



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.

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 the conveyancing partner, Alan Waring.

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

1. Oliver Atkinson

Your client, Oliver Atkinson, is buying a newly built flat, Flat 25, Asia Court, Brampton, Longbury.

2. Sara Butt and Daniel Evans

Your clients, Sara Butt and Daniel Evans, are buying an existing leasehold residential property, 76 Portland Street, Hillside, Longbury.

3. Len Booth

Your client, Len Booth, is the landlord of 15 Whitworth Road, Brampton, Longbury. He has sought your advice on a number of matters concerning his commercial lease.

You have been given the following documents:

- | | |
|-------------------|---|
| Document 1 | File Note relating to Oliver Atkinson |
| Document 2 | Land Registry Official Copy Register Entries for The Hawthorns, Brampton, Longbury, Hartshire |
| Document 3 | File Note relating to Sara Butt and Daniel Evans |
| Document 4 | Extract from the lease for 76 Portland Street, Hillside, Longbury |
| Document 5 | Extracts from the lease for 15 Whitworth Road, Brampton, Longbury |

Land Registry Title Plans are NOT included and will NOT be required for this assessment.

DOCUMENT 1

FILE NOTE

We have been instructed by Oliver Atkinson in connection with the matter described below:

Purchase of Flat 25, Asia Court, Brampton, Longbury, Hartshire, AT6 4GH

Our client has instructed us to act for him in his purchase of a new leasehold property, Flat 25 Asia Court, Brampton, Longbury, from Hastings Property Developments plc (Hastings) at an agreed price of £345,000.

The property is part of a new development which is in the course of construction, although Flat 25 itself has been finished. The construction site is on an area of land known as 'The Hawthorns' and is owned by Hastings. Hastings will grant Oliver a new lease with a term of 120 years.

Oliver has arranged mortgage finance through Nateast Bank plc. We have been instructed by the bank to act on its behalf.

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DOCUMENT 2

LAND REGISTRY OFFICIAL COPY REGISTER ENTRIES FOR
THE HAWTHORNS

OFFICIAL COPY OF REGISTER ENTRIES

This official copy shows the entries subsisting on the register on **30 May 2017** 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 30 May 2017.

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

LAND REGISTRY
TITLE NUMBER: DS 8776099

Edition date: 15 July 2015

A: Property Register

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

COUNTY	DISTRICT
HARTSHIRE	TRELFORD

1. (19 December 2007) The freehold land shown and edged with red on the plan of the above title filed at the Registry and being The Hawthorns, Brampton, Longbury, Hartshire, AT6 4GT

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. (15 July 2015) Proprietor(s) Hastings Property Developments plc (Co. Regn No. 70091764) whose registered office is at 32 Fletton Street, Weldon, Longbury, AT4 8UJ
2. (15 July 2015) The price stated to have been paid on 28 June 2015 was £1,540,000

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- (15 July 2015) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate is to be registered without a written consent signed by the proprietor for the time being of the charge dated 28 June 2015 in favour of Clifton Finance Group plc referred to in the charges register or their conveyancer

C: Charges Register

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

- (19 December 2007) A Conveyance of the land in this title dated 17 December 1958 made between (1) Thomas David Grant and Maureen Grant (Vendors) and (2) Phillip Martin Shepherd and Gillian Shepherd (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 north 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 build on the property without the prior written consent of the Vendors or their successors in title'

- (15 July 2015) REGISTERED CHARGE dated 28 June 2015 to secure the moneys including the further advances therein mentioned.
- (15 July 2015) Proprietor(s): Clifton Finance Group plc of 176 Myrtle Street, Cattletown, Hartshire, CT6 3RD.

END OF REGISTER

NOTE: A date at the beginning of an entry is the date on which the entry was made in the Register.

Turn over

DOCUMENT 3

FILE NOTE

We have been instructed by Sara Butt and Daniel Evans in connection with the matter described below:

Purchase of 76 Portland Street, Hillside, Longbury, Hartshire, AT6 9HN

Sara and Daniel (an unmarried couple) are buying an existing leasehold property from Viktor and Ingrid Lindberg at an agreed price of £255,000.

Our clients have no related sale as they are currently living with Sara's parents along with Sara's two children, aged 9 and 11, from a previous relationship.

In order to help finance this purchase, our clients have applied for a new mortgage loan of £150,000 from Nateast Bank plc. The clients will be funding most of the balance of the purchase costs from their individual savings accounts. Sara will be contributing approximately £80,000, whilst Daniel will be contributing around £20,000. They also have a joint savings account and the outstanding balance will be funded from this source.

Viktor and Ingrid have no related purchase as they already own another property.

DOCUMENT 4

EXTRACT FROM THE LEASE FOR 76 PORTLAND STREET,
HILLSIDE, LONGBURY

14. Assignment and Underletting

- 14.1 Not to assign part of this lease or underlet, charge or part with possession of part only of the Property.
- 14.2 Not to assign the whole of this lease, or underlet or part with possession of the whole of the Property, during the last seven years of the Term without the prior written consent of the Landlord, such consent not to be unreasonably withheld or delayed.
- 14.3 Not to assign the whole of this lease unless the Tenant has first paid the Landlord any rent and other sums payable under this lease which have fallen due before the date of assignment.
- 14.4 Not to underlet the whole of the Property unless the proposed underlease is in a form which has first been approved by the Landlord, such approval not to be unreasonably withheld or delayed.

Turn over

DOCUMENT 5

**EXTRACTS FROM THE LEASE FOR 15 WHITWORTH ROAD,
BRAMPTON, LONGBURY**

15. Assignment

15.1 The Tenant shall not assign the whole of this lease without the consent of the Landlord, such consent not to be unreasonably withheld

15.2 ...

15.3 The Landlord and the Tenant agree that for the purposes of section 19 (1A) of the Landlord and Tenant Act 1927 the Landlord may give its consent to an assignment subject to all or any of the following conditions:

- (a) A condition that the assignor enters into an authorised guarantee agreement ...

End of Case Study Materials