

INDEPENDENT EXAMINATIONS COMMITTEE
GENERAL LEGAL COUNCIL
PROFESSIONAL LAW PART II/ POST CALL COURSE
EXAMINATION (MAIN AND SUPPLEMENTARY)
CONVEYANCING AND DRAFTING
9 MARCH, 2022

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 **QUESTION 1 WHICH IS COMPULSORY AND ANY OTHER THREE (3) 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 (a)

You are a junior in the law firm, Wilson & Associates, Gye Nyame House, Adum, Kumasi. Your senior, Mr. Kwamina Gyan, has asked you to assist a client, Mrs. Antoinette Kumassah, by taking instructions to draft her will.

She wants Mrs. Sally Kumi Larbi of Asokwa and Mr. Siriboe Odum of Bantama to be the executors of her will. She gives all her personal belongings to her only daughter, Maame Akua Kumassah, who is also her residuary beneficiary.

The matrimonial home which she built with proceeds from her cold store business should be given to her husband, Adolfo, absolutely. Her two adult sons from a previous relationship, Joojo and Kwamina

Hastings are to take her three-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 stepfather'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 10,000.00 from her current account at Republic Bank, Adum Branch is to be given to Mr. Robert Okley, her manager, for his faithful services in the management of the Cold Store. Another Ghc 10,000.00 is to be given towards the building of the National Cathedral spearheaded by President Nana Akuffo Addo.

Mrs. Kumassah 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. Mrs. Kumassah is literate but blind.

Draft the will for her.

(15 marks)

QUESTION 1 (b)

After a short illness, Mrs. Antoinette Kumassah 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 matrimonial home to the husband, Adolfo, as per the terms of the will.

The property is located at Plot No. XY/2, Green Hill Street, 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 2

Mrs. Asamoah Gyan is the beneficial owner of House Number B82/2, Orange Street, Teshie Nungua, Accra. He has agreed to lease his property to Mr. Kekeli Kumordzi of P.O. Box AN 8852, Accra North for a period of 15 years. The parties have agreed that the rent should be four hundred and fifty Ghana Cedis a month, payable half yearly in advance. The lease is to take effect from January 1, 2020. 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 tenancy 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 been 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 to the leased premises in the 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 3

Mrs. Kuukuwa Aggrey 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, Kuukuwa 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 4

Kwasi Agyemang, Managing Director of CBA Ventures Limited, a real estate company based in Accra, entered into a contract to buy Dr. Ofori

Amponsah's 14-acre land at East Legon in the Greater Accra Region of the Republic of Ghana to construct estate buildings for judicial service workers.

The agreed sale price was GHC 250, 000.00. The contract was duly signed by both parties on 30th June 2017. However, before a conveyance could be executed, Ofori Amponsah died in a tragic motor accident on the N1 Highway. After his death it was discovered that he had left a will giving "all my land at East Legon to my nephew, Edward Amponsah".

Kwasi Agyemang had paid an amount of GHC 100,000.00 as deposit to the deceased before his demise. He has the receipt to prove it. Also, his partners have released to him the outstanding amount of GHC 150,000.00 to complete payment. However, the nephew, Edward Amponsah, has told him that the land is no longer for sale and has offered to refund the deposit paid. Edward says the family intends to put up a hospital on the land in memory of the late Dr. Ofori Amponsah. Kwasi Agyemang is distraught by this turn of events and wants to know from you:

- a. What rights, if any, he has and what steps he can take to enforce them;
- b. How Dr. Amponsah's will affects the land at East Legon.

(25 Marks)

QUESTION 5

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, Micah Takyi who bequeathed it to them in his will as tenants in common. Since the death of their father in April 2008, they have all 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 the

property, 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 6

On 1st January 2016, Ms. Rejoice Amekudzi mortgaged her house known as "Victory House" at Ho-Bankoe in the Volta Region of the Republic of Ghana to the Ho branch of the Ghana Commercial Bank, to secure the repayment of a loan of fifty thousand Ghana Cedis she took from the Bank to expand her shallot farm located at Sokode-Gbogame in the Volta Region. Ms. Rejoice Amekudzi bought the house from Agnes Segbefia on 7th October 2007 at fifteen thousand Ghana Cedis and the conveyance evidencing this transaction was registered at the Lands Commission Office at Ho as No. VR 1654/89 on 1st January 2008. Ms. Rejoice Amekudzi agreed to repay the loan plus a compound interest of 20 per cent per annum by annual instalments over a five-year period commencing from 31st December 2016.

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

(25 marks)