

# COURSE OUTLINE

2020

## INTRODUCTION TO CONVEYANCING

### TOPIC 1

#### Introduction / Terms

### TOPIC 2

#### **Role, function and responsibility of the Conveyancer**

Sec 15 of DRA 47 of 1937 and Reg 44 A of DRA of 1937

*Allen West Conveyancing Practice Guide*, 4<sup>th</sup> Edition (2015), Lexis Nexis, Durban, Chapter 1 pp 3-5.

*Margalit v Standard Bank of SA Ltd* 2013 (2) SA 466 (SCA)

### TOPIC 3

#### **Deed of Sale:**

#### **Non-resident seller's withholding tax**

*Allen West Conveyancing Practice Guide* 4<sup>th</sup> edition (2015), Lexis Nexis, Durban, P 249 – 250.

#### **Developer's Rights of Extension**

*Allen West Conveyancing Practice Guide* 4<sup>th</sup> edition (2015), Lexis Nexis, Durban, p 203 – 204.

### TOPIC 4

#### **Power of Attorney**

*Allen West Conveyancing Practice Guide*, 4<sup>th</sup> Edition (2015), Lexis Nexis, Durban, p 27-30.

### TOPIC 5

#### **Deed of Transfer**

- Preparation certificate
- Heading
- Preamble
- Recital/*causa*
- Vesting clause
- Property clause/shares in land
- Extending clause
- Conditional clause
- Divesting clause
- Consideration clause

- Execution clause

Allen West *Conveyancing Practice Guide*, 4<sup>th</sup> Edition (2015), Lexis Nexis, Durban, pp 38-43.

## **TOPIC 6**

### **Identification of parties in deeds/documents for registration**

- Natural persons
- Deceased and insolvent estates
- Juristic persons
- Persons acting in a representative capacity
- Section 21 of the Deeds Registries Act 47 of 1937

Butterworths Forms and Precedents (Property 2, Conveyancing) pp 89-102 and pp 127-144.

Allen West *The Practitioner's Guide to Conveyancing and Notarial Practice*, 2018 edition, Lexis Nexis, Pretoria, p 99-120.

## **TOPIC 7**

### **Supporting documents**

- Rates Clearance certificate
- Transfer Duty Receipt/Rates of Transfer Duty
- Declarations by seller/purchaser
- Marital and insolvency status affidavits
- Resolutions (if required)
- Declaration in terms of the Financial Intelligence Centre Act 28 of 2001.
- Consents: Title condition consents and consents in terms of legislation

## **TOPIC 8**

### **Mortgage bonds**

- Receipt of instructions
- Analysis of a bond
- Additional Sum/ cost clause
- Preparation of bond documents
- Cancellation of mortgage bonds
- The Housing Consumers Protection Measures Act 95 of 1998 –

Allen West *Conveyancing Practice Guide*, 4<sup>th</sup> Edition (2015), Lexis Nexis, Durban, Chapter 3.

## TOPIC 9

### Applications, consents and endorsements

- Copies of lost/destroyed deeds – Regulation 68(1) DRA 47 of 1937
- Rectification of errors in registered deeds – section 4(1)(b) of DRA 47 of 1937

*Allen West Conveyancing Practice Guide*, 4<sup>th</sup> Edition (2015), Lexis Nexis, Durban, p 93-95 and Precedent 46.

- Application for the Certificate of Registered Title in terms of sec 43 of the DRA 47 of 1937.

*Allen West Conveyancing Practice Guide*, 4<sup>th</sup> Edition (2015), Lexis Nexis, Durban, p 121 – 124 and Precedent 68.

- Conveyancer's Certificate in terms of s 18(2) of the Housing Consumers Protection Measures Act 95 of 1998 precedent p106 of the *ABC of Conveyancing*, (2008) Juta, Cape Town
- Conveyancer's Certificate in terms of s 15 B(3) of the Sectional Titles Act 95 of 1986

*Allen West Conveyancing Practice Guide*, 4<sup>th</sup> Edition (2015), Lexis Nexis, Durban, Precedent 103.

## TOPIC 10

### Sectional Title Transfers