

THE KENYA SCHOOL OF LAW



DIPLOMA IN LAW (PARA-LEGAL STUDIES)

1ST YEAR TERM II UNITS, 2026 EXAMINATION

CONVEYANCING – (PTP105)

SPECIAL EXAMINATION

7th April, 2026

DURATION: 2 HOURS

2.00 P.M. – 4.00 PM

Instructions to Candidates

- (a) Answer Question ONE and ANY OTHER THREE Questions
- (b) Question ONE carries 25 Marks
- (c) All other questions carry 15 Marks each

PLEASE TURN OVER

Question one

Outline any five duties of a buyer's advocate in a conveyancing transaction. (5 marks)

- a) Name and define any five (5) consents that a seller may need to get to facilitate the registration of a conveyancing transaction. (10 marks)
- b) Outline any five (5) reasons why parties in a conveyancing transaction would enter into a contract for the sale of the land. (5 marks)
- c) Name and define five other branches of the law that relate to Conveyancing law. (5 marks)

Question Two

- a) With the use of case law, explain the concept of certainty of terms in a contract for sale of land. (4 marks)
- b) Define the term "sublease" and set out its essential characteristics. (3 marks)
- c) Set out any five duties of a buyer's advocate in an auction. (5 marks)
- d) Outline any three (3) Statutory remedies available to a party in case of a breach of the conveyancing transaction. (3 marks)

Question Three

Write brief notes on the following:

- a) Stamp Duty (5 marks)
- b) Caution (5 marks)
- c) Deposit (5 marks)

Question Four

- a) Outline the purpose of the formality of registration in Conveyancing. (4 marks)
- b) In reference to quasi remedies in conveyancing, define the terms "Restriction" and "Inhibition" respectively and outline the difference between the two terms (3 marks)
- c) Set out the ways in which a Power of Attorney can be revoked (8 marks)

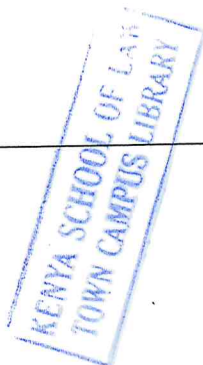
Question Five

- a) Define the term "Professional Undertaking" and highlight the remedies available to the party in case of breach of the same. (5 marks)
- b) Outline any five places that a buyer's advocate may need to visit to carry out investigation of the title. (5 marks)
- c) Set out any five (5) reasons a buyer should carry out pre contract inquiries (5 marks)

Question Six

- a) Name and define the types of conveyancing carried out in Kenya. (4 marks)
- b) Highlight any four (4) types of involuntary transfers. (8 marks)
- c) Define the process of verification in conveyancing (3 marks)

END

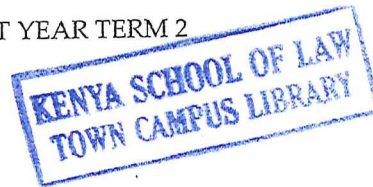


THE KENYA SCHOOL OF LAW



DIPLOMA IN LAW (PARA-LEGAL TRAINING PROGRAMME)

EXAMINATION - FIRST YEAR TERM 2



CONVEYANCING - PTP 105

24th NOVEMBER, 2025

DURATION: 2 HOURS

2.00 PM – 4.00 PM

Instructions to Candidates

- (a) Answer Question ONE and ANY OTHER THREE Questions
- (b) Question ONE carries 25 Marks
- (c) All other questions carry 15 Marks each

PLEASE TURN OVER

Question 1

1. Nic and Olan Muteti are looking to move to Kitui County to settle and build a homestead. They wish to purchase a one acre piece of land from a local resident known as Mbi Mulinge. The one acre piece of land is registered at the Kitui Lands Registry and is known as Title No Kitui/ Block 4/123. The land is registered in the name of the Seller, Mbi Mulinge, who inherited it from her mother. It has been held by successive generations of the Mulinge family and has been used for farming purposes for centuries. Currently, Ms Mulinge is growing napier grass for sale, a business she is willing to hand over to the Mutetis.

Her biggest customer is a recently established conservancy for a species of giant wild goats, which had previously been thought to be extinct. The Conservancy, known as Mbui Nene, is conveniently located next to the property. Due to this Conservancy, the Kitui County government has extended water and sewerage services to the area, including the property.

