

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 PRACTICE**

Question 1

Reference: Question 1 relates to 23 Wainwright Street, Leeds, L3 5CL (“**23 Wainwright Street**”) and to **Documents 1, 2 and 5** of the Study Materials.

- (a) Explain, with reasons, whether Eliza Waterson and Julie Carthy will be bound by any incumbrances affecting 23 Wainwright Street. Explain the ways in which you might obtain further information concerning the precise nature of these incumbrances.

(13 marks)

- (b) Completion of the purchase of 23 Wainwright Street is due to take place on Friday. Three days before, on Tuesday, you have been contacted by Eliza Waterson and Julie Carthy who have explained that they are currently out of the country and will be unable to execute the transfer in respect of 23 Wainwright Street until they return in two weeks.

Explain to Eliza and Julie whether the seller can compel them to complete on Friday, and the options available to the seller if completion does not take place on Friday.

(12 marks)

(Total: 25 marks)

Question 2

Reference: Question 2 relates to 23 Wainwright Street, Leeds, L3 5CL (“**23 Wainwright Street**”) and to **Documents 1, 2 and 5** of the Case Study Materials.

- (a) Eliza Waterson and Julie Carthy have informed you that they will return from abroad early in order to complete the purchase of 23 Wainwright Street on the contractual completion date. It is the day before completion and you have just been informed that John Munns has died suddenly of a heart attack.

Explain what steps will be required in order to transfer the title to 23 Wainwright Street in the light of John Munns’ death.

(9 marks)

- (b) Assume that John Munns did not actually die of a heart attack and instead has made a full and swift recovery. Further, Eliza Waterson and Julie Carthy returned from abroad in time to execute the necessary documentation in order to complete the purchase of 23 Wainwright Street on the contractual completion date. Prior to completion, you received copies of the additional documentation that was required to complete the epitome of title.

Explain, with reasons, what steps you will take following completion to secure the transfer of title to Eliza Waterson and Julie Carthy. You should identify any time limits with which you should comply, and, again giving reasons, what documents you will need to send in support of any relevant applications.

(16 marks)

Question 3

Reference: Question 3 relates 56 Byker Hill Terrace, Durham, DH1 3HB (“**Byker Hill Terrace**”) and to **Documents 1, 3 and 4** of the Case Study Materials.

- (a) Explain what protection is enjoyed by 56 Byker Hill Terrace as a newly built property.

(7 marks)

- (b) Explain, with reasons, what searches and enquiries you will undertake given the location of 56 Byker Hill Terrace.

(8 marks)

- (c) Explain, with reasons, whether Eliza Waterson and Julie Carthy will be able to carry out their proposals in respect of 56 Byker Hill Terrace.

(10 marks)

(Total: 25 marks)

Question 4

Reference: Question 4 relates 56 Byker Hill Terrace, Durham, DH1 3HB (“**Byker Hill Terrace**”) and to **Documents 1, 3 and 4** of the Case Study Materials.

- (a) In the light of the reply to Question 11 in **Document 4**, how would you advise Eliza Waterson and Julie Carthy to structure the purchase of Byker Hill Terrace to minimise their tax liability on the transaction?

(5 marks)

- (b) Explain what steps you will need to take in order to:

- (i) ensure the release of the mortgage advance in respect of the purchase of Byker Hill Terrace from Pontefract’s Bank plc in time for completion; and
- (ii) ensure that the security is validly created.

(11 marks)

- (c) Susan Shah has asked you to draft the transfer for the sale of 56 Byker Hill Terrace on Land Registry form TR1.

Attached to this Question Paper you will find a blank copy of a TR1 (**Document A**). Using this copy, draft the transfer.

Important: Write your candidate number clearly on Document A and attach it securely to your answer booklet.

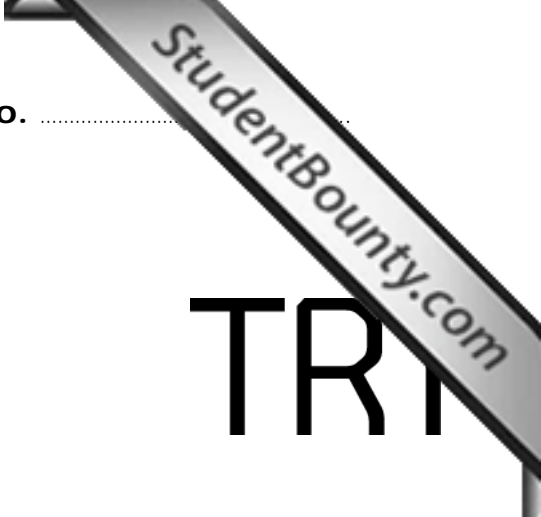
(9 marks)

(Total: 25 marks)

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DOCUMENT A
This relates to Q4(c)

Land Registry
 Transfer of whole of registered title(s)

TR1

If you need more room than is provided for in a panel, and your software allows, you can expand any panel in the form. Alternatively use continuation sheet CS and attach it to this form.

