



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 10 – CONVEYANCING*

CASE STUDY MATERIALS

Information for Candidates on Using the Case Study Materials

- This document contains the case study materials for your examination.
- In the examination, you will be presented with a set of questions which will relate to these case study materials. You will be required to answer **all** the questions on the examination paper.
- You should familiarise yourself with these case study materials prior to the examination, taking time to consider the themes raised in the materials.
- You should take the opportunity to discuss these materials with your tutor/s either face-to-face or electronically.
- It is recommended that you consider the way in which your knowledge and understanding relate to these case study materials.

Instructions to Candidates Before the Examination

- A clean/unannotated copy of the case study materials is attached to this examination.

You are permitted to take your own clean/unannotated copy of the case study materials into the examination. You are **NOT** permitted to take any other materials including notes or textbooks.

- In the examination, candidates must comply with the CILEx Examination Regulations – Online Examinations or with the CILEx Examination Regulations – Online Examinations with Remote Invigilation.

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* This unit is a component of the **CILEx LEVEL 3 PROFESSIONAL QUALIFICATIONS** and **LEVEL 3 LEGAL SERVICES KNOWLEDGE QUALIFICATIONS**

CASE STUDY MATERIALS

ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer with Kempstons Solicitors. You are assisting Alison Makeson, a conveyancing partner of the firm, in a **related** sale and purchase.

The transactions are as follows:

- the sale of 18 Hampsons Grove, Enterbriggs EB5 7AU;
- the purchase of 26 Ingley Chase, Caveston, Codesting CV1 7TW.

Alison hands you the following documents:

Document 1 Two file notes prepared by Alison Makeson

Document 2 Land Registry official copy register entries for 18 Hampsons Grove, Enterbriggs EB5 7AU

Document 3 Email to Alison Makeson from John and Helen Hopkins

Document 4 Land Registry official copy register entries for 26 Ingley Chase, Caveston, Codesting CV1 7TW

Document 5 Draft Transfer for purchase of 26 Ingley Chase, Caveston, Codesting CV1 7TW

[Note to Candidates: Land Registry Title Plans are not provided and will not be required for the assessment.]

DOCUMENT 1

File Note: Sale of 18 Hampsons Grove, Enterbriggs

We are instructed in the sale of 18 Hampsons Grove for John and Helen Hopkins at a price of £250,000. This is a private sale, there are no estate agents. The buyers are Amrik and Shirin Patel, who are represented by Porters and Son LLP. I have opened a file in this matter, which contains the Land Registry official copy entries **[Document 2]** and first correspondence from Porters and Son LLP, confirming that they are instructed by the buyers.

You will note that there is a unilateral notice on the title, which is as a result of a neighbour dispute in 2013.

There is a mortgage on the property in favour of Ruggles Bank Plc, with a balance remaining of approximately £150,000.

The sellers' adult daughter, Jessica, 19, lives with John and Helen and will be moving into 26 Ingley Chase.

File Note: Purchase of 26 Ingley Chase, Caveston

We are instructed in the purchase of 26 Ingley Chase, Caveston, for John and Helen Hopkins at a price of £425,000. The clients are buying from Angela and Clive Cable, who are represented by Pintermans LLP.

The clients will be obtaining a mortgage advance from Glastones Bank Ltd for £380,000. The remainder of the purchase price will come from the sale proceeds.

I have opened a file, which contains an email that I have received today from the clients **[Document 3]**, and the Land Registry official copy entries **[Document 4]**.

The sellers' solicitors have confirmed that they will be adopting the Law Society's Conveyancing Protocol, as will we, and that they will send the pre-contract package to us shortly.

The clients would like to purchase the property as beneficial joint tenants.

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**Land Registry Official Copy register entries for 18 Hampsons Grove,
Enterbriggs, EB5 7AU**

Land Registry



Official
copy of
register of
title

Title number CV257351

Edition date 01.10.2013

- This official copy shows the entries subsisting on the register on 11 December 2020 at 10:43:09.
- This date must be quoted as the 'search from date' in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 11 December 2020 at 10:43:09.
- Under s.67 of the Land Registration Act 2002 this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by Land Registry, Cattletown Office.

A: Property Register

This register describes the land and estate comprised in the title.

HAYSHIRE : ENTERBRIGGS

- 1 (10.09.1986) The **freehold** land shown edged with red on the plan of the above title filed at the Registry and being 18 Hampsons Grove, Enterbriggs (EB5 7AU)

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (21.05.2011) PROPRIETOR(S): JOHN RICHARD HOPKINS and HELEN LOUISE HOPKINS of 18 Hampsons Grove, Enterbriggs (EB5 7AU)
- 2 (21.05.2011) The price stated to have been paid on 15 May 2011 was £180,000.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (10.09.1986) A Conveyance of the land in this title dated 15 August 1986 and made between (1) Iceton Bush and (2) Hilary Tudman contains restrictive covenants.