The parties have agreed on a purchase price of Kenya shillings Three Million, Five Hundred Thousand (Kshs 3,500,000/=). They have agreed that the Mutetis shall pay a deposit of Kshs 500,000/= and the balance within 45 days.

The Mutetis have come to you seeking advice on the following:

- Olan has been watching videos on social media about the land transfer process. She has seen several times that she will need a document called the Land Control Board consent. Explain to her what the said Consent is and, with the use of case law, explain the effect of not obtaining one on the transaction. (6 marks)
- Other than the Land Control Board consent, the original title deed, and the parties' IDs and Pin Certificates, highlight the other completion documents that Ms Mulinge needs to provide for the transaction to be registered. (4 marks)
- Inform the Mutetis of any other payments they will be required to make apart from the purchase price. (2 marks)
- Name and define the parts of a sale agreement. (10 marks)
- Olan is also very concerned about the transaction falling apart before registration. In the course of her research, she also heard about something called a Completion Notice. Explain to her what it is and highlight any two components or statements that must be contained in the completion notice. (3 marks)

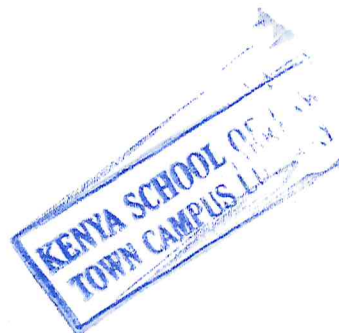
Question 2

- Distinguish between voluntary and involuntary transfers. (2 marks)
- Name and describe any four (4) types of involuntary transfers. (8 marks)
- Other than an advocate, highlight any five professionals that may be involved in a conveyancing transaction. (5 marks)

Question 3

Write brief notes on the following:

- Attestation (5 marks)
- Deposit (5 marks)
- Requisitions (5 marks)



Question 4

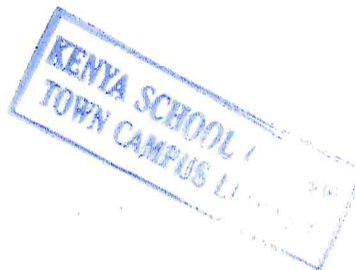
- a) Outline the purpose of the formality of writing in Conveyancing. (6 marks)
- b) Name and define any three (3) quasi remedies available to a party in case of a breach of a conveyancing transaction. (6 marks)
- c) Define the term Power of Attorney and highlight the types of powers of attorney available to parties. (3 marks)

Question 5

- a) Define the term "Professional Undertaking" and outline the remedies available to the party in case of breach of the same. (5 marks)
- b) Outline the reasons why parties in a conveyancing transaction would want to carry out a search. (5 marks)
- c) Highlight five (5) branches of law related to Conveyancing. (5 marks)

Question 6

- a) Highlight the effect of non-registration in a conveyancing transaction. (3 marks)
- b) Outline the determination of the Court in the case of National Bank of Kenya vs Wilson Ndolo Ayah and Anor. (2 marks)
- c) Outline five (5) duties of a Seller's advocate in a conveyancing transaction (5 marks)
- d) Set out any five types of land dispositions other than a conventional contract for the sale of land. (5 marks)





THE KENYA SCHOOL OF LAW

DIPLOMA IN LAW (PARA-LEGAL STUDIES)

FIRST YEAR TERM II

SPECIAL EXAMINATION



CONVEYANCING – (PTP 105)

7TH APRIL, 2025

DURATION: 2 HOURS

Instructions to Candidates

Answer Question ONE and ANY OTHER THREE Questions

Question ONE carries 25 Marks

All other questions carry 15 Marks each

PLEASE TURN OVER

Question One

- (a) Highlight any **FIVE (5)** completion documents that a seller may need to provide a buyer to facilitate registration of a conveyancing transaction. (10 Marks)
- (b) Outline the ways in which a power of attorney can be revoked. (8 Marks)
- (c) Distinguish between a valid contract and an enforceable contract for sale of land. (4 Marks)
- (d) Define the term "auction" and highlight what distinguishes it from a conventional contract for sale of land. (3 Marks)

Question Two

- (a) Outline the **THREE (3)** functions of the formality of writing in relation to a conveyancing transaction. (6 Marks)
- (b) Highlight any **FIVE (5)** branches of the law that relate to conveyancing. (5 Marks)
- (c) Outline the remedies available to a party in case of a breach of a professional undertaking. (4 Marks)

