

THE KENYA SCHOOL OF LAW



PRE-BAR EXAMINATION

LAND LAW – PRB 004

7<sup>TH</sup> JANUARY, 2020

DURATION: 3 HOURS

2.00 PM – 5.00 PM

**Instructions to Candidates**

- (a) Answer Question ONE and ANY OTHER THREE Questions
- (b) All questions carry equal marks (25 Marks)
- (c) Marks shall be lost for illegible handwriting

PLEASE TURN OVER

**Question One:**

“Sectional Proprietorship (i.e condominiums) provides a complex combination of land holding” (anonymous)

Discuss this proposition, in light of the Sectional Properties Act No. 21 of 1987 as revised in 2012. (25 Marks)

**Question Two:**

Marete Catalina is a real estate developer known for her cutting edge and innovative housing developments. She intends to develop residential housing units in Kitengela, Kajiado County. She is confused by the fact that there are different classes of leases. She approaches you for a brief legal opinion on ALL classes of leases known to Kenyan Law. Discuss. (25 Marks)

**Question Three:**

Explain FIVE (5) ways in which leases may be terminated. (25 Marks)

**Question Four:**

Write short notes on the following:

- a) Chargee’s obligations, under a charge; (9 Marks)
- b) Chargor’s obligations, under a charge; (9 Marks)
- c) Priority of charges; (7 Marks)

**Question Five:**

Indicate whether and how the latin *maxim cujus est solum, ejus est usque ad coelom et ad inferos* has been received by statute laws relating to land, water, air and minerals in Kenya. (25 Marks)

**Question Six:**

The doctrine of *commorientes* and *jus accrescendi* are inalienable in the context of land holding. Discuss the accuracy of this statement. (25 Marks)

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END