

CASE STUDY MATERIALS

June 2017
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.

Turn over

* This unit is a component of the **CILEx LEVEL 3 PROFESSIONAL QUALIFICATIONS** and **LEVEL 3 LEGAL SERVICES KNOWLEDGE QUALIFICATIONS**

ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer with Kempstons Solicitors. You are assisting conveyancing partner Susan Shah in two linked conveyancing transactions for your clients David Bowes and his partner Sally Coyle.

Your clients currently live together at 14 Waterford Drive, Cattletown, although the property is owned by David Bowes only. A sale of 14 Waterford Drive to Rajan Khalid at the price of £250,000 has recently been agreed. At the same time, your clients are jointly purchasing 5 Bracken Rise, Pebblebridge, from John Mottram and Amanda Mottram at the price of £400,000. Your clients will be assisted in their purchase by a £100,000 mortgage from Cattletown Building Society.

- Document 1** File Note prepared by Susan Shah
- Document 2** Sale Particulars for 14 Waterford Drive, Cattletown
- Document 3** Land Registry Official Copies for 14 Waterford Drive, Cattletown
- Document 4** Sale Particulars for 5 Bracken Rise, Pebblebridge
- Document 5** Land Registry Official Copies for 5 Bracken Rise, Pebblebridge

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

DOCUMENT 1

File Note prepared by Susan Shah – David Bowes and Sally Coyle: sale and purchase

(a) Sale of 14 Waterford Drive, Cattletown

We are acting in the sale of 14 Waterford Drive for David Bowes. David Bowes and Sally Coyle currently live there together, although the property is owned by David Bowes alone. Sally Coyle does not own a property. They met three years ago and each has a child from a previous marriage. Neither of those children live at the property, as they are both now adults with their own homes. The property at 14 Waterford Drive is free of mortgage, as David Bowes, who is self-employed, inherited it some years ago from an elderly relative. It is a semi-detached house built in the early 1980s. An extension was added in the late 1990s. Our clients now wish to move on and buy a new property together. A sale of 14 Waterford Drive has been agreed at a price of £250,000. The buyer, Rajan Khalid, has no related sale and has a full 10% deposit available.

I have opened a new file for this matter, which currently contains the estate agent's sale particulars (**Document 2**) and the Land Registry official copy of register entries (**Document 3**).

(b) Purchase of 5 Bracken Rise, Pebblebridge

Our clients David Bowes and Sally Coyle are at the same time purchasing 5 Bracken Rise in their joint names at a price of £400,000 plus an additional £1,500 for the fitted carpets and curtains at the property. It is a detached house built in 2012. Our clients will be assisted in their purchase by a £100,000 mortgage from Cattletown Building Society. They are currently deciding on the most suitable type of mortgage and will give our name to Cattletown Building Society once they have made their decision on this. Sally Coyle will be contributing £95,000 from her own savings and David Bowes will be contributing the remainder of the purchase money out of the proceeds of sale of 14 Waterford Drive. They have agreed with the sellers, who have a related purchase, that a 5% deposit can be paid on exchange of contracts of 5 Bracken Rise.

I have discussed their co-ownership of 5 Bracken Rise with the clients, and explained the options available to them. It is likely that they will wish to purchase the property as beneficial tenants in common, in shares which reflect their respective contributions to the purchase money. However, they are going to discuss this and confirm their decision to us shortly.

These are new instructions, and all I currently have on the file are the estate agent's sale particulars (**Document 4**) and the Land Registry official copy of register entries (**Document 5**).

As the clients are keen to proceed quickly, I shall be pleased if you can take forward these two related transactions.

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:	14 Waterford Drive, Cattletown, CT1 3JB
Seller:	Mr D. Bowes, 14 Waterford Drive, Cattletown, CT1 3JB
Buyer:	Mr R. Khalid, 22 Field Way, Bayford, B21 6TW
Tenure:	Freehold with vacant possession
Price:	£250,000
Commission:	2% (plus VAT) payable on completion
Seller's lawyers:	Kempstons Solicitors, Kempston Manor, Kempston, MK42 7AB (ref: Ms S. Shah)
Buyer's lawyers:	Bains Montague, 3 Exchange Street, Cattletown, CT1 4DD (ref: Mr A. Bains)
Additional information:	Sale subject to contract and to buyer's mortgage offer, and survey

DOCUMENT 3

OFFICIAL COPY OF REGISTER ENTRIES

This official copy shows the entries subsisting on the register on **26 MAY 2017** at **11:23:00**

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 26 MAY 2017

Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.

