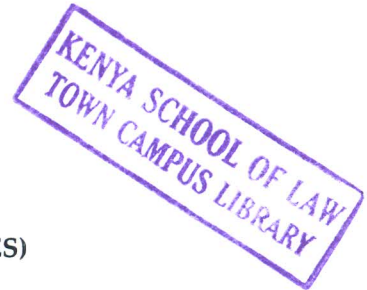


THE KENYA SCHOOL OF LAW



DIPLOMA IN LAW (PARA-LEGAL STUDIES)

2ND YEAR TERM III EXAMINATION



CONVEYANCING

25 MARCH 2019

DURATION: 2 HOURS

Instructions to Candidates

- (a) Answer Question ONE and ANY OTHER THREE Questions
- (b) Question ONE carries 25 Marks
- (c) All other questions carry 15 Marks each

PLEASE TURN OVER

Question One

Kamau and Mumbi Ivy of P. O Box 600 – 00510 Karatina wishes to buy a house known as Growers Paradise. The house is registered in the name of Dr. Kavinya Omwveri and her husband Prof. Githurai Kimbo of P O Box 754 00710 Ruiru. They are registered as joint proprietors. They currently occupy the house. Growers paradise is registered at the District Lands Registry under title no. Nyeri Kabiruine 11/25. The agreed purchase price is 2 million subject to the contract. The price includes household goods. Kamau and Ivy Mumbi would like to buy the house with vacant possession. They are represented by Kidum Kaliech and company advocates who are located at Kitanga Road Nairobi. Current search indicates that there are no restrictions or encumbrances on the title. The property is a leasehold for 99 years from 1970. The annual rent is Ksh. 5,000. The rent has not been paid since 1990. The completion date is 90 days upon execution of agreement for sale. Deposit is 10% of the purchase price.

Required:

Draft a sale Agreement

(25 marks)

Question Two

a) Explain the duties of the vendor's advocate at an auction sale.

(5 marks)

b) Using relevant examples, explain the documents required for effective transfer of land

(10 marks)

Question Three

Sankai Ole Kina owns a piece of land along Mombasa Road known as Konza/Konza South Block 3/1569 has agreed to sell to David Muriuki the whole 7 acres at 8.4 million. However, Sankai Ole Kina has told David Muriuki that the land is still registered in his late father's name.

a) Advise David Muriuki, who is ready to pay cash for the purchase of the property.

(7marks)

b) Advise Sankai Ole Kina what to obtain so as to ensure that transaction is completed.

(8 marks)

Question Four

Briefly explain the following different procedures that may exist in a transaction that would result in the interference of the registration and change in rights and interest in land.

a) Cautions

(5 marks)

b) Inhibitors

(5 marks)

c) Power of Attorney

(5 marks)



Question Five

Rosemary Subukia owns a piece of land measuring 2 acre in Ruiru area on title deed known as Ruiru/Ruiru East Block 3/784. She has identified a developer who is ready to finance the development of about 36 units of three bedroom flats plus play area and swimming pool on the property.

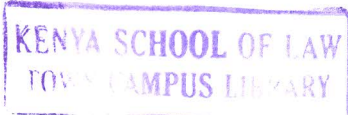
- a) Advise her on what she is required to do to ensure the developer can proceed with the development. **(7 marks)**
- b) What must she ensure is ready to enable her pass on ownership to the buyers of each flat built on the 2 acres. **(8 marks)**

Question Six

In every transaction involving the sale of land, there are the parties, the vendor and the purchaser.

- a) Briefly explain the vendor's Advocate's responsibility in a transaction of sale of land. **(7 marks)**
- b) Explain the Purchaser's Advocate's responsibility in a transaction of sale of land. **(8 marks)**

END



THE KENYA SCHOOL OF LAW



DIPLOMA IN LAW (PARA-LEGAL STUDIES)

2ND YEAR TERM III EXAMINATION



CONVEYANCING

26TH MARCH, 2018

DURATION: 2 HOURS

Instructions to Candidates

- (a) Answer Question ONE and ANY OTHER THREE Questions
- (b) Question ONE carries 25 Marks
- (c) All other questions carry 15 Marks each

PLEASE TURN OVER

Question One

Kamau and Mumbi Ivy of P.O. Box 600-00510 Karatina wish to buy a house known as Growers Paradise. The house is registered in the name of Dr. Kavinya Omweri and her husband Prof. Githurai Kimbo of P.O. Box 754-00710 Ruiru. They are registered as joint proprietors. They currently occupy the house.

