

UNIVERSITY EXAMINATIONS



May/June 2025
PVL3701
Property Law
19 May 2025
08:00-12:00 (4 Hours)
100 Marks

First examiners: Prof L Kiewitz

Prof IM Knobel

Mr LM Kutu

Second examiner: Prof LR Ngwenyama

External examiner: Dr T Kotzé

This paper consists of ten (10) pages.

This is an open-book examination

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In writing and submitting this paper you affirm that:

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3. You did not make use of another student's work with or without permission and submitted it as your own.

INSTRUCTIONS FOR A TAKE-HOME EXAM
PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY BEFORE
ANSWERING THE EXAMINATION QUESTIONS.

1. The examination question paper counts **100 marks**. The duration of the examination is from 08:00 – 12:00 (**4 hours**). In addition to the duration of the examination indicated on the timetable, you are given **30 minutes to FINALISE the uploading of your exam file**. Your exam file must therefore be uploaded via the myExams platform on **19 May 2025 BEFORE 12:30 (South African Standard Time)**.

You do not have to upload this file on the invigilator app as well. However, all other requirements regarding the Invigilator App must be adhered to. There is no contingency link for this examination. You **MUST** upload on the myExams platform. **Since Turnitin is utilised only typed, readable answers that were submitted in time on the myExams platform will be graded.**

NOTE: The time on the myExams platform corresponds with the FINAL upload time. This INCLUDES the extra 30 min. In other words, you must upload your script before 12:30.

2. This examination consists of three (3) questions. Answer **ALL** the questions and fully substantiate with reference to your Study Guide, case law and legislation where applicable. References should include specific pages of the Study Guide or paragraphs of case law that were consulted by you personally to answer each question.
3. **Strictly adhere to the indication regarding the number of lines that each answer should consist of. You will be penalised if you do not adhere to this instruction. Your answers may be shorter than the number of lines indicated for each question.**
4. **Please do not include the questions and evaluation criteria in your submitted answers. Number your answers correctly and chronologically.**
5. Although this is an **open-book examination**, you are not allowed to consult another person, while the examination is in progress. You may only consult the prescribed material for this module. This includes the Study Guide, and the prescribed cases mentioned in the 101/3/2025 tutorial letter, available in the e-reserves of the library.
6. You must tick the **Declaration of Academic Dishonesty**. Make sure you understand what academic dishonesty entails and are aware of Unisa's policies in this regard. By ticking the declaration, you declare that you have read, and that you are adhering to (i) the University's [Policy on Copyright Infringement and Plagiarism](#) and the [Student Disciplinary Code](#), both available on myUnisa: www.unisa.ac.za/unisarules, and (ii) the information relating to student values and plagiarism that is found at <https://www.unisa.ac.za/sites/myunisa/default/Study-@-Unisa/Student-values-and-rules>. By ticking the declaration, you also declare that you understand the implications of not adhering to the abovementioned policies. Do not include a Declaration of Academic Dishonesty in your submitted answers.
7. Your answers must be **typed** in **Arial 12pt** and submitted online in PDF format. Create a file in Microsoft Word and save the file as an Adobe PDF document. No other type of submission of your examination answers will be accepted. Neither scanned typed answer files nor handwritten scripts will be accepted.
8. E-mailed submissions will not be accepted for marking. As indicated no file must be submitted on the Invigilator App.
9. **In line with the examination rules, a 0% mark will be allocated for**
 - **answers that are not typed, or**
 - **answers that are not typed in Arial 12pt, or**
 - **answers that are scanned or not readable or searchable, or**
 - **incorrect examination files submitted, or**
 - **answers with manipulated text; or**
 - **examination files that are password-protected.**
10. Please note that the Invigilator App will apply during the examination. You must use the Invigilator App for this examination. You must scan the QR code below between **7:45 and 8:30 (SAST)**. If you experience any technical challenges with the app between these times, **send a WhatsApp message to the technical helpdesk on 073 505 8273**. Do not contact the lecturers. Listening to audio (music) and making use of audio-to-text software is strictly

prohibited during your examination session unless such usage of the software is related to a student's assistive device that has been so declared. Failure to do so will be a transgression of Unisa's examination rules and the student's marks will be withheld.



