

COUNCIL OF LEGAL EDUCATION

NORMAN MANLEY LAW SCHOOL

LEGAL EDUCATION CERTIFICATE
SECOND-YEAR SUPPLEMENTARY EXAMINATIONS, 2003

CONVEYANCING AND REGISTRATION OF TITLE

(THURSDAY, AUGUST 7, 2003)

Instructions to Students

- (a) Time: 3 ½ hours
- (b) Answer FIVE questions.
- (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.
- (e) Answers should be written in ink.

PLEASE REMAIN SEATED UNTIL YOUR SCRIPT HAS BEEN COLLECTED.

QUESTION 2

Peter and Paula owned a freehold house known as Lot B as joint tenants, with unregistered title, but Paula died last year. Jack and Jill have now contracted to purchase Lot B for \$5,000,000. Albert, by virtue of power of attorney is the appointed agent of Peter who is in the U.S.A. The contract for sale provides for the conveyance to be subject to restrictive covenants contained in a Deed of May 30, 1960, made between Carl Brown and Thomas James. Peter and Paula were the successors in title to Thomas James.

The contract also requires the conveyance to include the following terms –

- (i) that Jack owns two-thirds and Jill one-third of Lot B;
- (ii) that they will not sell the property for three years; and
- (iii) that thereafter, if either of them wishes to sell, he or she must first offer to sell to the other for two-thirds or one-third, as the case may be, of the then current value of the entire property to be determined by a valuator or the firm C.D. Limited acting as an expert and not as an arbitrator.

Draft the conveyance.

QUESTION 3

David by his Will appointed Charles and Danny as his executors and devised Lot A registered at Volume 1 Folio 2 of the Register of Titles to Barbara.

The executors now consult you as to how and when they should pass Lot A to Barbara.

- (a) Advise Charles and Danny.
 - (b) Outline the contents of the documents necessary to effect the transfer to Barbara.
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QUESTION 4

Hustler is the registered proprietor of an estate in fee simple of a lot known as 3 East Avenue in the parish of Greenland and registered at Volume 452 Folio 193 of the Register of Titles.

The land is part of lands comprised in a sub-division registered in 1989 and made subject to the following restrictive covenant –

"No shop, church, meeting house, school, trade, business or commercial buildings or other buildings of any kind shall be erected on the said land other than a private dwelling house with appropriate out buildings."

Hustler has recently been laid off from work and plans to erect at the back of the premises, a small building from which she plans to operate a nursery school. She is of the opinion that not only would the venture be highly profitable to her, but that the immediate community and their neighbours would benefit from the facility as there are no nursery schools in a five mile radius of the housing scheme.

- (i) Advise Hustler on the likelihood of success in an application by her for modification of the covenant.

- (ii) Outline the information required for an affidavit supporting Hustler's application to modify the restrictive covenant.
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QUESTION 5

Richard is the proprietor of 10 acres of land registered at Volume 1 Folio 2. In 1990, Richard mortgaged the land to Loans Limited and the mortgage was duly endorsed on the title. Loans Limited has now informed Richard that they are unable to locate his title and they believe that it was stolen on the occasion that their offices were recently broken into.

Prepare in draft any document(s) in the circumstances.

QUESTION 6

Alan Gordon died on May 5, 1996, leaving property described as –

' All that parcel of land, containing by survey 17 acres being part of land situate at Regis in the parish of Clarendon and comprised in Certificate of Title registered at Volume 1112 Folio 200 of the Register of Titles'.

In his Will dated June 6, 1963, Joan Flowers and Joe Blooms were appointed executors and trustees and he made the following devise, "All my 17 acres of land part of Regis, Clarendon which I have had since my father left it to me in

1953, I leave to my son Leroy for life remainder to his two sons Bim and Bam absolutely." Probate was granted on August 18, 1996.

In March 1996, prior to his death, Gordon had obtained subdivision approval to divide the land into four (4) lots – Lot 1 (4 hectares) Lots 2, 3 and 4 (1 hectare each).

- (i) Outline the procedure to obtain the individual certificates of titles for the four (4) lots.

 - (ii) Draft the Transfer giving effect to the devise of Alan Gordon.
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QUESTION 7

You act for Percy, who has contracted to purchase from Vance a freehold property with registered title free from encumbrances. Money Limited has given its letter of commitment to grant a mortgage loan of \$2 million to Percy. Vance has an outstanding mortgage debt on the property.

Outline the procedural steps to completion of the transaction and the disbursement of the mortgage loan by Money Limited.

QUESTION 8

Your client, Carlton, proposes to purchase –

- (i) a condominium unit/strata lot;
- (ii) sixty (60) acres of unregistered agricultural land;

(iii) a shop as a going concern in a shopping complex owned by the Wall Company Limited.

What enquiries, searches and requisitions would you consider appropriate in each circumstance?
