

**CONVEYANCING  
PART 1  
7 SEPTEMBER 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**

Pierre Inc

7<sup>th</sup> September 2016

Per fax/ email:

Your reference: Std Bank/1035

Our reference: PM/5927

Re: Your Bond: Phyliss Majola / Std Bank Limited

Our Transfer: Fred Basset / Phyliss Majola

**Property: Erf 101 Salt Rock**

With reference to the abovementioned matter we confirm that we have been instructed to attend to the registration of transfer as well as the cancellation of all mortgage bonds over the above property.

Kindly provide us with the following guarantees at your earliest convenience, namely:

1. In favour of Absa Bank Limited, for credit account Phyliss Majola, account number 123456789, ACB code 123456, for the amount of R500 000.00 (Five Hundred Thousand Rand) plus interest of the amount of R480 000.00 (Four Hundred and Eighty Thousand Rand) at a rate of 15% per annum from 01 September 2016 until date of registration, both days include, payable free of commission at Durban;
2. In favour of ABSA Bank Limited, for credit account Pierre Incorporated, account number 9998887774, ACB code 163345 for the amount of R400 000.00 (Four Hundred Thousand Rand) less interest on the amount R480 000.00 (Four Hundred and Eighty Thousand Rand) at a rate of 15% per annum from 01 September 2016 until date of registration, both days included, payable free of commission at Durban.

The abovementioned two guarantees should be made payable against the registration of the following transactions, namely:

1. The registration of transfer from F Basset to P Majola of Erf 101 Salt Rock;
2. The cancellation of all existing mortgage bonds over Erf 101 Salt Rock;
3. The registration of a first mortgage bond over Erf 101 Salt Rock by P Majola in favour of Std Bank Limited for the amount of R900 000.00.

We would like to hear from you.

Yours faithfully

C Pillay

**QUESTION 2.1**

SUBJECT TO THE FOLLOWING CONDITIONS:

1. The Former Portion 10 of the Farm Green Valley 249, of which the property hereby transferred forms a Portion, is subject to a servitude in favour of Eskom to convey electricity over the property with ancillary rights, as will appear from Notarial deed of Servitude K 328/1988S with diagram annexed thereto.
2. Subject to a Life Usufruct in favour of Amanda Els, Identity Number 360606 0018 081, widow.
3. Subject to all such conditions as are mentioned or referred to in the aforesaid deed.

**Explanation of Conditions**Condition 1:

Although Portion 20 is not directly subject to the Power line servitude, it is subject to the ancillary rights contained in the servitude. The condition must therefore be provided with an appropriate qualification.

Condition 2:

Portion 20 has been made subject to the usufruct which was registered over half the share of A & B each.

Condition 3:

This is a general condition clause included in all deeds (except in the Western Cape).

The servitude of right of way has been omitted because the right of way is along the western boundary of Portion 10, whereas portion 20 is the eastern portion of Portion 10. Portion 20 is therefore not affected by this servitude.

**QUESTION 2.2**

Prepared by me

CONVEYANCER

FULL NAMES

**CONSENT TO PARTITION**

I, the undersigned

**AMANDA ELS**

Identity Number 360606 0018 08 1

Unmarried

the holder of a life long usufruct over

1/2 (One Half) share in Portion 10 of the Farm Valley 249  
Registration Division J.Q, Province of Gauteng  
Extent: 500 (FIVE HUNDRED) Hectares  
By Virtue of Deed of Transfer T200/1989

do hereby consent to the partition of the said Portion 10 into two portions namely:

- (a) Portion 20 (a portion of portion 10) of the Farm Green Valley 249; and
- (b) the Remaining Extent of the Farm Green Valley 249

and that my usufruct shall apply and be registered over the said Portion 20 (a portion of portion 10) of the Farm Green Valley 249.

SIGNED at Johannesburg on 30 May 2003.

