



**LAW SCHOOL**

**SECOND YEAR UNIVERSITY EXAMINATION FOR BACHELOR OF LAWS (LLB)  
DEGREE**

**AND**

**PRE-KENYA SCHOOL OF LAW CORE COURSES COMPLETION PROGRAM**

**PROPERTY LAW II**

**RLLB .....**

**AUGUST 2014**

**Examiner: Mr. S. W Gichuki**

**Instructions:**

1. Total Time allowed is 3 hours.
2. Answer question 1 and any other two questions.
3. All questions carry equal number of marks save for question 1 which carries 30 marks.
4. Write your answers clearly, marks will be lost for illegibility.
5. Comprehensiveness of analysis, clarity of arguments and logical structuring of arguments will earn you more marks.
6. This is a closed book exam. Use of any unauthorized material during the duration of the exam will result in expulsion from the exam room and subsequent disciplinary action.

1. You are a new intern at a Non-governmental Organisation that is conducting sensitization and awareness on the new land laws in Kenya which came into effect in the year 2012. Your boss has invited you to speak to the participants.
  - a. Outline which particular acts were repealed by: (5 Marks)
    - i. The Land Act 2012;
    - ii. The Land Registration Act 2012.
  - b. Give a critical analysis of the factors that led to the reforms in the land sector and how those factors have been addressed under the new land laws. (25 Marks)
2. Brenda, a client of yours wishes to Lease one of the apartments to Jane. She has coming to your office for advise on the following:
  - a. What are the obligations implied on Jane's part in respect of the Apartment to be leased? (8 Marks)
  - b. What are the remedies available to Brenda in the event of breach by Jane of her implied obligations in (a) above? (2 Marks)
  - c. Explain in detail to Brenda how she can exercise the right of forfeiture and what recourse would be available to Jane. (10 Marks)
3. Steve purchased a parcel of land in 2013 for the sum of Kshs. 20,000,000/-. He managed to raise the deposit of Kshs. 5,000,000/- and he was financed by Daraja Trust Bank Limited for the balance being the sum of Kshs. 15,000,000/- and the security was perfected in their favor. Steve has been repaying his loan diligently until June this year when he ran into financial difficulties and stopped servicing the loan. You are a lawyer in the firm of Suad Advocates which is on the panel of Daraja Trust Bank Limited. The bank has written to your office seeking your advice and your boss has assigned the task to you:
  - a. Advise the bank which remedies are available to it. (4 Marks)
  - b. Advise the bank in detail on the procedure of exercising its statutory power of sale. (10 Marks)
  - c. What is the order of application of the proceeds from the sale of Steve's land? (6 Marks)
4. Ismail purchased a parcel of land from Anthony being a leasehold title for a term of Ninety Nine (99) years from the year 2000. The land was a portion of previously unalienated government land in Parklands area, Nairobi County. The Land is registered under the provisions of the Registration of Titles Act (Chapter 281) (*Now Repealed*). Ismail thereafter in compliance with the provisions of the

title constructed Thirty (30) Apartments on the parcel of land for sale in the year 2011. The government has recently served the purchasers of the said apartments with a demolition notice stating that the land was “public land” that was “grabbed” by a developer. You are a newly admitted advocate working in the conveyancing department of a top law firm in Kenya:

- a. The Purchasers of the said apartments have come to you through the Chairman of their residents association seeking your advice in relation to the impending government demolition of their prime property and what options are available to them. (5 Marks)
- b. What ownership documents did Ismail give to the Purchasers of the apartments he constructed, which registry were they registered in and which government official signed them? (3 Marks)
- c. Briefly explain to the Chairman of the residents association the various steps that they will encounter should the Government decide to compulsorily acquire their properties. (5 Marks)