

COUNCIL OF LEGAL EDUCATION



EXAMINATION FOR ADMISSION
TO THE ROLL OF ADVOCATES

ATP 107: CONVEYANCING

WEDNESDAY 18TH NOVEMBER, 2015

DURATION: 3 HOURS

Instructions to Candidates

- (a) Candidates MUST answer FOUR questions
- (b) Question ONE is compulsory
- (c) All questions carry 15 marks each
- (d) Marks shall be lost for illegibility

PLEASE TURN OVER

1. Prestige property limited is registered as the proprietor as lessee from the Government of Kenya of all that property known as Land Reference No.209/8595/975 and registered as IR.NO.71717 measuring approximately 10 acres. The property is situated in Nairobi County and borders Ngong forest on one side.

Prestige property limited is in the process of developing 45 4-bedroomed luxurious apartments on the property known as Refreshing Springs Apartments.

Neema Waite was introduced to Dan Muliro, a director of Prestige Property Limited by her brother. The meeting resulted in an agreement for sale dated Pt November, 2015 between Neema as the purchaser and Prestige Property Limited as the vendor. Neema decided to buy one of the apartments off-plan based on the building plans and brochures. The purchase price of each apartment is Kshs.50 million. The agreement for sale was prepared by Brown & Brown Advocates on behalf of the vendor. The firm of Jay & Jay Advocates was acting for the purchaser. The purchaser paid a deposit of Kshs.5 million and applied for a loan from Kashmani Bank Limited of Kshs.45 million. The firm of Wema & Company Advocates is acting for the bank in the transaction.

- a) Explain the role of each advocate in the transaction until completion. **(10 marks)**
 - b) What is the cost implication of the transaction to the purchaser? **(4 marks)**
 - c) Identify the title documents in this transaction. **(1 mark)**
2. Engineers Joan Omondi and Jahari Anyango are good friends and partners in an engineering consulting firm. In 2012 they purchased all that property known as Land reference number 55/222/3 registered as IR No.77777 measuring approximately 50 acres located in Meru County. They were registered as joint tenants over the property.

In 2013 they purchased another property known as Ngenia/Wone /2015 measuring approximately 20 acres located in Kakamega County. They were registered as tenants in common. Unfortunately, Engineer Omondi died in December 2014 through a tragic road accident. She was survived by two sons namely George Washington Omondi aged 20 years and Abraham Lincoln Otieno aged 19 years. You are a newly admitted advocate working for the firm of Black and Black Associates.

- a) Outline the process that you will follow in order to transfer Engineer Joan Omondi's interest in the properties to her sons. **(8 marks)**