Question Three

- (a) Name and define the **FIVE (5)** parts of a sale agreement. (10 Marks)
- (b) Name and define any **FIVE (5)** professionals that may be involved in a conveyancing transaction other than an advocate. (5 Marks)

Question Four

Write descriptive notes on the following terms:

- (a) Stamp Duty (5 Marks)
- (b) Execution (5 Marks)
- (c) Deposit (5 Marks)

Question Five

- (a) Name and define any **THREE (3)** quasi remedies available to a party in case of a breach of conveyancing transaction. (6 Marks)
- (b) Highlight the effect of failing to register a conveyancing transaction. (3 Marks)
- (c) Outline any **SIX (6)** reasons why a party may conduct a search in the period of investigation of the title. (6 Marks)

Question Six

- (a) Outline any **FIVE (5)** types of involuntary transfers. (10 Marks)
- (b) Outline the **FIVE (5)** terms that must be contained in a completion notice. (5 Marks)

END



THE KENYA SCHOOL OF LAW

DIPLOMA IN LAW (PARA-LEGAL STUDIES)
FIRST YEAR TERM II EXAMINATION



CONVEYANCING – (PTP 105)



25th November 2024

DURATION: 2 HOURS

Instructions to Candidates

Answer Question ONE and ANY OTHER THREE Questions

Question ONE carries 25 Marks

All other questions carry 15 Marks each

PLEASE TURN OVER

QUESTION ONE

Moodeng and Boina Kadembe wish to relocate to South Coast to retire after many years of living and working in Nakuru County. They have sourced a plot of land for sale in Ukunda area. The plot of land is owned by Pietro Valli, a Kenyan citizen of Italian descent. The plot of land measures one (1) acre and is a certificate of lease identified as LR. No. Kwale/Galu Kinondo/123/8. The property is a long term lease from the Galu Kinondo Society Limited, an entity registered to hold the land on behalf of the local community. The Society is the Registered proprietor of an 8 acre property known as LR No. Kwale/Galu Kinondo/123. The Society subdivided the property into 8 parcels and proceeded to lease the same out to various individuals and entities.

The Kadembes intend to buy Mr. Valli's plot which was leased to him for a term of 90 years in 2010. The specific plot is located close to the Ukunda Highway and is actually adjoining the Ukunda airstrip. The area is zoned as residential and the Kadembes intend to construct a block of flats to serve as their home and the rest as Air BnBs. Mr. Valli has assured the couple that the society shall renew the lease on similar terms.

The parties have agreed that the purchase price of the lease term shall be Kshs. 50,000,000/= The deposit shall be Kshs. 20,000,000/= payable upon execution. The balance shall be paid within 60 days. Mr. Valli indicated that land rent and rates remain unpaid since the year 2022. The Kadembe's requested for a time is of the essence clause to be added although they are not sure what it means. Possession shall pass after payment of entire purchase price.

The parties have approached you to prepare a sale agreement on their behalf and assist them in the registration process. Advise them on the following:

- (a) Advise Pietro Valli on the completion documents that he has to produce to facilitate registration. The advise is to be accompanied by a brief description of each of the completion documents. Your advice should however exclude the original certificate of lease and the parties' identification documents. (6 Marks)
- (b) Advise the Kadembe's on the other payments they may be required to make other than the purchase price. (2 Marks)
- (c) Explain to the parties what a time is of the essence clause is and what effect it will have on the agreement. (2 Marks)
- (d) Draft a sale of agreement for the approval of the parties. (15 Marks)

QUESTION TWO

- (a) Define the term "Power of Attorney" and outline the ways in which a power of attorney can be revoked. (10 Marks)
- (b) Highlight the roles of any FIVE (5) professionals involved in a conveyancing transaction other than an advocate? (5 Marks)



QUESTION THREE

- (a) Define the term "Involuntary Transfer" and outline any **FOUR (4)** types of Involuntary Transfers.

(9 Marks)

- (b) Outline any **SIX (6)** reasons that a party may be required to carry out a search in relation to land.

(6 Marks)

QUESTION FOUR

Write brief notes on the following: -

- (a) Execution

(5 Marks)

- (b) Completion Notice

(5 Marks)

- (c) Land Control Board Consent

(5 Marks)

QUESTION FIVE

- (a) Highlight any **THREE (3)** types of quasi remedies available to the parties in case of a breach of Conveyancing transaction.

