

UNIVERSITY EXAMINATIONS



May/June 2026

PVL3701

Property Law

13 May 2026

11:45-14:45

Duration 3 Hours

70 Marks

First examiner: Prof IM Knobel; Mr LM Kutu and Prof LR Ngwenyama

Second examiner: Prof L Kiewitz

External examiner: Dr T Kotzé

**INSTRUCTIONS FOR A TAKE-HOME EXAM.
READ THE FOLLOWING INSTRUCTIONS CAREFULLY BEFORE YOU ANSWER
THE EXAMINATION QUESTIONS.**

1. The examination paper consists of **12 pages** and counts **70** marks.
2. It consists of **7** number of questions. Answer **ALL** the questions.
3. The duration of the examination on the timetable is **3 hours**.
4. In addition to the duration of the examination indicated on the timetable, you are given **30 minutes to FINALISE** uploading your exam file. Your exam file must be uploaded via the myExams platform **on 13 May 2026 BEFORE 15:15 (South African Standard Time)**.
5. This is an **open-book examination**. You may consult your prescribed study material during the examination.
6. This examination is proctored via the Invigilator App. You must activate (or log in to) the Invigilator App between **11:30 and 12:15 (South African Standard Time)**.
- 6.1. You will have **48 hours** from your examination date to upload your invigilator results from the Invigilator App. Failure to do so will result in students being deemed not to have utilised the invigilation or proctoring tools.
7. The uploading of your exam file on the myExams platform must be finalised within **30 minutes** of the scheduled (timetabled) end of the exam therefore **before 15:15 (South African Standard Time)**.
- 7.1. When ready to submit, reopen the Take-Home (Assignment) assessment and click the Add Submission button.

Submission status

Submission status	No attempt
Grading status	Not marked
Due date	Saturday, 11 June 2022, 12:00 AM
Time remaining	37 days 8 hours
Last modified	-

Submission comments

▶ Comments (0)

▼
Add submission

- 7.2. Note the file requirements, such as:
- File size limit.
 - Number of files that can be submitted.
 - File formats allowed.

- 7.3. Check the acknowledgement checkbox, upload your answers document, and click the Save changes button.

File submissions

☒ This submission is my own work, except where I have acknowledged the use of the works of other people.

Maximum file size: 50MB, maximum number of files: 1

Files


A Sample PD...

Accepted file types:

Document files .doc .docx .epub .gdoc .odt .oth .ott .pdf .rtf
PDF document .pdf
Word 2007 document .docx
Word document .doc

Save changes Cancel

- 7.4. Review your submission information regarding the status and click on your submission file link to check if it's correct.

Submission status

Submission status	Submitted for grading
Grading status	Not marked
Due date	Saturday, 11 June 2022, 12:00 AM
Time remaining	37 days 8 hours
Last modified	Wednesday, 4 May 2022, 3:05 PM
File submissions	 A Sample PDF.pdf 4 May 2022, 3:05 PM
Submission comments	▶ Comments (0)

- 7.5. If you need to resubmit a file, click the Edit Submission button. Do not click on the Remove submission button. Note: You must delete any existing files by clicking on the file and then on delete.

Submission status

Submission status	Submitted for grading
Grading status	Not marked
Due date	Saturday, 11 June 2022, 12:00 AM
Time remaining	37 days 8 hours
Last modified	Wednesday, 4 May 2022, 3:05 PM
File submissions	 A Sample PDF.pdf 4 May 2022, 3:05 PM
Submission comments	▶ Comments (0)



Edit submission

Remove submission



- 7.6. Add your student number and the module code in the file name. That will assist you in selecting the correct document to upload during submission.
- 7.7. You are advised to preview your submission (answer script) to ensure legibility and that the correct answer script file has been uploaded.
8. This exam will use **Turnitin** software. You are required to submit **TYPED** responses only (scanned, handwritten scripts or scanned typed scripts will not be accepted for marking).

