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COUNCIL OF LEGAL EDUCATION
NORMAN MANLEY LAW SCHOOL

LEGAL EDUCATION CERTIFICATE
SECOND YEAR EXAMINATION, 1992

CONVEYANCING AND REGISTRATION OF TITLES
(Tuesday, May 26, 1992)

Instructions to Students:

- a) Time: 3 1/2 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.
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QUESTION 1

In 1964 Brown purchased five acres of registered land known as 44 Bottomview Drive in Linstead from Lucky. He paid the purchase price of \$20,000 and entered into possession. Brown has resided in the dwelling house on the premises since 1964 to the present time but no formal transfer of the land was ever given to him by Lucky. All efforts to trace Lucky have failed and it is believed that Lucky may have left the jurisdiction or died.

Brown was never given the duplicate certificate of title for the premises acquired by him but now consults you and tenders a receipt given to him by Lucky in 1964. The receipt reflects the full purchase price.

- (a) Advise Brown as to the steps he should take to have the land vested in him or which will enable a new title to be issued for the holding;
- (b) Draft an appropriate application.

QUESTION 2

In 1970 Joan spent \$10,000 towards the cost of constructing a three-bedroom dwelling house on a piece of unregistered land which was given to her common-law husband Sampson by his late father. Apart from the money she spent, Joan also helped in the physical construction of the house in that she helped to mix cement, carry blocks and paint the house. She was not paid for any of this physical work even though she worked nearly every day beside Sampson and the workmen he employed.

QUESTION 2

In 1979 Joan and Sampson agreed to sell the house and land and to invest the proceeds in the purchase of another house as joint tenants. The transfer was, however, unknown to Joan, made out in the name of Sampson who was registered at Volume 1 Folio 2 of the Register Book of Titles as proprietor.

Joan now consults you and tells you that Sampson has expelled her and their four children from the house and that he has just contracted to sell the house. She wants to know what rights, if any, she has in respect of the property in question and how she may safeguard those rights and eventually realize her rights in the property.

Advise Joan, stating what steps you would take.

QUESTION 3

- (a) Leroy is the life tenant of a five-bedroom dwelling house, situate at 16 Helga Avenue, by virtue of a Settlement by Will in which Bim and Bam were appointed the trustees of the settlement and Egbert and Eric the general executors. Leroy has agreed to sell the house to Percy, the estate having been wound up.

Draft a form of Conveyance to Percy.

- (b) In the case of unregistered land how may a purchaser of the legal estate protect his interest?
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QUESTION 4

- (a) Carlton who is the registered proprietor of three acres of land in the Barbican area of St. Andrew wishes to develop this land as a condominium complex. The land is mortgaged to Investments Limited to secure a loan of \$1 million.

Advise Carlton how to proceed.

- (b) Jennifer wishes to purchase a unit on completion under the above scheme and wants to know what would be her rights and liabilities and the nature and manner in which such a corporation is operated.

Advise her.

QUESTION 5

Leland is the beneficiary of three acres of residential land being part of a twenty-acre parcel of unregistered land. He obtained the three acres recently, under the will of his late father. Leland now wishes to sell his land to Colin.

- (a) Outline in proper sequence the steps that should be taken with a view to vesting title in Colin.
- (b) What procedural differences would there be if the title was registered?
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QUESTION 6

Advise the purchaser who wishes to rescind his contract in each of the following circumstances -

- (a) the vendor, at the time of the contract, did not disclose the state and style of the plumbing - no water gets into the pit with the result that a substantial part of the building will have to be demolished and rebuilt;
- (b) the vendor, at the time of the contract, and to date, has not yet obtained probate of a will in which he was named executor and the date for completion is fast approaching;
- (c) the vendor, who is a life tenant, has not to date given any notice of the sale to the trustees;
- (d) the vendor, at the time of the contract, did not disclose that planning permission for the type of development contemplated by the purchaser, to the knowledge of the vendor, was recently refused in the interest of preserving the locality as a green belt.

QUESTION 7

You act for Percival who has contracted to purchase "The Dream", a freehold house, from Stephen under an open contract. You are being requested by Stephen's attorney-at-law to approve the draft conveyance. The abstract of title shows the following, all in respect of "The Dream"-

1945 - Voluntary Conveyance A to B;

1960 - Will of B appointing X and Y executors and trustees and L life tenant;

QUESTION 7

- 1968 - Conveyance on sale - X and Y to Q;
1975 - Will of Q appointing W and Z executors and R sole beneficiary;
1979 - Assent Z to R;
1980 - Conveyance on Sale R to Stephen, subject to a right of way in favour of T over a strip of the land.

Advise Percival on title, indicating what requisitions and/or objections to title you consider warranted.

QUESTION 8

The executors of the will of Donald, deceased, assented to the vesting of a dwelling-house registered at Volume 10 Folio 5 of the Register Book of Titles in favour of Ben, who was duly registered as the proprietor. Ben has contracted to sell the house to Paul and the transfer has now been executed. However, a caveat against dealings has been lodged by Carl who is apparently claiming that the will is a forgery and that he is entitled to an interest on intestacy.

Advise as to the procedures that may be adopted with a view to the registration of the transfer and the duties of the Registrar of Titles.
