



ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW, BUSINESS INTELLIGENCE AND ECONOMICS

DEPARTMENT OF LAW AND LEGAL SERVICES

EXAMINATION PAPER

COURSE CODE : LLB314
COURSE TITLE : Succession & Administration of Estates Law
DURATION : 3 Hours
LEVEL : 3.1
DATE : 11 JUN 2024

INSTRUCTIONS TO CANDIDATES:

1. No cell phones are allowed in the examination venue.
2. Answer **four (4)** questions – **one (1)** from Section A and any **three (3)** from Section B.
3. The number of marks for each question or part question is shown in brackets []
4. Begin each answer on a new page.
5. **DO NOT OPEN THIS PAPER UNTIL THE INVIGILATOR INSTRUCTS YOU.**

SECTION A – COMPULSORY QUESTION

1. You recently graduated and registered as a legal practitioner. You are now employed as an associate in one of Harare's leading law firms. Gogo Muchenjeri a 67 year old widow has been a client of the firm for several years. Gogo Muchenjeri wants you to draft a will on her behalf. She owns the following the properties:

- a. House number 1234 Utopia Avenue Harare,
- b. House number 412 Score Drive, Harare,
- c. Mercedes Benz Registration number XYZ 1234,
- d. Toyota Fortuner Registration number XYZ 5678, and
- e. Personal clothes and jewellery.

Gogo Muchenjeri gives you the following instructions:

- a. House number 1234 Utopia Avenue to be bequeathed in equal shares to her 3 children, namely: Tino Muchenjeri, Tanya Muchenjeri and Tina Muchenjeri.
- b. House number 412 Score Drive, Harare to be placed in family trust for the benefit of her 5 grandchildren namely: Kim Muchenjeri, Khloe Dombo, Winnie Muchenjeri, Ivan Gumbo and Don Gumbo.
- c. The Mercedes Benz and the Toyota Fortuner be sold and the proceeds thereof to be donated to Chinyaradzo Children's Home.
- d. Personal clothes and jewellery to be shared according to custom.

Draft a will on behalf of your client in compliance with the formalities of a will.

[25 marks]

SECTION B – ANSWER ANY THREE QUESTIONS

2. Explain whether the Zimbabwean procedures for estate administration guarantee just and equitable outcomes. [25 marks]

3. Define the following terms as they are used in the law of succession:

- a. Blood relations- ancestors, descendants, collaterals [5]
- b. *Parentela* [5]
- c. *Stirps* [5]
- d. Testamentary capacity [5]
- e. Fideicommissum [5]

[25 marks]

4. Illustrate the significance of section 68 of the Administration of Estates Act [Chapter 6:01] in addressing the complexities that arises when dealing with interstate estates to whom customary law applies. [25 marks]

5. Comment on the significance of the case of *Chigwada v Chigwada* SC188/20 with regard to freedom of testation under the law of succession. [25 marks]

o/sd am