

# Sophie Jones

Associate

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Sophie Jones studied law at the University of the West of England and obtained her law degree in 1995.

Sophie began her career working as a Paralegal in the family law/matrimonial area, before moving into conveyancing in 1998.

In 2002, Sophie qualified as a Fellow of the Chartered Institute of Legal Executives and has continued to specialise in conveyancing for over 20 years.

## Expertise

### Residential property

Sophie brings to Coodes a wealth of knowledge in a variety of specialist areas within residential property.

She enjoys specialising in matrimonial conveyancing, complex transfers of part and deeds of variation (easements and covenants).

#### Notable Residential property cases

##### Freehold Purchase

Managing the acquisition of a property being purchased with mortgage finance for the purpose of a holiday let. This case involved drafting a deed of release to release a restrictive covenant "not to use or permit the property to be used other than as a private dwelling in a single-family occupation only".

This type of restrictive covenant prohibits holiday letting which is deemed a business use and would have meant that the client could not buy the investment property for use as a holiday let, this being the most profitable use.

The adjacent cottage, with the benefit of the covenant was also being sold to the client's spouse by the executor of the seller's late father.

Sophie identified that the executor could release the covenant and negotiated to reach agreement on a deed of release of the covenant.

Our client's spouse may not have been able to release the covenant after completion because both properties would then be mortgaged. At that point they

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would require the lender's consents which may not have been forthcoming. It was therefore vital that this was dealt with prior to completion.

Both properties also had extensive complicated unregistered titles. Sophie ensured a successful release of the covenant and registration at HM Land Registry ensuring that the clients had a very happy outcome.

The purchase of both cottages was also dependent upon each other. Sophie identified that the client's spouse was buying from a person potentially within the definition of a "connected person" for a type of stamp duty land tax relief to be available, called multiple dwelling relief. Sophie brought this to the client's attention and referred them to a Tax Advisor specialising in stamp duty land tax. They received beneficial advice and were equally happy at this outcome.

#### Transfer of Part

Drafting a transfer of part in accordance with a clean break consent order in matrimonial proceedings which provided that part of land owned by her client be split with part to be transferred to his ex-wife and part sold on the open market.

The transfer of part on sale required the grant of detailed easements (or rights) for the land to a) use a private drainage system on the land to be transferred to her client's ex-wife and b) a right of way over a shared private roadway. This was as well as the reservation of easements for a) the installation of a water sub-meter at an agreed point b) a supply of water through private drainage pipes and c) the use of certain service media such as electricity lines and telephone cables passing through the land to be sold.

The transfer of part also required detailed covenants by the parties (binding obligations or restrictions) for payment of a proportion of the cost of maintenance of the shared private drainage system, shared accessway and service media. Further, the cost of the water being measured by a sub-meter, restrictions against obstructing the accessway and agreement for the procedure to resolve any disputes.

These matters involved negotiation between three instructed conveyancers for the client, his ex-wife and the Buyer's Conveyancer. The parties were not on good terms and Sophie was instrumental in negotiating through this to reach a successful outcome where the client and the other parties were all happy.

#### Matrimonial Conveyancing

Drafting a legal charge in accordance with a detailed clean break consent order in matrimonial proceedings. The legal charge included provision for future payment of a percentage of the market value of the property contingent upon certain trigger events. The legal charge also included provision for determining the market value of the property if it was not sold. The legal change coincided with the transfer of the property to the ex-spouse and payment of a lump sum. Sophie ensured that this was progressed within a tight deadline.

#### Assent

Acting for a client who had inherited a property from her late mother and wished to register an Assent into her name at HM Land Registry.

The property had extensive unregistered title deeds and required a first registration at HM Land Registry. Sophie met with her client to go through and provide a full report on the matters in the deeds including restrictive covenants, easements and maintenance and ownership of the boundaries.

Sophie's client was very happy with the successful first registration and knowledge she had gained about her deeds.

#### Freehold Purchase

Acting on a purchase of a high value property that included four different Land Registry titles.

The property involved one building that had previously been in use as two and two parcels of land registered with "possessory title" (where the state does not guarantee ownership) where registration had taken place on the basis of possession.

Sophie identified that the building was configured in such a way that part may have been physically suitable for use as a second dwelling and could be classed as a subsidiary or second dwelling. This potentially meant that the stamp duty land tax calculation may be subject to a 3% levy applicable to purchases of second

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homes.

Sophie also identified the possibility of a type of stamp duty land tax relief called 'multiple dwelling relief' and referred her client to a specialist tax advisor. Beneficial multiple dwelling relief advice was provided resulting savings of thousands of pounds in tax.

