



UNIVERSITI TUN HUSSEIN ONN MALAYSIA

**FINAL EXAMINATION
SEMESTER I
SESSION 2019/2020**

COURSE NAME : REAL ESTATE LAW 1
COURSE CODE : BPE 12603
PROGRAMME CODE : BPE
EXAMINATION DATE : DECEMBER 2019 / JANUARY 2020
DURATION : 3 HOURS
INSTRUCTION : ANSWER ALL QUESTIONS

THIS QUESTION PAPER CONSISTS OF **THREE (3)** PAGES

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- Q1** (a) Describe the basic elements of a valid contract.
- (i) Proposal/ offer
 - (ii) Acceptance
 - (iii) Intention to create legal relation
 - (v) Capacity to contract
- (20 marks)
- (b) Y Sdn. Bhd. a real estate company entered into a sale and purchase agreement of an island situated at south of Pulau Tioman belong to Mr. Z on 1st October 2019. After the sale and purchase agreement was concluded, Mr. Z received the payment of 10% out of purchase price being the deposit of the said transaction. It is to be noted that one of the most attractive selling point of the said island is a strategic location together with a waterfall at the heart of the island. This type of geographic physical area is rarely available in any other island in the state of Johor. On 30th October 2019, Mr. Z decided to cancel the sale due to the fact that he had received a higher offer to sell the said island proposed by Mr K and both of them in the midst of transferring the said island into the name of Mr. K.
- Analyze **THREE (3)** suitable remedies available to Y Sdn. Bhd. for Mr Z's breach of contract.
- (12 marks)
- (c) Discuss the differences between a void contract and a voidable contract.
- (8 marks)
- Q2** (a) Illustrate **TWO (2)** differences between apparent authority and actual authority.
- (10 marks)
- (b) Define the meaning of Powers of Attorney according to Power of Attorney Act 1949 (Act 424).
- (5 marks)
- (c) Discuss the application of Power of Attorney as a legal instrument in land matters.
- (5 marks)

2

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- Q3** (a) Bina Bina Sdn. Bhd. (hereinafter referred as the developer) is developing a new industrial land in Batu Pahat into factory lots for sale. The project is adjacent to a piece of land owned by Datuk Ali (hereinafter referred as the complainant). In order for the project to run within its schedule, the developer then constructed a stretch of road right across the complainant's land to enable a free access of traffic. However, the complainant is not satisfied with the developer's action on the ground that it will soon damage his land. The developer counterclaims that since the complainant's land is in between of the development zones, there is nothing they can do except to access his land and moreover there is no evidence of actual damage found in the said land.

Based on the above said scenario answer the question below:

- (i) Explain the definition of trespass to the land. (5 marks)
 - (ii) Discuss Datuk Ali's legal rights against the developer. (10 marks)
 - (iii) Describe a relevant remedy to Datuk Ali on this matter. (5 marks)
- (b) Tort is a civil wrong or wrongdoing as against someone else. It is independent of contract. It gives rise to an action for damages irrespective of any agreement not to carry out the act being complained of.

Illustrate **TWO (2)** major differences between:

- (i) Tort and crime;
 - (ii) Tort and contract.
- (20 marks)

-END OF QUESTIONS-

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