Growers Paradise is registered at the District Lands Registry under title No. Nyeri Kabiruine 11/25. The agreed purchase price is 2 million subject to the contract. The price include household goods.

Kamau and Ivy Mumbi would like to buy the house with vacant possession. They are represented by Kidum Kaliech and Company Advocates who are located at Kitanga Road Nairobi. Current search indicates that there are no restrictions or encumbrances on the title.

The property is a leasehold for 99 years from 1970. The annual rent is Kshs.5,000. The rent has not been paid since 1990. The completion date is 90 days upon execution of agreement for sale. Deposit is 10% of the purchase price.

Required:

Draft a Sale Agreement (25 Marks)

Question Two

(a) Outline THREE types of land holdings recognized by the Constitution of Kenya, 2010. (3 Marks)

(b) Discuss any FOUR ways of terminating of leases. (12 Marks)

Question Three

(a) Using relevant examples, explain he following terms:

(i) Execution/Attestation (3 Marks)

(ii) License (2 Marks)

(b) You have been instructed by Mbori Mbuzi of P.O. Box 3036-00500 Karen to lodge a caution over parcel No. Mavoko/Joska/21 you are claiming as a licensee.

Draft a caution under Land Act No. 6 of 2012 and Land Registration Act No. 3 of 2012. (10 Marks)

Question Four

(a) Explain the duties of the vendor's advocate at an auction sale. (5 Marks)

(b) Using relevant examples, explain the documents required for effective transfer of land. (10 Marks)

Date received for Registration

Presentation Book

Registration Fees: Sh.

....., 20

No. / 20

paid. Receipt No.

R.L. 22

REPUBLIC OF KENYA
THE LAND REGISTRATION ACT
(No. 3 of 2012, Section 108)
(Cap. 300, Repealed)



CAUTION

TITLE No.

I,
of
claim an interest as
in the above-mentioned title and forbid the registration of dealings and the making of entries
in the register relating to the title
without my consent until this caution has been withdrawn by me or removed by order of the
Court or the Registrar.

Dated this day of, 20

Signed in the presence of: —

}
.....
.....

I HEREBY CERTIFY that there appeared before me on the day of
....., 20, the above named
and, being known to me/being identified by*
acknowledged the above signature or marks to be his [theirs] and that he [they] had freely
and voluntarily executed this document and understood its contents.

*Delete whichever is not applicable.

.....
*Signature and Designation of
Person Certifying*

REGISTERED this day of, 20

.....
Land Registrar

[P.T.O.]

STATUTORY DECLARATION

I, (in support of this caution) do hereby sincerely declare as follows:—

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

I make this declaration conscientiously believing the same to be true and according to the Oaths and Statutory Declarations Act.

DECLARED before me at

.....
on the day
of 20

.....
*Signature of Advocate
or Land Registrar*



Question Five

- (a) Outline FIVE major ways of disposal/acquisition of property. **(10 Marks)**
- (b) Sectional Properties Act No. 21 of 1987 radically transformed the way property is owned in Kenya. Discuss the advantages and disadvantages of such method. **(5 Marks)**

Question Six

- (a) Discuss the procedure of complying with Section 5 of Stamp Duty Act Chapter 480 of the Laws of Kenya in relation to lease situated outside the city or municipality. **(10 Marks)**
- (b) Explain the relationship between the following brands of law and conveyancing:
- (i) Law of Property in Land **(3 Marks)**
- (ii) Law of Contract **(2 Marks)**

END

THE KENYA SCHOOL OF LAW



DIPLOMA IN LAW (PARA-LEGAL STUDIES)

2ND YEAR TERM III EXAMINATION

CONVEYANCING

27TH MARCH, 2017

DURATION: 2 HOURS

Instructions to Candidates

- (a) Answer Question ONE and ANY OTHER THREE Questions
- (b) Question ONE carries 25 Marks
- (c) All other questions carry 15 Marks each

PLEASE TURN OVER

Question One

Conveyancing is the act of or business of drafting and preparing legal instruments especially those that transfer or change an interest in real property.

