



ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW

EXAMINATION PAPER

COURSE CODE : LLB 502
COURSE TITLE : CONVEYANCING (Z)
DURATION : 3 Hours
LEVEL : 5.1
DATE :

11.6 FEB 2022

INSTRUCTIONS TO CANDIDATES:

1. This exam is out of 100.
2. Answer **all** questions.
3. You are allowed to bring into the examination room unannotated Legislation that is the **Deeds Registries Act [Chapter 20:05] and amendments**, the latest schedule of the **Deeds Regulations** and a copy of the **Conveyancing Hand Book**. However students are not allowed to lend or borrow from each other any exam material during the duration of the examination.
4. Cellphones **are not** allowed into the examination room.
5. Begin each answer to a full question on a fresh page.

QUESTION 1

- a. Explain the history of land registration system in post-independence Zimbabwe and South Africa
[15 marks]
- b. What do the following phrases mean in conveyancing?
(i) Dispensation certificate [2marks]
(ii) Cadastral survey [2marks]
(iii) Certificate of consolidated title [1marks]
- c. What should be contained in an approved survey diagram?
[3marks]
- d. Discuss and explain how the Registrar in examining documents lodged before him, should treat the following;
- i. Alterations and interlineations [2marks]
 - ii. Documents in foreign language [2marks]
 - iii. Identity of persons [1marks]
 - iv. Description of areas of land [2marks]
- [TOTAL 30 marks]

QUESTION 2

Kufakwangu Zvarova has decided to donate his stand 5387, Tsungubvi Township, Glendale to his niece Naison Chigumira. He approaches you in your capacity as a conveyancer to effect the donation required.

- a) Draw up the power of Attorney to effect the donation
[8 marks]
- b) Devising your own data draft the required Deed of Donation.

[12marks]

[TOTAL 20 marks]

QUESTION 3

- a) Guy Frank Dollar is the owner of stand number 5386 Gato Township, Centenary. He kept his title deeds with his wife at their rural home in Bikita. The home was destroyed by Cyclone Ellene and all the documents were lost in the flood. He had approached you in your capacity as a conveyancer to make an application to replace the lost deed.

Draw up the affidavit which he must sign. [5 marks]

- b) Briefly discuss any five instances where a person acquiring property is exempted from paying stamp duty in terms of item 5 to Chapter II of the schedule to the **Finance Act [Chapter 23:04]**

[5marks]

- c) What documents should be in a lodging cover for a sub divisional transfer? [5marks]

- d) Briefly explain what is meant by the phrase "Deeds to follow sequence of their relative causes" under section II of the **Deeds Registries Act [Chapter 20:05]**

[3marks]

- e) What is a partition transfer? [3marks]

- f) Define the following terms in a Mortgage bond;

i. Kusting brief [2marks]

ii. Pari pasu; and [2marks]

iii. Surety Mortgage bond [2marks]

- g) State any three exceptions which a surety must renounce in a mortgage bond [3marks]

- h) Briefly discuss any two consents which a holder of a mortgage bond can make in terms of section 50 of the **Deeds Registries Act [Chapter 20:05]**

[2marks]

[TOTAL 36marks]

QUESTION 4

- i. In what way is the Deeds Registries Amendment no.8 of 2017 enabling the computerisation of the Deeds Office [5marks]
- ii. Outline the challenges that can stall the full computerisation of the Deeds Office in Zimbabwe [5marks]
- iii. How in your opinion can these challenges be overcome [4marks]

[TOTAL 14 marks]

END OF PAPER