



Practical Conveyancing for Attorneys

Summary of course content

Module 1

Conventional & Sectional Deeds of Transfer

Theory

Module 2

Conventional Deed of Transfer with Sectional Title Transfer input

Practical case study

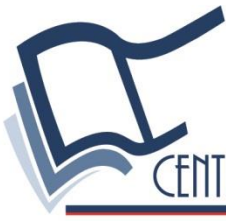
Module 3

Mortgage bonds – registration and cancellation procedure

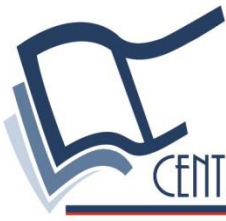
Theory & practice

Course content

- **Module 1 – Conventional & Sectional Deed of Transfer (Theory)**
 - General background on conveyancing
 - ✓ including the South African Land Registration System,
 - ✓ Deeds Office,
 - ✓ the role of a conveyancer,
 - ✓ the role of a conveyancing typist,
 - ✓ the Deeds Act,
 - ✓ differences of cheque accounts of an attorneys firm,
 - ✓ terminology and concepts peculiar to conveyancing,
 - ✓ parties involved in a single transfer and
 - ✓ documents to be lodged at the deeds registry
 - Purpose and provisions of an agreement of sale
 - Analysis of a deed of transfer including
 - ✓ the purpose of the deed of transfer,
 - ✓ formalities and rules when preparing a deed of transfer,
 - ✓ General background on the Sectional Titles Act including terminology and concepts peculiar to sectional titles
 - ✓ in detail analysis of the clauses of a deed of transfer
 - Preparation certificate,
 - Heading,
 - Preamble
 - All types of party descriptions,



- Recital and vesting clauses,
 - Property clause,
 - Extending clause,
 - Conditional clause,
 - Divesting clause,
 - Consideration clause and
 - Execution clause
 - ✓ deeds to follow sequence of their relative causes,
 - ✓ how real rights shall be transferred,
 - ✓ discussion on exclusive use of common property & real right of extension
 - Overview of the opening of a sectional title register as well as the necessary documents to be lodged in the deeds office
 - Discussion of section 15B(3)(a) Conveyancer Certificate and section 15B(3)(c) Affidavit by the developer
 - Documents to be lodged at the deeds registry
 - Theory on transfer procedures to follow in a conveyancing practice from opening of the file to the closing thereof
 - Discussion on the different types of powers of attorney including full discussion and analysis of a power of attorney to transfer land,
 - ✓ various examples of powers of attorney,
 - ✓ special power of attorney,
 - ✓ general power of attorney and
 - ✓ execution by prospective owners
 - Important procedures, practices and ethics in a conveyancing practice.
- **Module 2 – Conventional Deed of Transfer (Practical case study) with Sectional Title Transfer input**
- Practical case study for the transfer of a full title property by means of a deed of transfer, including the following:
 - ✓ receipt of instruction and opening of a file,
 - ✓ analysis of an agreement of sale,
 - ✓ obtaining information e.g. deeds search, cancellation figures, clearance figures, FICA documents of all parties involved
 - ✓ analysis of a registered title deed, - comparison with a Sectional Title Transfer will constantly be discussed.
 - ✓ preparation of supporting documents e.g.
 - documents for signature by seller and purchaser, and
 - drafting of a deed of transfer (all clauses),
 - and a notarial deed of cession of exclusive use area
 - ✓ special conditions and how to deal with them accordingly
 - ✓ explanation of an application in terms of section 4(1)(b) as well as section 68(1)
 - ✓ financial arrangements e.g.
 - obtaining all necessary certificates
 - transfer duty receipt & VAT (basic principles)



- requesting guarantees,
- drafting of pro forma statement of account
- ✓ all matters pertaining to lodgement and registration,
- ✓ finalisation of the file including drafting of final accounts, and balancing all finances on a file,
- ✓ closure of file.
- Thorough explanation and calculation of finances pertaining to a transfer.

➤ **Module 3 – Mortgage bonds – registration and cancellation procedure**

- Theory and practical examples for the registration and cancellation of mortgage bonds, including:
 - ✓ Useful background
 - ✓ Loan application and different bond registration procedures
 - bond registration with simultaneous transfer,
 - bond switch and
 - further bond,
 - ✓ From the receipt of instructions,
 - ✓ Perusing of bond instructions,
 - ✓ Obtaining of information and documents,
 - ✓ Content of all correspondence,
 - ✓ Drafting of the bond documents such as guarantees, etc.,
 - ✓ Dispatch of documents to bank
 - ✓ Lodgement, preparation, registration and delivery.
 - ✓ Useful hints are also supplied
- Theory and practice of certain aspects affecting a mortgage bond, such as
 - ✓ Dealing with title conditions in the draft deed of transfer,
 - ✓ non-prejudice clause,
 - ✓ Protection of rights of mortgagee, for example waivers of preference by servitude holder
- Discussion on different types of bonds, including
 - ✓ building bonds,
 - ✓ private bonds,
 - ✓ covering bonds and
 - ✓ sectional title bonds
- Dealings in respect of registered mortgage bonds
 - ✓ Bond cancellation procedure from receipt of instruction to closure of the file, including consent to cancellation,
 - ✓ consent to release,
 - ✓ consent to noting of part payment or reduction in cover,
 - ✓ waiver of preference by mortgagee
 - ✓ as well as consent to various registration procedures
 - ✓ cession of a mortgage bond
 - ✓ substitution of a debtor and section 45 spouses married in community of property.