(6 Marks)

- (b) Outline the difference between a valid contract and an enforceable contract in relation to a contract for sale of land.

(4 Marks)

- (c) Highlight any **FIVE (5)** branches of the law that are related to conveyancing.

(5 Marks)

QUESTION SIX

- (a) Define the term "Professional Understanding" and outline the remedies available to a party in case of a breach of a professional undertaking.

(6 Marks)

- (b) Outline the **THREE (3)** functions of the formality of writing in conveyancing.

(6 Marks)

- (c) Define the term "Sublease" and outline the essential characteristics of the same.

(3 Marks)

END



THE KENYA SCHOOL OF LAW

DIPLOMA IN LAW (PARA-LEGAL STUDIES)

FIRST YEAR TERM II

SPECIAL EXAMINATION

CONVEYANCING – (PTP 105)

6TH MAY, 2024

DURATION: 2 HOURS

Instructions to Candidates

Answer Question ONE and ANY OTHER THREE Questions

Question ONE carries 25 Marks

All other questions carry 15 Marks each

PLEASE TURN OVER

Question One

- (a) Outline any **FIVE (5)** consents that the seller may need to provide to facilitate the registration process. (10 Marks)
- (b) Name and define any **FIVE (5)** professionals that may be involved in a conveyancing transaction other than an Advocate. (5 Marks)
- (c) Highlight the **TWO (2)** phases of the conveyancing process. (4 Marks)
- (d) Outline the **THREE (3)** functions of the formality of writing in a conveyancing transaction. (6 Marks)

Question Two

- (a) Highlight the difference between a valid contract and an enforceable contract in a conveyancing transaction. (4 Marks)
- (b) Outline any **THREE (3)** quasi-remedies available to a party in case of a breach in a conveyancing transaction. (6 Marks)
- (c) Name and define any **FIVE (5)** branches of the law that are related to Conveyancing. (5 Marks)

Question Three

Write descriptive notes on the following terms:

- (a) Execution (5 Marks)
- (b) Attestation (5 Marks)
- (c) Stamp Duty (5 Marks)

Question Four

- (a) Outline any **FIVE (5)** reasons that a party may be required to carry out a search on a piece of land in a conveyancing transaction. (5 Marks)
- (b) Define the term "power of attorney" and outline the ways in which a power of attorney can be revoked. (10 Marks)

Question Five

- (a) Define the term "professional undertaking" and outline the remedies available to a party in case of a breach of a professional undertaking. (5 Marks)
- (b) Highlight the **FIVE (5)** parts of an agreement for sale of land. (5 Marks)
- (c) Define the term "Land Control Board Consent" and with the use of statutory and case law, explain the effect of not obtaining one in a conveyancing transaction. (5 Marks)

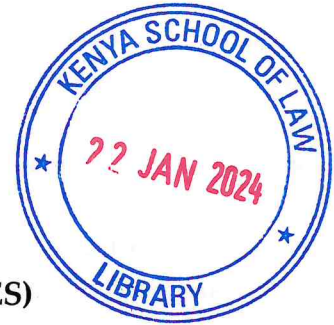
Question Six

- (a) Define the difference between a "voluntary transfer" and an "involuntary transfer". (2 Marks)
- (b) Highlight any **FOUR (4)** types of involuntary transfers. (8 Marks)
- (c) Define the term "completion notice" and outline the **FOUR (4)** terms that must be contained in a "completion notice" (5 Marks)

END



THE KENYA SCHOOL OF LAW



DIPLOMA IN LAW (PARA-LEGAL STUDIES)

FIRST YEAR TERM II EXAMINATION

CONVEYANCING – (PTP 105)

22nd JANUARY 2024

DURATION: 2 HOURS

Instructions to Candidates

Answer Question **ONE** and **ANY OTHER THREE** Questions

Question **ONE** carries **25 Marks**

All other questions carry **15 Marks** each

PLEASE TURN OVER



QUESTION ONE

Levi and Mikasa Akamano have entered into an agreement with Peter Bishop to buy his home located in the leafy suburbs of Karen Hardy. The house is conveniently placed near many amenities like shopping malls and a hospital and more importantly it is close to the newly established commuter railway station. In fact the commuter rail line runs adjacent to the property.

