

LEGAL EDUCATION CERTIFICATE  
SUPPLEMENTAL EXAMINATIONS, 1979

CONVEYANCING AND REGISTRATION OF TITLE

Monday, September 3, 1979

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

QUESTION 1

V owns 10 acres of land which he obtained in 1960 under the intestacy of his father, and has contracted to sell 4 acres to P. The 10-acre lot is subject to a restrictive covenant confining the user to residential purposes only. The 10-acre lot is presently mortgaged to Money Ltd. to secure a loan of \$50,000. P has demanded a registered title.

- (i) On the Form provided, make an appropriate application on behalf of V for the registration of the 10 acres and with a view to executing the contract with P at the same time.
- (ii) Draft one (1) Form of Declaration in support of the application.

QUESTION 2

In relation to a mortgage explain the purpose, relevance, and/or the functions of the following:-

- (i)
  - (a) the Money Lending Act
  - (b) letter of undertaking
  - (c) interim finance
  - (d) indemnity insurance
  - (e) surveyor's certificate
- (ii) By what method or form may a discharge of mortgage be effected if the title is: (a) registered, or (b) unregistered.

QUESTION 3 X

F owns 30 acres of land and some shares and bonds. He tells you that he wishes to give the same to his 3 children equally on their attaining the age of 18. In the meantime, however, he wishes that his children, who are still at school, should benefit from his gift whenever necessary especially as he intends to go abroad for some time.

✓ Draft an appropriate document to give effect to F's intentions.

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QUESTION 4

✓ Draft appropriate conditions (only) for inclusion in a contract for sale in the following circumstances:-

- (a) the purchaser cannot pay the full purchase price from his own resources;
  - (b) the vendor can only show title since 1960;
  - (c) sub-division approval has not yet been obtained;
  - (d) there is presently a lessee of the property whose term will expire in 1 year's time;
  - (e) the house is in the course of construction by the vendor-builder;
  - (f) the property in question is leasehold.
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QUESTION 5 X

P consults you and tells you that he wishes to obtain a title for 5 acres of land he purchased in 1970. He shows you a receipt for \$500 from the vendor and a surveyor's diagram which is unchecked. P tells you that he firmly believes that the vendor obtained 10 acres of land under the will of his late father and that the receipt for the 5 acres is in respect of a part of the 10 acres.

- (i) ~~What~~ preliminary steps and/or enquiries would you make with a view to securing a conveyance to P?
  - (ii) Draft a form of conveyance to P.
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QUESTION 6

P wishes to purchase -

- (a) a condominium unit;
- (b) 50 acres of agricultural land which is unregistered;
- (c) a shop as a going concern in a large shopping centre.

What preliminary enquiries and searches would you consider advisable and appropriate in each situation?

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QUESTION 7

① Immediately after the exchange of contracts the purchaser became aware for the first time that -

- (a) there is a foot-path through the land being purchased which is being used by persons in the district, and has been so used for several years, in order to gain easy access to a nearby river;
- (b) the set-back from the road of the house being purchased is in breach of local regulations in terms of distance;
- (c) there is a pending action in court by the vendor's neighbour against the vendor in respect of the boundary line.

The purchaser seeks your advice in respect of these matters with a view to rescinding the contract.

Advise him.

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QUESTION 8 \*

F wishes to give his son S 1 acre of land with a house thereon which adjoins the land on which F now resides, provided that S will pay to him an annual sum of \$100. F also wishes to reserve a right-of-way by foot along a portion of the land being given in order to gain access to the main road.

- (i) Draft a form of conveyance to S.
  - (ii) What remedies, if any, are available to F in the event that S fails to pay the \$100 stipulated?
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