



PAMIBIA UNIVERSITY
OF SCIENCE AND TECHNOLOGY

FACULTY OF NATURAL RESOURCES AND SPATIAL SCIENCES

DEPARTMENT OF LAND AND PROPERTY SCIENCES

QUALIFICATION (S) : DIPLOMA IN LAND ADMINISTRATION ; BACHELOR IN LAND ADMINISTRATION	
QUALIFICATION CODE: 06DLAD; 07BLAD	NQF LEVEL: 5
COURSE NAME: DEEDS REGISTRATION LAW 1	COURSE CODE: DRL520S
SESSION: JANUARY 2020	PAPER: THEORY
DURATION: 2 HOURS	MARKS: 100

SECOND OPPORTUNITY/SUPPLEMENTARY EXAMINATION QUESTION PAPER	
EXAMINER(S)	Stephnie Nicolene De Villiers
MODERATOR:	Emmy Wabomba

INSTRUCTIONS	
1.	The paper has 4 questions.
2.	ALL the questions are compulsory.
3.	Write clearly and neatly.
4.	Number the answers clearly and according the numbering in the examination question paper.
5.	Candidates will be penalised for incorrect spelling and illegible handwriting.

PERMISSABLE MATERIAL

Calculators

THIS QUESTION PAPER CONSISTS OF 20 PAGES (Including this front page and annexures)

Question 1

Answer the following multiple-choice questions. Write only the Roman number of the most relevant answer next to the question number on your answer sheet.

a) Choose the most relevant answer:

Abraham Shikongo married his wife Loide in Oshakati in 1993. They did not make a statement indicating that they intended to be married in community of property. They subsequently moved to Windhoek, and on 5 December 1999 he bought a house in Luxury Hill. In the Deed of Transfer Abraham Shikongo will be described as follows:

- i. Abraham Shikongo
Born 27 February 1964
Married out of Community of Property
- ii. Abraham Shikongo
Born 27 February 1964
Married, which marriage is governed by the Recognition of Certain Marriages Act, Act No 18 of 1991
- iii. Abraham Shikongo
Born 27 February 1964
Married, which marriage does not have the legal consequences of a marriage in community of property, by virtue of the provisions of Proclamation 15 of 1928.
- iv. Abraham Shikongo
Identity Number 640227 01 00047
Married out of Community of Property
- v. None of the above (2)

- b) In examining deeds, questions of law should be dealt with by:
- i. The junior examiner
 - ii. Senior examiner
 - iii. Chief examiner
 - iv. The registrar of deeds
 - v. Both Chief Examiner and Registrar of Deeds (2)
- c) The marital status of a person who has been married in terms of customary laws, but who divorced and whose ex-spouse passed away is
- i. Widower
 - ii. Divorced
 - iii. Single
 - iv. Unmarried
 - v. Either widower or divorced (2)
- d) An application in terms of section 17(4) of the Deeds Registries Act is used to:
- i. Rectify an error in a deed;
 - ii. Rectify marital status on a deed;
 - iii. Ensure that a property which is registered in the name of only one spouse who are married in community is also registered in the other spouse's name;
 - iv. Effect transfer by endorsement into the name of a spouse married in community of property.
 - v. Ensure that a property which is registered in the name of only one spouse who are married in community is also registered in the other spouse's name which will have the effect of transfer the property also into the name of a spouse married in community of property. (2)
- e) An agreement of partition must contain the following information:
- i. Description of the land being partitioned; The share or shares which are