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GUIDELINES AND RULES FOR ANSWERING QUESTIONS:

- Answer **all** the questions below.
- **Answering questions:** Fully **motivate** your answers with reference to the **most relevant** legal principles contained in the Study Guide, case law and legislation and clearly answer the questions. References should include specific pages of the Study Guide or paragraphs of case law that were consulted by you personally to answer each question. You will be assessed on **your own level of understanding and interpretation of the relevant legal principles and material by looking at how well you applied the most relevant material to answer the questions.** The arguments that you make must be logical, well-structured, and substantiated by relevant legal principles.
- **Style:** Type your own answer in accordance with the style guidelines set out in the instructions above.
- **Time management:** **Use the time given wisely. Use the estimated time allocated below for each question as a guideline. You should also be guided by the mark allocation.**
- **Referencing:** As this is an **open-book examination**, all your answers must contain references to the specific pages of the Study Guide or paragraphs of case law that were consulted by you personally to answer each question. If you consulted a court decision to answer a specific question, your answer must contain a reference to the name of the court decision as well as a reference to the specific paragraph that you consulted. **Do not insert footnotes. No mark will be allocated for any content in footnotes. Instead, include all references in brackets (in text referencing) following each answer. Do not include a bibliography anywhere in your submission.**
- **Plagiarism:** **No mark will be allocated for any content directly copied from the Study Guide or prescribed case law. Further, no mark will be allocated for**

content copied from internet sources or artificial intelligence software such as ChatGPT. Lastly, no mark will be allocated for manipulated content in an answer script.

- **We strongly advise against copying directly (or word-for-word) from any source, whether it is prescribed or not.**
- **No mark will be allocated for previously submitted answers or for answers that correspond with those of other students.**
- **Use your Study Guide and the prescribed case law to answer questions in your own words. Do not make use of any internet sources, online paraphrasing tools, or artificial intelligence software such as ChatGPT.**

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EXAMINATION QUESTIONS:

Question 1 [73 marks; ±175 minutes]

Two Unisa postgraduate students, John and his best friend Karabo, are inspired by a news story about the three men who cycled from Limpopo to Cape Town. Motivated by this feat, they decide and plan to take up a similar challenge namely, to cycle from Durban to Upington. After careful consideration, they estimate that they will each need R15 000 (a total of R30 000) to cover their day-to-day expenses during this trip.

John is currently serving his articles at a law firm and does not own a bicycle. When he shares his plan with Thebe, a senior partner at the firm and an avid cyclist, Thebe offers to rent him one of his bicycles for R500 per week. John is ecstatic about the offer and collects the bicycle at Thebe's house. John earns R8 000 per month at the law firm and owns a valuable gaming laptop, which he seldom uses.

Karabo works part-time at the Unisa law library and earns R5 000 per month. He owns a high-quality bicycle, valued at approximately R20 000, but he does not have any other valuable assets.

Against this factual background, answer the following questions:

- 1.1 Identify and briefly describe the nature of the right that John has in relation to the bicycle he is renting from Thebe. Provide reasons for your answer. [6]
[Your answer should not exceed 8 lines.]

Evaluation criteria	Not achieved (vague answer)	Partially achieved	Achieved
Nature of John's right in relation to the bicycle correctly identified and described. Clear reasons provided.	1	2-4	5
Correct reference(s) to the relevant prescribed material in brackets following answer.	N/A	N/A	1

- 1.2 Identify and briefly describe the nature of the real relationship between John and the bicycle he is renting from Thebe. Provide reasons for your answer. [8]
[Your answer should not exceed 10 lines.]

