



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 17 – CONVEYANCING*

Time allowed: 3 hours plus 15 minutes' reading time

Instructions to Candidates

- You have been provided with a clean copy of the case study materials for you to use in this examination.
- You have **FIFTEEN** minutes to read through this question paper and the case study materials before the start of the examination.
- **It is strongly recommended that you use the reading time to read this question paper fully.** However, you may make notes on this question paper or in your answer booklet during this time, if you wish.
- **All questions are compulsory. You must answer ALL the questions.**
- Write in full sentences – a yes or no answer will earn no marks.
- Candidates must comply with the CILEX Examination Regulations.
- Full reasoning must be shown in answers. Statutory authorities, decided cases and examples should be used where appropriate.

Information for Candidates

- The mark allocation for each question and part-question is given and you are advised to take this into account in planning your work.
- Write in blue or black ink or ballpoint pen.
- Attention should be paid to clear, neat handwriting and tidy alterations.
- Complete all rough work in your answer booklet. Cross through any work you do not want marked.

Do not turn over this page until instructed by the Invigilator.

* This unit is a component of the following CILEX qualifications: **LEVEL 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE** and the **LEVEL 6 DIPLOMA IN LEGAL PRACTICE**

Question 1

Reference: Question relates to 85 Littledale Drive, Eccleshill (**Littledale**) and to **Documents 1, 2 and 3** of the case study materials.

[NOTE TO CANDIDATES: Assume that Bradford became an area of compulsory registration in October 1990]

(a) Explain how you would undertake a land charges search against Peter Earnshaw. In your answer you must:

- explain why such a search would be necessary;
- identify the form you would use;
- identify the periods you would search against;
- explain what entry you would expect the search to reveal based on the contents of the Conveyance dated 5 September 1973;
- discuss the consequences if no such entry is revealed, both in relation to the title to the property and in relation to what clause your clients would nevertheless require in the transfer to the buyers.

(12 marks)

(b) Explain the criteria that you would use in selecting a good root of title and apply those criteria to select the most appropriate root of title for Littledale.

(7 marks)

(c) Draft the following elements of the sale contract for Littledale:

[NOTE TO CANDIDATES: a specimen form of contract is attached to this examination paper (Document A) and is for reference ONLY. Do NOT write your answers on the contract form.]

- (i) Seller; **(1 mark)**
- (ii) Buyer; **(1 mark)**
- (iii) Property; **(2 marks)**
- (iv) Root of title; **(1 mark)**
- (v) Specified incumbrances; **(1 mark)**
- (vi) Purchase price. **(1 mark)**

(7 marks)

(Total: 26 marks)

Question 2

Reference: Question 2(a) relates to 85 Littledale Drive, Eccleshill (**Littledale**) and to **Documents 1, 2 and 3** of the case study materials.

- (a) Explain which documents you will send to the buyers' lawyers as part of the contract bundle for Littledale. You must state your reason for including each document.

(10 marks)

Reference: Question 2(b) relates to The Old Rectory, Riverside Close, Hawkshaw (**The Old Rectory**) and to **Documents 1, 4, 5 and 6** of the case study materials.

- (b) Draft the requisitions on title and other additional pre-contract enquiries that you will raise with the Seller's Lawyers in relation to The Old Rectory based on the information that is currently available. In relation to each requisition or enquiry, separately state your reason for raising it.

[NOTE TO CANDIDATES: Do not raise any standard requisitions or standard pre-contract enquiries covered in Forms TA6 or TA13.]

(10 marks)

(Total: 20 marks)

Question 3

Reference: Question relates to The Old Rectory, Riverside Close, Hawkshaw (**The Old Rectory**) and to **Documents 1, 4, 5 and 6** of the case study materials.

- (a) Explain which pre-contract searches you will undertake in relation to The Old Rectory. You must state the reason(s) for choosing each search that you identify.

[NOTE TO CANDIDATES: Do not address any Enquiries of the Local Authority or the Local Land Charges Search.]

(12 marks)

- (b) Explain what permissions and/or consents your clients may require in relation to their conversion plans for The Old Rectory and the relevant factors that will need to be considered in relation to this.

(18 marks)

(Total: 30 marks)

Question 4

Reference: Question relates to The Old Rectory, Riverside Close, Hawkshaw (**The Old Rectory**) and to **Documents 1, 4, 5 and 6** of the case study materials.

Shortly before exchange of contracts, you receive an email from your clients asking for advice as to how they might hold the legal and beneficial title in The Old Rectory.

- (a) Draft the substantive paragraphs of an email explaining the options available to your clients and the legal and practical significance of these. You should also identify the documents that might be used to give effect to their choice.

(13 marks)

Contracts have now been exchanged and today is the day fixed for completion of the purchase of The Old Rectory. However, you have just received an email from Martina Novotna, informing you that Genevieve Laurent died in a road traffic accident last night.

- (b) Draft a file note to your supervisor explaining:
- the effect that Genevieve Laurent's death has on the transaction;
 - the steps that will have to be taken in light of this new circumstance in order for the purchase to proceed.

[NOTE TO CANDIDATES: Do NOT deal with remedies for delayed completion nor with the effect on your clients' related sale.]

(11 marks)

(Total: 24 marks)

DOCUMENT A

(To be used with Question 1)

**CONTRACT
Incorporating the
Standard Conditions of Sale
(Fifth Edition – 2018 Revision)**

For conveyancer's use only
Buyer's conveyancer:
Seller's conveyancer:
Law Society Formula: [A / B / C / Personal exchange]
The information above does not form part of the Contract

Date :

Seller :

Buyer :

Property (freehold/leasehold) :

Title number/root of title :

Specified incumbrances :

Title guarantee (full/limited) :

Completion date :

Contract rate :

Purchase price :

Deposit :

Contents price (if separate) :

Balance :

The seller will sell and the buyer will buy the property for the purchase price.

<p>WARNING</p> <p>This is a formal document, designed to create legal rights and legal obligations. Take advice before using it.</p>	<p>Signed</p> <p>Seller/Buyer</p>
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End of Examination Paper