THE CATHOLIC UNIVERSITY OF EASTERN AFRICA

A. M. E. C. E. A

MAIN EXAMINATION

JANUARY – APRIL 2019 TRIMESTER

FACULTY OF LAW

REGULAR PROGRAMME

CLS 304: LAND LAW II

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Date: APRIL 2019	Duration: 2 Hours

INSTRUCTIONS: Answer Question ONE and ANY OTHER TWO Questions

Q1.   Lango' community dwells around KuzungurukaNgombe Hills. This is a pastoralist community with expansive land of over 1000 acres. Eldres of this community in one meeting decided that they sell 100 acres and build school from primary to university. The head elder is called MakiniMawazo. He comes to your law firm for a comprehensive legal opinion touching on certain queries such as procedure of registering, converting community land to private land and dealing with possible objections from families from within the community.   **(30 Marks)**

Q2.   Identify and discuss in detail the various ways in which property rights can be alienated.   **(20 Marks)**

Q3.   Discuss the role, legal framework and pros & cons in the administration of land by the following institutions:
  a) Surveys of Kenya   **(5 Marks)**
  b) Land Control Board (LCB)   **(5 Marks)**
  c) National Land commission   **(5 Marks)**
  d) Ministry of Lands   **(5 Marks)**
  e) Land Registries   **(5 Marks)**

Q4.   Marie Fimbo, young millionaire has approached you with the intention of borrowing from Kenya Commercial Bank. She intends to put up a series of manufacturing units but she needs 20 million for the same. She tells you that she has 10 flats in up market Runda. Advise her in detail on the procedure to take including the documents she will require.

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Q5. a)   After 2nd May 2012, the requirement of spousal consent or affidavit of non-marriage came into play. Explain the relevance of this requirement.
(10 Marks)

b)   Sectional Properties Act No 21 of 1987 revolutionized the Kenyan skyline. Discuss.   **(10 Marks)**

END

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