

UGANDA MARTYRS UNIVERSITY

FACULTY OF LAW

LLB 2207 LAND TRANSACTIONS

Instructions

1. This is a **PARTIALLY OPEN** examination. The use of a clean copy of the Course Outline / Reading List as well as relevant Statutes is permitted.
2. You are expected to attempt a total of four questions.
3. Question 1 is **COMPULSORY**.
4. Use of relevant authorities in form of statutory provisions, case law and scholarly sources shall contribute greatly to the assessment of your answers.
5. Use only one booklet for all your answers.

QUESTIONS

1. Celline Ajok is interested in acquiring 75 decimals of land comprised in Kibuga Block 4 Plot 35 at Mengo Kampala. The land is currently registered in the names of Ejobi Tim, the husband of Kevina. The couple has 3 minor children, Gerry, Angel and Fify. The land borders a school and some other 2 neighbours. The mark stones demarcating boundaries among all plots are not visible. Ejobi has a special certificate of title currently in the custody of Money Link Limited, a money lending company.

On Ejobi's land is an old woman Mukaikuru who has occupied a portion measuring 10 decimals for the last 35 years. She is willing to relocate and free the land if compensated. The consideration which Celline has to give to Ejobi is shillings 500 million. Celline wants to pay stamp duty by declaring a purchase price of only 100 million and does not want to pay any registration fee. She does not want to pay the squatter and wants to quietly acquire the 75 decimals inclusive of the 10 decimals occupied by Mukaikuru without her knowledge. The land has a caveat lodged by Money Link Limited claiming an unpaid loan of 30 million shillings.

Celline Ajok now seeks your legal counsel on her plans as expressed above and the relevant steps necessary to have the 75 decimals transferred into her name. Advise her. (25 marks)

2. The Mortgage Act 2009 constitutes a codification of the time-tested principle that "once a mortgage, always a mortgage" and thus affords the mortgagor numerous avenues of redeeming the mortgaged property. Per Carol Ndawula LL. B II. Discuss. (25 marks)

3. Discuss the relevance and applicability of the Torren system of land registration in Uganda today. (25 marks)

4. Aine is a wealthy man who has recently been nominated to run for District Chairperson in the upcoming Mukono district by-election. He owns 50 acres of freehold land in the outskirts of Sayter - the major town in Mukono district - as well as 100 acres of mailo land in neighbouring Lugezigezi district. He also owns a large area under customary tenure in Ibanda district as well as a lease from Nahurira for a term of 45 years on 20 acres of land where the stated use is agricultural but on which he has built a recreational park. Aine is perturbed by several things and seeks your advice on the matters in (i) to (v) below. He is eager to accomplish them all as he expects that they will boost his economic position to enable him conduct effective campaigns. Consider each of the scenarios and using applicable authorities advise him appropriately.

- i. A Chinese investor wishes to have a legal interest in Aine's land in Ibanda district and has approached Aine for a deal. The investor wishes to build a 5-star hotel with a large golf club to service the budding milk industry and expects to recoup his investment costs over 10 years and enjoy at least another 30 years of ownership. (5 marks)
- ii. 'The Oywaks' want to build a housing estate on 20 acres of Aine's land in Lugezigezi. Aine has heard that he can structure this deal in such a way as to be able to retain a legal interest in the land and even owning all the houses after some time for himself. (5 marks)
- iii. Menya has approached Aine to allow Olga build some camping sites on the part of the recreational park, but since she will invest quite a bit of money, Olga wants to be assured that she will have some long-term interest which cannot be easily threatened by any one including Aine. Menya is also wondering if he should have any concerns at all. (5 marks)
- iv. Aine wishes to permanently own the 20 acres Nahurira wants to sell out of his interest in the 45 acres of leasehold land and Aine wants to know how this can be achieved. (5 marks)

- v. Aine needs help understanding what the words 'implied terms' in a lease mean as far as Ugandan law is concerned. (5 marks)

5. You have been approached by Mugisha Emmanuel a real estate dealer in Kampala for legal guidance. He has identified land comprised in Busiro Block 230 Plot 365 land at Kajjansi measuring 8 acres. A photocopy of the title shows that the land is registered in the names of Makula Issa and Namakula Shadiah, the administrators of the estate of the late Badru Makula. Part of the land measuring 50 decimals is occupied by one Auma George a kibanja owner recognised by the administrators. There are also 3 beneficiaries of the estate, to wit; Usher, Isma and Zainab who are each entitled to 1 acre of the land. The administrators want to sell off 4 acres to Mugisha inclusive of the portion of Auma's kibanja. Auma insists he cannot vacate the land unless compensated in the sum of 30 million shillings. The three beneficiaries have no objection to the sale provided their respective pieces of land are left intact, though they had caveated the land.

With the help of relevant authorities, advise Mugisha on the relevant steps he can take in order to acquire good title to the land. (25 marks)

6. Citing appropriate authorities, write a memorandum explaining the ways in which a lease in land can be terminated under Ugandan law. (25 marks)