

## CASE STUDY MATERIALS

January 2020  
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.

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\* 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 the conveyancing partner, Alan Waring.

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

1. Victoria Damm and Marios Furber

Your clients, Victoria and Marios, are currently living in a rented flat, but have now decided to buy a newly built leasehold property, 47 Flinders Street, Longbury, Hartshire. This property is part of a large development of houses on an estate in the east of England.

2. Emily Silver and George Kirk

Emily and George are buying a leasehold house, 134 Paisley Park Avenue, Longbury, Hartshire.

3. Mire Landmark Ventures plc

Mire Landmark Ventures plc has instructed you on a number of matters affecting Unit 6, Clifton Yard, Longbury, Hartshire.

You have been given the following documents:

- |                   |  |
|-------------------|--|
| <b>Document 1</b> | File Note relating to Victoria Damm and Marios Furber  |
| <b>Document 2</b> | File Note relating to Emily Silver and George Kirk   |
| <b>Document 3</b> | Land Registry Official Copy of Register Entries for 134 Paisley Park Avenue, Longbury, Hartshire, AT27 3UN       |
| <b>Document 4</b> | Extract from Local Land Charges Search (LLC1) Results for 134 Paisley Park Avenue, Longbury, Hartshire, AT27 3UN |
| <b>Document 5</b> | File Note relating to Mire Landmark Ventures plc   |
| <b>Document 6</b> | Extracts from the lease of Unit 6, Clifton Yard, Longbury, Hartshire, AT28 5DW                                   |

**DOCUMENT 1**

**FILE NOTE – 25 NOVEMBER 2019**

We have been instructed by Victoria Damm and Marios Furber, a young co-habiting couple.

Victoria, Marios and Victoria's two-year-old son are currently living in Flat 2, Kerslake Road, Longbury, Hartshire, AT28 8UJ. They feel that the flat is too small for the three of them and, with their arrangement for the flat coming to an end in three months' time, they have found a larger property to buy (see below).

The property they have decided to buy is a newly built leasehold property, 47 Flinders Street, Longbury, Hartshire, AT17 8UH. We have been instructed to act for Victoria and Marios in relation to their purchase of 47 Flinders Street from LJ (Residential Investments) Limited at an agreed price of £325,000.

The lease to be granted will be for a term of 120 years at an annual rent of £800.

Victoria's son is from a previous relationship. Victoria has funds for the purchase from the sale of her former home. Marios does have some savings of his own, but overall his contribution to the purchase will be much smaller than Victoria's. Approximately 60% of the purchase price will come from a mortgage with Nateast Bank. This mortgage has been offered on standard terms, subject to Nateast Bank receiving a satisfactory Certificate of Title from us.

***Turn over***

**DOCUMENT 2**

**FILE NOTE – 5 NOVEMBER 2019**

We have been instructed by Emily Silver and George Kirk in connection with the purchase of a property in Longbury, in the east of England.

They are intending to buy an existing leasehold property, 134 Paisley Park Avenue, Longbury, Hartshire, AT27 3UN from Kardam Khan at an agreed price of £685,000.

The property, built in 2007, is a three-bedroomed semi-detached house, situated on an 'open plan' estate development.

Emily and George have indicated that they plan to start a family soon after completing the purchase and will, therefore, look to extend the property into the rear garden. Their plans for the extension will involve cutting down two trees and the erection of a new fence along the southern boundary at the rear of the garden.

**OFFICIAL COPY OF REGISTER ENTRIES**

This official copy shows the entries subsisting on the register on **29 November 2019** at **11:23:46**.

**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 29 November 2019.

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

**LAND REGISTRY**

TITLE NUMBER: **BT 762251**

Edition date: 12 JULY 2009

**A: Property Register**

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

COUNTY

DISTRICT

HARTSHIRE

TRELFORD

1.(19 October 2007) The leasehold land shown and edged with red on the plan of the above title filed at the Registry and being 134 Paisley Park Avenue, Longbury, Hartshire, AT27 3UN.

2.(19 October 2007) Short particulars of the lease(s) (or under-lease(s)) under which the land is held:

DATE	:	29 September 2007
TERM	:	120 years from and including 29 September 2007
RENT	:	£150 and additional sums
PARTIES	:	1. Brisley Property Investments Limited 2. Amanda Baker

3.(19 October 2007) 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

4.(19 October 2007) 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

5.(19 October 2007) The lessor's title is registered under BT974331

**Turn over**

## CASE STUDY MATERIALS

### **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.(12 July 2009) Proprietor(s) Kardam Khan of 134 Paisley Park Avenue, Longbury, Hartshire, AT27 3UN.

2.(12 July 2009) The price stated to have been paid on 28 June 2009 was £395,000

### **C: Charges Register**

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

1.(19 October 2007) A Conveyance of the land in this title dated 6 March 1956 made between (1) Anthony Smith and Maureen Smith (Vendors) and (2) Phillip Charles Bird and Emilia Beatrice Bird (Purchasers) contains the following covenant:

"The Purchasers with the intent and so as to bind the property hereby conveyed and to benefit and protect the retained land of the Vendors lying to the south of the land hereby conveyed hereby covenant with the Vendors that they and their successors in title will at all times observe and perform the stipulation not to erect any boundary wall or fence which is more than one foot in height on the southern boundary of the land hereby conveyed and which adjoins the Vendors' retained land"

2.(12 July 2009) REGISTERED CHARGE dated 28 June 2009 to secure the moneys including the further advances therein mentioned.

3.(12 July 2009) Proprietor(s): Clifton Finance Group plc of 176 Myrtle Street, Cattletown, Hartshire, CT6 3RD.

### **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.

**DOCUMENT 4**

**EXTRACT FROM LLC1 RESULTS FOR  
134 PAISLEY PARK AVENUE**

**LOCAL LAND CHARGES ACT 1975**

SCHEDULE TO OFFICIAL CERTIFICATE OF SEARCH

DATE: 3 January 2020 SEARCH NO: 02847

PROPERTY: 134 PAISLEY PARK AVENUE, LONGBURY, HARTSHIRE, AT27 3UN

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**Part 4 – Miscellaneous Charges**

Charge date – 01/06/2013

Description – Tree Preservation Order – operative 1 June 2013

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**DOCUMENT 5**

**FILE NOTE – 5 DECEMBER 2019**

We have been instructed by an established client of the firm, Mire Landmark Ventures plc. Its Managing Director, Sada Mire, has been in to see me to discuss one of their properties, Unit 6, Clifton Yard, Longbury.

Hilton Trope Limited are the tenants of Unit 6. They have contacted Sada, as they wish to make a number of changes to the building.



**EXTRACTS FROM THE LEASE OF  
UNIT 6, CLIFTON YARD, LONGBURY, HARTSHIRE, AT28 5DW**

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**19. ALTERATIONS**

19.1 The Tenant shall not make any structural alterations to the Property.

19.2 The Tenant shall not make any non-structural alterations to the Property without the consent of the Landlord.

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**End of Case Study Materials**



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