



**Law Society
of Scotland**

**LAW SOCIETY OF SCOTLAND
WORK-BASED LEARNING MODULE
LOGBOOK**

Full instructions for this module and for completion of this logbook are given in the Work-Based Learning Module Guide. It is anticipated that in order to meet the relevant learning outcomes (1(c), 2 and 3 listed on page 1 of the Guide), candidates will log between 8 and 10 transactions / tasks in this Logbook.

Candidate Name: Joe Bloggs

Candidate ID No: 12345

Date Submitted: 15 May 2018

For Office Use Only

Transaction / Task Record

PART 1 - Background

Provide a brief background narrative of the transaction and its aims. Bear in mind the requirement for confidentiality. (200 word summary)

I was tasked by my supervising partner to assist them to act in the sale of a residential property in Glasgow to a purchaser who was a daughter of the seller and who was also represented by the firm I work for (another partner dealing with their interest). The property had grown too large for the seller's needs and they were moving to stay with a relative. The daughter was moving up from England and missives were concluded for the transaction using the Scottish Standard Clauses as mortgage funds were involved. My role was to assist my supervising partner by taking the transaction to settlement once missives were concluded. I instructed and exhibited the various property searches in addition to other tasks detailed in PART 2 of this Transaction/Task Record. The date of entry sought by the purchaser was five weeks from the date of submission of the offer.

PART 2 – Candidate's Role

What was my role within it? This section should focus upon your input into the task? Describe how you interacted with others in seeking to attain the "goal" of the transaction or solving the problem you were tasked with? What did you do? Why did you do this? Where there any alternative courses of possible action? (350 words)

Once missives were concluded, I took the transaction to settlement under the active supervision of my partner. I prepared the sellers' drafts including the draft discharge of the existing standard security over the property, instructed the property and personal searches and obtained updates of these prior to settlement. I instructed the Property Enquiry Certificate over the property and dealt with the redemption of the remaining mortgage on completion and the sending of the proceeds of sale to the seller's bank account. I prepared the State for Settlement on completion detailing the purchase price and the deductions to be made from it comprising the redemption of the mortgage, outlays and the firm's fees. I exhibited all the necessary searches to the partner within the firm who was representing the purchaser's interests. I met with the seller and arranged for them to sign the disposition and subsequently dealt with the release of keys upon completion. During my role, I dealt with property searchers, the Estate Agency division of the firm and the seller's mortgage company in addition to frequent contact with the seller herself. I addressed the observations on title which were raised by the purchaser's lawyer. One observation related to the absence of a survey report detailing the nature of works carried out under a guarantee in place over the property for dry rot. The remedial work had been instructed by my selling client many years previously. I contacted the timber specialist company direct and was able to obtain duplicate paperwork which I could exhibit to the purchaser's lawyer to satisfy their query with regard to this point. Whilst the duplicate paperwork incurred a cost, I felt this was the most appropriate and direct route to address the issue rather than ask my client (who was quite elderly) to search through their paperwork once more.

PART 3 – Reflection

Reflect upon your role. What did you learn from this experience? What will you take forward to your next task? See FAQ section for further guidance re this reflective element. (350 words)

I feel that I learnt much from this task. It impressed upon me the need to be organised and methodical in a conveyancing transaction. I feel much clearer as to the role of a solicitor in a sale than I had done previously as my conveyancing reading could occasionally leave me confused as to which tasks were carried out by the seller's agent and which were carried out by the purchaser's agent. The fact that the sale was an internal transaction was helpful as I was able to see in practice how the exceptions to the general prohibition contained in Rule B2.1.4 regarding conflict of interest in conveyancing transactions operated. I learnt that the firm were able to act for both parties in this transaction as the parties were related by blood (exception c). Moreover, I appreciated the necessity, following on from this exception, for both parties to be sent a separate letter at the "earliest practicable opportunity" of the matters stating that the firm had been requested to act for them and that "if a dispute arises they or one of them will require to consult an independent solicitor" even though the clients were mother and daughter.

If I am tasked with taking a sale to conclusion again, I would prepare a checklist for my file to follow which showed what work I had already carried out on the transaction and those matters which were outstanding e. g. to instruct the Property Enquiry certificate. This will help me see at a glance what needs done rather than reading through the file itself from the beginning each time to refresh my understanding. It will help me manage the file more efficiently and be able to quickly summarise where matters are when the client telephones. This will help my confidence as did actually meeting with the client in person in this transaction to arrange for them to sign the disposition which, although I was initially nervous about, I felt I dealt with capably. I would feel far less anxious about getting a deed signed and witnessed correctly in the future if required.

PART 4 – Learning Outcomes

Explain which learning outcomes you feel you have attained from this experience from outcomes 1(c), 2 and 3 above and state briefly why. (150 words)

In relation to outcome 1(c), as stated above, I saw how exception c to the general conflict of interest principle operated in practice and the need for both parties to receive a separate letter advising them of the position at the outset of the transaction.

In relation to outcome 2, I worked with my Estate agent colleagues, searchers and my supervising partner to bring the sale to a successful conclusion.

In relation to outcome 3, whilst the issue of the missing survey report was not adversarial in nature, it reinforced the need for me to take a pragmatic approach to problem solving in a transaction.

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