

CASE STUDY MATERIALS

September 2020
Level 6
CONVEYANCING
Subject Code L6-17



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 17 – 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 except a statute book, where permitted, into the examination.
- In the examination, candidates must comply with the CILEx Examination Regulations.

Turn over

* This unit is a component of the following CILEx qualifications: **LEVEL 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE** and the **LEVEL 6 DIPLOMA IN LEGAL PRACTICE**

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ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer in the firm of Kempstons, The Manor House, Bedford, MK42 7AB. You have just started work in the Property Department and your supervising partner is Susan Shah.

Susan Shah acts for Mr and Mrs Guirguis and has asked you to take over the day-to-day conduct of their matters. She has sent you the following documents:

- DOCUMENT 1** Memorandum dated 29 May 2020
- DOCUMENT 2** Attendance note dated 28 May 2020
- DOCUMENT 3** Official Copies of the Register and Title Plan for 60 Irwin Road, Sutton, St Helens, WA9 3UG
- DOCUMENT 4** Official Copies of the Register and Title Plan for 15 Rose Hill Grove, Storth, Milnthorpe, LA7 7HR
- DOCUMENT 5** Standard Conditions of Sale (Fifth Edition – 2018 Revision)

DOCUMENT 1

MEMORANDUM

To: Trainee lawyer

From: Susan Shah

Date: 29 May 2020

Subject: Mrs Isha Guirguis and Mr Hamed Guirguis
Sale of 60 Irwin Road, Sutton, St Helens, WA9 3UG (**Irwin Road**)
and purchase of 15 Rose Hill Grove, Storth, Milnthorpe, LA7 7HR
(**Rose Hill**)

I act for Mrs Isha Guirguis and Mr Hamed Guirguis in relation to their sale of Irwin Road and their purchase of Rose Hill.

I attach a copy of my attendance note dated 28 May 2020 (**Document 2**). I have obtained a copy of the Register and Title Plan for Irwin Road (**Document 3**). I have received correspondence from Giles and Co, the lawyers acting for the buyer of Irwin Road, Ms Patricia Mann, confirming that they are instructed to act for her and also that she has a mortgage offer from HSBC.

I have received an email from Cohen and Co, the lawyers acting for the sellers of Rose Hill, confirming adoption of the Protocol [**Note to Candidates: not supplied**] and enclosing copies of the Register and Title Plan for Rose Hill (**Document 4**).

I am in receipt of a mortgage offer from Birmingham Midshires and we are instructed to act for them.

I would like you to take over the day-to-day conduct of these clients' matters.

Susan

ATTENDANCE NOTE

Date: 28 May 2020

Time engaged: 6 units

Attending: Susan Shah

Clients' full names: Mrs Isha Jennifer Guirguis and Mr Hamed Guirguis

Address: 60 Irwin Road, Sutton, St Helens, WA9 3UG

Telephone number(s): 0720 3873732 (mobile)

Details of purchase

Property: 15 Rose Hill Grove, Storth, Milnthorpe, LA7 7HR

Sellers: Angela Jane Stuart and Thomas Stuart

Sellers' lawyers: Cohen and Co, 66 High Street, Storth, LA8 9FG (Dudley Jenkins acting)

Purchase price: £195,500.00

Contents: All carpets and curtains are included in the purchase price.
Apportioned £1,500 for carpets and curtains

Mortgage: Application to Birmingham Midshires for a £75,800.00 loan.
We are instructed to act on behalf of the lender

Survey: Valuation commissioned

Completion date: Friday 17 July 2020 (apparently all parties have agreed this)

Linked transaction: 60 Irwin Road, Sutton, St Helens, WA9 3UG

Finance: Clients have savings of £23,000.00

Costs, etc: Fixed fee quoted of £785 plus VAT and disbursements.
Complaints procedure dealt with and an appropriate engagement letter sent. **[Note to Candidates: not supplied]**

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Other matters: The sellers own a holiday villa in Spain and will be emigrating to Spain following completion, so they do not have a linked transaction.

60 Irwin Road is the clients' only home, which they will be replacing with 15 Rose Hill Grove. They do not own any other property.

The clients are attracted to this property as it has views over Morecambe Bay.

Details of sale

Property to be sold: 60 Irwin Road, Sutton, St Helens, WA9 3UG

Sale price: £105,500.00

Fixtures and fittings: All carpets and curtains are included in the purchase price.

