

**THE INDEPENDENT EXAMINATIONS COMMITTEE
GENERAL LEGAL COUNCIL**

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**PROFESSIONAL LAW COURSE PART 1 / POST-CALL LAW COURSE
SUPPLEMENTARY, TRANSITIONAL, REFERRED 2023**

DATE: WEDNESDAY, 15th MARCH 2023
SUBJECT: CONVEYANCING & DRAFTING
TIME ALLOWED: THREE (3) HOURS 12:00noon – 3:00pm

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 on the front cover of your Answer Booklet.
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QUESTION 1

Sandra Afriyie of P. O. Box CT 2344 Cantonments-Accra has an uncompleted house at Danyame, a suburb of Kumasi. She purchased the land by a conveyance from the Agona Family of Asokwa, Kumasi in June 1998. This was registered at the Deeds Registry as DR 4678/98. She has put up a building, which is yet to be completed. She has now decided to complete this building by going for a loan from Sika Bank Ltd, whose registered office is Asomdwoe House, Adum, Kumasi. Mr. Ebenezer Owusu, the Managing Director of the Bank, agreed to grant him a loan of Fifty Thousand Ghana Cedis (GH¢50,000.00) at an interest rate of 20% per annum or at such other rate as the Bank may from time to time determine. Repayment of the Loan was over a ten-year period commencing July 1, 2021. The Mortgage Deed was executed on June 1, 2021. The property is situated at Number B/54, Kingsway Avenue, Danyame, Kumasi, on a plot of land bordered on the North by house number A/51 belonging to Akwasi Emma and measuring two hundred feet, on the West by the property of Dan Ofori and measuring one hundred and eighty feet, on the South by the property of Oman Hotel and measuring two hundred feet and on the

East by the property of Kwaku Agyei and measuring one hundred and eighty feet and covering an area of zero point eight three of an acre.

Draft the mortgage instrument between the two parties, omitting the Repayment Schedule.

(25 Marks)

QUESTION 2

Mr. Mark Okine of Ashalley Botwe in Accra is interested in acquiring a house at Dzorwulu, Accra. He is buying the house from Mr. John Owoo.

The vendor leased the property from the Government of Ghana for fifty years on June 1, 2015. He has agreed to sell his interest in the property to Mr. Mark Okine. The purchase price is GH¢900,000.00. The land is bordered on the North by Palmer Shopping Mall measuring 100 feet and on the East by land belonging to the Rose Finance Company, measuring 120 feet and on the South by land belonging to Mr. Yaw Ofoe, measuring 100 feet and on the West by a road measuring 80 feet and covering an approximate area of 0.30 acre.

The parties executed the transfer deed on 5th March 2022.

Draft the appropriate instrument omitting the oath of proof and certificate of proof.

(25 Marks)

QUESTION 3

Mr. Asamoah Gyan is the owner of House Number B82/2, Orange Street, Teshie Nungua, Accra. He has agreed to lease his property to Mr. Kekeli Kumordzi, whose postal address is Box AN 8852, Accra North for a period of 20 years. The parties have agreed that the rent should be Eight Hundred and Fifty Ghana Cedis a month, payable half yearly in advance. The lease is to take effect from July 1, 2021. The parties agree on these matters:

- a) Either party may terminate the lease at the end of 2 years after giving 6 months' notice in writing to the other of his intention to do so;
- b) The lessee shall have the option to renew the lease for a further term of 5 years provided he gives the lessor 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 or to be determined by arbitration;
- c) The agreement shall contain express covenants for insurance, repair and quiet enjoyment in the usual form;
- d) If the premises leased are destroyed or become unfit for carrying out the purpose for which they have leased through causes not attributable to the

- negligence of the lessee, there shall be abatement or suspension of rent as appropriate;
- e) The lessor reserves the right of re-entry on the leased premises in case of non-payment of the rent reserved or the breach of any express or implied covenant by the lessee.

Draft the agreement omitting the schedule.

(25 Marks)

QUESTION 4

Mrs. Joana Akins of Apiate, near Bogoso claims to be the owner of a plot of land at Nungua, Accra. She says that she bought the plot of land from the Awulae Family of La. This transaction was confirmed by a Conveyance dated January 1, 1999 in her name.

On 20th January 2022, there was a large blast of mining explosives that levelled the entire Apiate Township, including Joana's house containing all her valuables and the title deeds in respect of her house in Nungua were torn in pieces and as result it is difficult to read and decipher any meaning from it.

On March 10, 2020 Joana Aikins applied for a loan from Newman Bank Ltd to start an export business. She intends to use the house in Nungua as collateral. The Bank has requested her to submit the title deeds in respect of the house. Joana Aikins is worried since she cannot trace the title deeds to the property and has come to you for assistance.

Draft the appropriate instrument for her.

(25 Marks)

QUESTION 5

The Last Will and Testament of Kwesi Fynn has just been read in the High Court. By clause 3 of the Will, he has bequeathed his house numbered 1 Kweikuma Road, at Kanda, Accra in the Greater Accra Region of the Republic of Ghana to his son, Sly Fynn. The house is situated on state land, and the lease on it granted to the late Kwesi Fynn was issued by the Lands Commission, Accra.

Sly Fynn has been approached by Simon Brown for the purchase of the said No. 1 Kweikuma Road. Sly Fynn has no legal instrument to the property except his Late Father's lease.

Sly Fynn has consulted you to guide him firstly through all the necessary processes that would enable him obtain title to the property, and secondly, all the processes that would eventually pass title to Simon Brown.

Set out in detail the processes you would undertake to achieve satisfactory results for the instructions given.

(25 Marks)

QUESTION 6

A gentleman named Victor Owusu, has approached you to draft his Will. He gave his address as No. 8 Dodowa Street, Laterbiokoshie, Accra. He wants his wife, Akosua Badu, to be appointed the Executrix of the Will. He has two adult children by his wife, namely, Kofi Amponsah and Ama Ataa and they are to be the beneficiaries of his Will. He owns two houses described as No. 8 Dodowa Street, Laterbiokoshie, which he intends to leave to his son Kofi Amponsah, but his wife Akosua Badu is to be entitled to live there until her death. The second house is described as No. 7 Dodowa Street, Laterbiokoshie, Accra and that is to go to his daughter, Ama Ataa. He has a current account with Zenith Bank, Accra Main Branch with Account Number 000001 and he wants any money in it to be shared equally between his two named children. House No. 7, Dodowa Street, Laterbiokoshie, which is currently rented out should be maintained as such and the rental proceeds applied solely to the maintenance and upkeep of his wife for her lifetime.

Draft a Will expressing all the intentions of Victor Owusu

(25 Marks)