



January 2022
Level 3
CONVEYANCING
Subject Code L3-10

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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ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer with Kempstons Solicitors. You are assisting the conveyancing solicitor, Jess Denton, in two linked transactions for your clients, Oliver and John Keen.

Your clients are selling their existing property at 4 Lavender Mews, Bensham, BF1 3JQ at the price of £200,000. Your clients will be purchasing The Willows, Bensham, BF7 9RA at the same time from Kate Evans for a price of £250,000.

More information about the two transactions is included in the File Notes prepared by Jess Denton [**Document 1**]. You have been asked to assist Jess Denton in moving the two transactions forward. You have been provided with the following documents:

Document 1	File Notes prepared by Jess Denton
Document 2	Estate Agent's Particulars of Sale for 4 Lavender Mews, Bensham
Document 3	Extract of the Energy Performance Certificate (EPC) for 4 Lavender Mews, Bensham
Document 4	Land Registry Official Copies of the register entries for 4 Lavender Mews, Bensham
Document 5	Email from John Keen
Document 6	Land Registry Official Copies of the register entries for The Willows, Bensham

[NOTE TO CANDIDATES: Land Registry Title Plans are NOT provided and will NOT be required for this assessment.]

DOCUMENT 1

FILE NOTES PREPARED BY JESS DENTON

File Note: Sale of 4 Lavender Mews, Bensham

We are instructed in the sale of 4 Lavender Mews for Oliver and John Keen at a price of £200,000. The estate agents are Wish Homes and I enclose a copy of their particulars of sale **[Document 2]** and the Energy Performance Certificate (EPC) **[Document 3]**.

The buyers are Patrick and Louise Moore, who are represented by Move Together LLP. I have opened a file in this matter which contains the clients' signed instructions, the Land Registry official copy entries **[Document 4]** and email correspondence from John Keen **[Document 5]** that came in late yesterday. I also enclose an email from Move Together LLP **[not reproduced]**, confirming that they are instructed by the buyers.

There is a mortgage on the property in favour of Bison Bank PLC, with a balance remaining of approximately £160,000.

File Note: Purchase of The Willows, Bensham

We are also instructed in Oliver and John Keen's purchase of the Willows, Bensham, at a price of £250,000. The clients are buying from Kate Evans, who is represented by Carlton Law LLP.

The clients will be obtaining a mortgage advance from Bank of Jonas Ltd for £225,000, and we will also be acting for the Bank of Jonas Ltd. The remainder of the purchase price will come from the sale proceeds.

I have opened a file that includes a copy of the email received yesterday from John Keen **[Document 5]** and the Land Registry official copy entries **[Document 6]**, which were received with a letter from Carlton Law LLP, in which they have confirmed instructions and provided the pre-contract package. Carlton Law LLP also stated that the seller has recently married Hywel Evans and that they are instructed on a related purchase for Hywel and Kate Evans.

The seller's solicitors have confirmed that, like us, they will be adopting the Law Society's Conveyancing Protocol.

Oliver and John Keen wish to hold the property as beneficial joint tenants.

As the clients are keen to proceed, I have agreed to take forward the two transactions as quickly as possible.

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DOCUMENT 2

ESTATE AGENT'S PARTICULARS OF SALE FOR 4 LAVENDER MEWS

WISH HOMES

Estate Agents

Tel: 01457 324761

Fax: 01457 324762

89 High Street

Bensham

BF3 4RM

Estate Agent's Particulars of Sale

Property:	4 Lavender Mews, Bensham, BF1 3JQ
Sellers:	Mr Oliver Keen and Mr John Keen of 4 Lavender Mews, Bensham, BF1 3JQ
Buyers:	Mr Patrick Moore and Mrs Louise Moore of 34 Hawkins Road, Castletown, Bungley, BU8 9QA
Tenure:	Freehold with vacant possession
Price:	£200,000
Commission:	2% (plus VAT) payable upon completion
Sellers' lawyer:	Jess Denton, Kempstons Solicitors, The Manor House, Bedford, MK42 7AB
Buyers' lawyer:	Paul Vale, Move Together LLP, Castletown, Bungley, BU3 4EX
Additional information:	Sale subject to contract and to buyers' mortgage offer and survey

