



ZIMBABWE EZEKIEL GUTI UNIVERSITY

FACULTY OF LAW AND LEGAL SERVICES

PRIVATE LAW DEPARTMENT

EXAMINATION PAPER

MODULE CODE : LLB524

MODULE TITLE : NOTARIAL PRACTICE

DURATION : 3 HOURS

LEVEL : 5:2

28 NOV 2025

INSTRUCTIONS TO CANDIDATES:

1. This paper contains 4 Questions.
1. Answer all questions.
2. Start each question on a new page.
3. When drafting documents, devise your own data unless it is supplied in the questions.

QUESTION 1

- (a) Using examples and case law, discuss the case of Law Society of Transvaal vs. Kuyper 1925 TPD 760 in relation to the significance and importance of ‘...any document executed by a notary public...’
[10]
- (b) In what way do Notarial bonds offer lesser security than pledges? Why then are they being registered in some cases more than Mortgage bonds?
[3]
- (c) Where is a hypothecation of mining lease registered? [1]
- (d) Is it necessary for a Notary Public to put a seal on Notarial documents executed before her? Explain your answer. [1]
- (e) Within what period must a Notarial Bond be registered in the Deeds Registry after its execution? [1]
- (f) Give one advantage of registering a Family Trust? [1]
- (g) List 3 parties to a trust. [3]
- (h) Explain the meaning of any 3 of the following words in Notarial Practice: i) Minute; ii) Protocol; iii) Protocol Register; iv) Grosse; v) Notarial Deed. [3]
- (i) What is the difference between a lease and the servitude of usus?
[2]
- (j) What is the difference between a Mortgage Bond and a Notarial Bond in so far as this relates to the property for registration? [1]
- (k) i) Define a Notarial Deed of abutment? [1]
ii) List documents are contained in a lodging cover for registration of such a notarial deed? [3]

(l) The Registrar of Deeds may refuse to register a document that has one or more physical defects in terms of the Deeds Registries Regulations RGN No. 249 of 1977. List any 5 such physical defects. [5]

(m) Within what period must a Notarial Bond be registered in the Deeds Registry after its execution and what is the rationale for this? [2]

(n) Define a long lease and what steps must be taken to secure the Lessee's position under it. [3]

QUESTION 2

Evaluate the advantages and pitfalls of electronic deeds registration in Zimbabwe? Discuss in full citing the **Statutory Instrument 76 of 25**.

[10]

QUESTION 3

a) Your client Vuka Uzenzele Farm (Private) Limited has negotiated a right of way over property adjacent to its farm belonging to Little England Investments Limited. **Draw the document necessary to secure the right.** [8]

b) Cde. Hon. Mhofela has donated a certain piece of land situate in the district of Enkeldoorn measuring 1.00088 ha held under Deed of Transfer No. 16722/70 dated the 2nd September 1970, to a company called Vigez Investments. The Directors have agreed to gratefully accept the donation. **Draft the relevant deed of donation for registration in the Deeds Registry.** [8]

QUESTION 4

You are consulted in your office by a certain Mrs Elizabeth Kambo who is accompanied by her daughter. Mrs Kambo tells you that, on the 10th September 2006, she gave birth to the daughter and gave her the first names: Megan Mutsa. She registered the child's surname as Mugadza, her maiden name, because the father Pardon Takunda Mugadza denied any responsibility and disappeared and has not been seen since then. She has no idea where he can be found as he was a foreigner who had just come for a short business visit when Mutsa was conceived. She is now happily married to Mr. Lovemore Tapera Kambo who has agreed with her and the daughter that the latter's name be changed to Mutsa Ranga Kambo. The daughter in particular is highly enthusiastic to change to the new name. Mrs Kambo has been told that you can, on her behalf, prepare and register a Deed that she can use to change all her daughter's certificates from her old name to the new name.

- i) Draft the Notarial Deed. [10]
- ii) Draft the advertisement referred to in section 18 (3) (b) of the Births and Deaths Registration Act [Chapter 5:02] that would be required in the above scenario. [5]
- iii) Draft the lodging cover. [5]
- iv) What would have been the difference had your client wished to change her first names only, so that she would be known by the name Cecilia. [2]
- v) Suggest 2 reforms to improve the law on change of name. [2]

QUESTION 5

Explain the requirements for the creation of a valid trust. What are the advantages and disadvantages of creating a Family trust. Discuss in detail.

[10]

END OF THE TEST:

TOTAL MARKS [100]

0/50

(pms)