

**CONVEYANCING
PART 1
11 MAY 2016

MEMORANDUM**

GENERAL NOTE AND DISCLAIMER: This memorandum serves as a guideline to candidates to prepare for the conveyancing examination. The information is provided in good faith by the Law Society of South Africa (LSSA) and the LSSA, the drafters and the examiners will not be liable for any errors or omissions.

The content of the memorandum may not reflect the most current developments. Further, there may be justifiable variations in practice which are brought out in the answers.

The purpose of questions that require drafting is to ensure that the candidate can properly draft documents to be registered. Answers that are not exactly the same as those contained in this memorandum but which are nonetheless correct, will be marked accordingly.

QUESTION 1.1

Prepared by me

CONVEYANCER
SLO JO

CONSENT TO CANCELLATION OF CESSION

I, the undersigned,

MO JO duly authorized hereto by a resolution of the directors of

CENTRAL BANK LIMITED

REGISTRATION NUMBER: 1995/007025/06

the cessionary as security of the undermentioned bond, namely:

Bond Number: B 12345/2014

Passed by: Mishka Singh
Identity Number: 520121 0151 08 5
Unmarried

In favour of: Best Bank Limited
Registration Number: 2001/012345/06

For the sum of: R 800 000 000.00 (Eight Hundred Thousand Rand together with the additional sum of R 160 000.00 (One Hundred and Sixty Thousand Rand)

and ceded to Central Bank Limited

As security by Cession registered on 20 May 2014 under BC 90125/2014

Do hereby consent to the cancellation of the abovementioned cession as security of the aforesaid bond.

Signed at Pretoria on this the 18 day of May 2016

As Witnesses:

1. _____

2. _____

MO Jo on behalf of Central Bank Limited

NOTE: BOTH CONSENTS MAY BE INCORPORATED INTO ONE, CONSENTING TO THE CANCELLATION OF THE BOND

QUESTION 2.1

Prepared by me

CONVEYANCER
JO SLO

CESSION OF MORTGAGE BOND

I, the undersigned

ANNE BATES

Identity Number: 351017 0014 08 4

Widow

the legal holder of the undermentioned bond namely:

Number:

B 67594/2012

Passed by:

Phillip Bates

Identity Number: 651128 5086 08 2

Married Out of Community of Property

In favour of:

Anne Bates

Identity Number: 351017 0014 08 4

Widow

Amount:

R 120 000.00 (One Hundred and Twenty Thousand Rand) plus
the additional sum of R 12 000.00 (Twelve Thousand Rand)

**Do hereby cede, assign and transfer all my right, title and interest in the abovementioned bond to
and in favour of:**

BEST BANK LIMITED

REGISTRATION NUMBER: 1999/015234/06

As security

Signed at Pretoria on this the 20th day of May 2016.

As Witnesses:

1. _____

2. _____

A Bates

QUESTION 2.2

- * Consent to cancellation of the cession as security, signed by the representative of Best Bank Ltd
Existing mortgage bond
Existing tile deed
Consent to cancellation of the bond signed by Anna Bates
- * The consent to cancellation of the bond and to the cession may be incorporated in one consent whereby the bondholder and cessionary jointly consent to the cancellation of the bond.

QUESTION 3:



APPLICATION IN TERMS OF SECTION 17(4) OF THE DEEDS REGISTRIES ACT 47 OF 1937

I, the undersigned

LARRY WHITE

Identity Number: 630101 6262 08 2

Married in community of property to Sarah White

Do hereby declare as follows: –

1. I married Sarah White, Identity Number: 610103 0151 08 5 on 5 December 2009.
2. As proof of such marriage and that we are married in community of property I attach a copy of my marriage certificate and marital status affidavit respectively.
3. My marriage to the said Sarah White still subsists.
4. Erf 150 Umkomaas Township, Registration Division J.R, The Province of Gauteng is registered in my name by virtue of Deed of Transfer T 8282/2006 but the said property is an asset in the joint estate of me and my spouse Sarah White and now vests as follows:

LARRY WHITE

Identity Number: 630101 6262 08 2

And

SARAH WHITE

Identity Number: 620123 0151 08 3

Married in community of property to each other

5. The aforesaid property is not mortgaged and there are no mutually dependant deeds requiring endorsement.

I hereby apply to the Registrar of Deeds at Pretoria for the endorsement of the aforesaid Deed of Transfer T 8282/2006 to the effect that I am now a party to a marriage in community of property.

