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SPEKTRA

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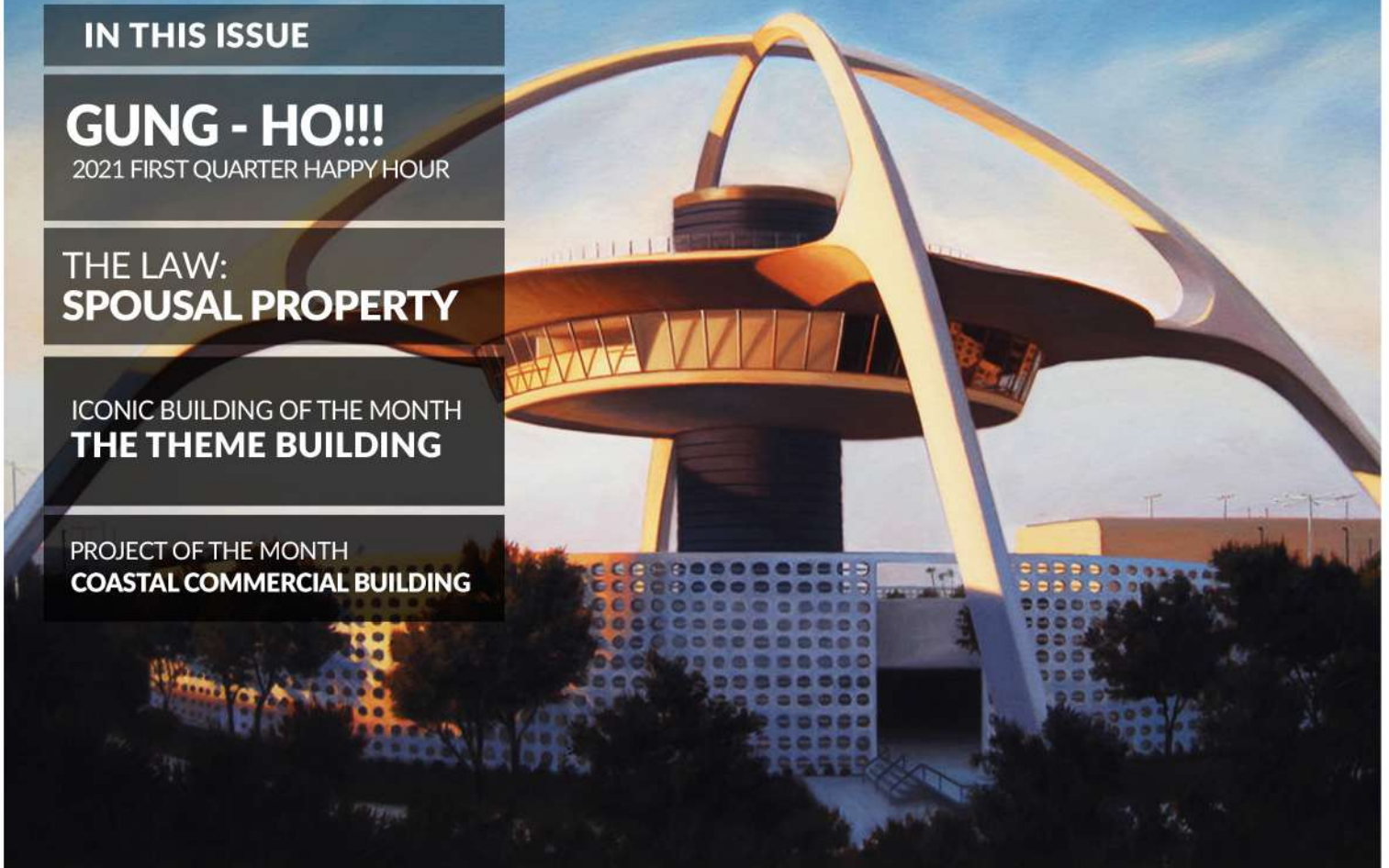
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THE CEO'S THOUGHTS

"Success is not final, failure is not fatal, it is the courage to continue that counts."

