



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 189 Arnold Street, Lancaster, LA1 2SU (**Arnold Street**) and to **Documents 1, 2, 3 and 4** of the case study materials.

Your supervising partner has asked you to draft the Epitome of Title for Arnold Street.

(a) Explain and apply the criteria you will use to decide which deed or document should be selected as the most appropriate Root of Title for Arnold Street.

(9 marks)

(b) Explain, in relation to Arnold Street, which:

(i) pre-root deeds and/or documents (if any) you will include in the Epitome of Title;

(ii) post-root deeds and/or documents (if any) you will include in the Epitome of Title.

(6 marks)

(c) Explain, based solely on the documents in your firm's possession: the class of title with which HM Land Registry will register Arnold Street on registration of the assignment to the buyers; whether the buyers' lawyers will consider this class of title to be acceptable; and what steps (if any) the buyers' lawyers will expect you to take in relation to this on or before completion.

(7 marks)

(d) Explain which additional documents, forms and/or items you would be expected to include in the contract bundle for Arnold Street, save for the contract and for any items and/or issues raised by Question 1 parts (a), (b) and (c) above.

(8 marks)

(Total: 30 marks)

Question 2

Reference: Question relates to 113 West Drive, Tintwistle, Glossop, SK13 1NB (**West Drive**) and to **Documents 1, 2 and 5** of the case study materials.

(a) List the pre-contract searches that you will need to perform for West Drive.

(5 marks)

(b) **In your answer booklet**, draft the requisitions on title that you will raise with the sellers' lawyers on West Drive, based **solely** on the information contained in, and matters raised (if any) by, the Official Copy of the Title Register for West Drive (**Document 5**), explaining your reasons for raising each requisition that you identify.

(13 marks)

(c) Explain what consents and/or permissions will be required for the alterations that the buyers intend to make to West Drive following completion.

(7 marks)

(Total: 25 marks)

Question 3

Reference: Question relates to 189 Arnold Street, Lancaster, LA1 2SU (**Arnold Street**) and to 113 West Drive, Tintwistle, Glossop, SK13 1NB (**West Drive**) and to **Documents 1, 2, 3, 4, 5 and 6** of the case study materials.

Your supervisor has asked you to draft the sale contract for Arnold Street.

- (a) **In your answer booklet**, draft the following parts of the sale contract for Arnold Street:

Note: do not give any reasons as to why or how you are drafting the contract.

- | | |
|--------------------------------------|------------------|
| (i) Seller; | (1 mark) |
| (ii) Buyer; | (1 mark) |
| (iii) Property (freehold/leasehold); | (3 marks) |
| (iv) Title Number / Root of Title; | (1 mark) |
| (v) Title guarantee; | (1 mark) |
| (vi) Contract rate; | (1 mark) |
| (vii) Purchase price; | (1 mark) |
| (viii) Deposit; | (1 mark) |
| (ix) Contents price (if separate); | (1 mark) |
| (x) Balance. | (2 marks) |

(Total: 13 marks)

Both the sale and purchase contracts have now been approved and engrossments have been prepared. All parties have confirmed that they are ready to complete with an agreed completion date of 21 February 2020.

- (b) Explain:

- (i) which Law Society formula is most likely to be used in this case to exchange contracts for the purchase of West Drive;
- (ii) what matters you will need to agree/confirm with the lawyers acting in the sale of West Drive, when exchanging contracts using that formula.

(7 marks)

(Total: 20 marks)

Turn over

Question 4

Reference: Question relates to 189 Arnold Street, Lancaster, LA1 2SU (**Arnold Street**) and to 113 West Drive, Tintwistle, Glossop, SK13 1NB (**West Drive**) and to **Documents 1, 2, 3, 5 and 6** of the case study materials.

- (a) Identify which pre-completion searches you will perform on West Drive and, for each search that you identify, state:
- the reasons/purposes for performing that search;
 - the forms you will use (if any) to perform that search;
 - the applicant(s) for that search;
 - the relevant time limits that will apply in relation to the search result.

(9 marks)

The sellers' lawyers have confirmed in the form TA13 that they are following the Law Society Code for Completion by Post (2019) ('the Code').

- (b) Explain what undertakings the lawyers acting in the sale of West Drive will be giving in relation to the sellers under the Code and what the consequences of breaching these undertakings would be.

(5 marks)

Assume that completion of both Arnold Street and West Drive occurred earlier this morning and that you are now ready to deal with the post-completion formalities.

- (c) Explain what post-completion steps you will now take in relation to West Drive. In your answer, ensure that you state:
- the reasons for each step that you will take;
 - the forms that you will use (if any);
 - the time limits that will apply.

(11 marks)

(Total: 25 marks)

End of Examination Paper