

THE INDEPENDENT EXAMINATION COMMITTEE

GENERAL LEGAL COUNCIL

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PROFESSIONAL LAW COURSE

REFERRAL EXAMINATION 2018/2019 ACADEMIC YEAR

DATE: MONDAY, 10TH APRIL 2019
SUBJECT: CONVEYANCING AND DRAFTING
TIME ALLOWED: THREE (3) HOURS 10:00am – 1:00pm

INSTRUCTIONS TO CANDIDATES:

1. Read the instructions **very carefully** before beginning your answers.
2. ANSWER FOUR QUESTION ONLY. **QUESTIONS ONE (1), TWO (2), THREE (3) AND FOUR (4) ARE COMPULSORY.**
3. Credit will be given for legible handwriting, clarity of expression and orderly presentation of answers.
4. **Do not** write or sign your name on the Answer Booklet. **Only write your index number.**
5. Adhere strictly to the instructions on the front cover of your Answer Booklet.

QUESTION ONE

1. Kwame Danso agreed to lease his piece and parcel of land at Adanwomase, in the Ashanti Region of Ghana, measuring 1.98 acres to Opanin Kojo Fori for a term of ninety (90) years. They have agreed on a consideration of GH¢250,000.00.

As your client prepare and draft a lease for them.

(25 marks)

QUESTION TWO

Gabriel, Thomas and Dinah Takyi are all co-owners of a building at No. 20, Princess Street, Takoradi in the Western Region of the Republic of Ghana. They inherited this property from their father, Michael Takyi who bequeathed it to them in his will as tenants in common. Shortly after the funeral of their father who died in April 2013, the three siblings left the country to work or study abroad.

Recently they all returned to Ghana to celebrate the 5th anniversary of his death. After discussions, they have decided to give the property to two of their cousins who are resident in Ghana to take care of same, collect rental income from the tenants and when deemed fit, to sell it and give them the proceeds thereof. Their cousins are Richmond and Theresa Takyi of P.O. Box 252, Takoradi.

Draft the Trust instrument for the parties.

(25 marks)

QUESTION THREE

You are a junior in the law firm, Sammy Letsu and Associates, Jubilee X House, Accra. Your senior, Mr. Sammy Letsu, has asked you to assist a client of the Firm, Reverend (Mrs) Albertina Kasuwale, to draft her will.

She wants Sampson Musah of Accra and Alberta Abanda to be the executors and trustees of her will. She gives all her personal chattels to her husband, Dr. Jeremiah Kasuwale, who is also to be her residuary legatee. Their house at Damongo in the Northern Region, now Savanna Region of the Republic of Ghana should also be given to her husband absolutely. Her sister, Mrs Adisa Iddi, is to take her house, "Safari House" at Mole.

She further directs that her church member, Cynthia Saaka is to be given GH¢500 from her Savings account held with Zenith Bank, Tamale Market Circle Branch. Her Kantanka Car No. XX 1234 P she gives to her husband. An amount of ten thousand Ghana Cedis in her current account No. X1102078271, Great African Bank, Ridge Branch, Accra should be put in trust

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and shared equally among their three children, namely, Donald, John and Hillary until they each attain eighteen years of age.

Reverend Albertina informs you that on 21st July 2004 she made a will, which she has misplaced and that a codicil thereto, made in June 2008 (and produced) should both be revoked.

Draft the will for Reverend (Mrs) Albertina Kasuwale.

(25 marks)

QUESTION FOUR.

Opanin Kwasi Oppong is a general contractor in Sunyani. He has just been offered a one hundred mile road reconstruction project to be completed in eight months. He has decided to sell off his old Tipper truck No DW 10 Y for twenty thousand Cedis as well as his four plots of land numbered B1, B2, B3 and B4 located at Sikafo-Ambantem/Sunyani.

Opanin Kwabena Mensah has expressed interest in purchasing the old Tipper truck and the four plots of land on offer.

Opanin Kwabena Mensah has approached you as a lawyer **seeking to know what substantial difference, if any, there is between a contract for the sale of the Tipper truck and that for the sale of the four plots of land?**

Your answer must **explain the significance of the distinction under the common law.**

(25 marks)

QUESTION FIVE

“A power of attorney is ordinarily revocable at the will of the principal and, in any case, terminates on the death, incapacity or bankruptcy of the principal”.

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With reference to the Powers of Attorney Act, 1998 (Act 549), discuss the statutory provisions on the irrevocability of a power of attorney.

(25 marks)

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As your client prepare and draft a lease for them.

(25 marks)