



<u>FACULTY</u>	:	Law
<u>DEPARTMENT</u>	:	Procedural Law
<u>MODULE</u>	:	ALS41Y0 / TPR0000
<u>SEMESTER</u>	:	FIRST
<u>EXAM</u>	:	10 JUNE 2021

DATE : 10 June 2021

ASSESSOR(S) : Mrs. N. Naidoo

MODERATORS : Prof D S De Villiers

DURATION : 3 Hours **MARKS** : 70

NUMBER OF PAGES: **5 PAGES (10 QUESTIONS)**

INSTRUCTIONS:

1. This is an online open book exam. You have 3 hours to complete it in. You can make use of your lecture slides, your clinical law textbook, the orientation bundles, and your own notes.
2. The question paper will be uploaded to blackboard on the 10th of June 2021 at 12:30 and you must download the question paper and start answering online. When you are ready to submit, you must upload your answers on blackboard. **Only if real connectivity problems arise** then you can email your answers to Mrs. Naidoo by no later than 15:30.

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3. Answer all questions.
4. Do not make up any facts unless granted permission to do so in the question.
5. Use full sentences.

EVICTIONS

QUESTION 1

You represent Mr. Cyril Malema in eviction proceedings instituted against Mr. Jacob Zondo in the Magistrates Court in Durban. You have issued the summons, served it on all the Defendants and filed the original summons with the Clerk of the Court. The time period for Jacob Zondo to file his intention to defend has expired.

- 1.1 Draft the two (2) court processes that you will use to approach the Magistrate in Chambers to use in support of your *ex-parte* application in the eviction proceedings. **(10)**
- 1.2 Draft the relevant pleading or notice that you need to file with the Clerk of the Court to **INDICATE** to the Court that pleadings have closed. **(5)**

QUESTION 2

You act for Zweli Malema, who instructs you to institute action proceedings in the Magistrates Court to evict tenant, Duduzane Magashule. Duduzane is renting premises situated at 21 Chislehurst Drive, Auckland Park from your client. Your client currently resides at 35 First Avenue, Melville.

Draft the **HEADING** of the summons. **(5)**
[20]

NUMERACY

QUESTION 3

You act for Mr. Rob Steel. Mr. Broke owes him an amount of R14 500,00. On 2 February 2021 Mr. Broke offers to settle the amount in instalments of R1 375,00 per month. A collection commission of 10% is payable on every instalment and interest of 11% per year is payable on the amount, calculated in advance. Mr. Broke's payments will first be used to cover collection commission, then the interest payable month to month, the remaining amount of the instalment will cover the capital. Assume that interest starts to accrue from 1 March 2021.

Mr. Broke made the payments for:

30 March 2021

30 April 2021

30 June 2021

3.1 Calculate the monthly interest. **(5)**

3.2 After his payment on 30 June 2021 what will he still owe Mr. Rob Steel? **(3)**

QUESTION 4

You drive at a speed of 50km/h for 20 minutes. Calculate the distance you have travelled?

Give your answer to the nearest kilometer. **(4)**

QUESTION 5

A toy costs R15,00 VAT inclusive and VAT is charged at 15%. Calculate the amount of VAT payable and what will the toy cost without VAT? **(3)**

QUESTION 6

Mr. Rough and Mrs. Naidoo collide at a traffic intersection. Both are owners of their respective vehicles that they are driving at the time of the collision. Mr. Rough's vehicle is worth R66 000,00. He suffered damages in the amount of R6 660,00 to his vehicle and Mrs. Naidoo suffered damages in the amount of R7 700,00 to her vehicle. Mr. Rough was

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25% negligent and Mrs. Naidoo was 75% negligent. Apply set-off and calculate who must pay what amount to whom. **(6)**

QUESTION 7

Calculate the fraction below:

$$1/8 \times 4/5 \div 2 = ?$$

(4)

[25]

LEGAL COSTS

QUESTION 8

Complete the allocator page of a Bill of Costs taxed in the Magistrate's Court on 8 March 2021. The drawing fee is 8,88% and the attendance fee is 8,88%. The allocator page is included below.

	Fees		Disbursements
Sub-Total	26 440-00		28 530-00
Less Taxed off	1 440-00		7 030-00
Sub-Total			
Sub-Total			
Sub-Total			
Sub-Total			
TOTAL			

(10)

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QUESTION 9

You act for Mr. Cyril Zondo and he has instructed you to draw up a Partnership Agreement between himself and Patricia Makwebane. You have concluded your mandate and provided your client with the agreement which both he and Patricia have signed. Your client is extremely happy with your service. You must now receive payment for your work done on his behalf.

What steps will you take to receive payment from the client? **(5)**

QUESTION 10

Mr. Attorney acts for Jan Schoeman in a defamation matter against Snooty Jane. Judgement was granted in his client's favour and Snooty Jane must pay the costs of the matter. The matter was heard in the Magistrate's Court in Randburg. Mr Attorney engaged the services of a cost consultant who drew up a Bill of Costs for Mr. Attorney. The Bill of Costs has been finalised and delivered to Mr Attorney by the cost consultants

10.1 What is the next step that Mr. Attorney must take? **(2)**

10.2 Draft the court document that gives effect to the above step that Mr. Attorney must take. **(8)**

[25]

TOTAL [70]

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