Signed at Pretoria on 20 May 2016.

L White

QUESTION 4

Prepared by me

CONVEYANCER

SLO JO

APPLICATION IN TERMS OF SECTION 45bis (1A)(a) of the Deeds Registries Act 47 of 1937

We the undersigned

1. **TOM BRANSON**
Identity Number: 620121 5070 08 0
Unmarried
2. **SYBILL CRAWLEY (previously BRANSON)**
Identity Number: 610923 0151 08 5
Unmarried

Do hereby apply in terms of section 45bis(1A)(a) of the Deeds Registries Act 47 of 1937 to the Registrar of Deeds at Pretoria, for the endorsement of Deed of Transfer T 1234/2011 in respect of

ERF 123 BRONBERG PARK EXTENSION 12 TOWNSHIP
REGISTRATION DIVISION J.R, THE PROVINCE OF GAUTENG

MEASURING 506 (FIVE HUNDRED AND SIX) SQUARE METRES

Whereas our marriage was dissolved by an order of the High Court, Pretoria on 12 January 2013 under case number 123/2013 and that such property accrues to both of us in undivided shares in terms of the division of the joint estate, we hereby apply that an endorsement be made on the abovementioned title deed to the effect that each one of us is entitled to deal with his or her one-half share of the abovementioned property as if each of us had received formal transfer thereof.

Signed at Pretoria on 20 May 2016.

T Branson

Sybill Crawley (previously Branson)

Prepared by me

CONVEYANCER

SLO MO

APPLICATION IN TERMS OF SECTION 37(1) OF THE DEEDS REGISTRIES ACT 47 OF 1937

I, the undersigned

SYBILL CRAWLEY (previously BRANSON)

Identity Number: 610923 0151 08 5

Unmarried

Do hereby apply in terms of section 37(1) of the Deeds Registries Act 47 of 1937 to the Registrar of Deeds at Pretoria, for the issue to me of a Certificate of Registered Title under the provisions of section 34(1) of the said Act in respect of

One-half ($\frac{1}{2}$) share in and to:

ERF 123 BRONBERG PARK EXTENSION 12 TOWNSHIP

REGISTRATION DIVISION J.R, THE PROVINCE OF GAUTENG

MEASURING 506 (FIVE HUNDRED AND SIX) SQUARE METRES

HELD BY Deed of Transfer T 1234/2011

Signed at Pretoria on this the 20th day of May 2016.

S Crawley

QUESTION 5

Prepared by me

Conveyancer

Alan Frost

POWER OF ATTORNEY TO TRANSFER

We, the undersigned,

1. JIM COOK

Identity Number: 750106 5050 088

Unmarried

(Bare Dominium owner)

2. JOHN COOK

Identity Number: 451018 5092 001

Married which marriage is governed by the laws of England and duly assisted by his wife

MARY COOK

Insofar as necessary

(the usufructuary)

(NOTE: CANDIDATES WILL NOT BE PENALIZED IF NO ASSISTANCE IS DONE, AS PERSONAL SERVITUDES ARE EXCLUDED FROM COMMUNITY OF PROPERTY)

Do hereby nominate, constitute and appoint

JACK SMALL

With power of substitution to be my true and lawful agent and to appear before the Registrar of Deeds at

And then and there as my act and deed to declare that we did on the 17th April 2014, sell to

THE COOK TRUST

Registration number IT 15/2014

For the sum of R 800 000,00 (Eight Hundred Thousand Rand)

The following property

PORTION 1 OF THE FARM MOOIKLOOF
REGISTRATION DIVISION FT
PROVINCE OF KWAZULU-NATAL
IN EXTENT 1000 (ONE THOUSAND) HECTARES

Held by Deed of Transfer T 4321/1996

THIS PROPERTY IS TRANSFERRED:

Subject to the condition that the property cannot be sold or otherwise disposed of without the written consent of the Sellers, which consent the sellers will not unreasonably withhold.

Subject to a servitude of right of way for road purposes in favour of the Remainder of the Farm Mooikloof 320, Registration Division J.R, the Province of Gauteng, measuring 1 000 (One Thousand) Hectares the centre line represented by the figure a on subdivisional diagram SG No. 321/2012.