William Evans Halm (A.G.I.A)

Coastal Commercial Building: **3 TIPS TO BE CONSIDERED**

When building any project along the coast, there are quite a few pertinent issues you should pay attention to, in order to ensure the longevity of your project and the maximization of the returns on your investment.

KNOW YOUR FLOOD LINES

When there's a heavy downpour, how high does the sea level rise and how close does it get to your plot or property?

GREENERY

Being close to mother nature already, you can successfully enhance the beauty of your property with ample appropriate greenery. This can also help you protect your land from erosion and prevent flooding.

MATERIALS AND MAINTENANCE

Salt water causes rust that can weaken the structure. When building a coastal structure therefore, don't try to go cheap at all! Use materials that are durable, corrosion resistant and easy to maintain.

These factors contributed immensely to the design and construction of this green headquarters in Tema.

The Burkina Shippers' Council project is a 3 storey office with a total floor area of 2983 square meters. It is purposely designed for the head office of the Burkina's Shippers' Council in Ghana. The Building consist of 3 floors of which one is dedicated to the needs of the client which includes training rooms, board rooms, offices, kitchenettes, transport offices, etc., and open offices for rental for businesses operating within the Port.

The structure of the building has it longest side facing north-south orientation to reduce the heat gained from the sun which are usually on our west and east facades. On the west and east facades, the building has slit small slim windows to reduce solar heat gain on the east facade, and on the west facade all the washrooms and staircases have been put on the west facades. This allows the building to be more energy efficient in terms of the use of air conditioning and heat gain. Also the building is designed such that the large glass facades have a view towards the sea and towards the beautiful port during the day and night.



The interior of the building is clad with composite wood sided panels and large porcelain tiles together with curtain walling. This will hopefully reduce the maintenance cost that comes with frequent painting.

The form was determined by the need to maintain a very huge existing tree on the site leading to a “y” form which straddled with the tree along its middle axis. Hence being ecological friendly to the site.

The parking lot has been designed with extensive landscaping with trees to provide shade for both cars & pedestrians.





GO AHEAD AND FLY

Blue skies smilin' at me
Nothin' but blue skies do I see

Why is it that a beautiful day fills us with “pie in the sky” ideas of “building castles in the air”? How could we even imagine in these days of extra-galactic discoveries that the sky would be “the limit”? The sky appeals to our basic senses without calling for reasoning, leaps of faith, or even intuition because we can see it. Of course, that means we want to touch the sky as well.

Discoveries about the universe are coming in “out of the clear blue sky,” literally. We hear about infant stars, galaxies older than we can imagine and even, on Saturn’s moon, Titan’s Magic Island. We can see photos from the Hubble telescope, read about time bending, and imagine the surface of Pluto.

What we don't need to imagine is the sky. As impossible as it is to touch, it gives color to all that is at the limits of our understanding. This is where countless movie-makers have envisioned we would first notice extraterrestrials. Mary Poppins may still be sitting on a cloud up there. Chicken Little declared the sky was falling.

Bluebirds singin' a song
Nothin' but bluebirds all day long

Yet the sky remains exactly where it always has been and just as out-of-reach. Impossible though it may be to touch, the sky fills us with a sense of strength. Possibilities. It's very elusiveness gives us room to grow, to reach, to never actually find that so-called limit. Yet with it comes a sense of happiness and of security, like that of a child tossed up and safely caught by a loving parent.

For, no matter how high we fly, we will always come back to earth.

Never saw the sun shinin' so bright
Never saw things goin' so right.

(As sung by Ella Fitzgerald)



ICONIC BUILDING OF THE MONTH

THE THEME BUILDING

From land that once grew lima beans, wheat and barley rises a structure that looks as though it came transplanted from the future. The Theme Building at Los Angeles International Airport represents a scaled-down version of the original plan for the entire airport. It is also symbolic of the story of one of the architects involved in its creation, Paul Williams (1894-1980).

Like his famous creation, Williams was ahead of his time. He came from an impoverished background, making his early plans to become an architect all the more seemingly unrealistic. However, he was working for an architect by age 20, had a license at 26 and his own very successful firm by 27. Known as the architect for the stars, Lucille Ball and Desi Arnaz were among Williams' residential clients. He found ways to rise above the prejudices he encountered, often working harder, accepting lower fees and even mastering drawing upside down so as not to discomfort some of his white clients by sitting next to them.

