

# PROKUREURSEKSAMEN

## DEEL 4 BOEKHOU

23 FEBRUARIE 2011

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 mag sakrekenaars gebruik.
2. By beantwoording van vrae moet die betrokke inskrywings duidelik geïdentifiseer, omskryf en uiteengesit word.
3. Afsonderlike besigheids- en trustkasboeke, asook kliëntegrootboekrekening moet geopen word en moet nie gekombineer word nie. Joernaalinskrywings moet behoorlik beskryf en geïdentifiseer word.
4. Skryf asseblief slegs in pen op die regterkantse bladsye.
5. Tensy daar 'n spesiale rede bestaan, word 'n kandidaat nie vir 'n mondeling in hierdie deel ingeroep as 50% of 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

23 FEBRUARY 2011

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 may use calculators.
2. In answering the questions you should ensure that the relevant entries are clearly identified, narrated and detailed.
3. 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.
4. Please write only in pen on the right-hand pages.
5. 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 [70]**

U Trustkasboeksaldo op 31 Desember 2010 is R150 000 en die trustbanksaldo is R165 000. Die Trustbankrekonsiliasiestaats toon dat 'n tjek vir R15 000 uitgereik aan kliënt A, nog nie by die bank vir betaling aangebied was nie. U Besigheidskasboeksaldo op dieselfde datum is R10 000 (gunstig).

Die volgende transaksies het gedurende Januarie 2011 plaasgevind.

Jan 3 Mnr X stel u in kennis dat hy 'n tjek ter waarde van R20 000 wat hy in Desember 2010 aan u gegee het, gestop het omdat hy nie voldoende fondse gehad het nie. Hy gee u R20 000 in kontant ter vervanging van die tjek. Die geld is 'n deposito op 'n eiendom wat hy gekoop het. Hy betaal u ook R7 560 in kontant, vir u pro-forma koste rekening vir die oordrag.

4 U betaal die hereregte van R3 000 in Mnr X se saak.

5 Mev D betaal u R5 000 as deposito vir haar egskeiding saak. U reik 'n dagvaarding namens haar uit en hef 'n fooi van R1 140 insluitende BTW.

7 Die tjek van R15 000 uitgereik in Desember 2010 aan kliënt A is in die pos aan u teruggestuur gemerk "adres onbekend". U skryf die tjek terug en probeer om A se nuwe adres vas te stel.

8 Mnr E betaal u R2 500 per tjek, synde die eerste betaling verskuldig aan u kliënt Mev F. U het reeds 'n aanmaningsbrief aan E uitgereik (fooi R500).

9 Mnr G betaal u R3 420 synde u fooi (insluitende BTW), vir 'n afgehandelde kriminele saak.

10 U verreken aan Mev F.

**QUESTION 1 [70]**

Your Trust cash book balance at 31 December 2010 is R150 000 and your Trust bank balance is R165 000. The Trust bank reconciliation statement reveals that a cheque for R15 000 issued to client A has not yet been presented to the bank. Your Business cash book balance at the same date is R10 000 (favourable).

The following transactions take place during January 2011.

Jan 3 Mr X informs you that he has stopped payment of a cheque for R20 000 given to you in December 2010 as he was short of funds. He hands you R20 000 in cash to replace the cheque. The money is a deposit for a property he has purchased. He also pays you R7 560 cash in respect of your proforma account for the costs of transfer.

*- fees out of the account*

4 You pay transfer duty of R3 000 in the matter of Mr X.

5 Mrs D pays you R5 000 as a deposit for her divorce action. You issue summons on her behalf and debit a fee of R1 140 including VAT.

7 The cheque for R15 000 issued in December 2010 to client A is returned in the post "address unknown". You write back the cheque and attempt to trace A's new address.

8 Mr E pays you R2 500 by cheque as a first instalment on his indebtedness to your client Mrs F. You had issued a letter of demand to E (fee R500).

