



KISII UNIVERSITY

UNIVERSITY EXAMINATIONS

**SECOND YEAR EXAMINATION FOR THE AWARD OF THE
DEGREE OF BACHELOR OF LAW
SECOND SEMESTER, 2021/2022
(JUNE - SEPTEMBER, 2022)**

LLBK 226: LAW OF PROPERTY II

STREAM: LLBK 2 S2

TIME: 2 HOURS

DAY: TUESDAY, 9:00 – 11:00 A.M.

DATE: 06/09/2022

INSTRUCTIONS

- 1. Do not write anything on this question paper.***
- 2. Answer Question ONE [Compulsory] and any other TWO Questions.***
- 3. Illustrate your answer with relevant cases and statutory provisions where applicable.***

QUESTION ONE

Fraba Investors approach you to assist in the purchase of an apartment. In the course of a perusal of the letter and offer several clarifications were sought by your client Fraba.

- There is something in the agreement about apportionment and possession which your client asks for your legal opinion about. Let the client also know what its responsibilities are should they move into the apartment before the closing of the transaction.

(10 Marks)
- Explain to the client the process of undertakings and release of funds to the vendor and highlight the consequence of a delay in the registration process.

(20 Marks)

QUESTION TWO

- Identify the virtues of the Land Control Board process and suggest areas to strengthen its mandate.

- (10 Marks)
- b. Yawo Group seek your legal opinion with the status, responsibilities and limitations imposed on an authorized user in all electronic transactions.
- (10 Marks)

QUESTION THREE

- a. Grama investment has charged its property to Luula Bank Limited and has defaulted in paying the loan. the security is in danger of being advertised for sale by public auction. Give your client a legal opinion on how to avoid a forced sale, and sensitise them on the conditions that apply to every property put up for sale by auction.
- (8 Marks)
- b. Gramua, who is One of the directors of Grama Investment is a foreigner and wishes to sell his apartment in Rwaunda Estate. Give Gramua guidance with regard to her tax liability once she sells her apartment.
- (12 Marks)

QUESTION FOUR

- a. Write explanatory notes on the valuation of any land, and the factors that are to be excluded in any valuation.
- (8 Marks)
- b. Libo owner of 3 parcels of land which she wishes to use as a security for a loan. She approaches you to explain to her how she can arrange to have the properties used by different lenders, and whether she can give a preference to any of the lenders when it comes to payment of the loan.
- (12 Marks)

QUESTION FIVE

- a. As a representative of an environmental lobby group, give a memorandum to a parliamentary select committee on the roles of the Land Registrars and how to strengthen the identified roles to address instances of land degradation and exhaustion.
- (8 Marks)
- b. Grekiwho has purchased an apartment and holds a share in the Corporation as required. There has been some concern about the disagreements between unit holders with regard to parking spaces for vehicles, and maintenance of common areas. Greki has been tasked to find a solution to this problem and approaches you on how the corporation shall address the disputes, considering that one of the most problematic of the unit holders is also a board member of the Corporation.
- (12 Marks)