

UNIVERSITY EXAMINATIONS



Oct/Nov 2025
PVL3701
Property Law
27 October 2025
11:15-15:15 (4 Hours)
100 Marks

First examiners: Prof LR Ngwenyama
Prof IM Knobel

Second examiners: Prof L Kiewitz
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External examiner: Dr T Kotzé

This paper consists of ten (10) pages. The last 5 pages contains the questions.

This is an open-book examination

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In writing and submitting this paper, you affirm that:

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**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 11:15 – 15:15 (**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 **27 October 2025, BEFORE 15:45 (South African Standard Time)**.

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2. This examination consists of two **(2)** questions with sub questions. Answer **ALL** the questions and fully substantiate your answers with reference to your Study Guide, prescribed 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.**
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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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11. Your answers will be submitted to Turnitin. You must accept the Turnitin agreement (EULA). **If you do not accept the agreement, your answers will not be marked.**
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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, prescribed 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

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- **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.**

Students suspected of dishonest conduct during the examinations will be subjected to disciplinary processes. Students may not communicate with other students or any other person or request assistance from other students or any other person during examinations. The use of Telegram, WhatsApp or any other instant messaging services with any other person (except when asking for technical assistance via official channels of the SCSC or the Invigilator WhatsApp line) is strictly prohibited.

EXAMINATION QUESTIONS:

Question 1 [50 marks; ±100 minutes]

Kate buys a car from Tom, who claims to own it. Kate pays R20 000 in cash for the car by means of an electronic funds transfer into Tom's bank account. Once Tom has seen that the funds have been transferred into his account, he gives Kate the keys to the car and allows her to drive off in it. A year later, Kate is horrified when she is approached by the police, who inform her that it has come to their attention that she is driving a stolen car. The police informed her that Tom was not the lawful owner of the car, which in fact belonged to Tom's former employer, Vintage Cars (Pty) Ltd ("Vintage Cars"). Kate points out to the police that she bought the car in good faith and had no reason to suspect that Tom was not the owner of the car.

In view of this situation, Kate hands over the car to the police who return it to Vintage Cars. Kate decides to buy the car from Vintage Cars in terms of an instalment sale agreement. In terms of the agreement, Vintage Cars remains the owner of the car until Kate has paid the final instalment on the car. To improve its security, Vintage Cars cedes all its personal rights in respect of the instalment agreement with Kate to Bizarre Dealers (Pty) Ltd ("Bizarre Dealers"). Vintage Cars also intends to transfer ownership of the car to Bizarre Dealers immediately while Kate is still paying instalments.

A year later, after Kate paid all the instalments for the car, she went to Japan on a six-month working holiday. She allows her friend Jo to use her car while she is overseas, provided that she looks after it and makes sure that it is always parked in a safe place. While Kate is overseas, her car is stolen after Jo parked it in the street while visiting friends. Jo is embarrassed to tell Kate. A few days later, Jo notices Kate's car on display in the window of a certified pre-owned car dealership and wishes to recover it from the dealer. Jo further notices that the car is no longer fitted with 15-inch alloy wheels, and instead now has 12-inch steel wheels.

Against this factual background, answer the following questions:

- 1.1 Identify and briefly describe the nature of the right that Vintage Cars had in relation to the car before Kate paid all the instalments. Provide reasons for your answer.

[8]

[Your answer should not exceed 8 lines.]

Evaluation criteria	Not achieved (vague answer)	Partially achieved	Achieved
Nature of the right of Vintage Cars in relation to the car correctly identified and described. Clear reasons provided.	1	2-4	5-7
Correct reference(s) to the relevant prescribed	N/A	N/A	1

material in brackets following answer.			
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- 1.2 Identify and briefly describe the nature of the right that Kate has against Tom. Provide reasons for your answer. **[5]**
[Your answer should not exceed 10 lines.]

Evaluation criteria	Not achieved (vague answer)	Partially achieved	Achieved
Nature of Kate's right against Tom correctly identified and described. Clear reasons provided.	1	2-3	4
Correct reference(s) to the relevant prescribed material in brackets following answer.	N/A	N/A	1

- 1.3 Advise Vintage Cars and Bizarre Dealers on what they need to do to transfer ownership of the car from Vintage Cars to Bizarre Dealers. **[12]**
[Your answer should not exceed 15 lines.]

