

C. H. Supp.

NORMAN MANLEY LAW SCHOOL  
Council of Legal Education

FOR REFERENCE ONLY

LEGAL EDUCATION CERTIFICATE  
SUPPLEMENTARY EXAMINATIONS, 1980

CONVEYANCING AND REGISTRATION OF TITLE

Monday, August 18, 1980

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 Jamaica, the Bahamas, Belize or the British Virgin Islands, but must state at the beginning of the answer the name of the relevant territory.
- d) It is unnecessary to transcribe questions you attempt.

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QUESTION 1

O died leaving his unregistered 60 acre property to his three children A, B and C as tenants in common in equal shares. He appointed X and Y his executors. B and C are minors and A is an adult. A consults you and wishes to know whether and, if so, how he may have his one-third share as he wishes to mortgage it to raise a loan of \$10,000. He would also like to get a registered title for his share.

- (i) Advise A as to how he may deal with his share in accordance with his wishes.
  - (ii) Would your advice be any different if the property was given to A, B and C as joint tenants?
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QUESTION 2

After contracts have been exchanged you observe and/or discover the following:

- (i) the property is described as 10 acres in the contract but is in fact only 8 acres;
- (ii) the party named as vendor in the draft conveyance is an agent;
- (iii) the parties named as vendors in the contract are the trustees under a settlement by Will of the property being sold;
- (iv) the property is subject to a restrictive covenant and also to a rent-charge, neither previously disclosed;
- (v) the building was earmarked for demolition by the local planning authority before contract without the knowledge of the purchaser.

You act for the purchaser.

Advise him in each case.

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QUESTION 3

✓ Draft the Special Conditions (only) in the following circumstances:

- (i) the vendor wishes to retain possession of one room in the property being sold for at least a year in order to carry on his tailoring business;
  - (ii) the purchaser will need to borrow money in order to be able to complete the purchase;
  - (iii) the purchaser wants to purchase only if he can secure a binding contract for the sale of his own house;
  - (iv) the purchaser wants to purchase only if he will be able to set up his surgery in what is predominantly a residential area.
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QUESTION 4

Bruce Otty owns a parcel of land on which he has three small houses. One of the houses is rented at \$50 per month; another is occupied by Bruce and his two youngest children aged 10 and 6; the third house is occupied by Bruce's two adult children.

Bruce consults you and tells you that, as he is leaving the country, he wishes to convey the parcel and three houses so as to benefit all his four children equally. He however tells you that he is very concerned about the two minors and would like the rental income of \$50 to go to them for their education and maintenance until they reach the age of majority.

How best may Bruce achieve his objects and what provisions would you include in any document(s) for the purpose?

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QUESTION 5

Penwood purchased a 3-bedroom house from Ventree. However, on presentation of his transfer for registration at the Office of Titles, he was informed that there is a caveat restraining all dealings with the property in question.

- (i) How should Penwood proceed?
  - (ii) What are the duties of the Registrar of Titles in this regard?
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QUESTION 6

A contract between Kent and Tim stipulated, inter alia, for the following:

- (a) Tim is to purchase 5 acres of unregistered land from Kent.
- (b) There is to be a restrictive covenant on the 5 acres for the benefit of lands retained by Kent.
- (c) Tim is to have a right of way over Kent's drive-way.
- (d) Kent is to secure a partial discharge of the blanket mortgage on the property in respect of the parcel being sold.

Before any steps were taken towards completion, Kent died intestate.

Tim now consults you with a view to completion - and the registration of his title.

Assuming that you have completed the transaction in accordance with the contract:

- (a) complete the Form of Application (supplied to you) and state in the Schedule thereto the documents which you consider should accompany the application for the registration of Tim's title; and
- (b) state what, if any, endorsements you expect will be noted on Tim's registered title.

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QUESTION 7

- (i) What is the present status of, and the position of the parties to, a contract for the sale of land entered into before obtaining sub-division approval?
- (ii) Outline the procedure on an application for the sub-division of land.

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QUESTION 8

(i) Alfred owns a 10-room two-storey building situate on 5 acres of land. He wishes to so partition the building as to be able to sell parts thereof as separate self-contained units and also to build six cottages on the land for sale. He seeks your advise as to whether his proposals would qualify as a condominium and what steps he should take towards this end.

Advise him.

- (ii) Assuming that your client, Winnifred, wishes to purchase a condominium unit, how, if at all, would your advice differ if -
    - (a) she is the first purchaser in the scheme; and
    - (b) if she is purchasing from an existing owner?
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