The Theme Building's four arches rise 135 feet into the air and James Langenheim was the originator of the design. The structure opened in 1961. Thirty-two years later, the LA city council declared it a historic-cultural monument. Located among the terminal buildings, it had a \$12.3 million dollar seismic re-fit, features lighting by Walt Disney Imagineering and housed the Encounter Restaurant, now closed. Futuristic building anyone?



Gung Ho!!!

2021 FIRST QUARTER

HAPPY HOUR

As part of our motivation and stress release strategy, we have the happy hour programme every quarter of the year. This programme comes in the form of a party organized for staff and a package if given to each staff after the party.

The first quarter of 2021 happy hour was very exciting as usual. There were lots of food to eat and drink. Staff competed in various fun games like Jenga, playing cards, dancing competition among others. The design team won the dancing competition and most of the games.

We also celebrated all birthday celebrants whose birthday fall in the first quarter of the year. A cake was cut and champagnes were popped for the birthday celebrants, after that staff went home with packaged breakfast items.





THE BLACK STAR SQUARE

Black Star Square, also known as Independence Square, is a public square in Accra, Ghana, bordered by the Accra Sports Stadium and the Kwame Nkrumah Memorial Park. The square often hosts the annual independence celebrations as well as other national events. It is currently the site for all civic and military parades in Ghana. It was completed in the year 1961, which coincided with the state visit of Queen Elizabeth's II to Ghana.

Black Star Square is a site for Ghana's Independence Day parade, which falls on the 6th of March every year. A particularly notable parade was the Golden Jubilee, which was Ghana's 50th anniversary of independence from British colonial rule. The Golden Jubilee celebration occurred on March 6, 2007 and it was led by President John Kuffour. It also hosts all major national public gatherings and national festivals. Every visitor is free to take pictures of buildings, including the Black Star Gate.

Within the Independence Square are stands that can seat 30,000 people. The square boasts of three monuments that encapsulate the fight for independence and liberation. This includes the Independence Arch, the Liberation Day Monument, and the Black Star Monument, also known as the Black Star Gate. A statue of a soldier facing the Independence Arch symbolizes the Ghanaians who lost their lives fighting for Ghana's independence.





SPOUSAL PROPERTY

Introduction

When disaster strikes in a marriage, in the form of divorce, separation, death or by other means, many questions are asked with regards to the welfare of each spouse. One question that begs to be answered is, "how would the property be shared?" Many counsellors, scholars and legal luminaries have attempted to answer this question. One must however take a step back to understand the development of Spousal property in Ghana in order to answer this all important question. Spousal property law in Ghana has seen a lot of development over the years. With the aim to protect spouses during the subsistence of a marriage and in the event of a divorce, the Courts have over the years defined and re-defined what spousal property is and how it is to be shared. The purpose of this article is to shed light on what spousal property is and the law pertaining to spousal property in Ghana.

What is Spousal Property?

In the case of *Akua Marfoa vs. Margaret Akosua Agyeiwaa Civil Appeal No: J4/42/2012, Dated: 19 November, 2016*, spousal property was defined as "**property acquired by a couple during the subsistence of their marriage.**" It is therefore safe to say that property acquired before marriage is not spousal property. It is important to note however that, if during the marriage, the other spouse contributes to the development of such property, that spouse will acquire a beneficial interest in it.

Brief overview of how the Courts have dealt with Spousal Property over the years.

In the past, the Courts viewed property acquired by a husband during the subsistence of a marriage as the sole property of the husband to the exclusion of the wife irrespective of whether or not the wife offered assistance. Subsequently, the Courts held the view that, property purchased by a spouse with his/her personal funds belonged to that spouse alone in the absence of an express agreement to the contrary.

The Courts then adopted the principle of substantial contribution. Here, if a spouse was able to adduce evidence to prove that he or she contributed substantially (this could be in consideration or in kind) to the acquisition of a particular property, for example, a house, that spouse would be held by the Courts to have acquired an interest in that house.

