

PROKUREURSEKSAMEN

DEEL 1 HOFPROSEDURES

27 FEBRUARIE 2007

09:00-12:15

Totaal: [100]

Kandidate kry 15 minute om die vraestel deur te lees voor hulle begin skryf. Geen kandidaat mag tydens hierdie tyd in die antwoordboek begin skryf nie. Die eksamen van 3 uur volg dan.

1. Kandidate moet al die vrae beantwoord.
2. Die vrae mag in Afrikaans of Engels beantwoord word.
3. Kandidate moet daarop let dat punte vir goeie opstelwerk toegeken word.
4. Waar nodig, moet kandidate hulle eie feite versin.
5. Skryf asseblief slegs in pen op die regterkantse bladsye.
6. Tensy daar 'n spesiale rede bestaan, word 'n kandidaat nie vir 'n mondeling in hierdie deel ingeroep as 50% en meer behaal is nie. Indien 'n kandidaat minder as 40% behaal sal hy/sy nie kwalifiseer vir 'n mondeling nie en sal hierdie deel druip.

ATTORNEYS' EXAMINATION

PART 1 COURT PROCEDURES

27 FEBRUARY 2007

09:00-12:15

Total: [100]

Candidates are allowed 15 minutes to peruse the paper before starting to answer the questions. No candidate may start writing in the answerbook during this period. The examination of 3 hours then follows.

1. Candidates must answer all the questions.
2. The questions may be answered in English or Afrikaans.
3. Candidates must remember that marks are awarded for good draftsmanship.
4. Candidates must invent their own facts wherever necessary.
5. Please write only in pen on the right-hand pages.
6. Except if a special reason exists, a candidate will not be required to do an oral in this part if 50% or more is attained. If a candidate achieves less than 40% he/she will not qualify for an oral and will have failed this section.

VRAAG 1

[15]

U word deur Mary Smith geraadpleeg en sy deel u mee soos volg:

1. Op 1 April 2006 het 'n botsing plaasgevind tussen 'n voertuig bestuur deur haar man en 'n ander voertuig. Die bestuurder van die ander voertuig is geheel en al verantwoordelik vir die botsing. U kliënt se man is op 15 April 2006 oorlede as gevolg van die beserings wat hy in die ongeluk opgedoen het.
2. Vier minderjarige kinders is uit die huwelik gebore en die oudste drie presteer goed op skool. Die oorledene was 45 jaar oud toe hy gesterwe het, was werksaam teen 'n bruto salarries van R30 000,00 per maand en sou afgetree het teen 'n ouderdom van 65 jaar. U kliënt was 40 jaar oud ten tye van die ongeluk.
3. Mnr Smith het 'n testament agtergelaat waarin hy 'n testamentêre trust ten gunste van sy minderjarige kinders geskep het.
4. Hy het twee lewenspoliswse gehad en die trust wat gestig moet word, is genomineer as die alleen begunstigde daarvan.
5. Die ander voertuig wat met Mnr Smith gebots het, het vroeër met 'n voetganger gebots waarna die bestuurder beheer van sy voertuig verloor het en met Mnr Smith gebots het.

Mev Smith gee u sekere bewysstukke ten opsigte van hospitaal, mediese en begrafnis onkoste wat aangegaan is. Sy het hierdie onkoste betaal.

U deel haar mee dat daar sekere eise is wat teen die Padongelukkefonds ingestel kan word voortvloeiend uit haar man se sterfte.

QUESTION 1

[15]

You are consulted by Mary Smith who advises you as follows:

1. On 1 April 2006 a collision occurred between a vehicle driven by her husband and another vehicle. The driver of the other vehicle was completely to blame for the collision. Mary Smith's husband sustained bodily injuries from which he died on 15 April 2006.
2. There were four minor children born of the marriage and the eldest 3 were doing well at school. The deceased was 45 years old when he died, was employed at a gross salary of R30 000,00 per month and would have retired at age 65. Ms Smith was 40 years old at the time.
3. Mr Smith left a will in terms of which a testamentary trust was created for the benefit of his children.
4. He had two life insurance policies and the trust to be formed was nominated as the sole beneficiary thereof.
5. The other vehicle which collided with Mr Smith first collided with a pedestrian and the driver thereafter lost control of the vehicle and collided into Mr Smith.

Mrs Smith hands to you several vouchers in respect of hospital, medical and funeral expenses that were incurred and which she paid.

You advise your client that there are certain claims that can be made against the Road Accident Fund arising from the death of Mr Smith.

Beantwoord die volgende vrae met verwysing na die feitestel wat hierbo uiteengesit is.

- a) Sit uiteen die eise wat beskikbaar is en verskaf die identiteit van die eiser(s) ten opsigte van elkeen van hierdie eise. (2)
- b) Sekere dokumente moet die eisevorms vergesel ten einde die eise te ondersteun. Noem hierdie dokumente. (3)
- c) Stel die situasie van die eiser in die besonderhede van die eis ten opsigte van elkeen van die eise wat u geïdentifiseer het, op. (1)
- d) In die geval van enige eise wat vir u kliënt beskikbaar mag wees ten behoeve van haarself of haar kinders, vir welke periode sal u kliënt kan eis? (2)
- e) Hoe sal die oorledene se inkomste tussen die eisers verdeel sal word. (2)
- f) In u bepaling van die eise wat namens die kinders ingestel mag word, sal u die gelde wat hulle van die trust deur die oorledene in sy testament geskep sal ontvang, in ag neem? Motiveer u antwoord. (2)
- g) Sal die opbrengste van die lewenspolisse wat die boedel toeval, in ag geneem moet word wanneer enige van hierdie eise bepaal word? Motiveer u antwoord. (1)
- h) Teen welke datum sal u die eisevorms ten opsigte van elkeen van die eise wat beskikbaar mag wees, moet indien. (1)

Answer the following questions with reference to the above factual information.