- a) What is the relationship between conveyancing and any other branches of law? (10 marks)
- b) Give several examples of legal instruments drafted in a conveyancing process. (9 marks)
- c) Briefly explain the stages in a transaction involving sale of land. (6 marks)

Question Two

Conveyance is an instrument that conveys an interest in Land from one person to another.

- a) Briefly explain the system of registration it falls under (6 marks)
- b) What is considered the advantages or disadvantages of this system? (9 marks)

Question Three

In any transaction involving sale and purchase of land, the responsibilities in the transaction can be divided. Briefly explain the different responsibilities of the vendor's Advocate and that of purchaser's Advocate.

(15 marks)

Question Four

A conveyancing transaction involving sale of land should have a beginning and the end. Explain the meaning of these terms that clearly ensure this;

- a) Completion document. (9 marks)
- b) Completion Notice. (6 marks)

Question Five

Conveyancing starts with the creation of a valid contract.

- a) Explain the process of investigation to establish capacity to contract. (8 marks)
- b) When and how can a person whose name does not appear on a Title Deed or Certificate of Title execute a transfer document? (7 marks)

Question Six

An advantage of registration of change in the rights of interests in land, enables the government to collect revenue and control the administration in all conveyancing transactions. Discuss. (15 marks)

END

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THE KENYA SCHOOL OF LAW
DIPLOMA IN LAW (PARA-LEGAL STUDIES)
2ND YEAR TERM III EXAMINATION

CONVEYANCING

21ST MARCH, 2016

DURATION: 2 HOURS

Instructions to Candidates

- (a) Answer Question **ONE** and **ANY OTHER THREE** Questions
- (b) Question **ONE** carries **25 Marks**
- (c) All other Questions carry **15 Marks** each

PLEASE TURN OVER

QUESTION ONE:

To convey is to do the act of alienation of an interest by means of an appropriate instrument or document, while conveyance is an instrument transferring an interest in land from one person to another.

- (a) Briefly explain the various types of transfers. (8 Marks)
- (b) (i) Is a conveyance a valid title? and (ii) Under what statute is it found. (5 Marks)
- (c) State other forms of transfer documents, stating the relevant statute. (6 Marks)
- (d) Differentiate between a transfer under the Deed system, and that under the Title system. (6 Marks)

QUESTION TWO:

The Law Society Sale Agreement Conditions of 1989 present guidelines on the creation of a valid Sale Agreement.

- (a) Briefly state the essential ingredients of a valid sale agreement of land. (8 marks)
- (b) What documents constitute completion documents? (7 Marks)

QUESTION THREE:

Sankai Ole Kina owns a piece of land along Mombasa Road known as Konza/Konza South Block 3/1569. He has agreed to sell to David Muriuki the whole 7 acres at 8.4 Million. However Sankai Ole Kina has told David Muriuki that the land is still registered in his late father's name.

- (a) What advice would you give David Muriuki, who is ready to pay cash for the purchase of the property? (7 Marks)
- (b) What would you advise Sankai Ole Kina to obtain so as to ensure the transaction is completed? (8 Marks)

QUESTION FOUR:

Briefly explain the following different procedures that may exist in a transaction that would result in the interference of the registration and change in rights and interest in land:

- (a) Cautions (5 Marks)
- (b) Inhibitions (5 Marks)
- (c) Power of Attorney (5 Marks)

QUESTION FIVE:

Rosemary Subukia owns a piece of land measuring 2 acre in Ruiru area on title deed known as Ruiru/Ruiru East Block 3/784. She has identified a developer who is ready to finance the development of about 36 units of three bedroom flats plus play area and swimming pool on the property.

- (a) Advise her on what she is required to do to ensure the developer can proceed with the development. (7 Marks)
- (b) What must she ensure is ready to enable her pass on ownership to the buyers of each flat built on the 2 acres? (8 Marks)

QUESTION SIX:

In every transaction involving the sale of land, there are the parties the vendor and the purchaser.

