

INDEPENDENT EXAMINATIONS COMMITTEE

GENERAL LEGAL COUNCIL

PROFESSIONAL LAW PART II COURSE

EXAMINATION (MAIN)

CONVEYANCING AND DRAFTING

16 JUNE, 2021

Time Allowed: Three (3) hours

10:00 a.m. – 1:00 p.m.

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 material.
 4. Do not write your name on the Answer booklet. Write only your seat or Index number.
 5. Adhere strictly to the instructions on the front cover of your Answer Booklet.
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Question 1

Mrs. Grace Antwi is the owner of House Number C134/5, Maple Street, Adjiriganor, Accra of the Republic of Ghana. She acquired a lease of the property from the Sunkwa Mills Family for a period of 99 years. The deed of title from the head of family, Nii Armlalo Sunkwa Mills, shows that the family acquired the freehold interest by conveyance from the Armarteyfio family, the original settlers on the land. The lease was executed on 1st June 1974. Under the lease, she cannot sublet without the written consent of the Lessor. In 1990, she entered into a written agreement with Mr. Afeke Gavivina to sublet the property for a period of 20 years. The parties agreed that the rent would be one hundred and fifty Ghana cedis a month,

payable half yearly in advance. The sublease is to take effect from January 1, 1990. The parties agree on these matters:

Either party may terminate at the end of 2 years after giving 6 months' notice in writing to the other of their intention to do so.

Afeke shall have the option to renew for a further term of 5 years provided he gives Mrs. Antwi 6 months' notice prior to the end of the current term of his intention to do so and is prepared to pay a new rent to be mutually agreed upon by the parties.

To use the property for residential purposes only. Other covenants include the express covenants for insurance, repair and quiet enjoyment as well as the usual provisions on forfeiture and abatement.

Afeke has consulted you to draft the appropriate instrument for the parties.

25 Marks

QUESTION 2

- a. You are a junior in the law firm, Adenuga & Associates, Enso Nyame Ye House, Adum, Kumasi. Your senior, Mr. Kwaku Asare, has asked you to assist a client, Mrs. Juliet Mensah Doh, by taking instructions to draft her will.

She wants Mrs. Jennifer Babangida and Mrs. Samantha Olswell, both of Pankrono, to be the executors of her will. She has named her husband Mr. Romantic Mensah Doh as her residuary beneficiary and gives all her personal belongings to her only daughter from a previous relationship, Akua Asamoah Pimpong.

Her 3 bedroom house at Ahodwo, inherited from her late mother, she gives to her daughter Akua Asamoah Pimpong. She is never to sell the house and is to devise it to her own daughter, Araba. Her two adult twin sons with Mr. Mensah Doh, Hastings and Thompson

are to take her self-acquired four-bedroom house at Suame. Upon her demise, they are to immediately relocate from the matrimonial home to the Suame House, and must not do anything that will affect their father's enjoyment of the matrimonial home. They are also to ensure that the grounds of the Suame property are well kept and the gardens restored to its former glory.

Ghc 20,000.00 from her current account at Absa Bank, Adum Branch is to be given to Maxwell Okereke, her nephew in appreciation of his faithful acts of service and loyalty. Another Ghc 10,000.00 is to be given towards the Covid-19 fund, to cater especially for the purchase of vaccines for pregnant women.

Mrs. Mensah Doh also informs you that she had made a previous will in June 2019 and a subsequent codicil in August 2019. She wants both to be revoked.

Draft the will for her.

15 marks

- b. After a short illness, Mrs. Juliet Mensah Doh passed away in March 2020 from Covid 19 related complications. After a quick funeral, the executors successfully proved the will in July 2020. The executors are desirous of transferring the four-bedroom house at Suame to Hastings and Thompson as per the terms of the will. The property is located at Plot No. XY/2, Suame, in the Ashanti Region of the Republic of Ghana erected on a plot of land bounded on the North by house number C7, Onion Street, belonging to ABC Limited and measuring one hundred (100) feet more or less, on the West by the property of Twum Barima Limited and measuring seventy (70) feet more or less, on the South by the property of Esi Bentil and measuring one hundred (100) feet more or less and on the East by the property of Asomoah Anim and measuring seventy (70) feet more or less and covering an area of zero point seven five (0.75) acre more or less and delineated and edged pink on the site plan annexed.

Draft the vesting assent, including the schedule.

10 Marks

QUESTION 3

Mr. Michael Gyadu of Borteyman, Accra in the Greater Accra Region is interested in acquiring a house at Abelemkpe, Accra. He is buying the house from Mr. Sam Spencer.