The house is constructed on a plot of land known as LR No./Kajiado/Karen-Ngong/1234. The plot measures 0.27 hectares and is a leasehold granted by the County Government of Kajiado for a term of 99 years from 1984. The property attracts annual land rent in the amount of Kshs. 3,000/= and land rates in the amount of Kshs. 2,000/= annually. Peter Bishop, being a conscientious owner, has paid the rates and rent up to the current date.

The parties have agreed that the purchase of the property shall include all the furniture and fittings as Peter Bishop wishes to emigrate to Canada permanently. Possession shall only pass upon payment of the full purchase price. The parties have agreed that the purchase price will be Kshs. 100,000,000/= The deposit of Kshs. 20,000,000/= shall be paid upon execution of the agreement. The balance of the purchase price will be paid within 120 days.

Peter Bishop has informed the Akamanos that he had previously used the property as security for a loan disbursed by Chase Mercantile Bank. The loan amount outstanding as at present is Kshs. 5,000,000/=. Mr. Bishop has discussed the proposed sale with his relationship Manager at the Bank.

The bank official indicated that the Bank would be agreeable to the sale so long as the funds from the sale would pay off the balance of the outstanding loan. The parties have approached you to act on both of their behalfs. They require you to provide the following:

- (a) Advise Peter Bishop of the completion documents that he needs to provide to facilitate the registration process. The advice must be accompanied by a brief description of each of the completion documents. Your advice should exclude the original title deed and the personal identification documents of each of the parties. (8 Marks)
- (b) Advise the Akamanos on what other payments they may be required to make other than purchase price. (2 Marks)
- (c) Draft a sale agreement for the approval of the parties. (15 Marks)

QUESTION TWO

- (a) Outline the **THREE (3)** functions of the formality of writing in a conveyancing function. (6 Marks)
- (b) Outline the difference between a valid contract and an enforceable contract in relation to a contract for sale of land. (4 Marks)
- (c) Highlight any **FIVE (5)** reasons that a party may need to carry out a search in relation to a conveyancing transaction. (5 Marks)

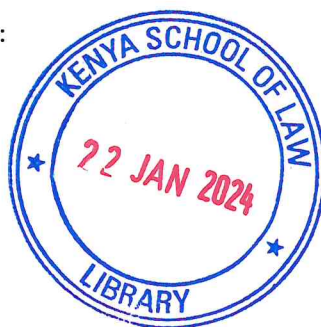
QUESTION THREE

- (a) Outline any **THREE (3)** quasi-remedies/encumbrances that can be lodged in a conveyancing transaction. (6 Marks)
- (b) With the use of case law, briefly explain the concept of “certainty of terms” in relation to a contract for sale of land. (5 Marks)
- (c) Highlight the remedies available to a party in case of a breach of a professional undertaking. (4 Marks)

QUESTION FOUR

Write descriptive notes on the following terms:

- (a) Deposits (5 Marks)
- (b) Stamp Duty (5 Marks)
- (c) Attestation (5 Marks)



QUESTION FIVE

- (a) Outline the difference between a voluntary transfer and an involuntary transfer. (2 Marks)
- (b) Highlight any **FOUR (4)** types of involuntary transfers. (8 Marks)
- (c) Name and define any **FIVE (5)** branches of the law that are related to Conveyancing. (5 Marks)

QUESTION SIX

- (a) Most Conveyancing transactions are done by way of conventional contracts. There are however other means through which disposition of interest in land can be done. Highlight any **THREE (3)** forms of land disposition outside a conventional contract. (6 Marks)
- (b) Define the term “Power of Attorney” and outline the ways in which a power of attorney can be revoked. (9 Marks)

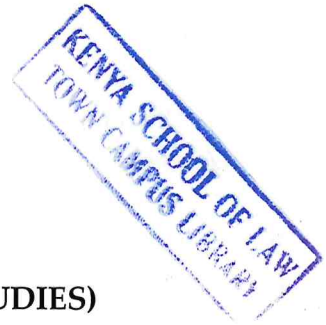
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THE KENYA SCHOOL OF LAW



DIPLOMA IN LAW (PARA-LEGAL STUDIES)

FIRST YEAR TERM II EXAMINATION

CONVEYANCING – (PTP 105)

20TH MARCH 2023

DURATION: 2 HOURS

Instructions to Candidates

Answer Question ONE and ANY OTHER THREE Questions

Question ONE carries 25 Marks

All other questions carry 15 Marks each

PLEASE TURN OVER

QUESTION ONE

Tim and Lucy Shikomera are renowned environmentalists and they wish to invest in property that reflects their sustainability principles. They were recently approached by a company known as Milele Developments Limited. The company is selling undeveloped $\frac{1}{2}$ acre plots for residential occupation in Laikipia county. The plot identified for the Shikomeras has a free hold title known as **LR No. /LAIKIPIA BLOCK 2/123**.

