INSTRUCTIONS

1. Please make sure that your writing is legible.
2. There are five (5) questions in this examination.
3. All questions must be answered.
4. Refer at all times to relevant case law.
Question 1  

[15]  

Robert Samuels died on 5 April 2014. In his will he left his entire estate to his grandchildren, the children of his son Timothy. At the time of Robert’s death, Timothy and his wife Samantha had one child and Samantha was pregnant with their second child. The second child, Adam was born on 25 April 2014, but died two hours after his birth.  

Timothy and Samantha are of the opinion that as the parents of Adam, they should receive his share of the estate. Advise them as to whether they have any legal grounds to demand Adam’s share of his grandfather’s estate.

Question 2  

[10]  

Explain the requirements for a domicile of choice.

Question 3  

[20]  

The question whether a person can compel another adult and/or a child to undergo scientific parental testing has been fraught with difficulty resulting in a series of judgments. Discuss the legal development of this area with reference to the cases.
Question 4

Discuss the capacity of a person who has been declared a prodigal to conclude juristic acts.

Questions 5

Jenny is 17 years old. She concludes a contract with Arnold, who is an adult, to buy his laptop for R3000. In order to conclude the contract Jenny, told Arnold that she was 18 years old. Jenny pays a deposit of R600, given to her by her aunt for her birthday, and Arnold allows her to take the computer home with her. A month later Arnold requests payment of the balance of the purchase price. Jenny refuses to pay the rest of the purchase price on the ground that she is a minor and therefore cannot be held liable. She also wants to reclaim her deposit. Advise Arnold, with reference to authority, as to whether he can recover the contract price, or any price, from Jenny. Also indicate whether Jenny would be able to reclaim her deposit.

TOTAL MARK [70]