



ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW

EXAMINATION PAPER 2022

COURSE CODE : LLB 502
COURSE TITLE : CONVEYANCING (2)
DURATION : 3 Hours
LEVEL : 5.1
DATE :

28 JUN 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

Outline the origins and historical development of land registration in Zimbabwe from the early Germanic customary law to the present position.

[20 marks]

QUESTION 2

To what extent does **Statutory Instrument number 8 of 2017** meets the requirements of a proper electronic registry? In your own opinion what are the main challenges that maybe faced through the introduction of the electronic system.

[TOTAL 20 marks]

QUESTION 3

Cde Ruth “Kufakwanguzvarova” Chiparamhembwe is the owner of Ramahori Farm situate in Mazoe District held under deed of transfer number 2107/81. She has approached Agribank for purposes of obtaining financial assistance to improve production on her farm. The bank will only advance the loan if she can provide adequate security to safe guard its interest.

- a) Draw up the power of attorney to pass the relevant bond. [5 marks]
- b) Devising your own data draft the required bond which will enable Agribank to secure its interest. [15marks]

[TOTAL 20 marks]

QUESTION 4

- a. Outline and explain the main differences between a mortgage bond and a notarial bond. [5marks]
- 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 is sub divisional transfer? What documents should be in a lodging cover of a sub divisional transfer? [5 marks]
- d. Briefly explain what is meant by the phrase “Deeds to follow sequence of their relative causes” and why it’s importance to the fiscus

[5 marks]

[TOTAL 20 marks]

QUESTION 5

In Honey & Blankenberg v Law Society of Rhodesia 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 conveyancer.

[TOTAL 20 marks]

END OF PAPER