



ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW, BUSINESS INTELLIGENCE AND ECONOMICS

DEPARTMENT OF LAW AND LEGAL SERVICE

2025 EXAMINATION PAPER

MODULE CODE : LLB 314

MODULE TITLE : LAW OF SUCCESSION AND ADMINISTRATION OF ESTATES

SPECIAL REQUIREMENTS : NONE

DURATION : 3 HOURS

LEVEL : 3

DATE : 11 JUN 2025

INSTRUCTIONS TO CANDIDATES:

1. This paper contains 7 Questions.
2. Answer 4 questions. Question 1 is compulsory
3. Start each question on a new page.
4. Each question carries 25 marks.

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

SECTION 1

ANSWER ONE QUESTION FROM THIS SECTION

1. Joe Banda was married to Rutendo, Paida, Chipa in terms of the Marriages Act (Chapter 5:07) now (Chapter 5:17). Upon his death, he was survived by his three wives and five daughters. Joe died intestate. Jezebel, a woman whom Joe impregnated and refused to marry, showed up and presented to the family, Mavato, her son whom she declared to be Joe's sole heir since the rest of his children are **just** girls. The three widows denied Jezebel's declaration arguing that Mavato is a child born out of wedlock and he cannot be allowed to benefit from Joe's estate since it was a result of their sweat too.

You have been instructed by the executor of the estate to explain to the potential beneficiaries how the estate should be distributed. With the aid of case law and relevant statutes, advise all interested parties. (25 Marks)

SECTION B

Answer any **three** questions from this section

2. Section 5 of the Wills Act (Chapter 6:06) creates an impression that the testator has a wide discretion in determining how his/her estate will be distributed after his death but the reality is that there are significant limitations which can be lawfully imposed. With the aid of examples, discuss ways in which a testator's freedom can be limited. (25 Marks)
- 3 (i) Section 5 of the Missing Persons Act (Chapter 5:14) provides for a magistrate to make an order presuming a person's death. However, the Act is silent on the criteria to be used in making such a determination. With the aid of examples, discuss the extent to which previous common law requirements could be used to assist a court in making such a determination. (13 Marks)
- (ii) Upon making an application with the clerk of court, in terms of section 5 of the Missing Persons Act (Chapter 5:14), for an order in respect of a missing

person, the magistrate may either grant an order presuming that a person is dead or an order declaring that a person is missing. Explain the differences, if any, between the content or implication of these orders and opine on whether it is prudent to have both options in respect of the missing person. (12 Marks)

4. Discuss the legal status of a deceased estate before and after the appointment of an executor. In your discussion, show whether the various legal protections of the estate are adequate. (25 Marks)
5. 'It must be reiterated that apart from substantive concepts and principles of the law seeking to ensure and achieve justice, the danger remains with the procedures of the law.' Explain whether the Zimbabwean procedures for administration of estates ensures justice and other equitable outcomes. (25 Marks)
6. You have been consulted by Women of Bindura Arise Trust. Write a position paper to show whether the existing laws governing succession and administration of estates adequately protects the rights of women and those of children born out of wedlock. (25 Marks)
7. Write notes on the following terms. Each one of them carries **five** marks.
 - a. Collation
 - b. Estate massing
 - c. Testamentary capacity
 - d. Fideicommissum
 - e. Abatement of legacies

END

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