

Course Code: L604 (M) 2005

UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW
FINAL EXAMINATION PAPER, MAY 2005

TITLE OF PAPER : **LAW OF ADMINISTRATION OF DECEASED ESTATES**

COURSE CODE : **L604**

TIME ALLOWED : **THREE (3) HOURS**

INSTRUCTIONS : **1. ANSWER ANY FOUR (4) QUESTIONS.**
2. ALL QUESTIONS CARRY EQUAL MARKS.

[STUDENTS ARE REQUESTED IN THEIR OWN INTEREST TO WRITE LEGIBLY]

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QUESTION 1

Themba Nxumalo was married in community of property to Thembekile Nxumalo (born Sibandze). He died on the 15th June, 2004. The deceased is survived by this widow, a legitimate son named Siphoh and a legitimate daughter married Thokozile.

The assets consisted of the following:

1.	Lot 13 ext. 14 Mbabane valued at	E 75,000.00
2.	Death gratuity	E180,000.00
3.	2003 Toyota Hilux Motor vehicle valued at	E175,000.00
4.	Cash with Standard Bank Swaziland Limited	E 50,000.00

Claims against the estate were as follows:

5.	Messrs Dup's Funeral Undertakers	25,000.00
6.	Commissioner of Taxes	15,000.00
7.	Leites Motors	1,800.00
8.	Pick and Pay Supermarket	1,300.00

Making up any further details and supplying the necessary administration expenses omitted from the list above, frame the account for lodgement with the Master of the High Court.

[25 MARKS]

QUESTION 2

"The Administration of Estates Act, 1902 imposes certain duties on executors". Explain.

[25 MARKS]

QUESTION 3

Sabelo Magagula appointed his son Sikhumbuzo to be an executor under his will. Sabelo Magagula has died untimely whilst his son is still a minor. Will the Master of the High Court appoint Sikhumbuzo as executor in his father's estate? Explain fully referring to other persons, including legal persons, whose positions are similar to that of Sikhumbuzo.

[25 MARKS]

QUESTION 4

Robert Sikhondze who was married according to Swazi Law and Custom to Fikile Sikhondze (born Mthembu), Phumaphi Sikhondze (born Sikhosana) and Sibongile Sikhondze [born Vilakati] died on the 24th April, 2004. His estate was reported to the Master of the High Court by his brother

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Samuel Sikhondze. The estate is substantial and consist of the proceeds of insurance policies, landed property, livestock and cash at the bank.

The Master of the High Court has subsequently appointed Samuel Sikhondze as executor dative in the estate of the late Robert Sikhondze.

Fikile Sikhondze is aggrieved by the Master's decision to appoint Samuel Sikhondze and approaches you as an attorney for advice. Advise Fikile Sikhondze.

[25 MARKS]

QUESTION 5

“Amongst other things our law of administration of deceased estates contemplates the protection of the rights of minors, absent persons and the mentally handicapped”. Discuss.

[25 MARKS]

QUESTION 6

Your client, Sibusiso, has been appointed executor testamentary in his father's estate in the Republic of South Africa. Your client's father also has an estate in Swaziland which your client wants to wind-up. Advise your client.

[25 MARKS]

QUESTION 7

Discuss the account which an executor must submit to the Master.

[25 MARKS]