



## ZIMBABWE EZEKIEL GUTI UNIVERSITY

### FACULTY OF LAW

### EXAMINATION

05 OCT 2022

NOTARIAL PRACTICE – LLB001 (2)

3 HOURS

Answer all Questions. NOTE when drafting documents devise your own data unless it is supplied.

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### Question 1

- a) Using examples and case law, explain why Curlewis JP (as he then was) in the case of Law Society of Transvaal vs. Kuyper 1925 TPD 760 described a notarial deed using the following words: “.... the greatest confidence and trust is reposed in any document executed by a notary public...the presumption is that every statement contained in a notarial deed is true and that all the proper solemnities have been observed by the notary ... A notarial deed seems to me a document of such great moment that one may almost call it a solemn document, all the solemnities should be observed by the notary.” [10]
- b) Briefly explain the steps to be taken for one to have a right of admission as a Notary Public in Zimbabwe. [3]
- c) Explain the meaning of the following words in Notarial Practice:
- i) Minute
  - ii) Protocol
  - iii) Protocol Register
  - iv) Grosse

[8]

- d) Explain the effect of the Moveable Property Security Interests Act [Chapter 14:35] on the registration of Notarial Bonds in Zimbabwe. In your view, is it a desirable effect? Discuss. [5]

## Question 2

- a) Explain and discuss the two forms of ownership and occupation of units in a block of flats in Zimbabwe clearly articulating the differences, advantages and disadvantages of each. [10]
- b) Briefly explain the meaning of any four of the following and explain the role a Notary can play in each:
- i) Bills of exchange
  - ii) Promissory notes
  - iii) Noting and protesting
  - iv) Voluntary Association
  - v) Mining contracts
  - vi) Options and Tribute Agreements relating to mining locations
- [8]
- c) What is E-conveyancing? Explain in full with examples from other jurisdictions. [10]

## Question 3

- a) Minana Lime Mining Company (“the Company”) is a Company duly registered in terms of the laws of Zimbabwe. The Company is the registered owner of a certain piece of land situate in the District of Gwelo called Stand 701 Cowfold Township measuring 423.5231 hectares, held by the Company under Certificate of Consolidated Title number 15/2012. The improvements on the property include a huge 8-bedroom farmhouse, a borehole, 2 dip tanks and a windmill. The company has entered into an agreement with a partnership of 5 individuals who want to carry out farming activities on the property under a 99-year lease. The property is to be used for agricultural and residential purposes only. The consideration is a total lump sum payment of \$200 000 payable on the date of signing of the lease agreement and the partnership will be free to use the property with effect from the 1<sup>st</sup> July 2018.

- i) Draft the Notarial Deed that secures the rights and interests of the partnership in the property. [15]
- ii) Calculate the Duty payable on the registration of this deed. [5]
- iii) How many copies do you prepare and why? [2]
- iv) In which Deeds Registry do you lodge the documents and why? [2]

**Question 4**

- a) Your client Graeme Sikandar Masakadza wishes to change his name to Brendan Mire Chatara.
  - i) Draw the Notarial document to give effect to his instructions. [12]
  - ii) Draft the lodging cover. [5]
- iii) What would have been the difference had your client wished to change his first name only so that he would be known by the name Ervine Moor Muzarabani Masakadza? What steps would you take to give effect to these instructions on behalf of your client? [5]

**END OF EXAMINATION**

50 AM