

THE INDEPENDENT EXAMINATION BOARD

GHANA SCHOOL OF LAW

FINAL EXAMINATION, MAY/JUNE 2016

TITLE OF COURSE: NEW PROFESSIONAL LAW COURSE

TITLE OF PAPER: CONVEYANCING AND DRAFTING

DATE: 10 JUNE 2016

TIME ALLOWED: THREE (3) HOURS

10:00am – 1:00pm

INSTRUCTIONS TO CANDIDATES:

1. Read the instructions very carefully before beginning your answers.
 2. Answer any FOUR (4) questions.
 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 accompanying your Answer Booklets.
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QUESTION ONE

Explain the distinction between a contract for the sale of land and a conveyance or a transfer of an interest in land.

[25 marks]

QUESTION TWO

Ko fi Mensa is a member of the Tenadu family of Akwamufie in the Eastern Region of Ghana. He obtained a loan from the Ghana Commercial Bank, using his house as a security for the loan.

Kofi Mensa was unable to repay the loan. The Bank now threatens to sell Kofi Mensa's House in satisfaction of the loan. Kofi Mensa has pleaded with his family, the Tenadu family which has agreed to sell part of its family lands in order to help Kofi Mensa pay off the loan so as to redeem the property.

The Tenadu family has approached Kofi Nti who agreed to buy the family land offered to him. Kofi Nti has consulted you to acquire the land for him from the family.

Explain to Kofi Nti the basic legal issues and practical problems to be dealt with in acquiring the property for him.

[25 marks]

QUESTION THREE

Explain the system of land registration, its significance and the procedures involved in the land acquisition process in Ghana.

[25 marks]

QUESTION FOUR

Nana Yaw Kyiretwie, an 80 year old farmer from Axim who is of sound mind and disposition, has approached you as a lawyer to prepare a will for him. The instructions for the will are as follows:

"I am Nana Yaw Kyiretwie of H/No 80 Block B Axim in the Western Region of the Republic of Ghana. I have some friends and you may select one or two of them as executors. [They are Kojo Ezuah, Kwame Herzuah, Kofi Ackah and Kofi Blay.] They are from my home town, Axim. I acquired the following properties from my own sweat [H/No AX 1 Block C Axim; Cocoa Farm at Krobo on Nzulezu Stool land and four plots of land at Axim and the plots are popularly known as Ahenfie Plot. I would like to give the property at H/No. AX 1 Block C Axim to my wife Adwoa

Serwaah and her three children with me namely: Abraham Kyiretwie; Enoch Kyiretwie and Naomi Kyiretwie.] My wife shall be given life interest in the property. [I will give the cocoa farm to my maternal family.] I will also give the Ahenfie Plot to my child, Kofi Nzulezu who is five years old. I gave birth to Kofi Nzulezu with a Fanti woman from Saltpond known as Aba Spio. I did not marry Aba Spio and she is now married to a young man who is about thirty years old.

[I will give all my household chattels to all my children] ^{My wife's child} I am physically old and cannot acquire any property but in case I acquire any property, I shall give them to my children. As the head of my family, I have a family house and cocoa farms at Enchi and they devolve to me as the head of family and I hold them on trust for my family. My nephews and nieces are disrespectful to me and I will give those family properties to my five year old son Kofi Nzulezu."

Draft a will for Nana Yaw Kyiretwie and offer advice as to whether he can validly make his intended dispositions in his will or not.

[25 marks]

QUESTION FIVE

Richmond Nsiah has a house with plot No 18 Block C Spintex Road Accra. He has decided to donate the plot and the building on it to his wife Mrs. Regina Nsiah to reciprocate her love for him. Richmond Nsiah is illiterate but rich. When Richmond Nsiah's business collapsed, Mrs. Regina Nsiah went for a loan for her husband to revamp his business. She maintained the house for three years during the period that her husband's business failed. Richmond Nsiah has come to you to prepare a deed of gift for Mrs. Nsiah.

Prepare a deed of gift from Richmond Nsiah to Mrs. Regina Nsiah indicating the customary drink of ten thousand Cedis paid by the donee to the donor as an acknowledgement of the customary gift of Plot No. 18 Block C Spintex Road in the presence of some family members and friends of the donor.

[25 marks]

QUESTION SIX

Mr. William Jones, an Australian national desires to invest in agriculture in Ghana. He has approached Nana Kofi Agyemfra, Head of Asonku family of Kwaaman for a 1,000 acre land to cultivate cocoa. Mr. William Jones has met Nana Kofi Agyemfra together with Kwasi Asante, Yaw Tawiah, Amma Bonsafo and Kwame Kodua, principal elders of the family and negotiated for part of the family land at a price of GHC150,000.00.

As the lawyer of the Asonku family of Kwame, the family has instructed you to draft a lease to evidence the transaction.

Prepare a draft lease for the consideration of the parties.

[25 marks]

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