AS WITNESSES:

1. \_\_\_\_\_

2. \_\_\_\_\_

USUFRUCT HOLDER

**QUESTION 3**

Prepared by me

CONVEYANCER  
SIMON BASSET

**APPLICATION AND AFFIDAVIT IN TERMS OF REGULATION 68(1) AND (14) OF THE  
REGULATIONS FRAMED UNDER ACT NO 47 OF 1937**

I, the undersigned, **JAN CONRADIE**, in my capacity as the Sheriff of the Magistrate’s Court for the District of Pietermaritzburg

do hereby make oath and say that:

1. Ryan Black, Identity no 600722 0219 08 2, Unmarried (hereinafter called "Black") is the present registered holder of Mortgage Bond No. B1234/2000 passed in favour of Black by Syringa Investments CC No 92/01234/23 for the sum of R50 000,00 together with the further sum of R20 000,00 to secure contingent costs and payments.
2. In the matter wherein Shrewd Investments (Proprietary) Limited is the Plaintiff and Black the Defendant, Black's right, title and interest in the aforementioned mortgage bond was by virtue of a Warrant of Execution issued out of the Magistrate's Court for the District of Pietermaritzburg attached by public auction on 20 February 2013 to Shrewd Investments (Proprietary) Limited.
3. The mortgagee has since disappeared and I was unable to trace the said mortgagee or obtain possession of the aforementioned bond. The said Mortgage Bond was either lost or destroyed and cannot be found despite diligent efforts to do so on my part.
4. To the best of my knowledge the said bond has not been pledged and is not being detained by anyone as security for debt or otherwise.
5. As I am required to cede Black's right, title and interest in the said bond to Shrewd Investments (Proprietary) Limited, I hereby apply to the Registrar of Deeds at Pietermaritzburg in terms of the abovementioned sub-regulations for the issue of a certified copy of said Mortgage Bond No. B1234/2000 to serve in lieu of the lost or destroyed original. Should the said Mortgage Bond at any subsequent stage be found and come into my possession, I shall forthwith deliver it, or cause it to be delivered, to the Registrar.

SWORN TO AND SIGNED before me at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ the  
Deponent having acknowledged that he knows and understands the contents of this affidavit.

\_\_\_\_\_  
COMMISSIONER OF OATHS

Prepared by me

CONVEYANCER

BRIAN THOMAS

### CONSENT TO CESSION

I, the undersigned, JAN CONRADIE, in my capacity as the Sheriff of the Magistrate's Court for the District of Pietermaritzburg, Ryan Black hereinafter referred to as being the legal holder of the undermentioned bond, namely:

MORTGAGE BOND NUMBER: B1234/2000

PASSED BY: SYRINGA INVESTMENTS CC  
No. 1992/001234/23

IN FAVOUR OF: RYAN BLACK  
Identity No. 600722 0219 08 2  
Unmarried

FOR THE SUM OF: FIFTY THOUSAND RAND  
(R50 000,00) together with a further amount  
of TWENTY THOUSAND RAND (R20 000,00)  
to secure contingent costs and payments

DO HEREBY CEDE, ASSIGN AND TRANSFER ALL THE SAID RYAN BLACK'S RIGHT TITLE AND INTEREST IN THE ABOVE BOND TO

SHREWD INVESTMENTS (PROPRIETARY) LIMITED  
NO 1991/012345/07

to whom I sold the aforesaid right title and interest in the said bond on 20 February 2016 by public auction, following the attachment thereof by me in pursuance of a Warrant of Execution issued out of the Magistrate's Court for the District of Pietermaritzburg in a matter wherein Shrewd Investments (Proprietary) Limited was the Plaintiff and Ryan Black was the Defendant.

