



KISII UNIVERSITY
UNIVERSITY EXAMINATIONS

SPECIAL EXAMINATIONS
SECOND YEAR EXAMINATION FOR THE AWARD OF THE
DEGREE OF BACHELOR OF LAWS
SECOND SEMESTER, 2021/2022
(FEBRUARY - JUNE, 2022)

LLBK 226: PROPERTY LAW II

STREAM: Y2 S2

TIME: 2 HOURS

DAY: THURSDAY, 8:00 – 10:00 A.M.

DATE: 21/07/2022

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

- a. Guide your client on the procedure to be followed for a claim for prescriptive rights over a property. Do a bill to the client for the work.

15 marks
- b. Your client further instructs you to assist in conveying a property he purchased. The owner of the property recently passed away before the transaction could be formalized, and a sale agreement was entered into with the deceased land owner's son undertaking military service in Somalia and a daughter residing in Germany

(15 Marks)

QUESTION TWO

- a. Identify the weaknesses of the Land Control Board process and suggest areas of reform.

(8 Marks)

- b. Kaaland is a client moving into a property developed by Tiwarner Contractors. Explain to Kaaland the purpose of the Management Company she is moving into, and what she can expect from the Management Company.

(12 Marks)

QUESTION THREE

- a. Your client Frininda has charged her property to Bomula Bank Limited. Your client has defaulted in paying the loan and the property has been advertised for sale by public auction. Identify to your client the conditions that apply to every property put up for sale by auction.

(12 Marks)

- b. Your client Frininda has tenants on the charged property that have long leases with her. Give an opinion to your client on the status of the tenants in the face of the imminent auction of the property.

(8 Marks)

QUESTION FOUR

- a. Identify and write explanatory notes on the national physical and land use development plan.

(7 Marks)

- b. Take your client Gunhaya through the procedure by which the County Government can convert his land into a Public Park.

(13 Marks)

QUESTION FIVE

- a. Identify the objectives of development control. Give the rationale for the exemption of certain land from development control.

(6 Marks)

- b. You act for Gurekiwho who has approached Kashila Bank Ltd to advance him money to purchase a property. Give your client a legal opinion on his obligations at the completion date with regard to payment of the purchase price.

(14 Marks)