

## Basic Diploma in Conveyancing Practice

### Purpose of the basic diploma course

- To provide step-by-step updated and thoroughly researched knowledge and skills to anyone from beginners to conveyancing typists who want to improve their overall work performance and client service.
- Comprehensive explanatory theoretical training manual.
- Extensive examples in each module.
- After completion of this basic diploma course the attendees will be able to work independently and efficiently in conveyancing, using their user friendly notes as an “office bible”.
- Attendance courses are presented by approachable lecturers, maximizing motivation and a love for conveyancing.

### Silver & Gold certificates

- We do not provide meaningless attendance certificates. A Silver Certificate for each module will only be issued upon successful completion of the evaluation by the learner as proof that the learner has the ability to apply the learning content that relates to a certain module.
- The pass rate for each module is 50%. A mark exceeding 90% will earn a honorary certificate.
- A Gold certificate is issued after an affidavit has been received from the learner’s employer to the effect that a certain prescribed type of work, related to the relevant module, has been completed independently and faultlessly.
- An administration fee of R110 (VAT included) is payable in respect of each Gold Certificate and Gold Diploma requested.

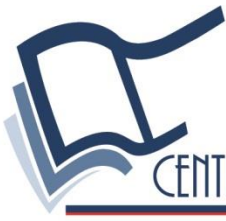
### Who should attend?

- This diploma is suitable for anyone from beginners to people who have been working in conveyancing practice for some years and who want to improve their knowledge and skills.
- Candidate attorneys and paralegals will also benefit from this diploma.
- This is a well-recognised and popular course and lays the essential foundation on which to build a more advanced knowledge of conveyancing.

### What to expect from each module – content

#### ➤ Module 1 – Conventional Deed of Transfer (Theory)

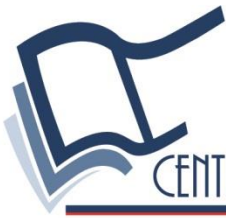
- General background on conveyancing
  - ✓ including the South African Land Registration System
  - ✓ Deeds Office
  - ✓ the role of a conveyancer
  - ✓ the role of a conveyancing typist
  - ✓ the Deeds Act



- ✓ differences of cheque accounts of an attorneys firm
- ✓ terminology and concepts peculiar to conveyancing
- ✓ parties involved in a single transfer
- ✓ route of deeds through the deeds registry
- ✓ documents to be lodged at the deeds registry
- Purpose, formalities and provisions of an agreement of sale
  - ✓ Including parties to the contract, property description, purchase price and guarantees, risk of profit & loss and ownership, occupation, transfer & registration fees, Estate agent's commission, suspensive conditions, fixtures, compliance certificates, etc
- Analysis of a deed of transfer including the purpose of the deed of transfer
  - ✓ formalities and rules when preparing a deed of transfer
  - ✓ 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
    - Execution clause
  - ✓ deeds to follow sequence of their relative causes
  - ✓ how real rights shall be transferred
- 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
  - ✓ execution by prospective owners
- Important procedures, practices and ethics in a conveyancing practice

## ➤ **Module 2 – Conventional Deed of Transfer (Practical case study)**

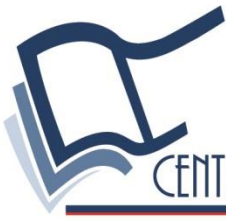
- Practical case study for the transfer of a full title property by means of a deed of transfer, including the following:
  - ✓ receipt of instruction and opening of a file
  - ✓ analysis of an agreement of sale
  - ✓ obtaining information e.g. deeds search, cancellation figures, clearance figures, FICA documents of all parties involved
  - ✓ analysis of a registered title deed
  - ✓ preparation of supporting documents e.g.
    - documents for signature by seller and purchaser
    - drafting of a deed of transfer (all clauses)



- ✓ 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
- Evaluation for Silver Certificate - Module 1 & 2

### ➤ **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
    - 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
  - ✓ 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
- Evaluation for Silver Certificate – Module 3



## Diploma in Conveyancing Practice

### Purpose of this diploma course

- To provide step-by-step updated and thoroughly researched knowledge and skills to conveyancing personnel in a more advanced work environment.
- Comprehensive explanatory theoretical training manual.
- Extensive examples in each module.
- After completion of this diploma course the attendees will be able to work independently and efficiently with more complicated conveyancing work, using their user friendly notes as an “office bible”.
- Attendance courses are presented by approachable lecturers, maximizing motivation and a love for conveyancing.