The plot in question is one of eight which are next to the newly erected Nguruwe Mchanga Conservancy, a national park inhabited by miniature land hippos. The plot is also adjacent to the newly constructed Standard Gauge Railway Line (SGR).

The Shikomeras recently won a prestigious environmentalist award and received Ksh. 50,000,000 as part of the award. This means that they can easily pay the purchase price amount of Ksh. 20,000,000. As the funds are readily available they are eager to complete the transaction within the next 30 days. The land agent who sourced the property for them suggested that they add "a time is of the essence" clause.

The company has assured the couple that all outstanding rates over the property have been paid and are agreeable to the transaction being completed within the next 30 days. The parties have agreed on a deposit of 20% of the purchase price and possession shall pass upon payment of deposit.

Yu have been appointed to act for both parties and are required to provide the following: -

- (a) Explain to the Shikomeras the meaning of the clauses "time is of the essence" and what will be the effect of non-observance of the clause in the agreement. (4 Marks)
- (b) Advise the parties on the other completion documents that the company will have to provide other than the original title deed and identification documents. (4 Marks)
- (c) Advise the Shikomeras on the other payments they will be required to make other than the balance of the purchase price. (2 Marks)
- (d) Incorporating all the information provided above, prepare a draft sale agreement for approval by the parties. (15 Marks)

QUESTION TWO

- (a) Define the term "Power of Attorney" and outline the ways in which a power of attorney can be revoked. (10 Marks)
- (b) Explain what a Land Control Board Consent is and with the help of case law, highlight the effect of not obtaining one to a conveyancing transaction? (5 Marks)

QUESTION THREE

- (a) Outline the difference between a voluntary transfer and an involuntary transfer. (2 Marks)
- (b) Highlight any four (4) types of involuntary transfers. (8 Marks)
- (c) Outline any five (5) reasons that a party may need to undertake an investigation of the title. (5 Marks)

QUESTION FOUR

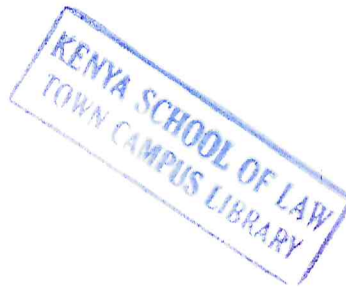
Write explanatory notes on the following items: -

- (a) Professional Undertakings
- (b) Stamp Duty
- (c) Verification

(5 Marks)

(5 Marks)

(5 Marks)



QUESTION FIVE

- (a) Outline the three (3) functions of the formality of writing in a conveyancing transaction. (6 Marks)
- (b) Name and define any three (3) types of quasi remedies available to a party in case a breach of the terms of conveyancing agreement. (6 Marks)
- (c) Define the term "sublease" and highlight its essential characteristics. (3 Marks)

QUESTION SIX

- (a) Distinguish between the validity and enforceability of a contract for sale of land. (4 Marks)
- (b) Define the terms "pre-contract inquiries" and "requisitions" and highlight the differences between the two terms. (3 Marks)
- (c) Define the term "auction" and highlight what distinguishes it from a conventional agreement for sale of land. (3 Marks)
- (d) Highlight the roles of any five (5) professionals involved in a conveyancing transactions other than an advocate. (5 Marks)

END



THE KENYA SCHOOL OF LAW



DIPLOMA IN LAW (PARA-LEGAL STUDIES)