9 Mr G pays you your fee of R3 420 (including VAT) for a completed criminal matter.

10 You account to Mrs F.

14 U bank stel u in kennis dat Mnr E se tjek van R2 500 onteer is.

15 U betaal die Balju R200 vir betekening van die dagvaarding namens Mev D.

16 Mev D stel u in kennis om haar lêer te sluit en u verreken aan haar.

17 Die oordrag aan Mnr X word geregistreer. U hef u fooi van R4 000 en u betaal die verkoper, Mnr S R20 000.

17 U het korrespondent ABC & Kie opdrag gegee om R50 000 van skuldenaar Green namens Black te verhaal. U ontvang die volgende staat. BTW is nie van toepassing nie.

**BLACK VS GREEN**

Per kontant Green		R50 000	
Aan fooi dagvaarding	R300	R100	
Invorderingskommissie	R250	R83	
Aan tjek hiermee	<u>R49 633</u>		
	<u>R50 183</u>	<u>R50 183</u>	

20 Mnr E betaal u R2 500 kontant ten opsigte van die VT tjek.

30 U betaal salarisse van R15 000.

U word gevra om:

- die bovermelde transaksies in al u rekeningboeke aan te teken.
- beide u Trust- en Besigheidskasboeke soos op 31 Januarie 2011 te balanseer.
- oorplasing na u Besigheidsrekening te doen wanneer u daarop geregtig is.
- die fooie waarop u geregtig is wanneer verskuldig te hef.
- voorsiening te maak vir BTW, tensy anders vermeld in die transaksie.

14 Your bank advises you that Mr E's cheque for R2 500 has been dishonoured.

15 You pay the Sheriff R200 for service of summons on behalf of Mrs D.

16 Mrs D advises you to close your file on her case and account to her.

17 The transfer to X is registered. You debit your fee of R4 000 and pay the seller, Mr S R20 000.

17 You instructed your correspondent ABC & Co to collect R50 000 from debtor Green on behalf of Black. You receive the following statement. VAT does not apply.

**BLACK VS GREEN**

By cash Green		R50 000	
To fee summons	R300	R100	
Collection Commission	R250	R83	
To cheque herewith	<u>R49 633</u>		
	<u>R50 183</u>	<u>R50 183</u>	

*costs* (next to R300)  
*collector* (next to R50 000)  
*fee's* (next to R100)

20 Mr E pays you R2 500 cash in respect of the RD cheque.

30 You pay salaries of R15 000.

You are required to:

- enter the aforesaid transactions in all your books of account
- balance both your Trust and Business cash books as at 31 January 2011.
- effect transfers to your Business account when you are entitled to do so. \*
- charge the fees you are entitled to when due. \*
- charge VAT unless specifically mentioned \* in the transaction.

**VRAAG 2 [10]**

2.1 U het R20 000 namens u kliënt, Mnr Bafana, ingevorder. U kliënt stel u in kennis dat hy nie 'n bankrekening het nie, en vra dat u hom 'n kontant tjek gee vir gelde aan hom verskuldig.

Hoe sou u te werk gaan om sy opdrag uit te voer deur betaling te maak direk aan u kliënt uit die Trustrekening en nie die Besigheidsrekening nie. (7)

2.2 Mag Trust tjeks uitgereik word:

2.2.1 sonder kruising en nie gemerk "nie oordraagbaar"? (1)

2.2.2 betaalbaar aan "toonder"? (1)

2.2.3 betaalbaar aan 'n ongeïdentifiseerde begunstigde? (1)

**VRAAG 3 [20]**

U moet die volgende transaksies met volledige beskrywings in die toepaslike joernale aanteken. Identifiseer die joernale wat u sal gebruik.

3.1 Inkomsteseëls van R300 word uit voorraad gebruik vir die registrasie van 'n maatskappy ABC (Edms) Bpk. (2)

3.2 U kliënt, Barney skuld u R2 047 en u hou R1 800 in Trust in sy rekening. U is geregtig om 'n oorplasing te maak. (2)

3.3 U korrespondent het u 'n 20% toelaag op foie van R2 000 gegee. Maak voorsiening vir 14% BTW met boekstaving van die transaksie. (2½)

**QUESTION 2 [10]**

2.1 You have collected R20 000 on behalf of your client, Mr Bafana. Your client informs you that he does not have a bank account and requests that you give him a cash cheque for moneys due to him.