Buyer: Patricia Mann of 66 Hilltop Drive, Wigan, WN5 6DW

Purchaser's lawyers: Giles and Co, 76 High Street, Wigan, WN4 8BH (William Giles acting)

Mortgage: N/A

Costs: Fixed fee quoted of £620 plus VAT and disbursements

Other matters: Mr and Mrs Guirguis have two children: Sarah (6 years old) and Robert (4 years old). The clients have not had any contact from anyone purporting to be a landlord of Irwin Road, nor have they made any ground rent payments. They were told when they purchased Irwin Road that the lease was unavailable.

Action taken: Initial correspondence sent to the buyer's lawyers informing them that we will be following the Law Society Conveyancing Protocol and asking them to confirm their instructions.

Turn over

HM Land Registry



Official copy
of register of
title

Title number MS555599

Edition date 20.12.2004

- This official copy shows the entries subsisting on the register on 28 May 2020 at 09:38:45.
- 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 28 May 2020.
- 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 HM Land Registry, Birkenhead Office.

A: Property Register

This register describes the land and estate comprised in the title. Except as mentioned below, the title includes any legal easements granted by the registered lease but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.

MERSEYSIDE : ST HELENS

- 1 (20.12.2004) The Leasehold land shown edged with red on the plan of the above title at the Registry and being 60 Irwin Road, Sutton, St Helens (WA9 3UG).
- 2 (20.12.2004) The mines and minerals excepted by the lease are excluded from this registration.
- 3 (20.12.2004) Short particulars of the lease(s) (or under-lease(s)) under which the land is held:
 - Date : 9 June 1936
 - Term : 999 years from 1 May 1936
 - Parties :
 - : (1) Michael James Hughes and Eric Lever Bostock
 - : (2) Alfred John Kenwright

Note 1: The lease also comprises other land.

Note 2: No copy of the Lease referred to is held by the Registry.

- 4 (20.12.2004) 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.

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 good leasehold

- 1 (20.12.2004) PROPRIETOR: ISHA JENNIFER GUIRGUIS and HAMED GUIRGUIS of 60 Irwin Road, Sutton, St Helens (WA9 3UG).

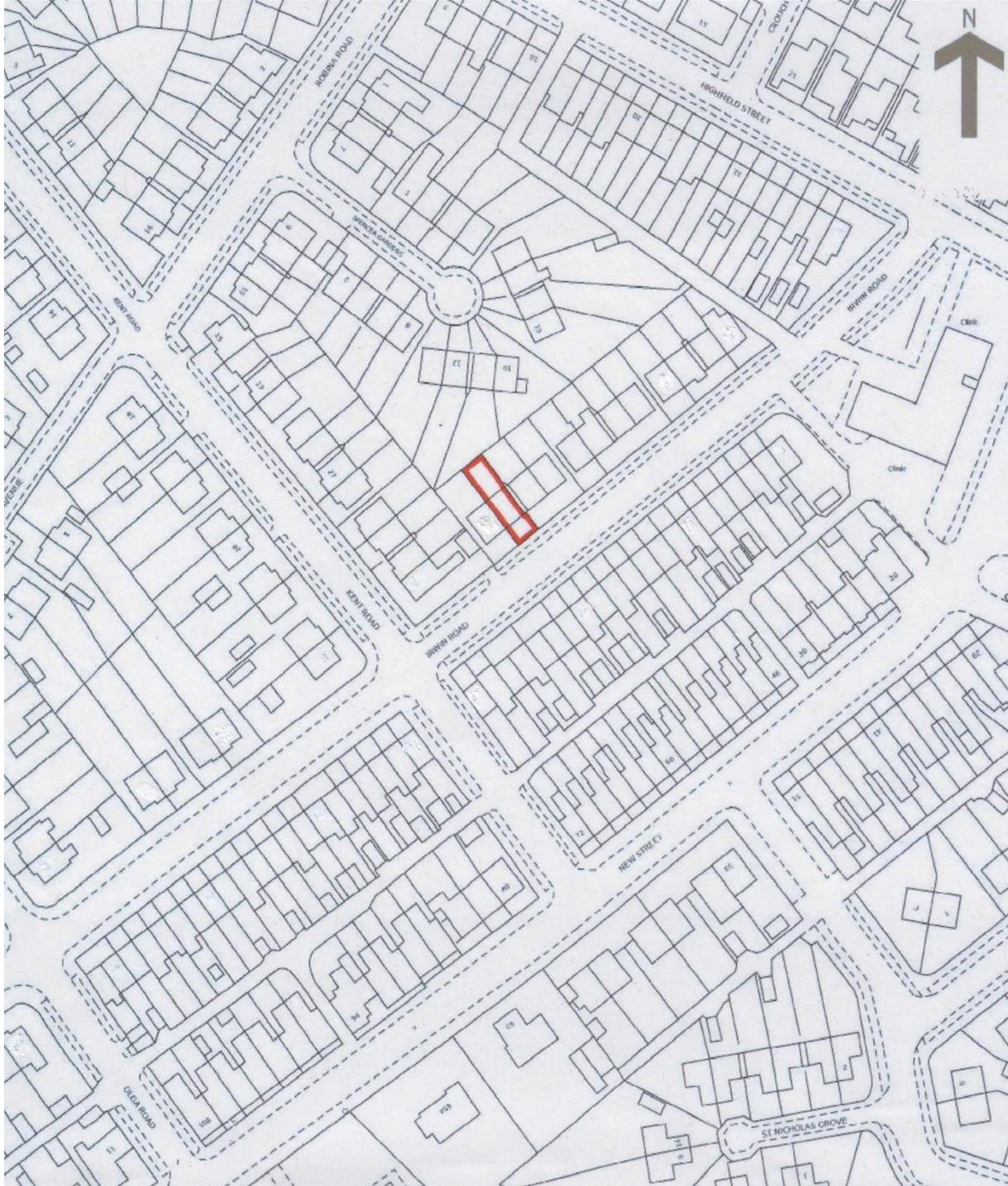
- 2 (20.12.2004) The price stated to have been paid on 15 October 2004 for the land in this title was £88,500.