- (a) Briefly explain the Vendor's Advocate's responsibility in a transaction of sale of land. (7 Marks)
- (b) Briefly explain the Purchaser's Advocate's responsibility in a transaction of sale of land. (8 Marks)

THE KENYA SCHOOL OF LAW



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DIPLOMA IN LAW (PARA-LEGAL STUDIES)

2ND YEAR TERM III EXAMINATION

CONVEYANCING

16TH APRIL, 2015

DURATION: 2 HOURS

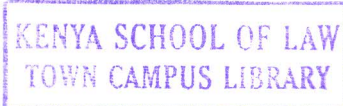
Instructions to Candidates

- (a) Answer Question ONE and ANY OTHER THREE Questions
- (b) Question ONE carries 25 Marks
- (c) All other questions carry 15 Marks each

PLEASE TURN OVER

1. Kamau Kariuki has agreed with Maina Muriuki his neighbour to sell him half an acre of his one (1) acre land known as Limuru/Mabrouk Block 1/1599 for Kshs. 1.5 Million. This is to enable Kamau Kariuki meet his school fees obligation. Kamau Kariuki approaches you for the following advice;
- a) How does he draw up a Sale Agreement that will give him enough time to sub-divide obtain new title deeds and still pay school fees on time: (10 Marks)
 - b) What documents must he have ready to enable Maina Muriuki complete the transaction? (8 Marks)
 - c) Kamau Kariuki has no money to do the sub-division and urgently needs Kshs.200,000 to pay outstanding fees in three weeks. Advise (7 Marks)
2. (i) Briefly explain the following forms of restrictions in relation to Conveyancing transactions:
- a) Inhibitions (5 Marks)
 - b) Caution (5 Marks)
- (ii) What is a Power of Attorney? (5 Marks)
3. Land transactions involving sale and purchase, one way or the other, entail the involvement of Government.
- a) Briefly explain how the Government is able to collect revenue from land transactions
 - b) What does the Government seek to ensure by the provision that change of rights and interest in land require registration?
4. Transfer of registered land only purports to effect a transfer as the actual transfer instrument is effected by registration.
- a) Briefly outline the formalities to consider in drawing up a transfer (9 Marks)
 - b) What does investigation of a title entails and who undertakes it? (6 Marks)

5. The Law Society of Kenya Sale Agreement conditions (1989) set out guidelines for drawing up a sale agreement. Explain the following terminologies:
- a) Completion notice (5 Marks)
 - b) Special Conditions (5 Marks)
 - c) Completion date (5 Marks)
6. In order for conveyancing to be done properly, it is essential that it be done by Advocates. The vendor and purchaser each are advised to have separate Advocates to maintain high standards of competence and ethical conduct. Can the parties instruct the same Advocate? Discuss. (15 Marks)



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DIPLOMA IN LAW (PARA-LEGAL STUDIES)

2ND YEAR TERM III

CONVEYANCING

THURSDAY 27TH MARCH, 2014

DURATION: 2 HOURS

Instruction to Candidates

- (a) Answer Question **ONE** and **ANY OTHER THREE** Questions
- (b) Question **ONE** carries **25 Marks**
- (c) All other questions carry **15 marks** each

PLEASE TURN OVER

1. Lokorito has identified a three bedroom flat located in Westlands and he wants to purchase it. The purchase price is eight million shillings and his Bank has agreed to finance the purchase. The vendor has given him the Title particulars as Land Reference No.209/16433. You are acting on his behalf as well as for the Bank:
- (a) What documents are you to ensure are delivered to you by the vendor's Advocate to complete this transaction? (10 marks)
 - (b) How long should the transaction take? (5marks)
 - (c) What expenses should Lokorito ensure are covered in his loan? (5marks)
 - (d) What statutory regime governs the Titles to Flats and Apartments in Kenya? (5 marks)
2. For conveyancing to be done properly it is essential for it to be done by an Advocate. For the maintenance of high standards of competence and conduct, an Advocate has duties and obligations.
- (a) Briefly state the duties and obligations of a vendor's Advocate. (5 marks)
 - (b) Briefly state the duties and obligations of a purchaser's Advocate. (5 marks)
 - (c) Can both the vendor and purchaser retain the same Advocate? (5 marks)
3. Land transactions in Kenya form an integral part of our day to day life. Dispositions in Land normally is conducted in two stages.
- (a) Briefly state the required essentials for a valid Sale Agreement in land. (5 marks)
 - (b) What are the essential details in a transfer document? (5 marks)
 - (c) Distinguish between a transfer and a Sale Agreement. (5 marks)