1ST YEAR TERM II EXAMINATION

CONVEYANCING – PTP 105

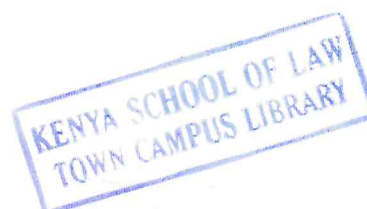
4TH April 2022

DURATION: 2 HOURS

Instructions to Candidates

- (a) Answer Question ONE and ANY OTHER THREE Questions
- (b) Question ONE carries 25 Marks
- (c) All other questions carry 15 Marks each

PLEASE TURN OVER





Question One

Lilibet Katuki of P.O. Box 124 – 00100 Nairobi is purchasing a flat from Ada and Bora Wafula of P.O. Box 263 – 00200 Nairobi. The flat is identified as Unit 22 constructed on title no. Mavoko Block 2/123 measuring 200 square meters. It is located in Block C of the Baht Estate.

The Block of flats are located in the outskirts of Mlolongo town next to Syokimau Train station and infact the Standard Gauge Railway adjoins the outer parameter of the estate. The land is leasehold from Machakos County Government with a term of 90 years from 2016. The land attracts annual rent in the amount of Kshs. 50,000/= and rates in the amount of Kshs. 8,000/=. The lands rates and rent have not been paid since the beginning of the pandemic in 2020. The payment of these amounts is done by the management company where the Wafulas hold 100 shares out of a possible 2400 shares. The title is issued under the Sectional Properties Act 2020.

The flat is to be sold for an amount of Kshs. 12,500,000/=. The parties have agreed on a deposit of Kshs. 4,500,000/= and the balance within 30 days. Ms. Lilibet has recently inherited a substantial amount and would like to conclude the transaction within the shortest time possible. Her friends studying law have told her of a clause stating that "Time shall be of the essence". She wants it added to the agreement.

The parties have agreed that the furniture and the fittings in the flat shall form part of the sale. Also Ms. Lilibet will only take up possession upon payment of the balance of the purchase price.

- (a) Explain to the parties what the management company is and the purpose it serves under Sectional Properties Act in relation to the Flats in Baht Estate. (5 Marks)
- (b) Discuss any three (3) completion documents (other than the original title and identification documents) that the Wafulas need to provide to complete the transaction. (6 Marks)
- (c) In relation to Ms. Lilibet's request, explain to the parties what the concept of "time is of the essence" means and what would be the effect of not complying with the term once it is in the agreement. (4 Marks)
- (d) Draft a sale agreement for the parties making sure to incorporate the time is of the essence clause as the parties have agreed to upon your advice above. (10 Marks)

Question Two

- a) Define the term "Power of Attorney" and outline the ways in which the power of attorney can be revoked. (10 Marks)
- b) Highlight any five (5) branches of the law that are related to conveyancing. (5 Marks)

Question Three

- a) Discuss any six (6) professionals involved in a Conveyancing transaction other than an Advocate. (6 Marks)



b) Outline any five (5) terms/clauses that must be contained in a completion notice. (5 marks)

c) Define the term "sublease" and outline the essential characteristics of a sublease. (4 Marks)

Question Four

a) Outline the difference between a valid contract and an enforceable contract in relation to a contract for sale of land. (4 Marks)

b) What is an auction and what distinguishes it from a conventional agreement for sale of land? (3 Marks)

c) Vincenzo Kamau wants to buy a farm in Nyeri from Levi Akamano. He wishes to transform it from a traditional farm to the pre-eminent Koin Fish Farm in the country. The parties have been informed they need a land control board consent to complete the registration. Advise the parties on what the Land Control Board consent is and with the help of caselaw, highlight the effect of not obtaining the same. (6 Marks)

Question Five

Write descriptive notes on the following:

- a) Professional Undertakings
- b) Execution
- c) Pre-Contract Inquiries.



(5 Marks)

(5 Marks)

(5 Marks)

Question Six

a) Discuss any three (3) quasi remedies available to a party in case of a breach of conveyancing transaction. (6 Marks)

b) Define the term "Involuntary Transfer" and outline any four (4) types of involuntary transfers. (9 Marks)

END

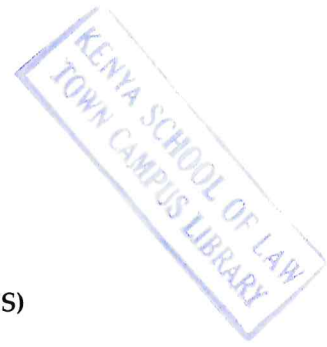


THE KENYA SCHOOL OF LAW



DIPLOMA IN LAW (PARA-LEGAL STUDIES)