- a) Identify the claims that are available and also furnish the identity of the claimant(s) in respect of each of these claims. (2)
- b) To substantiate the claims certain documents have to accompany the claim form in respect of each claim. Name these documents. (3)
- c) Draft the citation of the plaintiff in the particulars of claim in respect of each of the claims that you have identified. (1)
- d) In the event of any claims being available to your client on behalf of herself and her children, for what periods will your client be able to claim? (2)
- e) How will the deceased's income will be apportioned amongst the claimants. (2)
- f) In your assessment of the claims on behalf of the children, will you have to take into account the monies that they will receive from the trust created by the deceased in terms of his will. Motivate your answer. (2)
- g) Will the proceeds of the life policies accruing to the estate have to be taken into account when assessing any of these claims? Motivate your answer. (1)
- h) By what date will you have to lodge the claim forms in respect of each of the claims that may be available? (1)

- i) Sal die Padongelukkefonds geregtig wees om enige verdeling van aanspreeklikheid teen enige eise wat u kliënt mag bring, toe te pas in die geval dat die oorledene in gelyke mate vir die ongeluk aanspreeklik was? Motiveer u antwoord. (1)

- i) Will the Road Accident Fund be entitled to apply any apportionment of liability in respect of any claims that your client may bring in the event the deceased was equally to blame for the accident? Motivate your answer. (1)

VRAAG 2 [2]

Op 10 Augustus 2005 is u kliënt amper deur 'n motorvoertuig omgery. Hy vermy dat die motorvoertuig hom tref deur uit die pad daarvan te spring. As gevolg daarvan val hy in 'n sloot en is hy erg beseer. Die motorvoertuig het nie tot stilstand gekom nie en nog die voertuig nog die bestuurder daarvan kan opgespoor word nie. Het u kliënt 'n vergoedingseis teen die Padongelukkefonds? Motiveer u antwoord.

QUESTION 2 [2]

On 10 August 2005 your client is almost run over by a motorcar. He only avoids being hit by deftly jumping out of the way. As a result thereof he falls into a ditch and he is seriously injured. The motor vehicle did not stop and neither the vehicle nor the driver can be traced. Does your client have a claim for compensation against the Road Accident Fund? Motivate your answer.

VRAAG 3 [1]

Beskryf die manier of maniere hoe u, as u kliënt se prokureur, 'n eisvorm aan die Padongelukkefonds kan aflewer.

QUESTION 3 [1]

Describe the manner or manners in which you, as your client's attorney, may deliver a claim form to the Road Accident Fund?

VRAAG 4 [2]

U kliënt was 'n passassier in motorvoertuig "A" wat in 'n botsing met 'n sleepwa getrek deur voertuig "B", betrokke was. Die botsing is geheel en al veroorsaak deur die nalatigheid van die bestuurder van voertuig "B". Het u kliënt 'n eis teen die Padongelukkefonds? Motiveer u antwoord.

QUESTION 4 [2]

Your client was a passenger in motor vehicle "A" which was involved in a collision with a trailer being drawn by vehicle "B". The collision was caused solely by the negligence of the driver of vehicle "B". Does your client have a claim against the Road Accident Fund? Motivate your answer.

VRAAG 5 [3]

X, 'n voetganger, is op 15 Mei 2003 beseer as gevolg van die nalatige bestuur deur die versekerde bestuurder. 'n Derde party eis is namens X, by die Padongeluksfonds deur 'n eisekonsultant ingedien. Die fonds weier om X se eis te aanvaar.

QUESTION 5 [3]

X, a pedestrian was injured on 15 May 2003 due to the negligent driving on the part of the insured driver. A third party claim on behalf of X was lodged with the Road Accident Fund by a claims consultant. The Road Accident Fund refuses to entertain X's claim.

Is die fonds geregtig om dit te doen? Gee volledige redes vir u antwoord.

Is it entitled to do so? Give full reasons for your answer.

VRAAG 6 [2]

U kliënt se eis in verband met persoonlike beserings gaan verjaar binne die volgende sewe dae en ten spyte van 'n deeglike soektog kan u nie die hospitaalrekords opspoor en die hospitaal kan van geen verdere hulp wees nie. U het alreeds ander dokumente voltooi ten einde u die eis te kan indien.

Watter stappe sal u neem om te verseker dat u 'n geldige eis betyds kan indien?

VRAAG 7 [10]

Die dagvaarding wat volg bevat verskeie wesentlike foute. Identifiseer 10 (tien) van die foute en motiveer kortliks elk van u antwoorde. U mag aanneem dat die dagvaarding behoorlik geteken, geseël en uitgereik is.

**IN DIE HOOGGEREGSHOF VAN SUID-
AFRIKA
TRANSVAALSE PROVINSIALE AFDELING**

Saak 1267/2006

In die saak tussen

J SMITH EISER

en

JOHN JONES VERWEERDER

DAGVAARDING

Aan die balju of sy adjunk

Stel John Jones, 'n meerderjarige manlike loodgieter, wat woonagtig is te Florencestraat 12, Durban, Kwa-Zulu Natal (hierna die verweerder genoem) in kennis dat J Smith, 'n minderjarige wat woonagtig is te Kerkstraat 1654, Pretoria, Gauteng (hierna die eiser genoem) hierby aksie teen hom instel in welke aksie die eiser vorder:

QUESTION 6 [2]

Your client's claim for personal injuries is about to prescribe in seven days' time and you have been unable to locate the hospital records despite an extensive search, and the hospital is unable to be of any further assistance.

You already have other documents completed to enable you to lodge the claim. What steps would you take to enable you to lodge a valid claim timeously.

QUESTION 7 [10]

The summons which follows contains several errors of substance. Identify 10 (ten) of these errors and briefly motivate each answer. You may assume that the summons has been properly signed, stamped and issued.

**IN THE HIGH COURT OF SOUTH AFRICA
(TRANSVAAL PROVINCIAL DIVISION)**

Case 1267/2006

In the matter between

J SMITH Plaintiff

and

JOHN JONES Defendant

SUMMONS

To the Sheriff or his deputy:

Inform John Jones, an adult male plumber, who resides at 12 Florence Street, Durban, Kwa-Zulu Natal (hereinafter called the Defendant), that J Smith, a minor who resides at 1654 Church Street, Pretoria, Gauteng (hereinafter called the plaintiff) hereby institutes action against him in which action the plaintiff claims:

- a) Betaling van die bedrag van R150,000.00 synde die billike, redelike en noodsaaklike herstelkoste van 'n 2003 BMW 530i motorvoertuig met registrasienommer TRP 167 GP bestuur deur die eiser en betrokke in 'n motorbotsing met 'n Mercedes Benz voertuig met registrasienommer ND 453, die eiendom van die verweerder. Die botsing het op die 12de November 2006 te die kruising van Grosvenor en Bloustrate, Durban, Kwazulu Natal plaasgevind.
- b) Rente op die bedrag van R150,000.00 teen 18,5% per jaar vanaf 12 November 2006 tot datum van betaling.
- c) Koste van die geding.
- d) Verdere of alternatiewe regshulp.

