

Claiming money back for unpaid conveyancing transactions

If you need this guidance in a language other than English or in alternative formats, please [contact us \[https://higher-rights.sra.org.uk/contact-us\]](https://higher-rights.sra.org.uk/contact-us) and we will provide it for you. If you need extra help with making a claim we will work with someone who has your permission to represent you, such as a new solicitor or legal advisor, or a member of [Citizens Advice \[http://www.citizensadvice.org.uk/\]](http://www.citizensadvice.org.uk/) or other support agency.

Before you make a claim, you should read our [guidance on claiming money from our Compensation Fund \[https://higher-rights.sra.org.uk/consumers/compensation-fund/\]](https://higher-rights.sra.org.uk/consumers/compensation-fund/) to make sure you are eligible.

This page tells you the information that you will need to provide us with to claim back

- [money in relation to a mortgage that has not been paid off \[#unpaid-mortgage\]](#)
- [unpaid stamp duty, land tax or land registry fees \[#stamp-duty-tax-registry\]](#), and
- [lost mortgage advances \[#mortgage-advance\]](#)

Claiming money in relation to a mortgage that has not been paid off

You can make a claim to us if you are eligible (see '[Who can apply to the Compensation Fund? \[https://higher-rights.sra.org.uk/consumers/compensation-fund/claims-process/\]](https://higher-rights.sra.org.uk/consumers/compensation-fund/claims-process/)') and are:

- a borrower (or person on their behalf) whose mortgage has not been paid off
- a buyer who will suffer loss because a mortgage is not paid off
- a buyer's lender who will suffer a loss because a mortgage is not paid off, or
- a lender whose mortgage has not been paid off, but only if
 - a mortgage receipt has been released, or
 - you are a lender acting as agent for your borrower, the new buyer or the new buyer's lender, and you send us a declaration confirming this.

If you can prove that the legal adviser had enough money available to pay off the mortgage, we may authorise a grant to you.

Payment will be based on the amount the legal adviser had available to pay off the mortgage.

If the legal adviser had less than what was needed, the borrower or buyer will need to pay the difference.

We may pay the lender directly.

What we need from you

We will need

- evidence of the exact amount originally needed to pay off the mortgage
- the mortgage account number and lender's address
- a copy of the completion statement and legal adviser's bill
- details of any payments made to the mortgage account since the date of completion
- the address at which the title deeds or charge certificate are held, and
- if available, the legal adviser's ledger sheet—you can get this from the agent we asked to close the solicitor's firm: if they do not have it, please [contact us \[https://higher-rights.sra.org.uk/home/contact-us/\]](https://higher-rights.sra.org.uk/home/contact-us/), as it is possible we are storing it.

If you are unable to obtain the completion statement or ledger sheet, you will need to prepare a cash statement.

Stamp duty, land tax and land registry fees

If your purchase has completed, but your legal adviser has not dealt with the payment of stamp duty, land tax or registration of your property with the [Land Registry \[http://www.landregistry.gov.uk/\]](http://www.landregistry.gov.uk/), you will need to prove to us that the legal adviser had enough money to complete your transaction.

What we need from you

We will need the following documents from you:

- A copy of the completion statement for the purchase (or re-mortgage) and any related sale—if you do not have this, [contact us \[https://higher-rights.sra.org.uk/home/contact-us/\]](https://higher-rights.sra.org.uk/home/contact-us/) for more help
- Copies of bills sent to you—you can obtain this from the agent we asked to close the firm: if they do not have it, [contact us \[https://higher-rights.sra.org.uk/home/contact-us/\]](https://higher-rights.sra.org.uk/home/contact-us/), as it is possible we are storing it.
- A copy of the "account sheet" relating to the purchase (and sale if this applies)—you can obtain this from the agent we asked to close the solicitor's firm; if they do not have it, [contact us \[https://higher-rights.sra.org.uk/home/contact-us/\]](https://higher-rights.sra.org.uk/home/contact-us/), as it is possible we are storing it; and
- Evidence your legal adviser has received the amounts shown in the completion statement—a bank statement or receipt is best.



Claiming a lost mortgage advance

If you are making a claim for a lost mortgage advance, we need certain initial information from you.

Please provide information about

- your loss, and
- the proposed borrower.

Please provide us with answers to the following questions.

- Are you insured against the loss suffered? If so, supply details of the type of policy and its excess or limit, if any. Please tell us if you have made a claim on the policy and the result of the claim.
- Has the lender repossessed or sold the property? If so, tell us the expected or actual amount recovered, including any payment received or expected under any mortgage guarantee policy.
- Provide a copy of the valuation report (if there is no valuation, explain why). In addition, provide copies of correspondence with the valuer or surveyor. Please advise if the property has been over-valued. If it has been, explain why and inform us of any action you have taken or intend to take.
- Has the alleged misuse of the advance been reported to us or to the police? If so, send us details of the [fraud squad](https://www.met.police.uk/ro/report/fo/fraud/) [https://www.met.police.uk/ro/report/fo/fraud/] or police station and any reference numbers.
- Does anyone live at the property now? If so, who?
- What original title documents are available?
- Details of any repayments, including dates and amounts.
- Do you know where the borrower is? If not, have you tried to trace them?
- Was a mortgage broker or other agent used? If so, provide details.

We need the following information relating to the proposed borrower:

- the mortgage application form
- the accepted offer
- copies of all references
- salary slips
- P60s, and
- confirmation as to whether or not the credit rating of the borrower was checked, and whether enquiries were made to find out if they were on the electoral register (if these checks were made, inform us of the result).

Please also provide

- the report on title (including the request for the advance cheque)



- evidence of the mortgage amount given to your legal adviser—for example, a paid cheque or telegraphic transfer authority
- office-copy entries for the title (this should show the present registered owner and mortgage lender)
- details of the legal adviser's costs
- the purchase price
- money the legal adviser received in the form of the mortgage advance
- the deposit paid
- money the client has paid, and
- other expenses—for example stamp duty, land tax, registry fees and searches.