NOVEMBER 2013 EXAMINATION

DATE: 12 NOVEMBER 2013

TIME: 14H00 – 17H00

TOTAL: 100 MARKS

DURATION: 3 HOURS

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)
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)

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. The history of land registration commenced in:
   (a) 1994.
   (b) 1652.
   (c) 1819.
   (d) 1933.

2. The first township registers were opened in:
   (a) 1652.
   (b) 1933.
   (c) 1927.
   (d) 1800.

3. What do Registrars use to prescribe procedures and practices in the Deeds Office?
   (a) Regulations
   (b) Textbooks
   (c) Ordinances
   (d) Circulars

4. Immovable property can only be transferred from one person to another by virtue of a:
   (a) rates clearance.
   (b) transfer duty receipt.
   (c) deed of transfer.
   (d) power of attorney.

5. A deed search can be done:
   (a) only by a Conveyancer.
   (b) only by the Registrar.
   (c) manually in the deeds office.
   (d) only on the internet.

6. The requirement that a deed of sale of immovable property must be in writing comes from:
   (a) the Deeds Act.
   (b) the Alienation of Land Act.
   (c) the Town Planning Ordinance.
   (d) regulations.
7. Land for the purposes of section 29A of the Alienation of Land Act excludes:
   
   (a) sectional title units.
   (b) share blocks.
   (c) a housing interest.
   (d) agricultural land.

8. When does section 29A not apply?
   
   (a) The purchase price exceeds R150 000.
   (b) The purchase price exceeds R350 000.
   (c) The purchase price exceeds R250 000.
   (d) The purchase price exceeds R1 000 000.

9. *Domicilium* in a contract clause has to do with:
   
   (a) addresses of parties.
   (b) capacity of parties.
   (c) rights of parties.
   (d) identification of parties.

10. In a power of attorney, Regulation 18(1) has to do with:
    
    (a) identification of parties.
    (b) marital status of parties.
    (c) the purchase price.
    (d) the reason for transfer.

(ii) **TRUE OR FALSE QUESTIONS**

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

1. South Africa has a positive system of registration.
   
   [True or False: True]

2. The deeds office for the Eastern Cape is in Port Elizabeth.
   
   [True or False: False]

3. Assignment is the transfer of rights in a contract to a third party.
   
   [True or False: True]

4. When a company is involved in the sale of land a resolution is required.
   
   [True or False: True]

5. Land cannot be sold in instalments.
   
   [True or False: False]
(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. usufruct</td>
<td>(a) law enacted by a competent legislature</td>
</tr>
<tr>
<td>2. waiver</td>
<td>(b) punishment</td>
</tr>
<tr>
<td>3. memo</td>
<td>(c) the process whereby one of the parties to a contract transfers to a third party the rights that flow to it from that contract</td>
</tr>
<tr>
<td>4. agency</td>
<td>(d) one on whose behalf an agent does business</td>
</tr>
<tr>
<td>5. status</td>
<td>(e) the giving up of rights by a party to a contract</td>
</tr>
<tr>
<td>6. cession</td>
<td>(f) legal standing, usually significant in terms of rights and duties flowing from it</td>
</tr>
<tr>
<td>7. warranty</td>
<td>(g) real right in terms of which the owner of a thing confers on another the right to use the thing</td>
</tr>
<tr>
<td>8. statute</td>
<td>(h) a term of a contract that accepts responsibility for the truth of certain representations</td>
</tr>
<tr>
<td>9. sanction</td>
<td>(i) a contract in terms of which one person is authorised by another to conduct business with a third party on his or her behalf</td>
</tr>
<tr>
<td>10. principal</td>
<td>(j) sets out basic information about a limited liability company, including its objects and its scope</td>
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</tbody>
</table>
SECTION B: SHORT QUESTIONS (10 MARKS)

ANSWER ALL THE QUESTIONS

QUESTION 1
What is a 'cooling off' provision in an offer to purchase? [3]

QUESTION 2
Describe the publication role of our Land Registration System. [5]

QUESTION 3
When did our Land Registration System originate? [2]

[10]
SECTION C: LONG ANSWER QUESTIONS (40 MARKS)

ANSWER ALL THE QUESTIONS

QUESTION 1
What does it mean to have a cadastral system of land registration? [8]

QUESTION 2
When receiving an instruction to transfer a property, documentation has to be collected and provided to the Conveyancer. List and briefly describe six documents that may be required. [12]

QUESTION 3
(a) Draft a typical 'Voetstoots' clause in a Deed of Sale. (10)
(b) Explain what a Section 42(2) certificate is. Describe how it is different from a Section 42(1) certificate. Indicate which documents have to be submitted, and to whom, for the issue thereof. (10) [20]

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

ANSWER ONE OF THE QUESTIONS

QUESTION 1
What are the rules relating to the identification of the parties in a power of attorney? [20] 

OR

QUESTION 2
List the typical clauses of a Deed of Transfer, briefly describing each clause. [20] 

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