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CCP PART III SECTION 6

DEBT RECOVERY

THURSDAY: 2 September 2021.

Time Allowed: 3 hours.

Answer ALL questions. Marks allocated to each question are shown at the end of the question.

QUESTION ONE

- (a) Explain six causes of bankruptcy of natural persons. (6 marks)
- (b) (i) Highlight two alternatives to debt protection. (2 marks)
- (ii) Identity five types of credit insurance. (5 marks)
- (c) Evaluate seven pre-trial considerations that creditors might need to know before initiating debt recovery suits. (7 marks)

(Total: 20 marks)

QUESTION TWO

- (a) In relation to alternative dispute resolution (ADR) mechanisms:
- (i) Explain the mediator's role. (2 marks)
- (ii) Outline the mediator's vested interest. (2 marks)
- (iii) Analyse the three models of mediation. (6 marks)
- (b) Discuss five types of international debt instruments. (10 marks)

(Total: 20 marks)

QUESTION THREE

Jackson and Matthew operate a partnership trading as Jama Enterprises which was registered in the year 2005.

During the Covid-19 pandemic, the partners separated leading to the business making losses and finally collapsing in December 2020.

The assets of the partnership are not adequate to off-set the liabilities of the partnership. They approached you for guidance on specific issues.

Advise Jackson and Matthew on the following in relation to dissolution of a partnership:

- (a) Four powers of the liquidator exercisable with sanction. (4 marks)
- (b) Six powers of a liquidator exercisable without sanction. (12 marks)
- (c) An application may be made to the court to determine any questions arising in the winding up of a partnership.

Outline four persons who may make an application in reference to questions to the court. (4 marks)

(Total: 20 marks)

QUESTION FOUR

- (a) Examine eight grounds under which a partnership could be liquidated for being unable to pay its debts. (8 marks)
- (b) Isaac Mactwin has been served with summons to attend court and give evidence or produce documents or other material objects producible as evidence. He intends to abscond the court session and has approached you for advice.

Advise Isaac Mactwin on four orders the court might issue against him for ignoring the summons. (4 marks)
- (c) Describe eight types of properties that might not be liable to attachment or sale in execution of a decree against the judgement debtor. (8 marks)

(Total: 20 marks)

QUESTION FIVE

- (a) Abigail Malete has a huge amount of debt and is putting so much effort into paying one debt while juggling payments on the other debts. She is apprehensive that her debts are out of control and has approached you for advice on how to manage debts of any size.
 - (i) Advise Abigail Malete on eight actions she might take to manage her debts. (8 marks)
 - (ii) Recommend to Abigail Malete five debt management solutions for her debt crisis. (5 marks)
- (b) Identify four forms of leverage that might be considered to enhance debt protection from errant customers. (4 marks)
- (c) Enumerate three skills that a good debt collector should exhibit. (3 marks)

(Total: 20 marks)

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