Leave blank if not yet registered.

Insert address including postcode (if any) or other description of the property, for example 'land adjoining 2 Acacia Avenue'.

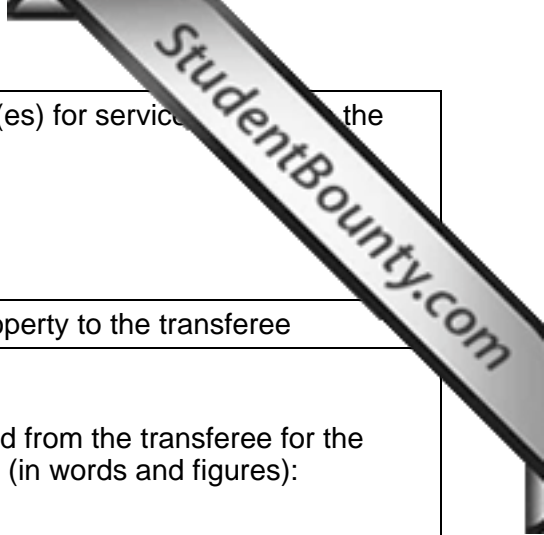
Give full name(s).

Complete as appropriate where the transferor is a company.

Give full name(s).

Complete as appropriate where the transferee is a company. Also, for an overseas company, unless an arrangement with Land Registry exists, lodge either a certificate in Form 7 in Schedule 3 to the Land Registration Rules 2003 or a certified copy of the constitution in English or Welsh, or other evidence permitted by rule 183 of the Land Registration Rules 2003.

1	Title number(s) of the property:
2	Property:
3	Date:
4	Transferor: For UK incorporated companies/LLPs Registered number of company or limited liability partnership including any prefix: For overseas companies (a) Territory of incorporation: (b) Registered number in the United Kingdom including any prefix:
5	Transferee for entry in the register: For UK incorporated companies/LLPs Registered number of company or limited liability partnership including any prefix: For overseas companies (a) Territory of incorporation: (b) Registered number in the United Kingdom including any prefix:



Each transferee may give up to three addresses for service, one of which must be a postal address whether or not in the UK (including the postcode, if any). The others can be any combination of a postal address, a UK DX box number or an electronic address.

Place 'X' in the appropriate box. State the currency unit if other than sterling. If none of the boxes apply, insert an appropriate memorandum in panel 11.

Place 'X' in any box that applies.

Add any modifications.

Where the transferee is more than one person, place 'X' in the appropriate box.

Complete as necessary.

Insert here any required or permitted statement, certificate or application and any agreed covenants, declarations and so on.

6	Transferee's intended address(es) for service in the register:
7	The transferor transfers the property to the transferee
8	Consideration <input type="checkbox"/> The transferor has received from the transferee for the property the following sum (in words and figures): <input type="checkbox"/> The transfer is not for money or anything that has a monetary value <input type="checkbox"/> Insert other receipt as appropriate:
9	The transferor transfers with <input type="checkbox"/> full title guarantee <input type="checkbox"/> limited title guarantee
10	Declaration of trust. The transferee is more than one person and <input type="checkbox"/> they are to hold the property on trust for themselves as joint tenants <input type="checkbox"/> they are to hold the property on trust for themselves as tenants in common in equal shares <input type="checkbox"/> they are to hold the property on trust:
11	Additional provisions

The transferor must execute this transfer as a deed using the space opposite. If there is more than one transferor, all must execute. Forms of execution are given in Schedule 9 to the Land Registration Rules 2003. If the transfer contains transferee's covenants or declarations or contains an application by the transferee (such as for a restriction), it must also be executed by the transferee.

12 Execution

[Empty box for execution details]

WARNING

If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

Failure to complete this form with proper care may result in a loss of protection under the Land Registration Act 2002 if, as a result, a mistake is made in the register.

Under section 66 of the Land Registration Act 2002 most documents (including this form) kept by the registrar relating to an application to the registrar or referred to in the register are open to public inspection and copying. If you believe a document contains prejudicial information, you may apply for that part of the document to be made exempt using Form EX1, under rule 136 of the Land Registration Rules 2003.

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End of Examination Paper

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