How would you go about giving effect to your client's instruction by making payment directly to your client from the Trust account and not the Business account. (7)

2.2 May Trust cheques be drawn:

2.2.1 without being crossed and marked "not transferable"? (1)

2.2.2 payable to "bearer"? (1)

2.2.3 payable to an unidentified payee? (1)

**QUESTION 3 [20]**

You are required to prepare fully narrated journal entries to record the following. Identify the journals to be used.

3.1 Revenue stamps of R300 have been issued from stamps on hand, for the registration of a company ABC (Pty) Ltd. (2)

3.2 Your client, Barney owes you R2 047 and you are holding R1 800 in Trust on his behalf. You are entitled to effect a transfer. (2)

3.3 Your correspondent has given you a 20% allowance on fees of R2 000. When making this entry, provide for VAT at 14%. (2½)

3.4 U boekhouer het Martha se Trustgrootboekrekening verkeerdelik met R4 000 gekrediteer in plaas van Melody se Trustgrootboekrekening. (2)

3.5 U gee u kliënt Ally 'n 10% vermindering op 'n fooi van R5 000. BTW van R700 is reeds gehef. Toon aan hoe u die vermindering sou aanteken. (2½)

3.6 U ontvang die advokaat se brevet van R1 750 in Mnr Modau se egskeiding. (2)

3.7 U hef R300 teen u kliënt Michael, vir rente op 'n agterstallige rekening. (2)

3.8 U koop kantoor toerusting vir R50 000 plus BTW teen 14% van SG Supplies (Pty) Ltd. U is geregistreer vir BTW. (2½)

3.9 U ontvang u korrespondent se rekeningstaat vir fooie van R1 140 (BTW ingesluit teen 14%) in die invorderings saak van Joe vs Mike. Geen toelaag is van toepassing nie. (2½)

3.4 Your bookkeeper has erroneously credited Martha's Trust ledger account with R4 000 instead of Melody's Trust ledger account. (2)

3.5 You allow your client Ally a 10% reduction on fees of R5 000. VAT of R700 has already charged. Show how you would record the reduction. (2½)

3.6 You receive Counsel's brief marked R1 750 in Mr Modau's divorce. (2)

3.7 You charge your client Michael R300 for interest on an arrear account. (2)

3.8 You purchase office equipment for R50 000 plus VAT at 14% from SG Supplies (Pty) Ltd. You are a VAT vendor. (2½)

3.9 You receive your correspondent's accounting statement for fees of R1 140 (inclusive of VAT at 14%) in the collection matter of Joe vs Mike. No allowance is applicable. (2½)

**DIE EINDE**

**THE END**

## PROKUREURSEKSAMEN

### DEEL 2 BOEDELS

22 FEBRUARIE 2011

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. Kandidate moet daarop let dat punte vir goeie opstelwerk toegeken word.
3. Waar nodig, moet kandidate hulle eie feite versin.
4. Skryf asseblief slegs in pen op die regterkantse bladsye.
5. Tensy daar 'n spesiale rede bestaan, word 'n kandidaat nie vir 'n mondeling in hierdie deel ingeroep as 50% of 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 2 ESTATES

22 FEBRUARY 2011

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. Candidates must remember that marks are awarded for good draftsmanship.
3. Candidates must invent their own facts wherever necessary.
4. Please write only in pen on the right-hand pages.
5. 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

[60]

Pierre Nel, 'n wewenaar en afgetrede boer, sterf aan 'n hartaanval op 1 Julie 2010. Toe hy ophou boer, het hy dorp toe getrek en sy plaas aan sy buurman, Jack Frost, verhuur. Die huurder het die huurgeld altyd vroegtydig betaal. Die huurgeld het R50 000.00 per jaar bedra, betaalbaar sesmaandeliks agteruit teen die einde van Junie en Desember van elke jaar. Die huurkontrak het op 31 Desember 2010 verstryk.

Toe wyle mnr Nel afgetree het, het hy sy vee en implemente per openbare veiling vir R2 000 000.00 netto verkoop. Die oorledene het die bedrag wat hy van die afslaer ontvang het in 'n 6 maande vaste deposito by ABC Bank belê. Hy het die deposito op 1 April 2010 vir 'n verdere 6 maande hernu teen 'n rentekoers van 10% per jaar. Die rente is op vervaldatum betaalbaar.

