

COURSE OUTLINE

2019

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

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

Allen West *The Practitioner's Guide to Conveyancing and Notarial Practice*, 2018 edition, Lexis Nexis, Pretoria, p 81-88.

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

3. Deed of Sale

4. Receipt of Instructions/Checklist

Allen West *Conveyancing Practice Guide*, 4th Edition (2015), Lexis Nexis, Durban, p 20.

5. Guarantees

Allen West *Conveyancing Practice Guide*, 4th Edition (2015), Lexis Nexis, Durban, p 36-37.

6. Power of Attorney

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

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/shares in land

7.8 Extending clause

7.9 Conditional clause

7.10 Divesting clause

7.11 Consideration clause

7.12 Execution clause

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

Allen West *The Practitioner's Guide to Conveyancing and Notarial Practice*, 2018 edition, Lexis Nexis, Pretoria, p 58-79.

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*, 2018 edition, Lexis Nexis, Pretoria, p 99-120.

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

Allen West *Conveyancing Practice Guide*, 4th Edition (2015), Lexis Nexis, Durban, p 45-46.

11. Mortgage bonds

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

Allen West *Conveyancing Practice Guide*, 4th Edition (2015), Lexis Nexis, Durban, p 243. Precedent 106 of L Kilbourn *The ABC of Conveyancing* (2008) Juta & Co Ltd, Cape Town.

Allen West *Conveyancing Practice Guide*, 4th Edition (2015), 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*, 2018 edition, Lexis Nexis, Pretoria, Chapter 21.

12. Applications, consents and endorsements

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

Allen West Conveyancing Practice Guide, 4th Edition (2015), Lexis Nexis, Durban, p 88 – 91 and Precedent 40.

Allen West The Practitioner's Guide to Conveyancing and Notarial Practice, 2018 edition, Lexis Nexis, Pretoria, p 293 - 294.

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

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

12.3 Waiver of pre-emptive right

Allen West Conveyancing Practice Guide, 4th Edition (2015), Lexis Nexis, Durban Precedent 51.

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

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

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

Allen West Conveyancing Practice Guide, 4th Edition (2015), Lexis Nexis, Durban, p 132 – 135 and Precedent 69.

12.6 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

12.7 Conveyancer's Certificate in terms of s 15 B(3) of the Sectional Titles Act 95 of 1986

Allen West Conveyancing Practice Guide, 4th Edition (2015), Lexis Nexis, Durban, Precedent 103.

13. Sectional Title Transfers

Allen West Conveyancing Practice Guide, 4th Edition (2015), Lexis Nexis, Chapter 10.