DATED AT PIETERMARITZBURG on this \_\_\_\_\_ day of \_\_\_\_\_

AS WITNESSES:

1. \_\_\_\_\_

2. \_\_\_\_\_

#### **QUESTION 4.1**

1. A must apply for a CRT, in terms of Section 43, to be issue in respect of Portion 1 of each erf (The mortgagees' consent are required for the issue of these CRT's).
2. ABSA to consent to the release of Portion 1 of Erf 100 from the operation of the bond.
3. FNB to consent to the release of Portion 1 of Erf 101 from the operation of the bond.
4. A consolidates Portion 1 of Erf 100 with the Remainder of Erf 101 by applying for a Certificate of Consolidated Title for Property 1.
5. A consolidates Portion 1 of Erf 101 with the Remainder of Erf 100 by applying for a Certificate of Consolidated Title for Property 2.
6. A applies for the substitution of the property still mortgaged with the consolidated property in respect of each bond and the mortgagees must consent to such substitution (Sec 40(5)(a)), in other words:
  - (a) ABSA must consent to the substitution of the new consolidated Property No 2 for the property originally mortgaged under the bond, Erf 100; and
  - (b) FNB must consent to the substitution of the new consolidated Property No. 1 for the property originally mortgaged under the bond, Erf 101.

**QUESTION 4.2**

**Note: 2 similar applications have to be prepared. Please note the importance of proper preparation. You can also prepare separate applications by owner and consents by bank.**

Prepared by me

CONVEYANCER

FULL NAMES

**APPLICATION AND CONSENT IN TERMS OF SECTION 40(5)(a) OF THE DEEDS REGISTRIES ACT,  
1937 (47 OF 1937)**

I, the undersigned,

**XXXX**

**duly authorised hereto by virtue of a resolution of the directors of XXX (full details)**

the owner, having applied for the issue of a Certificate of Consolidated Title in respect of:

**ERF 378 BRAMLEY TOWNSHIP**

**REGISTRATION DIVISION IR, PROVINCE OF GAUTENG**

**MEASURING 8383 (EIGHT THOUSAND THREE HUNDRED AND EIGHTY THREE) SQUARE  
METRES**

**AS WILL APPEAR FROM CONSOLIDATED TITLE DIAGRAM SG No. 3342/2008**

***(You must show ability to prepare property description)***

comprising of:

1. PORTION 1 OF ERF 100 BRAMLEY TOWNSHIP  
REGISTRATION DIVISION IR, PROVINCE OF GAUTENG;

**MEASURING 1441 (ONE THOUSAND FOUR HUNDRED AND FORTY ONE) SQUARE**



METRES

- 2. REMAINING EXTENT OF ERF 101 BRAMLEY TOWNSHIP  
REGISTRATION DIVISION IR, PROVINCE OF GAUTENG;

MEASURING 1533 (ONE THOUSAND FIVE HUNDRED AND THIRTY THREE) SQUARE METRES

mortgaged under Mortgaged Bond No. B XXX and other land, do hereby apply for the consolidated land as represented on the said diagram to be substituted for the aforesaid land mortgaged under the said mortgage bond.

SIGNED at

on this                      day of

AS WITNESSES:

1. \_\_\_\_\_

2. \_\_\_\_\_

And

We, the undersigned,

**XXX**

and

**XXX**

In our capacities as Signing Officials duly authorised thereto by a Resolution of the Board of

ABSA BANK LIMITED

Registration number

the legal holder of the aforesaid Mortgage Bond passed in favour of

ABSA BANK Limited  
Registration Number

do hereby consent to the substitution of the consolidated land as represented on the said diagram for the aforesaid land mortgaged under the said bond.

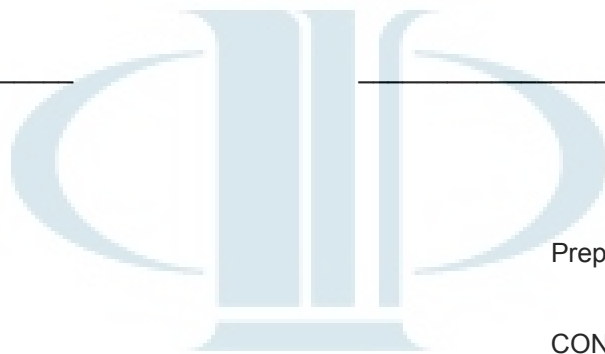
SIGNED at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_

AS WITNESSES:

1. \_\_\_\_\_

2. \_\_\_\_\_

**QUESTION 5.1**



Prepared by me

CONVEYANCER

Gabriël Jacobus le Roux

LAW SOCIETY  
DEED OF TRANSFER  
OF SOUTH AFRICA

Be it hereby made known:

that **Gabriël Jacobus le Roux** appeared before me, **the Registrar of Deeds at PRETORIA** he, the said appearer being duly authorised thereto by a power of attorney granted to him by

**The Executor in the Estate of the late John Brown  
Estate number 771/2000**

Dated the **31<sup>st</sup>** day of **July 2000** and signed at **Nelspruit**

and the said appearer declared that

WHEREAS the said late John Brown who died on 15 May 2000 and his surviving spouse Mary Brown, to whom he was married out of community of property by virtue of their joint will signed at Nelspruit on 30 July 1995, massed their estates and bequeathed the hereinafter mentioned property to their son Frank, subject to a life usufruct in favour of the said surviving spouse;

AND WHEREAS the said Mary Brown adiated under the will by Deed of Adiation signed at Nelspruit on 6 June 2000;

NOW THEREFORE the said Appearer in his capacity as aforesaid, did, by these presents cede and transfer in full and free property, to and on behalf of

**FRANK BROWN**  
**Identity Number 720923 5067 084 and**  
**PEGGY BROWN**  
**Identity Number 791224 0007 085**  
**Married in community of property to each other**

their heirs, executors, administrators or assigns, in full and free property

The farm Saxendrift 456  
Registration Division JR, Province of Gauteng  
Measuring 750,0000 (seven hundred and fifty comma nil nil nil nil) Hectares  
FIRST TRANSFERRED by Deed of Grant T303/1913 with Diagram SG. No. A188/1912  
annexed thereto and held by Deed of Transfer T11/1988.

SUBJECT to the following conditions:

- 1 **(Existing conditions should be added here, if any).**
- 2 Subject to a life usufruct in favour of Mary Brown, Identity Number 480120 0087 083, widow, as will more fully appear from Notarial Cession of Usufruct K.
- 3 Subject to a right of way 10 metres wide, the southern boundary whereof is indicated by the line CD on diagram SG No A188/1912 as annexed to Deed of Grant T303/1913, in favour of the farm

Hillside 457, Registration Division KR, Northern Province, as will more fully appear from Notarial Deed of L Servitude K.

### **QUESTION 5.2**

1. Power of Attorney to Transfer
2. Certified copy of the joint will of the deceased and his surviving spouse (certified by the Master and endorsed as accepted by him)
3. Section 42(1) Conveyancer Certificate
4. Title Deed (No T11/1948)
5. Clearance certificate
6. Transfer duty exemption certificate
7. Proof of Adiation (a certificate by the Master, or a conveyancer that the surviving spouse has adiated under the will, or a statement to that effect signed by the surviving spouse (regulation 50(2)(b)).

### **QUESTION 5.3**

1. Application for noting the lapsing of the usufruct in favour of Jeanette Brown in terms of section 68(1) Act 47 of 1937.
2. Notarial Deed of Servitude of right of way in favour of the farm Hillside 457.
3. Notarial Cession of Usufruct in favour of Mary Brown in respect of the farm Saxondrift.
4. Deed of Transfer in favour of Frank Brown and Peggy Brown.
5. Deed of Transfer in favour of Pam Brown.

### **QUESTION 5.4**

Copies of:

1. Letters of Executorship.
2. Marriage Certificate of deceased and Mary Brown or affidavit regarding marital status.
3. Marriage Certificate of Frank and Peggy Brown or affidavit regarding marital status.
4. Antenuptial Contract of deceased and Mary Brown.
5. Liquidation and Distribution Account.
6. Joint will.

**QUESTION 5.5**

- a) **Section 42(1) conveyancer's certificate** in respect of the transfer to Frank and Peggy Brown (in terms of section 42(1) of the Administration of Estates Act).
- b) The power of attorney to transfer to Pam Brown is not signed by the executor. This transfer therefore does not require a section 42(1) conveyancer's certificate.