Bo en behalwe bogenoemde plaas en vaste deposito, het die oorledene die volgende bates besit:

1. Erf 5225 Bloemfontein, wat deur 'n taksateur vir R1 500 000.00 gewaardeer is.
2. 'n 2008 Range Rover wat deur die taksateur vir R480 000.00 gewaardeer is. Die eksekuteur verkoop hierdie voertuig op 15 Oktober 2010 uit die hand vir R460 000.00 en die opbrengs word op dieselfde dag in die boedelbankrekening gedeponeer.
3. Klerasie en persoonlike effekte van geen kommersiële waarde nie.

Mnr Nel het nie in lewensversekering of skuld geglo nie. Die enigste laste van sy boedel, behalwe administrasiekoste en moontlike boedelbelasting, was BAVBO vir begrafniskoste (R12 000.00) en SAID se finale inkomstebelastingaanslag vir R5 000.00.

QUESTION 1

[60]

Pierre Nel, a widower and retired farmer, died of a heart attack on 1 July 2010. When he retired from farming, he moved to town and let his farm to his neighbour, Jack Frost, who always paid the rental before due date. The rental amounted to R50 000.00 p.a., payable six monthly in arrear at the end of June and December of each year. The lease terminated on 31 December 2010.

When the late Mr Nel retired, he sold his livestock and implements by public auction for R2 000 000.00 net. The deceased invested the amount received from the auctioneers in a 6 month fixed deposit with ABC Bank. He renewed the deposit on 1 April 2010 for a further 6 months at an interest rate of 10% p.a., the interest being payable on maturity.

Apart from the above farm and fixed deposit, the deceased owned the following assets:

1. Erf 5225 Bloemfontein, valued by an appraiser for R1 500 000.00.
2. 2008 Range Rover valued by the appraiser for R480 000.00. The executor sold this vehicle out of hand for R460 000.00 on 15 October 2010, and the proceeds were paid into the estate banking account on the same day.
3. His clothing and personal effects which were of no commercial value.

Mr Nel did not believe in either life insurance or debt. The only liabilities of his estate, apart from administration costs and possible estate duty, were BAVBO for funeral expenses of R12 000.00 and SARS for the final income tax assessment of R5 000.00.

Mnr Nel het in sy testament prokureurs XYZ as sy eksekuteurs benoem, en hulle vrygestel van die plig om sekuriteit te stel. Gemelde prokureurs is vir BTW geregistreer, maar die oorledene was nie. Die testament bepaal dat die eksekuteur geregtig is om professionele fooie bo en behalwe die eksekuteursfooie, te hef.

Mnr Nel het verder in sy testament sy plaas aan sy meerderjarige seun Pieter bemaak en die restant van sy boedel aan sy geskeide dogter Susan. Die markwaarde van die plaas is deur die taksateur op R2 100 000.00 vasgestel.

**GEVRA:**

Stel die eerste en finale likwidasië- en distribusierekening soos op 31 Desember 2010 op, met weglating van die opskrif en die eksekuteur se sertifikaat. Spesifiseer die administrasiekoste vir sover dit moontlik is, en beraam daardie items wat nie presies bepaal kan word nie. Die administrasie-koste beloop in totaal R292 000.00.

**VRAAG 2**

[15]

X sterf sonder 'n testament en word oorleef deur:

- W1, sy eerste vrou, van wie hy geskei is.
- W2, sy tweede vrou, met wie hy ten tye van sy dood binne gemeenskap van goed getroud was.
- E en F, die kinders van sy vooroorlede seun D uit sy huwelik met W1.
- C, gebore uit 'n buite-egtelike verhouding tussen X en ene Z.
- A en B, sy twee kinders uit sy huwelik met W2.
- K en M, die kinders van W2 uit haar vorige huwelik met haar oorlede eerste man, H1.

X en W2 se netto gemeenskaplike boedel beloop R4 000 000.00 (vier miljoen rand).

Mr Nel in his will appointed attorneys XYZ as his executors, and he exempted them from furnishing security. The said attorneys are registered as VAT vendors, but the deceased was not. The will states that the executor is entitled to charge professional fees in addition to the executor's remuneration. \* NB appraisal fees

@ 3 1/2 (% income) VAT

In his will Mr Nel further bequeathed his farm to his major son Pieter, and he left the residue of his estate to his daughter Susan, who is a divorcée. The market value of the farm was determined by the appraiser as R2 100 000.00. - less 30% (?)

