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

3. Deed of Sale

4. Receipt of Instructions/Checklist

5. Guarantees

6. Power of Attorney

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
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.


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)

9.7 Consents: Title condition consents and consents in terms of legislation

10. Registration/Finalisation of the file


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


12. Applications, consents and endorsements

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


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


12.3 Waiver of pre-emptive right


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


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


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


13. Sectional Title Transfers