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

   *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,

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
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 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 –


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


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


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


13. Sectional Title Transfers