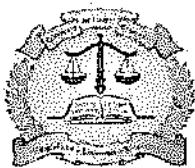


COUNCIL OF LEGAL EDUCATION.



EXAMINATION FOR ADMISSION  
TO THE ROLL OF ADVOCATES.

**ATP 107: CONVEYANCING**

WEDNESDAY 22<sup>ND</sup> MARCH, 2023.

DURATION: 3 HOURS

**Instructions to Candidates:**

- (a) This paper contains FIVE (5) printed pages including the cover page, with a total of SIX questions.
- (b) A candidate MUST answer FIVE (5) questions.
- (c) Question ONE is compulsory and carries 20 marks.
- (d) All other questions carry 10 marks each.
- (e) Answers MUST be supported by relevant case law and statutory provisions where required.

**PLEASE TURN OVER**

## **QUESTION ONE**

A. Maseno Developments Limited (hereinafter referred to as "Maseno Developments") have purchased a property from the Patel family. The property comprises 1 acre of land in Jaba Estate in Nakuru City and has been the Patel's family home for many years. Maseno Developments would like to develop 50 high end apartments for sale. Construction is due to commence in March 2023 and complete in December 2024. You have been instructed by Maseno Developments to represent them in all legal deliverables relating to the project.

I. You have reviewed the title to the property and noted that the permitted use is a single dwelling unit. Discuss what your client should do to be permitted to develop multiple dwelling units. (8 Marks)

II. Maseno Developments would like to understand how apartments are titled. The CEO recently attended a webinar on sectional properties but is unclear on how to proceed. Advise your client on the process of issuance of sectional titles for each of the apartments. (6 Marks)

B. Erickson is newly married to his childhood sweetheart Angie. They have been staying in Mihang'o in Utawala. He has decided to find an apartment in Lavington to live with his newly wedded wife. He has been lucky to find a three-bedroomed apartment in Lavington owned by Arthur Johnson. Arthur Johnson has agreed to sell and Erickson has agreed to buy the apartment for Eighteen Million Kenya Shillings (Kshs. 18,000,000/=). Erickson has made arrangements with XYZ Bank for financial accommodation of the entire agreed amount to enable him purchase this apartment number B5 erected on LR No. 119/537.

Arthur Johnson has been referred to you by your former Pupil Master to handle the transaction. As Arthur Johnson's advocate, proceed to draft the relevant initial legal document that will govern the relationship between Erickson and Arthur Johnson. (6 Marks)

## **QUESTION TWO**

Prime Property Ltd is the registered owner of the leasehold property known as LR/500/12998 located within Nakuru city. The property is located in a busy part of town, undeveloped and well-fenced with barbed wire. The annual rent payable is peppercorn on demand, and is for a term of 99 years from 1<sup>st</sup> November, 2001.

The company has been approached by Albert, who proposes to utilize the said property as a parking lot. The company approaches you for legal advice on the transaction and has informed you as follows:

- i) The Company is hesitant to have the use of the defined premises for a period in excess of one (1) year, but may be subject to renewal for a similar term.
  - ii) The Company prefers that Albert collects the daily parking fees and deducts an agreed commission fee from the revenues collected.
  - iii) The company prefers that Albert maintains the parking lot in a good condition for the entire period and keeps proper records and books of accounts at all times.
- a) Explain two possible ways that you may consider in structuring the transaction between Prime Property Ltd and Albert, noting the pitfalls of each one in protecting the interests of the company. (4 Marks)
- b) Explain how you would go about the transaction to ensure that it is not a controlled tenancy. (3 Marks)
- c) Albert requires that a rates clearance certificate be furnished before he can proceed with the transaction. Advise your client on the import of this statement. (3 Marks)

### QUESTION THREE

- A. Andrew was born and raised in Butere in Kakamega County. While growing up, he noted that mothers and their children travelled many kilometres to seek medical care in various places including Kakamega, Mumias and Bungoma towns. Sadly, some patients died on their way to hospital due to poor road network and the long distances. He has in his prime age, partnered with American friends to set up a state of the art hospital in Butere town where the residents are mainly sugarcane farmers. He has done this to alleviate the plight of the residents of Butere. He has identified 50-acre parcels of land owned by the cane farmers that he would want to use to set up the hospital.  
You have received instructions from Andrew to advise on this transaction as his advocate. You have noted that five farmers lost their titles. Advise Andrew on the process you will follow to obtain the lost titles. (4 marks).
- B. You have received instructions from Kenya Commercial Bank, to recover a non-performing loan by selling land used as security for the loan via an auction.