NOTE: Copy conveyance filed

- 2 (21.05.2011) REGISTERED CHARGE dated 15 May 2011.
- 3 (21.05.2011) Proprietor: RUGGLES BANK PLC of 77 The Grove, Bushel, BL1 0AX
4. (01.10.2013) UNILATERAL NOTICE in respect of claim in the Enterbriggs County Court (case no MW452617) dated 25 May 2013 made between (1) Evan Hope and (2) John Richard Hopkins and Helen Louise Hopkins
5. (01.10.2013) BENEFICIARY: Evan Hope of 20 Hampsons Grove, Enterbriggs (EB5 7AU) and care of Micels LLP, 32 Gallow Way, Nerrington, NE22 6HV

End of register

Turn over

DOCUMENT 3

EMAIL

From: John and Helen Hopkins
Sent: 12 December 2020 14:30
To: alison.makeson@kempstons.com
Subject: Our purchase

Dear Alison

We understand that you have now received the Land Registry official copies to enable you to request the searches, but that you have not yet received the contract documentation, which is extremely frustrating.

We know the sellers, Mr and Mrs Cable, very well and have agreed everything between ourselves, which has so far been very amicable. The sellers are very keen to complete as soon as possible, to enable the funds to be used towards Mr Cable's care home fees.

We have discussed with Mr and Mrs Cable the possibility of you acting for us both to be able to speed up the transaction, and we would be grateful if you could confirm whether this is possible.

We have noticed that there are some cracks in the rear wall by the kitchen at 26 Ingley Chase. We wonder whether you think that this is something we should be concerned with, or whether we should just deal with this after completion? We have not had a survey, so aren't quite sure of the extent of the damage.

As the property is very near the church, we wonder whether we should be concerned about chancel repair liability? We have read a story about it in a national newspaper this week and we do not wish to be held responsible for the church repairs in the parish.

Any advice on the above would be greatly appreciated.

Kind regards

John and Helen Hopkins

**Land Registry Official Copy register entries for 26 Ingley Chase,
Caveston, Codesting CV1 7TW**

Land Registry



**Official
copy of
register of
title**

Title number CH230985

Edition date 02.05.2011

- This official copy shows the entries subsisting on the register on 09 December 2020 at 11:42:03.
- This date must be quoted as the 'search from date' in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 09 December 2020 at 11:42:03.
- Under s.67 of the Land Registration Act 2002 this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by Land Registry, Buckley Office.

A: Property Register

This register describes the land and estate comprised in the title.

CODESTING : CAVESTON

- 1 (04.04.2001) The **freehold** land shown edged with red on the plan of the above title filed at the Registry and being 26 Ingley Chase, Caveston, Codesting (CV1 7TW)

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (08.01.2004) PROPRIETOR(S): ANGELA MAY CABLE AND CLIVE EDWARD CABLE
- 2 (08.01.2004) The price stated to have been paid on 22 December 2003 was £215,000.

Turn over

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (02.05.2011) REGISTERED CHARGE dated 2 April 2011.
- 2 (21.05.2011) Proprietor: HARVEY BUILDING SOCIETY of 1 High Street,
Dillingsworth, DW9 6JH

End of register

DOCUMENT 5

DRAFT TRANSFER

HM Land Registry
Transfer of whole of registered title(s)

TR1

Any parts of the form that are not typed should be completed in black ink and in block capitals.

If you need more room than is provided for in a panel, and your software allows, you can expand any panel in the form. Alternatively use continuation sheet CS and attach it to this form.

For information on how HM Land Registry processes your personal information, see our [Personal Information Charter](#).

Leave blank if not yet registered.

Insert address including postcode (if any) or other description of the property, for example 'land adjoining 2 Acacia Avenue'.

Remember to date this deed with the day of completion, but not before it has been signed and witnessed.

Give full name(s) of **all** the persons transferring the property.

Complete as appropriate where the transferor is a company.

Give full name(s) of **all** the persons to be shown as registered proprietors.

Complete as appropriate where the transferee is a company. Also, for an overseas company, unless an arrangement with HM Land Registry exists, lodge either a certificate in Form 7 in Schedule 3 to the Land Registration Rules 2003 or a certified copy of the constitution in English or Welsh, or other evidence permitted by rule 183 of the Land Registration Rules 2003.