**QUESTION 5.6**

The surviving spouse.

**QUESTION 6.1**



Prepared by me  
CONVEYANCER  
Frank Munroe

**APPLICATION UNDER SECTION 22(1) OF THE SECTIONAL TITLES ACT, 1986**

We, the undersigned

**MANDLA MEKWE**

Identity Number 750808 5432 08 7

and

**BEN BURGER**

Identity Number 601215 5001 08 2

partners in a civil partnership in community of property registered in terms of the Civil Union Act 17 of 2006

do hereby apply to the Registrar of Deeds at Johannesburg for:

- 1 The registration of the attached sectional plan of subdivision of a section in terms of section 22(1) of the Sectional Titles Act, 1986, in respect of sections no. 201 and 202, formerly section no. 132 as

shown and more fully described on sectional plan no. SS 111/2000 in the scheme known as The Waldorf in respect of the land and building or buildings situate at Parktown Extension 4 Township, Local Authority: City of Johannesburg and held under Deed of Transfer ST 951/2002;

- 2 The issue of certificates of registered sectional title in terms of the provisions of section 22 of the aforesaid Act in respect of the sections shown on the said sectional plan of subdivision.

Signed at Johannesburg on 17 September 2008.

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Mandla Mekwe

---

Ben Burger

Prepared by me

CONVEYANCER

Frank Munroe

**CONSENT**

I, the undersigned

**JACOB PIERNEEF**

in my capacity as signing official and duly authorised thereto by virtue of a resolution of the board of directors of Nedbank Limited, Registration number 1960/000023/06

being the legal holder of the undermentioned mortgage bond, namely:

Mortgage Bond No                      B952/2007

Passed by                                      Mandla Mekwe  
    Identity Number 750808 5432 08 7  
    and  
    Ben Burger

Identity Number 60 12 15 5001 08 2  
partners in a civil partnership in community of property registered in terms of  
the Civil Union Act 17 of 2006

In favour of Nedbank Limited  
Registration number 1960/000023/06

For the for the sum of R400 000,00 (Four Hundred Thousand Rand)

And an additional sum of R80 000,00 (Eighty Thousand Rand)

do hereby consent to

- 1 The registration of the sectional plan of subdivision and the subdivision of section 132 into sections to be known as sections 201 and 202 in the scheme The Waldorf, subject to the abovementioned bond in accordance with Sectional Plan SS No. to be registered;
- 2 The issue of certificates of registered sectional title in respect of section 201 and 202 and the undivided share in the common property attached to such sections according to the participation quotas reflected on the said sectional plan; and
- 3 The substitution of the new sections in lieu of section 132 as security under the bond and the endorsement of the abovementioned bond to the effect that it attaches to the sections and common property as shown on the said sectional plan.

Signed at Johannesburg on 18 September 2008.

AS WITNESSES:

1. \_\_\_\_\_
2. \_\_\_\_\_

Prepared by me

CONVEYANCER

Frank Munroe

**CONSENT**

I, the undersigned

**MAUD SUMNER**

in my capacity as signing official and duly authorised thereto by virtue of a resolution of the board of directors of ABSA Bank Limited, Registration number 1962/000523/06

being the legal holder of the undermentioned mortgage bond, namely:

Mortgage Bond No B7894/2007

Passed by Mandla Mekwe  
Identity Number 750808 5432 08 7

And  
Ben Burger  
Identity Number 60 12 15 5001 08 2

partners in a civil partnership in community of property  
registered in terms of the Civil Union Act 17 of 2006

In favour of ABSA Bank Limited  
Registration number 1962/000523/06

For the for the sum of R300 000,00 (Three Hundred Thousand Rand)

And an additional sum of R60 000,00 (Sixty Thousand Rand)

do hereby consent to

1 The registration of the sectional plan of subdivision and the subdivision of section 132 into sections to



be known as sections 201 and 202 in the scheme The Waldorf, subject to the abovementioned bond in accordance with Sectional Plan SS No. to be registered;

- 2 The issue of certificates of registered sectional title in respect of section 201 and 202 and the undivided share in the common property attached to such sections according to the participation quotas reflected on the said sectional plan; and
- 3 The substitution of the new sections in lieu of section 132 as security under the bond and the endorsement of the abovementioned bond to the effect that it attaches to the sections and common property as shown on the said sectional plan.

