



KENYATTA UNIVERSITY

UNIVERSITY EXAMINATIONS 2018/2019

SUPPLEMENTARY/SPECIAL EXAMINATION FOR THE DEGREE OF
BACHELOR OF LAWS

LPL 208: LAW OF PROPERTY IN LAND II

DATE: TUESDAY, 24TH SEPTEMBER, 2019 TIME: 8.00 A.M. - 10.00 A.M.

INSTRUCTIONS

- 1) Answer QUESTION ONE and ANY OTHER TWO questions. Penalties accrue for failure to answer QUESTION ONE.
- 2) Support your answers with relevant illustrations from case law, statutory provisions and any other references.
- 3) Your Writing must be NEAT and LEGIBLE.
- 4) Your answer script must bear your student's REGISTRATION NUMBER, both on the cover and every written page therein.
- 5) Do not scribble or draft answers on the inner or outer cover pages of your answer booklet.
- 6) Do not write anything except YOUR REGISTRATION NUMBER on this Question Paper.
- 7) All Kenyatta University Examinations Rules apply as if they were contained herein.

1. John who hails from Embu county relocated to the United States of America in the year 2006. In the month of February 2019 his elder brother informed him of the intention of their neighbour Drusilla to sell her Land Title No. Embu/Makutano/1265. John got interested and asked his brother to request Drusilla to sell the piece of land to him.

John communicated his brother's intention to Drusilla who was happy about the prospect of the child of his good neighbour purchasing her land but her concern was how the transaction between her and John was going to be effected considering that John was residing in the United States of America. The foregoing notwithstanding, she gave John's brother a copy of the certificate of title which upon scrutiny he noted Drusilla's Late Husband was registered as the legal owner of the property. She further informed John's brother that in case he had any query regarding the property he was free to get in touch with her advocate Mr. Bingwa. John's brother decided to confirm the status of Mr. Bingwa with the Law Society of Kenya and the Chief Executive Officer of the Society informed him that Mr. Bigwa was struck off the Roll of Advocates in the year 2017. John's Brother decided to visit the Law firm of Ms. Slay to seek advise on how his brother will acquire the property from Drusilla.

With illustrations of statutory provisions case law Discuss

- a)
 - i) The legal issues in this matter (10 marks)
 - ii) Duties of Ms. Slay Advocate in the sale of the property (10 marks)
- b) Draft an agreement for sale of land (10 marks)

2. Mr and Mrs Malimingi obtained a loan facility from Akiba Bank of Kenya shillings Two Million (Kshs. 2,000,000.00) as seed capital for fish farming. The loan was to be repaid within a period of five years. Akiba Bank created a charge over Mr. and Mrs. Malimingi's matrimonial property situate at Maili Mbili township to secure the money lent. Mr and Mrs Malimingi's business failed due to heavy rains which broke the walls of fish ponds resulting to loss of fish which were swept downstream. The couple lost their only income and were therefore unable to repay the loan. Akiba Bank has decided to exercise its statutory power of sale to recover the outstanding loan amount.

With the aid to relevant authorities EXPLAIN the duties of AKIBA BANK it will owe Mr. and Mrs Malimwengu at the time of exercising it statutory power of sale.

(20 marks)

3. Kenyatta University School of Law will be hosting a one day conference in December 2019 on "DEVELOPMENT AND REFORMS ON CONVEYANCING LAWS IN KENYA." Your class has been tasked to write a paper on the relationship between Conveyancing and other disciplines in law.

Prepare a legal brief for presentation on the conference date

(20 marks)