



ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW, BUSINESS INTELLIGENCE AND ECONOMICS

DEPARTMENT OF LAW AND LEGAL SERVICES

EXAMINATION PAPER

MODULE CODE : LLB 001

MODULE TITLE : NOTARIAL PRACTICE (1)

SPECIAL REQUIREMENTS:

DURATION : 3 HOURS

LEVEL : 5.2

12 OCT 2023

INSTRUCTIONS TO CANDIDATES:

- i. This paper contains 4 Questions.
- ii. Answer ALL questions. NOTE when drafting documents devise your own data unless it is supplied.
- iii. This question paper comprises 3 printed pages.

QUESTION 1

- a) In an unreported South African Gauteng High Court judgment, Basson J said; "The attorney's profession is an honourable profession. It is a profession that demands complete honesty, integrity and professionalism from its members". Discuss the professional conduct that is expected of a Notary Public. What safeguards exist for the public as regards documents executed by and before a Notary Public? [10]
- b) Where a document by an Association is lodged in the Deeds Registry what needs to be done to show that the transaction concerned is within the powers which may lawfully be exercised by the Association concerned. [2]
- c) Explain three things that cannot be contracted on in an Antenuptial contract. [3]
- d) What role is played by a Notary in a Deed of Hypothecation of Mineral Rights? Explain. [3]
- e) Who are the parties to a Family Trust? [3]
- f) i) What is a Notarial Deed of abutment?
ii) what documents are contained in a lodging cover for registration of such a notarial deed? [4]

QUESTION 2

The legislature has taken the first step towards the digitization of the Deeds Registry in Zimbabwe. What practical steps now need to be undertaken to give fruition to the legislative intervention? What benefits would accrue to Notarial Practice? What can militate against implementation of the process at the current moment in Zimbabwe? What problems can be encountered with such a system? How can such problems be dealt with? Explain in detail with examples from other jurisdictions. [25]

QUESTION 3

- (a) Moses Nkanyezi has by reason of his natural love and affection for his two minor children and his wife, decided to register a Deed of Trust for their benefit.

Draw the Deed of Trust.

[10]

- (b) How would you describe the beneficiaries in a trust meant to benefit the vulnerable members of your District including disadvantaged individuals and groups, the elderly and the youth? [2]

- (c) The Registrar of Deeds may refuse to register a document that has one or more physical defects in terms of the Deeds Registries Regulations RGN No. 249 of 1977.

List any six such physical defects.

[6]

- (d) Within what period must a Notarial Bond be registered in the Deeds Registry after its execution and what is the rationale for this? [3]

- (e) What is a long lease and what steps must be taken to secure the Lessee's position under it. [4]

QUESTION 4

You are approached by Leroy Shawatu who intends to change his name to Leeroy Newton.

- i) Draw the Notarial document to give effect to his instructions. [15]
- ii) List the documents that will be contained in your lodging cover. [3]
- iii) Draft the Notice to be published in the Gazette. [4]
- iv) How would proceed if he wanted to change his name from Leroy Shawatu to L'roy Shawatu. [3]

TOTAL MARKS [100]

END OF EXAM