

## INSTITUTE OF LEGAL EXECUTIVES

### UNIT 17 – CONVEYANCING\*

**Time allowed: 3 hours plus 15 minutes reading time**

#### Instructions to Candidates

- You have been provided with a clean copy of the case study materials for you to use in this examination.
- You have **FIFTEEN** minutes to read through this question paper and the case study materials before the start of the examination.
- **It is strongly recommended that you use the reading time to read the question paper fully.** However, you may make notes on the paper or in your answer booklet during this time if you wish.
- **All questions are compulsory. You must answer ALL the questions.**
- Write in full sentences – a yes or no answer will earn no marks.
- Candidates must comply with the ILEX Examination Regulations.
- Full reasoning must be shown in answers. Statutory authorities, decided cases and examples should be used where appropriate.

#### Information for Candidates

- The mark allocation for each question and part question is given and you are advised to take this into account in planning your work.
- Write in blue or black ink or ball point pen.
- Attention should be paid to clear, neat handwriting and tidy alterations.
- Complete all rough work in your answer booklet. Cross through any work you do not want marked.

**Do not turn over this page until instructed by the Invigilator.**

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

**Question 1**

Reference: Question 1 relates to **Documents 1** and **2** of the case study materials.

- (a) Susan Shah has asked you to carry out a search at the Central Land Charges Department in respect of 27 Alderley Crescent, Woking.

Explain how you would carry out this search. Explain what names you would search against, for which periods of time and what entries (if any) you would expect to see against those names.

**(6 marks)**

- (b) Explain whether Peter Jones will be able to execute the transfer of 27 Alderley Crescent on his own and if so, what steps will need to be taken in order to satisfy the buyer's conveyancer that he is entitled to do so.

**(8 marks)**

- (c) Your Central Land Charges Department Search has been successfully carried out and you have received the replies. You have now obtained all necessary documentation you need to deal with the issue raised in Question 1(b) above. Susan Shah has now asked you to prepare the Epitome of Title for 27 Alderley Crescent.

Explain what documents you would prepare and send to the buyer's conveyancer.

**(5 marks)**

- (d) Explain what, if any, consents you would anticipate the conveyancer acting for the buyer of 27 Alderley Crescent will request evidence of in the light of the facts of the case study.

**(6 marks)**

**(Total: 25 marks)**

**Question 2**

Reference: Question 2 relates to **Documents 1** and **2** of the case materials.

- (a) Susan Shah has asked you to draft the contract (**Document A**) for the sale of 27 Alderley Crescent, Woking. The contract will incorporate the Standard Conditions of Sale (4<sup>th</sup> Edition).

Attached to this Question Paper you will find a blank copy contract. Using this copy, draft the following provisions:

- (i) Property;
- (ii) Title number/root of title; and
- (iii) Specified incumbrances.

**(6 marks)**

**Important: Detach Document A from the question paper and at the end of the examination attach it securely to your answer booklet.**

- (b) You are now considering the section of the contract dealing with title guarantee. Explain the difference between full and limited title guarantee and which the conveyancer acting for the buyer of 27 Alderley Crescent would expect to see in the contract.

**(7 marks)**

- (c) Explain what formalities are required in order for a contract for the sale of 27 Alderley Crescent to be legally enforceable. How would you ensure that the formalities are complied with in this transaction?

**(6 marks)**

- (d) Explain, identifying any advantages or disadvantages, the options available to Mr Jones to fund the deposit he will have to pay on exchange of contracts on the purchase of Flat 2, Warner Street, Walsall.

Assume for the purpose of this question that you have now received the contract for the purchase of Flat 2, Warner Street which also incorporates the Standard Conditions of Sale (4<sup>th</sup> Edition).

**(6 marks)**

**(Total: 25 marks)**

### Question 3

Reference: Question relates to **Documents 1** and **3** of the case materials.

- (a) Explain what documents (other than searches and a draft contract) you will expect to receive from the conveyancer acting for the seller of Flat 2, Warner Street, Walsall.

**(9 marks)**

- (b) Explain what pre-contract searches and enquiries you would do in respect of Flat 2, Warner Street, Walsall

**(8 marks)**

- (c) Explain the impact of clause 6.2.1 of the lease and what steps will need to be taken as a result of that clause. In the light of the provisions of the Standard Conditions of Sale (4<sup>th</sup> Edition), what advice would you give the buyer if a relevant step required by clause 6.2.1 of the lease has not been taken and the seller is keen to exchange contracts immediately in any event.

**(8 marks)**

**(Total: 25 marks)**

#### Question 4

Reference: Question relates to **Documents 1** and **3** of the case materials.

- (a) In relation to the garage, explain what rights and other provisions you would expect the lease of Flat 2, Warner Street, Walsall to contain.

**(5 marks)**

- (b) Assume that all outstanding matters have been agreed between the parties both in respect of the sale of 27 Alderley Crescent, Woking and the purchase of Flat 2, Warner Street, Walsall. Explain how you will conduct exchange of contracts on both these transactions to ensure that they are synchronized.

**(6 marks)**

- (c) Explain what pre-completion searches you will carry out on behalf of Mr Jones and his mortgage lender in respect of Flat 2, Warner Street, Walsall including what forms you would use in order to perform such searches.

**(6 marks)**

- (d) Assume that completion of the sales of 27 Alderley Crescent and Flat 2, Warner Street, Walsall have taken place successfully. Explain what steps you will take post-completion to complete the registration of Flat 2, Warner Street, Walsall on behalf of Mr Jones and his mortgage lender and within what time limits the relevant steps must be taken.

**(8 marks)**

**(Total: 25 marks)**

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