- i. What are the considerations you will take into account in instructing an auctioneer to carry out this work? (3 marks)
- ii. Advise on the steps your client and the auctioneer are by law required to take to ensure that the intended process is regular and lawful. (3 marks)

#### QUESTION FOUR

The Kim family has lived in Bora Estate in Nairobi for the past 6 years having bought the house through partly family cash savings and partly by way of a loan from Baraka Housing Finance. Mr. Kim while speaking to a colleague at workplace learnt that titles within most parts of Nairobi, including Bora Estate are required to be converted to a new form of title and that the process is time bound. The Kim family has approached you asking to understand the nature of this requirement and what they should do to comply with the same.

- a) How will you establish whether the Kim's family title requires conversion and what is the basis of conversion? (2 Marks)
- b) Discuss the process of conversion of titles from titles issued under the repealed land laws to a title issued under the Land Registration Act, 2012. (5 Marks)
- c) The title to the Kim family home is encumbered by a Charge in favor of Baraka Housing Finance. How will you convince Baraka Housing Finance to release the original title for purposes of conversion? (3 Marks)

#### QUESTION FIVE

- A. Oceanview Ltd has developed a block of 40 flats on their parcel of land known as Kilifi/Kikambala/330 located in Kilifi county. The flats have a beautiful view of the Indian Ocean and the company is proposing to sell off some of its interest in the property.  
The directors of the company have approached you for advise on which model between fractional ownership and sectional ownership would be appropriate. Discuss why you would prefer one model over the other. (4 Marks)
- B. Eglah dreams of owning her own home. She recently took her first loan and is actively scouting for properties around Kitengela in Kajiado County. During her recent visit, she met up with Peter who introduced himself as a land broker in that particular area.  
Peter drove her around as they viewed several properties and she has identified a particular one for her purchase.

- i. Eglah has approached you for legal advice on the transaction to protect her interest. You have conducted an official search on the property and learnt that the registered owner of the property is deceased, and the property is encumbered. Explain what your advice would be to her in this circumstances? (2 Marks)
- ii. Taking into account the findings of the official search and your advice, Eglah insists on proceeding with the transaction. Explain the steps you would be required to take to ensure registration of a transfer in Eglah's favour is free of any encumbrance. (4 Marks)

#### QUESTION SIX

In 2011 the Government of Kenya designated 100acres of land in Kajiado as public land available for allotment to private parties. The Government Surveyor working together with the Director of Physical Planning prepared a scheme plan delineating the land into 80 one-acre parcels of land. Following due process, Andrew Simba applied and was allotted 1-acre parcel of land known as B23 following which he was issued with a conditional letter of allotment. On receipt of the conditional letter of allotment, Andrew Simba announced to his family that they were now owners of 1-acre parcel of land in Kajiado and that they would build a family home in the coming two years. He then locked up his precious letter of allotment in a safe. In May 2015, Andrew Simba visited the parcel of land and was surprised to find construction works ongoing. Furious and confused, he sought to know who the trespasser was. The project foreman informed him that as far as he was aware, the land belonged to John Mukora who was in the process of building four houses for sale. Shocked at this news, Andrew Simba pronounced loudly that he would report the matter to his lawyer and that his lawyer would deal with whoever Mukora was.