Evaluation criteria	Not achieved (vague answer)	Partially achieved	Achieved
Nature of John's real relationship in relation to Thebe's bicycle correctly identified and described. Clear reasons provided.	1	2-6	7

Correct reference(s) to the relevant prescribed material in brackets following answer.	N/A	N/A	1
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- 1.3 Explain the nature of the right Thebe retains over the bicycle that he is renting to John for the cycling challenge. In your answer, clarify how this right is limited under the current circumstances. Provide reasons for your answer. [10]

[Your answer should not exceed 10 lines.]

Evaluation criteria	Not achieved (vague answer)	Partially achieved	Achieved
Nature of Thebe's right regarding the bicycle that John is renting correctly identified and described. Clear reasons provided.	1	2-3	4
How Thebe's right over the bicycle is limited in these circumstances explained.	1	2-3	4
Correct reference(s) to the relevant prescribed material in brackets following answer.	N/A	N/A	2

- 1.4 John is concerned that the bicycle he is leasing from Thebe might be damaged or stolen during the trip. Advise John on the legal consequences if this happens. What remedies or options might be available to him? Consider the fact that Thebe does not have insurance over the bicycle. Briefly motivate your answer. [10]

[Your answer should not exceed 10 lines.]

Evaluation criteria	Not achieved (vague answer)	Partially achieved	Achieved
Clearly motivated advice regarding the legal position should Thebe's bicycle be damaged provided.	1	2-3	4
Clearly motivated advice regarding the legal position should Thebe's bicycle be stolen provided.	1	2-3	4
Correct reference(s) to the relevant prescribed material in brackets following answer.	N/A	N/A	2

- 1.5 Although Karabo has his own bicycle that can be used for the cycling challenge, he would have to apply for a loan, since he does not have R15 000 for his day-to-day expenses during the challenge. Karabo approaches Blue Bank for a loan. Although Blue Bank is willing to grant him the loan, they indicate to Karabo that they will require security from him for the loan. Advise Karabo on the most suitable type of security he can offer, considering his available assets. In your answer, you must also briefly mention forms of security that would not be suitable in his case and why. Note further that Blue Bank will not accept suretyship. Motivate your

answer.

[12]

[Your answer should not exceed 20 lines.]

Evaluation criteria	Not achieved (vague answer)	Partially achieved	Achieved
Brief advice to Karabo about the best available option to secure the loan. Answer motivated.	1	2-4	5
Option(s) that will not be suitable to Karabo briefly mentioned. Answer motivated.	1	2-4	5
Correct reference(s) to the relevant prescribed material in brackets following answer.	N/A	N/A	2

- 1.6 Although John earns R8 000 per month, he only has R5 000 in savings available for the day-to-day expenses of the trip. Karabo's close friend, Palesa, is willing to lend John the remaining R10 000, but insists on receiving security for the loan. Advise John and Palesa on the most suitable available security option under these circumstances and indicate the option that would be most suitable in your view. Note further that Palesa would not consider suretyship under these circumstances. Motivate your answer. [10]

[Your answer should not exceed 15 lines.]

Evaluation criteria	Not achieved (vague answer)	Partially achieved	Achieved
Brief advice to Johan and Palesa on the most suitable available option in these circumstances provided. Answer motivated.	1	2-8	9
Correct reference(s) to the relevant prescribed material in brackets following answer.	N/A	N/A	1

- 1.7 John and Karabo successfully completed the cycling challenge and have returned to Durban. John who has developed a passion for cycling, asks Thebe whether he can purchase the bicycle he rented from him (Thebe). Thebe informs John that he can have the bicycle for free. Thebe then asks John to briefly explain to him how ownership of the bicycle will legally transfer to him (John). Provide John's response. Motivate your answer. [10]

[Your answer should not exceed 10 lines.]

