

# COURSE OUTLINE

2014

## INTRODUCTION TO CONVEYANCING

### 1. Introduction / Terms

### 2. Role, function and responsibility of the Conveyancer

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

*J O Christie's Conveyancing Practice Guide*, 3<sup>rd</sup> Edition (2008), Lexis Nexis, Durban, Chapter 1 pp 3-4.

Allen West *The Practitioner's Guide to Conveyancing and Notarial Practice*, 3<sup>rd</sup> edition (2013), Law Society of South Africa, Pretoria, p 40-48.

### 3. Deed of Sale

### 4. Receipt of Instructions/Checklist

*J O Christie's Conveyancing Practice Guide*, 3<sup>rd</sup> Edition (2008), Lexis Nexis, Durban, p 14.

### 5. Guarantees

*J O Christie's Conveyancing Practice Guide*, 3<sup>rd</sup> Edition (2008), Lexis Nexis, Durban, p 30.

### 6. Power of Attorney

*J O Christie's Conveyancing Practice Guide*, 3<sup>rd</sup> Edition (2008), Lexis Nexis, Durban, p 22-24.

### 7. Deed of Transfer

7.1 Preparation certificate

7.2 Heading

7.3 Preamble

7.4 Recital/*causa*

7.5 Vesting clause

7.7 Property clause

7.8 Extending clause

7.9 Conditional clause

7.10 Divesting clause

7.11 Consideration clause

7.12 Execution clause

*J O Christie's Conveyancing Practice Guide*, 3<sup>rd</sup> Edition (2008), Lexis Nexis, Durban, pp 32-37.

Allen West *The Practitioner's Guide to Conveyancing and Notarial Practice*, 3<sup>rd</sup> edition (2013), Law Society of South Africa, Pretoria, p 17-33.

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

- 8.1 Natural persons
- 8.2 Deceased and insolvent estates
- 8.3 Juristic persons
- 8.4 Persons acting in a representative capacity
- 8.5 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*, 3<sup>rd</sup> edition (2013), Law Society of South Africa, Pretoria, p 53-101.

## **9. Supporting documents**

- 9.1 Rates Clearance certificate
- 9.2 Transfer Duty Receipt
- 9.3 Declarations by seller/purchaser
- 9.4 Marital and insolvency status affidavits
- 9.5 Resolutions (if required)
- 9.6 Declaration in terms of the Financial Intelligence Centre Act 28 of 2001. L Kilbourn *The ABC of Conveyancing*, (2008) Juta, Cape Town, Chapter 18.
- 9.7 Consents: Title condition consents and consents in terms of legislation

## **10. Registration/Finalisation of the file**

*J O Christie's Conveyancing Practice Guide*, 3<sup>rd</sup> Edition (2008), Lexis Nexis, Durban, p 39.

## **11. Mortgage bonds**

- 11.1 Analysis of a bond
- 11.2 Receipt of instructions
- 11.3 Preparation of bond documents
- 11.4 Cancellation of mortgage bonds
- 11.5 The Housing Consumers Protection Measures Act 95 of 1998 –  
*J. O Christie's Conveyancing Practice Guide*, 3<sup>rd</sup> Edition (2008), Lexis Nexis, Durban, p. 237. Precedent 106 of L Kilbourn *The ABC of Conveyancing*, (2008) Juta & Co Ltd, Cape Town.

*J O Christie's Conveyancing Practice Guide*, 3<sup>rd</sup> Edition (2008), Lexis Nexis, Durban, Chapter 3.

L Kilbourn *The ABC of Conveyancing*, (2008) Juta, Cape Town, Chapters 37 – 42.

Allen West *The Practitioner's Guide to Conveyancing and Notarial Practice*, 3<sup>rd</sup> edition (2013), Law Society of South Africa, Pretoria, Chapter 17.

## **12. Applications, consents and endorsements**

### 12.1 Copies of lost/destroyed deeds – Regulation 68(1) DRA 47 of 1937

*J O Christie's Conveyancing Practice Guide*, 3<sup>rd</sup> Edition (2008), Lexis Nexis, Durban, pp 83 – 84 and Precedent 40.

Allen West *The Practitioner's Guide to Conveyancing and Notarial Practice*, 3<sup>rd</sup> edition (2013), Law Society of South Africa, Pretoria, p 289-293.

### 12.2 Rectification of errors in registered deeds – section 4(1)(b) of DRA 47 of 1937

*J O Christie's Conveyancing Practice Guide*, 3<sup>rd</sup> Edition (2008), Lexis Nexis, Durban, pp 86 – 88 and Precedent 45.

### 12.3 Waiver of pre-emptive right

*J O Christie's Conveyancing Practice Guide*, 3<sup>rd</sup> Edition (2008), Lexis Nexis, Durban Precedent 50

### 12.4 Registration of the lapse of a personal servitude – sec 68 of the DRA 47 of 1937

*J O Christie's Conveyancing Practice Guide*, 3<sup>rd</sup> Edition (2008), Lexis Nexis, Durban, Precedent 51.

### 12.5 Endorsement of a title deed/mortgage bond in favour of the trustee of a deceased estate: section 40 of Administration of Deceased Estates Act 66 of 1965.

*J O Christie's Conveyancing Practice Guide*, 3<sup>rd</sup> Edition (2008), Lexis Nexis, Durban, pp 96 – 97 and Precedent 55.

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

*J O Christie's Conveyancing Practice Guide*, 3<sup>rd</sup> Edition (2008), Lexis Nexis, Durban, pp 113 – 118 and Precedent 66.

### 12.7 Application for the issue of a certificate of consolidated title in terms of sec 40 of the DRA 47 of 1937.

*J O Christie's Conveyancing Practice Guide*, 3<sup>rd</sup> Edition (2008), Lexis Nexis, Durban, pp 124 – 128 and Precedent 67.

## **13. Sectional Title Transfers**

*J O Christie's Conveyancing Practice Guide*, 3<sup>rd</sup> Edition (2008), Lexis Nexis, Durban, Chapter 10.