

UNIVERSITY OF SWAZILAND
FACULTY OF SOCIAL SCIENCE
DEPARTMENT OF LAW
SUPPLEMENTARY EXAMINATION, JULY 2018

TITLE OF PAPER : ADMINISTRATION OF ESTATES

COURSE CODE : LAW 308

TIME ALLOWED : THREE (3) HOURS

INSTRUCTIONS :

- 1. ANSWER ANY FOUR (4) QUESTIONS.**
- 2. QUESTION ONE (1) IS COMPULSORY.**

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

QUESTION 1

Thoba Gama was a prominent lawyer, with a thriving legal practice in Manzini. He also owned 2000 head of cattle in the Mdzima area. In May 2012, he executed a Will in which he appointed Khwezi, his one and only daughter as his sole heir. Vuma and Vika (Gama's sons) got to know about the the contents of the Will and protested strongly. They sought the intervention of Chief Mveli, a staunch traditionalist, and senior brother to Thoba Gama. Chief Mveli has engaged his younger sibling in various discussions in a bid to dissuade him from his intentions.

Thoba indicated a willingness to think about the matter. Thoba Gama was involved in a motor vehicle accident a month ago, and was fatally wounded. Mr Gama leaves behind two spouses, to whom he was married in terms of Swazi Customary rites. The Will has been produced, and Khwezi approaches you for legal advise.

Advise her on her prospects of inheriting her father's entire estate in light of her brother's objections, and Chief Mveli's intervention. Explain to her what the law provides in view of the fact that she is only 18 years old. Which law will be used to administer her late father's estate? (25 marks)

QUESTION 2

- a) Discuss the purpose of our system of Administration of Estates. (10 marks)
- b) In what circumstances will the Master need to appoint a Curator bonis? In your response proceed to distinguish between a Curator ad litem and a curator bonis. (10 marks)
- c) Distinguish between a tutor dative and a curator nominate. (5 marks)

QUESTION 3

Some people are disqualified from appointment as executors, whilst others may validly be appointed to hold office.

Discuss this fully, and shed light on the grounds that warrant the removal of an executor from office. (25 marks)

QUESTION 4

- a) Discuss the composition of the Constiuent parts of a Liquidation and Distribution Account. What event that occurred in 1987, changed the requirements for the drawing up of such an account? In what way has this event changed the requirements of a valid liquidation and distribution account? (15 marks)

- b) Which estates are to be reported in terms of our law? Explain the procedure of the said reporting exercise, and explain to whom the report has to be made.

(10 marks)

(25 marks)

QUESTION 5

- a) Write on the Guardian's Fund. (5 marks)
- b) Explain what the law provides regarding Ministerial Supervision of the office of the Master of the High Court. (10 marks)
- c) Explain what letters of confirmation are, and the process which precedes the issuance of this document. (5 marks)

(25 marks)