



Officer	Initials
Checker	
Data Entry	
1 st Verifier	
2 nd Verifier	

COUNCIL OF LEGAL EDUCATION

EXAMINATION FOR ADMISSION TO THE ROLL OF ADVOCATES

REGISTRATION NUMBER:

--	--	--	--	--	--	--	--

VENUE: Co-operative University

JKUAT

ATP107: CONVEYANCING

Examination Series: April 2025

Date: 16th April 2025

Time: 09:00AM-12:00PM

Duration: 3 hours

Instructions to Candidates:

- a) Enter your registration number and tick the exam venue in the space provided.
- b) Answer **FIVE (5)** questions, including question **ONE** which is **COMPULSORY**.
- c) Question **ONE** carries **20 Marks**. All other questions carry **10 Marks** each.
- d) Attempt each question in the space provided. Additional space is provided at the back of the booklet.
- e) Answers **MUST** be supported by relevant statutory provisions and case law where required.
- f) Do not write your name in the booklet.
- g) Ensure your handwriting is **LEGIBLE**.

FOR EXAMINER'S USE ONLY

Question Number	Examiner		Internal Moderator		External Moderator		Quality Assurer	
	Mark	Initials	Mark	Initials	Mark	Initials	Mark	Initials
1.								
2.								
3.								
4.								
5.								
6.								
Total Marks								



QUESTION ONE

Harrison is a resident of Malindi and owns a parcel of land known as MALINDI LR PORTION No. 2869 where he carries on, mango and cassava farming. He has lived on this parcel for the last 45 years. Recently, he has been approached by Peerless Oil Ltd who have offered to purchase the said parcel of land due to its strategic location along the Malindi-Mombasa highway. Peerless Oil Ltd are keen to put up a petrol station to serve motorists on the busy highway so that they can reap profits from the under-served area. There is currently no petrol station on this stretch of about fifty (50) kilometers. However, fourteen (14) days after Harrison was approached by Peerless Oil Ltd, he was served with a plaint lodged on 19th March, 2025 in the Malindi Environment and Land Court by Caltex Oil (K) Ltd seeking among other orders, a declaration that Harrison is a trespasser as well as an order of eviction from the subject parcel of land. The pleadings contain a copy of the title issued to Caltex Oil (K) Ltd on 14th February, 2002. This turn of events has perturbed Harrison and taken the wind out of his sails. Peerless Oil Ltd had offered to purchase the said parcel of land for Eight Million Kenya Shillings (Kshs. 8,000,000/=) in cash. Harrison had accepted this offer when he met the representatives of Peerless Oil Ltd at the Malindi Ocean Beach Hotel and Spa. He was elated to have found the purchaser and planned to use the funds in the development of rental properties on his plot in Kilifi town. Harrison is unsettled as he does not have the title to the land and there appears to have been unscrupulous people who irregularly acquired title over his land.

- a) Harrison has approached you for legal advice on how he can be registered as the proprietor of the said parcel so that he can complete the transaction with peerless Oil Ltd. Proceed to execute your instructions. (6 marks)
- b) You have successfully rendered your advice in (a) above and Harrison is ready to transact with Peerless Oil Ltd, outline the steps the company and their advocates would take before signing the instrument of conveyance. (6 marks)
- c) After agreeing with Peerless Oil Ltd, Harrison has informed them that he cannot sell the portion that contains his father’s remains buried in 1998. Consequently, Harrison wishes to retain one eighth (1/8) of an acre out of the land which shall encompass his father’s grave. Advise Harrison how he will achieve this. (3 marks)
- d) Peerless Oil Ltd have demonstrated their willingness to transfer the purchase price to your client account. However, their advocates have requested from you for a legal document to protect their client’s interests in the anticipated transfer of funds. Draft the legal document. (5 marks)

REGISTRATION NUMBER	<table border="1" style="width: 100%; height: 20px; border-collapse: collapse;"> <tr> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> <td style="width: 12.5%;"></td> </tr> </table>									Do not write in either margin



QUESTION THREE

a) Solomon Jesse and his family live in Mount pleasant. The area has received lots of visitors since the national daily newspapers reported that mounds of diamonds had been discovered in Jesse’s farm and the neighboring community members. Since the report, government has swung in action and has reached out to the community with a view of relocating them to pave way for the construction of a development authority site to extract the precious mineral. Extensive tests were undertaken by the authority which confirmed heavy presence of the rare diamond. This would help in revenue generation for the government for the benefit of its citizens. Solomon and his family are resistant to the move because they say, they have sentimental attachment to their land having buried their family patriarch and matriarch on the land.

Explain to Jesse the conditions necessary for such acquisition. (3marks)

b) Remmy rents a luxurious house from Terry Joseph for Kshs. 500,000 payable vide a lease dated 1st March 2023. The house is located on prime land measuring 2 acres known as Kisumu Municipality/Block 12/ 102 in Milimani area. The lease is for three years and renewable by the tenant giving three months’ notice of intention to renew. Remmy had enjoyed staying at the luxurious house for a whole year until March 2024. Unknown to Remmy, Terry had intention to develop additional similar houses long before Remmy moved in. Terry had approached standard chartered bank for Kshs. 500,000,000 loan to undertake such developments. The loan was approved and Kisumu Municipality/Block 12/ 102 given as security which paved way for the construction of the new houses.

Upon returning home from work on 13th March 2024 evening, to his utter shock Remmy found trucks of sand, ballast and all manner of building materials being offloaded in the compound and very close to his residence. This mounds of sand and dust made his stay unbearable. There was frequent power outage associated with rerouting to accommodate the new construction site. Efforts to reach Terry were futile as she was not available and the officer in charge of the construction site was reluctant to take any orders from Terry to stop the work. On 10th April 2024, Remmy visits your office. He informs you that he signed a lease for three years, he loves the residence but he cannot bear the dust and the noise from the construction.

- i. In light of this, advice Remmy on what constitute a valid lease. (4 marks)
- ii. Advise Remmy on the remedies available to him if any against Terry. (3 Marks)

REGISTRATION NUMBER	<input style="width: 100%; height: 100%;" type="text"/>	Do not write in either margin



