

NATIONAL UNIVERSITY OF LESOTHO
FACULTY OF LAW
LL.B FINAL EXAMINATIONS
L381- LAW OF PROPERTY

MAY 2019

MARKS: 100

TIME: 3 HOURS

INSTRUCTIONS:

1. Answer **FOUR (4)** questions in all
 2. Answer **TWO (2)** questions from each section.
 3. All questions carry equal marks.
 4. Answer each question on a fresh page.
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SECTION A

QUESTION 1

As a protection for the rights of the creditor, a lien is an antiquated and undesirable remedy. Its undesirability is premised on the fact that it amounts to arbitrary seizure of property and promotes self-help. [25 MARKS]

QUESTION 2

Usufruct is the most important of all the personal servitudes; it confers a variety of benefits and imposes limitations on the holder.

Discuss the above statement using relevant case law to substantiate your view.

[25 MARKS]

QUESTION 3

Lets'oafu is an owner of a certain block of flats situated at Timpi. In January 2018 Lets'oafu entered into a 15 year lease agreement with Sebete. In terms of the agreement the property was to be used for residential purposes, it was also part of the agreement that the rent payable would be at a going market rate. The parties have also agreed that the effective date for taking occupation by Sebete would be the 1 March 2018. On the 15 March 2018 some torrential rains fell and for the first time Sebete realised the roof was badly leaking and his property was badly damaged in the flooded house. In a bid to save his property Sebete has effected some repairs. Sebete has tried to recover his expenses and to claim for his damaged property from Lets'oafu but in vain.

Sebete is rather unhappy with the way Lets'oafu has treated him.

Using relevant case law to support your view, advise Sebete on the prospects of his success against Lets'oafo

[25 MARKS]

SECTION B

QUESTION 4

One evening Bot'so came home late from work. As he approached his house, he notice a stranger leaving his house and running into the street with his big screen television (TV) and laptop bag. He realised that this was a thief. Bot'so immediately stopped his car and chased the stranger into the bushes along the street. He managed to catch and overcome the thief and recover the TV and laptop bag. The following morning, the thief sued Bot'so for recovery of the property which Bot'so seized from his possession. Advise Bot'so as to any defence he may have to the claim.

[25 MARKS]

QUESTION 5

Give brief notes on the following:

- Traditio longa manu*
- Attornment
- Avulsio*
- Commixtio & Confusio*
- Inaedificatio*

Long hand delivery of the heavy metal, such as grains

5 Marks

5 Marks

5 Marks

5 Marks

5 Marks

[25 MARKS]

QUESTION 6

Transferors of ownership often abuse *constitutio possessorium* as mode of transfer to defraud their creditors. Discuss.

[25 MARKS]

Ownership - absolute real right & a thing can be imposed by prescription on a whole world. A Rec vindicatio the person in a material possessor.