



<u>FACULTY</u>	:	LAW
<u>DEPARTMENT</u>	:	PRIVATE LAW
<u>CAMPUS</u>	:	APK
<u>MODULE</u>	:	PER0000/ LPF41Y0 LAW OF PERSONS AND FAMILY
<u>SEMESTER</u>	:	FIRST SEMESTER
<u>TEST</u>	:	JUNE TEST (PAPER 1)

DATE : AS PER SCHEDULE **SESSION** : AS PER SCHEDULE

ASSESSOR(S) : PROF. A. BONIFACE (UJ) AND DR. W. ROSENBERG (UJ)

MODERATOR : DR. M VAN ECK (UJ)

DURATION : 2 HOURS **MARKS** : 50

NUMBER OF PAGES: 3 PAGES (INCLUDING THIS PAGE)

INSTRUCTIONS:

1. Answer all the questions.
 2. You have to write in sentences. Marks will be deducted if you fail to do so.
 3. Provide relevant authority (case law and/or legislation) where applicable.
 4. Where applicable, provide reasons for your answers.
 5. Please answer all questions briefly and keep your answers to the point. Marks will be deducted if you fail to do so.
 6. Half marks may be awarded.
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Question 1

- 1.1. Compare the legal status of an *infans*; an insolvent and a prodigal. Your answer must be in table form. (9)
- 1.2. List any three consequences of death that set in by operation of law. (3)
- 1.3. List the instances when minority terminates. (2)
- 1.4. Briefly explain what the *pater est quem nuptiae demonstrant* rule means and explain the role of blood tests in proving or disproving paternity. (3)

[17]**Question 2**

Tshepang and Iris had just got married and were flying in an airplane on their way to Mauritius. On the way, the airplane crashed into the sea. The remains of the aircraft are recovered as well as the bodies of Tshepang and Iris. For the purposes of succession, their heirs want to know whether Tshepang or Iris died first. Briefly explain the legal position, fully summarise case law in your answer. **[15]**

Question 3

Mandla is marrying Sam. Before the wedding Mandla hears 'voices' in his head telling him that he must wear purple dotted socks and shoes to the wedding and to do ten cartwheels after the ceremony. Mandla complied with the voices. He has never been admitted to a health establishment for the treatment of mental illness but has been seeing a psychiatrist for the past two years. Prior to the wedding the parties did not sign an antenuptial contract.

- 3.1 What is the test for mental illness as defined by the South African courts? Explain briefly. (2)
- 3.2 What is the onus of proof in cases relating to mental illness and who bears the burden of proof? Refer to case law and legislation and the set of fact, where applicable, and explain your answer. (8)

[10]

Question 4

Lebo is a 16-year-old student. She entered into an instalment sale agreement with Sam (aged 21) for the purchase of the latest iPhone for R15 000. Her parents approved of the contract when she showed them the iPhone. The real market value of the iPhone was R10 000. Lebo paid the first instalment of R1 000 and the deposit of R1 000 but one month after delivery the iPhone was stolen. Lebo now refuses to pay any further instalments to Sam. Referring to this set of facts, answer the following questions:

- 4.1 Is there a legal remedy that Lebo can use in these instances? Name this remedy and list the requirements that Lebo must satisfy to use this remedy. (3)
- 4.2 Have the requirements in your previous answer been met? If so, indicate by referring to the set of facts how they have been met. (3)
- 4.3 Could this remedy, mentioned in your answer in 4.1. above, be used if the minor acted fraudulently? Motivate your answer. (2)

[8]**TOTAL 50 MARKS**