Evaluation criteria	Not achieved (vague answer)	Partially achieved	Achieved
Advice on what Vintage Cars and Bizarre Dealers need to do to transfer ownership of the car from Vintage Cars to Bizarre Dealers provided.	1-2	3-6	7-11
Correct reference(s) to the relevant prescribed material in brackets following answer.	N/A	N/A	1

- 1.4 In view of the fact that the car is no longer fitted with 15-inch alloy wheels, but 12-inch steel wheels, briefly advise Kate on the remedy that they would be able to use against the pre-owned car dealership. Briefly motivate your answer. **[7]**
[Your answer should not exceed 10 lines.]

Evaluation criteria	Not achieved (vague answer)	Partially achieved	Achieved
Brief advice regarding the remedy that Kate and/or Jo would be able to use against the pre-owned car dealership in these circumstances provided. Answer motivated.	1	2-5	6
Correct reference(s) to the relevant prescribed material in brackets following answer.	N/A	N/A	1

- 1.5 With reference to the requirements of the spoliation remedy, determine whether Jo would be able to institute this remedy against the pre-owned dealership to claim

the car back. Briefly motivate your answer.

[6]

[Your answer should not exceed 10 lines.]

Evaluation criteria	Not achieved (vague answer)	Partially achieved	Achieved
The suitability of the spoliation remedy against the pre-owned car dealership briefly discussed and motivated.	1	2-4	5
Correct reference(s) to the relevant prescribed material in brackets following answer.	N/A	N/A	1

- 1.6 With reference to the requirements of the *rei vindicatio*, determine whether Jo will be able to institute this remedy against the pre-owned dealership to claim the car back. Briefly motivate your answer.

[5]

[Your answer should not exceed 5 lines.]

Evaluation criteria	Not achieved (vague answer)	Partially achieved	Achieved
The suitability of the <i>rei vindicatio</i> against the pre-owned car dealership briefly discussed and motivated.	1	2-3	4
Correct reference(s) to the relevant prescribed material in brackets following answer.	N/A	N/A	1

- 1.7 Advise Jo on the most suitable remedy that she would be able to use against the pre-owned car dealership to claim back the car. Briefly motivate your answer. [7]

[Your answer should not exceed 10 lines.]

Evaluation criteria	Not achieved (vague answer)	Partially achieved	Achieved
Advice regarding the most suitable remedy that Jo would be able to use against the pre-owned car dealership provided and answer briefly motivated.	1	2-5	6
Correct reference(s) to the relevant prescribed material in brackets following answer.	N/A	N/A	1

Question 1 total: [50]

Question 2 [50 marks; ±100 minutes]

Ginny owns the farm “Nkwe” near the N1 road to Limpopo Province. Since 10 June 1985, Ginny and her family, her employees, as well as all her visitors, have used a road crossing over James’ farm “Kolobe” to access her farm.

James sold Kolobe to Thulisile on 20 January 2019. James informed Thulisile about the continuous usage of the road that runs over the land by the residents of Nkwe for the past ± 33 years.

When Thulisile became the owner of Kolobe, she became annoyed by the number of vehicles driving over her property and sent Ginny a notice, warning her and all relevant parties not to use the road located on her land. Thulisile sent the notice to Ginny on 20 March 2019. Thulisile warned Ginny that she would resort to legal action should her notice be ignored.

Years later, Ginny decides to donate Nkwe to her eldest son, Gary. Ginny wants to continue staying in one of the cottages on Nkwe, and Gary agrees to register a servitude in Ginny’s favour for this purpose. Gary also leases another cottage on Nkwe to one of his friends, Jacob, for a period of 5 years. In terms of the lease agreement, Jacob is required to pay the rent promptly before the first day of each calendar month. Jacob moves into the cottage and pays the rent on time for the first six months but then begins paying late. Eventually, he stops paying altogether. The lease agreement is silent about the lessor’s rights in the event of the lessee failing to pay the rent. Most of the furniture in Jacob’s flat belongs to his girlfriend, Carmella, who gave him permission to take it onto the premises and use it in the cottage. The rest of the furniture was bought by Jacob through various instalment sale agreements with Future Furnishers (Pty) Ltd.