And further cede and transfer the said property to the said Purchaser;

And to renounce all the right, title and interest which we hereto before had in and to the said property, to free the said property from all encumbrances and hypothecations

Signed at Pietermaritzburg on the

As Witnesses:

1. _____

2. _____

QUESTION 6(a)

AND THE Appearer declared that his principal, the developer of the scheme known as Royal Gardens, No SS 452/2012 has in terms of section 34(3) of the Sectional Titles Act 95 of 1986 sold the whole of its interest in and to the said scheme to

BLACK BALANCE PROPRIETARY LIMITED**REGISTRATION NUMBER: 2006/032165/07**

on the 4th May 2016 by Private Treaty for the sum of R5 000 000.00 (Five Million Rand)

And that he in his capacity aforesaid, did by these presents, cede and transfer, in full and free property, to and on behalf of

EQUAL BALANCE PROPRIETARY LIMITED**REGISTRATION NUMBER 2007/023142/07**

Its successors in title and assigns

1. A unit consisting of -

- (a) Section Number 1 as shown and more fully described on Sectional Plan Number SS 452/2012 in the scheme known as ROYAL GARDENS in respect of the land and building or buildings situated at ERF 155 KLOOF, of which section the floor area according to the said sectional plan is 96 (Ninety Six) square metres in extent; and
- (b) an undivided share in and to the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan.

Held by Certificate of Registered Sectional Title ST300/2012

2. A unit consisting of -

- (a) Section Number 2 as shown and more fully described on Sectional Plan Number SS 452/2012 in the scheme known as ROYAL GARDENS in respect of the land and building or buildings situated at ERF 155 KLOOF, of which section the floor area according to the said sectional plan is 96 (Ninety Six) square metres in extent; and
- (b) an undivided share in and to the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan.

Held by Certificate of Registered Sectional Title ST301/2012

3. A unit consisting of -

- (a) Section Number 3 as shown and more fully described on Sectional Plan Number SS 452/2012 in the scheme known as ROYAL GARDENS in respect of the land and building or buildings situated at ERF 155 KLOOF, of which section the floor area according to the said sectional plan is 96 (Ninety Six) square metres in extent; and
- (b) an undivided share in and to the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan.

Held by Certificate of Registered Sectional Title ST302/2012

4. A unit consisting of -

- (a) Section Number 4 as shown and more fully described on Sectional Plan Number SS 452/2012 in the scheme known as ROYAL GARDENS in respect of the land and building or buildings situated at ERF 155 KLOOF, of which section the floor area according to the said sectional plan is 96 (Ninety Six) square metres in extent; and

- (b) an undivided share in and to the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan.

Held by Certificate of Registered Sectional Title ST303/2012

5. A unit consisting of -

- (a) Section Number 5 as shown and more fully described on Sectional Plan Number SS 452/2012 in the scheme known as ROYAL GARDENS in respect of the land and building or buildings situated at ERF 155 KLOOF, of which section the floor area according to the said sectional plan is 96 (Ninety Six) square metres in extent; and
- (b) an undivided share in and to the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan.

Held by Certificate of Registered Sectional Title ST304/2012

Note: The CRST numbers are different in respect of each unit.

QUESTION 6(b)

DOCUMENTS TO BE LODGED

1. Certificate of Registered Sectional Titles ST300/2012, ST301/2012, ST302/2012, ST303/2012 & ST304/2012;
2. Draft Deed of Transfer;
3. Power of Attorney to Transfer;
4. Rates Clearance Certificate;
5. Conveyancer Certificate in terms of Section 34 regarding moneys payable to the body corporate etc.;
6. Transfer duty receipt

QUESTION 7(a)

Prepared by me

CONVEYANCER
TIM MAJOLA

POWER OF ATTORNEY TO TRANSFER

We, the undersigned,

1. PAUL RUSH, in my capacity as TRUSTEE in the insolvent estate of Donald Duck

Identity Number 600722 0219 087

Married out of community of property

duly appointed by Letters of Appointment 456/2015/DBN issued by the Master of the High Court,
Durban on the

And

2. DAISY DUCK

Identity Number 678888 9999 00 1

Married out of community of property

Do hereby appoint Ted Baker with power of substitution to be our lawful attorney and agent and to appear at the office of the Registrar of Deeds at Pietermaritzburg and to declare that we did on the 1st November 2015 sell for the sum of R 2 500 000,00 (Two Million Five Hundred Thousand Rand) to:

BARGAIN PROPERTIES PROPRIETARY LIMITED

REGISTRATION NUMBER: 2013/023456/07

the following property:

