

INDEPENDENT EXAMINATIONS COMMITTEE

GENERAL LEGAL COUNCIL

PROFESSIONAL LAW PART II/ POST CALL COURSE

EXAMINATION (MAIN)

CONVEYANCING AND DRAFTING

14 JULY, 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 **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

Mr. Mark Okine of Ashalley Botwe, Accra in the Greater Accra Region 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 (50) years on June 1, 2015. He has agreed to sell his interest in the property to Mr. Mark Okine. The purchase price is Nine Hundred Thousand Ghana Cedis (GH¢900,000.00). The land is bounded on the North by Palmer Shopping Mall measuring 100 feet and on the East by land belonging to 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 containing an approximate area of 0.30 acre.

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

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

(25 Marks)

QUESTION 2

Mr. 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 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 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

- a. 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 named Akosua Badu to be appointed executrix of the Will. He has 2 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 bequeath to his son Kofi Amponsah, but his wife Akosua Badu is entitled to live in it until she dies. The second house is described as No. 7, Dodowa Street, Laterbiokoshie, Accra and that is to go his daughter Ama Ataa. He has a current account with Zenith Bank, Accra Main Branch with Account Number 000001 and wants any money in it to be shared equally between his two children named. House number 7, Dodowa Street, Laterbiokoshie, which is currently rented out should be maintained as such and the rent proceeds applied solely to the maintenance and upkeep of his wife for her lifetime.

Draft a Will expressing all the intentions of Victor Owusu.

(15 Marks)

- b. Rex Gyamfi died testate and bequeathed his only house known as House No. 1 Silver Star Road, Dansoman, Accra built on land leased from the Ghana Government to his three children, named Bismarck Nuakoh, Ellena Nuakoh and Obed Nuakoh. The Executor of the Estate of Rex Gyamfi is Prince Nuakoh.

What legal Instrument would be prepared to give title in the house to the three children?

(10 Marks)

QUESTION 4

Mrs. Joana Aikins 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 evidenced by a deed of conveyance dated January 1, 1999, which was in her name. She subsequently put up a three-bedroom house on the land.

On January 20, 2022, there was a large blast of mining explosives that leveled the entire Apiate township including Joana's house containing all her valuables and title deeds in respect of her house in Nungua were torn into pieces and as a 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 Limited to start an export business. She intends using 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.

(25 Marks)

QUESTION 5

The Borteyman stool is the owner of land at Tema in the Greater-Accra Region of the Republic of Ghana. Your client Nii Lantei Lartey is looking for land for agricultural purposes and has therefore consulted the chief and elders of the Borteyman stool. Nii has informed you that the stool is willing to lease part of its land at Tema to him for a term of 70 years with an option for renewal for a further term of 45 years. The subjects of the stool use an accessway across the southern end of the part of the land to be leased to Nii

to a spring on Akoto Lantey stool land to fetch water. They cannot be stopped now. The chief of Borteyman and his elders have asked you to draft the proposed lease between them and your client.

Draft the appropriate instrument for the parties. Omit the schedule.

(25 Marks)

QUESTION 6

- (a) Discuss what constitutes a **good root of title** and in particular, discuss the role it plays in the conveyancing process.

(10 Marks)

- (b) State and briefly discuss the **three** elements that must exist for an express private trust to be valid.

(15 Marks)