



THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

A. M. E. C. E. A MAIN EXAMINATION

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JANUARY – APRIL 2018 TRIMESTER

FACULTY OF LAW

REGULAR PROGRAMME

CLS 225: PROPRIETARY TRANSACTIONS LAW

Date: APRIL 2018

Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and ANY OTHER TWO Questions

Q1. Mr. Arap Margut approaches your law firm of Keino & Co Advocates with the instructions that he intends to sell his piece of land to Mrs. Kiprotich. The piece of land is Twenty (20) acres of agricultural land in Nandi Hills, Nandi County. The land should fetch a purchase of Kshs. 1,500,000. Mrs. Kiprotich intends to secure a loan to purchase the pieces of land from Equity Bank.

In view of the provided information:-

1. List the documents required by:-

- i) The Vendor (5 Marks)
- ii) The Purchaser (5 Marks)
- iii) The Bank (5 Marks)

2. Discuss the details of the advocate's function, when the advocate acts for:-

- i) The Vendor (5 Marks)
- ii) The Purchaser (5 Marks)
- iii) Both Vendor and Purchaser (5 Marks)

Q2. Give a detailed account on the historical development of the Land Registration System in Kenya. (20 Marks)

Q3. Consider the following:-

- i) The term "conveyancing" (5 Marks)
- ii) Conveyancing vis-à-vis other branches of law. (5 Marks)

- iii) The difference between a contract of conveyancing and contract of sale. **(10 marks)**

Q4. i) Highlight the position of the *Registration of Titles Act (Repealed)* and the *Registration Land Act (Repealed)* in relation to the guidelines provided by the Ministry of Lands Office, 2012. **(5 Marks)**

- ii) Provide an account of what a current practicing Advocate is bound to encounter with the current regime of Land Laws in proprietary land transactions law **(15 Marks)**

Q5. Write short notes on the following:-

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|------------------------|------------------|
| i) Easement | (4 Marks) |
| ii) License | (4 Marks) |
| iii) Profits a prendre | (4 Marks) |
| iv) Leasehold | (4 Marks) |
| v) Freehold | (4 Marks) |

END