

## CASE STUDY MATERIALS

September 2020  
Level 3  
CONVEYANCING  
Subject Code L3-10



## 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.

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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 conveyancing partner Martin Bawa in two **related** conveyancing transactions.

The two transactions relate to the sale of 3a John Street, Boddleston by Gita Patel and a joint purchase of Honeysuckle Cottage, Coal Lane, Bixtone by Gita Patel and Ian White. Both properties are in England.

More information about the two transactions is contained in two file notes prepared by Martin Bawa (**Document 1**). Martin Bawa has asked you to help him to progress these two transactions and has provided you with the following documents:

- Document 1**      File Notes prepared by Martin Bawa
- Document 2**      Land Registry Official Copy register entries for 3a John Street
- Document 3**      Land Registry Official Copy register entries for Honeysuckle Cottage, Coal Lane
- Document 4**      Draft Contract of Sale for Honeysuckle Cottage prepared by the seller's conveyancer

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

**DOCUMENT 1**

**File Note: Miss Gita Patel and Mr Ian White - Sale of 3a John Street, Boddleston**

We have been instructed in the sale of 3a John Street by Gita Patel at the price of £185,000 to Jeremy Cooper. Gita is currently residing at 3a John Street with her partner, Ian White, and she would like to tie in completion of this sale with her related purchase. There is approximately £110,000 outstanding on her current mortgage to Bobbins Bank plc and this will need to be redeemed on completion. I have obtained the deeds packet and applied for official copies of the title (**Document 2**). I have also obtained evidence of identity from Gita and have asked her to complete the Property Information Form and the Fittings and Contents Form. Gita bought the property in 2018 from a developer, as a new build.

Mr Cooper's conveyancers are Amrit Blade & Co and I have received confirmation from them that they are acting and will, like our firm, be adopting the Law Society's Conveyancing Protocol ('the Protocol'). Mr Cooper has no related sale.

**File Note: Miss Gita Patel and Mr Ian White - Purchase of Honeysuckle Cottage, Coal Lane, Bixtone**

We have been instructed in the joint purchase of Honeysuckle Cottage by Gita Patel and Ian White, at the price of £490,000. I have obtained evidence of identity from Ian. They will both be occupying the property as their main residence.

Although Gita already owns a home (being 3a John Street), Ian is a first-time buyer. Neither of them have, or have had, any interest in any other property. They are purchasing with a joint mortgage for £400,000 from Sandy Building Society and will be providing the balance of the purchase price equally between them.

We have also been instructed to act on behalf of Sandy Building Society in relation to its mortgage on Honeysuckle Cottage. I have discussed co-ownership options with Gita and Ian and they have decided to buy Honeysuckle Cottage as beneficial joint tenants.

The clients have agreed to purchase certain items at the property for an additional sum of £800.

Masons LLP are acting for the seller, Ms Blake, and will, like our firm, be adopting the Protocol. I have received the draft contract pack which includes the replies to the Property Information Form, official copies of Title Number WB56431 (**Document 3**) and a copy of the Conveyance dated 2 August 1986.

I have investigated the title and have noted that the 1986 Conveyance imposes a covenant 'not to build, erect or place any temporary building (including sheds, caravans or trailers) on the land hereby conveyed' which binds Honeysuckle Cottage.

The clients are keen to complete the two transactions as soon as possible.

**Turn over**

**Land Registry Official Copy register entries for 3a John Street, Boddleston**

Land Registry



Official  
copy of  
register of  
title

Title number BU997201

Edition date 23.10.2018

- This official copy shows the entries subsisting on the register on 25 May 2020 at 12:13:06.
- 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 25 May 2020 at 12:13:06.
- 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 : BODDLESTON

- 1 (23.10.2018) The **freehold** land shown edged with red on the plan of the above title filed at the Registry and being 3a John Street, Boddleston (BD16 9LY)

**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 (23.10.2018) PROPRIETOR(S): GITA PATEL of 3a John Street, Boddleston (BD16 9LY)
- 2 (23.10.2018) The price stated to have been paid on 16 October 2018 was £150,000.

## **C: Charges Register**

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

- 1 (23.10.2018) A Transfer of the land in this title dated 16 October 2018 and made between (1) Premier Homes Ltd and (2) Gita Patel contains restrictive covenants.

NOTE: Copy filed

- 2 (23.10.2018) REGISTERED CHARGE dated 16 October 2018.
- 3 (23.10.2018) Proprietor: BOBBINS BANK PLC (Co Regn No 0786341) of Grand Building, Fishermans Row, Hains City, HC1 0FJ

**End of register**

***Turn over***

DOCUMENT 3

Land Registry Official Copy register entries for Honeysuckle Cottage,  
Coal Lane, Bixtone

Land Registry



Official  
copy of  
register of  
title

Title number WB56431

Edition date 21.05.2017

- This official copy shows the entries subsisting on the register on 8 June 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 June 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 : BIXTONE

- 1 (10.09.1986) The **freehold** land shown edged with red on the plan of the above title filed at the Registry and being Honeysuckle Cottage, Coal Lane, Bixtone (BU4 5TH)
- 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 (21.05.2017) PROPRIETOR(S): LOUISE JANE FRANKUM of Honeysuckle Cottage, Coal Lane, Bixtone (BU4 5TH)
- 2 (21.05.2017) The price stated to have been paid on 15 May 2017 was £455,000.

## **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) Brendan Builders Ltd and (2) Rosalind Tudman contains restrictive covenants.

NOTE: Copy conveyance filed.

- 2 (21.05.2017) REGISTERED CHARGE dated 15 May 2017.
- 3 (21.05.2017) Proprietor: CATTLETOWN BUILDING SOCIETY of 3 The Cattle Market, Cattletown, CT1 0AX.

**End of register**

***Turn over***

**DOCUMENT 4**

**Draft Contract of Sale**

Extract of draft Contract of Sale for Honeysuckle Cottage (incorporating the Law Society Standard Conditions of Sale (Fifth Edition - 2018 Revision))

Seller: Louise Jane Blake of Honeysuckle Cottage, Coal Lane, Bixtone BU4 5TH

Buyer: Gita Patel and Ian Lee White of 3a John Street, Boddleston BDI6 9LY

Property: Honeysuckle Cottage, Coal Lane, Bixtone BU4 5TH (Freehold)

Title Number: WB56431

Title Guarantee Full

Completion date

Contract Rate The Law Society's rate

Purchase Price £490,000

Deposit £49,000

Chattels £800

Balance £441,800

**[Note for candidates: The parts of the draft contract excluded from this extract are not required for the assessment]**

**End of Case Study Materials**