JUNE 2013 EXAMINATION

DATE: 11 JUNE 2013
TIME: 14H00 – 16H00
DURATION: 2 HOURS
TOTAL: 100 MARKS
PASS MARK: 40%

(LP-007)
PROPERTY LAW AND CONVEYANCE PRACTICE
(ELECTIVE)

THIS EXAMINATION PAPER CONSISTS OF 4 SECTIONS:

SECTION A: CONSISTS OF:
(i) 10 MULTIPLE-CHOICE QUESTIONS (10 MARKS)
(ii) 5 TRUE OR FALSE QUESTIONS (10 MARKS)
(iii) 10 MATCHING-STATEMENT QUESTIONS (10 MARKS)

SECTION B: CONSISTS OF 3 SHORT QUESTIONS
ANSWER ALL THE QUESTIONS (10 MARKS)

SECTION C: CONSISTS OF 3 LONG ANSWER QUESTIONS
ANSWER ALL THE QUESTIONS (40 MARKS)

SECTION D: CONSISTS OF 3 INTERPRETATIVE QUESTIONS
ANSWER ANY ONE OF THE QUESTIONS (20 MARKS)

INSTRUCTIONS:

1. Read the following instructions carefully before answering the paper, as failure to act upon them will result in a loss of marks.
2. Write your answers in your answer book, which is provided in the exam.
3. Ensure that your name and student number are clearly indicated on your answer book.
4. Write your answers in either blue or black ink in your answer book.
5. Read each question very carefully before you answer it and number your answers exactly as the questions are numbered.
6. Begin with the question for which you think you will get the best marks.
7. Note the mark allocations for each question – give enough facts to earn the marks allocated. Don't waste time by giving more information than required.
8. You are welcome to use diagrams to illustrate your answers.
9. Please write neatly – we cannot mark illegible handwriting.
10. Any student caught cheating will have his or her examination paper and notes confiscated. The College will take disciplinary measures to protect the integrity of these examinations.
11. If there is something wrong with or missing from your exam paper or your answer book, please inform your invigilator immediately. If you do not inform your invigilator about a problem, the College will not be able to rectify it afterwards, and your marks cannot be adjusted to allow for the problem.
12. This paper may be removed from the examination hall after the examination has taken place.
(i) **MULTIPLE-CHOICE QUESTIONS**

Choose the correct option for each of the following. Write only the question number and your chosen answer. For instance, if you think that the correct answer for number 1 is (a), then write it as 1. (a).

1. An efficient system of registration of title to land is impossible unless:
   - (a) conveyancers are registered with the Department of Land Affairs.
   - (b) the Registrar of Deeds signs every deed.
   - (c) each registered unit of land is surveyed and represented on a diagram or general plan.
   - (d) every deed is prepared by a conveyancer.

2. Until what year were all deeds prepared by officials?
   - (a) 1844
   - (b) 1944
   - (c) 1864
   - (d) 1884

3. Which of the following refers to the South African land registration system?
   - (a) democratic
   - (b) cadastral
   - (c) negative
   - (d) rural

4. The office of the Chief Registrar of Deeds is situated in:
   - (a) Cape Town.
   - (b) Bloemfontein.
   - (c) Johannesburg.
   - (d) Pretoria.

5. Adiate means:
   - (a) to reject.
   - (b) to accept.
   - (c) to sign.
   - (d) to execute.

6. Agency means:
   - (a) to sign as the seller of property.
   - (b) to sign for a principal.
   - (c) to sign as the purchaser of property.
   - (d) to sign as the registered owner.
7. To be married in community of property:
   (a) the parties need to execute an ANC.
   (b) the parties need to get married.
   (c) the parties need to appear before a conveyancer.
   (d) the parties need to appear before the Registrar of Deeds.

8. The requirement that the sale of land must be in writing is found in:
   (a) the Township Ordinances.
   (b) the Deeds Act.
   (c) the Alienation of Land Act.
   (d) the Chief Registrar's circulars.

9. An electrical compliance certificate is the responsibility of:
   (a) the purchaser of property.
   (b) the conveyancer.
   (c) the estate agent.
   (d) the seller of property.

