INSTRUCTIONS

1. Students are requested in their own interests to write legibly.
2. Students are required to answer all questions.
3. Refer at all times in your answers to relevant case law.
4. This paper consists of 4 pages; please ensure that you have them all.
QUESTION 1

Tim Johnson died on the 20 February 2013. He did not have a will. His estate is worth R900 000. At the time of his death he was divorced from his first wife with whom he had two children, Susan and Samantha. His current girlfriend Shirley Wimple is 5 months pregnant. Tim’s ex-wife argued that the money should be divided equally between her two children as they were Tim’s only living children on the date of his death. Shirley argued that her unborn child was also Tim’s child and should therefore also benefit equally.

Advise Shirley on the prospects of her success.  

[10 marks]

QUESTION 2

Discuss the order for presumption of death in terms of the statutory law. In what respects does the statutory process differ from that in terms of the common law?  

[15 marks]
QUESTION 3

The issue of compelled paternity testing was again considered by the Supreme Court of Appeal in *YM v LB* 2010 (6) SA 338 (SCA). Discuss the issue with reference to the view of this court as well as with reference to earlier judicial precedent.

[15 marks]

QUESTION 4

Rebecca is 16 years old. Against the wishes of her parents she has signed a contract with Paprika Cookery School to embark on the cooking course. The duration of the course is 6 months and a fee of R500 per month is payable, monthly in advance, to the school for the duration of the course. In terms of the contract any person who decides to terminate the contract must give one month’s notice or pay one month’s fees in lieu of notice. After one month, and having paid the R500, Rebecca decides that she no longer wishes to continue with the course. She stops attending lessons and ceases making payments. Paprika Cookery School has sent Rebecca a letter of demand calling on her to pay one month’s fees in lieu of her failing to give notice terminating the course

Rebecca’s parents have approached you for advice. Advise them as to whether there is a binding contract between Paprika Cookery School and Rebecca, whether she is required to pay the amount demanded, and if she is unable to pay, whether they will be obliged to do so.

[10 marks]

Continued/...
QUESTION 5
Discuss the minor’s capacity to enter into a civil marriage. [8 marks]

QUESTION 6
Write a note wherein you discuss the requirements for a domicile of choice. [12 marks]

[TOTAL MARKS FOR PAPER: 70 MARKS]