4. Mary has entered into a Sale Agreement to purchase 2 acres of land in Limuru. The Title particulars are LIMURU/TIGONI BLOCK 7/355 and has paid the vendor half the purchase price of Shs.1.5 million. She then discovers that the Vendor has also entered into another sale agreement with one Kamau in respect of the same land.
- (a) What action should Mary take to protect her interest and ensure that she does not lose the land or her money?
(5 marks)
 - (b) Briefly explain the action a Registrar of Lands can take in Blocking transactions on land and why?
(5 marks)
 - (c) Distinguish between the following: caution, caveat and inhibition of land.
(5 marks)
5. Briefly explain the meaning of the following terminologies in the Law Society Conditions of Sale (1989):
- (a) Completion documents – citing the essential documents in every conveyance.
(5 Marks)
 - (b) Completion date.
(5 Marks)
 - (c) Apportionment of outgoing.
(5 Marks)
6. (a) A transfer is a conveyance and a conveyance is a transfer. Distinguish between the two terms.
(5 marks)
- (b) State the other forms of transfer documents stating the relevant statute they fall under.
(5 marks)
 - (d) A Transfer can be voluntary or involuntary. Distinguish between the two types of transfers.
(5 marks)

COUNCIL OF LEGAL EDUCATION



DIPLOMA IN LAW (PARA-LEGAL STUDIES)



CONVEYANCING

MONDAY 9TH MAY, 2011

DURATION: 2 HOURS

Instructions to Candidates

- (a) Answer Question **ONE** and **ANY OTHER THREE** Questions
- (b) Question **ONE** carries **25 marks**
- (c) All other questions carry **15 marks** each

PLEASE TURN OVER

QUESTION 1

Land is one of Kenya's most important economic and environmental resource and is a source of livelihood for many Kenyans working in the agricultural sector and professional careers. Land transactions involving the sale and purchase of land are an every day affair involving not just the parties but also a wide array of professional persons. Most of these transactions invariably will one way or other also entail the involvement of government.

- (a) What are the pre requisite essentials of a valid sale and purchase contract involving land? **(10marks)**
- (b) What is the relevance of government in land transactions? **(5marks)**
- (c) How does a transfer document differ from the Agreement for the Sale of land? **(5marks)**
- (d) What essential details must be spelt out in the transfer document? **(5marks)**

QUESTION 2

James Juma has identified a parcel of land in Kiambu whose title is a proper conveyance instrument registered as N15 Foli 1123 File 23/ 5 under the Government Lands Act Cap 280 of the laws of Kenya but is confused as to the validity of this title as his other parcel of land also in Kiambu District is registered as Kiambu/ Kiambu Town/ Block 1/ 113. You had just completed your paralegal studies at Kenya School of Law and are now awaiting results and are casually discussing the matter with James who also solicits your advice.

- (a) Is the conveyance a valid title? **(3marks)**
- (b) What nature of estate does the conveyance represent? **(3marks)**
- (c) What statutory regime governs James Juma's title Kiambu/Kiambu Town/Block1/113? **(3marks)**
- (d) What Land Registries registered and/or issued of the two titles above cited? and why? **(6marks)**

QUESTION 3

- (a) What is the distinction between land rent and land rates? **(5marks)**
- (b) Which properties are subject to the payment of land rent and why? **(5marks)**
- (c) Which properties are subject to the payment of both land rent and land rates and why? **(5marks)**

QUESTION 4

In Kenya urban population sprawl has necessitated the development of land vertically as government, local government authorities, and private developers maximize on the potential of flats and apartments as a way of accommodating the huge numbers of people searching for the better life in Kenya's towns and cities.

- (a) What titles are available for Kenyans purchasing flats and apartments? **(5marks)**
- (b) What statutory regimes govern titles to flats and apartments currently in Kenya? **(5marks)**
- (c) What is the function of management companies in the above referenced purchasing scenarios and what interest(stakes) do purchasers of flats and apartment have in management companies? **(5marks)**

QUESTION 5

- (a) What consent(s) should vendors of agricultural land obtain to facilitate the registration of the transfer and from where are the consents sought? **(5marks)**
- (b) What is the role of urban surveyors, urban planners and valuers in land transactions generally? **(10marks)**

QUESTION 6

What meaning is envisaged by the Law Society Conditions of Sale (1989) of the following terminologies?

- (a) Completion documents? Explain what they are briefly also citing certain critical completion documents in every conveyancing transaction? **(7marks)**
 - (b) The completion date? **(3marks)**
 - (c) Apportionment of outgoings? **(5marks)**
-