



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

MODULE CODE	LLB321
MODULE NARRATION	LAW OF SUCCESSION AND ADMINISTRATION OF ESTATES
DATE	2025
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.
6. This question consists of 4 pages.

SECTION A

ANSWER ALL QUESTIONS FROM THIS SECTION

Question 1

(a). Jairos and Sostina have been married for over 20 years. They have three children who include two girls (all of whom are over the age of 18 years) and one boy, who is 14 years old. While driving from their farm to Chivhu, where Jairos (the husband) works, the couple was involved in a fatal accident that leaves the wife severely injured and fighting for her life. However, by the grace of God, Sostina eventually survives and is able to lead a normal life again. During the subsistence of their marriage, Jairos was the sole breadwinner and Sostina did not have a formal employment, rather she was a house wife. The couple managed to acquire a mansion in Zimre Park Masvingo, where they lived with the children for over 15 years of their lives. They also had a farm and various business ventures in mining, agriculture and manufacturing. At Jairos' funeral, two other women emerge with one boy each, alleging that Jairos was their father. The two boys actually had birth certificates indicating Jairos as the father. A dispute arose relating to whether the two children should inherit and if so, how much. There also arose a dispute pertaining to the valuation of the deceased's estate and the surviving spouse thought her children alone should inherit. 5 years after Jairos' death, Sostina remarries, even though the inheritance dispute still rages on. Unfortunately, she dies in the third year of her second marriage to John, leaving one minor child from the second marriage and the other children from the first marriage.

You are a legal practitioner with Legal Aid Directorate and John, Sostina's second husband, approaches you seeking advice as to whether he can inherit from the estate of her late wife Sostina. Advise him accordingly. In your answer, explain the rights and interests of all other children on the estate if any, citing relevant legislation. **[15 Marks]**

(b). Explain **any three** of the following concepts and or terms as they are understood in both testate and intestate succession;

- (i) Fideicommissum;
- (ii) Revocation;
- (iii) Collation;
- (iv) Joint and Mutual Wills;
- (v) Testamentary Trust.

[15 Marks]

SECTION B

ANSWER TWO QUESTIONS

Question 2

All Wills are revocable. This is an impression 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. **[20 Marks]**

Question 3

Mabhunu Muchaiti was employed as a soldier with the Zimbabwe National Army. He was sent to the Democratic Republic of Congo, a war zone as a part of the ZNA peacekeeping mission on behalf of the United Nations. Mabhunu went to the war 5 years ago. One year into his mission, the truck which Mabhunu was traveling in was ambushed by the rebel fighters and was blown up by grenades and burnt down. Mabhunu's body was never found. Musorowegomo, Mabhunu's brother, applied for an order presuming death of Mabhunu at Masvingo Magistrates Court and was duly granted. Musorowegomo proceeded to register and administer the estate of Mabhunu. Musorowegomo, as the only surviving close relative of Mabhunu, is awarded all the property including a hardware shop which he continues to run after the presumption of death of Mabhunu. Three years after the order presuming Mabhunu dead, he reappears alive and sound after he was rescued from capture by the rebel fighters. Musorowegomo is not happy with this development as he was now enjoying the property which he had gained after administering the estate of Mabhunu.

You are a legal Practitioner with A&B Legal Practice and Mabhunu approaches you for advice on the following;

- (a) He wants to know the legal entitlements he has on the property, including the supermarket which are now in control of his brother Musorowegomo. **[10 Marks]**
- (b) The factors that would have been taken into account by the Magistrates Court in granting the order presuming death of Mabhunu. **[10 Marks]**

Question 4

Ruva Chimusoro approaches you in your capacity as a legal officer with the Legal Aid Directorate. She informs you that her father, Simon Chimusoro, passed away in October 2021. He did not leave a Will behind. He left behind a sugarcane farm which he owned located in Chiredzi. She also indicates that her father owned a house in Chiredzi Town where she lived together with her mother – the wife to the late Simon Chimusoro. Her father's 2 brothers, John and Albert came and forcibly took control of the sugarcane farm and also evicted her and her mother from the house in Chiredzi Town. Ruva indicates that together with her mother, they now live with well-wishers. She wants her mother and herself to regain control of the sugarcane farm and house in Chiredzi town.

Advise Ruva of the legal issues emanating from her situation. [20 Marks]

Question 5

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

TOTAL MARKS: 70

END OF QUESTION PAPER