- registered in the name of each owner, with a reference to all the titles; The land (portions or shares) which each owner has been allocated; Conditions which may have been created in respect of each allocated portion or share; Any consideration which possibly was given to equalize the partition.
- ii. Description of the land being partitioned; The share or shares which are registered in the name of each owner, with a reference to all the titles; Conditions which may have been created in respect of each allocated portion or share; Any consideration which possibly was given to equalize the partition; Title deed in terms of which the land which has to be partitioned is held
- iii. Description of the land being partitioned; The share or shares which are registered in the name of each owner, with a reference to all the titles; The land (portions or shares) which each owner has been allocated; Any consideration which possibly was given to equalize the partition.
- iv. Description of the land being partitioned; The share or shares which are registered in the name of each owner, with a reference to all the titles; The land (portions or shares) which each owner has been allocated; Conditions which may have been created in respect of each allocated portion or share; The value of the land which needs to be partitioned.
- v. Description of the land being partitioned; share; The value of the land which needs to be partitioned. (2)

[10]

Question 2

For each of the following statements, state whether it is true/ false. You do not have to motivate your answers. *Please note that T/F and yes/ no answers will not be marked.*

- a) Under Namibia's registration system Sue will be protected when land is registered in the name of Carlos which Carlos bought from Desmond if Desmond got the land in an unlawful manner from Sue. (2)
- b) Namibia has a system of registration of deeds. (2)

- c) The Registrar of Deeds takes responsibility for the facts contained in a deed of transfer. (2)
- d) The Registrar of Deeds may preserve and keep records of registration of rights to land. (2)
- e) An application in terms of section 4(1)(b) of the Deeds Registries Act, 1937 can be used to rectify to correct a transferee's name on a deed of transfer from Joan Smith Identity number 71050300137, Unmarried to John Smith, Identity number 69050300129, married out of Community of Property. (2)
- [10]**

Question 3

Complete the following sentences. Only write the missing words next to the question number on your answer sheets.

- a) In the deeds registration context, another word for a creditor is (2)
- b) A document signed by the Registrar of Deeds in the deeds registry is (2)
- c) When a deed of transfer is registered it is called a (2)
- d) If you would like to buy a flat with a loan from a bank, you need to register a
..... over the flat, so that the bank can have security for the loan granted. (2)
- e) The document by which someone is authorized to act on behalf of another, is called a (2)
- f) Registers kept by the Registrar of Deeds include a sectional title register, a land register, a caveat register and a register. (2)
- g) In the context of the registration of transaction in the deeds office, the conveyancer is also known as the (2)

- h) The amount of transfer duty payable for a farm bought with a loan acquired through Agricultural Bank of Namibia, with a purchase price of N\$2 800 000, is (2)
- i) Transfer duty payable by an heir in respect of property inherited, which property is valued at N\$ 2 120 000, is (2)
- j) The amount of transfer duty payable by Jarman Close Corporation in respect of a property acquired for N\$2 000 000 (two million Namibian Dollars) is (2)
- [20]**

Question 4

Study the attached set of documents and answer the following questions:

- a) Provide an analysis of the supporting documents which are necessary to the specific transaction you are examining. (14)
- b) Calculate the stamp duty payable in the transaction you are examining. (14)
- c) Identify and explain the endorsements which need to be affixed to the unregistered deed of transfer. Be specific about the relevant copy of the document. (10)
- d) Raise the necessary notes. (22)
- [60]**
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Prepared by me

Conveyancer
De Villiers, S.N.

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN
THAT STEPHNIE NICOLENE DE VILLIERS

Appeared before me Registrar of Deeds at Windhoek, she the said
Appararer being duly authorized thereto by a power of attorney
granted to her by

SAMUEL SIMANDE
BORN ON 15 MARCH 1958

And

EMILY SIMANDE
BORN ON 19 JUNE 1957
MARRIED IN COMMUNITY OF PROPERTY TO EACH OTHER

*Acting by virtue of a Special Power of Attorney signed at Windhoek
at 23RD March 2009.*



AND THE SAID APPEARER declares that the said TRANSFEROR sold the hereinafter mentioned property on 1 March 2009.