10. Section 15 of the Matrimonial Property Act has to do with:
    (a) out of community of property marriages.
    (b) in community of property marriages.
    (c) customary marriages.
    (d) foreign marriages.

(ii) **TRUE OR FALSE QUESTIONS**

Indicate whether the following statements are True or False. Motivate all your answers.

1. Internal procedures in a specific Deeds Office are regulated by Chief Registrar's circulars.
2. The registration clause is witnessed by the Registrar of Deeds.
3. Subdivision of land is usually effected by means of a Certificate of Registered Title.
4. For a sectional title register to be opened, an individual diagram for each unit has to be registered.
5. A praedial servitude is a servitude which one person has over another over the land.
(iii) **MATCHING-STATEMENT QUESTIONS**

Match the statements in Column B to the terms in Column A. Write down the answers only, for example 1. (a).

<table>
<thead>
<tr>
<th>Column A</th>
<th>Column B</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. patent</td>
<td>(a) a condition that, if and when fulfilled, enables the operation of the contract</td>
</tr>
<tr>
<td>2. latent</td>
<td>(b) the giving up of rights by a party to a contract</td>
</tr>
<tr>
<td>3. pledge</td>
<td>(c) not visible on a reasonably careful inspection</td>
</tr>
<tr>
<td>4. waiver</td>
<td>(d) not legally bound to perform an obligation which has lapsed after a certain time period</td>
</tr>
<tr>
<td>5. usufruct</td>
<td>(e) the right to enjoy the fruits of, and the obligation to suffer any loss in, a thing</td>
</tr>
<tr>
<td>6. risk</td>
<td>(f) a condition that, if and when fulfilled, terminates the operation of the contract</td>
</tr>
<tr>
<td>7. resolutive</td>
<td>(g) form of real security that comes into existence by the delivery of a movable thing</td>
</tr>
<tr>
<td>8. suspensive</td>
<td>(h) concise description of the kind of conduct that law prohibits as a crime</td>
</tr>
<tr>
<td>9. proscription</td>
<td>(i) visible on a reasonably careful inspection</td>
</tr>
<tr>
<td>10. prescription</td>
<td>(j) real right in terms of which the owner of a thing confers on the holder thereof the right to use and enjoy the thing to which the real right relates</td>
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</tbody>
</table>
SECTION B: SHORT QUESTIONS (10 MARKS)

ANSWER ALL THE QUESTIONS

QUESTION 1

How would you obtain a deed search? [2]

QUESTION 2

In terms of Section 15 of the Matrimonial Property Act, what may a spouse in an 'in community marriage' do with the written consent of the other spouse? [4]

QUESTION 3

List the averments which have to be made on affidavit when an owner applies for the amendment of his or her title deed. [4] [10]
SECTION C: LONG ANSWER QUESTIONS (40 MARKS)

ANSWER ALL THE QUESTIONS

QUESTION 1
List five sources of the South African land registration system. [5 × 2 = 10]

QUESTION 2
When a transaction involves immovable property it is governed by two sets of rules and therefore two legal actions are required. Explain. [10]

QUESTION 3
(a) Define 'land' for the purposes of Section 29A of the Alienation of Land Act. (5 × 2 = 10)

(b) Draft the clause dealing with the purchase price of R300 000 as it typically appears in a Deed of Sale. (10) [20]

[40]
SECTION D: INTERPRETATIVE QUESTIONS (20 MARKS)

ANSWER ANY ONE OF THE QUESTIONS

QUESTION 1
List and briefly describe the typical clauses of a deed of transfer. [20]

OR

QUESTION 2
Outline what an owner of immovable property must do if his title deed is lost, or destroyed or becomes unserviceable. [20]

OR

QUESTION 3
Explain how you would go about registering a transfer of ownership in a sectional title unit. Indicate which facts the conveyancer takes responsibility for and which additional documents have to be lodged. [20]

Section A: 30 marks
Section B: 10 marks
Section C: 40 marks
Section D: 20 marks
TOTAL: 100 MARKS