Signed at Johannesburg on 18 September 2008.

AS WITNESSES:

1. \_\_\_\_\_
2. \_\_\_\_\_

#### **QUESTION 6.2**

The two banks must respectively consent to the release of one of the subdivided units from the operation of their respective mortgage bonds. Nedbank has to, for example, consent to the release of the newly subdivided unit 201 from the operation of its bond and ABSA Bank must in turn consent to the release of the newly subdivided unit 202 from the operation of its bond. Then the bond of Nedbank will remain over unit 202 and the ABSA Bank bond will remain over Unit 201 as security for their respective bonds.

#### **QUESTION 7.1**

**PETER LEE**

Identity Number

And

**SHARON LEE**

Identity Number

Married in community of property to each other

**QUESTION 7.2**

1. **MARY HOLMES**

Born 4<sup>th</sup> August 1960

Unmarried

2. **ANN MARTIN**

Identity Number

And

**PETER MARTIN**

Identity Number

married in community of property to each other

**QUESTION 7.3**

And the appearer declared that the mortgagor is lawfully and truly indebted to and on behalf of...

In the sum of R 100 000.00 (words and figures) being the Capital sum of the loan arising from money lent and advanced, whereof

- a) the sum of R60 000,00 (Sixty Thousand Rand) was advanced by the said Mary Holmes; and
- b) the sum of R40 000,00 (Forty Thousand Rand) was advanced by the said Ann and Peter Martin.

**QUESTION 7.4**

The capital sum of the bond or the balance remaining owing from time to time shall bear interest at the rate of 13% per annum.

**QUESTION 7.5**

Instalments in the sum of R10 000,00 are to be paid on the first day of each month into the account of the mortgagee.

**QUESTION 7.6**

All payments shall be made firstly towards reduction of Capital and thereafter interest.

**QUESTION 8.1**

Prepared by me  
\_\_\_\_\_  
CONVEYANCER  
**JOE SOAP**

LAW SOCIETY  
DEED OF TRANSFER  
OF SOUTH AFRICA

BE IT HEREBY MADE KNOWN THAT

appeared before me, the Registrar of Deeds at Pietermaritzburg, the said appearer, being duly authorised thereto by a power of attorney signed at \_\_\_\_\_ on \_\_\_\_\_ and granted to her by

**PETER PHILIPS**

Identity Number 770429 0349 08 3

Unmarried

And the appearer declared that:

Whereas the Transferor had truly and legally sold the undermentioned property, together with the Exclusive Use Area Parking Bay P5 and Garden Area G 5 forming part of the common property, on 9 June 2016 by Private Treaty for the sum of R 650 000.00 (Six Hundred and Fifty Thousand Rand);

Now therefore the Appearer on behalf of the Transferor, did by these presents, cede and transfer, in full and free property, to and on behalf of

**ZEMFUNDO PRECIOUS MKHIZE**

Identity Number 860616 0617 08 6

Unmarried

A unit consisting of -

- (a) Section Number 5 as shown and more fully described on Sectional Plan Number SS 39/2001 in the scheme known as EAGLES VIEW in respect of the land and building or buildings situated at PIETERMARITZBURG, MSUNDUZI MUNICIPALITY, of which section the floor area according to the said sectional plan is 73 (Seventy Three) 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 ST55470/2007.

The said unit is subject to or shall benefit by:

- (ii) the servitudes, other real rights and conditions, if any, as contained in the schedule of conditions referred to in Section 11(3)(b) and the servitudes referred to in Section 28 of the Sectional Titles Act, 1986 (Act 95 of 1986); and
- (ii) any alteration to the building or buildings or to a section or to the common property shown on the said sectional plan.

