



**ZIMBABWE EZEKIEL GUTI UNIVERSITY**

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**FACULTY OF LAW**

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**EXAMINATION PAPER**

**COURSE CODE** : LLB307  
**COURSE TITLE** : SUCCESSION AND ADMINISTRATION OF ESTATES  
**DURATION** : 3 Hours  
**LEVEL** : 3.2  
**DATE** : 6 June 2019

**INSTRUCTIONS TO CANDIDATES:**

- (i) Answer two questions from section A and all questions from section B. Each question carries 25 marks.
- (ii) Students may bring into the exam un-annotated and clean texts of applicable legislation and the 2013 Zimbabwean Constitution.
- (iii) Copies with notes inside shall not be allowed and may be confiscated. No student is allowed to share his/her copy with another.
- (iv) Number your answers accordingly

## **Section A**

**Answer two questions from this section**

### **Question 1**

With reference to case law, discuss the issue of capacity to draft and attest to a will. [25 marks]

### **Question 2**

Discuss the legal significance of the following concepts in the law of succession [25 marks]

- a) Conditional bequest
- b) Repudiation
- c) Attestation clause
- d) Collation
- e) fideicommissum.

### **Question 3**

With reference to case law and statute, discuss the limitations to the freedom of testation. [25 marks]

### **Question 4**

Discuss in detail the procedure that should be followed in the administration of an estate. [25 marks]

## **Section B**

**Answer all questions in this section**

### **Question 5**

Gogo Tafi is a 95-year-old widow. She owns a house in Mbare Musika namely a house number 1018 Rujeko clause Mbare. She also owns the following movable property:

- a) 4-piece lounge suite
- b) Kitchen unit
- c) Toyota Hilux registration number ABK 4802
- d) Personal clothes and jewellery

Gogo Tafi want a will drafted on her behalf. She instructions the house should be bequeathed to all her two daughters in equal shares name Taonga Tafi and Tapiaw Tafi. She also wants to bequeath her other movable property to her grandchildren as follows

- a) Rudo Maona – 4-piece lounge suite
- b) Mafios Maenda Toyota Hilux
- c) Mary Maona -kitchen unit
- d) Personal clothes and jewellery to all the above mentioned grandchildren in equal shares.

Draft a will on behalf of Gogo Tafi Your draft should comply with all the formalities of a will.  
[25 marks]

#### **Question 6**

Tom(the deceased) was married to Tanaka. Their marriage was solemnised in terms of the Marriage Act Chapter 5: 11. Tom had a twin sister called Tamary. Tom adored his sister so much that he wrote a will and gave everything to her. Tamary was also married and had two children. On the 14<sup>th</sup> of February in 1997, Tom and Tamary were involved in a tragic accident as they were coming from their birthday celebrations. They all die at the same time at the scene of the accident. At the burial, it was discovered that Tamary had also written a will bequeathing everything that she had to her husband and children. Tom and Tamary's parents feel that they should benefit from their children's estate since they are old and have no means of survival. Advise the twins' parents on the issue of inheritance in this case. **[25 marks]**

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