

NORMAN MANLEY LAW SCHOOL
Council of Legal Education

LEGAL EDUCATION CERTIFICATE
FIRST YEAR EXAMINATIONS, 1982

CONVEYANCING AND REGISTRATION OF TITLES

Thursday, May 27, 1982

Instructions to Students

- a) Time: 3½ hours
- b) Answer FIVE questions only.
- c) In answering any question a candidate may reply by reference to the Law of any Commonwealth Caribbean territory, but must state at the beginning of the answer the name of the relevant territory.
- d) It is unnecessary to transcribe the questions you attempt.

QUESTION 1

By his will made in 1975, Thomas Smith appointed Edgar James his executor, and Tim Brown and Theo Bell his trustees, and devised his land, containing by survey 20 acres, to Ann Smith for life and thereafter to Raymond and Roger Smith absolutely. Probate was granted in 1976 and the estate has now been wound up. Percival Stevens has contracted to purchase the 20 acres of land.

Draft a form of Conveyance to Percival Stevens.

QUESTION 2

Reginald is registered as the proprietor of 10 acres of land at Volume 1 Folio 2 of the Register Book of Titles. Reginald died in 1980, having by his will (now probated) left his land to Alfred and Steve as tenants in common.

- 1) What are the ways by which the beneficiaries may be registered as proprietors?
 - 2) Draft a form of Application/Declaration (only) for their signature for the purpose.
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QUESTION 3

(i) Draft a Caveat (using the Form supplied as a guide) on behalf of your client Peter Stott who produces to you a receipt in respect of the purchase from Roy Propter of the land registered in his name at Volume 100 Folio 10.

(ii) How may Roy Propter proceed to have the caveat removed if:-

- a) he is presently proposing to transfer the land to James Brown;
 - b) he is not proposing any dealing with the land?
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QUESTION 4

A restrictive covenant on D's land stipulates that only single-family dwelling houses are to be constructed thereon. D, however, wishes to develop his land by constructing single-family dwellings together with an apartment building thereon.

- i) What will D have to prove and what steps must be taken before the restrictive covenant can be finally discharged or modified?
 - ii) What is the effect of any irregularity in the procedure?
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QUESTION 5

Outline the law, rules and procedure relating to foreclosure in respect of registered land.

QUESTION 6

Cando Company Ltd. owns 1 acre of land and wishes to develop it and thereafter to sell the development in "Strata lots".

- i) What steps should the Company take?
 - ii) Assuming that the project was completed in 1975, what preliminary enquiries, searches and requisitions would you consider to be necessary on behalf of your client P, who now proposes to purchase a unit from Q who had purchased his unit from the Company in 1975?
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QUESTION 7

Your client Englo York, who is presently residing in England, instructs you as follows:-

That in 1970 he purchased 10 acres of land being part of a 40 acre holding, from Valbert Brown who gave him a receipt only for the purchase price; that in 1980 when he was going to England, he borrowed \$5,000 from Carl Ogle and left his 'land receipt' with Carl Ogle as security for the loan which is still outstanding; that he now wishes to apply for the title to his 10 acres to be registered; that his friend Felix Jacobs will sign all necessary documents on his behalf.

- i) How would you proceed with a view to having the title registered?
 - ii) Assuming that all preliminary steps have been taken, complete the Form of Application (supplied).
 - iii) What encumbrances or endorsements, if any, should be noted on the title?
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QUESTION 8

- i) A,B and C are the joint proprietors of 20 acres of registered land. They tell you that they all wish that should any of them die his share should go to his estate rather than to the survivors.

Advise how, if at all, their wishes can be effected.

- ii) What is an Official Search?

- iii) What is an escrow? Is it applicable to registered land?
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