- 8.1. If you fail to provide a typed response, your submission will be disregarded. In such cases, you will be awarded a non-compliance with proctoring tools outcome on your academic records.
- 8.2. You are required to accept the mandatory End User License Agreement (EULA) pop-up to activate the Turnitin software. Students who have not accepted the EULA will be considered to have violated Unisa's examination rules and their answer scripts **WILL NOT BE MARKED**.
9. **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. In total, your submitted examination file should not exceed 3 pages. Do not include a cover page; only your name and student number on the top of the first page is sufficient.**
10. Your submission on the myExams platform must be made in one Adobe PDF document. Only the last file uploaded and submitted will be marked. 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. Do not use bullets in your submission – write in full sentences.
- 10.1. **The exam answer file you submit must not be password-protected or uploaded as a “read-only” file.**
- 10.2. Your examination answer file will not be marked if:
 - 10.2.1 you send your examination answer file via email.
 - 10.2.2 you submit the incorrect examination answer file.
 - 10.2.3 you submit your exam answer file on an unofficial examination site.
 - 10.2.4 you submit your examination answer file in the incorrect file format.
 - 10.2.5 you submit a password-protected document.
 - 10.2.6 you submit your examination answer file late.
 - 10.2.7 you submit your answer file from a registered student account that is not yours
 - 10.2.8 you submit answers that are not typed.
 - 10.2.9 you submit answers that are not typed in Arial 12 pt.
 - 10.2.10 you submit answers that are scanned or not readable or searchable.
 - 10.2.11 you submit answers with manipulated or hidden text.
- 10.3 The mark awarded for an illegible examination answer file submission will be your final mark. You will not be allowed to resubmit after the scheduled closing date and time of the exam.
- 10.4 Listening to audio (music) and utilising audio-to-text software is strictly prohibited during your examination session, unless the software is related to a student's assistive device, which has been declared. Listening to music, utilising such software and/or failing to declare the software is a transgression of Unisa's examination rules, and the student's marks will be withheld.
11. Your answers must be typed. Ensure the following requirements are followed.
 - 11.1 The text must be typed in Arial font, size 12, with single line spacing within the paragraph, and double line spacing after the paragraph.

- 11.2 The text must be justified.
- 11.3 All of the pages must be numbered in the right-hand corner at the bottom of the page. **Number your answers correctly and chronologically. Answers that are not numbered or that are numbered incorrectly will not be marked.**
- 11.4 Use “normal margins” in Microsoft Word.
- 11.5 South African English, not American English, should be used. For example, the correct spelling is “Labour” and not “Labor”.
- 11.6 Do not use abbreviations unless indicated otherwise. SMS language is strictly prohibited
12. When answering the take-home exam questions, remember that an open-book exam is a test higher than the usual type of exam, where memory is tested as much as insight. In an open-book exam, you need not memorise any information. You are expected to prove that you can use information, rather than merely repeat it. In brief, what is being tested is factual knowledge, understanding and the correct application thereof, not memory skills. For this reason, you do not earn marks by merely detailing a list of all the information that you think might be relevant to a particular question. This does not indicate that you know what statutory or other provisions apply in a specific context. You are expected to identify precisely what information applies and then explain why you think so.
 - 12.1 Also, because you have the guide available when answering questions, we do not give marks for direct quotations from the guide. You are therefore assessed on your understanding of the legal principles by looking at how well you applied the principles to the questions.
 - 12.2 **PLEASE DO NOT CUT AND PASTE ANSWERS FROM THE STUDY GUIDE (OR ANY OTHER SOURCE).**
13. The arguments that you make must be logical, well-structured and substantiated by all of the relevant legal principles. Use the time given wisely.
 - 13.1 Ensure that you give reasons for each answer. Substantiate your answers by referring to ALL relevant authorities, e.g. sections from applicable legislation and/or court cases. Include references in brackets following your answer (“in text referencing”) to substantiate your answers. Do not include footnotes – we will not allocate marks for references in footnotes. Marks will only be allocated for correct references in brackets. If you provide incorrect paragraph numbers of case law or page numbers of the Study Guide in your references or quote parts of the prescribed sources incorrectly, the entire answer will be disregarded. This practice amounts to plagiarism. Answers that do not contain accurate references in brackets will not be marked and you will be reported for suspected academic misconduct.
 - 13.2 Several students lose marks because they do not approach problem-type questions correctly. When answering such questions, it is essential first to clarify the area of work where the answer must be sought. Once you have done this, set out the relevant legal principles. Deal only with those principles that relate to the given facts. Next, apply these principles to the facts. This is where most students lose marks - they set out the law in some detail but then do not illustrate

