



ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW

EXAMINATION PAPER (2)

COURSE CODE : LLB 001  
COURSE TITLE : Notarial Practice  
DURATION : 3 Hours  
LEVEL : 5.1  
DATE :

08 JUL 2022

INSTRUCTIONS TO CANDIDATES:

1. Answer all questions.
2. You are required, in your own interests, to write legibly.
3. You are advised to avoid using short hand and poor grammar.
4. Please note that each answer must begin on a new page.
5. You are allowed to bring into the examination room unannotated legislation that is the **Deeds Registries Act [Chapter 20:05]**, the latest schedule of the **Deeds Regulations**. However students are not allowed to lend or borrow from each other any exam material during the duration of the examination.
6. No Cellphones are allowed into the examination room as well as all data storing devices. Failure to comply will lead to automatic disqualification.
7. Refer to case law authority where applicable.
8. This paper is worth **100 marks**.

### QUESTION 1

Discuss the difference between the following:

- (i) Praedial Servitudes and Personal Servitudes;
- (ii) Mortgage Bonds and Notarial Bonds;
- (iii) A trust and a Voluntary Association
- (iv) Notary Public and Legal Practitioner

[TOTAL 20 marks]

### QUESTION 2

Outline and explain the common law relating to the change of a person's surname and the relevance and significance of the statutory provisions bearing on the matter.

[TOTAL 20 marks]

### QUESTION 3

A new farmer, Comrade Washington "Mabhunumuchapfidza" Kahondo has approached Agribank for financial assistance. He occupies Lucknow Farm, Centenary as an A2 farmer by virtue of an offer letter issued in April 2003. The bank will only advance a loan to the farmer if there is security registered over the farmer's farm or over the farmer's specific agricultural equipment. Cde Washington "Mabhunumuchapfidza" Kahondo is the proud recipient of a John Deere combine harvester and a Massey Ferguson tractor from the farm mechanization programme and has no other equipment of note having sold most of the property he found on the farm.

Draft for registration in the Deeds Registry such documents that will afford real security for the bank which is advancing the farmer the sum of **US\$10500.00**

[TOTAL 20 marks]

### QUESTION 4

Dr Chiedza "Chichie" Mutsvairo a very rich woman loves her unemployed husband and their four children namely Linnette, Joyce, Memory and Melody born on 16 September, 1989, 2 September, 1991, 7 April, 1999 and 22 September, 2002 respectively. She asks you to attend to the registration of a trust for the benefit of her husband and children. She wants and you agree that the senior partner in your law firm should be one of the trustees.

Devising your own data draft the required Deed of trust.

[TOTAL 20 marks]

**QUESTION 5**

Explain the concept of a long lease and what steps must be taken by the lessee to secure his position under it in terms of the law. **[TOTAL 20 marks]**

**END OF PAPER**