ERF 123 HILLCREST TOWNSHIP

REGISTRATION DIVISION FT

PROVINCE OF KWAZULU-NATAL

IN EXTENT: 900 (Nine Hundred) square metres

HELD BY DEED OF TRANSFER T456/2013

Usual ending plus signature by both parties and 2 witnesses

QUESTION 7(b)

1. TRANSFER: TRUSTEE / BARGAIN PROPERTIES
2. BOND CANCELLATION: DUCK / LIBERAL BANK

DOCUMENTS TO BE LODGED

TRANSFER:

1. Holding Deed
2. Draft Deed
3. Power of Attorney to Transfer
4. Rates Clearance Certificate
5. Transfer Duty Receipt

BOND CANCELLATION:

1. Consent to cancellation
2. Mortgage Bond

QUESTION 7(c)

TRANSFER DUTY CALCULATION ON R2 500 000.00

R 0 to R 750 000,00	NIL
R 750 000,00 to R 1 250 000,00	= 3 %
R 1 250 000,00 to R 1 750 000,00	= R 15000,00 plus 6% above R 1 250 000,00
R 1 750 000,00 to R 2 250 000,00	= R 45000,00 plus 8 % above R 1 750 000,00
R 2 250 000,00 to R 10 000 000,00	= R 85 000,00 plus 11% above R 2 250 000,00

R85 000.00 payable on R2 250 000.00
PLUS 11% of R250 000.00 = R27 500.00

TOTAL PAYABLE IS: R85 000.00 + R27 500.00 = R112 500.00

QUESTION 7(d)

- i) Title Deed – need to make an application in terms of Regulation 68 (1) as the property has 2 owners and both the trustee and the spouse are selling.
- ii) Mortgage Bond – would need to bring an application in terms of Regulation 68 (11) for the cancellation of the bond.

NOTE: EXCEPTION DOES NOT APPLY IN THIS INSTANCE AS WIFE IS ALSO SELLING.

QUESTION 8.1

PREAMBLE

BE IT HEREBY MADE KNOWN:

THAT Abel Magubane, appeared before me, the Registrar of Deeds at Pietermaritzburg, he the said appearer, being duly authorized thereto by a power of attorney granted to him by

KOOS KOEKEMOER

Identity number 450202 0215 082

Married to Sophie Koekemoer, which marriage is governed by the laws of Israel, and duly assisted by his spouse as far as needs be

Dated the 20th January 2015 and signed at Durban

RECITAL

And the said Appearer declared that his Principal did on the 16 January 2015 donate the undermentioned property:

Now therefore:

VESTING

And he in his capacity aforesaid, did by these presents, cede and transfer, to and on behalf of

SOPHIE KOEKEMOER

Identity number

Married, which marriage is governed by the Laws of Israel.

Her heirs, executors, administrators or assigns

QUESTION 8.2

If he was domiciled in South Africa, his marriage would be governed by the Laws of South Africa. The effect of this would be that his marriage would be in community of property and the donation would not be capable of occurring.

QUESTION 8.3

No donations tax is payable as it falls under one of the exemptions in terms of the Income Tax Act 58 of 1962. In terms of section 56(1) donations for the benefit of the spouse of the donor who is not separated from him under judicial order or notarial deed of separation is exempt.

QUESTION 9(1)

And the said Appearer declared that:

WHEREAS:

KOOS KOEKEMOER

Identity number

Unmarried

Is the registered owner of

ERF 123 BELLVILLE
REGISTRATION DIVISION FT
PROVINCE OF KWAZULU-NATAL

HELD BY DEED OF TRANSFER NUMBER T

AND WHEREAS

JAN ELLIS

Identity number
unmarried

Is the registered owner of:

ERF 456 BELLVILLE
REGISTRATION DIVISION FT
PROVINCE OF KWAZULU-NATAL

HELD BY DEED OF TRANSFER NUMBER T

AND WHEREAS the parties did on the 1st February 2016 agree to exchange their aforesaid properties;

NOW....

QUESTION 9.2

Transfer Duty will be paid on R1 000 000.00 in respect of both transactions:

3% on R 250 000.00 = R 7 500.00

3% on R 250 000.00 = R 7 500.00

QUESTION 10(1)

TRUSTEE DISCLAIMER / CONSENT

The disclaimer / consent must state that:

- The trustee consents to the acquisition of the property (and passing of bond – if applicable);
- The property does not form part of the insolvent estate; and
- The insolvent may deal with the property in future without his consent.