how it applies to the factual situation they have been asked to solve. Finally, state your conclusion.

14. You must complete the online declaration of your own work when submitting.
- 14.1 By ticking the Honesty Declaration, you confirm that you have read the following:
 - (i) the University's Policy on Copyright Infringement and Plagiarism and the Student Disciplinary Code, which are 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>.
- 14.2 Students suspected of dishonest conduct during the examinations will be subjected to disciplinary processes. Students may not communicate with any other person or request assistance from any other person during their 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. Plagiarism is a violation of academic integrity and students who plagiarise, copy from published works or use Artificial Intelligence Software (eg ChatGPT) or online sources (eg "other than the course material") will violate the Policy on Academic Integrity and the Student Disciplinary Code and may be referred to a disciplinary hearing. Unisa has a zero tolerance for plagiarism and/or other forms of academic dishonesty.
- 14.3 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. 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. Use your Study Guide and the prescribed case law to answer questions in your own words. Your answers must be original. Do not submit answers that was previously submitted. Furthermore, do not submit answers that were generated by a third party or another student. You will be penalised. Do not make use of any internet sources, online paraphrasing tools, or artificial intelligence software.
- 14.4 Unless a student is exempted because of disability or incarceration, students who have not utilised invigilation or proctoring tools will be deemed to have transgressed Unisa's examination rules and will have their marks withheld.

PLEASE NOTE:

If you experience challenges with the Invigilator app, please send a WhatsApp **message** to the technical helpdesk on 073 505 8273. Do not contact the lecturers.

For all other exam-related challenges, you may contact the SCSC on 080 000 1870 or e-mail Examenquiries@unisa.ac.za or refer to [Get-Help](#) for the list of additional contact numbers.

EXAMINATION QUESTIONS:

Read the following fictitious scenario and answer the question that follows:

Amo and Kai have been best friends for many years and after completing their business management studies in 2022, they decided that they wanted to own a property in Groenkloof, Pretoria. They found a suitable property in Groenkloof and bought it. They successfully applied for a loan to purchase the property, and a mortgage bond was registered in favour of Big Dream Bank ("BDB"). The property was registered in both their names. They further decided to start a restaurant on the premises.

They live in the main house on the same property. Besides the excellent food that is served at the restaurant, one of the main attractions of the restaurant is that Kai regularly plays piano for the restaurant guests during lunch and dinner time. The piano belongs to Kai's mother, Lindi, who recently moved to a retirement village in Johannesburg.

The main chef of the restaurant, Jan, needs an amount of R25 000 to buy an engagement ring. He approaches Amo, who agrees to lend him the R25 000. They agree that Jan would pledge his mountain bike as security for the loan and that Jan would repay the loan in monthly instalments of R1000. Amo paid the R25 000 into Jan's bank account. A week later, Amo asks Jan to deliver the mountain bike. Jan explains that his car was involved in an accident and that it is currently at the panel beaters. Jan, therefore, relies on the mountain bike to get to work.

A few months later, Kai visits Lindi in the retirement village. Upon his return, after noticing that his mother is lonely and unhappy in the retirement village, he discusses the possibility of making a small garden flat on the restaurant's grounds available to Lindi with Amo. Kai, Amo and Lindi sign an agreement for the creation of a *habitatio* that would allow Lindi to live in the garden flat.