And that she in her capacity aforesaid did, by these presents, cede and transfer, in full and free property, to and on behalf of

**JERRY HELAGO
BORN ON 15 FEBRUARY 1947**

And

**SOPHIA HELAGO
BORN ON 7 APRIL 1953
MARRIED IN COMMUNITY OF PROPERTY TO EACH OTHER**

Their heirs, executors, administrators or assigns

CERTAIN: Erf No 593, KLEINE KUPPE (Extension 1)

SITUATE: In the Municipality of WINDHOEK
Registration Division "K"
Khomas Region

MEASURING: 502(FIVE ZERO TWO) square meters

FIRST TRANSFERRED and still held by Deed of Transfer No T1359/2002 with General Plan No. A629/96 relating thereto.

- A. Subject to the following conditions imposed in terms of Government Notice No. 218/1997, and created in the said Deed Of Transfer No T 1359/2002 , namely:

In favour of the Municipal Council of Windhoek

1. The erf is subject to the reservation for the Municipal Council of Windhoek of the right of access and use without compensation of the area three meters parallel with any boundary for the construction and maintenance of municipal services in respect of water, sewerage, drainage, electricity and gas which right includes the right to place

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on such erf temporarily any materials that may be excavated or used during such operations on the erf or any adjacent erf.

2. The building value of the main building, excluding the outbuildings, to be erected on the erf shall be at least four times the prevailing valuation of the erf by the Municipal Council of Windhoek



WHEREFORE the Appearer renouncing all the right and title the said TRANSFERORS heretofore had to the premises, did, in consequence also acknowledge the said TRANSFERORS to be entirely dispossessed of, and disentitled to, the same; and that by virtue of these presents the said TRANSFEREES their heirs, executors, administrators or Assigns, now are and henceforth shall be entitled thereto, conformable to local custom the State, however, reserving its rights, and finally acknowledging the purchase price to the sum of N\$925 000.00

SIGNED at WINDHOEK, on _____, together with the Appearer, and, confirmed with my seal of office.

Signature of Appearer

In my presence

REGISTRAR OF DEEDS

Transfer Duty Receipt No.108122937 issued by the Receiver of Revenue at Windhoek on 26/09/08 for the amount of N\$57 000.00

(Checked) 1. 2.

I the undersigned, Stephnie Nicolene De Villiers, Conveyancer hereby certify in terms of Section 78 of Act No 23 of 1992 that all rates leviable in respect of such immovable property in terms of this Act, and all the fees, charges and other moneys due to the local authority council in respect of any service, amenity or facility supplied to such property in terms of this Act, inclusive of any availability charge and minimum charge provided for in section 30(1)(u) has been paid up to and including the date of registration hereof.



CONVEYANCER

Prepared by me

Conveyancer
De Villiers. S.N.

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN
THAT STEPHNIE NICOLENE DE VILLIERS

Appeared before me Registrar of Deeds at Windhoek, she the said
Appearer being duly authorized thereto by a power of attorney
granted to her by

SAMUEL SIMANDE
BORN ON 15 MARCH 1958

And

EMILY SIMANDE
BORN ON 19 JUNE 1957
MARRIED IN COMMUNITY OF PROPERTY TO EACH OTHER

Acting by virtue of a Special Power of Attorney signed at Windhoek
at 23RD March 2009.



AND THE SAID APPEARER declares that the said TRANSFEROR sold the hereinafter mentioned property on 1 March 2009.

And that she in her capacity aforesaid did, by these presents, cede and transfer, in full and free property, to and on behalf of

**JERRY HELAGO
BORN ON 15 FEBRUARY 1947**

And

**SOPHIA HELAGO
BORN ON 7 APRIL 1953
MARRIED IN COMMUNITY OF PROPERTY TO EACH OTHER**

Their heirs, executors, administrators or assigns

CERTAIN: Erf No 593, KLEINE KUPPE (Extension 1)

SITUATE: In the Municipality of WINDHOEK
Registration Division "K"
Khomas Region

MEASURING: 502(FIVE ZERO TWO) square meters

FIRST TRANSFERRED and still held by Deed of Transfer No
T1359/2002 with General Plan No. A629/96
relating thereto.

