

COUNCIL OF LEGAL EDUCATION



EXAMINATION FOR ADMISSION

TO THE ROLL OF ADVOCATES

ATP 107: CONVEYANCING

WEDNESDAY 21ST NOVEMBER 2012

DURATION: 3 HOURS

Instructions to Candidates

- (a) Answer question ONE and any other THREE questions
- (b) All questions carry 15 marks each
- (c) Marks may be lost for illegibility

PLEASE TURN OVER

1. You have been instructed by K-Perry Bank Ltd in connection with a proposed loan to Mr. West Kanye that is to be secured on his proposed purchase of No. 69 Hawthorns Estate. The property is a pretty old Villa built on a leasehold property located at the edge of, but within, the City of Nairobi. Mr. Kanye recently applied for a financial facility on the property having started negotiations himself and having conducted his own conveyancing. The purchase price is KShs.50,000,000/= and Mr. Kanye has paid 50% and already has possession albeit as a licensee together with his spouse Felicia Minaj. You are not instructed by him and are simply looking after the interest of your client bank. Taylor Swift Associates act for the Vendor. Completion is due in exactly one month's time. You wrote to Mr. Kanye confirming instructions with a request that he tells you if he is still doing his own conveyancing. He has now replied confirming that he is borrowing the balance of Kshs.25,000,000/= from K-Perry Bank. He also states that the property will be registered in his sole name. Further he has sent to you the documents he believes you require. The documents are:

- (i) The unsigned Contract showing that the title is a registered leasehold of 99 years under the Registration of Titles Act (Cap 281);
- (ii) An official search conducted some nine (9) months ago disclosing nothing of an onerous or unusual nature except that the property was excised as a subdivision from a Grant issued under the Registration of Titles Act.
- (iii) A standard pre-printed pre-contract enquiries with acceptable answers.
- (iv) A copy of the standard requisitions on the title document along with a form of draft Transfer of Land that closely follows the prescribed format under the Registered Land Act. The Transfer document was drawn by the more computer suave yet mindless Felicia Minaj.

(a) Please comment on the sufficiency of the documents supplied.

[4 Marks]

(b) Please list any other documents you will require and the subsequent steps you will take to perfect your client's security.

[10 marks]

(c) As Mr. Kanye has informally asked you, identify to him the Title document that will be issued in his favour and taken by your client as security.

[1 mark]

[In answering this question an assumption is to be made that the instructions were received in your offices after 2nd May, 2012.]