



UNIVERSITY OF NAMIBIA

FACULTY	LAW		
DEPARTMENT	Private and Procedural Law		
SUBJECT	Law of Succession		
SUBJECT CODE	LPSU 3861		
DATE	May/June 2021		
DURATION	Three (3) Hours	MARKS	100

Regular Examination

Examiner: Ms MP Nakapela

Moderator: Prof A Nwafor

This question paper consists of 3 pages, including the cover page.

Instructions:

1. Answer four (4) questions only;
2. Read carefully and understand the question before answering;
3. Underline any authority referred to.

QUESTION 1

With reference to case law and relevant legislation, discuss the requirements that must first be fulfilled before the rules of succession can come into operation. [25 marks]

QUESTION 2

Fully and critically discuss how deceased estates were dealt with before and after 29th December 2005. Substantiate your answer with reference to case law and applicable legislation.

[25 marks]

QUESTION 3

- a) Explain (by showing calculations only) how the following estate would be divided in terms of the Rehoboth Baster Proclamation 36 of 1941.
- i) The deceased was married in community of property, no children, no parents but left only a spouse and a brother and sister. Balance for distribution is N\$ 240 000. [5 marks]
 - ii) The deceased was married out of community of property and left behind a spouse, a mother and 2 stepdaughters. Balance for distribution is N\$ 200 000. [5 marks]
- b) Explain by showing calculations only how the following estates will be divided in terms of the Intestate Succession Ordinance 12 of 1946 or the Political Ordinance 12 of 1580
- i) The deceased left no spouse, no descendants but only a half brother and a sister. Balance for distribution is N\$ 600 000. [5 marks]
 - ii) The deceased left a spouse to whom he was married to in community of property and both parents. Balance for distribution is N\$ 250 000. [5 marks]
 - iii) The deceased left behind no spouse but 2 sons and 2 grandchildren who are children of a predeceased child. The balance for distribution is N\$ 300 000. [5 marks]

QUESTION 4

Ms Candy Lawson has approached you a candidate legal practitioner at a local law firm and would like to find out how she can create a last will and testament in the hope that her children will be sorted when she dies.

You are required to advise her with reference to case law and relevant legislation, all the formalities for drawing up a last will and testament. [25 marks]

QUESTION 5

A will is revocable at any stage before the death of the testator.

Discuss revocation of wills as well as the different methods of revoking a will. [25 marks]

TOTAL 100 MARKS