

**COUNCIL OF LEGAL EDUCATION
NORMAN MANLEY LAW SCHOOL**

**LEGAL EDUCATION CERTIFICATE
SECOND YEAR EXAMINATION 2026
CONVEYANCING AND REGISTRATION OF TITLE**

(FRIDAY, MAY 8, 2026)

Instructions to Students

- (a) Time: **3½ hours**
- (b) Answer **ALL** questions.
- (c) In answering any question, a candidate may reply in accordance with the law of a Commonwealth Caribbean territory zoned for this school, **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 black or dark blue ink. Erasable pens are not allowed.
- (f) Calculators may be used and are provided.

PLEASE REMAIN SEATED UNTIL YOUR SCRIPT HAS BEEN COLLECTED.

QUESTION 1

Harold Johnson is a sole practitioner operating a boutique law practice in conveyancing and estate planning in the jurisdiction. He has earned the stellar reputation of master conveyancer, and has acted as consultant to the government in the jurisdiction on major land acquisition projects and titling initiatives. His wife, Helena, is the office/records manager for the practice, who also acts as a process server/bearer when required.

You are a graduate of the law school in the jurisdiction, interning with Mr. Johnson. He has passed to you a file relating to a major client, Mrs. Adassa Browne, which requires urgent attention. He wants you to take responsibility for the file and provide the required legal advice to the client.

A review of the file reveals that:

- (a) Adassa Browne is the sole named executrix under the Will of her husband, Benjamin Browne, who died on June 13, 2024.
- (b) A Grant of Probate was obtained on her behalf on June 30, 2025, and death duties, where applicable, were paid. No further steps were taken to administer the estate.
- (c) Mr. Browne's estate boasts several properties. All the properties registered solely in the name of Benjamin Browne have been devised to Adassa and her two adult children, Melissa and Patrick Browne, as joint tenants.
- (d) The Duplicate Certificates of Title/Land Certificates for the properties are kept in a vault on the ground floor of the practice's office, located at Count Street in the jurisdiction.
- (e) A report was submitted by Helena detailing the following:
 - (i) In pursuance of the administration of Mr. Browne's estate, Helena signed out of the vault one of the Duplicate Certificates of Title/Land Certificates, for property registered at Volume/Block 1592 Folio/Parcel 210 of the Register Book of Titles/Land Register, for scanning and photocopying.
 - (ii) On completion of the exercise, she inadvertently included the said Duplicate Certificate of Title/Land Certificate in a file of documents and titles that she was lodging that same day at the Office of the Registrar of Titles/Land Registry in the jurisdiction.

- (iii) On arriving at the Office of the Registrar of Titles/Land Registry, Helena discovered that the said Duplicate Certificate of Title/Land Certificate was included in the file of documents. She immediately removed the Duplicate Certificate of Title/Land Certificate and placed it in a briefcase, which she left in her car while she conducted business at the Office of the Registrar of Titles/Land Registry.
 - (iv) On returning to her vehicle, she found that the car was broken into and the briefcase containing the Duplicate Certificate of Title/Land Certificate was stolen.
 - (v) She reported the theft to the police but, to date, the briefcase has not been recovered.
- (f) Adassa and her children reside at the property, the subject matter of this Certificate of Title/Land Certificate, and wish to use it as security for a home equity loan to effect renovations to the property. They have been told by the financial institution that their search at the Office of the Registrar of Titles/Land Registry revealed that they do not own the property, and that the institution will require an updated Duplicate Certificate of Title/Land Certificate to process the loan.

Required:

Prepare a letter to Mrs. Browne, advising her on the procedural steps she would be required to take to put her children and herself in a position to present the Bank with an updated Duplicate Certificate of Title/Land Certificate to facilitate processing of the loan.

Your advice must indicate the document(s) required, and the contents thereof.

QUESTION 2

Sylvester Prospect, an entrepreneur, recently inherited from his grandmother a five-bedroom, three-bathroom house, located at 12 Grove Boulevard in the jurisdiction. The house stands on a two-acre parcel of land on the corner of Grove Boulevard, which leads to the main thoroughfare, Orange Hill Road.

His grandmother operated a grocery store on the property for over ten years. Sylvester, a recent Costmart franchisee, now wishes to roll out a membership-only warehouse retail store, specialising in selling high-volume goods at discounted prices to individuals and small businesses. He plans to demolish the house and erect a warehouse and a two-storey parking garage to address high traffic on the property.

Grove Boulevard is a traditional upper middle-income residential area. The following restrictions appear on the Certificate of Title/Land Certificate for the property:

- 1. The said land shall not be further subdivided.*
- 2. No building other than a private dwelling house with appropriate outbuildings thereto shall be erected on the said land.*
- 3. No building erected on the said land shall be used for the purpose of a shop and no trade or business whatsoever shall be carried on upon the said land or any part thereof.*

All of the properties located on Grove Boulevard, numbering about 60 lots, each with a minimum lot size of one acre, have similar restrictions on their Certificates of Title/Land Certificates. However, over the years, there has been significant commercial development in proximity to Grove Boulevard. These include a shopping plaza, a bakery, a used-car dealership and a school.