1	Title number(s) of the property: HN8752
2	Property: 26 Ingley Chase, Caveston, Codesting, CV1 7TW
3	Date: 20 February 2021
4	Transferor: ANGELA CABLE and CLIVE CABLE <u>For UK incorporated companies/LLPs</u> Registered number of company or limited liability partnership including any prefix: <u>For overseas companies</u> (a) Territory of incorporation: (b) Registered number in the United Kingdom including any prefix:
5	Transferee for entry in the register: JOHN RICHARD HOPKINS and HELEN LOUISE HOPKINS <u>For UK incorporated companies/LLPs</u> Registered number of company or limited liability partnership including any prefix: <u>For overseas companies</u> (a) Territory of incorporation: (b) Registered number in the United Kingdom including any prefix:

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Each transferee may give up to three addresses for service, one of which must be a postal address whether or not in the UK (including the postcode, if any). The others can be any combination of a postal address, a UK DX box number or an electronic address.

Place 'X' in the appropriate box. State the currency unit if other than sterling. If none of the boxes apply, insert an appropriate memorandum in panel 11.

Place 'X' in any box that applies.

Add any modifications.

Where the transferee is more than one person, place 'X' in the appropriate box.

Complete as necessary.

The registrar will enter a Form A restriction in the register *unless*:

- an 'X' is placed:
 - in the first box, or
 - in the third box and the details of the trust or of the trust instrument show that the transferees are to hold the property on trust for themselves alone as joint tenants, *or*
- it is clear from completion of a form JO lodged with this application that the transferees are to hold the property on trust for themselves alone as joint tenants.

Please refer to [Joint property ownership](#) and [practice guide 24: private trusts of land](#) for further guidance. These are both available on the GOV.UK website.

Insert here any required or permitted statement, certificate or application and any agreed covenants, declarations and so on.

6	Transferee's intended address(es) for service for entry in the register: 26 Ingley Chase, Caveston, Codeston, CV1 7TW
7	The transferor transfers the property to the transferee
8	Consideration <input checked="" type="checkbox"/> The transferor has received from the transferee for the property the following sum (in words and figures): Four Hundred and Twenty Five Thousand Pounds (£425,000.00) <input type="checkbox"/> The transfer is not for money or anything that has a monetary value <input type="checkbox"/> Insert other receipt as appropriate:
9	The transferor transfers with <input checked="" type="checkbox"/> full title guarantee <input type="checkbox"/> limited title guarantee
10	Declaration of trust. The transferee is more than one person and <input type="checkbox"/> they are to hold the property on trust for themselves as joint tenants <input type="checkbox"/> they are to hold the property on trust for themselves as tenants in common in equal shares <input type="checkbox"/> they are to hold the property on trust:
11	Additional provisions

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The transferor must execute this transfer as a deed using the space opposite. If there is more than one transferor, all must execute. Forms of execution are given in Schedule 9 to the Land Registration Rules 2003. If the transfer contains transferee’s covenants or declarations or contains an application by the transferee (such as for a restriction), it must also be executed by the transferee.

If there is more than one transferee and panel 10 has been completed, each transferee must also execute this transfer to comply with the requirements in section 53(1)(b) of the Law of Property Act 1925 relating to the declaration of a trust of land. Please refer to [Joint property ownership](#) and [practice guide 24: private trusts of land](#) for further guidance.

Examples of the correct form of execution are set out in [practice guide 8: execution of deeds](#). Execution as a deed usually means that a witness must also sign, and add their name and address.

Remember to date this deed in panel 3.

12 Execution

Signed as a deed by ANGELA CABLE
In the presence of:

Signature of Witness

Name (in BLOCK CAPITALS)

Address

Signed as a deed by CLIVE CABLE
In the presence of:

Signature of Witness

Name (in BLOCK CAPITALS)

Address

Signed as a deed by JOHN RICHARD HOPKINS
In the presence of:

Signature of Witness

Name (in BLOCK CAPITALS)

Address

Signed as a deed by HELEN LOUISE HOPKINS
In the presence of:

Signature of Witness

Name (in BLOCK CAPITALS)

Address

WARNING

If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years’ imprisonment or an unlimited fine, or both.

Failure to complete this form with proper care may result in a loss of protection under the Land Registration Act 2002 if, as a result, a mistake is made in the register.

Under section 66 of the Land Registration Act 2002 most documents (including this form) kept by the registrar relating to an application to the registrar or referred to in the register are open to public inspection and copying. If you believe a document contains prejudicial information, you may apply for that part of the document to be made exempt using Form EX1, under rule 136 of the Land Registration Rules 2003.

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[Note to Candidates: Panel 11 is intended to be left blank.]

End of Case Study Materials