QUESTION 10(2)

KOOS KOEKEMOER

Identity number
unmarried



QUESTION 11

Prepared by me

Conveyancer

Willie John McBride

LAW SOCIETY
OF SOUTH AFRICA

**APPLICATION TO RECORD THE CANCELLATION OF A CONTRACT IN TERMS OF SECTION 20 (2)
(c) OF THE ALIENATION OF LAND ACT, 1981 (ACT 68 OF 1981)**

Abdul Armien Properties CC, Registration Number 2000/000345/23 herein represented by Abdul Armien duly authorised hereto by a resolution of members

do hereby make oath and say:

1. Abdul Armien Properties CC, Registration Number 2000/000345/23 is the owner/seller of the hereinafter mentioned land/unit which was sold in terms of a contract as defined in the Alienation of

Land Act. 1981 (Act 68 of 1981), to **Sannie Louw, Identity Number 750211 5008 082, Unmarried.**

2. The contract for the sale of the land/unit has been terminated subsequent to the purchaser failing to maintain regular payments and after demanding payment of the arrears in terms of Section 19 of Act 68/ 1981.
3. I have complied with the provisions of section 19 of the Act and I do hereby make application to the Registrar of Deeds at Cape Town for the cancellation of the endorsement **B12643/2004AL** dated 24 September 2004 recording the aforesaid contract against the hereinafter mentioned title deed.

PARTICULARS OF LAND/UNIT AND PURCHASER

- (i) Registered owner

Abdul Armien Properties CC, Registration Number 2000/000345/23

- (ii) Description of the land/unit

Erf 1235 Hopefield, in the Swartland Municipality, Division of Malmesbury, Province of the Western Cape

- (iii) Extent

842 (Eight Hundred and Forty Two) square metres

(disclose the extent of the land or the floor area of the sectional title section according to the title deed/general plan or subdivisional diagram).

- (iv) Title Deed No

Certificate of Registered Title No. T8689/2003 dated 15 June 2003

- (v) Purchaser

Sannie Louw, Identity Number 750211 5008 082, Unmarried

Signed at _____ on _____ 2016.

Owner / Seller/Deponent

THUS SIGNED AND SWORN to before me, at _____ on this the _____ day of _____, the deponent having acknowledged that he/she knows and understands the contents of this affidavit, that the contents of this affidavit are both true and correct, has no objection to taking the prescribed oath and considers the prescribed oath to be binding on his/her conscience.

Commissioner of Oaths

QUESTION 12

If the title deed of any land has been lost, destroyed, incomplete or become unserviceable, and the registry duplicate of such title deed has also been lost, the Registrar shall upon written application by the owner of the land, accompanied by a diagram of the land, and if no diagram thereof is filed in the registry or in the office of the surveyor general concerned, execute a certificate of registered title in respect of such land in accordance with the diagram of the land.

Before issuing the certificate, the Registrar shall at the expense of the applicant, publish in the prescribed form notice of intention to issue the certificate in two consecutive issues of the gazette and in two consecutive issues of a newspaper printed in the division in which the land is situated

A draft of the proposed certificate and a copy of the diagram together with the application shall be open for inspection in the deeds registry for a period of six weeks after the date of first publication in the Gazette, during which period any interested person may object to the issue of the certificate.

A certificate of registered title issued under section 38 shall take the place of the lost title deed and shall embody or refer to every condition, servitude, bond, lease or other encumbrance which according to the records of the registry was embodied or referred to in the lost title deed or endorsement thereon.

Prepared by me

CONVEYANCER
PETER RUSH

**APPLICATION AND AFFIDAVIT IN TERMS OF SECTION 38 OF THE DEEDS REGISTRIES ACT
47/1937**

I, the undersigned,

PETER PAN, in my capacity as Director and duly authorised by Resolution of the Directors of ABC Company Proprietary Limited, Registration Number

Do hereby declare under oath as follows

1. ABC Company Proprietary Limited is the registered owner of
Erf 1177 Uitenhage
Registration Division IR
Province of Western Cape
in extent
Held by Deed of Grant T 1352/1904
2. The said deed has been lost and despite a diligent search cannot be found.
3. The said title deed is not pledged or held as security for any debt or otherwise.
4. The circumstances surrounding the deed being lost are unknown.
5. The Deeds Registry duplicate of the said deed has also been lost and despite diligent search cannot be found.
6. I have caused publication of our intention to apply for a certificate of registered title by advertising in the Daily Mirror and the Government Gazette as prescribed.
7. I attach hereto proof of publication marked Annexure A and B respectively.