- a) You are Andrew Simba's lawyer. Explain to him whether a letter of allotment constitutes a valid title. (3 Marks)
- b) Advise Andrew Simba on the process of acquiring title from a letter of allotment. (4 Marks)
- c) On your client's instructions, you have written to John Mukora demanding that he stops the construction and vacates your client's land forthwith. On receipt of the demand letter, Mukora has appointed Blue Advocates to represent him in the matter. Blue Advocates have responded to your letter by stating that their client is the lawful owner of the parcel of land pursuant to a Certificate of Title dated 17<sup>th</sup> June 2014.  
Advise Mr. Andrew Simba on which of the two documents (his Letter of Allotment versus Mukora's Certificate of Title) takes precedence. (3 Marks)

**HIGHEST  
SCORED**

Officer	Initials
Checker	ZA
Data Entry	CT
1 <sup>st</sup> Verification	EKS

217118



**COUNCIL OF LEGAL EDUCATION**  
**EXAMINATION FOR ADMISSION TO THE ROLL OF ADVOCATES**

UNIT CODE: **A T P I O 7** SUBJECT/UNIT ..... **CONVEYANCING** .....

REGISTRATION NUMBER:

DATE: **22<sup>nd</sup> March 2023**

**INSTRUCTIONS TO CANDIDATES**

1. Enter the Unit code, Subject of the Examination, Admission Number and Date in the spaces provided. The admission number should be as it appears on the Examination Card.
2. Do not write your name anywhere in this booklet.
3. Attempt each question on a fresh page of the booklet.
4. If an additional booklet is used, it MUST be fastened at the END of this booklet.
5. Insert in the column headed 'Question Number' the numbers of questions answered in the order in which you have attempted them.
6. Kindly ensure your handwriting is LEGIBLE.

Question Number	Examiner		Moderator		Quality Assurer	
	Mark	Initials	Mark	Initials	Mark	Initials
1	14	NA				
3	07	EM				
2	08	AWM				
6	08	MJM				
5	05	MJM				
<b>TOTAL MARKS</b>	<b>42</b>	<b>AWM</b>				

Write on both sides of the paper

Questions ..... 1 .....

Do not write  
either margin

## (Question 1 A(1))

Maseno Developments Limited will have to apply for change of user to convert the use of the land from a single dwelling unit to a commercial one. The process for change of user is as follows:

1. Maseno Developments will place an advertisement in the newspaper on the proposed change of user inviting recommendations from the public and relevant line ministries. Feedback from the ministries will be provided through the county government.
2. Maseno Developments will engage the services of a registered physical planner.
3. The physical planner will make an application in the Form PPA1.
4. Maseno Developments and the physical planner will publish a notice of the proposed change of user in 2 newspapers of daily circulation and on a site notice where the land is located. The notice will be inviting objections from the members of the public within 14 days.
5. The physical planner will then prepare a planning brief or report. In the report, he/she will highlight that the proposed change of user is in line with local policies and will not have a negative impact on the land.
6. Payment of the prescribed fees will be made together and a receipt will be issued, to be annexed on the application form.
7. The physical planner will submit the application form, the planning brief, proof of payment, certificate of title, comprehensive location plans and any other required documents to the County Government.
8. The department of physical planning at the County Government will consider the application, and any objections received and make a decision on whether or not to approve the change of user.

9. On approval, the County government will communicate the approval by issuing a prescribed form.

(Question 1A (ii))

1. Once the flats have been set up, Makeno developments will engage the services of a surveyor.
2. A sectional plan will be created which must include the following:
  - a) The title 'sectional plan';
  - b) It must describe two or more units;
  - c) Describe the property sufficiently enough to be able to identify the location of the parcel of land;
  - d) Describe the approximate area of each of the apartments;
  - e) A cadastral map of the units;
  - f) Must be signed by the proprietor;
  - g) It must be signed and sealed by the surveyor; and
  - h) It can contain any further particulars required.
3. The sectional plan must then be geo-referenced.
4. The sectional plan is then presented to the Registrar of Land to be registered as per section 5 of the Sectional Properties Act of 2020.
5. The sectional plan is endorsed by the surveyor and accompanied by approval from the County government and the main Certificate of Title.
6. On receipt of the application, the registrar will close the register for the mother title and open new registers for each unit specified in the sectional plan.
7. A new certificate of title will then be issued for each of the apartments.

