



ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW

EXAMINATION PAPER

COURSE CODE : LLB 001  
COURSE TITLE : NOTARIAL PRACTICE  
DURATION : 3 Hours  
LEVEL : 5.2  
DATE : 07 FEB 2022

INSTRUCTIONS TO CANDIDATES:

1. This exam is out of 100.
2. Answer **All** questions.
3. Notes, handouts and textbooks **are not** allowed into 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**

In **Honey & Blanckenberg v Law Society 1965 RLR 685 (G)** it was held that “...in the performance of his duty or mandate, an attorney holds himself out to his clients as possessing adequate skill, knowledge, and learning for the purpose of conducting all business that he undertakes. If, therefore, he causes loss or damage to his client owing to a want of such knowledge as he ought to possess, or the want of such care as he ought to exercise, he is guilty of negligence giving rise to an action for damages by his client... Where an action is brought by the client against his attorney for negligence.....”

With the aid of any relevant decided cases and statutory provisions outline the importance of the above observation to a practising notary public. **[25 marks]**

**[TOTAL 25 marks]**

### **QUESTION 2**

You have been approached by Professor Raymond Chiruti who is a professor of law at the University of Kanyemba. He advises you that he has since realised that he has a cousin brother who is also his name sake. The said cousin brother is of loose morals and is very violent whenever he is drunk. He cousin's behaviour is sometimes ascribed to him as members of the public always mistook him for his cousin and this damaging his social standing as a Professor of law at a reputable university. He has engaged you in your capacity as a notary public to change his name from Raymond Chiruti to Tafadzwa Garwe.

Draft the notarial deed to effect the name change.

**[15 marks]**

**[TOTAL 15 marks]**

### **QUESTION 3**

What is a long lease and what steps must be taken by the lessee to secure his position under it in terms of the law.

**[20 marks]**

**[TOTAL 20 marks]**

### **Question 4**

Mr Tongai Nyikadzino is a successful A2 farmer in Mazowe District. He has managed to acquire several immovable properties in and around Mashonaland Central. All his biological children are late. He stays with his grandchild named Katelele Chingoma who is very loyal to him and he is also his farm manager. Mr Nyikadzino is now old and frail. He has decided to donate one of his properties being stand number 333356 Suwoguru Township, Mvurwi held under deed of transfer number 19/2002.

- a) Draft the power of attorney to pass the donation.
- b) Devising your own data draft the deed of donation.

[5 marks]

[15 marks]

[TOTAL 20 marks]

**QUESTION 5**

With the aid of decided cases and statutory provisions outline the advantages of registering a family trust.

[20 marks]

[TOTAL 20 marks]