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If you are in the process of selling a property, you may be asking yourself the question ‘what is a memorandum of sale?’.

A memorandum of sale is often mentioned by estate agents on the assumption you’ll know what it is.

However, it’s perfectly normal to be confused by this term. But, fear not as we are about to explain everything you need to know about this important document.

What Is A Memorandum Of Sale In Property?

A memorandum of sale is a document that is created once a sale has been agreed on a property.

It’s not a legally binding document but it does set out the agreed price and declares the intention of both the buyer and seller to complete the transaction.

It will also show:

- The name and address of both the buyer and the seller
- Details of the solicitors that will be handling the transaction
- Important details about the property the offer has been agreed on
- Which mortgage lender will finance the purchase (if applicable)

It's, therefore, a record of the sale and purchase that is about to happen (assuming the transaction will complete).

While there are no legal implications to the document, it does seek to clarify and confirm the details of the agreed transaction.

Who Provides The Memorandum Of Sale?

It is usually the sellers' estate agent that provides the memorandum of sale.

Since the estate agent selling the property is often due a commission when the sale completes, it makes sense that they prepare the memorandum of sale.

In cases where a sale has been agreed without an estate agent, it would be down to the seller of the property (or a representative of theirs) to issue the memorandum of sale.

How Long Does It Take To Get A Memorandum Of Sale?

This will entirely depend on the estate agent who has been instructed to sell the property.

Typically, it will be prepared within a few days of a sale being agreed. However, it can take longer, especially one of the parties does not yet have certain details available (such as they are yet to appoint a solicitor).

You may also need to allow extra time for the document to be received in the post since not all estate agents send them via email.

How Does It Differ From A Notification Of Sale?

Put simply, there is no difference between a memorandum of sale and a notification of sale.

'Notification of sale' is simply another name for 'memorandum of sale' and the document contains exactly the same information.

It is, therefore, not a legally-binding document. Instead, it's used for information purposes only.

Who Should Sign A Memorandum Of Sale?

Both the buyer and the seller of a property would be expected to sign a memorandum of sale. **However, signing the document does not make it legally binding.**

The buyer of the property is not required to buy the property (and the seller is not required to sell the property) until the contracts have been exchanged during the [conveyancing process](#).

Therefore, the act of signing the memorandum of sale is simply to show that you intend to complete the transaction on the terms stated in the document.

What Does A Memorandum Of Sale Look Like?

A memorandum of sale does not need to look anything special. In fact, most memorandum of sale documents are very plain and concise.

That's because they only need to convey the correct information clearly. There is no need for anything fancy.

Here's an example memorandum of sale that's been completed for a fictional transaction:

MEMORANDUM OF SALE – SUBJECT TO CONTRACT

DATE: 26 October 2018

RE: 1 Property Road, Example Town, EX1 3ML

VENDOR: MR JOHN SMITH	PURCHASER: MRS DAISY JONES
VENDOR'S LAWYER: LEGAL EAGLES 10 LAWYER CLOSE LEGALVILLE LE3 SAL	PURCHASER'S LAWYER: I.M. WINNING & SONS 42 NEVERBIN COURT SOLICITOR CITY SO1 1CI
FAO: MR E. MANN TELEPHONE: 01234 567890 EMAIL: EMANN@EXAMPLE.COM DX: REF:	FAO: I.M. WINNING TELEPHONE: 09876 543210 EMAIL: IWINN@EXAMPLE.COM DX: REF:

SALE PRICE:

£285,000

ADDITIONAL PAYMENT FOR FIXTURES & FITTINGS:

£1,000 – CREAM 5-SEATER SOFA

EXCHANGE DATE:

26 NOVEMBER 2018

SPECIAL REMARKS:

NONE

FIXTURES OR FITTINGS

TO INCLUDE: ALL BLINDS & CURTAINS

TO EXCLUDE: GARDEN SHED

DISCLAIMER:

We, the Agents, have not tested any apparatus, equipment, fitting or services for this property. Interested parties should therefore satisfy themselves as to the condition of any such item considered material to the purchase. The property will be removed from the market whilst the sale progresses, unless written instructions have been given to the contrary.

You can [click here to download this example](#) of a completed memorandum of sale document.

Download A Free Memorandum Of Sale Template

Of course, one of the fastest ways to create a memorandum of sale for a property transaction is to download a template.

You can [download a free memorandum of sale template we have created by clicking here](#).

This was created in Microsoft Word and gives you the opportunity to simply fill in the blanks to create your own document.

Remember, the selling agent should provide this document for you. However, if you are not using an estate agent to sell your home, this template will allow you to create a document that provides all of the key information required.