Write on both sides of the paper

Questions ..... 1 .....

Do not write in  
either margin

## Question 1B.

## AGREEMENT FOR SALE

This Agreement is made on this day of. 2023.

Between:

1. Arthur Johnson of P.O Box number: 365 Lavington, a citizen of the Republic of Kenya (hereinafter referred to as 'Vendor'); and
2. Erickson, a citizen of the Republic of Kenya and whose address for the purposes of this agreement is P.O Box number: 7865 Utawala, Kenya (hereinafter referred to as 'Purchaser')

WHEREAS:

- a. The Vendor is the registered proprietor of the three-bed roomed apartment of apartment number B5 erected on the parcel of land of land reference number: LR No. 191537 located in Lavington, within the Republic of Kenya (the 'Property').
- b. The Vendor is willing to sell and the Vendor is willing to buy the Property on the terms agreed in this Agreement.

It is hereby agreed as follows:

i. Consideration.

The consideration for the sale and purchase of the Property shall be the sum of Kenya Shillings eighteen million (18,000,000/-). A deposit of ten percent (10%) of the purchase price shall be paid on or before the date of this agreement.

The purchase price shall be deposited in the Vendor's advocate client account to be held on stake for the Vendor. Details of the Bank account are as follows:

Name: AJK Advocates

Account: 0310617354

Bank: KCB - Karen Branch.

The balance of the purchase price will be remitted through the Purchaser's financier, XYZ Bank of P.O Box 4564 on the date of completion of this transaction.

2. Conditions and Warranties

The provisions of the Law Society of Kenya Conditions of Sale, 2013 shall apply to this Agreement.

3. Completion.

The date of completion of this transaction shall be ninety days (90) from the date of this agreement or any other date as shall be agreed by the parties in writing.

4. Time of Essence.

The Purchaser and Vendor herein agree that time shall be of essence in relation to this agreement.

5. Governing law and dispute resolution.

This Agreement shall be governed by the law of the Republic of Kenya and shall be subject to the jurisdiction of the Kenyan courts.

SIGNED by the said Arthur Johnson.

(Signature of Vendor).

BEFORE IN THE PRESENCE OF:

(Signature of witness)

Name of Witness:

SIGNED by the said Erickson.

(Signature of Purchaser)

IN THE PRESENCE OF:

(Signature of witness)

Name of Witness:

Write on both sides of the paper

Questions ..... 3.

Do not write  
either margin

## (Question 3A)

Where one has lost their certificate of title, one will have to apply for a replacement at the Land Registry. The process is as follows:

1. The person whose title should first report to the police station and will be issued an OB number in relation to the lost title.
2. Thereafter, the person makes an application to the Registrar in the prescribed form.
3. A statutory declaration sworn by the registered owner of the title will accompany the application.
4. Upon receipt of the application, the Registrar will place an advertisement in the newspaper inviting objection from the public on the issuance of a new title.
5. The Registrar will also conduct a search to ascertain ownership of the land.
6. Upon expiry of the notice period and according to the findings of the search, the application will be approved and the same will be gazetted.
7. Within 60 days after gazettlement, the applicant will be issued a new title.
1. I will apply the above procedure for each of the five farmers in order to obtain a title.

(i)

## (Question 3B(i))

1. Whether the necessary notices have been issued.

Before the bank can exercise its statutory power of sale, there is a procedure that must be followed. There is need to ascertain whether the bank has followed due process, and if not, the stage of the transaction the parties are in at that moment.

(ii)

2. Valuation of the charged property.

The property is supposed to be valued to determine the market value and forced sale value which shall not exceed 25% less than the market value. These are essential details to be determined before the auction.

### 3. Advertisement of the public auction.

The sale is to be conducted through a public auction, and the auctioneer will first have to publish an advertisement in the newspaper setting out the place, date and time of the auction, as well as any other information necessary. It is essential to confirm if this was done.