Stel die verweerder verder in kennis dat indien hy die eis betwis en die aksie wens te verdedig, hy binne 10 (tien) dae na betekening aan hom van hierdie dagvaarding, by die griffier van hierdie hof te Vermeulenstraat, Pretoria 'n kennisgewing van sy voorneme om te verdedig moet indien en 'n afskrif daarvan aan eiser se prokureur moet beteken, in welke kennisgewing 'n adres (nie synde 'n posbus of post restante nie) soos in reël 19(3) bedoel, sodanige adres moet binne 80 (tagtig) kilometers van die kantoor van die griffier vir die betekening aan die verweerder van alle kennisgewings en dokumente in die aksie, aangegee word.

Stel die verweerder verder in kennis dat indien hy versuim om voormelde kennisgewing in te dien en te beteken soos voormeld, vonnis soos aangevra teen hom gegee kan word, sonder verdere kennisgewing aan hom.

En beteken onmiddellik daarna 'n afskrif van die dagvaarding aan die verweerder en lewer die oorspronklike aan die griffier terug met 'n relaas van wat u daaromtrent gedoen het.

- a) Payment of the sum of R150,000.00 being the fair, reasonable and necessary costs of repair of a 2003 BMW 530i vehicle with registration number TRP 167 GP driven by the plaintiff and involved in a collision with a Mercedes Benz vehicle with registration number ND 453 owned by the defendant. The collision occurred on the 12th of November 2006 at the intersection of Grosvenor and Blue Streets, Durban, Kwazulu Natal.
- b) Interest on the amount of R150,000.00 at 18,5% per annum from 12th of November 2006 to date of payment.
- c) Costs of suit.
- d) Further or alternative relief.

Inform the defendant further that if he disputes the claim and wishes to defend the action, the defendant shall within 10 days of service upon him of this summons file with the Registrar of this honourable court at High Court Building, Vermeulen Street, Pretoria notice of his intention to defend and serve a copy thereof on the plaintiff's attorneys which notice shall give an address (not being a post office box or poste restante) referred to in Rule 19(3) for the service upon the defendant of all notices and document in the action, such an address to be one within 80 (eighty) kilometres of the office of the registrar.

Inform the defendant further that if he fails to file and serve notice as aforesaid, judgment may be given against him without further notice to him.

And immediately thereafter serve on the defendant a copy of this summons and return the same to the registrar with whatsoever you have done thereupon.

Gedateer te Pretoria hierdie dag van 15de dag van Januarie 2007.

“Geteken”
GRIFFIER VANDIE HOOGGEREGSHOF

“Geteken”
Eiser se prokureurs
Pringle en Pringle
Commissionerstraat 1260
Johannesburg
Verw: Pringle AB/182

VRAAG 8

[12]

U word geraadpleeg deur John James, die besturende direkteur van JJ Printing Supplies (Edms) Bpk van Kaapstad. Hy deel u mee dat Print-a-Plan Bk van Kaapstad 'n bedrag van R180,000.00 aan die maatskappy verskuldig is ten opsigte van goedere verkoop en gelewer gedurende September 2006 ingevolge 'n skriftelike kontrak gedateer 14 Augustus 2006. Die Bk is finaal gelikwedeer in Januarie 2007 en die bedrag is nie betaal nie. By nagaan van die ooreenkoms merk u dat Peter Smith, 'n welvarende sakeman van Kaapstad homself as borg aan J J Printing Supplies (Edms) Bpk verbind het vir die verpligtinge van Print-a-Plan Bk, vir goedere verkoop en gelewer tot 'n bedrag van R200,000.00. Hy het ook afstand gedoen van sy regte tot ekskussie (uitskudding). John James gee opdrag aan u om voort te gaan op die borgakte.

Stel die besonderhede van vordering tot 'n gekombineerde dagvaarding op. Gebruik sodanige addisionele feite as wat u nodig ag.

VRAAG 9

[3]

Onderskei kortliks tussen appél en hersieningsprosedure.

Dated at Pretoria this 15th day of January 2007.

“Signed”
Registrar of the High Court

“Signed”
Plaintiff's Attorney
Pringle and Pringle
1260 Commissioner Street
Johannesburg
Ref: Pringle AB/182

QUESTION 8

[12]

You are consulted by John James, the managing director of JJ Printing Supplies (Pty) Ltd of Cape Town. He informs you that the company is owed an amount of R180,000.00 by Print-a-Plan CC of Cape Town for goods sold and delivered during September 2006 in terms of a written agreement dated 14 August 2006. The close corporation was finally liquidated in January 2007 and the amount remains unpaid. When perusing the agreement you notice that Peter Smith, a well to do businessman of Cape Town had bound himself to J J Printing Supplies (Pty) Ltd as surety for Print-a-Plan CC's obligations for goods sold and delivered up to the amount of R200,000.00. He has also waived his rights to the benefits of excussion. John James instructs you to proceed on the deed of suretyship.

Draft the particulars of claim to a combined summons. Use such additional facts as you deem necessary.

QUESTION 9

[3]

Briefly distinguish between appeal and review procedure.

VRAAG 10 [5]

U kliënt is 78 jaar oud en is getroud vir die afgelope 45 jaar. Hy lei aan 'n hartkwaal. Op 'n sekere reënerige dag ry hy saam met sy vrou in hul motorvoertuig. As gevolg van 'n oordeelsfout verloor hy beheer oor die voertuig wat met 'n paal bots. Sy vrou doen noodlottige beserings op en hy word aangekla van strafbare manslag.

Watter stappe sal u neem in 'n poging om die saak uit die hof uit te hou? Verduidelik die prosedure en bespreek die faktore wat u sal opper.

VRAAG 11 [7]

11.1 Noem vyf fundamentele regte van 'n beskuldigde. (5)

11.2 U kliënt is gearresteer en deur die ondersoekbeampte ondervra in verband met die beweerde diefstal van sjokolade uit 'n supermark.

Hy is gevra of hy die sjokolade gesteel het. Is hy verplig om daarop te antwoord? (1)

11.3 Die ondersoekbeampte vra hom om sy naam en adres te verskaf. Is hy verplig om hierdie informasie te verskaf? (1)

VRAAG 12 [5]

U kliënt is die klaer in 'n strafsak waarin die beskuldigde aangekla is van roekelose bestuur. Die klag het ontstaan as gevolg van 'n botsing tussen u kliënt se voertuig en 'n voertuig bestuur deur die beskuldigde. As gevolg van die botsing het u kliënt skade gely aan sy voertuig in die bedrag van R85 000,00.

