

THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 10 – 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**

CASE STUDY MATERIALS

ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer with Kempstons Solicitors. You are assisting conveyancing partner Susan Shah in two **unrelated** conveyancing transactions.

The two transactions, which are each for different clients, relate to:

- (a) a sale of 25 Kynaston Road, Cattletown by Angela Brindley;
- (b) a purchase of Rowton Cottage, Mill Lane, Pebblebridge by Stephen Pritchard.

More information about the two transactions is contained in the two file notes prepared by Susan Shah (**Document 1**).

- Document 1** Two file notes prepared by Susan Shah
- Document 2** Estate Agent's Particulars of Sale for 25 Kynaston Road, Cattletown
- Document 3** Land Registry Official Copy register entries for 25 Kynaston Road, Cattletown
- Document 4** Estate Agent's Particulars of Sale for Rowton Cottage, Mill Lane, Pebblebridge
- Document 5** Land Registry Official Copy register entries for Rowton Cottage, Mill Lane, Pebblebridge

NOTE: Land Registry Title Plans are not provided and will **not** be required for the assessment.

DOCUMENT 1

File Note: Mrs Brindley – Sale of 25 Kynaston Road, Cattletown

We are acting in the sale of 25 Kynaston Road for Angela Brindley. She originally purchased this property jointly with her late husband, John Brindley, as beneficial tenants in common in equal shares. John died a couple of years ago and Angela has continued to live in the house. In his Will, John left his beneficial share in the property to their two sons, who have both now grown up and left home. Angela has now decided that she wants to move on, and has agreed a sale of the property at a price of £425,000. She has no related purchase, as she will be moving in to live with one of her sons.

I have opened a new file for this matter, which currently contains the Estate Agent's Particulars of Sale (**Document 2**) and the Land Registry Official Copy register entries (**Document 3**). Also on file is a copy of the death certificate for John Brindley and the Grant of Probate appointing Angela as his sole executrix, which she has sent to us. Even though Angela has no related purchase, she would like to complete the sale reasonably quickly, because she wishes to move in with her son fairly soon. There is a small mortgage on the property, with a balance remaining of approximately £10,000.

[Note to candidates: Neither the death certificate nor the Grant of Probate relating to John Brindley are included with these Case Study Materials and they will NOT be required for the assessment.]

File Note: Mr Pritchard – Purchase of Rowton Cottage, Mill Lane, Pebblebridge

We are acting for Stephen Pritchard in his purchase of Rowton Cottage at a price of £275,000. He will be obtaining a £125,000 mortgage advance from Pan Euro Bank plc to assist him in the purchase. He will provide the remainder of the purchase price out of his own savings. He has been renting until now, so he has no property to sell.

The property is an old stone cottage, which has recently been renovated and extended by the current owner, who is now selling the property and relocating with his job. The seller has a related purchase.

These are new instructions, and all I currently have on the file are the Estate Agent's Particulars of Sale (**Document 4**) and the Land Registry Official Copy register entries (**Document 5**). Our client is keen to move out of his rented accommodation and would therefore like an early completion of his purchase. The seller's lawyers have confirmed that they, like our own firm, will be adopting the Law Society's Conveyancing Protocol.

Turn over

DOCUMENT 2

WADE AND GRAYSON
Estate Agents

Tel: 01873 845000
Fax: 01873 845001

30 High Street
Cattletown
CT5 0JS

Estate Agent's Particulars of Sale

| | |
|--------------------------------|---|
| Property: | 25 Kynaston Road, Cattletown, CT1 3AB |
| Seller: | Mrs Angela Brindley, 25 Kynaston Road, Cattletown, CT1 3AB |
| Buyer: | Mr Jaget Dutta, 14 Wesley Lane, Pebblebridge, PB4 2AF |
| Tenure: | Freehold with vacant possession |
| Type of property: | Detached two-storey house with integral garage |
| Price: | £425,000 |
| Commission: | 2% (plus VAT) payable on completion |
| Seller's lawyers: | Kempstons Solicitors, Kempston Manor, Kempston, MK42 7AB (ref: Ms S. Shah) |
| Buyer's lawyers: | Paris Andrei, 65 High Street, Cattletown, CT1 3XY (ref: Mr D. Paton) |
| Additional information: | Sale subject to contract and to buyer's mortgage offer and survey. Buyer has no dependent sale. Seller has no related purchase. |

**Land Registry Official Copy register entries for
25 Kynaston Road, Cattletown**

Land Registry



**Official
copy of
register of
title**

Title number CT257384

Edition date 21.05.2011

- This official copy shows the entries subsisting on the register on 8 January 2020 at 10:43:09.
- This date must be quoted as the 'search from date' in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 8 January 2020 at 10:43:09.
- Under s.67 of the Land Registration Act 2002 this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by Land Registry, Birkenhead Office.

