

**CASE STUDY MATERIALS**

January 2017  
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 textbooks into the examination.
- In the examination, candidates must comply with the CILEX Examination Regulations.

***Turn over***

\* This unit is a component of the **CILEX LEVEL 3 PROFESSIONAL QUALIFICATIONS** and **LEVEL 3 LEGAL SERVICES KNOWLEDGE QUALIFICATIONS**

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**ADVANCE INSTRUCTIONS TO CANDIDATES**

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

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

1. David and Melissa Smith

New clients, David and Melissa, are buying a leasehold property, 53 Heathcliff Street, Yeobury.

2. Upmans Property Investments Limited (Upmans)

Upmans is selling Flat 44, Corsham Heights, Tatebury.

3. Jane Morris

Jane is granting a lease of Unit 72, Crockett Court Business Park, Yeobury.

You have been given the following documents:

- |                   |  |
|-------------------|--|
| <b>Document 1</b> | File Note relating to David and Melissa Smith  |
| <b>Document 2</b> | Land Registry Official Copy Register Entries for 53 Heathcliff Street, Yeobury, Samshire |
| <b>Document 3</b> | File Note relating to Upmans Property Investments Limited                                |
| <b>Document 4</b> | Extract from the draft lease of Flat 44, Corsham Heights, Tatebury, Samshire             |
| <b>Document 5</b> | File Note relating to Jane Morris  |

**Land Registry Title Plans are NOT included and will NOT be required for this assessment.**

**DOCUMENT 1**

**FILE NOTE – 14 NOVEMBER 2016**

We have been instructed by two new clients, David and Melissa Smith, in connection with:

**Purchase of 53 Heathcliff Street, Yeobury, Samshire, YE7 3SH**

Our clients have instructed us to act for them in their purchase of this 1950s leasehold property, at an agreed price of £265,000. The unusual minimalist design of the property particularly appealed to Melissa, an architecture student.

David and Melissa are funding their purchase with the aid 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.

***Turn over***

DOCUMENT 2

OFFICIAL COPY REGISTER ENTRIES FOR 53 HEATHCLIFF STREET,  
YEOBURY, SAMSHIRE

**OFFICIAL COPY OF REGISTER ENTRIES**

This official copy shows the entries subsisting on the register on **15 November 2016** 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 15 November 2016.

This title is dealt with by **Land Registry Bilston Office**

**LAND REGISTRY**

TITLE NUMBER: **BF774319**

Edition date: 15 APRIL 2012

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**A: Property Register**

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

COUNTY

DISTRICT

SAMSHIRE

TRELFORD

1. (12 October 1988) The leasehold land shown and edged with red on the plan of the above title filed at the Registry and being 53 Heathcliff Street, Yeobury, Samshire, YE7 3SH.
2. (12 October 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 25 April 1938 and made between Jerome Taylor Booth (Vendor) (1) and Anne Harriet Robinson (Purchaser) (2) ("the Conveyance"):

"Together with a right of way for the Purchaser and its successors in title to pass and repass 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 plan is shown tinted brown on the title plan.

3. (12 October 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

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RENT : £1 per annum  
PARTIES : 1. Harold Hamilton Rushton  
2. Theodore Thomas Price

4. (12 October 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 October 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 October 1988) The lessor's title is registered under BF683221.

**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 April 2012) Proprietor(s) Syed Shiva of 53 Heathcliff Street, Yeobury, Samshire, YE7 3SH.
2. (15 April 2012) The price stated to have been paid on 3 April 2012 was £236,000.

**C: Charges Register**

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

1. (15 April 2012) REGISTERED CHARGE dated 3 April 2012 to secure the moneys including the further advances therein mentioned.
2. (15 April 2012) Proprietor(s): Floyds Bank plc of St Peter's Way, Shaftesbury, Daneshire, DK5 0HC.

**END OF REGISTER**

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NOTE: A 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 NOVEMBER 2016**

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

**Sale of Flat 44, Corsham Heights, Tatebury, Wiltshire, TT12 1JL**

Upmans has instructed us to act for it in relation to the sale of leasehold flats at Corsham Heights. Upmans owns the freehold of the whole of Corsham Heights and is selling new individual leases of the 30 flats comprised in the block.

Upmans has negotiated the sale of Flat 44, Corsham Heights, Tatebury to Winston D'Abo. Alan Waring has drafted the lease for Flat 44, which will be supplied as part of the pre-contract package.

**DOCUMENT 4**

**EXTRACT FROM THE DRAFT LEASE OF FLAT 44, CORSHAM HEIGHTS,  
TATEBURY, SAMSHIRE, TT12 1JL**

- 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).

**DOCUMENT 5**

**FILE NOTE – 23 NOVEMBER 2016**

We have been instructed by Jane Morris in connection with:

**The lease of Unit 72, Crockett Court Business Park, Yeobury, Samshire, YE6 4TJ**

Jane is the freehold owner of a number of business units at Crockett Court. Her agent has found a potential tenant for Unit 72, a local tradesman, Barry Wise. Most of the key terms for the lease have been negotiated, although the matter has not yet been finalised.

**End of Case Study Materials**