The Courts subsequently applied the equality is equity principle in the distribution of property upon the dissolution of marriage, to wit, property is shared equally between the spouses. The Supreme Court in a later decision both affirmed and clarified the equality is equity principle. In that decision, the Court said that unless one spouse could prove sole ownership or that the proportion of ownership is not 50/50, the equality is equity principle would ordinarily be applied. Meaning, the presumption of equality in ownership, is rebuttable.

How about the 1992 Constitution?

The 1992 Constitution of Ghana gives individuals the right to own property solely or jointly with others. It further provides equal access to property acquired jointly during the subsistence of the marriage and the equitable distribution of same in the event of divorce. The Courts have held that in the interest of justice, the Constitution is silent on the proportion for distribution since 50/50 may not necessarily be equitable.

Conclusion

The Land Act 2020, Act 1036

Act 1036 provides that unless a contrary intention is expressed in the conveyance, when a conveyance of an interest in land for valuable consideration is made to spouses in marriage, it will be presumed to be for both spouses, and where the conveyance is made to only one spouse, that spouse will be presumed to be holding the interest in the land in trust for the spouses. Consequently, it is paramount to state on the conveyance what your intentions are, to wit, state whether the land is meant for both spouses or solely for one spouse.

The Act goes further to impose limitations on the ability of a spouse to unilaterally sell, exchange, transfer, mortgage, give away or enter into any transaction in relation to jointly owned land without the prior written consent of the other spouse.

Any Exceptions?

It has been said that 'to every rule, there is an exception'. It is therefore important to highlight the fact that, there are exceptions to what properties can be classified as spousal property, even though they were acquired during the subsistence of the marriage. The Supreme Court, speaking through Appau JSC, in the recent decided case of **Peter Adjei vs. Margaret Adjei Civil Appeal No: J4/06/2021, Dated: 21st April, 2021**, made the exceptions clear thus:

"...this Court affirmed the position that properties acquired by gift or through succession cannot be described as jointly acquired marital properties.

If a spouse acquires property by gift from a donor or through succession (either intestate or testate), the other spouse who was not a beneficiary in any way under any of the circumstances, cannot be described as a joint or part owner just because the donation, bequest or devise was made during the subsistence of the marriage between the donee or successor and his /her partner. Such property cannot be termed jointly acquired marital property since it was not acquired through the sweat of any of the spouses with the support of the other, either financially or in kind or by the provision of marital services."

In conclusion, this article has highlighted what spousal property is. It has also given a brief overview of how the Courts have dealt with spousal property over the years. It has further highlighted the provisions in the 1992 Constitution pertaining to ownership and the equitable distribution of property, the provisions the Land Act 2020 has made in respect of the above topic and finally, the exceptions to what can be classified as spousal property.

It can be gleaned from the above that, the law pertaining to spousal property has significantly advanced. The injustices which occurred in the past due to what the law was, coupled with the absence of specific regulation of spousal property, especially landed property, would minimise with the passage of Act 1036 coupled with other pockets of law which exist in respect of spousal property. The lawmakers have commendably put measures in place to ensure that, spouses are not exploited by their partners with regards to spousal property in Ghana. It is the view of the writer however that there is more room for improvement in this area to ensure that justice is manifestly done for all parties involved.

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"I guess everyone has a bird urge when they look down heights, a desire to jump, without wings or buoyant sails. Fear of heights is fear of a desire to jump."

- Amruta Patil,



There was a new CEO at a company who decided to fire all idlers. When he finally thinks he's done, he finds a young man leaning on his desk. He walks up to the guy and queries, "What do you think you are doing!?"

The guy replies, "I'm waiting to get paid."

The CEO then asks, "OK, how much do you get paid in a week?"

"About GHC 500."

The CEO gives the guy 2000 and says, "Now go away and never come back!" The guy walks away grinning from ear to ear.

The CEO shocked asks, "Will someone please tell me what just happened?"

An employee says, "Sir you just tipped the pizza man GHC 2000."



ABOUT THE EDITOR

Karen Evans Halm is an architect and an associate of the Ghana Institute of Architects with over a decade's experience in the field, specializing in Interior Design and Landscape Architecture. She is also the co-founder of Spektra Global Ltd.



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