

## Josphat Kaibiru

Associate, IKM

[jkaibiru@ikm.co.ke](mailto:jkaibiru@ikm.co.ke)

Nairobi

T +254 20 277 3000

F +254 20 277 3111

M +254 722 898 393

Josphat Kaibiru is involved in advising clients on a wide range of real estate and finance matters including the legal implication of certain clauses in leases, the legal requirements in acquisition of interest in real property, ways of protecting threatened interest in real property, statutory requirements when acquiring and transferring real property, the legal requirements in creating enforceable bank securities, legal compliance requirements for financial institutions, as well as emerging issues affecting the banking sector such as financial technology (fintech).

Josphat is also involved in the review of bank securities and real estate documentation as part of legal due diligence. This involves the creation and perfection of securities including, charges, debentures, guarantees, security agreements, preparation and registration of powers of attorney, assisting clients in sales, purchases and leases of property by drafting and reviewing sale agreements, letters of offer/heads of terms and leases, undertaking due diligence. He also advises clients with substantial immovable properties on the most advantageous estate planning options, which includes, drafting wills, structuring of land holding companies and the establishment of trusts.

### Related services

[Real Estate](#)

[Finance and Projects](#)

### Related sectors

[Real Estate](#)

[Financial Services](#)

### Languages spoken

English, Swahili

## Experience

Experience has included advising:

- As a team member, a leading bank in a premerger due diligence involving review of securities and real estate leases and licenses
- As a team member, a leading bank in a pre-acquisition due diligence involving review of securities of the target
- As a team member, a leading non-governmental organization (NGO) on the enforceability of its office lease
- As a team member, a leading NGO in connection with purchase of land
- As a team member, a leading private company in connection with restructuring its operations including transfer of its land to a subsidiary

## Credentials

### Professional Qualifications

- Advocate admitted to the High Court of Kenya (2019)

### Education

- Kenya School of Law, Diploma in Law (2017)
- University of Nairobi, Bachelor of Laws LL.B. (2016)

[www.dlapiper africa.com](http://www.dlapiper africa.com)

## Prior Experience

- 2019 to date, Associate, IKM, DLA Piper Africa member firm in Kenya
- 2018 to 2019, Pupil, IKM, DLA Piper Africa member firm in Kenya

## Insights

### How investors can secure viable off-plan purchase

7 December 2021

Many Kenyans consider real estate as one of the most stable and secure forms of investment. One of the options available to a person wishing to invest in real estate is to purchase the property "off plan". An off-plan purchase is an arrangement where the purchaser invests their money into a project or a property that is yet to be developed or to be completed, on the promise that the property will be fully constructed within a particular time span. The purchaser would ordinarily have to pay the entire purchase price or the larger portion of it, which is ideally supposed to be utilised in the construction of the project

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### Why new digital lending rules may hurt consumers

29 June 2021

The recently published Central Bank of Kenya (Amendment) Bill, 2021 (the "Bill") is the latest attempt by parliament to regulate the previously unregulated digital lenders. In 2020, there were two different attempts to amend the law to give the Central Bank of Kenya (CBK) power to regulate digital lenders. The Bill defines "digital credit" as a credit facility or arrangement where money is lent or borrowed through a digital channel, that is, the internet, mobile devices, computer devices, applications and any other digital systems as may be prescribed by CBK.