QUESTION 1

ANSWER ALL QUESTIONS

This paper consists of 3 pages.

Equivalent to 90 minutes

PROPERTY LAW

PROF. JERMINE VAN WYK
MR. PD BRINK

SECOND:

PROF. J. KNOBLOCH

FIRST:

EXAMINERS:

DURATION: 2 HOURS

100 MARKS

UNISA UNIVERSITY OF SOUTH AFRICA

UNIVERSITY EXAMINATIONS

PROPRIETARY MATERIAL. © UNIVERSITY OF SOUTH AFRICA 2004
20
(3) Indicate whether the control of a bona fide possessor is lawful, or not. Substantiate your answer.

(7) A nuisance.

(4) SA 510 (A) to determine whether falling leaves and pruningsランスープ of trees constitute a nuisance. Briefly discuss the principles laid down by the court in "Gatherer v. Ceres Vynwythere (1951)"

(8) Your answer:

(5) Can a co-owner burden the thing without the consent of the other co-owners? Substantiate.

OPD 1557

(8) How was the substitution from the dominium-restitutum formulated in Ex parte Cederithaus (1926)

QUESTION 4

20

(8) "(ever more)"

(7) Deliver with the long hand (radix longa manu) and deliver with the short hand (radix shorta manu).

(5) Define and differentiate methods of acquisition of ownership.

QUESTION 3

20
(7) 196/61 Lumina Avenue Investments (Proprietary) Ltd v. 185 Jsmn Simms Avenue Investments (Proprietary) Ltd (1967) SA 106 (A) SA (Secession's) cases: Evidence as stated in "Evidence in Property and Jacksons Ltd (1929) AD"

(8) Two requirements for the applicability of an enforcement that is subject to the jurisdiction of the court.

(5) Conditions under which mobiles belonging to third persons are subject to the landlord's enforcement.

(5) Two elements of possession.

(5) Valid defences that may be raised against the possession remedy.

QUESTION 2

Name the...
Under which circumstances will S's wife be entitled to use the Road?

Regarded, S's wife now wishes to use the Road.

1. D agree with S's wife.

2. B have an agreement with S, the owner of the land in terms of which they undertake

Directly advise S's wife.

3. D's farm S's wife and his wife wishes to use the Road.

Charge for as long as the lives. This agreement is registered against the title deed of S's farm. D and B have an agreement with S in terms of which he can use a road over their farm land of

Reference to case law:

Will the state succeed in proving that S was the owner? Substantiate your answer with

S is accused of being the owner of the land. The state alleges that S was the owner of the land and that Z is

the cooperative. (iii) the inference (ii)

X and Y. (i)

Advise with reference to authority:

Cooperative claims that it is the owner of the attachments. Insolvent estate X and Y claim that they became co-owners by means of accession and the

attorney is instructed to go to the court. It is agreed that S is the owner of the land and that X

and Y are co-owners of the land. Cooperative has been paid in full. S becomes insolvent estate

cooperative. Its state is that S is the owner of the land and that X and Y are co-owners of the land.

The cooperative reserves ownership of the land. The cooperative reserves until the full insolvency has been paid. A

decision is made to build a dairy and stables on the farm which

Section 5

October/November 2004

PL201-1
ANTWOOR RAlle VRAE

Hierdie vraestel bestaan uit 3 bladsye.

-----

PROF. J. DE VOS
M. P. FORBES
PROF. J. B. S. R. M. SCOTT

TWEDESTE:

ERSTE:

EXERINATORIE:

Tydskur: 2 uur

SAKRENG

100 punkte

OCTOBER/NOVEMBER 2004

PVL201-1

UNISA

UNIVERSITY OF SOUTHERN AFRICA

UNIVERSITY EXAMINATIONS

UNIVERSITET EXAMINASIES
BRAAG 4

VRAAG 3

VRAAG 2

Oktobe-November 2004
PV 2001-7