A: Property Register

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

SUNSHIRE : CATTLETOWN

- 1 (10.09.1986) The **freehold** land shown edged with red on the plan of the above title filed at the Registry and being 25 Kynaston Road, Cattletown, (CT1 3AB).
- 2 (10.09.1986) The mines and minerals are excepted from the registration.

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 (21.05.2011) PROPRIETOR(S): ANGELA BRINDLEY of 25 Kynaston Road, Cattletown, (CT1 3AB).
- 2 (21.05.2011) The price stated to have been paid on 15 May 2011 was £385,000.
- 3 (21.05.2011) RESTRICTION: No disposition by a sole proprietor of the registered estate (except a trust corporation) is to be registered unless authorized by an order of the court.

Turn over

C: Charges Register

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

- 1 (10.09.1986) A Conveyance of the land in this title dated 2 August 1986 and made between (1) Premier Homes Ltd and (2) Rosalind Tudman contains restrictive covenants.

NOTE: Copy conveyance filed.

- 2 (21.05.2011) REGISTERED CHARGE dated 15 May 2011.
- 3 (21.05.2011) Proprietor: CATTLETOWN BUILDING SOCIETY of 3 The Cattle Market, Cattletown, CT1 0AX.

End of register

DOCUMENT 4

WADE AND GRAYSON
Estate Agents

Tel: 01873 845000
Fax: 01873 845001

30 High Street
Cattletown
CT5 0JS

Estate Agent's Particulars of Sale

| | |
|--------------------------------|--|
| Property: | Rowton Cottage, Mill Lane, Pebblebridge, PB3 4DF |
| Seller: | Mr Poyan Holta, Rowton Cottage, Mill Lane, Pebblebridge, PB3 4DF |
| Buyer: | Mr Stephen Pritchard, 7 Sandon Avenue, Cattletown, CT2 3BN |
| Tenure: | Freehold with vacant possession |
| Type of property: | Detached two-storey cottage with separate garage and outbuildings |
| Price: | £275,000 |
| Commission: | 2% (plus VAT) payable on completion |
| Seller's lawyers: | Bains Montague, 3 Exchange Street, Cattletown, CT1 4DD (ref: Mr A. Bains) |
| Buyer's lawyers: | Kempstons Solicitors, Kempston Manor, Kempston, MK42 7AB (ref: Ms S. Shah) |
| Additional information: | Sale subject to contract and to buyer's mortgage offer and survey. Buyer has no dependent sale. Seller is buying another property and so has a related purchase. |

Turn over

**Land Registry Official Copy register entries for
Rowton Cottage, Mill Lane, Pebblebridge**



Land Registry

Official
copy of
register of
title

Title number PB537932

Edition date 17.03.2014

- This official copy shows the entries subsisting on the register on 9 January 2020 at 11:23:07.
- This date must be quoted as the 'search from date' in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 9 January 2020 at 11:23:07.
- Under s.67 of the Land Registration Act 2002 this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by Land Registry, Birkenhead Office.

A: Property Register

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

SUNSHIRE : PEBBLEBRIDGE

- 1 (12.11.1974) The **freehold** land shown edged with red on the plan of the above title filed at the Registry and being Rowton Cottage, Mill Lane, Pebblebridge, (PB3 4DF).
- 2 (12.11.1974) The Conveyance dated 1 September 1950 referred to in the Charges Register contains a provision as to boundary structures.

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 (17.03.2014) PROPRIETOR(S): POYAN HOLTA of Rowton Cottage, Mill Lane, Pebblebridge, (PB3 4DF).
- 2 (17.03.2014) The price stated to have been paid on 10 March 2014 was £195,000.

C: Charges Register

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

- 1 (12.11.1974) A Conveyance of the land in this title and other land dated 1 September 1950 made between (1) William Chambers and (2) Gerard Tulloch contains the following covenant:

"The Purchaser so as to bind the land hereby conveyed and each and every part thereof HEREBY COVENANTS with the Vendor and its successors in title for the benefit of the adjoining land now retained by the Vendor that the land hereby conveyed will not be used for any purpose other than residential purposes".

- 2 (17.03.2014) REGISTERED CHARGE dated 10 March 2014.
- 3 (17.03.2014) Proprietor: BOBBINS BANK PLC (Co Regn No 0786341) of Grand Building, Fishermans Row, Hains City, HC1 0FJ.

End of register

End of Case Study Materials

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