

KENYA SCHOOL OF LAW



EXAMINATION FOR ADMISSION  
TO THE ROLL OF ADVOCATES

**ATP 107: CONVEYANCING**

WEDNESDAY 27<sup>TH</sup> NOVEMBER 2013

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. Your law firm acts for newly-weds JayZ and Ciara Oketch both of P O Box 627-0671, Nairobi. They wish to buy with vacant possession a leasehold property known as Oprah House. They have agreed with the Seller a price of Kshs. 50,000,000/= subject to contract. A deposit of Kshs. 9,410,000/= is to be paid. The Vendor's contact person is Maina who shares the Oprah House with his auntie Rev. Patrice Maina. JayZ is worried that the deposit may be lost if paid to the Vendor. The Oprah House is registered at the Lands Registry under Grant No. I.R 44231 as Land Reference Number 24138. The user of the property is outlined in the Grant. Ciara intends to set up a vocational study centre with the help of the United Nations on the property. On the Grant, the registered proprietor is stated as PatMa Limited. Its directors recently executed, under the company's common seal, a letter of offer to JayZ and Ciara. Dr. Eric Maina, a director of PatMa Limited has instructed Justin-Bieber Advocates who offer the cheapest conveyancing in town. Justin-Bieber Advocates have now sent to you the draft contract, excerpts of which are reprinted in italics below. The property is registered under the Registration of Titles Act (Cap 281) (now repealed).

- (a) Your senior partner has approved all the clauses of the draft Contract but seeks your input on three particular clauses. The three clauses are: the Purchase Price Clause, the Completion clause and the Execution Clause. They are reprinted below. List and explain fully any amendments you would make to these particular clauses in draft Contract. **(10 Marks)**
- (b) Your senior partner also wants to know the modes of investigating the title that you will employ and undertake to reassure JayZ and Ciara that they could proceed with the purchase. Outline and explain the modes. **(5 Marks)**

**CONTRACT**

Date: 21/11/2013  
 Seller: Patma Limited of P O Box 19216-00100, Nairobi  
 Buyer: JayZ and Ciara Oketch of P O Box 627-0672, Nairobi  
 Property (leasehold): All that land and building erected thereon and known as Oprah House which is more particularly delineated on the Deed Plan annexed to the Grant No I.R 44231 and known as Land Reference No 24138.

- 1.....  
 2.....  
 3.....

**4. Purchase Price**

4.1.1 *An initial deposit of Kenya Shillings Nine Million One Hundred and Forty Thousand (Kshs.9,410,000/=) ( the "Deposit") shall be paid to the Vendors on or before the execution of this Agreement .*

4.1.2 *The balance of the Purchase Price shall be paid before the Completion Date.*