

QUESTION 4

Cde Dr Tinotenda "a.k.a. Razor" Muvhuti has donated his property to the Helicopter of Christ Ministries Church, a church duly created and constituted in terms of the laws of Zimbabwe. The property is certain piece of land situate in the District of Shabanie measuring 19031 sq.m and called Stand 47 Shabani Township. The church does a lot of social activities including looking after vulnerable people such as orphans, widows and the aged at its various centres scattered around the whole country. The value of the property is \$199 900.07. The church intends to pass a Mortgage Bond over the property simultaneously with the transfer to itself to secure its indebtedness of \$361 852.47 to Stanbic for money it is borrowing to fund the construction of its church building on the donated property. You have been instructed to attend to both the transfer and bond registrations. Draft:-

- a) The resolution by the church authorising Apostle Prophet Col. Mordester Zvaorera to represent the church in this transaction as well as to attend to the Zimbabwe Revenue Authority interviews. [5]
- b) The power of attorney to transfer the property. [5]
- c) The Deed of Transfer. [8]
- d) The Mortgage bond excluding the conditions clause only. [8]
- e) Calculate all the duties and registration fees required for the acquisition of the property and the bond. [10]
- f) Draft your lodging cover. [5]
- g) How many copies of the Deed of Transfer do you prepare and why? [2]
- i) In which Deeds Registries Office do you lodge the documents and why? [2]

THE END



ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW, BUSINESS INTELLIGENCE AND ECONOMICS

2023 EXAMINATIONS

COURSE CODE:	LLB 502	
COURSE TITLE:	Conveyancing	
DURATION:	3 Hours	
LEVEL:	5.1	30 JUL 2024
EXAMINER:	G. MHISHI	
Authorised Material:	CONVEYANCING GUIDE	

INSTRUCTIONS TO CANDIDATES

- 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) Show 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) "All Conveyancers in Zimbabwe are Legal Practitioners, but not all Legal Practitioners are Conveyancers." Explain why is this statement true? [4]
- c) Explain the rationale behind the rule that deeds must follow the sequence of their relative causes in terms of section 11 of the Deeds Registries Act (Chapter 20:05). [2]
- d) i) Describe the exception to the rule that a Mortgage Bond or a Notarial Bond should not be registered in favour of a person as an agent of a principal. [3]
- ii) Discuss the difference between an indemnity bond and a surety bond? [2]
- iii) Explain the difference between a part-payment and reduction in cover? [4]
- iv) Can an undivided share in land be leased? Explain. [2]
- e) Why must a Notarial Deed of Servitude referred to in terms of section 57 (1) (a) of the Deeds Registries Act [Chapter 20:05] be lodged with the Deeds Registry in duplicate? [2]
- f) How is the transferee to be described in a deed where property is being transferred to a child to be born to your cousin? Give an example. [2]
- g) Under what circumstances are documents printed or typed in any ink other than blue or blue black accepted in the Deeds Office? [1]
- e) 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]

- f) In which deeds Registries Offices does urban property in SINOA District fall and why? [2]

QUESTION 2

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

Either:

- a) What does digitising of the Deeds Registry entail? What challenges need to be overcome to achieve the full digitising of the Deeds Office? How, in your opinion, can these challenges be overcome? What are the likely problems to be encountered with a digitised Deeds Registry? What would be solutions? [15]

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. [15]

QUESTION 3

What is a Conveyancer? What are the duties, obligations and privileges of a Conveyancer? What reforms are necessary, in your opinion, to the law and practice of conveyancing in Zimbabwe. Make reference to case law.

[12]

QUESTION 4

Cde Dr Tinotenda "a.k.a. Razor" Muvhuti has donated his property to the Helicopter of Christ Ministries Church, a church duly created and constituted in terms of the laws of Zimbabwe. The property is certain piece of land situate in the District of Shabanie measuring 19031 sq.m and called Stand 47 Shabani Township. The church does a lot of social activities including looking after vulnerable people such as orphans, widows and the aged at its various centres scattered around the whole country. The value of the property is \$199 900.07. The church intends to pass a Mortgage Bond over the property simultaneously with the transfer to itself to secure its indebtedness of \$361 852.47 to Stanbic for money it is borrowing to fund the construction of its church building on the donated property. You have been instructed to attend to both the transfer and bond registrations. Draft:-

- a) The resolution by the church authorising Apostle Prophet Col. Mordester Zvaorera to represent the church in this transaction as well as to attend to the Zimbabwe Revenue Authority interviews. [5]
- b) The power of attorney to transfer the property. [5]
- c) The Deed of Transfer. [8]
- d) The Mortgage bond excluding the conditions clause only. [8]
- e) Calculate all the duties and registration fees required for the acquisition of the property and the bond. [10]
- f) Draft your lodging cover. [5]
- g) How many copies of the Deed of Transfer do you prepare and why? [2]
- i) In which Deeds Registries Office do you lodge the documents and why? [2]

THE END