- no spousal bequest  
- Rebate 4A (R3,5 mil).

**REQUIRED:**

Draw the first and final liquidation and distribution account as at 31 December 2010, omitting the heading and the executor's certificate. Specify the administration costs as far as it is possible to do so, and make calculated estimates for those items which cannot be precisely specified. Administration costs amount to R292 000.00 in total.

**QUESTION 2**

[15]

X dies without a will and is survived by:

- W1, his first wife from whom he was divorced.
- W2, his second wife, to whom he was married in community of property at the time of his death.
- E and F, the children of his predeceased son D born out of his marriage to W1.
- C, born out of wedlock from an extra-marital affair between X and one Z.
- A and B, his two children born out of his marriage to W2.
- K and M, the children of W2 from her previous marriage to her late first husband H1.

The net joint estate of X and W2 amounts to R4 000 000.00 (four million rand).



**GEVRA:**

Verduidelik hoe die R4 000 000.00 verdeel moet word. Verstrek slegs die geldwaardes en motiveer u verdeling. Indien enige van die bovermelde persone nie in die boedel mag deel nie, identifiseer sodanige persone en motiveer sodanige uitsluiting.

**VRAAG 3**

**[21]**

U word deur Mary Ndhlovu oor haar testament geraadpleeg. Sy is 'n oujongnoui en woon in 'n luukse deeltiteleenheid waarvan sy die geregistreerde eienaar is. Haar bejaarde moeder wat finansiëel onafhanklik is, woon by haar in. Mary wil die eiendom aan haar jonger suster bemaak, maar sy het twee probleme. Eerstens staan haar suster op trou met 'n jongman wat, na Mary se oordeel, 'n onverantwoordelike jong "laventelhaan" is met 'n oppervlakkige lewensuitkyk. Tweedens is Mary bang dat indien sy voor haar moeder te sterwe sou kom, laasgenoemde nie 'n geskikte woonplek sal hê nie. Mary wil die restant van haar boedel aan haar kerk bemaak.

**GEVRA:**

Stel 'n testament op van minstens twee bladsye met inagneming van Mary se bekommernis oor haar moeder en haar bedenkinge oor haar aanstaande swaer. Mary is nie ten gunste van die oprigting van 'n trust nie.

**VRAAG 4**

**[4]**

Pas nadat u die bereddering van 'n bestorwe boedel afgehandel het maar voor u ontslag as eksekuteur, ontdek die oorledene se nagelate eggenote wat sy enigste erfgenaam is, 'n verdere bate waarvan niemand bewus was nie. Dit is 'n ou aandeelsertifikaat vir 100 aandele in Rand Holdings Limited, wat slegs R900.00 werd is. Wat sal u as eksekuteur in hierdie geval doen?

**REQUIRED:**

Explain how the amount of R4 000 000.00 is to be distributed. Give only the monetary values and motivate your distribution. Should any of the abovementioned parties be excluded from sharing in the estate, identify such party / parties and motivate such exclusion.

**QUESTION 3**

**[21]**

You are consulted by Mary Ndhlovu in connection with her will. She is a spinster and resides in an upmarket sectional title unit of which she is the registered owner. Her elderly mother, who is financially independent, resides with her. Mary wants to bequeath the property to her younger sister, but she has two concerns. Firstly, her sister is engaged to be married to a young man who, in Mary's opinion, is "an irresponsible little stud with a cavalier attitude towards life". Secondly, if she should predecease her mother, her mother would have no suitable place of abode. Mary wants to bequeath the rest of her estate to her church.

**REQUIRED:**

Draw a will of at least two pages in length for Mary with due regard to her concerns about her mother and her misgivings regarding her future brother in law. Mary is not in favour of the creation of a trust.

**QUESTION 4**

**[4]**

After you have finalised the administration of a deceased estate, but before obtaining your discharge as executor, the deceased's spouse stumbles upon an additional asset which nobody knew she had, namely an old share certificate of 100 shares in Rand Holdings Limited, worth a mere R900.00. The surviving spouse was the sole heir in terms of the deceased's will. What will you do as the executor?

**DIE EINDE**

**THE END**