

CHUKA



UNIVERSITY

UNIVERSITY EXAMINATIONS

EXAMINATION FOR THE AWARD OF DEGREE OF BACHELOR OF LAWS

BLAW 215: LAND LAW

STREAMS: BLAW

TIME: 2 HOURS

DAY/DATE: FRIDAY 20/12/2024

8.30 A.M – 10.30 A.M.

INSTRUCTIONS:

- **ANSWER THREE QUESTIONS, QUESTION ONE IS MANDATORY.**

QUESTION ONE

Mr. George Makambo, a first born in a family of three sons and one daughter, bought a piece of land in 1980 in Thika District, and had the same registered in his name. Mr. Makambo was born and brought up in Molo where his father owned 2 acres of land. Upon the death of his father in 1981, Mr. Makambo moved to his land in Thika together with his siblings and his widowed mother. Mr. Makambo's younger brother married Susan Naliaka in 1982 but his sister Christine Nabalayo remains unmarried and a single mother of two boys. Mr. Makambo's two brothers died in a tragic road accident in 2008. His mother suffered a stroke and died the following year.

In 2011 Mr. Makambo decided to evict his sister and her children together with his late brother's widow. The sister and the sister-in-law have gone to court to challenge Mr. Makambo's attempt to evict them from the land, claiming that they should have a portion in the same land parcel. They are also seeking to have the land registered in their names jointly together with Mr. Makambo.

After the death of his father, Mr. Makambo took out the letter of administration and registered his father's land in Molo in his name. His sister and the sister-in-law have again moved to court to challenge the move by Mr. Makambo to register the land in Molo into his name alone and they were seeking to have a share of it. Advise all the parties on their legal rights over the two parcels of land. (30 marks)

QUESTION TWO

Explain in details the following securities that could be registered against land.

a) Mortgages and Charges.

(10 marks)

b) Leases. (10 marks)

QUESTION THREE

Explain the main tenets of the following concepts:

- a) Easements5 marks)
- b) Compulsory acquisition.....(5 marks)
- c) Concurrent proprietorship(5 marks)
- d) Overriding interests(5 marks)

QUESTION FOUR

With aid of the Ndung'u Report recommendations, Identify and explain statutory legal regime governing land registration in Kenya. (20 marks)

QUESTION FIVE

- a) Identify and explain any five (5) classes of rights in property. (10 marks)
 - b) Discuss the Doctrine of Estates in Land. (10 marks)
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