



ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW, BUSINESS INTELLIGENCE AND ECONOMICS

2024 EXAMINATIONS

COURSE CODE: LLB 502
COURSE TITLE: Conveyancing
DURATION: 3 Hours
LEVEL: 5.1
EXAMINER: G. MHISHI
Authorised Material: CONVEYANCING GUIDE

INSTRUCTIONS TO CANDIDATES

14 JUN 2024

1. This paper contains 4 Questions.
2. Answer ALL Questions
3. NOTE: When drafting documents, devise your own data unless it is supplied in the questions.

NB: DO NOT TURN OVER THE QUESTION PAPER OR COMMENCE WRITING UNTIL INSTRUCTED TO DO SO.

QUESTION 1

- a) Outline the privileges afforded a registered Conveyancer in terms of sections 8 (2) and 9 (4) of the Legal Practitioners Act [Chapter 27:07]? [3]
- b) Melody Mukanhiwa is the registered owner of a certain piece of land. She has transferred the certain piece of land to Mufaro Tizai yunder Deed of Transfer number 200676/2020. A court order has been granted for the cancellation of the Deed. Mellody now wishes to transfer the property to Willis Musvibe.

Which title deed will be the holding deed that you will use to register this transfer? Give an explanation. [3]

- c) "All Conveyancers in Zimbabwe are Legal Practitioners, but not all Legal Practitioners are Conveyancers." Demonstrate the truthfulness of this statement? [4]
- d) Show the reason why property donated to a minor be registered in the name of the minor?

[1]

- e) Describe the two types of surety mortgage bond? [2]
- f) Demonstrate your understanding of the phrase, "**deeds must follow sequence of their relative causes**". [2]

g)

- i) Under what circumstances can a registered Deed of Transfer relating to land other than State land or land in respect of which the State has the right to claim transfer, be cancelled by a Registrar? [2]
- ii) Explain the consequence of such cancellation on the Deed of Transfer and what is the Registrar obliged to do pursuant to that cancellation? [2]

- h) Giving examples, describe the transferee in the following instances:

- i) A student in the full-time class.
 - ii) A registered company.
 - iii) A trustee.
- [3]
- i) In which deeds Registries Offices does urban property in Enkledon District fall and why? [2]
 - j) Define a Dispensation Certificate. [1]

QUESTION 2

Answer only **one** of the following questions:

Either:

- a) Explain digitising of the Deeds Registry? Discuss challenges need to be overcome to achieve the full digitising of the Deeds Office? How, in your opinion, can these challenges be overcome? Outline the likely problems to be encountered with a digitised Deeds Registry? Suggest solutions? [25]

Or:

- b) To what extent can eConveyancing and the computerisation of the Deeds Registry help to curb the source of fraud in relation to the land registration system in Zimbabwe? Comment with particular reference to the case of ***Chirimuuta vs Action Property Sales HH 05/07*** and other recent cases bemoaning the prevalence of fraud and malpractice in Conveyancing transactions. [25]

QUESTION 3

Rutendo Investments is a public company duly registered in terms of the laws of Zimbabwe. The Mesho Family Trust is the owner of certain 1.0005 Ha of land situate in the district of Marandellas called Lot 5A Hurekure. In April 2021, the Trust sold the property to the Company for US\$199 900.07. A deposit in the sum of US\$50 000.00 was paid to the Trust on signing of the agreement of sale. The balance was to be paid in instalments of US\$10 000.00 each the first of which was to be paid on or before the 1st of each succeeding month until the balance was paid in full. No interest was to be levied on the balance. The Trust has now agreed to transfer the property to Hove despite the

outstanding purchase price not having been paid in full. The balance of the purchase price outstanding, is to be secured by a mortgage bond in favour of the Trust.

a) Draft the consent that you would have prepared in April to protect the interests of the Company if you had been instructed.

[6]

b) Draft:

i) the declaration by the Transferee which is required in terms of Statutory Instrument 303 of 1999.

[4]

ii) the Deed of Transfer.

[10]

c) Calculate all the duties and registration fees required for the registration of the transfer.

[6]

QUESTION 4

Four siblings; Lorraine, Anesu, Joylene and Tadiwa jointly own a piece of land situate in the district of Gokwe called Block 52 Martina of Erthel 6B of Mitchell measuring 16 000 square metres under Certificate of Consolidated Titled No.2739/2011 dated 9th June 2011. Their shares in the property are one quarter, one half and one eighth, one eighth respectively. The property is valued at US\$ 193 000.00. The parties have agreed to partition the land in accordance with their respective undivided shares. Draft:-

a) A letter, which you would send to obtain a certificate of no present interest.

[3]

b) The declaration in terms of Statutory Instrument 303 of 1999. [5]

c) The power of Attorney. [5]

d) Deed of Transfer in favour of Lorraine. [10]

e) How many copies of the draft Deed of Transfer do you prepare? Explain. [2]