Evaluation criteria	Not achieved (vague answer)	Partially achieved	Achieved
Clear understanding about how John can	1-2	3-8	9

become owner illustrated with reference to the factual scenario. Answer motivated.			
Correct reference(s) to the relevant prescribed material in brackets following answer.	N/A	N/A	1

- 1.8 John and Karabo arrived back home very late from the cycling trip. Karabo, who was exhausted, forgot his bicycle outside next to the garbage bin. The next morning while Karabo is still asleep, a private refuse removal company (appointed by the municipality) collected the garbage, including the bicycle. Determine whether Karabo will successfully be able to claim the bicycle from the refuse company. Motivate your answer. [7]
[Your answer should not exceed 10 lines.]

Evaluation criteria	Not achieved (vague answer)	Partially achieved	Achieved
Clear understanding of the principles that would apply in these circumstances demonstrated. Answer motivated.	1-2	3-5	6
Correct reference(s) to the relevant prescribed material in brackets following answer.	N/A	N/A	1

Question 1 total: [73]

Question 2 [16 marks; ± 35 minutes]

Carin, a widow, owns a protea farm in Cullinan. Several people reside on the farm with her. Carin lives in the main farmhouse of the farm, while Anna, an elderly aunt of her late husband, resides in one of the smaller cottages in terms of a personal servitude. Five farmworkers live in the remaining five cottages on the property. The farmworkers receive weekly cash wages as their primary form of remuneration.

Carin, who has long considered relocating to Cape Town, finds a new farm in the Cape Town area and decides to proceed with the move. As a first step, she consults a lawyer for advice on the legal position of the people residing on the Cullinan farm. In particular: Anna refuses to leave the farm; Carin also wishes to understand the legal position of the five farmworkers residing on the property.

Against this factual background, answer the following questions:

- 2.1 Advise Carin on Anna's legal position. In your answer, specifically indicate whether Carin will be able to evict Anna. Provide reasons for your answer with reference to the nature of Anna's right. [8]
[Your answer should not exceed 10 lines.]

Evaluation criteria	Not	Partially	Achieved
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	achieved (vague answer)	achieved	
Appropriate advice about Anna's legal position provided to Carin. Answer motivated.	1-2	3-6	7
Correct reference(s) to the relevant prescribed material in brackets following the answer.	N/A	N/A	1

2.2 Advise Carin about the legal position of the five farmworkers. In your answer, specifically discuss whether Carin would be able to evict them. Provide reasons for your answer. [8]

[Your answer should not exceed 10 lines.]

Evaluation criteria	Not achieved (vague answer)	Partially achieved	Achieved
Appropriate advice about the legal position of the five farm workers provided to Carin.	1-2	3-6	7
Correct reference(s) to the relevant prescribed material in brackets following the answer.	N/A	N/A	1

Question 2 total: [16]

Question 3 [11 marks; ± 25 minutes]

Sophia owns a farm in Limpopo that she inherited from her parents. She receives a formal notice from the local municipality informing her that her farm will be expropriated for the purpose of constructing a new public primary school in the area. Distressed by this news, Sophia approaches you for legal advice.

Against this factual background, answer the following questions:

3.1 Explain why it is significant that expropriation is classified as an original form of acquisition of ownership. In your answer, refer specifically to how expropriation impacts Sophia's position. [6]

[Your answer should not exceed 10 lines.]

Evaluation criteria	Not achieved (vague answer)	Partially achieved	Achieved
Significance of classification of expropriation as an original form of acquisition of ownership correctly explained with reference to the set of facts.	1-2	3-4	5
Correct reference(s) to the relevant prescribed material in brackets following the answer.	N/A	N/A	1

- 3.2 Set out the requirements that should be met for the lawful expropriation of Sophia's farm. Briefly motivate your answer with reference to the Constitution of the Republic of South Africa, 1996 and apply these requirements to the set of facts.

[5]

[Your answer should not exceed 10 lines.]

Evaluation criteria	Not achieved (vague answer)	Partially achieved	Achieved
Requirements for a valid expropriation set out with reference to the Constitution and applied to the set of facts.	1	2-3	4
Correct reference(s) to the relevant prescribed material in brackets following the answer.	N/A	N/A	1

Question 3 total: [11]

Paper total: [100]

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