#### Question 3 B(i)

Section 96 of the Land Act allows the chargee to exercise its statutory power of sale. The process that must be followed before sale of the charged property through public auction, is as follows:

- a) Service of a thirty day demand notice immediately the chargor is in default.
- b) If the default continues, a 3 monthly statutory notice informing the chargor of the nature and extent of the default, how they can rectify it and the consequences of non-compliance.
- c) If the default continues, the chargee will issue a 10 days notice of intention to sell to the chargor.
- d) Thereafter, the chargee engages the services of an auctioneer who shall issue a 45 day redemption notice.
- e) If the default continues, the auctioneer places an advertisement of a newspaper, giving notice of the public auction. The advertisement should specify the date, time, place, property being sold, the reserve price if any, the deposit among others.
- f) At the same time, the advert will serve as a 15 days notification of sale to the chargor.
- g) Once the notice period lapses without the chargor making good his default, the property is sold by public auction.  
→ The chargor's equity of redemption however, subsists until the fall of the hammer.

Write on both sides of the paper

Questions ..... 2 ..

Do not write  
either margin

## (Question 2.a).

I would consider structuring the transaction as follows:

## 1. Sub-lease.

The company can sub-let the property to Albert to use as a parking lot. They can agree on the rent payable being the commission from the total amount of the parking fees collected every month. As a lessee, Albert will be obliged as per the law to pay rent on time and use the property in a sustainable manner.

The disadvantage is that a lease for a period of less than 2 years is not registrable. If the company insists on one year, the lease will not be registrable. Registration is essential in protecting the interests of the company through the law.

## 2. Licence.

The company can licence the premises to Albert. This would mean he does not enjoy exclusive possession and the officials of the company can at any time, inspect the property to ensure it is maintained in a sustainable manner. Additionally, a licence can be terminated by the company at any time.

The disadvantage is that a licence is not protected by the law. This means that the company will find it difficult to get recourse against Albert in the event of breach.

## (Question 2.b).

As per the Landlord and Tenants (Hotels, Shops & Catering Establishment) Act, there are certain conditions that must be met for a tenancy to be under the purview of the Act. To avoid that, I would do the following:

1. Ensure that the agreement between the Company and Albert is in writing;
2. Indicate in the agreement that the tenancy is for the purpose

of setting up a parking lot. This will remove it from the scope of hotels, shops and catering establishments.

3. Specify the term of the tenancy as being a period above five years. For example, the period can be for 5 years and 3 months. Controlled tenancies must be for a period of five years and below.

4. A termination clause will be included in the agreement allowing the parties to terminate the tenancy for breach of covenants.

→ The above will ensure the agreement is not in the purview of controlled tenancies.

### (Question 2c).

Rates are payable to the County Government of the place where the land is located and are paid by landowners of both leasehold and free hold interests.

As a landowner of a leasehold property, the company is liable to pay rates annually. The rates are paid through a bank account specified by the County Government upon getting an invoice from the County Government stating the payment due. Once a person pays, they will be issued with a land rates clearance certificate.

The certificate forms part of the completion documents in conveyancing transactions. Albert will want to ensure that he is acquiring property free from arrears.

However, in this case, the company will remain the head lessor even if it were to sub-let the property to Albert. This means that the obligation to pay the land rates will still fall on the company. It is among the implied covenants on the part of the lessor.

As such, while the company can leave Albert with the rates clearance certificate to ease his mind, it is not essential to the transaction because the duty to pay is on the company, not Albert.

Write on both sides of the paper

Questions ..... 6 .....

Do not write  
either margin

## (Question 6a)

A letter of allotment is usually issued upon completion of the allocation process. However, the letter of allotment does not confer ownership to the person it is issued to. This is according to the recent decision of Kenyatta University v Kimani Mbugua.

In this case, the court found that a letter of allotment amounted to a document inviting you to accept an offer made by the government. The letter of allotment does not confer ownership of any interest in land. It cannot be said to be a substitute or similar to a Certificate of title. 04

In this case, Andrew Simba, upon application, was issued with a conditional letter of allotment. This was merely the beginning of the process of acquiring land. Since, the transaction did not proceed past that point, the mere existence of the letter of allotment does not constitute a valid title.