DOCUMENT 3

EXTRACT OF THE ENERGY PERFORMANCE CERTIFICATE (EPC) FOR 4 LAVENDER MEWS

4 Lavender Mews, Bensham, BF1 3JQ

Dwelling type: Detached house
 Date of assessment: 1 May 2021
 Date of certificate: 14 May 2021


Reference number: 0919-9628-8430-2785-5996
 Type of assessment: RdSAP, existing dwelling
 Total floor area: 165 m²

Use this document to:

- Compare current ratings of properties to see which properties are more energy efficient
- Find out how you can save energy and money by installing improvement measures

Estimated energy costs of dwelling for 3 years	£5,367
Over 3 years you could save	£2,865

Estimated energy costs of this home

	Current costs	Potential costs	Potential future savings
Lighting	£375 over 3 years	£207 over 3 years	
Heating	£4,443 over 3 years	£2,073 over 3 years	
Hot water	£549 over 3 years	£222 over 3 years	
Totals:	£5,367	£2,502	

These figures show how much the average household would spend in this property for heating, lighting and hot water. This excludes energy use for running appliances like TVs, computers and cookers, and any electricity generated by microgeneration.

Energy Efficiency Rating

Very energy efficient - lower running costs



Not energy efficient - higher running costs

Current	Potential
49	76

The graph shows the current energy efficiency of your home.

The higher the rating the lower your fuel bills are likely to be.

The potential rating shows the effect of undertaking the recommendations on page 3.

The average energy efficiency rating for a dwelling in England and Wales is band D (rating 60).

Top actions you can take to save money and make your home more efficient

Recommended measures	Indicative cost	Typical savings over 3 years
1 Increase loft insulation to 270 mm	£100 - £350	£141
2 Cavity wall insulation	£500 - £1,500	£537
3 Draught proofing	£80 - £120	£78

See page 3 for a full list of recommendations for this property.

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4 Lavender Mews, Bensham, BF1 3JQ
14 May 2021 RRN: 0919-9628-8430-2785-5996

Energy Performance Certificate

Summary of this home's energy performance related features

Element	Description	Energy Efficiency
Walls	Cavity wall, as built, partial insulation (assumed)	★★★☆☆
Roof	Pitched, 75 mm loft insulation	★★★☆☆
Floor	Solid, no insulation (assumed)	–
Windows	Partial double glazing	★★☆☆☆
Main heating	Boiler and radiators, mains gas	★★★☆☆
Main heating controls	Programmer, room thermostat and TRVs	★★★★☆
Secondary heating	None	–
Hot water	From main system	★★★☆☆
Lighting	Low energy lighting in 17% of fixed outlets	★★☆☆☆

Current primary energy use per square metre of floor area: 298 kWh/m² per year

The assessment does not take into consideration the physical condition of any element. 'Assumed' means that the insulation could not be inspected and an assumption has been made in the methodology based on age and type of construction.

Low and zero carbon energy sources








Low and zero carbon energy sources are sources of energy that release either very little or no carbon dioxide into the atmosphere when they are used. Installing these sources may help reduce energy bills as well as cutting carbon. There are none provided for this home.

4 Lavender Mews, Bensham, BF1 3JQ
14 May 2021 RRN: 0919-9628-8430-2785-5996

Energy Performance Certificate

Recommendations

The measures below will improve the energy performance of your dwelling. The performance ratings after improvements listed below are cumulative; that is, they assume the improvements have been installed in the order that they appear in the table. Further information about the recommended measures and other simple actions you could take today to save money is available at www.direct.gov.uk/savingenergy. Before installing measures, you should make sure you have secured the appropriate permissions, where necessary. Such permissions might include permission from your landlord (if you are a tenant) or approval under Building Regulations for certain types of work.