For information about the register of title see Land Registry website www.landregistry.gov.uk or Land Registry Public Guide 1: *A guide to the information we keep and how you can obtain it.*

This title is dealt with by **Land Registry Maradon Office.**

Land Registry

Title Number: CT257453

Edition Date: 14 August 2008

A: Property Register

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

SUNSHIRE: CATTLETOWN

1. (16.11.1990) The **freehold** land shown edged with red on the plan of the above title filed at the Registry and being 14 Waterford Drive, Cattletown, CT1 3JB.

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. (14.08.2008) PROPRIETOR(S): DAVID BOWES of 14 Waterford Drive, Cattletown, CT1 3JB.
 2. (14.08.2008) The value stated as at 1 August 2008 was £190,000.
-

Turn over

CASE STUDY MATERIALS

C: Charges Register

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

1. (16.11.1990) A Conveyance of the land in this title dated 29 October 1990 made between (1) James Burton (Vendor) and (2) Philip Rowlands (Purchaser) 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 his successors in title for the benefit of the adjoining land now retained by the Vendor that no alteration or extension shall be made to the existing dwelling house and outbuildings on the land hereby conveyed without the approval in writing of the Vendor or his successors in title."

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:	5 Bracken Rise, Pebblebridge, PB2 3JX
Sellers:	Mr J. and Mrs A. Mottram, 5 Bracken Rise, Pebblebridge, PB2 3JX
Buyers:	Mr D. Bowes and Ms S. Coyle, 14 Waterford Drive, Cattletown, CT1 3JB
Tenure:	Freehold with vacant possession
Price:	£400,000
Commission:	2% (plus VAT) payable on completion
Sellers' lawyers:	Paris Andrei, 65 High Street, Cattletown, CT1 3XY (ref: Mr D. Paton)
Buyers' lawyers:	Kempstons Solicitors, Kempston Manor, Kempston, MK42 7AB (ref: Ms S. Shah)
Additional information:	Sale subject to contract and to sale of buyers' existing property, buyers' mortgage offer, and survey. Price excludes existing fitted carpets and curtains, which are to be purchased for the additional sum of £1,500. A 5% deposit to be paid on exchange of contracts.

Turn over

DOCUMENT 5

OFFICIAL COPY OF REGISTER ENTRIES

This official copy shows the entries subsisting on the register on **24 MAY 2017** at **11:04:00**

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 24 MAY 2017

Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.

For information about the register of title see Land Registry website www.landregistry.gov.uk or Land Registry Public Guide 1: *A guide to the information we keep and how you can obtain it.*

This title is dealt with by **Land Registry Maradon Office.**

Land Registry

Title Number: CT482953

Edition Date: 12 July 2012

A: Property Register

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

SUNSHIRE: PEBBLEBRIDGE

1. (27.05.2010) The **freehold** land shown edged with red on the plan of the above title filed at the Registry and being 5 Bracken Rise, Pebblebridge, PB2 3JX.
2. (27.05.2010) The Conveyance dated 1 May 2010 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. (12.07.2012) PROPRIETOR(S): JOHN MOTTRAM and AMANDA MOTTRAM of 5 Bracken Rise, Pebblebridge, PB2 3JX.
2. (12.07.2012) The price stated to have been paid on 1 July 2012 was £385,000.

CASE STUDY MATERIALS

C: Charges Register

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

1. (27.05.2010) A Conveyance of the land in this title and other land dated 1 May 2010 made between (1) ABC Chemical Engineering Limited and (2) Johnson Estates Limited 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. (12.07.2012) REGISTERED CHARGE dated 1 July 2012.
3. (12.07.2012) Proprietor: BOBBINS BANK PLC (Co Regn No 0786341) of Grand Building, Fisherman's Row, Hains City, HC1 0FJ

END OF REGISTER

End of Case Study Materials

BLANK PAGE

BLANK PAGE

BLANK PAGE