Soon after they signed the agreement with Lindi, Amo asks Jan about the instalments on the loan since Jan has not made a single payment.

After Lindi moved into the garden flat, she became more involved in the activities of the restaurant. This gave Amo and Kai an opportunity to take a break and to visit some of their friends in KwaZulu-Natal.

Upon their return, they discover that Jan and Lindi had a serious disagreement about certain changes that Lindi suggested for the menu of the restaurant. Jan who did not agree with Lindi, hit the piano with a cricket bat causing damage to the piano that now needs serious repairs. Jan left the restaurant premises, but after he calmed down, he noticed that the locks of the restaurant's kitchen were changed and that his personal belongings such as some of his clothing and his vintage 1970's Kenwood blender that he inherited from his grandmother, were removed from the storeroom.

Jan approached his sister, Mary, a law student, for advice. She advises him that the *rei vindicatio* and the spoliation remedy would be available to him.

Amo and Kai received a contravention notice from the Tshwane municipality advising them that in terms of Tshwane's land use management regulations they are not allowed to run a business on the property since the property is zoned for residential purposes only. They are upset about the letter because they are of the view that they should be able to use their property as they please.

Answer the following questions against this factual background:

QUESTION 1

1.1 Identify and briefly describe the right that Amo has over their property. [7]

[Your answer should not exceed 8 lines.]

Evaluation criteria	Not achieved (vague answer)	Partially achieved	Achieved
Correct identification and description of the nature of the right that Amo has to the property in Groenkloof.	1-2	3-4	5-6
Correct reference(s) to the relevant prescribed material in brackets following the answer. The answer does not exceed 8 lines.	N/A	N/A	1

1.2 Fully advise Amo and Kai about the notice that they received from the municipality and their point of view that they should be able to do as they please on the property since they own it. In your answer, advise Amo and Kai whether the municipality's conduct amounts to deprivation in terms of section 25(1) of the Constitution of the Republic of South Africa, 1996. [15]

[22 marks; ± 50 minutes]

[Your answer should not exceed 20 lines.]

Evaluation criteria	Not achieved (vague answer)	Partially achieved	Achieved
Advice to Amo and Kai about the notice provided. Reference is made to their viewpoint and whether the municipality's conduct amounts to deprivation in terms of section 25(1) of the	1-3	5-8	9-13

Constitution.			
Correct <u>references</u> to the relevant prescribed material in brackets following the answer. The answer does not exceed 20 lines.	N/A	1	<u>2</u>

QUESTION 2

Identify and briefly describe the nature of the right that Big Dream Bank (BDB) has over the property in Groenkloof and how the right was created. In your answer, also briefly explain how this right of BDB affects the creation of Lindi's envisaged *habitat*.

[10 marks; ± 25 minutes]

[Your answer should not exceed 12 lines.]

Evaluation criteria	Not achieved (vague answer)	Partially achieved	Achieved
Correct identification, and brief description of the nature of the right of BDB over the Groenkloof property and how the right was created provided.	1-2	3-4	5
Correct reference(s) to the relevant prescribed material in brackets following answer.	N/A	N/A	1
Correct advice provided to Amo and Kai regarding the implication of BDB's right on the creation of the <i>habitat</i> .	1	2	3
Correct reference(s) to the relevant prescribed material in brackets following the answer. The answer does not exceed 12 lines.	N/A	N/A	1

QUESTION 3

Provide Amo or Jan with legal advice regarding the loan agreement for the R25 000. In your answer, briefly set out the legal position since Jan is defaulting on the monthly instalments. Also, specifically refer to the legal position should Jan become insolvent.

[6 marks; ± 15 minutes]

[Your answer should not exceed 12 lines.]