### Silver & Gold certificates

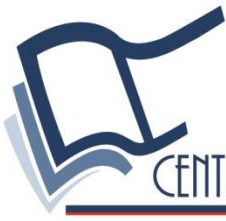
- We do not provide meaningless attendance certificates. A Silver Certificate for each module will only be issued upon successful completion of the evaluation by the learner as proof that the learner has the ability to apply the learning content that relates to a certain module.
- The pass rate for each module is 50%. A mark exceeding 90% will earn a honouree certificate.
- A Gold certificate is issued after an affidavit has been received from the learner’s employer to the effect that a certain prescribed type of work, related to the relevant module, has been completed independently and faultlessly.
- An administration fee of R110 (VAT included) is payable in respect of each Gold Certificate and Gold Diploma requested.

### Who should attend?

- This diploma is suitable for persons who have already done the Basic Diploma or who have been actively working in a conveyancing practice for 1-2 years and who want to improve their knowledge and skills.
- Candidate attorneys and paralegals will also benefit greatly from this diploma.
- The course will also be beneficial to conveyancers who want to refresh their knowledge and skills.
- More specialised topics are covered in this course. Although the notes are fully explanatory attendees need a basic knowledge of conveyancing.
- This is a well-recognised and popular course and lays the foundation on which to build an even more advanced knowledge of conveyancing.

### What to expect from each module - content

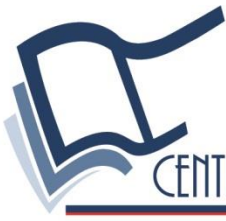
#### ➤ Module 4 - Sectional Deed of Transfer (Theory)



- General background on the Sectional Titles Act, Spatial Planning and Land Use Management Act, Sectional Titles Schemes Management Act and Community Schemes Ombud Service Act including terminology and concepts peculiar to sectional title
- Overview of the opening of a sectional title register as well as the necessary documents to be lodged in the deeds office
- Analysis of sectional title deed of transfer thorough comparison with a conventional deed of transfer, including in detail analysis of the following clauses:
  - Recital clause
  - Vesting clauses
  - Property clause
  - Extending clause
  - Conditional clause
  - etc
- 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
- Conveyancer's responsibilities in terms of section 15A
- Joint ownership of a unit in undivided shares Section 15B(4), 15B(5) & 15B(5A)
- Discussion on exclusive use of common property & real right of extension
- Overview of sectional mortgage bonds

#### ➤ **Module 5 - Sectional Deed of Transfer (Practical case study)**

- Practical case study for the transfer of a sectional deed of transfer, inter alia:
  - ✓ receipt of instruction, opening of a file
  - ✓ analysis of an agreement of sale
  - ✓ obtaining information e.g. deeds searches, cancellation figures, clearance figures, FICA documents of all parties involved
  - ✓ analysis of a registered title deed
  - ✓ preparation of supporting documents e.g. documents for signature by seller and purchaser, and drafting of a sectional deed of transfer (all clauses) and a notarial deed of cession of exclusive use areas
  - ✓ special conditions and how to deal with them accordingly
  - ✓ explanation of an application in terms of section 4(1)(b)
  - ✓ maintenance of correspondence
  - ✓ financial arrangements e.g. all certificates and transfer duty receipt & VAT (basic principles) and guarantees, drafting of pro forma statement of account
  - ✓ 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
- Evaluation for Silver Certificate - Module 4 & 5



➤ **Module 6 - Estate Transfers**

- Background to estate transfers and which acts will apply
- Terminology and concepts peculiar to estate transfers
- Theory and practical training in the transfer of a property from a solvent deceased estate due to a sale or an inheritance, including:
  - ✓ description of parties
  - ✓ section 42(1) and 42(2) certificates
  - ✓ extensive discussion of form JM33
  - ✓ drafting of various types of causae
  - ✓ divesting of a joint estate
  - ✓ supporting documents to be lodged
  - ✓ Transfer duty / VAT implications
- Full discussion on Section 18(3) estates including documents to be lodged due to inheritance or sale
- Transfers pertaining to intestate inheritance of black persons, including the application of the Black Administration Act 38 of 1927 and the Reform of Customary Law of Succession and Regulation of Related Matters Act 11 of 2009 to the administration of black estates
- Estate endorsements in terms of
  - ✓ section 45(1) of the Deeds Registries Act, and
  - ✓ sections 39(2), 39(3) and 40(1)(b) of the Administration of Estates Act, and
  - ✓ applicable sections of the Administration of Estates Act (sections 37, 38, 41, 49, 78, 79, 80, 81 and 94)
- Insolvent deceased estates transfers
- Execution transfer procedures including documents to be lodged
- Evaluation for Silver Certificate - Module 6