The Vendor leased the property from the Government of Ghana for fifty (50) years on June 1, 2010. He has agreed to sell his interest in the property to Mr. Michael Gyadu. The purchase price is Two Hundred Thousand Ghana cedis (GH¢200,000.00). The land is bounded on the North by Palace Shopping Mall measuring 100 feet and on the East by land belonging to Rose Finance Company measuring 120 feet more or less and on the South by land belonging to Ms. Yawa Ogoe measuring 100 feet and on the West by a road measuring 80 feet and containing an approximate area of 0.30 acre more or less.

The parties hereto executed the deed of transfer on 5th May, 2015.

Draft the appropriate instrument for them.

25 marks

QUESTION 4

Mrs. Sarah Fynn of House No. 235 Cantonments, Accra claims to be the owner of a property at Sakumono, Tema. She says that she bought the land from the Oninku Family of Tema. This transaction was evidenced by a deed of conveyance dated March 31st 1979, which was in her name. She subsequently put up a shopping complex on the land.

On June 3rd 2015, her residence was severely affected by the flood and fire that hit parts of Accra. Fire from the adjoining property also spread over to her house, destroying a significant portion of her home, including the study where she kept important documents including title deeds to all her properties. On December 10, 2016, Sarah applied for a loan from Standard Memorial Bank Limited to enable her renovate her residence. She intends using the Sakumono property as collateral. The Bank has requested her to submit the title deeds in respect of the

property. Kuukuwaa is worried since she cannot trace the title deeds to the property and has come to you for assistance.

The property is located at House No. B 22/2, Ebenezer Street, Sakumono Tema in the Greater-Accra Region of the Republic of Ghana and is on a plot of land bounded on the North by house number C16/1, Nii Tackie Amugi Street, belonging to Oswald Enterprise and measuring one hundred (100) feet more or less, on the West by the property of Mrs. Sally Armah and measuring seventy (70) feet more or less, on the South by the property of Maslieno Harrison and measuring one hundred (100) feet more or less and on the East by the property of Gawu Reynolds and measuring seventy (70) feet more or less and covering an area of zero point seven five (0.75) acre more or less and delineated and edged pink on the site plan annexed.

Draft the appropriate instrument to confirm her ownership of the land, including the Schedule.

25 Marks

QUESTION 5

1. Mrs. Masline Nunoo of P.O. Box GP 5577, Accra, has decided to refinance her property located at Lashibi, Tema. she has negotiated for a loan from the Standard Premium Bank Limited, whose registered office is Gold House, Kawukudi, Accra. According to her, she purchased the land by a conveyance from the Gamashie Family of Accra in June 1980. This was registered at the Land Title Registry as LTR 003/005/1988. The Bank, acting through its Managing Director Samuel Amasah, has agreed to grant her a loan of twenty thousand Ghana cedis. The Mortgage Deed was executed on January 1, 2008. The interest charged is 20% per annum. The mortgage repayment amount is payable over a ten year period with a three month moratorium from the date of execution of the Mortgage Deed.

The property is situate at House No. C34, Coconut Grove Street, Lashibi, Tema in the Greater-Accra Region of the Republic of Ghana, erected on a plot of land bounded on the North by house number C45 belonging to Linda Odoom and measuring two hundred (200) feet

more or less, on the West by the property of Gloria Estefani and measuring one hundred and eighty (180) feet more or less, on the South by the property of Anas Beauty Salon and measuring two hundred (200) feet more or less and on the East by the property of Alhaji Seleiman 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.

You are presently employed at the Standard Premium Bank Limited, as a Legal Officer. Your Head of Department has assigned this task to you.

Draft the appropriate instrument between the parties herein, omitting the repayment schedule. **25 marks**

Question 6

Mrs. Cynthia Wells is the owner of a plot of land containing a two-bedroom house with an adjoining vegetable garden. She leased the property for a term of 85 years from Cambridge Real Estate Developers on 15th January 2021. Nearing retirement, she desires to honour her son, Solomon Kusi, who has recently graduated from University of Ghana with a first class honours in Psychology. The gift is particularly important to her because Solomon is the only one of her children who appreciates the therapeutic effects of gardening and has spent many hours with his mother tending to the herbs and vegetables in the garden. Solomon has promised to maintain the garden.

Solomon's graduation ceremony is on the 22nd of June 2021 and she intends to present the instrument to him at a small ceremony at his graduation party in the presence of friends and family.

Draft the appropriate instrument for Mrs. Cynthia Wells and her son Solomon omitting the schedule, oath of proof and certificate of proof. **25 Marks**