Evaluation criteria	Not achieved	Partially achieved	Achieved
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	(vague answer)		
Correct legal advice (to either Amo <u>or</u> Jan) regarding the loan agreement provided with reference to the default on the monthly instalments and Jan's possible insolvency.	1-2	3-4	5
Correct reference(s) to the relevant prescribed material in brackets following the answer. The answer does not exceed 12 lines.	N/A	N/A	1

QUESTION 4

Following the incident between Lindi and Jan and in view of the notice that they received from the municipality, Amo and Kai consider selling their Groenkloof property. Lindi is concerned about her legal position regarding the occupation of the garden flat. Briefly advise Lindi about her legal position should the property be sold. In your answer, clearly describe the nature of Lindi's right and her real relationship over the garden flat.

[11 marks; ± 25 minutes]

[Your answer should not exceed 15 lines.]

Evaluation criteria	Not achieved (vague answer)	Partially achieved	Achieved
Correct advice provided regarding Lindi's legal position concerning the garden flat should the Groenkloof property be sold with reference to the nature of Lindi's right and her real relationship over the garden flat.	1-2	3-6	7-9
Correct references to the relevant prescribed material in brackets following the answer. The answer does not exceed 15 lines.	N/A	N/A	<u>2</u>

Question 5

- 5.1 Briefly advise Amo and Kai about the most appropriate remedy that is available to them regarding the damage caused to the piano and the costs incurred repairing it. In your answer, explain why the remedy that you are referring to is available to them under these circumstances. [4]

[Your answer should not exceed 5 lines.]

Evaluation criteria	Not achieved (vague answer)	Partially achieved	Achieved
Brief advice regarding the most appropriate remedy available to Amo and Kai to claim damages for the repair of the piano and why the remedy is available to them.	1	2	3
Correct reference(s) to the relevant prescribed material in brackets following the answer. The answer does not exceed 5 lines.	N/A	N/A	1

5.2 Briefly advise Lindi about the most appropriate remedy that is available to her regarding the damage caused to the piano. In your answer, explain why the remedy that you are referring to is available to her under these circumstances. [4]

[8 marks; ± 20 minutes]

[Your answer should not exceed 5 lines.]

Evaluation criteria	Not achieved (vague answer)	Partially achieved	Achieved
Brief advice regarding the most appropriate remedy available to Lindi to claim damages for the repair of the piano and why the remedy is available to her.	1	2	3
Correct reference(s) to the relevant prescribed material in brackets following the answer. The answer does not exceed 5 lines.	N/A	N/A	1

QUESTION 6

Analyse the correctness of Mary's advice regarding the availability of the *rei vindicatio* and spoliation remedy to Jan under these circumstances. In your answer, clearly distinguish between the two remedies with reference to the nature and purpose of each remedy and indicate how they could be applicable to Jan under these circumstances.

[9 marks; ± 20 minutes]

[Your answer should not exceed 15 lines.]

Evaluation criteria	Not achieved	Partially achieved	Achieved
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	(vague answer)		
The correctness of Mary's advice regarding the two remedies provided with reference to the nature and purpose of the remedies accurately analysed. Answer includes an indication of how they could be applied in these circumstances.	1-2	3-4	5-7
Correct references to the relevant prescribed material in brackets following the answer. The answer does not exceed 15 lines.	N/A	N/A	<u>2</u>

Question 7

It can be said that the distinction between movable things and immovable things is significant for purposes of Property Law. Illustrate this statement with reference to an example taken from the set of facts above.

[4 marks; ± 10 minutes]

[Your answer should not exceed 8 lines.]

Evaluation criteria	Not achieved (vague answer)	Partially achieved	Achieved
Statement regarding the significance of the distinction between movable things and immovable things is clearly illustrated with reference to an example from the set of facts.	1	2	3
Correct reference(s) to the relevant prescribed material in brackets following the answer. The answer does not exceed 8 lines.	N/A	N/A	1

PLEASE MAKE SURE THAT YOUR SUBMITTED ANSWER FILE DOES NOT EXCEED three (3) PAGES IN TOTAL.

TOTAL 70 MARKS