

UNIVERSITY OF SWAZILAND

264

FACULTY OF SOCIAL SCIENCE

DEPARTMENT OF LAW

SUPPLEMENTARY EXAMINATION PAPER, JULY 2012

- TITLE OF PAPER : CONVEYANCING AND NOTARIAL PRACTICE**
- COURSE CODE : L 501**
- TIME ALLOWED : THREE (3) HOURS**
- INSTRUCTIONS :**
- (i) QUESTION ONE (1) IS COMPULSORY.**
 - (ii) ANSWER ANY OTHER THREE (3) QUESTIONS.**
 - (iii) ANSWER A TOTAL OF FOUR (4) QUESTIONS.**
 - (iv) EACH QUESTION CARRIES A TOTAL MARK OF [25];
THE TOTAL MARK IS [100]**
 - (v) IN ANSWERING QUESTION NOTE THAT THE QUALITY OF
THE CONTENT, CLARITY OF EXPRESSION AND LEGIBILITY
OF HANDWRITING ARE ABSOLUTELY ESSENTIAL.**
 - (vi) CANDIDATES SHOULD COMPLY WITH ALL DEEDS
REGISTRY ACT REGULATIONS WHERE NECESSARY.**

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

QUESTION 1 (Compulsory)

Job Zulu died being the registered owner of Farm No.681 Manzini District. He left a will in terms of which he bequeathed the property to his son, Nathi, subject to a condition that on his son's death the property will devolve upon Nathi's children.

- (i) Invent additional facts and draft the *causa* in the deed of transfer in favour of Nathi. [5]
- (ii) Distinguish between a *usufruct* and *fideicommissum*. [5]
- (iii) After registration into his name can Nathi and his children alienate or encumber the property? If yes, detail the procedure to be followed in either event. [5]
- (iv) Outline the procedure for the partition of land which is subject to a *feicommissum*. [10]

[TOTAL MARKS: 25]

QUESTION 2

- (a) Invent your own facts to draft an application for a Certificate of Registered Title in respect of *a portion of land*. [15]
- (b) Outline the procedure for the establishment of a township, and the opening of a township register by the Registrar of Deeds. [10]

[TOTAL MARKS: 25]

QUESTION 3

- (a) Briefly describe the following types of bonds:
 - i. Continuing covering surety bond [3]
 - ii. Indemnity bond [3]
 - iii. Kustingbrief bond [3]
- (b) Explain the following exceptions which are usually renounced in mortgage bonds:
 - i. *Non numeratae pecuniae* [3]
 - ii. *De duobus vel pluribus reis debendi* [3]
- (c) Discuss the requirements for the registration of mortgage bonds under the Deeds Registry Act 1968. [10]

[TOTAL MARKS: 25]

QUESTION 4

- (a) Section 61 of the Deeds Registry Act, 1968 provides that “No Deed, or condition in a deed, purporting to create or embodying any personal right and no condition which does not restrict the exercise of any right of ownership in respect of immovable property shall be capable of registration”.

Discuss fully the requirements of the above section and give examples of its application. [15]

- (b) Outline the procedure for the creation of personal servitudes under the Deeds Registry Act, 1968. [10]

[TOTAL MARKS: 25]

QUESTION 5

- (a) What is a protocol register? What information should it contain?

[4]

- (b) List the supporting documents you would have to lodge in support of a transfer of property situated within municipal (urban) boundaries which has been bequeathed to descendants who have entered into a re-distribution agreement. [5]

- (c) (i) What is a praedial servitude? [2]

(ii) Give examples of three types of praedial servitudes. [6]

(iii) Outline the procedure for the creation, by agreement, of a praedial servitude and its registration. [8]

[TOTAL MARKS: 25]