Recommended measures	Indicative cost	Typical savings per year	Rating after improvement
Increase loft insulation to 270 mm	£100 - £350	£47	 E 51
Cavity wall insulation	£500 - £1,500	£179	 D 59
Draught proofing	£80 - £120	£26	 D 60
Low energy lighting for all fixed outlets	£50	£43	 D 61
Replace boiler with new condensing boiler	£2,200 - £3,000	£339	 C 74
Solar water heating	£4,000 - £6,000	£34	 C 75
Replace single glazed windows with low-E double glazing	£3,300 - £6,500	£41	 C 76

Alternative measures

There are alternative measures below which you could also consider for your home.

- External insulation with cavity wall insulation
- Biomass boiler (Exempted Appliance if in Smoke Control Area)
- Air or ground source heat pump
- Micro CHP

Turn over

4 Lavender Mews, Bensham, BF1 3JQ
14 May 2021 RRN: 0919-9628-8430-2785-5996

Energy Performance Certificate

About this document

The Energy Performance Certificate for this dwelling was produced following an energy assessment undertaken by a qualified assessor, accredited by AAA Energy Assessors Ltd. You can get contact details of the accreditation scheme at www.aaa.co.uk, together with details of their procedures for confirming authenticity of a certificate and for making a complaint. A copy of this EPC has been lodged on a national register. It will be publicly available and some of the underlying data may be shared with others for the purposes of research, compliance and direct mailing of relevant energy efficiency information. The current property owner and/or tenant may opt out of having this information disclosed.

Assessor's accreditation number: AAA_123456
Assessor's name: John Smith
Phone number: 030 5555 1234
E-mail address: john.smith@isp.net
Related party disclosure: No related party

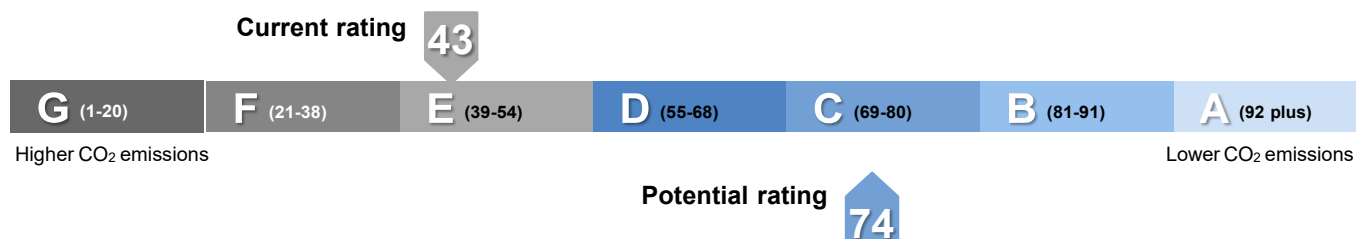
Further information about Energy Performance Certificates can be found under Frequently Asked Questions at www.epcregister.com.

About the impact of buildings on the environment

One of the biggest contributors to global warming is carbon dioxide. The energy we use for heating, lighting and power in homes produces over a quarter of the UK's carbon dioxide emissions.

The average household causes about 6 tonnes of carbon dioxide every year. Based on this assessment, your home currently produces approximately 9.5 tonnes of carbon dioxide every year. Adopting the recommendations in this report can reduce emissions and protect the environment. If you were to install these recommendations you could reduce this amount by 5.5 tonnes per year. You could reduce emissions even more by switching to renewable energy sources.

The environmental impact rating is a measure of a home's impact on the environment in terms of carbon dioxide (CO₂) emissions. The higher the rating the less impact it has on the environment.



Your home's heat demand

For most homes, the vast majority of energy costs derive from heating the home. Where applicable, this table shows the energy that could be saved in this property by insulating the loft and walls, based on typical energy use (shown within brackets as it is a reduction in energy use).

Heat demand	Existing dwelling	Impact of loft insulation	Impact of cavity wall insulation	Impact of solid wall insulation
Space heating (kWh per year)	22,154	(1179)	(4535)	N/A
Water heating (kWh per year)	2,792			

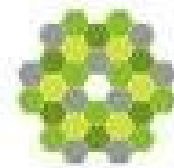
Addendum

This dwelling may have narrow cavities and so requires further investigation to determine which type of cavity wall insulation is best suited.

