

Course Code: L604 (M) 2008

UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW

FINAL EXAMINATION PAPER, MAY 2008

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]

THIS PAPER IS NOT TO BE OPENED UNTIL PERMISSION HAS BEEN GRANTED BY THE INVIGILATOR

QUESTION 1

Your client who is seventeen years of age has been nominated for appointment as executor dative. Will the Master of the High Court appoint him? If not, what other persons are in a similar position as your client.

[25 MARKS]

QUESTION 2

“There are many similarities between the duties of executors and those of tutors and curators.” Discuss.

[25 MARKS]

QUESTION 3

What are the Master’s requirements for the countersignature of foreign letters of administrations?

[25 MARKS]

QUESTION 4

An executor has to lodge an account of his administration within six months of his appointment. Discuss this account.

[25 MARKS]

QUESTION 5

Your client had been married according to Swazi Law and Custom to her deceased spouse. The deceased spouse has left a substantial estate. Your client wishes to report the estate to the Master. Her in laws object to this and demand that it should be wound-up according to Swazi Law and custom.

Advise your client.

[25 MARKS]

QUESTION 6

Explain what the purpose of the Guardian’s fund is and how it is administered.

[25 MARKS]

QUESTION 7

The executor in the deceased estate of your client’s father has sold an immovable property. Your client who is opposed to the sale instructs you to launch an application for the removal of the executor. Advise your client.

[25 MARKS]