Sylvester wants to capitalise on the increasing need for commercial space in the area and canvassed the Grove Boulevard Citizens' Association, which is very active in preserving the residential status of the area. Most of the members knew his grandmother and didn't mind the discreet operation of a business from her residential premises. They feared, however, that Sylvester's proposed venture would result in high-volume commercial activity, traffic congestion, noise pollution and decreased residential privacy. He countered by arguing that the proposed development will revitalise the area and increase property values, and residents would benefit from proximity to international products.

One Sophia Gill, who owns a two-storey house on the adjoining property, vigorously objected to the proposed development, stating that she never patronised his grandmother's business, as she

found it incredible that anyone could even think of setting up a shop in the middle of a community as affluent as Grove Boulevard.

Undeterred, Sylvester is now negotiating a loan with Easy Loans Bank, using the property as security. The Bank has expressed its reservations about giving the mortgage because their attorney-at-law has advised that the proposed use is in breach of the restrictions on title.

Required:

Advise Sylvester on the following:

- (i) the nature of the application that would be required to facilitate his plans for the property, including the document(s) required and the contents of such document(s); and
- (ii) the likelihood of success of such an application.

QUESTION 3

Peter Keepsake is the registered proprietor of a twenty-five-acre parcel of land known as Keepsake Farms in the district of St. Lucea, which forms part of the agricultural belt in the jurisdiction. Keepsake Farms has been in his family for generations, and for the years 2010-2020, Peter had consistently been crowned champion farmer at the annual Benbeigh Agricultural Show in St. Lucea for consistently achieving high yields in vegetables and staple crops.

In April 2022, Peter once again claimed the champion prize at the Benbeigh Agricultural Show. At the show he was approached by John Argyle, Managing Director of Superior Farming Infrastructure Limited, a company specialising in green house technology, who extolled the benefits of greenhouse technology to combat the damaging effects of a hurricane. Mr. Argyle introduced Peter to his personal banker, Jason Steele, from First Jurisdiction Bank (Bank), who discussed with him available financing options.

In September 2023, Peter used his twenty-five-acre parcel of land, Keepsake Farms, registered at Volume/Block 1698 Folio/Parcel 23 of the Register Book of Titles/Land Register as security for a

loan of \$200,000,000 in favour of the Bank. The mortgage is registered on the Certificate of Title/Land Certificate.

Peter built out 10 greenhouses on the farm over the next nine months and installed an off-grid solar system with 100 panels to ensure continuity in the event of protracted suspension of electricity from the local suppliers.

Peter fell into arrears on his mortgage payments in March 2025, and in September 2025, the jurisdiction was struck by Hurricane Tyrell with Category 5 intensity. The greenhouses and the plants were destroyed to the tune of \$150,000,000, leaving only two concrete structures, the irrigation infrastructure and the solar system intact. Already six months in arrears, Peter sought a moratorium on repayment of the loan and the Bank responded favourably, giving him three months. Peter was, however, unable to capitalise on this moratorium as the technology, parts and expertise required to rebuild the greenhouses and infrastructure to a Category 5 hurricane specification had to be imported, and the airports and shipping ports were not operating in an optimal manner. Furthermore, it rained constantly after the storm, crippling the solar system capability and resulting in waterlogged soils. The situation was further worsened by the outbreak of hostilities in the Far East, resulting in soaring oil prices and increased shipping costs.

At the end of January 2026, Peter visited Mr. Steele at the Bank and sought a six-month extension of the moratorium. Mr. Steele refused, insisting that Peter needed to resume servicing the loan. Peter also queried a default interest rate of 20 percent being levied on the loan, above the agreed 10 percent in the mortgage instrument. Peter accused the Bank of being unsympathetic to his plight and declared that *"the Bank just has to wait until I get back on my feet, as commerce, social services, everything has ground to a halt"*. Peter ignores calls from Mr. Steele, as he tries to focus on the next steps to rehabilitate the soil and rebuild the farm.

As of May 2026, Peter had not made the mortgage payments due to the Bank for the last ten months. The debt now stands at \$210,000,000. On May 5, 2026, Peter came to you, seeking advice and instructed that:

- (i) his property was included in a list of properties published in a local newspaper this week, advertising a sale by public auction by the Bank, acting under its power of sale;

(ii) the advertisement read as follows:

“... Large parcel of land in the agricultural belt of the jurisdiction for sale pursuant to Powers of Sale contained in a Mortgage. Property registered at Volume/Block 1698 Folio/Parcel 23. Public Auction to be held at the offices of Dynamic Property Sales, on Friday, May 10, 2026.”;

(iii) the Bank didn't tell him that the property was going to be sold;

(iv) he cannot believe the Bank is trying to sell his property as he told them of the difficulties he was experiencing and that they ought to be patient and understanding as the whole jurisdiction is recovering from the effects of a Category 5 hurricane;

(v) on seeing the advertisement, he visited Mr. Steele, and again asked for additional time to pay. Mr. Steele told him that the moratorium had ended, he still had not paid and the matter was out of his hands; and

(vi) this property is all he has. It has been in his family for generations and it is his only source of income.

Required:

Prepare a letter to Peter advising him on the following:

- (1) the specific matters to be considered to ascertain whether the Bank acted properly in attempting to exercise its power of sale; and
- (2) the options that may be open to him in the circumstances.

END OF PAPER