DOCUMENT 4

LAND REGISTRY OFFICIAL COPIES OF THE REGISTER ENTRIES FOR 4 LAVENDER MEWS

Land Registry



Official
copy of
register of
title



Title number BL87690

Edition date 12.02.2009

- This official copy shows the entries subsisting on the register on 07 January 2022 at 09:21:09.
- 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 07 January 2022 at 09:21:09.
- 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, Parfield Office.

A: Property Register

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

PARFIELD : BENSHAM

- 1 (12.02.2009) The **freehold** land shown edged with red on the plan of the above title filed at the Registry and being 4 Lavender Mews, Bensham (BF1 3JQ)

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 (12.02.2009) PROPRIETOR(S): OLIVER KEITH KEEN and JOHN PHILIP KEEN of 4 Lavender Mews, Bensham, BF1 3JQ.
- 2 (12.02.2009) The price stated to have been paid on 12 February 2009 was £185,000.

Turn over

C: Charges Register

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

- 1 (12.02.2009) REGISTERED CHARGE dated 12 February 2009.
- 2 (12.02.2009) Proprietor: BISON BANK PLC of Bagsons, Didstow, DS1 4BL.

End of register

[NOTE TO CANDIDATES: The file plan is NOT required for this examination.]

DOCUMENT 5

EMAIL

From: John Keen
Sent: 12 January 2022 17:52
To: jessicadenton@kempstons.com
Subject: Our sale and purchase

Good evening Jess,

Thank you for sending over the information in respect of The Willows. I understand that you will be requesting our searches shortly: this is great news, as we are very keen to get moving.

I note from the property information form that Kate Evans has stated that there have been no disputes with the neighbours. However, we have heard differently from our friend, who lives on the street.

Oliver is out of the country on business for the next month and has asked me to sign the contracts for him on both the sale and purchase, so that there are no delays. Please send them over as soon as possible.

I was wondering if you could also ask the seller what the traffic is like in the area, as I understand that there are major roadworks nearby. Could you also confirm where the drains are located, as it would be handy to know.

My 19-year-old daughter, Milly, has decided to withdraw from university due to personal issues and will be moving into The Willows with us. Until that time, she will be staying with friends.

We look forward to hearing from you shortly.

Kind regards,

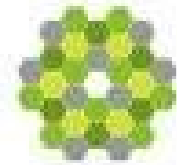
John Keen

Turn over

DOCUMENT 6

LAND REGISTRY OFFICIAL COPIES OF THE REGISTER ENTRIES FOR THE WILLOWS

Land Registry



Official
copy of
register of
title



Title number BL44381

Edition date 11.06.2015

- This official copy shows the entries subsisting on the register on 05 January 2022 at 14:32:04.
- 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 05 January 2022 at 14:32:04.
- 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, Parfield Office.

A: Property Register

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

PARFIELD: BENSHAM

- 1 (04.11.1991) The **freehold** land shown edged with red on the plan of the above title filed at the Registry and being The Willows, Bensham (BF7 9RA)

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 (11.06.2015) PROPRIETOR(S): KATE GIBSON of The Willows, Bensham (BF7 9RA) .
- 2 (11.06.2015) The price stated to have been paid on 30 May 2015 was £223,000.

C: Charges Register

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

- 1 (04.11.1991) A Conveyance of the land in this title dated 25 October 1991 and made between (1) Mount Pleasant Chemicals UK and (2) Robert and Hilary Quinn contains restrictive covenants.

NOTE: Copy conveyance filed

- 2 (11.06.2015) REGISTERED CHARGE dated 30 May 2015.
- 3 (11.06.2015) Proprietor: COSTO BANK PLC of 77 The Halt, Nebsworth, NB2 5AX.

End of register

[NOTE TO CANDIDATES: The file plan and conveyance dated 25 October 1991 are NOT required for this examination.]

End of Case Study Materials

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