- 8. No objection to the application has been received.
- 9. I hereby apply to the Registrar of Deeds for a Certificate of Registered Title under the provisions of Section 38 of the Deeds Registries Act.

Dated at Uitenhage on this day of May 2016

AS WITNESSES:

1. _____

2. _____

Documents to be lodged

- 1. Application and affidavit
- 2. Draft Certificate of Registered Title in terms of section 38
- 3. Diagram relating to the property
- 4. Proof of publication in the Government Gazette and the Daily Mirror

QUESTION 13



Prepared by me

CONVEYANCER
SLO JO

APPLICATION IN TERMS OF SECTION 24bis(3) OF THE DEEDS REGISTRIES ACT 47 OF 1937

I, the undersigned,

JAN SPIES in my capacity as director and duly authorised thereto by virtue of a resolution of XYZ Bank Limited

Registration Number: 2008/023456/06

(Hereinafter referred to as the Bank)

Hereby declare that-

WHEREAS the bank is the legal holder of mortgage bond B 5743/2001 passed by:

1. ABEL KOK
Identity Number: 540212 5015 08 5
Unmarried
2. BENNIE BOEKWURM
Identity Number: 520128 5016 08 2
Married out of Community of Property
3. CLINT COLE
Identity Number: 510918 0151 08 5
Married in community of property to Diane Cole

Together carrying on business in partnership as ABC Brothers

For the sum of R 800 000.00 (Eight Hundred Thousand Rand) together with the additional sum of R 100 000.00 (One Hundred Thousand Rand) whereby the undermentioned property was mortgaged, namely –

Erf 7892 Parow Township
Registration Division J.R, The Province of Gauteng

Measuring 1200 (One Thousand Two Hundred) square metres
Held by Deed of Transfer T 8765/2001

AND WHEREAS the said partnership was dissolved by agreement on 15 June 2015 and the former partners have applied for endorsement of the aforesaid title deed T 8765/2001 under the provisions of section 24bis(2) of the said Act;

NOW THEREFORE the bank agrees under the provisions of section 24bis(3) of the aforesaid Act, to the substitution of the individual partners as debtors under the said bond.

Signed at Pretoria on this the 25th day of July 2015

AS WITNESSES:

- 1. _____ _____
XYZ BANK LIMITED
- 2. _____

AND We,

- 1. **ABEL KOK**
Identity Number: 540212 5015 08 5
Unmarried
- 2. **BENNIE BOEKWURM**
Identity Number: 520128 5016 08 2
Married out of Community of Property
- 3. **CLINT COLE**
Identity Number: 510918 0151 08 5
Married in community of property to Diane Cole

the former partners as aforesaid, having read the consent of the legal holder of the bond, hereby apply to be substituted jointly and severally as debtors under the bond, renouncing all benefits of the exception *de duobus vel pluribus reis debendi*, and hereby assume full liability for the indebtedness under the said bond in terms of the provisions of the said Act.

Signed at Pretoria on 25 July 2015.

AS WITNESSES:

- 1. _____ _____
ABEL KOK

2. _____

BENNIE BOEKWURM

CLINT COLE

QUESTION 14.1

The reservation to extend the scheme was made by the developer simultaneously with the opening of the scheme, which has lapsed. A Section 15B(1)(d) application read together with section 68(1) of the Deeds Registries Act must be lodged to note the lapsing thereof prior to the body corporate obtaining a certificate of real right of extension in terms of section 25(6).

1. The body corporate must first obtain a title deed for such a right, by means of lodging a certificate of real right of extension (together with the written consent of all the members of the body corporate, all bondholders' consents and Section 25 (2) documentation), which include:
 - (a) A plan to scale of the building or buildings and on which:
 - (i) The part of the common property affected by the reservation;
 - (ii) The siting, height and coverage of all buildings;
 - (iii) The entrances and exits to the land;
 - (iv) The building restriction areas, if any;
 - (v) The parking areas; and
 - (vi) The typical elevation treatment of all buildings, are indicated
 - (b) A plan to scale showing the manner in which the building or buildings are to be divided into a section or sections and exclusive use areas or the manner in which the common property is to be made subject to the rights of exclusive use areas only;
 - (c) A schedule indicating the estimated participation quotas of all the sections in the scheme after such section or sections have been added to the scheme;

- (d) Particulars of any substantial difference between the materials to be used in construction of the building or buildings and those used in the construction of the existing building or buildings;
- (e) The certificate of real right which is to be issued in terms of section 12(1)(e); and
- (f) Any such other documents and particulars as may be prescribed; and

The plans in terms of Section 25(2)(a) and (b) must be accompanied by a certificate from an architect or surveyor to the effect that it complies with the requirements of the said sections.