- A. Subject to the following conditions imposed in terms of Government Notice No. 218/1997, and created in the said Deed Of Transfer No T 1359/2002 , namely:

In favour of the Municipal Council of Windhoek

1. The erf is subject to the reservation for the Municipal Council of Windhoek of the right of access and use without compensation of the area three meters parallel with any boundary for the construction and maintenance of municipal services in respect of water, sewerage, drainage, electricity and gas which right includes the right to place



on such erf temporarily any materials that may be excavated or used during such operations on the erf or any adjacent erf.

2. The building value of the main building, excluding the outbuildings, to be erected on the erf shall be at least four times the prevailing valuation of the erf by the Municipal Council of Windhoek

WHEREFORE the Appearer renouncing all the right and title the said TRANSFERORS heretofore had to the premises, did, in consequence also acknowledge the said TRANSFERORS to be entirely dispossessed of, and disentitled to, the same; and that by virtue of these presents the said TRANSFEREES their heirs, executors, administrators or Assigns, now are and henceforth shall be entitled thereto, conformable to local custom the State, however, reserving its rights, and finally acknowledging the purchase price to the sum of N\$925 000.00

SIGNED at WINDHOEK, on _____, together with the Appearer, and confirmed with my seal of office.

Signature of Appearer

In my presence

REGISTRAR OF DEEDS

Prepared by me



Legal Practitioner
DE WITT B

POWER OF ATTORNEY TO GIVE TRANSFER

We, the undersigned

**SAMUEL SIMANDE
BORN ON 15 MARCH 1958**

And

**EMILY SIMANDE
BORN ON 19 JUNE 1957
MARRIED IN COMMUNITY OF PROPERTY TO EACH OTHER**

Do hereby nominate, constitute and appoint STEPHNIE NICOLENE DE VILLIERS with power of substitution to be my lawful Attorney and agent in my name and place and stead to appear before the Registrar of Deeds at WINDHOEK and then and there as our act and deed to transfer to

**JERRY HELAGO
BORN ON 15 FEBRUARY 1947**

And

**SOPHIA HELAGO
BORN ON 7 APRIL 1953
MARRIED IN COMMUNITY OF PROPERTY TO EACH OTHER**

the following property, namely:

- CERTAIN: ERF NO. 583 KLEINE KUPPE
- SITUATE: In the Municipality of WINDHOEK
 Registration Division "K"
- MEASURING: 500 (FIVE ZERO TWO) square metres.
- HELD BY: DEED OF TRANSFER No T 1459/2002

Which property was sold on 7 March 2009

for the sum of **N\$975 000.00**

and further to renounce all the right, title and interest which the said transferor hereto had in and to the said property, to promise to free and warrant the said property and also to the clear the same from all encumbrances and hypothecations according to law, to draw, sign and pass the necessary acts and deeds, or other instruments and documents;

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AND further to cede to transfer the said land in full and free property to the Transferees and to renounce all the right, title and interest which the Transferor hereto before had in and to the said property and generally for effecting the purposes afore-written, to do or cause to be done whatsoever shall be requisite, as personally present and acting herein – hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever my said attorney and agent shall lawfully do, or cause to be done, by virtue of these presents.