2ND YEAR TERM II EXAMINATION



CONVEYANCING - PTP 105

7TH JUNE, 2021

DURATION: 2 HOURS

Instructions to Candidates

- (a) Answer Question ONE and other THREE Questions
- (b) Question ONE carries 25 Marks
- (c) All other questions carry 15 Marks each

PLEASE TURN OVER

QUESTION ONE

- a) Maria and Bill Mageti of P.O. Box 123 Nairobi are interested in buying a property from Ms Savi Husula of PO. Box 296 Kiambu. The property consists of a modern style farm house and an adjoining farm with the necessary infrastructure to grow mushrooms and rear donkeys for sale. The property measures 4.5 Hectares and is located in the picturesque Kiambu farming area. The couple intends to buy the entire property i.e. the house and the farm infrastructure. The purchase price shall be Kenya Shillings 120,000,000/=. The parties have agreed that a deposit of Kshs. 40,000,000/= shall be paid upon execution of the agreement and the balance to be paid within 45 days. The Title Deed with the property number, LR/Kiambu/Block 1, is a freehold. But the Kiambu County Government has been demanding rates for the same. However Ms Husula has not paid since 2015.

Both parties want you to act on their behalf. Upon visiting your office to engage your services, a number of issues arose. First, both parties were informed that they would need a Land Control Board consent. They however do not wish to obtain the said consent and want to proceed with the transaction without it.

Second, Mr. Mageti is very anxious to complete the transaction as fast as possible. Money is not the object for him. His commercial lawyer has told him of something known as "time is of the essence". He wants you to incorporate the same in the sale agreement.

Advise the parties on the following:

- (i) Explain to the parties what a Land Control Board consent is. (2 Marks)
 - (ii) Explain what would be the effect of not having the consent to the proposed transaction. (3 Marks)
 - (iii) Explain to the parties what the term "time is of the essence" means and the effect of having such a clause in the agreement. (3 Marks)
 - (iv) Advise Ms Husula on what other document she would need to supply to the Magetis to complete the transaction. (2 Marks)
- b) After your engaging advise, the parties have agreed to obtain the consent and include the "time is of the essence" clause. Together with all the information previously provided, draft a sale agreement for them to execute. (15 marks)

QUESTION TWO

Write brief explanatory notes on the following terms.

- (i) Execution (5 Marks)
- (ii) Attestation (5 Marks)
- (iii) Professional undertaking (5 Marks)

QUESTION THREE

- a) Ms. Solari Wanjala is an up and coming researcher who travels out of the country frequently. She is scheduled to travel out of the country in 10 days to Wuhan, China to carry out a six month research project. She will not be able to come back for that duration.

In the meantime, she identified a piece of land in Ngong she would like to buy. The property known as LR No Ngong/Block 1/ 2 belonging to Mhesh Matumbo. Mr. Matumbo is an aspiring political candidate and wishes to complete the transaction within 2 months to allow him to fund a run for a by-election seat.

Miss Solari visits your office together with her sister Ms Maoni Wanjala to seek your advice. As Ms Solari won't be available; Ms Maoni has agreed to represent her in the transaction. No documents have been signed yet.

(i) Advise the parties on the document they would require to effect the agreement by the sisters. (2 Marks)

(ii) Draft a sample of the document for the sisters to sign. (10 Marks)

b) Define the term "Auction" and outline what distinguishes it from a conventional agreement for sale of land. (3 Marks)

QUESTION FOUR

(a) In the context of a contract for sale of land, explain the difference between a valid contract and an enforceable contract. (4 Marks)

(b) Outline the 3 functions of the formality of writing. (6 Marks)

(c) Outline 5 reasons why a party may need to undertake a search. (5 Marks)

QUESTION FIVE

a) Name and define any six professionals that can be involved in a conveyancing transaction. (6 Marks)

b) Define the term "transmission" and outline any four types of transmissions / involuntary transfer. (9 Marks)

QUESTION SIX

a) Outline any four quasi-remedies / encumbrances that can be lodged in a conveyancing transaction. (8 Marks)

b) Define "requisitions" and "pre-contract inquiries" and outline the distinction between the 2 terms. (4 Marks)

c) Explain the term "completion notice". (3 Marks)

END