Gary is very annoyed about Jacob’s behaviour and decides that he has had enough. As a result, Gary decides to sell Nkwe and get rid of Jacob for good. Jacob is upset because he feels that Gary is too harsh. Besides the fact that Ginny is sad that Gary wants to sell the farm, she is also concerned that she will not be able to stay in the cottage anymore.

One morning, Gary wakes up and turns on his smart television to watch the news. He hears a Flying News reporter stating that the government wants to introduce a fast train to be called GauLimp that will transport people from Gauteng Province to Limpopo Province daily, and that residents near the N1 road to and from the respective provinces, Gauteng to Limpopo, might be affected by the construction of the railway. However, he heard the reporter stating that landowners should not be worried because those who are affected will be compensated.

Against this factual background, answer the following questions:

- 2.1 Ginny seeks your legal advice. She informs you that she would like to continue using the road over Kolobe to access Nkwe and to drive to the nearest town. She

explains that the alternative route creates an inconvenience because it will take her and other parties approximately an hour longer to reach the nearest town or to return to Nkwe. Advise Ginny whether she may have acquired the right to use the road in terms of prescription, and which remedy could be available to her should she decide to approach a court in this matter. **[10]**

[Your answer should not exceed 10 lines.]

Evaluation criteria	Not achieved (vague answer)	Partially achieved	Achieved
Appropriate advice whether Ginny acquired the right to use the road in terms of prescription and which remedy could be available to her. Answer motivated.	1-2	3-6	7-9
Correct reference(s) to the relevant prescribed material in brackets following the answer.	N/A	N/A	1

2.2 Advise Ginny on her legal position regarding the registered servitude. In your answer, specifically indicate whether Gary will be able to sell Nkwe. Provide reasons for your answer with reference to the nature of Ginny's right. **[10]**

[Your answer should not exceed 10 lines.]

Evaluation criteria	Not achieved (vague answer)	Partially achieved	Achieved
Appropriate advice (with reasons) to Ginny provided. Answer clearly addresses the question whether Gary will be able to sell Nkwe.	1-2	3-7	8
Correct reference(s) to the relevant prescribed material in brackets following the answer.	N/A	N/A	2

2.3 Advise Jacob on his legal position should Nkwe be sold. Provide reasons for your answer with reference to the nature of his right. **[10]**

[Your answer should not exceed 10 lines.]

Evaluation criteria	Not achieved (vague answer)	Partially achieved	Achieved
Appropriate advice (with reasons) provided to Jacob with reference to the nature of his right.	1-2	3-7	8
Correct reference(s) to the relevant prescribed material in brackets following the answer.	N/A	N/A	2

2.4 Advise Gary on how he can recover the unpaid rental from Jacob. Your answer

must focus on the common law remedy and should not refer to the provisions of the Rental Housing Act 50 of 1990. **[10]**

[Your answer should not exceed 15 lines.]

Evaluation criteria	Not achieved (vague answer)	Partially achieved	Achieved
Appropriate advice to Gary on how he can recover the unpaid rental from Jacob provided.	1	2-4	5-9
Correct reference(s) to the relevant prescribed material in brackets following the answer.	N/A	N/A	1

2.5 Gary is concerned that Nkwe might be one of those farms that may be affected by the construction of the railway. Explain the purpose of expropriation in terms of section 25 of the Constitution of the Republic of South Africa, 1996 (Constitution) to Gary. In your answer, state the requirements pertaining to compensation if Nkwe is expropriated in terms of section 25(3) of the Constitution. Also, indicate to Gary how the three requirements that must be examined pertaining to deprivations and expropriations in terms of section 25 of the Constitution will be applied in these circumstances. **[10]**

[Your answer should not exceed 6 lines.]

Evaluation criteria	Not achieved (vague answer)	Partially achieved	Achieved
Explanation to Gary on the purpose of expropriation provided. Requirements pertaining to compensation stated. Requirements pertaining to deprivations and expropriations with reference to the Constitution applied to the set of facts.	1	2-7	8-9
Correct reference(s) to the relevant prescribed material in brackets following the answer.	N/A	N/A	1

Question 2 total: [50]

Paper total: [100]