Adviseer u klient ten opsigte van sy regte in terme van Artikel 300 van die Strafproseswet en die prosedure wat gevolg moet word om die nodige regshulp te bekom.

QUESTION 10 [5]

Your client is 78 years of age and has been married for 45 years. He suffers from a heart condition. On a certain rainy day he and his wife were travelling in their motor vehicle. Due to an error of judgment he lost control of the vehicle which collided with a lamppole causing fatal injuries to his wife. He is charged with culpable homicide

What steps will you take in an attempt to keep the matter out of Court? Explain the procedure and discuss the factors which you will raise.

QUESTION 11 [7]

11.1 Name five fundamental rights of an accused (5)

11.2 Your client is arrested and questioned by the investigating officer relating to the alleged theft of chocolates from a supermarket.

He is asked whether he stole the chocolates. Is he obliged to furnish an answer? (1)

11.3 The investigating officer asks him to furnish his name and address. Is he obliged to give this information? (1)

QUESTION 12 [5]

Your client is the complainant in a criminal matter in which the accused is charged with reckless driving. The charge arose from a collision between your client's vehicle and a vehicle driven by the accused. As the result of the collision your client suffered damage to his vehicle in the sum of R85 000,00.

Advise your client as to his rights in terms of Section 300 of the Criminal Procedure Act as well as the procedure he will have to follow to give effect thereof.

VRAAG 13 [8]

Op die 3 Junie 2006 het John Smith in Schoemanstraat, Pretoria, 'n motorvoertuig CBX 123 NC bestuur. Terwyl hy bestuur het hy sy bewussyn verloor en beheer oor die voertuig verloor. Die voertuig het gebots met 'n voetganger wie onmiddelik gedood is. Daar is onafhanklike getuies wie bevestig hoe die botsing plaasgevind het. U kliënt is nou aangekla van strafbare manslag. Die Staat het te kenne gegee dat, onder andere, die nadoodse ondersoek van die oorledene, 'n polisie plan en fotoalbum sowel as 'n motorvoertuig ondersoekverslag opgestel deur polisiebeamptes aangebied sal word as getuie. Die inhoud van hierdie dokumente is nie in geskil nie.

Stel John Smith se verklaring in terme van Artikel 115 op wat insluit die kopstuk en einde sowel as alle relevante erkennings om die prosedure sover as moontlik te beperk.

VRAAG 14 [8]

U word genader deur Bernice Zondo, wie werk, en woonagtig is in Sasolburg, op wie 'n dagvaarding beteken is vir gelde wat aan haar geleen en voorgeskied is op haar spesiale aandrang en versoek. Die eiser, ABC Loan Sharks steun op 'n leningsooreenkoms wat aangegaan is tussen die partye op 30 Julie 1999, te Sasolburg. Die leningsooreenkoms bevat 'n klousule wat bepaal dat die Johannesburg Hofjurisdiksie sal hê. Die lening is ten volle betaalbaar teen die einde Desember 2000. U kliënt deel u mee dat sy die lening ten volle betaal het in Desember 2000. Die dagvaarding was uitgereik in die Johannesburg Landdroshof.

Stel die pleit op en verskaf u eie feite soos benodig.

QUESTION 13 [8]

On the 3rd of June 2006 John Smith travelled in Schoeman Street, Pretoria, in motor vehicle CBX 123 NC. While so driving he experienced a blackout and lost control of the vehicle which collided with a pedestrian who was instantly killed. There are independent witnesses who confirm the manner in which the collision occurred. Your client has now been charged with culpable homicide. The State intends, inter alia, presenting as evidence the post-mortem report relating to the deceased, a police plan and photo album and a vehicle inspection report compiled by police officials. The contents of these documents are not in dispute.

Draft John Smith's statement in terms of Section 115, including the heading and ending, making all admissions so as to curtail the proceedings as far as possible.

QUESTION 14 [8]

You are approached by Bernice Zondo who lives and works in Sasolburg, who has been served with summons for money lent and advanced at her special instance and request. The plaintiff, ABC Loan Sharks, is relying on a loan agreement entered into by and between the parties on the 30th July 1999 at Sasolburg. The agreement contains a consent to the jurisdiction of the Johannesburg Court. The loan was repayable in full at the end of December 2000. Your client informs you that she settled the debt in full in December 2000. The summons has been issued in the Johannesburg Magistrates Court.

Draft the plea and fabricate your facts where necessary.

VRAAG 15 [3]

U verteenwoordig die verweerder. U versoek vir nadere besonderhede op die eiser se dagvaarding is nie beantwoord nie. U benodig die inligting gevra voordat u die pleit kan opstel. Watter stappe moet u neem?

VRAAG 16 [9]

U het namens 'n kliënt dagvaarding uitgereik vir skadevergoeding, synde die herstelkoste van skade aan haar voertuig veroorsaak in 'n botsing. Die Verweerder teken nie verskyning tot verdediging aan nie en u wil 'n versoek om vonnis by verstek indien. U het reeds die versoek om vonnis by verstek opgestel.

16.1 Watter dokument(e) moet die versoek om vonnis by verstek vir indiening by die Klerk van die Hof vergesel? (3)

16.2 Stel die dokument op wat nog nie bestaan nie en wat u nodig sou ag. (6)

VRAAG 17 [5]

17.1 U kliënt se instruksies is om te dagvaar vir die terugbetaling van die bedrag van R110 000,00 wat hy u meedeel hy vir die verweerder geleen het. Na bespreking met hom besluit u om te dagvaar in die landdroshof. Watter bewering moet u in u dagvaarding maak om u toe te laat om die aksie in die landdroshof in te stel? (3)

17.2 Indien die Landdros 'n bevinding maak dat die verweerder die bedrag van R110 000,00 geleen het maar R30 000,00 daarvan alreeds terug betaal het, vir watter bedrag moet hy vonnis gee. (2)

QUESTION 15 [3]

You act for a defendant. Your request for further particulars to plaintiff's summons has been unanswered. You require the information requested before you can draft your client's plea. What steps should you take?

QUESTION 16 [9]

You have issued summons on behalf of a client for damages sustained in a collision, being the repair costs to her motor vehicle. The defendant does not enter appearance to defend and you wish to apply for default judgement. You have already drafted a request for default judgement.