2. The body corporate must make application for the registration of the extension of the scheme and the incorporation of the additional sections and exclusive use areas in the sectional title register concerned.
3. The following documents are required to be lodged at the deeds office:

First Cover

A Section 15B(1)(d) application read together with section 68(1) of the Deeds Registries Act must be lodged to note the lapsing thereof prior to the body corporate obtaining a certificate of real right of extension in terms of section 25(6).

Second Cover

- The body corporate must lodge a real right of extension prepared according to FORM R;
- The written consent of all the members of the body corporate and all bondholders;
- Application for the issue of the Certificate of Real Right.

Third Cover

- The body corporate must lodge an application according to FORM O to exercise the real right;
- Sectional plan of extension (duplicate);
- Section 25(2) documentation;
- Proof from surveyor / architect.

Fourth Cover

- Certificates of registered sectional title prepared in accordance with form C issued to the body corporate for sections 3 and 4.

Fifth Cover

- Certificates of Real Right of Exclusive Use Areas (FORM AH) for G3 & G4.

QUESTION 14.2



I, the undersigned, **JACK BLACK**

in my capacity as Sheriff of the High Court of South Africa [South Gauteng Division], and duly authorised by virtue of a writ issued by the Registrar of the High Court at Pretoria on 12 May 2013 do hereby nominate, constitute and appoint:

JO SLO / BO JOE

with power of substitution to be my true and lawful Attorney and Agent in my name, place and stead, to appear before the REGISTRAR OF DEEDS at JOHANNESBURG and then and there to act as my Attorney and Agent;

And then and there to declare that in the matter wherein

THE CITY OF TSHWANE METROPOLITAN MUNICIPALITY

was the Plaintiff and

THE BODY CORPORATE OF ERF 227 BROOKLYN, SCHEME NUMBER SS 100/2003

were the defendants, the undermentioned sections and exclusive use areas Garden G 3 and Garden G 4 which are registered in the name of the said Body Corporate was by virtue of a warrant issued by the Registrar of the High Court, attached by the Sheriff under case number 38475/08 and sold by Public Auction on 5 April 2016 to

ABC PROPRIETARY LIMITED

REGISTRATION NUMBER: 1998/024568/07

for the sum of R800 000,00 (Eight Hundred Thousand Rand)

the following properties, namely:

1. (a) Section No 3 as shown and more fully described on Sectional Plan No. SS 100/2003 in the scheme known as ERF 227 BROOKLYN in respect of the land and building or buildings situated at Brooklyn Township, Local Authority: The City of Tshwane Metropolitan Municipality of which section the floor area, according to the said sectional plan is 278 (Two Hundred and Seventy Eight) square metres in extent; and

- (b) an undivided share in the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan.

Held by Certificate of Registered Section Title T 12345/2015.

2. (a) Section No 4 as shown and more fully described on Sectional Plan No. SS 100/2003 in the scheme known as ERF 227 BROOKLYN in respect of the land and building or buildings situated at Brooklyn Township, Local Authority: The City of Tshwane Metropolitan Municipality of which section the floor area, according to the said sectional plan is 229 (Two Hundred and Twenty Nine) square metres in extent; and

- (b) an undivided share in the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan.

Held by Certificate of Registered Sectional Title T 12346/2015

together with the Exclusive Use Areas GARDEN G3 and GARDEN G4 forming part of the common property;

and to renounce all the right, title and interest which

The Body Corporate of Erf 227 Brooklyn, Scheme number SS 100/2003

(described as aforesaid)

heretofore had in and to the said property, and generally, for effecting the purposes aforesaid, to do whatsoever shall be requisite as fully and effectually, to all intents and purposes, as I might or could do, if personally present and acting therein and hereby ratifying, allowing and confirming, and promising and agreeing to ratify, allow and confirm, all and whatsoever my Attorney shall lawfully do by virtue of these presents.

SIGNED AT

on

AS WITNESSES:

1. _____

2. _____

LAW SOCIETY
OF SOUTH AFRICA