



**ZIMBABWE EZEKIEL GUTI UNIVERSITY**

**FACULTY OF LAW**

**EXAMINATION PAPER**

**COURSE CODE** : LLB307  
**COURSE TITLE** : Law of Succession and administration of Estates  
**DURATION** : 3 Hours  
**LEVEL** : 3:2  
**DATE** :

15 FEB 2022

**INSTRUCTIONS TO CANDIDATES:**

1. Answer **ONE** questions from **SECTION A** and any **THREE (3)** questions from **Section B**.
2. Notes, handouts, and textbooks are not allowed into the examination.
3. Begin each answer to a full question on a fresh page.
4. You are required, to write legibly.
5. You are directed to avoid using shorthand and poor grammar.
6. During your answers, you must refer to any relevant case law, legal principles and legislation that may be applicable.
7. No cell phones are allowed into the examination room as well as all data storing devices. Failure to comply will lead to automatic disqualification.

## SECTION A

### QUESTION 1 IS COMPULSORY

1. Tinashe Munjodzi was married to Mufaro in terms of the Marriages Act (Chapter 5:11). their marriage was blessed with three children, namely Tawonga, a 23-year-old girl with a mental disability, Hilda, a girl aged 16 and Craig, a boy aged 10. One day on his way from work he was involved in a road accident, and he died instantly. During his lifetime, Tinashe used to take care of the financial needs of his elderly parents as well as paying university fees for his stepdaughter Naomi from Mufaro's previous relationship. Tinashe's estate is composed of the following properties, a house in the leafy suburb of Chovani where he lived with his wife and children at the time of his death, a rural home in Chimuti village where he kept his thirty head of cattle, two cars, one which he used to go to church and another one which he used to transport his wife to her workplace and a bank account with one hundred thousand United States dollars. In the meantime, Panashe, his sister, seized both car keys and all bank cards and Mufaro does not have any money to perform her husband's final rites. Panashe accuses Mufaro of trying to unduly benefit from a dead man's property. Luke, Tinashe's young brother moves into the Chovani house and ordered Mufaro and her children to move to their rural home and take care of the cattle left behind by his brother. Tinashe died intestate. Advise all interested parties of their rights and obligations. (25 Marks).

## SECTION B

2. The Wills Act (Chapter 6:06) specifies certain requirements for testamentary capacity. With the aid of relevant case law and other sources of law analyses the merits and demerits of having these requirements. (25 Marks)
3. Section 5 of the Wills Act (Chapter 6:06) gives the impression that freedom of testation is absolute. With reference to decided cases, discuss legal ways in which freedom of testation can be limited. (25 Marks)
4. With the aid of examples, discuss the significance of 68 of the Administration of Estates Act (Chapter 6:01) in making situation and family specific inheritance plans that deal with the often very complex family situations that need to be addressed in the distribution of intestate estates of persons to whom customary law is applicable. (25 Marks)
5. Explain the following concepts as they are used in testate and intestate succession.
  - (i) Collation (5 Marks)