# NOVEMBER 2013 EXAMINATION

**DATE:** 12 NOVEMBER 2013  
**TIME:** 14H00 – 16H00  
**TOTAL:** 100 MARKS  
**DURATION:** 2 HOURS  
**PASS MARK:** 40%

## Section A: Consists of:

1. **10 MULTIPLE-CHOICE QUESTIONS** (10 MARKS)
2. **5 TRUE OR FALSE QUESTIONS** (10 MARKS)
3. **10 MATCHING-STATEMENT QUESTIONS** (10 MARKS)

**Answer all the questions.**

## 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 2 Interpretative Questions

**Answer one of the questions** (20 MARKS)

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**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.
SECTION A (30 MARKS)

ANSWER ALL THE QUESTIONS

(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. How many classes can property be divided into?
   (a) Four
   (b) Five
   (c) Seven
   (d) Three

2. The Master's permission is required when the immovable property of a minor is alienated and it is worth more than:
   (a) R300 000.
   (b) R100 000.
   (c) R1 000 000.
   (d) R80 000.

3. *Bona fide* means:
   (a) with malicious intent.
   (b) on face value.
   (c) as a matter of fact.
   (d) in good faith.

4. Intangible things are objects you cannot:
   (a) alienate.
   (b) encumber.
   (c) touch.
   (d) sell.

5. Intellectual property can be divided into how many branches in South Africa?
   (a) Three
   (b) Four
   (c) Two
   (d) Five

6. When a person forcibly takes possession of an article from another we are dealing with:
   (a) prescription.
   (b) spoliation.
   (c) a pledge.
   (d) usufruct.
7. Money is regarded as:
   (a) intangible.
   (b) non consumable.
   (c) immovable.
   (d) consumable.

8. The McDonald's sign is an example of a:
   (a) patent.
   (b) design.
   (c) trademark.
   (d) franchise.

9. A person who uses a consumable thing becomes the owner by:
   (a) delivery.
   (b) registration.
   (c) consumption.
   (d) accession.

10. How many types of accession are there?
    (a) Five
    (b) Two
    (c) One
    (d) Three

(ii) TRUE OR FALSE QUESTIONS

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

1. Possession is not the same as ownership.

2. The concept of ownership has existed for hundreds of years only in some cultures.

3. Use is a less comprehensive servitude than usufruct.

4. Ownership of a movable thing is transferred by delivery.

5. At the moment of passing ownership the transferor must have the *animus accipiendi.*
### (iii) MATCHING-STATEMENT QUESTIONS

Match the terms 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. land surveyor</td>
<td>(a) preparation certificate</td>
</tr>
<tr>
<td>2. surveyor general</td>
<td>(b) conveyancer</td>
</tr>
<tr>
<td>3. section 42 (1)</td>
<td>(c) cadastral system</td>
</tr>
<tr>
<td>4. common property</td>
<td>(d) diagram</td>
</tr>
<tr>
<td>5. section 4 (1) (b) application for amendment</td>
<td>(e) on affidavit</td>
</tr>
<tr>
<td>6. regulation 44</td>
<td>(f) Master of the High Court</td>
</tr>
<tr>
<td>7. regulation 68</td>
<td>(g) transfer duty</td>
</tr>
<tr>
<td>8. SARS</td>
<td>(h) liquidation and distribution account</td>
</tr>
<tr>
<td>9. agent of the seller in power of attorney</td>
<td>(i) sectional title</td>
</tr>
<tr>
<td>10. section 42 certificate</td>
<td>(j) lost deed</td>
</tr>
</tbody>
</table>
SECTION B: SHORT QUESTIONS (10 MARKS)

ANSWER ALL THE QUESTIONS

QUESTION 1

The most important real relationships are usually divided into three categories. Name the three categories. [3]

QUESTION 2

Define intellectual property law. [5]

QUESTION 3

Name two personal servitudes besides usufruct. [2]
SECTION C: LONG ANSWER QUESTIONS

(40 Marks)

ANSWER ALL THE QUESTIONS

QUESTION 1

Briefly describe the entitlements of ownership giving an example of each. [5 × 2 = 10]

QUESTION 2

What are the requirements for passing ownership by means of either delivery or registration? [10]

QUESTION 3

(a) What does Regulation 68 (1) of the Deeds Registries Act provide for? (10)

(b) i. What is a section 42 (2) certificate? (4)

ii. Draft a typical example of a section 42 (2) certificate. (6) [20]

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

ANSWER ONE OF THE QUESTIONS

QUESTION 1
A written 'Offer to Purchase' signed by a purchaser and accepted by a seller constitutes a binding agreement. Describe the terms that are typically included in such an agreement. [20]

OR

QUESTION 2
Discuss the personal servitude of usufruct. [20]

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