16.1 What document(s) should accompany the request for default judgement for lodgement with the Clerk of the Court? (3)

16.2 Draft the document which you consider necessary which as yet does not exist and to file with your request. (6)

QUESTION 17 [5]

17.1 Your client instructs you to sue for recovery of the amount of R110 000,00 he says he lent to the defendant. After discussion with him you decided to sue in Magistrate's Court. What allegation must you make in your summons to enable you to bring the claim in Magistrate's Court? (3)

17.2 If the Magistrate who hears the matter finds that the defendant in fact borrowed R110 000,00 but has repaid R30 000,00 of this loan, what amount would he give judgement for? (2)

DIE EINDE

THE END

PROKUREURSEKSAMEN

DEEL 2 BOEDELS

27 FEBRUARIE 2007

14:00-16:15

Totaal: [100]

Kandidate kry 15 minute om die vraestel deur te lees voor hulle begin skryf. Geen kandidaat mag tydens hierdie tyd in die antwoordboek begin skryf nie. Die eksamen van 2 uur volg dan.

1. Kandidate moet al die vrae beantwoord.
2. Die vrae mag in Afrikaans of Engels beantwoord word.
3. Kandidate moet daarop let dat punte vir goeie opstelwerk toegeken word.
4. Waar nodig, moet kandidate hulle eie feite versin.
5. Skryf asseblief slegs in pen op die regterkantse bladsye.
6. Tensy daar 'n spesiale rede bestaan, word 'n kandidaat nie vir 'n mondeling in hierdie deel ingeroep as 50% en meer behaal is nie. Indien 'n kandidaat minder as 40% behaal sal hy/sy nie kwalifiseer vir 'n mondeling nie en sal hierdie deel druipe.

ATTORNEYS' EXAMINATION

PART 2 ESTATES

27 FEBRUARY 2007

14:00-16:15

Total: [100]

Candidates are allowed 15 minutes to peruse the paper before starting to answer the questions. No candidate may start writing in the answerbook during this period. The examination of 2 hours then follows.

1. Candidates must answer all the questions.
2. The questions may be answered in English or Afrikaans.
3. Candidates must remember that marks are awarded for good draftsmanship.
4. Candidates must invent their own facts wherever necessary.
5. Please write only in pen on the right-hand pages.
6. Except if a special reason exists, a candidate will not be required to do an oral in this part if 50% or more is attained. If a candidate achieves less than 40% he/she will not qualify for an oral and will have failed this section.

VRAAG 1

[59]

Peter Smit, 'n oujongkêrel, sterf op 30 Junie 2006. Hy was 'n bona fide boer wat op sy plaas GOEDE HOOP, distrik Welkom gewoon het.

Sy plaas word vir R3 miljoen deur 'n taksateur waardeer. Die taksateur waardeer die oorledene se vee vir R1 miljoen en sy voertuie en implemente vir R1,2 miljoen.

Die oorledene het 'n vaste deposito van R900 000,00 by ABC Bank wat op 31 Maart 2007 verval. Rente teen 'n koers van 10% per jaar word halfjaarliks agteruit op 31 Maart en 30 September elke jaar betaal.

Die oorledene besit erf 207 Welkom wat deur die eksekuteur aan George Botha vir R600 000,00 verkoop word. Geen eiendomsagente was betrokke nie. Die koper neem okkupasie op 1 Oktober 2006 en betaal okkupasiehuur van R3 000,00 per maand tot datum van registrasie van transport op 30 November 2006. In terme van die koopkontrak is die verkoper aanspreeklik vir die betaling van munisipale belasting en heffings tot datum van registrasie van transport. Die eksekuteur betaal derhalwe die munisipale belasting en heffings van R700,00 per maand vanaf sterfdatum tot datum van registrasie. Hy betaal ook die rekenings vir water en krag vanaf sterfdatum tot datum van okkupasie, 'n totale bedrag van R2 000,00.

Die eksekuteur vereffen ook die finale inkomstebelastingaanslag van R15 000,00 en die begrafniskoste van R10 000,00. Behalwe vir hierdie eise is die enigste ander laste die administrasiekoste van R252 000,00 en maandelike boedelbelasting.

Die hele boedel word in terme van die oorledene se testament aan sy neef ANDRE SMIT nagelaat.

QUESTION 1

[59]

Peter Smit, a bachelor, dies on 30 June 2006. He was a bona fide farmer who lived on his farm GOEDE HOOP in the district of Welkom.

His farm is valued by an appraiser at R3 million. The appraiser values the deceased's livestock at R1 million and his vehicles and implements at R1,2 million.

The deceased has a fixed deposit of R900 000,00 with ABC Bank which matures on 31 March 2007. Interest at the rate of 10% per annum is paid half-yearly in arrear on 31 March and 30 September each year.

The deceased owns erf 207 Welkom which is sold by the executor to George Botha for R600 000,00. No estate agents were involved. The purchaser takes occupation on 1 October 2006 and pays occupation rental of R3 000,00 per month up to date of registration of transfer on 30 November 2006. In terms of the contract the seller is liable for the payment of municipal rates and taxes until date of registration of transfer. The executor accordingly pays the rates and taxes of R700,00 per month from date of death to date of registration. He also pays the water and light bills from date of death to date of occupation – a total amount of R2 000,00.

The executor also settles the final income tax assessment of R15 000,00 and the funeral costs of R10 000,00. Apart from these claims, the only other liabilities are the administration expenses which total R252 000,00 and possible estate duty.

The whole estate is left in the deceased's will to his nephew, ANDRE SMIT.

VERLANG:

Stel die volgende afdelings van die likwidasië- en distribusierekening op:

- (a) Likwidasierekening
- (b) Inkomste- en uitgawerekening
- (c) Boedelbelasting
- (d) Eksekuteur se sertifikaat.

Die rekening word op 31 Desember 2006 onderteken.

Lys en spesifiseer die administrasiekoste. Maak seker dat hulle R252 000,00 in totaal bedra.

VRAAG 2

[10]

A wat binne gemeenskap van goed met mev A getroud is, verly 'n testament waarin hy die helfte van sy boedel aan sy enigste kind B nalaat en die oorblywende helfte aan sy vriendin C.

A sterf op 15 Augustus 2006.

Die Meester verwerp die testament weens nie-nakoming van die formele vereistes soos in die Wet op Testamente voorgeskryf. C doen aansoek by die Hof om 'n bevel wat die testament geldig verklaar, maar die aansoek word van die hand gewys.

Die gesamentlike boedel het 'n netto waarde van R400 000,00.