## (Question 6b).

In one of the ways the government converts public land to private land is through allocation. In most cases, the transaction is structured in form of a lease from the government for a period of 99 years.

Upon being issued with a letter of allotment, a lease is drafted. The lease is drafted by the advocates of the lessor, i.e. the government. The lease will then be shared with the lessee, i.e. the person who received the letter of allotment to agree on the terms.

Once both parties have agreed on the terms of the lease such as the rent payable, provision for extension or renewal of leases and the obligation of each parties.

The property is first surveyed to determine the boundaries and valued to determine the rent payable.

Once the lease is finalised, it is signed by both parties and

then presented to the Registrar of Lands for Registration.

Upon registration, the property will be leased to the party and the lessee will be issued with a Certificate of Title for a period of 99 years.

(Question 6 c)

A letter of allotment does not transfer or confer an interest in land. In the case of Kenyatta University v Kimani Mbugua. [2021] eKLR., the court, in determining whether a letter of allotment constitutes a valid title, held that a letter of allotment is merely an invitation to accept the offer made. The court further emphasized that a letter of allotment cannot defeat the title of a registered proprietor of the land.

The Land Registration Act provides that a title is conclusive evidence of ownership. The person who is the registered owner, whose name appears on the title will be deemed to be the owner.

In light of the above therefore, the letter of allotment cannot defeat a valid registered title. Mukora's Certificate of Title will therefore take precedence over Andrew Simba's letter of allotment.

Write on both sides of the paper

Questions ..... 5 .....

Do not write in  
either margin

## (Question 5A)

Both a fractional ownership and a sectional ownership confer interest in the property and the persons buying will be issued with a Certificate of title or a Certificate of lease.

In sectional ownership, persons get absolute title over the property and exclusive possession. They become shareholders in the management corporation and are in charge of the management of the property.

In fractional ownership, the interest being bought is time. There can be upto 12 owners in one property. Each person will be allocated a week where they can choose to either occupy and use the property or allow it to be rented out and receive the returns. This model has allowed people to be able to afford luxurious homes.

The sectional model is preferable where the buyers intend to make the flats a residential place and the fractional model is preferable for buyers who simply want to own holiday homes.

(Quesn 5B)(i)

Because the registered owner of the property is deceased, this means no dealing can be done on the property unless the personal representatives of the deceased owner apply for grant of probate or letters of administration. It is only then, that the property will be able to be transmitted or transferred to Eglal.

Secondly, the property being encumbered means that Eglal will not acquire an encumbrance free title unless the property is first discharged.

Eglal should therefore not proceed with the transaction unless the personal representatives are in a position to pass a

good title, having obtained the grant of letters of administration and a discharge of charge.

Question 5B(ii)

Q2  
The first step will be to ask the personal representatives of the deceased owner to obtain a grant and a confirmation of the same. Once this is done, the personal representatives can obtain a discharge of charge from the bank. The property can then be transferred to Eglal free of encumbrances.

However, if they are unable to discharge the property, I would issue a professional undertaking to the chargee's advocates and ask them to execute a discharge of charge on the property and remit it to me; I will then pay the purchase price of the property to the chargee in repayment of the loan and the rest to the personal representatives of the deceased. The discharge of charge will be registered simultaneously with the transfer of the property in Eglal's name. Upon the registration is when the property will be issued.

Application for registration from the personal representative to Eglal will be made in the prescribed form accompanied by a copy of the grant of letters of administration, a copy of the confirmation of grant, the Certificate of title, land rates clearance certificate and any other relevant document required by the registrar.

Registration shall then be effected and a new title will be issued in Eglal's name, free from encumbrances.

Q2  
10

**LEAST  
SCORED**

Officer	Initials
Checker	MG
Data Entry	CS
1 <sup>st</sup> Verification	SS

216192



**COUNCIL OF LEGAL EDUCATION**  
**EXAMINATION FOR ADMISSION TO THE ROLL OF ADVOCATES**

UNIT CODE: **A T P I O T** SUBJECT/UNIT ..CONVEYANCING.....

