

THE BOARD OF LEGAL EDUCATION
GHANA SCHOOL OF LAW

PROFESSIONAL LAW COURSE PART II
SUPPLEMENTARY EXAMINATIONS
2012/2013

CONVEYANCING AND DRAFTING

NOVEMBER 29, 2013

Time Allowed: Three (3) Hours

11:00a.m. – 2:00p.m.

INSTRUCTIONS TO CANDIDATES

1. Read the instructions very carefully before beginning your answers.
 2. **ANSWER ANY FOUR (4) QUESTIONS.**
 3. Do not write your names on the Answer Booklet. Write only your index number and on each sheet of loose paper used.
 4. Credit will be given to legible handwriting, clarity of expression and orderly presentation and neat layout of instruments and documents. You may lose marks for illegible writing.
 5. Adhere strictly to the instructions on the front cover of your Answer Booklet.
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1. Opanyin Kofi Atta who lives at House Number 6, 10th Link, Achimota Accra, and who is 60 years old has instructed you to prepare a Will in respect of his estate. He appoints Jonas Aduboffour and Isabella Boakye, both of Accra as his executors and trustees. He has 2 children named John Atta and James Atta who both reside in the same house with him. He owns two properties, one of which he resides in and the other tenanted to third parties and known as House No. 2, 10th Link Achimota, Accra. His instructions to you are as follows:
 - a. Give House number 6 to John Atta and House number 2 to James Atta.
 - b. Give his bank Account numbered 001 operated with Rebo Bank, High Street Branch, Accra to his two children jointly.
 - c. He may own other property in the near future and if he is able to buy them before he dies, they should all be owned by his two children as joint tenants.

Draft a Will with the instructions above.

(25 marks)

2. Kojo Manu died testate and bequeathed his only house known as House No. 1 Silver Star Road, Dansoman, Accra built on land leased from the Ghana Government to his three children, named Alberta Manu, Esther Manu and Frank Manu. The Executor of the Estate of Kojo Manu is Alberta Manu.

a. What legal Instrument would be prepared to give title in the house to the three children?

b. Set out in concise detail the steps you would take to process the title documents.
(25 marks)

3.

a. Give three (3) usual covenants that a lessee would be bound by under a lease Agreement with the Government of Ghana.

b. Give two (2) usual covenants that a lessor would be bound under a lease Agreement with the Government of Ghana.

(25 marks)

4. Conrad Bedu-Addo of P.O. Box CT 2344, Cantonments-Accra, has an uncompleted house at Adjiringano, a suburb of Accra. He purchased the land by a conveyance from the Bankadi Family of Teshie, Accra in June 1998. This was registered at the Deeds Registry as DR 4678/98. He has put up a building, which is yet to be completed. He has now decided to complete this building by going for a loan from Mosaic Bank Limited, whose registered office is *Gye Nyame House*, North Ridge, Accra. The Bank, acting through its Managing Director Raymond Quist, has agreed to grant him a loan of thirty thousand Ghana cedis. The Mortgage Deed was executed on June 1, 2013. The interest charged is 20% per annum. The mortgage repayment amount is payable over a ten year period. The repayment is to commence from July 1, 2013.

The property is situate at House No. A/52, Royal Palm Avenue, Adjiringano, Accra in the Greater-Accra Region of the Republic of Ghana erected on a plot of land bounded on the North by house number A/51 belonging to Kofi Grant and measuring two hundred (200) feet more or less, on the West by the property of Jemima Akrofi and measuring one hundred and eighty (180) feet more or less, on the South by the property of Siwdu Hotel and measuring two hundred (200) feet more or less and on the East by the property of Nii Yartey and measuring one hundred and eighty (180) feet more or less and covering an area of zero point eight three (0.83) acre more or less and delineated and edged pink on the site plan annexed.

Draft the mortgage instrument between the two parties herein, omitting the repayment schedule.

(25 marks)

5. a. Distinguish a Power of Attorney from a Power of Appointment.
b. Distinguish Easements from Profits a Prendre. (25 marks)
6. a. what constitutes completion on the part of a vendor and on the part of a purchaser?
c. What post completion matter would a purchaser concern itself with? (25 marks)
7. Define a Release and a Disclaimer and give examples of each (25marks)
8. (a) What is a Restrictive Covenant? Write down the essential features it has. (10 marks)

(b) Mrs. Isobel Dougan of Nungua, Accra claims to be the owner of a plot of land at La-Bawaleshie, Accra. She says that she and her late husband, Mr. Richard Dougan, bought a plot of land from the Klanaa Family of La. This transaction was evidenced by a deed of conveyance dated January 1, 1996, which was in their joint names. They subsequently put up a three bedroom house on the land.

On July 1, 2012, her husband died after a short illness. Upon his death, his family members came and occupied the house for a period of time, during which they collected all the documents they saw among his personal belongings. After his burial and the final funeral rites, these family members left the house. However, some important documents can no longer be traced, including the title deeds to the house. On December 10, 2012 Isobel applied for and was granted Letters of Administration in respect of her late husband's estate. She has now acquired full ownership of the house by virtue of the Intestate Succession Law, 1985 (PNDCL 111).

Mrs. Dougan wants to go for a loan from Spatial Bank Limited to start an export business. She intends using the property as collateral. The Bank has requested her to submit the title deeds in respect of the house. Isobel is worried and has come to you for assistance.

Draft the Statutory Declaration to confirm her ownership of the land. (15 marks)