

CASE STUDY MATERIALS

January 2014
Level 3
CONVEYANCING
Subject Code L3-10



CHARTERED INSTITUTE
OF LEGAL EXECUTIVES

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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 the case study materials. You will be required to answer all the questions on the examination paper.
- You should familiarise yourself with the case study materials prior to the examination, taking time to consider the themes raised in the materials.
- You should take the opportunity to discuss the 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 relates to the 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 text books 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 3 CERTIFICATE IN LAW AND**

CASE STUDY MATERIALS

ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer with Kempstons Solicitors and are assisting a conveyancing partner Susan Shah.

You are acting for clients Eileen McDonald and Brenda Pendle in Eileen McDonald's sale of 68 Station Cottages, Cattletown and their simultaneous joint purchase of 2 The Verne, Cattletown.

Document 1 Estate Agents' Sale Particulars of Sale for 68 Station Cottages

Document 2 Estate Agents' Sale Particulars of Sale for 2 The Verne

Document 3 File Note

Document 4 Land Registry Title Entries for 68 Station Cottages

Document 5 Land Registry Title Entries for 2 The Verne

DOCUMENT 1

WADE AND GRAYSON
Estate Agents

Tel: 01873 845000
Fax: 01873 845001

30 High Street
Cattletown
CT5 0JS

Estate Agents' Particulars of Sale

Estate Agents' Particulars for Sale of 68 Station Cottages

- Seller:** Mrs E McDonald, 68 Station Cottages, Cattletown, CT21 2DT
- Buyers:** Mr and Mrs Wilson, 250 Peters Lane, Pebblebridge, PB25 065
- Price:** £250,000
- Estate Agents' Commission:** 2% plus VAT payable on completion
- Seller's Solicitors:** Kempstons Solicitors, Kempston Manor, Kempston, Bedford, MK42 7AB (Ref: Susan Shah)
- Buyers' Solicitors:** Paris Andrei, 32 High Street, Pebblebridge, PB1 6TD (Ref: Shilpa Patel)
- Additional information:** Sale subject to contract, survey, mortgage and sale of Buyers' existing property. Vacant possession to be given on completion.

Turn over

DOCUMENT 2

WADE AND GRAYSON
Estate Agents

Tel: 01873 845000
Fax: 01873 845001

30 High Street
Cattletown
CT5 0JS

Estate Agents' Particulars of Sale

Estate Agents' Particulars for Sale of 2 The Verne, Cattletown

- Property:** 2 The Verne, Cattletown, CT17 6DB
- Seller:** Mrs C Ogutu, 89 Tablewood Road, Pebblebridge, PB44 7GH
- Buyers:** Mrs E McDonald and Mrs B Pendle, 68 Station Cottages, Cattletown, CT21 2DT
- Price:** £550,000
- Estate Agents' Commission:** 2% plus VAT payable on completion
- Seller's Solicitors:** Bains Montague, 7 Exchange Street, Cattletown, CT1 2WW (Ref: B Rattle)
- Buyers' Solicitors:** Kempstons Solicitors, Kempston Manor, Bedford, MK42 7AB (Ref: S Shah)
- Additional information:** Sale subject to contract, survey, mortgage, and sale of the Buyers' existing property. Seller has no dependent purchase. Vacant possession to be given on completion.

File Note – 12 December 2013

- Eileen McDonald is recently widowed. Her adult daughter Brenda Pendle and Brenda's two small children live with her at 68 Station Cottages. However, they now wish to buy 2 The Verne, which is a bigger property more suited to the family's future needs.
- 2 The Verne will be purchased in the joint names of Eileen and Brenda. Brenda will be contributing £200,000 from her recent divorce settlement towards the purchase, and Eileen will contribute £50,000 from the sale of 68 Station Cottages. They will also each contribute one half of future mortgage repayments, utility bills and other related expenses.
- There is on the file a copy of a grant of probate dated 19th December 2012 appointing Eileen McDonald sole executrix of the estate of the late Harold McDonald. There is also Harold's death certificate dated 17th November 2011.
- There are no other adults living at 68 Station Cottages and there will be no other adults moving with them to 2 The Verne. Our clients have applied jointly to Pan Euro Bank for a mortgage advance of £300,000 to assist them in their purchase of 2 The Verne.
- The buyers of 68 Station Cottages, Mr and Mrs Wilson, will be paying a full 10% deposit when exchanging contracts on their purchase. Our clients Eileen and Brenda will also be paying a full 10% deposit on their purchase of 2 The Verne. There are no other apportionments in relation to either transaction and only the balances of the purchase monies will be payable on completion.
- Christina Ogutu does not live at 2 The Verne, which she purchased in 2005 as an investment for letting. However, our clients believe that the property is currently vacant.

[Note that neither the grant of probate nor the death certificate relating to Harold McDonald are included with this case study material and they will not be required for the assessment.]

OFFICIAL COPY OF REGISTER ENTRIES

This official copy shows the entries subsisting on the register on **7 January 2014 at 09:10:30**

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 7 January 2014.

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

Land Registry

Title Number: SNS674311

Edition Date: 11 August 1997

A: Property Register

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

SUNSHIRE

CATTLETOWN

1. (21.07.1985) The **Freehold** land shown edged with red on the plan of the above Title filed at the Registry and being 68 Station Cottages, Cattletown, CT21 2DT.

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. (11.08.1997) **PROPRIETOR:** HAROLD MCDONALD and EILEEN MCDONALD of 68 Station Cottages, Cattletown, CT21 2DT.
2. (11.08.1997) **RESTRICTION:** No disposition by a sole proprietor of the registered estate (except a trust corporation) under which capital money arises is to be registered unless authorised by an order of the court.

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C: Charges Register

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

1. (11.08.1997) **REGISTERED CHARGE** dated 16 July 1997 to secure the moneys including the further advances therein mentioned.

NOTE: The proprietor of this charge is obliged to make further advances in accordance with the mortgage terms and conditions.

2. (11.08.1997) **PROPRIETOR**: BOBBINS BANK PLC (Co. Regn. No. 107798) of Bank House, Silver Street, Longbury, LG5 6DS.

END OF REGISTER

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

OFFICIAL COPY OF REGISTER ENTRIES

This official copy shows the entries subsisting on the register on **8 January 2014 at 10:33:00**

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 8 January 2014.

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

Land Registry

Title Number: CT60012

Edition Date: 18 September 2005

A: Property Register

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

SUNSHIRE

CATTLETOWN

1. (20.05.1980) The **Freehold** land shown edged with red on the plan of the above Title filed at the Registry and being 2 The Verne, Cattletown, CT17 6DB.

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. (18.09.2005) PROPRIETOR: CHRISTINA OGUTU of 89 Tablewood Road, Pebblebridge, PB44 7GH.
2. (18.09.2005) The price stated to have been paid on 1 September 2005 was £400,000.

CASE STUDY MATERIALS

C: Charges Register

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

1. (18.09.2005) **REGISTERED CHARGE** dated 1 September 2005 to secure the moneys therein mentioned.
 2. (18.09.2005) **PROPRIETOR:** CATTLETOWN BUILDING SOCIETY of 3 The Cattle Market, Cattletown, CT1 0AX.
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END OF REGISTER

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

End of Case Study Materials

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