REGISTRATION NUMBER:

DATE: 22 MARCH 2023

**INSTRUCTIONS TO CANDIDATES**

1. Enter the Unit code, Subject of the Examination, Admission Number and Date in the spaces provided. The admission number should be as it appears on the Examination Card.
2. Do not write your name anywhere in this booklet.
3. Attempt each question on a fresh page of the booklet.
4. If an additional booklet is used, it MUST be fastened at the END of this booklet.
5. Insert in the column headed 'Question Number' the numbers of questions answered in the order in which you have attempted them.
6. Kindly ensure your handwriting is LEGIBLE.

Question Number	Examiner		Moderator		Quality Assurer	
	Mark	Initials	Mark	Initials	Mark	Initials
1	00	MJM				
3	01	AWM				
4	00	AWM				
TOTAL MARKS	01	MJM				

Write on both sides of the paper

Questions ..... 1 .....

Do not write in  
either margin

~~WAKILI BORA AND COMPANY ADVOCATES  
 NATION MEDIA BUILDING, KIMATHI STREET  
 P.O BOX 441-112  
 NAIROBI  
 EMAIL: wakilibora@gmail.com~~

~~Date~~~~OOR REF: 441/221~~

YOUR REF: TBA

DATE: 21/MARCH/

~~ERICKSEN & PETERS AND COADVOCATES  
 HARINA TOWERS,  
 KAGUNDO ROAD  
 POBOX 114.~~

T.D

Dear Sirs,

~~RE: SALE AND PURCHASING APARTMENT NUMBER B5 ON LR NO  
 119/537 IN LAVINGTON AREA OF NAIROBI~~

We refer to the above matter in which we act for Arthur Johnson  
 (herein "the assignor")

We understand that you ~~were~~ act for Erickson (herein known "as donee")  
 Our clients instructions and pursuant to the deed of assignment  
 L.R  
 of date n.o 119/537.

On behalf of our client we hereby give our irrevocable and  
 professional undertaking that:

Upon receipt of to our bank account we shall had the purchase  
 price of unit B5 being Kenya Shilling Eighteen million only.

This undertaking shall be governed by laws of Republic of Kenya  
 We look forward to confirmation of the terms of the undertaking  
 above.

Yours faithfully

Cc Advocate LWP

- 1) Purchase agreement has to be delivered.
- 2) The lease of the parcel.
- 3) Any proposed charge that will affect the unit.
- 4) The proposed agreement has to be delivered.
- 5) The purchase agreement.
- 6) Show the proposed agreement.  
The above process is of issuance of sectional title of each apartment.

(i) In order for the client to be permitted to develop multiple dwelling units, he/she should:

- 1) Show any proposed charge that will affect the unit.
- 2) Provide proposed agreement.
- 3) The proposed agreement has to be delivered.
- 4) The lease of the parcel.
- 5) The purchase agreement.
- 6) The purchase agreement has to be delivered.

80  
20

Write on both sides of the paper

Questions ..... 3

Do not write in  
either margin

- i) The auctioneer is licensed by the auctioneering board to carry out his work.
- ii) The auctioneer needs to know that the hammer has to be used to mean that the item has been auctioned or is gone.
- iii) The auctioneer should be unbiased and there should not be any issue of conflict of interest eg he shouldn't be familiar with loan defaulter so that the auction is successful.
- iv) There has to be an execution of a court order permitting the auction.
- v) The auction is legal through statutory power.
- vi) There has to be an advertisement about the auction in daily newspaper so that a majority of people are informed / aware of the auction.

D Apply for caution on their parcels of land to prevent stamping or forbid registration of the land.

ii) Inquire if they have copies of the titles.

iii) Go do a search on the Land commission to ascertain that the parcels of land belongs to them.

iv) Do a written notice / request to the register to try apply for new titles.

i  
D

- ② By obtaining professional undertaking from chargee upon registration of  
i) By asking the Bankrate (using Finance to appoint a receiver).  
ii) Obtaining professional undertaking from chargee upon registration of  
the charge.  
iii) Forward to client all necessary documents.