VERLANG:

Verdeel die boedel ooreenkomstig die reg. Meld redes vir u toekennings.

REQUIRED:

Draw the following sections of the liquidation and distribution account:

- (a) Liquidation account
- (b) Income and expenditure account
- (c) Estate duty
- (d) Executor's certificate.

The account is signed on 31 December 2006.

List and specify the administration expenses, ensuring that they total R252 000,00.

QUESTION 2

[10]

A who is married in community of property to Mrs A makes a will in which he leaves half of his estate to his only child B and the remaining half to his girlfriend C.

A dies on 15 August 2006.

The Master rejects the will because of non-compliance with the formalities prescribed by the Wills Act. C applies to Court for an order declaring the will valid, but her application is dismissed.

The joint estate has a net value of R400 000,00.

REQUIRED:

Divide the estate according to law. Give reasons for your awards.

VRAAG 3 [27]

George Baker is ongetroud en helder van verstand. Het hy egter nie die gebruik van sy hande nie weens verlamming wat op 'n perdry-ongeluk gevolg het.

Hy wil graag 'n testament maak in terme waarvan hy sy hele boedel wil nalaat aan die kinders van sy broer James, in gelyke dele. Indien enige erfgenaam ten tye van George se afsterwe nog nie die ouderdom van 25 jaar bereik het nie, moet die deel van sodanige erfgenaam nagelaat word aan 'n Trustee in trust vir sodanige erfgenaam.

Die testateur se broer James moet die Eksekuteur en Trustee wees.

George versoek u as sy prokureur om sy testament namens hom te onderteken.

VERLANG:

Stel 'n geldige testament vir George Baker op wat aan sy laaste wense gevolg gee. Laat weg die bepalings wat met die bevoegdheid van die Trustee handel.

VRAAG 4 [4]

A verly sy testament op 1 Maart 2005 waarin hy sy hele boedel nalaat aan sy eggenote B met wie hy buite gemeenskap van goed, met uitsluiting van die aanwasbedeling, getroud was.

Sy huwelik word beëindig deur 'n egskeidingsbevel wat op 30 September 2006 toegestaan is.

A sterf op 5 Januarie 2007.

VERLANG:

B geregtig om te eis dat gevolg aan A se testament gegee moet word? Verwys na gesag vir u antwoord.

QUESTION 3 [27]

George Baker is unmarried and of sound mind, but does not have the use of his hands because of paralysis consequent on breaking his neck in a horse-riding accident.

He wishes to make a will in which the children of his brother James are to inherit the estate in equal proportions. If any of the heirs has not attained the age of 25 years at the time of the testator's death, the share of such heir is left to a Trustee in trust for the said heir.

The testator's brother James is to be the Executor and Trustee.

George wishes you as his attorney to sign his Will on his behalf.

REQUIRED:

Draw a valid Will for George Baker in which effect is given to his last wishes. Omit the provisions dealing with the powers of the Trustee.

QUESTION 4 [4]

A makes a will on 1 March 2005 in which he leaves his whole estate to his wife B to whom he was married out of community of property with exclusion of the accrual system.

His marriage is terminated by a divorce order granted on 30 September 2006.

A dies on 5 January 2007.

REQUIRED:

Is B entitled to claim that effect be given to A's will? Refer to authority for your answer.

DIE EINDE

THE END

PROKUREURSEKSAMEN

DEEL 3 PROKUREURSPRAKTYK

28 FEBRUARIE 2007

09:00-11:15

Totaal: [100]

Kandidate kry 15 minute om die vraestel deur te lees voor hulle begin skryf. Geen kandidaat mag tydens hierdie tyd in die antwoordboek begin skryf nie. Die eksamen van 2 uur volg dan.

1. Kandidate moet al die vrae beantwoord.
2. Die vrae mag in Afrikaans of Engels beantwoord word.
3. Kandidate moet daarop let dat punte vir goeie opstelwerk toegeken word.
4. Waar nodig, moet kandidate hulle eie feite versin.
5. Skryf asseblief slegs in pen op die regterkantse bladsye.
6. Tensy daar 'n spesiale rede bestaan, word 'n kandidaat nie vir 'n mondeling in hierdie deel ingeroep as 50% en meer behaal is nie. Indien 'n kandidaat minder as 40% behaal sal hy/sy nie kwalifiseer vir 'n mondeling nie en sal hierdie deel druip.

ATTORNEYS' EXAMINATION

PART 3 ATTORNEY'S PRACTICE

28 FEBRUARY 2007

09:00-11:15

Total: [100]

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VRAAG 1 [14]

'n Groot bankgroep vestig a streekkantoor in die dorp waar u praktiseer. Die bank plaas 'n aantal firmas op hulle paneel maar u firma is hulle hoofprokureurs. U ontvang opdragte en u leer die streeksbestuurder en 'n aantal amptenare goed ken. Hoe hanteer u die volgende situasies wat uit die verhoudings ontstaan?

Motiveer u antwoord kortliks:

1. U raak te besig om persoonlik alle invorderingsaangeleenthede te hanteer. U stel 'n ervare maar ongekwalfiseerde persoon aan om in u afwesigheid die invorderings te hanteer. Is dit professioneel in orde dat die persoon:
 - 1.1 Aldus aangestel word? [3]
 - 1.2 Kliënte te woord staan en nuwe opdragte ontvang? [2]
 - 1.3 Met skuldenare onderhandel en die betaling van skulde in paaiemente reël? [2]
 - 1.4 In die algemeen regsadvies gee? [2]
 - 1.5 Eenvoudige hooggeregshofsake hanteer en opdragte aan advokaat gee? [3]
 - 1.6 Trusttjeks onderteken? [2]

VRAAG 2 [6]

U finansiële transaksies neem toe en u stel ook 'n ervare boekhouer aan wat 'n rekenaarstelsel voorstel waarvan u niks weet nie. Bespreek u verantwoordelikhede.

QUESTION 1 [14]

A large bank opens a regional office in the town where you practise. The bank appoints a few firms to its panel of attorneys but your firm is its main attorney. You receive a great deal of work from the bank and get to know the regional manager and some of the staff quite well. How do you deal with the following situations which arise from these relationships?

