

## 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 LAW AND PRACTICE**

### Question 1

Reference: Question 1 relates to 156 Hill Top Avenue, Cheadle Hulme, Cheshire, SK8 7TH ("Hill Top") and to **Document 1** of the Study Materials.

- (a) Explain the type of insurance cover you would expect the seller of Hill Top to provide to your client on completion and the reasons why the seller should provide this cover to your client.

**(8 marks)**

- (b) Explain, giving reasons for your answer, what provisions you would expect to find in the lease of Hill Top relating to the driveway, insurance and the parties' respective repairing obligations.

**(6 marks)**

- (c) Your client has contacted you to say that the seller of Hill Top is only willing to give limited title guarantee as he has never lived at the property and has only owned it for nine months.

Explain the different types of title guarantee that a seller may contract to provide in the contract for sale in relation to Hill Top, and state, giving reasons for your answer, the type of title guarantee you would expect the seller to provide.

**(6 marks)**

**(Total: 20 marks)**

**Ms Glazier has now contacted you informing you that she wants to proceed with the purchase of Hill Top. Therefore, the questions relate solely to 109 Herbert Street, Oldham, OL4 2QX.**

**Question 2**

Reference: Question 2 relates to 109 Herbert Street, Oldham, OL4 2QX ("Herbert Street") and to **Documents 1, 2, 3, 4** and **5** of the Case Study Materials.

**NOTE to candidates assume that Oldham became an area of compulsory registration in 1990.**

- (a) **In your Answer Book**, draft the requisitions on title that you will raise with the sellers' solicitors based on the information contained in **Documents 1, 2, 3, 4, and 5**. After each requisition you must briefly explain your reasons for raising it.

**(15 marks)**

- (b) You have just learnt from the sellers' solicitors that Mrs. Jenkins died from a sudden heart attack last night.

Explain who will now be able to convey the property to your client and the procedures you will take to ensure that your client is protected by any relevant statutory provisions.

**(6 marks)**

- (c) List the pre-contract searches that you would make on your client's behalf and briefly state the reasons for doing each search that you identify.

**(8 marks)**

**(Total: 29 marks)**

### Question 3

Reference: Question 3 relates to 109 Herbert Street, Oldham, Oldham, OL1 2DF ("Herbert Street") and to Documents 1, 2, 3, 4, 5, 6 and 7 in the Case Study Materials.

- (a) In relation to the replies to question ten from the extracts from the Property Information Form (**Document 6**) explain what effect a non-owning occupier may have on the transaction and the steps you will take to protect your client's position.

**(8 marks)**

- (b) You have just received a telephone call from your client in relation to the mortgage offer (**Document 7**). She wants to know what is meant by the 'retention' and what effect this will have on the purchase.

What explanation will you give to your client and what steps will you advise her to take?

**(8 marks)**

- (c) You have now approved the contract for sale for Herbert Street, and have sent your client's signed part contract to the seller's solicitors who have now confirmed receipt and that they are also holding their client's signed part contract.

Explain the procedure you will now follow to exchange contracts on your client's purchase of Herbert Street.

**(6 marks)**

**(Total: 22 marks)**

#### Question 4

Reference: Question 4 relates to 109 Herbert Street, Oldham, Oldham, Oldham, Oldham ("Herbert Street") and to Documents 1, 2, 3, 4 and 5 of the Case Study Materials.

- (a) Susan Shah has asked you to draft the Transfer for the purchase of Herbert Street.

Using the blank Transfer (TR1) attached to this question paper [Document A] draft the Transfer **save for boxes 1, 6 and 10.**

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

**(13 marks)**

- (b) You are now in a position to complete your client's purchase of Herbert Street.

Explain what pre-completion searches you will now perform, stating against whom the searches will be performed and the full search period and the reasons for performing each search.

**(5 marks)**

- (c) You have now completed your client's purchase of Herbert Street.

Explain what post completion steps you will now follow to register your client's title at the Land Registry. In your answer you must explain the reasons for taking each procedure and state the time limits that apply, if any.

**(11 marks)**

**(Total: 29 marks)**

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**DOCUMENT A****(To be used with Question 4(a))**

# 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.

1	Title number(s) of the property:  <b>LEAVE BLANK</b>
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Insert address including postcode (if any) or other description of the property, for example 'land adjoining 2 Acacia Avenue'.

2	Property:
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Give full name(s).

3	Date:
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Complete as appropriate where the transferor is a company.

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:
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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.

