



KISII UNIVERSITY
UNIVERSITY EXAMINATIONS

SECOND YEAR EXAMINATION FOR THE AWARD OF THE
DEGREE OF BACHELOR OF LAWS
SECOND SEMESTER, 2023/2024
(JANUARY-APRIL, 2024)

LLBK 226: PROPERTY LAW II

STREAM: Y2 S2

TIME: 2 HOURS

DAY: TUESDAY, 12:00 – 2:00 P.M.

DATE: 09/04/2024

INSTRUCTIONS

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

QUESTION ONE

- A. Revisit the doctrine of sanctity of title citing recent case law and suggest statutory reform to address the issues arising. (10 Marks)
- B. Take your client Roiland Hasmus through the process of making necessary changes where her land title deed has some errors that have caused her not to be able to charge her land, and the incidence for compensation due to her in the event the Land Officials in the area are found to blame for the errors. (10 Marks)
- C. Your client Bambogini has recently relocated to Liechestein after instructing you that he wants to purchase a parcel of land. You prepare the sale agreement and send it to him. He vendor studies the agreement and finds a few factual and typographic errors in it, but confirms that the agreement in sum captures what he had agreed to with the sellertake Bambogini through the steps to execute the agreement to ensure transfer takes place? (10 Marks)

QUESTION TWO

- a. In your presentation to the National Land Working Committee, make an argument for the Control of land transactions and make suggestions on how to address these shortcomings. (12 Marks)

- b. Your client Yasalya is approached by a lending institution to Charge her property. What are her expectations under the charge? On reading the documents sent to her, she finds a curious thing there called 'tacking'; advise her on this too. (8 Marks)

QUESTION THREE

- a) Identify the core aspects of the National Land Policy and their infusion into the land Laws enacted after the year 2010. (12 Marks)
- b) Vavah is concerned about a lending institution changing the rate of interest during the 5 years within which a loan is to be repaid. Take your client through the process by which the it can adjust the rate of interest. (8 Marks)

QUESTION FOUR

- A. Your client Cafcon seeks an opinion on the following :-
- role of the Land Department to address land degradation and exhaustion
- Equity of redemption. (10 Marks)
- B. Grenoh is the registered owner of a land parcel and approaches you seeking help. He is apprehensive that while he is away overseas his land may be sold by a relative, therefore he needs to secure the land from such an eventuality. Take Grenoh through the process he may adopt to secure his property. (10 Marks)

QUESTION FIVE

Djip Investors approach you to assist in the purchase of a unit in a gated community. In the course of a perusal of the letter and offer several clarifications were sought by your client.

A. 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 take possession of the unit before the closing of the transaction. (10 Marks)

B. Explain to the client the process of undertakings and release of funds to the vendor. draft a letter of acceptance of the offer and highlight the mode that funds shall be released to the vendor. (10 Marks)