



June 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

- You will be provided with a clean copy of the case study materials in the examination.
- You are **NOT** permitted to take your own copy of the case study materials or any other materials including notes or text books into the examination.
- In the examination, candidates must comply with the CILEx Examination Regulations.

Turn over

CASE STUDY MATERIALS

ADVANCE INSTRUCTIONS TO CANDIDATES

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

1. Tom and Helen Jones

New clients, Tom and Helen, are buying a leasehold property, 21 Gregan Terrace, Longbury.

2. Beauvoir Property Investments Limited (Beauvoir)

Beauvoir are selling Flat 7, Avondale Heights, Dayton.

3. Laura Menston

Laura is the landlord of a building located at Topton Court Business Park, Longbury.

Alan Waring has given you the following documents:

Document 1 File note relating to Tom and Helen Jones

Document 2 Land Registry Official Copy Entries for 21 Gregan Terrace, Longbury, Hartshire, LO7 3DT

Document 3 File note relating to Beauvoir Property Investments Limited

Document 4 Extracts from the draft lease of Flat 7, Avondale Heights, Dayton, Hartshire, AT12 9KJ

Document 5 File note relating to Laura Menston

We have been instructed by two new clients, Tom and Helen Jones, in connection with:

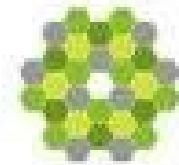
Purchase of 21 Gregan Terrace, Longbury, Hartshire, England, LO7 3DT

Our clients have instructed us to act for them in their purchase of a 1950's leasehold house, 21 Gregan Terrace, Longbury, Hartshire, at an agreed price of £365,000. The unusual minimalist design of the property particularly appealed to Helen, an architecture student.

Tom and Helen are funding their purchase with the assistance of a new mortgage loan from Nateast Finance plc. They have been able to secure an 80% mortgage on the value of the property. The mortgage will be offered on standard terms and subject to Nateast Finance plc receiving its approved form of certificate of title for the property.

LAND REGISTRY OFFICIAL COPY ENTRIES FOR 21 GREGAN TERRACE

Land Registry



Official
copy of
register of
title



Title number BF 906523

Edition date 15.04.2012

- This official copy shows the entries subsisting on the register on **28 April 2022** at **11:18:16**.
- **This date must be quoted as the 'search from date' in any official search application based on this copy.**
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- Issued on 28 April 2022.
- This title is dealt with by **Land Registry, Bilston Office.**

A: Property Register

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

COUNTY

DISTRICT

HARTSHIRE

TRELFOED

- 1 (12.10.1988) The **leasehold** land shown edged with red on the plan of the above title filed at the Registry and being 21 Gregan Terrace, Longbury, Hartshire, L07 3DT
- 2 (12.10.1988) The property has the benefit of, but is subject to, the following right granted by a conveyance of the land in this title dated 17 April 1939 and made between Kenneth Browne (Vendor) (1) and Charlotte Rebecca Adamson (Purchaser) (2):

"Together with a right of way in common with the owners for the time being of numbers 23, 25 and 27 Gregan Terrace for the Purchaser and its successors in title to pass and repossess over that part of the land shown coloured yellow on the plan attached hereto ("the Drive") as does not form part of the Property with or without vehicles for the purpose of gaining access to and egress from the Property SUBJECT TO the Purchaser paying one quarter of the cost of the maintenance of the Drive".

NOTE: The land shown coloured yellow on the Conveyance is shown shaded grey on the Title Plan.

CASE STUDY MATERIALS

- 3 (12.10.1988) Short particulars of the lease(s) (or under-lease(s)) under which the land is held:
- | | | |
|---------|---|---|
| DATE | : | 1 September 1953 |
| TERM | : | 999 years from and including 1 September 1953 |
| RENT | : | £1 |
| PARTIES | : | 1. Niall Elston
2. James Benjamin Mather |
- 4 (12.10.1988) There are excepted from the effect of registration All estates, rights, interests, powers and remedies arising upon, or by reason of, any dealing made in breach of the prohibition or restriction against dealings therewith inter vivos contained in the lease.
- 5 (12.10.1988) Unless otherwise mentioned the title includes any legal easements granted by the registered lease(s) but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.
6. (12.10.1988) The lessor's title is registered under BF 439908.

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 (15.04.2012) PROPRIETOR(S): NIKHIL HANDA of 21 Gregan Terrace, Longbury, Hartshire, LO7 3DT.
- 2 (15.04.2012) The price stated to have been paid on 3 April 2012 was £286,000.

C: Charges Register

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

- 1 (15.04.2012) REGISTERED CHARGE dated 3 April 2012 to secure the moneys including the further advances therein mentioned.
- 2 (15.04.2012) Proprietor(s): FLOYDS BANK PLC of St Peter's Way, Shaftesbury, Daneshire, DK5 0HC.

End of register

[NOTE TO CANDIDATES: Land Registry Title Plans are NOT included and will NOT be required for this assessment. The date at the beginning of an entry is the date on which the entry was made in the Register.]

Turn over

DOCUMENT 3

FILE NOTE – 18 MAY 2022

We have been instructed by Beauvoir Property Investments Limited (Beauvoir) in connection with:

Sale of Flat 7, Avondale Heights, Dayton, Hartshire, AT12 9KJ

Beauvoir has instructed us to act for them in relation to the sales of 30 new build leasehold flats at Avondale Heights. Beauvoir owns the freehold to the whole of Avondale Heights and is selling new leases of the flats comprising the block.

Beauvoir has negotiated the sale of Flat 7, Avondale Heights, Dayton to Clinton Petrou. Alan Waring has drafted the lease for Flat 7, which will be supplied as part of the pre-contract package.

DOCUMENT 4

EXTRACTS FROM THE DRAFT LEASE OF FLAT 7, AVONDALE HEIGHTS, DAYTON, HARTSHIRE,
AT12 9KJ

1. Definitions:

- iv) Flat: the premises known as Flat 7, Avondale Heights, Dayton, Hartshire, AT12 9KJ situated on the first floor of the Block and shown edged red on the Property Plan:

.....

.....

7. Alterations:

- 7.1 Not to make any alterations to the Flat unless otherwise permitted by clause 7.2.
- 7.2 Not to make any internal non-structural alterations or additions to the Flat, without the prior written consent of the Landlord (such consent not to be unreasonably withheld).

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DOCUMENT 5

FILE NOTE – 20 MAY 2022

We have been instructed by Laura Menston in connection with:

The lease of Unit 27, Topton Court Business Park, Longbury, Hartshire LO2 6WA

Laura is the freehold owner of a number of business units at Topton Court. Her agent has found a potential tenant for Unit 27, a local tradesman Darren Bates. Most of the key terms for the lease have been negotiated, although the matter has not yet been finalised.

End of Case Study Materials