

UNIVERSITY OF BOLTON
SCHOOL of BUSINESS & CREATIVE
TECHNOLOGIES
LAW PATHWAY
EXAMINATION 2010/11
LAND LAW
MODULE NO: LAW3201

Date: 17 January 2011

Time: 10:00-13:00

INSTRUCTIONS TO CANDIDATES:

There are FIVE questions on this paper.

Answer ANY THREE questions.

All questions carry equal marks.

Students are allowed to take into the exam clean copies (free from annotations) *Blackstone's Statutes on Property Law*.

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Answer any THREE questions

- 1) Darren and his girlfriend Libby wanted to buy a house together but they could not afford to do this on their own. Therefore, Darren, Libby and Libby's mother Chelsea bought a house, 10 Victoria Square and were joint tenants at law and in equity.

Darren soon disliked living in the same house as Chelsea because he thought that she was interfering in his relationship with Libby and was constantly finding fault with him saying that he did not do enough housework. One evening Darren and Chelsea had a huge argument about who should wash the dishes. Chelsea decided that she would sever the joint tenancy. Chelsea sends the notification of severance. On the morning that the letter was delivered Darren opened the post and read the notice to sever. Darren was so upset by this that he confronted Chelsea in the kitchen while she was ironing. Darren snatched the iron and hit Chelsea over the head with it, killing her instantly. Darren is now serving a life sentence for murder. Libby is distraught that her boyfriend killed her mother.

In her will Chelsea left all of her property to her employer Tanya. Libby now wants to know how this has affected the ownership of 10 Victoria Square.

Advise Libby.

- 2) "The doctrine of proprietary estoppel has rarely been defined in one clear analytical formula, but has instead been expounded at different times by different judges in slightly different terms. These varying formulae, although alike directed against unconscionable dealings with land, have not always made for certainty or consistency in the implementation of the fundamental premise of proprietary estoppel."
(Gray, Elements of Land Law, 5th Edition, (2008), OUP, page 1198.)

Therefore to what extent is it possible to predict the circumstances in which a plea of proprietary estoppel will be successful and the subsequent consequences for the person against whom the claim has been made?

- 3) Apart from easements established by long user, by what methods can easements be created and is there any significant difference between legal and equitable easements?

Discuss.

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- 4) Pat, a rich widow, is the registered proprietor of a large house in London. Recently, in the local pub she met Ricky, a 20 year-old taxi-driver, and after a passionate affair of a few weeks, she invited him to live with her. Ricky accepted. Being a proud man, Ricky insisted that he share the expenses of running the house. Over the next few months he paid some of the bills, had broadband internet installed and redecorated the house inside and out. Ricky was worried that because of the difference in age, Pat would soon tire of his charms and he repeatedly asked her about the future. Last year, on Valentine's Day, Pat told Ricky that "what's mine is yours". The next day, realising that his future was secure, Ricky spent all his life savings on a sports car. Unfortunately, and unknown to Ricky, Pat was paying school fees for her grandchildren and also paying the care home fees for her mother. Two months ago Pat had to take out a mortgage with the Walford Building Society. The Building Society visited the property when Ricky was out at work driving his taxi and Pat executed the mortgage that day. The Walford Building Society registered their charge at the Land Registry a few days later.

Pat has received news from her estranged son, Simon, who lives in Australia. Simon asked Pat to go and live with him and his wife. Pat has since emigrated to Australia. The Walford Building Society is seeking possession of the property in order to realise its security.

- a) Advise Ricky.
- b) Would your answer differ if the title to the property had been unregistered?
- 5) Charlie and Maureen, brother and sister, have recently discovered that their 17 year old nephew Bradley has been orphaned in a road accident and that they are his legal guardians. In anticipation of Bradley coming to live with them, they decide to buy a bigger house with their savings and with some of the money left to Bradley by his parents over which they have lawful control until Bradley is 18. The new house, title to which is unregistered at all material times, is expressly conveyed into their joint names as legal and equitable joint tenants. There is no mention of the fact that Bradley's money was also used. Bradley arrives and due to him being injured in the accident and needing some medical attention they employ a private nurse, Stacey, to look after him until he recovers. Stacey lives in a self-contained part of the house for which the sum of £70 a week is deducted from her wages by

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Charlie and Maureen. Unknown to Stacey and Bradley, Charlie and Maureen sell the property to Archie. Archie is told, and believes, that Stacey and Bradley are the vendors' children.

Advise Bradley (who is now 18) and Stacey as to their right to stay in the property.

END OF QUESTIONS