



DIPLOMA IN LAW (PARA-LEGAL STUDIES)

2<sup>ND</sup> YEAR TERM I EXAMINATION

LAW OF SUCCESSION – PTP 200

16<sup>TH</sup> DECEMBER 2021

DURATION: 2 HOURS

**Instructions to Candidates**

- (a) Answer Question ONE and ANY OTHER THREE Questions
- (b) Question ONE carries 25 Marks
- (c) All other questions carry 15 Marks each

PLEASE TURN OVER

**QUESTION ONE (COMPULSORY)**

Buka died intestate in the year 2020 leaving a vast estate. He was killed by his son Jon who is the son of his first wife Mary. Buka had 2 wives; Mary and Joyce. Mary has 3 children while Joyce has 5 children. He also had a son Justo born of his previous girlfriend. He used to feed the neighbours orphaned children every evening and occasionally sent money to his father. Some of the children are minors.

Using case law where applicable:

- a) Explain how the property of the deceased would be divided. (10 marks)
- b) Discuss the factors that the court will consider while dividing the said property. (10 marks)
- c) The family has filed for grant of letters of administration but it is not concluded. Mary went to collect the rent for the deceased houses in Mlolongo but the tenants said that they did not know her. She needs your advise on how to collect the rent. (5 marks)

**QUESTION TWO**

Using case law where applicable, discuss how the courts will consider the issues of mental capacity in the validity of a will. (15 marks)

**QUESTION THREE**

- a) Using case law where applicable, discuss witnesses in the will making process. (10 marks)
- b) Signatures are an important component of a will. Discuss. (5 marks)

**QUESTION FOUR**

- a) The Law of Succession Act provides the necessary information to be inserted in an application for grant of letters of administration. List the necessary information. (8 marks)
- b) Discuss the process of confirmation of a grant intestate. (7 marks)

**Question Five**

- a) Discuss the duties of an administrator of the estate as per the Law of Succession Act. (8 marks)
- b) Explain a Grant de Bonis non administrates (grants revoked for being useless and inoperative). (7 marks)

**QUESTION SIX**

Discuss revocation of wills by destruction. (15 marks)

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END