

January 2022

Level 3

RESIDENTIAL AND COMMERCIAL LEASEHOLD CONVEYANCING

Subject Code L3-19

THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 19 – RESIDENTIAL AND COMMERCIAL LEASEHOLD 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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CASE STUDY MATERIALS

ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer with Kempstons Solicitors. You are assisting the conveyancing partner, Alan Waring, with four **unrelated** conveyancing transactions.

You are acting for the following clients in relation to their conveyancing transactions:

1. Jessica Raven

Jessica Raven is considering the purchase of a residential property on a site in Newhall which is currently being developed.

2. Imran Razzaq

Imran is buying a newly built leasehold flat, Flat 18, Hendon Court, Dayton, Hartshire, AT32 5TR.

3. John Collins and Mary Green

John and Mary are buying an existing leasehold house, 145 Broadway, Dayton, Hartshire, AT32 7KS.

4. Isobel Fox

Isobel Fox is the landlord of Unit 6, Gressington Retail Park, Longbury, and requires assistance in relation to a number of leasehold management issues.

Alan Waring has given you the following documents:

Document 1	File Note relating to Jessica Raven
Document 2	File Note relating to Imran Razzaq
Document 3	File Note relating to John Collins and Mary Green
Document 4	Extracts from lease of Unit 6, Gressington Retail Park, Longbury, Hartshire, LO5 8HX

FILE NOTE – 5 JANUARY 2022

To: Trainee

We have been instructed by Jessica Raven. Jessica is considering investing in the residential property market. She has contacted me about a prospective purchase of a property on a new development site in Newhall, in the North-East of England.

The owner of the site is currently constructing a residential block containing 30 new flats. Jessica is considering whether to purchase one of these flats. Each individual flat includes a parking space, with all other parts of the building and grounds being common parts.

Jessica has made an appointment to see me, as she has several issues to discuss.

Alan Waring

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FILE NOTE – 10 JANUARY 2022

To: Trainee

We have been instructed by Imran Razzaq of 22 Delphfields Close, Oxton, Hartshire, OX3 9DF, in connection with:

Purchase of Flat 18, Hendon Court, Dayton, Hartshire, AT32 5TR

Imran has instructed us to act for him in his purchase of a new leasehold property, Flat 18, Hendon Court, Dayton, from Ulverston Property Investments Limited ('Ulverston'), the freeholder owner of Hendon Court. The agreed sale price is £350,000.

Ulverston completed the construction of the building last year, and most of the flats have now been sold. Flat 18 was the last flat left on the market.

Imran's lease, with Ulverston, will include provisions for him to pay a service charge and a contribution to the insurance policy premium, as Ulverston, as landlord, has insured Hendon Court.

Imran is buying the flat with the assistance of a mortgage from Facility Lending Bank plc.

Alan Waring

DOCUMENT 3

FILE NOTE – 3 JANUARY 2022

To: Trainee

We have been instructed by John Collins and Mary Green, an unmarried couple, in connection with:

Purchase of 145 Broadway, Dayton, Hartshire, AT32 7KS

John and Mary are currently living in Flat 2, High Street, Longbury, Hartshire, LO5 9DF. The property is small, with just one bedroom. This has caused problems for John, as he has an informal arrangement with his ex-wife for his two children to stay with him every other weekend.

John and Mary's occupation arrangement comes to an end in two months' time, when they hope to be able to move into their new home.

They have instructed us to act for them in their joint purchase of a 1950's leasehold house, 145 Broadway, Dayton, Hartshire, AT32 7KS, from Linda Sefton at an agreed price of £325,000. Linda's property is not subject to a mortgage.

The purchase will be funded in part with a joint mortgage loan from Nateast Bank plc. The remaining funds will come from Mary. John has no savings, although he will be contributing towards the mortgage instalments.

The lease of 145 Broadway contains a covenant for the tenant to repair and insure the property.

Alan Waring

Turn over

EXTRACTS FROM LEASE, DATED 25 MARCH 2017, OF UNIT 6, GRESSINGTON RETAIL PARK,
LONGBURY, HARTSHIRE, LO5 8HX

1. Definitions and Interpretation:

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Permitted Use: Travel agency

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11. Use

11.1 The Tenant shall not use the Property for any purpose other than the Permitted Use without the prior consent of the Landlord in writing.

14. Review of Annual Rent

14.1

14.2 The amount of Annual Rent shall be reviewed on each Review date to equal:

- (a) The Annual Rent payable before the relevant Rent Date or, if greater:
- (b) The open market rent agreed or determined pursuant to this clause.

End of Case Study Materials