



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 10 – CONVEYANCING*

Time allowed: 1 hour and 30 minutes 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 **CILEx LEVEL 3 PROFESSIONAL QUALIFICATIONS** and **LEVEL 3 LEGAL SERVICES KNOWLEDGE QUALIFICATIONS**

Question 1

In relation to the sale of 14 Waterford Drive

Reference: Question relates to **Documents 1, 2 and 3** of the case study materials.

(a) Explain what evidence of your client's registered title CT257453 you would need to send to the buyer's lawyers and why, **and** describe how you would obtain this evidence.

(4 marks)

(b) Explain whether or not Sally Coyle would need to sign the contract for the sale of 14 Waterford Drive.

(4 marks)

(c) In relation to your client's registered title CT257453:

(i) identify which entry in the register is likely to be the subject of a pre-contract enquiry from the buyer's lawyers, and explain why;

(3 marks)

(ii) explain what courses of action will be available to your clients in respect of this entry in response to any such pre-contract enquiry.

(4 marks)

(d) In relation to the exchange of contracts with the buyer's lawyers on your client's sale of 14 Waterford Drive:

(i) state which Law Society Formula would be used, and explain why that particular Formula would be used in this case;

(3 marks)

(ii) explain how, on exchange of contracts, you would deal with the deposit paid by the buyer and why you would deal with it in that way.

(3 marks)

(Total: 21 marks)

Question 2

In relation to the purchase of 5 Bracken Rise

Reference: Question relates to **Documents 1, 4 and 5** of the case study materials.

- (a) You have been supplied with a draft Contract by the sellers' lawyers in relation to your clients' purchase of 5 Bracken Rise, attached as **Document A**. Identify **five** amendments that you would make to this draft Contract.

Important: Write your answer in your answer booklet, not on Document A.

(5 marks)

- (b) List the **four** main types of mortgage that may currently be available to your clients, identifying which one of these is now the most common type for a new mortgage.

(4 marks)

- (c) Explain, in relation to the structural stability of 5 Bracken Rise: what warranty you would need to check is in existence; why you would need to do so; and how the benefit of the warranty will be assigned to your clients.

(5 marks)

- (d) Explain why the issue of contamination could be relevant to your clients' purchase of 5 Bracken Rise and identify **two** pre-contract searches that will provide information regarding contaminated land.

(4 marks)

(Total: 18 marks)

Turn over

Question 3

In relation to post-exchange of contracts, completion and post-completion matters regarding the purchase of 5 Bracken Rise

Reference: Question relates to **Documents 1, 4 and 5** of the case study materials.

(a) Explain **four** of the matters that will be covered in the Completion Information and Undertakings Form (TA13) sent by you to the sellers' lawyers in relation to your clients' purchase of 5 Bracken Rise. **(4 marks)**

(b) Identify **two** types of search that you would carry out, after exchange of contracts but before completion, in relation to your clients' purchase of 5 Bracken Rise **and** explain the purpose of each search. **(5 marks)**

(c) In relation to registration of your clients' purchase of 5 Bracken Rise at the Land Registry:

(i) explain what time limit you would need to comply with in relation to making an application for registration, and the possible consequence of not doing so; **(2 marks)**

(ii) list **five** documents that you would need to send to the Land Registry to apply for registration **and** explain the purpose of each document. **(5 marks)**

(d) If your clients decide to purchase 5 Bracken Rise as beneficial tenants in common:

(i) identify what entry you would expect the Land Registry to make upon registration of your clients' purchase and in which part of the register it would be made; **(2 marks)**

(ii) explain why the entry would be made and what its effect would be. **(3 marks)**

(Total: 21 marks)

Document A

Extract of Contract to be used with Question 2(a): the remainder of the Contract is not required for the question

CONTRACT

Incorporating the Standard Conditions of Sale (Fifth Edition)

Date	:	
Seller	:	John Mottram and Amanda Mottram both of 5 Bracken Rise, Pebblebridge, PB2 3JX
Buyer	:	David Bowes and Sally Coyle both of 14 Waterford Drive, Cattletown, CT1 3JB
Property (freehold/leasehold)	:	5 Bracken Rise, Pebblebridge, PB2 3JX
Title number/root of title	:	CT482953
Specified incumbrances	:	The matters contained in the register of the above title (save for any financial charges)
Title guarantee (full/limited)	:	Limited title guarantee
Completion date	:	
Contract rate	:	10% per annum
Purchase price	:	Four hundred thousand pounds (£400,000.00)
Deposit	:	£40,000.00
Contents price (if separate)	:	-
Balance	:	£360,000.00

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

WARNING	Signed
This is a formal document, designed to create legal rights and legal obligations. Take advice before using it.	Seller/Buyer

End of Examination Paper

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