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:
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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.

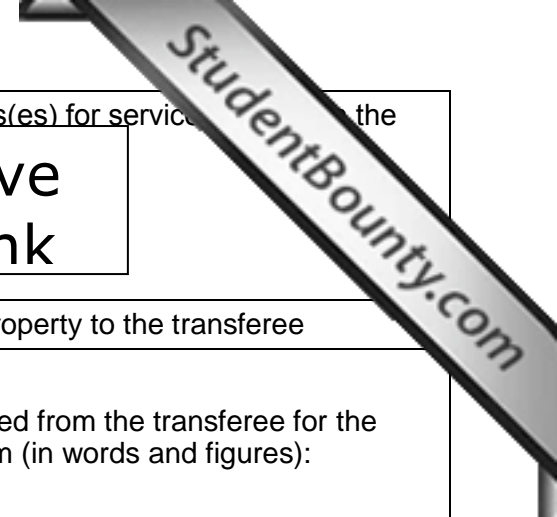
Add any modifications.

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.

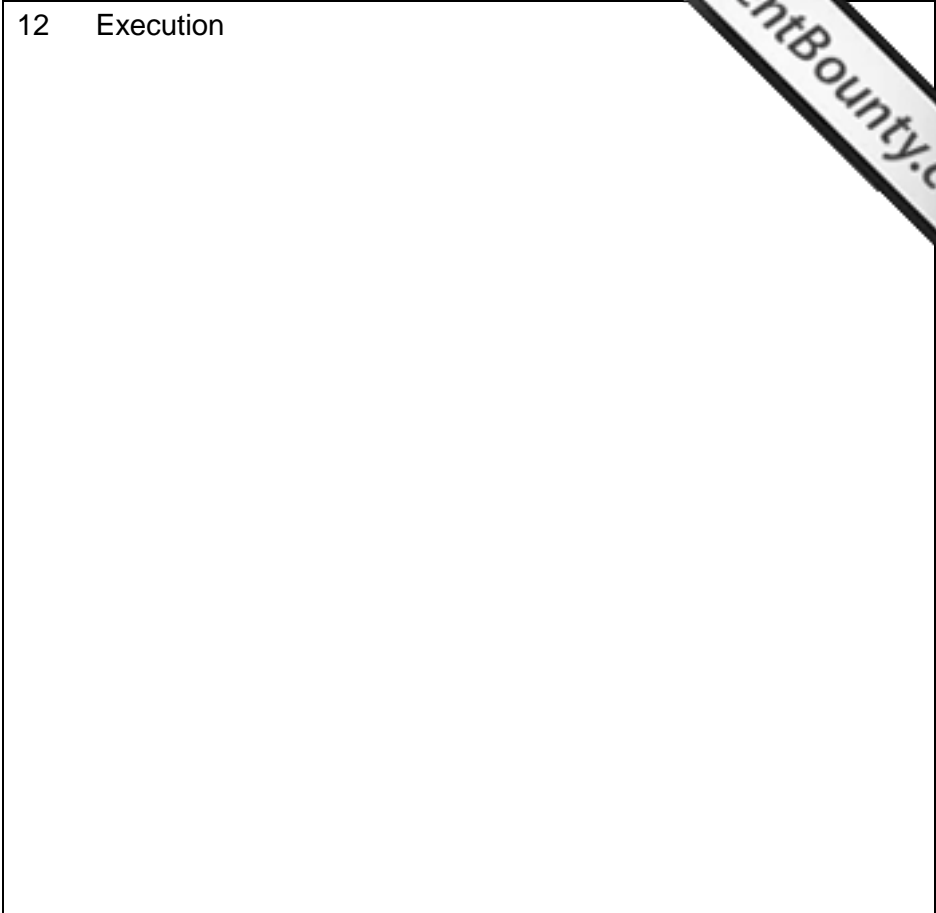
6	Transferee's intended address(es) for service in the register: <div style="border: 1px solid black; padding: 10px; text-align: center; font-size: 24px; margin: 10px auto; width: 150px;">Leave Blank</div>
7	The transferor transfers the property to the transferee
8	Consideration <input type="checkbox"/> 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 joint tenants <input type="checkbox"/> they are tenants in common <input type="checkbox"/> they are to hold the property on trust: <div style="border: 1px solid black; padding: 10px; text-align: center; font-size: 24px; margin: 10px auto; width: 150px;">Leave Blank</div>
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



**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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