability</li> <li>FB post on Sellability's page, and boosted to a wide audience</li> <li>Post in private sale FB groups</li> </ul> | <ul style="list-style-type: none"> <li>Loading your ad and your photos onto TradeMe Property</li> <li>Profile website listing on Sellability</li> <li>FB post on Sellability's page, and boosted to a wide audience</li> <li>Post in private sale FB groups</li> </ul> |
| signage                     |   | <ul style="list-style-type: none"> <li>Standard for sale sign (with bespoke QR code)</li> </ul>   | <ul style="list-style-type: none"> <li>Bespoke printed photo sign</li> </ul>   |



|  |   |  |  |
|--|---|--|--|
| <p>buyer queries / open homes / appointments</p> | <ul style="list-style-type: none"> <li>Advising you on hazard and health &amp; safety identification for open homes and viewings</li> </ul>   | <ul style="list-style-type: none"> <li>Advising you on hazard and health &amp; safety identification for open homes and viewings</li> <li>Providing you with open home record forms</li> </ul>   | <ul style="list-style-type: none"> <li>Providing our phone number and email address for queries, receiving buyer queries and setting up appointments</li> <li>Advising you on hazard and health &amp; safety identification for open homes and viewings</li> <li>Providing you with open home record forms</li> </ul>  |
| <p>feedback</p>                                  |   |  | <ul style="list-style-type: none"> <li>Calling and following up with buyers post viewing and open homes, and providing you with a feedback report</li> </ul>   |
| <p>offers / negotiation</p>                      | <ul style="list-style-type: none"> <li>Receiving offers prepared by the buyer's lawyer, and reviewing them</li> <li>Responding to the buyer's lawyer with any counter-offer</li> <li><i>or</i></li> <li>Reviewing an agreement agreed between you and the buyer directly</li> </ul> | <ul style="list-style-type: none"> <li>Receiving offers prepared by the buyer's lawyer, and reviewing them</li> <li>Responding to the buyer's lawyer with any counter-offer</li> <li><i>or</i></li> <li>Assisting the buyer to put in an offer, including meeting with them (in person or via video), completing the form with any special conditions, presenting this to you and discussing it with you, reverting to the buyer with any counter-offer and assisting in the negotiation to reach agreement</li> </ul> | <ul style="list-style-type: none"> <li>Receiving offers prepared by the buyer's lawyer, and reviewing them</li> <li>Responding to the buyer's lawyer with any counter-offer</li> <li><i>or</i></li> <li>Assisting the buyer to put in an offer, including meeting with them (in person or via video), completing the form with any special conditions, presenting this to you and discussing it with you, reverting to the buyer with any counter-offer and assisting in the negotiation to reach agreement</li> </ul> |
| <p>conditional period</p>                        | <ul style="list-style-type: none"> <li>Liaising with the buyer's lawyer during the conditional period for all conveyancing matters</li> </ul>   | <ul style="list-style-type: none"> <li>Liaising with the buyer's lawyer during the conditional period for all conveyancing matters</li> </ul>  | <ul style="list-style-type: none"> <li>Liaising with the buyer's lawyer during the conditional period for all conveyancing matters</li> </ul>  |



|  |   |   |   |
|--|---|---|---|
| <p>unconditional period /<br/>pre-settlement</p> | <ul style="list-style-type: none"> <li>▪ Receiving the deposit into our trust account and accounting for it to you</li> <li>▪ All conveyancing matters relating to pre-settlement</li> </ul>                      | <ul style="list-style-type: none"> <li>▪ Receiving the deposit into our trust account and accounting for it to you</li> <li>▪ All conveyancing matters relating to pre-settlement</li> <li>▪ Arranging with you for you to attend the pre-settlement inspection with the buyer</li> </ul> | <ul style="list-style-type: none"> <li>▪ Receiving the deposit into our trust account and accounting for it to you</li> <li>▪ All conveyancing matters relating to pre-settlement</li> <li>▪ Arranging with you for you to attend the pre-settlement inspection with the buyer if desired, or arranging for someone to attend on your behalf</li> </ul> |
| <p>settlement</p>                                | <ul style="list-style-type: none"> <li>▪ All conveyancing matters relating to settlement</li> <li>▪ Arranging with you for you to meet the buyer at the property to handover keys following settlement</li> </ul> | <ul style="list-style-type: none"> <li>▪ All conveyancing matters relating to settlement</li> <li>▪ Arranging with you for you to meet the buyer at the property to handover keys following settlement, or arranging for the buyer to collect from our office</li> </ul>                  | <ul style="list-style-type: none"> <li>▪ All conveyancing matters relating to settlement</li> <li>▪ Arranging with you for you to meet the buyer at the property to handover keys following settlement, or arranging for the buyer to collect from our office</li> </ul>  |



## the costs

|   | basic         | standard      | comprehensive   |
|---|---------------|---------------|-----------------|
| On engagement*                                | \$1200        | \$2000        | \$3600          |
| On contract                                   | \$1200        | \$2000        | \$3600          |
| On unconditional status<br>(deposit received) | \$1200        | \$2000        | \$3600          |
| <b>total sale costs*</b>                      | <b>\$3600</b> | <b>\$6000</b> | <b>\$10,800</b> |

| conveyancing costs: |        |        |        |
|---------------------|--------|--------|--------|
| On settlement**     | \$1500 | \$1500 | \$1500 |

Our prices exclude GST, marketing costs you choose to incur, the cost of a LIM, ADLS sale and purchase agreement licensing fees, and Landonline search fees. Please ask us for a list of these out-of-pocket costs.

**Selling an \$800,000 property on our standard package could save you \$24,000**

But importantly, you also get control over the sale of your house, all the while knowing that we have your back.

If you use our standard package, the key difference in service is the fact that you run your own open homes and follow up with your buyers. We help you with everything else. We think that you know your house best – you are the one who fell in love with it and wanted to buy it originally.

We think that selling your house, your way, with our help, is the best way to get you the best price, and make the process as stress-free as possible.



## some common questions

### **Do we have to pay the whole fee if we don't get a sale?**

No, and this is why we split our fee into thirds. So you pay the first third upfront, and if you don't go to contract, you won't get to the stage where you need to pay the balance of the fee.

### **Am I locked into this arrangement if it's not working for me?**

No, you can cancel at any time, and choose to go to a real estate agent or sell yourself without our assistance. (We like to think that we'll add enough value that you will be very happy to keep using us.) Our fees are paid upfront for each stage, and will be non-refundable for the relevant stage (because we will have incurred costs for that stage), but there is no termination fee and no obligation to move to the next stage.

### **Do you charge office expenses and travel costs?**

No, the way we work to minimise the cost to you is to do as much remotely as we can. So we don't actually attend your open homes (but if you need this as an add-on, we are happy to provide this), and so we don't need to charge travel costs or other attendances. The only extra costs you would pay (and we'd provide you with this list upfront for you to choose) are the marketing costs, LIM costs, sale and purchase agreement fee and Landonline fees.



*Want to know more?  
We'd love you to get in touch.*

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🌐 dwyerlaw.nz