Motivate your answers briefly:

1. You become too busy to handle collection matters personally and appoint an experienced person who is not an attorney but is qualified to deal with debt collections. Is it professionally in order for such person:
 - 1.1 To be appointed on that basis? [3]
 - 1.2 To interview clients and accept new mandates? [2]
 - 1.3 To negotiate with debtors and arrange the payment of debts in instalments? [2]
 - 1.4 To give legal advice generally? [2]
 - 1.5 To handle elementary high court matters and to brief counsel? [3]
 - 1.6 To sign trust cheques? [2]

QUESTION 2 [6]

Your financial transactions increase and you appoint an experienced bookkeeper who recommends a computer system of which you have no knowledge. Discuss your responsibilities.

VRAAG 3 [12]

Ten einde die bank se sake uit te brei en opdragte na u te genereer maak die bestuurder 'n aantal voorstelle. Bespreek in elke geval of die voorgestelde optrede professioneel in orde sou wees:

- 3.1 Ten einde verbandaansoeke te lok bied die bank aan om u registrasiegelde namens kliënte te betaal mits u slegs helfte van die tarief in die riglyne hef; [3]
- 3.2 Omsulke aansoeke van verbandmakelaars te vermeerder bied die bank aan om al die voortvloeiende registrasies na u te verwys mits u aan die makelaar oorbetaal:
- a) 10% van u registrasiegelde; of
b) 'n hanteringsfooi van R200 per geval; [3]
- 3.3 Die bank reël 'n gholfdag en vra u om die pryse by putjies te borg met samegaande publisiteit vir u; [3]
- 3.4 Die bank bied aan om u 20% van die eksekuteursgelde te betaal in elke boedel wat u na hulle verwys om bereedder te word deur die trustmaatskappy in hulle groep; [3]

VRAAG 4 [15]

Die bank verwys 'n groot kliënt na u met 'n dringende probleem (onregmatige terugname van 'n trekker wat op paaiemente gekoop is vir R100 000.00). Dit is nie ingewikkeld nie maar u het nog nooit so 'n saak hanteer nie en is nie vertrouwd met die reg en praktyk daarvoor nie. Sou u nietemin die maandaat aanvaar en indien wel hoe sou u u self kwalifiseer? Sou u dit eerder na 'n meer ervare kollega verwys? Bespreek in elke geval u besluit.

QUESTION 3 [12]

In order to increase business for the bank and generate work for you the manager makes certain proposals. Discuss in each case the professionalism of the proposal:

- 3.1 To attract bond applications the bank offers to pay your conveyancing fees provided you charge only half the tariff in the guidelines if all bonds are referred to you. [3]
- 3.2 To attract such applications from bond originators the bank offers to refer all the registrations to you provided you pay the originators:
- a) 10% of your fee; or
b) a handling fee of R200 each. [3]
- 3.3 The bank arranges a golf day and asks you to sponsor the prizes at some of the holes with attendant publicity. [3]
- 3.4 The bank offers you 20% of the executor's fee for each estate you refer to them to be administered by the trust company in their group. [3]

QUESTION 4 [15]

The bank refers a large client of theirs to you with a fairly straightforward legal problem that requires immediate action (an illegal repossession by the seller of a tractor sold on instalments for R100 000). You have never done such a matter and do not know the law and practice involved. Will you nevertheless accept the mandate and if so how will you qualify yourself? Will you rather refer the potential client to a more experienced colleague? Discuss your decision in each case.

VRAAG 5 [12]

'n Persoon wil 'n baie groot bedrag in kontant by die bank deponeer. Die bestuurder is besorg oor FICA (Financial Intelligence Centre Act) en stel voor dat hy die bedrag by u inbetaal sodat u die bank 'n trustjiek kan gee. Welke pligte plaas FICA op u? Mag u aanvoer dat kliëntesake vertroulik is? Bespreek.

VRAAG 6 [26]

Die bank vra u om 'n kort memorandum brief op te stel wat hulle aan voornemende entrepreneurs kan gee wat leiding benodig oor hoekom en wanneer 'n beslote korporasie as bedryfsvorm verkieslik is bo 'n private maatskappy of vennootskap. U moet die memorandum opstel.

VRAAG 7 [15]

Die bankbestuurder verstaan nie dat u vertroulikheid handhaaf en dat u kliënt geregtig is op professionele privilegie ten aansien van mededelings tussen die twee van u nie, selfs al het die bank die kliënt na u verwys. Skryf 'n brief aan die bankbestuurder en verduidelik wanneer die privilegie tussen prokureur en kliënt geld en waarop dit nie van toepassing is nie.

QUESTION 5 [12]

The bank has a potential client who wishes to deposit a very large amount with them in hard cash. They are worried about FICA (Financial Intelligence Centre Act) and suggest he pays the amount to you so that you can give the bank a trust cheque. What duties does FICA place on you? Can you claim that the matter is confidential? Discuss.

QUESTION 6 [26]

The bank asks you to draft a short memorandum for their new clients, who wish to start business enterprises and need guidance on why and when to use a close corporation rather than a private company or partnership as vehicle for such new enterprises. Draft the memorandum.

QUESTION 7 [15]

The bank manager does not quite appreciate that you maintain confidentiality and that the client is entitled to legal professional privilege in respect of communication between you and the client even when the bank referred the client to you. Write a letter to the bank manager and explain when legal professional privilege applies and to what it does not apply.

DIE EINDE

THE END

PROKUREURSEKSAMEN

DEEL 4 BOEKHOU

28 FEBRUARIE 2007

14:00-16:15

Totaal: [100]

Kandidate kry 15 minute om die vraestel deur te lees voor hulle begin skryf. Geen kandidaat mag tydens hierdie tyd in die antwoordboek begin skryf nie. Die eksamen van 2 uur volg dan.

1. Die vrae mag in Afrikaans of Engels beantwoord word.
2. Kandidate mag sakrekenaars gebruik.
3. By beantwoording van vrae moet die betrokke inskrywings duidelik geïdentifiseer, omskryf en uiteengesit word.
4. Afsonderlike besigheids- en trustkasboeke, asook kliëntegrootboekrekeninge moet geopen word en moet nie gekombineer word nie. Joernaalinskrywings moet behoorlik beskryf en geïdentifiseer word.
5. Skryf asseblief slegs in pen op die regterkantse bladsye.
6. Tensy daar 'n spesiale rede bestaan, word 'n kandidaat nie vir 'n mondeling in hierdie deel ingeroep as 50% en meer behaal is nie. Indien 'n kandidaat minder as 40% behaal sal hy/sy nie kwalifiseer vir 'n mondeling nie en sal hierdie deel druip.

ATTORNEYS' EXAMINATION

PART 4 BOOKKEEPING

28 FEBRUARY 2007

14:00-16:15

Total: [100]

Candidates are allowed 15 minutes to peruse the paper before starting to answer the questions. No candidate may start writing in the answerbook during this period. The examination of 2 hours then follows.

