

# COURSE OUTLINE

2010

## 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.
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 14-31.
5. **Power of Attorney**  
*J O Christie's Conveyancing Practice Guide*, 3<sup>rd</sup> Edition (2008), Lexis Nexis, Durban, p 22-24.
6. **Deed of Transfer**
  - 6.1 Preparation certificate
  - 6.2 Heading
  - 6.3 Preamble
  - 6.4 Recital/*causa*
  - 6.5 Vesting clause
  - 6.7 Property clause
  - 6.8 Extending clause
  - 6.9 Conditional clause
  - 6.10 Divesting clause
  - 6.11 Consideration clause
  - 6.12 Execution clause

*J O Christie's Conveyancing Practice Guide*, 3<sup>rd</sup> Edition (2008), Lexis Nexis, Durban, pp 32 – 37.
7. **Identification of parties in deeds/documents for registration**
  - 7.1 Natural persons
  - 7.2 Deceased and insolvent estates
  - 7.3 Juristic persons
  - 7.4 Persons acting in a representative capacity
  - 7.5 Section 21 of the Deeds Registries Act 47 of 1937

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

## **8. Supporting documents**

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

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

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

## **10. Mortgage bonds**

- 10.1 Analysis of a bond
- 10.2 Receipt of instructions
- 10.3 Preparation of bond documents
- 10.4 Cancellation of mortgage bonds
- 10.5 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*, 1<sup>st</sup> edition (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*, 1<sup>st</sup> edition (2008) Juta & Co. Ltd, Cape Town, Chapters 37 – 42.

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

- 11.1 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.

- 11.2 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.

11.3 Waiver of pre-emptive right

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

11.4 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.

11.5 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.

11.6 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.

11.7 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.

**12. Sectional Title Transfers**

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