SIGNED at WINDHOEK, this 15th day of March 2009

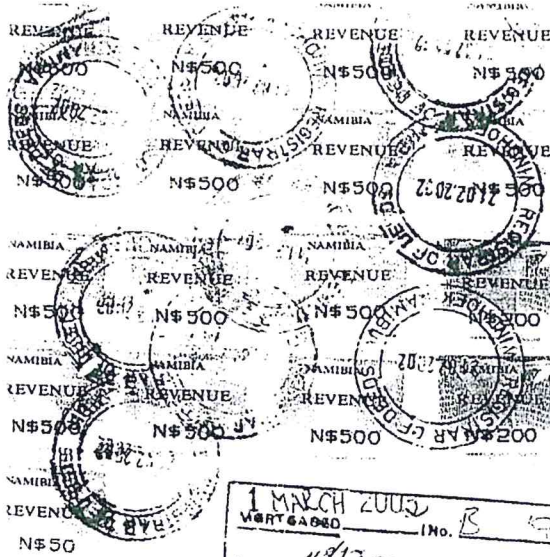
AS WITNESSES:

1. *Witbooi*

S. Simande
SAMUEL SIMANDE

2. *Anna Witbooi*

E Simande
EMILY SIMANDE



Prepared by me
[Signature]
 Conveyancer
 Bergh, M.

1 MARCH 2002
 WERT 6000 No. B 455 1/2002
 for N\$1200 000-00 "Best preference for"
 additional security for N\$ 150000-00
[Signature]
 REGISTRAR OF DEEDS

DEED OF TRANSFER T 1459 1/2002

BE IT HEREBY MADE KNOWN
 THAT NICOLENE BERGH

Appeared before me Registrar of Deeds at Windhoek, she the said
 Appearer being duly authorized thereto by a power of attorney
 granted to her by

MICHAEL JACKSON
 BORN ON 30 SEPTEMBER 1968
 UNMARRIED

Acting by virtue of a Special Power of Attorney signed at Windhoek
 at 15th FEBRUARY 2002

[Handwritten marks and signatures]

2

AND THE SAID APPEARER declares that the said TRANSFEROR sold the hereinafter mentioned property on 31 JANUARY 2002.

And that she in her capacity aforesaid did, by these presents, cede and transfer, in full and free property, to and on behalf of

SAMUEL SIMANDE
BORN ON 15 MARCH 1958

And

EMILY SIMANDE
BORN ON 19 JUNE 1957
MARRIED IN COMMUNITY OF PROPERTY TO EACH OTHER

Their heirs, executors, administrators or ass

CERTAIN: Erf No 593, KLEINE KUPPE (Extension 1)

SITUATE: In the Municipality of WINDHOEK
 Registration Division "K"
 Khomas Region

MEASURING: 502(FIVE ZERO TWO) square meters

FIRST TRANSFERRED and still held by Deed of Transfer No T1359/2002
 with General Plan No. A629/96 relating thereto.

- A. Subject to the following conditions imposed in terms of Government Notice No. 218/1997, and created in the said Deed Of Transfer No T 1359/2002 , namely:

In favour of the Municipal Council of Windhoek

1. The erf is subject to the reservation for the Municipal Council of Windhoek of the right of access and use without compensation of the area three meters parallel with any boundary for the construction and maintenance of municipal services in respect of water, sewerage, drainage, electricity and gas which right includes the right to place on such erf temporarily any materials that may be

A vertical line is drawn, followed by two small handwritten marks resembling 'S' and 'A'. To the right, there is a large, stylized handwritten signature.

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excavated or used during such operations on the erf or any adjacent erf.

2. The building value of the main building, excluding the outbuildings, to be erected on the erf shall be at least four times the prevailing valuation of the erf by the Municipal Council of Windhoek.

[Handwritten signature]

WHEREFORE the Appearer renouncing all the right and title the said TRANSFEROR heretofore had to the premises, did, in consequence also acknowledge the said TRANSFEROR to be entirely dispossessed of, and disentitled to, the same; and that by virtue of these presents the said TRANSFEREE its heirs,executors, administrators or Assigns, now are and henceforth shall be entitled thereto, conformable to local custom the State, however, reserving its rights, and finally acknowledging the purchase price to the sum of N\$180 000.00

SIGNED at WINDHOEK, on 12 APR 2002, together with the Appearer, and confirmed with my seal of office.


Signature of Appearer

In my presence

