

THE KENYA SCHOOL OF LAW



PRE-BAR EXAMINATION

LAND LAW – PRB 004

11TH JANUARY, 2022

DURATION: 3 HOURS

2.00 PM – 5.00 P.M

Instructions to Candidates

- (a) Answer Question **ONE** and any other **THREE** Questions.
- (b) Each Question carry **25 Marks**
- (c) Marks shall be lost for illegible handwriting

PLEASE TURN OVER

QUESTION ONE

Discuss the concept of Sectional Property as conceived under the Sectional Properties Act 2020. (25 Marks)

QUESTION TWO

Muhili Muhali is your longtime friend and client. He visits your offices situated along Kenyatta Avenue within Mtwapa in Kilifi County for advice on how to manage his vast wealth comprised mainly of real estate. He specifically wants advice on the essentials of a valid lease. Explain the same in a considered legal opinion. (25 marks)

QUESTION THREE:

You are the legal Officer of Kenya Exim Bank Limited, the financiers of Ole Matata. The Bank advanced Matata a total of Kenya Shillings Two Hundred million (Kes. 200,000,000). To secure the advance, a first legal charge was created over his Property Title Number Matasia Block Ngong/68. Ole has defaulted in servicing the loan. The Bank's Board of Directors requires a brief from you on the remedies available to it as against Ole Matata. Prepare a brief on the available remedies. (25 marks)

QUESTION FOUR:

Discuss the various constitutional, legislative and policy interventions in the law governing property in land in Kenya between 1885 and 1965 and explain how the same impacted land ownership. (25 Marks)

QUESTION FIVE:

Write short notes on: -

- a) Priority of charges (5 marks)
- b) Easements (5 marks)
- c) Profit a prend're (5 marks)
- d) Restrictive covenants (5 marks)
- e) Fixtures (5 marks)

QUESTION SIX:

Discuss the various ways in which leases may terminate. (25 marks)

END