End of register

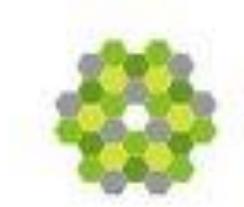
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HM Land Registry Official Copy of Title plan	Title number MS555599 Ordnance Survey map reference SJ 66SE Scale 1/1250 Administrative area Merseyside : St Helens	
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[NOTE TO CANDIDATES: The area bounded by the thick black lines is the area edged in red referred to in the Official Copy of the Register of Title.]



HM Land Registry

Official copy
of register of
title

Title number CU3535352

Edition date 05.08.2012

- This official copy shows the entries subsisting on the register on 28 May 2020 at 08:23:54.
- 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 28 May 2020.
- 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 HM Land Registry, Durham Office.

A: Property Register

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

CUMBRIA : SOUTH LAKELAND

- 1 (22.11.2001) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 15 Rose Hill Grove, Storth, Milnthorpe (LA7 7HR).
- 2 (22.11.2001) The land has the benefit of the rights granted by but is subject to the rights reserved by the Conveyance of the land in this title dated 11 September 1963 referred to in the Charges Register.
- 3 (22.11.2001) The Conveyance dated 11 September 1963 referred to in the Charges Register contains a provision as to light or air.

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 (22.11.2001) PROPRIETOR: ANGELA JANE STUART and THOMAS STUART of 15 Rose Hill Grove, Storth, Milnthorpe, LA7 7HR.
- 2 (22.11.2001) RESTRICTION: No disposition by a sole proprietor of the land (not being a trust corporation) under which capital money arises is to be registered except under an order of the Registrar or of the Court.
- 3 (22.11.2001) The value stated as at 16 November 2001 was £95,000.

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- 4 (22.11.2001) The Assent to the proprietor contains a covenant to observe and perform the covenants referred to in the Charges Register and of indemnity in respect thereof.

C: Charges Register

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

- 1 (22.11.2001) A Conveyance of the land in this title and other land dated 17 July 1961 made between (1) Mary Ethel Houghton and others and (2) A. Robinson & Sons (Morecambe) Limited contains restrictive covenants.

Note: Copy Abstract filed.

- 2 (22.11.2001) A Conveyance of the land in this title and other land dated 11 September 1963 made between (1) A. Robinson & Sons (Morecambe) Limited and (2) Christopher Mason contains restrictive covenants.

Note: Copy filed.

- 3 (05.08.2012) REGISTERED CHARGE dated 26 July 2012.

- 4 (05.08.2012) Proprietor: BARCLAYS BANK plc (Co. Regn. No. 1026167) of 1 Churchill Place, London E14 5HP.

End of register

<p>HM Land Registry Official Copy of Title plan</p>	<p>Title number CU3535352 Ordnance Survey map reference SD643SE Scale 1/1250 Administrative area Cumbria : South Lakeland</p>	
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[NOTE TO CANDIDATES: The area bounded by the thick black lines is the area edged in red referred to in the Official Copy of the Register of Title.]

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DOCUMENT 5

Standard Conditions of Sale (Fifth Edition – 2018 Revision)

PLEASE SEE SEPARATE DOCUMENT