

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, 28<sup>th</sup> JUNE 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**

Sulley Alhassan entered into a contract to buy Mercy Thompson's 10 acres of land at Koforidua in the Eastern Region of the Republic of Ghana. The land is bounded on the West by Plot No. 6 3RD CRESCENT and measuring 125.60 feet more or less, on the South by Plot No. 7 1st CRESCENT and measuring 188.41 feet more or less, on the East by Plot No. 5 1st CRESCENT and measuring 126.76 feet more or less and on the North by Plot No. 3 3RD CRESCENT and measuring 184.71 feet enclosing an area zero decimal point five four (0.54) acre more or less.

The agreed sale price was GHS 175,000.00. The contract was duly signed by both parties on December 31, 2020. However, before a conveyance could be executed, Mercy died through covid related complications at the Koforidua Government Hospital. After her death it was discovered that she had, in a will dated 23<sup>rd</sup> May 2021, devised "all my interest in my land at Koforidua to my twin brother, Mark Thompson.

Sulley Alhassan is very anxious about this turn of events especially as he had received calls from Mark Thompson warning him off the land. He has come to consult you and has receipts to prove he had already paid GHS 100,000.000 to Mercy before her death. He is able and willing to pay the balance.

After the will was successfully proved at the High Court on the 4<sup>th</sup> of June 2022, the Executors, Joseph Ansongwine and Robert Bobbie have communicated to you their willingness to convey the land to Sulley Alhassan upon the successful proof of his equitable interest in the land. They have also accepted the outstanding sum of GHS 75,000.00.

**In the light of these facts, can the Executors of the Will of Mercy Thompson complete the sale and so, can you draft the Deed of Conveyance.**

**(25 marks)**

### **QUESTION 2**

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 ft and on the East by land belonging to Rose Finance Company measuring 120 ft and on the South by land belonging to Ms. Yawa Ogoe measuring 100 ft and on the West by a road measuring 80 ft and containing an approximate area of 0.30 acre.

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

**Draft the appropriate instrument for them.**

**(25 marks)**

### **QUESTION 3**

- (a) "A power of attorney is ordinarily revocable at the will of the principal and, in any case, terminates on the death, incapacity or bankruptcy of the principal". With reference to the Powers of Attorney Act, 1998 (Act 549), discuss the statutory provisions on the irrevocability of a power of attorney.

**[10 marks]**

- (b) After a short illness, Mrs. Jennifer Ofori passed away in November 2022. After a quick funeral, the executors successfully proved the will in April 2023. Her executors Peter Quaye and Felicia Teye are desirous of

transferring the two-bedroom house at Tafo to Luke and Matthew her sons as per the terms of the will. The property is located at Plot No. 5441, Tafo, in the Eastern Region of the Republic of Ghana erected on a plot of land bounded on the North by house number D7, Sapele Street, belonging to Vanguard Limited and measuring one hundred (100) feet more or less, on the West by the property of Ceramics Industries Limited and measuring ninety (90) feet more or less, on the South by the property of Mansa Amoah and measuring one hundred (100) feet more or less and on the East by the property of Dzifa Mensah and measuring ninety (90) feet more or less and covering an area of zero point eight five (0.85) acre more or less and delineated and edged pink on the site plan annexed.

Draft the vesting assent, including the schedule.

**(15 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. Sarah 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 100 ft, on the West by the property of Mrs. Sally Armah and measuring 70 ft, on the South by the property of Maslieno Harrison and measuring 100 ft and on the East by the property of Gawu Reynolds and measuring 70 ft and covering an area of 0.75 acre 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

Prof. Senyo arrived in Ghana on 1<sup>st</sup> March, 2017 as a visiting Professor for Ghana Advanced College and has decided to rent a well-furnished three (3) bedroom apartment at Dzorwulu. He has found a well-furnished three (3) bedroom apartment at Dzorwulu which is owned by Mampam Company Limited. Prof. Senyo and the Managing Director of Mampam Company Limited, Mr. Bubba met and discussed the matters relative to the tenancy.

The parties agreed that the tenancy shall be a yearly tenancy with an option to renew. The rent payable for the year shall be GH¢ 30,000.00 and shall be paid by the tenant at the time of the execution of the tenancy agreement.

The tenant shall maintain the premises and the furniture therein in tenantable condition and any additions to the premises shall be made by the tenant after obtaining the landlords consent in writing. The tenant shall report any external crack or defect on the building to the landlord and the landlord shall repair same within 30 days upon receipt of notice from the tenant. The tenant shall not rent any of the three (3) rooms in the apartment to anyone during the subsistence of the tenancy. The landlord shall ensure that the tenant is not disturbed by anyone arising from the landlord's neglect to perform duties to the government including payment of property rates to the District Assembly and other payments to the Administrator of stool lands.

Prepare a tenancy agreement for the parties.

(25 marks)

#### QUESTION 6

Conrad Bedu-Addo of P.O. Box CT 2344, Cantonments-Accra, has an uncompleted house at Adjiringano, a suburb of Accra. He purchased the land by a conveyance from the Bankadi Family of Teshie, Accra in June 2008. This was registered at the Deeds Registry as DR 4678/08. He has put up a building, which is yet to be completed. He has now decided to complete this building by going for a loan from Republic Bank Limited. The Bank, acting through its Managing Director, James Mensah has agreed to grant him a loan of Two Hundred Thousand Ghana Cedis. The Mortgage Deed was executed on 1<sup>st</sup> May 2023. The interest charged is 20% per annum. The mortgage repayment amount is payable over a ten year period. The repayment is to commence from 1<sup>st</sup> June 2023.

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

(25 marks)