1. The questions may be answered in English or Afrikaans.
2. Candidates may use calculators.
3. In answering the questions you should ensure that the relevant entries are clearly identified, narrated and detailed.
4. Separate business and trust cash books and clients' ledger accounts must be opened and are not to be combined. Journal entries must be properly identified and narrated.
5. Please write only in pen on the right-hand pages.
6. Except if a special reason exists, a candidate will not be required to do an oral in this part if 50% or more is attained. If a candidate achieves less than 40% he/she will not qualify for an oral and will have failed this section.

VRAAG 1 [15]

Beskryf die prosedure wat u sal volg om u trustkasboeksaldo te rekonsilieer met u trustbankstaat.

VRAAG 2 [35]

U ontvang die volgende staat van u korrespondent "White Prokureurs".

Black vs Green

Aan fooi: dagvaardiging	900	300
Aan BTW	126	42
Aan betaal seël	80	
Aan betaal Balju	200	
Per kontant Groen		12000
Aan invorderingsfooie	300	100
Aan BTW	42	14

Black – Registrasie van Maatskappy

Aan fooi opstel van Akte van Oprigting	1200	400
Aan BTW	169	56
Aan betaal Registrateur	300	
Aan fooie opwagting	600	200
Aan BTW	84	28

Tjek hiermee	<u>9139</u>	
	<u>13140</u>	<u>13140</u>

U word gevra om al die bogenoemde transaksies in AL u rekeningboeke aan te teken. Plaas gelde oor waar van toepassing.

VRAAG 3 [20]

- Watter rekeningboeke word benodig om die daaglikse transaksies aan te teken wanneer 'n prokureur begin praktiseer?
- Beskryf die doel van elke rekeningboek.

QUESTION 1 [15]

Set out the procedure you would follow when reconciling your trust cash book balance with your trust bank statement.

QUESTION 2 [35]

You receive the following statement from your correspondents "White Attorneys".

Black vs Green

To fee summons	900	300
To VAT	126	42
To paid stamp	80	
To paid Sheriff	200	
By cash Green		12000
To collection commission	300	100
To VAT	42	14

Black – Registration of Company

To fee drafting memorandum of Association and Articles	1200	400
To VAT	169	56
To paid Registrar	300	
To fee attendance	600	200
To VAT	84	28

Cheque herewith	<u>9139</u>	
	<u>13140</u>	<u>13140</u>

Record all the above transactions in ALL your books of account. Transfer monies where necessary.

QUESTION 3 [20]

- Name the books of account that are necessary to record the daily transactions when an attorney commences practice.
- Describe the purpose for each book of account.

- c) Hoeveel bankrekeninge is 'n prokureur verplig om te open en beskryf die doel van elke rekening?
- d) In watter bankrekening sal u die gelde deponeer in die volgende gevalle?
- i) ABC Maatskappy betaal u R5000 om 'n handelsmerk te registreer.
- ii) Mnr Smith betaal u die getakseerde party/party kostes in die saak teen Ngema, wie reeds die rekening vereffen het.
- iii) U ontvang R750 000 van Momentum Lewens synde die opbrengs van die lewenspolis op die lewe van wyle mnr Andrews.
- iv) Mnr Crook betaal u R5000 as dekking vir u fooie, u betaal borg van R2000. Beskryf hoe u die borg sal betaal.
- v) Mnr Koper betaal u R15000 ten opsigte van u pro forma rekening vir 'n eiendomsoordrag.

- c) How many banking accounts is an attorney obliged to operate and state what the purpose of each account is.
- d) State in which banking account will you deposit the funds received in each of the following instances:
- i) ABC Company pays you R5000 to register a trade mark.
- ii) Mr Smith pays you the taxed party/party costs in the matter against Ngema who has already settled your account.
- iii) You receive R750 000 from Momentum Life in being the proceeds of the life policy on the life of the late Mr Andrews.
- iv) Mr Crook pays you R5000 as cover for fees. You pay R2000 as bail. Indicate how you would pay the bail.
- v) Mr Purchaser pays you R15000 in respect of your pro forma account for a transfer.

VRAAG 4

[30]

U ontvang die volgende bedrae van verskeie kliënte:

- a) Kliënt Chetty betaal u R100 000 in kontant vir die aankoop van 'n eiendom. U is opgedra om die geld namens Chetty te belê. U belê die geld in Nedbank.
- b) Kliënt van Rensburg betaal u R200 000 in kontant om in trust gehou te word hangende die oordrag van 'n eiendom.
- c) Kliënt Ndlovu deponeer R90 000 in kontant om in trust gehou te word ten opsigte van 'n kompromie aanbod.

QUESTION 4

[30]

You receive the following amounts from various clients:

- a) Client Chetty pays you R100 000 in cash for the purchase of a property. You are mandated to invest the money on behalf of Chetty. You invest the money in Nedbank.
- b) Client van Rensburg pays you R200 000 in cash to be held in Trust pending transfer of a property.
- c) Client Ndlovu deposits R90 000 in cash to be held in Trust pending a compromise offer.

- d) Kliënt Kennedy betaal u R50 000 in kontant hangende 'n egskeiding skikking.
- e) Msomi betaal u R80 000 ten opsigte van die koop van 'n motorvoertuig van u kliënt, Albert.

- U belê R200 000 in 'n trustbelegging by FNB
- U betaal die verkoper van die voertuig R80 000.
- U onttrek ALLE trustbeleggings op die einde van die maand en u ontvang R104 000 van Nedbank en R209 000 van FNB. U betaal die rente aan die begunstigdes.

U word gevra om al die transaksies in u kasboeke en grootboeke aan te teken. Toon aan hoe u sal bepaal of u voldoende trustfondse in u trustbankrekening het om u trustkrediteure te betaal.

- d) Client Kennedy pays R50 000 in cash pending a divorce settlement.
- e) Msomi pays you R80 000 for the purchase of a motor car from your client, Albert.

- You invest R200 000 in a Trust Investment at FNB.
- You pay the Seller R80 000 for the sale of the motor car.
- At the end of the month you withdraw ALL trust investments and receive R104 000 from Nedbank and R209 000 from FNB. You pay the interest to the beneficiaries.

You are required to record all the transactions in the cash books and ledgers. Indicate how you determine whether you have sufficient monies in your trust banking account to pay trust creditors.

DIE EINDE

THE END