Sophie also advised her client on a type of conveyancing indemnity insurance policy to insure the possessory titles against the risk of a third-party coming forward with a stronger claim to the land e.g., by production of original deeds.

On completion she also submitted an application to HM Land Registry to amalgamate the four titles.

Our client was very happy with the outcome on the stamp duty land tax advice and registration.

#### Freehold Sale

Acting on a sale where the deeds contained a restrictive covenant limiting use of the property to a private residence and prohibiting holiday letting. This was a problem because the buyer wished to use the property as a holiday let and this had potential to affect value.

Advising our client that if a DII Land Charge had not been registered against the names of the purchasers in the original Conveyance of the property then we could apply to the Land Registry to remove the covenants.

Undertaking a search which showed that a class D II Land Charge had not been registered, submitting an expedited application for removal whereby the covenant was removed enabling the sale to proceed.

#### Adverse Possession

Acting for clients who had used additional land at the end of their garden for many years but did not have the deeds and nobody knew who owned it. They wished to make a claim for ownership and registration and HM Land Registry.

Meeting with our clients and preparing a detailed statutory declaration recording the period of use, boundary structures enclosing the land, activities undertaken on the land such as planting flowers and cutting hedges, attaching various photographs and plans of the land depicting the boundaries. Advising our client on the risks of making an application for ownership based on adverse possession e.g., that the Land Registry might serve a notice on anyone who may have an interest in the land. Advising our client on other options e.g., an indemnity policy insuring against the risk of challenge to use of the area of part of the property. Submitting the statutory declaration and application for registration-based on possession and the outcome being a successful registration with possessory title and our clients were very happy.

#### Remortgage

Acting on remortgage of a buy to let property where the property consisted, in part, of a flying freehold.

Advising our client on a flying freehold indemnity policy to meet with lender's requirements.

The remortgage proceeded expeditiously, and our client was very happy.

#### Voluntary First Registration

Acting for clients who wished to undertake voluntary first registration of the deeds of their property.

Sophie met with our clients to go through and provide a full report on the matters in the deeds including restrictive covenants, easements and maintenance and ownership of the boundaries prior to submitting an application for first registration. An application was thereafter submitted for first registration and advice given as to the options for expediting the application if registration became urgent such as for a sale or mortgage.

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## Auction

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Acting where our client had purchased under a "modern day auction" and paid a reservation deposit without sight of the property or instructing a conveyancer to check the legal pack.

Sophie found that the sale was of a leasehold shared ownership property where the seller owned a 50% share and a housing association a 50% share with completion required within a tight deadline. Our client wished to ensure that they acquired all of the property as freehold.

This involved correspondence with the seller's conveyancer and the housing association's conveyancer and we were able to reach agreement whereby our client would pay 50% of the purchase price to the seller and 50% to the housing association in order that the housing association would then provide a transfer of the freehold direct to our client and at the same time extinguish the leasehold.

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## Probate

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Acting on sale for executors appointed to deal with their late relative's property without knowledge of the property.

The deeds involved payment of a service charge and rentcharge to a freehold management company.

The buyer's conveyancer requested a deed of variation to vary the provisions which related to the rentcharge. Sophie explained that recent case law has meant that rentcharges are now heavily scrutinised, particularly by lenders. The reason for this is that S121 LPA provides, amongst other things, that a rentcharge owner can exercise a draconian right to obtain a lease on a property for non-payment of the rentcharge. To circumvent this, many conveyancers are insisting that parts of the Statute contained in S121 are excluded or modified to allow for Lender's approval. Sophie is experienced in this area and provided options of drafting a Deed of Variation or obtaining a type of conveyancing indemnity insurance policy.

Sophie negotiated agreement with the buyer's conveyancer for the supply of an indemnity policy which enabled the property to proceed expeditiously.

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## Declaration of Trust

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Acting for a married couple who purchased property as tenants in common in equal shares. Following completion, they received tax advice that it would be beneficial for them if they were to own a 99% share for the husband and a 1% share for the wife. They provided authority for Sophie to act for one of them after we explained we could not act for both, because to do so would involve a conflict of interest, in that the advice we may give to one may not be the same as for the other. Sophie drafted a Declaration of Trust varying the shares but recording they remained jointly liable for the full repayment of the mortgage in accordance with their instructions and the advice from their tax advisor.

## Awards & Scholarships

- Winner of the Estas People's Award (2019 )

## Memberships

- Fellow of the Chartered Institute of Legal Executives (2002 – )

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