



Josphat Nthata

Associate, IKM Advocates

Josphat.Nthata@ikm.dlapiperafrica.com

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; and
- 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)

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

Why real estate investment trusts are not adequately contributing to affordable housing

2 November 2023

The ever increasing rural to urban migration has led to a proliferation of informal settlements with little or no social amenities such as water, drainage and sewerage systems. This situation has rendered article 43 of the Constitution which inter alia, entitles every person a right to accessible and adequate housing, and to reasonable standards of sanitation, nugatory.

Why foreigners should be allowed to buy agricultural land in Kenya

24 April 2023

Policies on ownership of agricultural land vary from country to country. Some countries prohibit ownership of agricultural land by foreigners while others have an open door policy allowing foreigners to own agricultural land. For countries that restrict ownership of agricultural land by foreigners, the differential treatment is premised on the need to localize food security.

Long wait for apartment titles

10 August 2022

Kenya enacted its first sectional properties law in 1987 but the law came into force in 1990. Its main purpose was to provide for the division of buildings into units to be owned by individual proprietors. Under this law, owners of apartments were to be issued with title deeds, as opposed to long-term leases. However, since the statute did not apply in exclusion of other statutes relating to land, most developers have been structuring their projects in such a way that buyers are issued with registered long-term leases as the documents of title, and this has become the norm over the years.

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

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.