



**HERBERT CHITEPO LAW SCHOOL
BACHELOR OF LAWS HONOURS DEGREE
LEVEL 3 SEMESTER 2
EXAMINATION QUESTION PAPER**

MODULE CODE	LLB321
MODULE NARRATION	LAW OF SUCCESSION AND ADMINISTRATION OF ESTATES
DATE	2024
DURATION	3 HOURS

INSTRUCTIONS TO CANDIDATES:

1. Answer Three questions: Answer all questions from Section A and Two from Section B.
2. Unannotated Module outlines are allowed in the examination room
3. Unannotated copies of the following Statutes and amendments may be taken into the examination room.

Administration of Estates Act Chapter 6:01
Births and Deaths Registration Act Chapter 5:02
Burial and Cremation Act Chapter 5:03
Customary law and local Courts Act Chapter 7:05
Customary Marriages Act Chapter 5:07
Deceased Estates Succession Act Chapter 6:02
Deceased Persons Family Maintenance Act Chapter 6:03
Estate Administrator's Act No.16/98 Chapter 27:20
Missing Persons Act Chapter 5:14
Wills Act Chapter 6:06
Zimbabwe Constitutional Amendment Number 20

4. It is required that students present their work legibly and logically
5. Reference to case law and statutes will earn the student higher credit.

This question paper is 3 pages long

SECTION A

ANSWER ALL QUESTIONS FROM THIS SECTION

Question 1 (a)

All Wills are revocable. This is an expression of the freedom of testation. The freedom to make a Will extends to cover the freedom to revoke it.

In light of the above statement, discuss the three methods of voluntary revocation of Wills citing the relevant statutory provisions and case law. [15]

Question 1(b)

With reference to relevant case law and legislation, outline the preliminary protection of an estate in relation to an inventory, interim custody and property grabbing. [15]

SECTION B

ANSWER TWO QUESTIONS FROM THIS SECTION

Question 2

With reference to case law, critically analyse Section 68 (3) and Section 68 (4) of the Administration of Estates Act Chapter 6:01. [20]

Question 3

Thomas was employed as a soldier with the Zimbabwean National Army. Thomas was sent to the Democratic Republic of Congo, a war zone as part of the Zimbabwe National Army peacekeeping force on behalf of the United Nations. Thomas was sent to the Democratic Republic of Congo 5 years ago. One year into his mission the truck which Thomas was traveling in was ambushed by rebel fighters and was blown up by grenades and burnt down. Thomas's body was never found. Thomas's brother Farai, applies for an order presuming death of Thomas at Masvingo Magistrates Courts which is duly granted. Farai proceeds to register and administer the estate of Thomas. Farai as the only surviving closest relative of Thomas, is awarded all the property including a supermarket which he continues to run after the presumption of death of Thomas. Three years after the order presuming death of Thomas, he reappears alive and well after he is rescued from capture by rebel forces. Farai is not happy with this development as he was now enjoying the property which he had gained after administering the estate of Thomas.

You are a Legal Officer with Legal Resources Foundation and Thomas approaches you for advice on the following:

- a) He wants to know the legal entitlements he has of the property including the supermarket which are now in the control of his brother Farai.

Advise him fully. [12]

- b) The factors that would have been taken into account by the Magistrates court in granting the order presuming death of Thomas.

Advise him fully. [8]

Question 4

Discuss the doctrine of freedom of testation in relation to the disinheritance of a surviving spouse through a will. Your answer should be support by case law and legislation.

[20]

Question 5

“Even if the court were to accept, with no medical evidence proffered that the cause of death related to a mental illness, at the time she executed her will she was not suffering from that illness at all. In my view therefore the applicant has failed to establish that at the time that the deceased executed the will she was mentally incapable of appreciating the nature of her actions.” As per Matanga vs Denhure and Another HH 88/2008

Discuss the legal issues from the above statement.

[20]

Total Marks :

[70]

*****END OF QUESTION PAPER*****