WHEREFORE all the rights, title and interest the said transferor heretofore had to the unit aforesaid is renounced, and in consequence it is also acknowledged that the transferor is entirely dispossessed of, and disentitled to, the same, and that, by virtue of these presents the aforesaid transferee now is entitled thereto, the State, however, reserving its rights.

THUS SIGNED, EXECUTED AND SEALED at the Office of the Registrar of Deeds at Pietermaritzburg on

In my presence

\_\_\_\_\_  
REGISTRAR OF DEEDS

\_\_\_\_\_  
SIGNATURE OF APPEARER q.q.

**QUESTION 8.2**

Prepared by me

CONVEYANCER

JOE SOAP

**CONSENT IN TERMS OF SECTION 25(15) OF THE SECTIONAL TITLES ACT 1986, AS AMENDED**

I, the undersigned

FULL NAME OF PURCHASER

DO hereby declare that I am aware that a real right of extension of the scheme, as contemplated in Section 25 of the above Act is registered in favour of either the Developer or the Body Corporate. I further declare that I waive my right to annul the agreement of sale.

Dated at Durban on the .....

**QUESTION 8.3**

Prepared by me,

CONVEYANCER  
PAUL RUSE



We, the undersigned,

INSERT NAMES

Duly authorised hereto by-

**FUTURE BANK LIMITED**

**Registration Number: 1986/004794/06**

acting under and by virtue of a Power of Attorney signed at Durban on 16 FEBRUARY 2009 and registered in the office of the Deeds Registry at Pietermaritzburg under Power of Attorney No. PA227/2009; the legal holder of the below mentioned bond:

Number **B875/2010**

Passed by **PETER PHILIPS**  
Identity Number:  
**UNMARRIED**

In favour of **FUTURE BANK LIMITED**  
**Registration Number: 1986/004794/06**

For the sum of **R14 000 000.00 (Fourteen Million Rand)** ("The Capital") together with a further sum of **R200 000.00 (Two Hundred Thousand Rand)** ("The additional sum") to cover contingent costs.

DO HEREBY CONSENT TO THE RELEASE OF

A) SECTION 5 as shown and more fully described on Sectional Plan SS .....in the scheme known as Eagles View in respect of the land and buildings situate at Pietermaritzburg in the Msunduzi Municipality, of which section the floor area, according to the said Sectional Plan is 47 (Forty Seven) square metres;

B) An undivided share in the common property.....

Held by Certificate of Registered Sectional Title

C) An exclusive use area described as Parking Bay P5 in extent 15 square metres;

Held by Notarial deed of Cession SK

D) An exclusive Use area described as Garden Area G5 in extent 5 square metres;

Held by Notarial deed of Cession SK

from the operation of the above bond.

DATED AT PIETERMARITZBURG on Monday, 20 April 2020

WITNESSES:

1. \_\_\_\_\_

2. \_\_\_\_\_

**QUESTION 8.4****Sequence of transfers:**

1. Transfer
2. Notarial Cession of Exclusive Use Area
3. Consent to Release
4. Registration of the bond
5. Form W

**Documents to be lodged:****1. Transfer**

Holding Certificate of Registered Sectional Title  
 Draft deed of transfer  
 Rates clearance certificate  
 Transfer duty receipt  
 Section 10 affidavit by the developer  
 Conveyancers Certificate Section 15B (3)

**2. Notarial Cession**

Notarial Cession SK  
 Draft Notarial cession

**3. Consent to Release**

Mortgage Bond B  
 Consent to Release

**4. Bond**

Draft Sectional Mortgage Bond

**5. Form W****QUESTION 8.5**

The Parking Bay must be ceded by a Unilateral Notarial Deed of Cession from the Developer to the Purchaser. Mention must be made that the Unit was sold together with the Parking Bay and that the



Parking Bay was not ceded simultaneously through an oversight in order to avoid the payment of transfer duty (if applicable).

**QUESTION 9.1**

Prepared by me

CONVEYANCER

Frank Ross

**APPLICATION IN TERMS OF SECTION 58(2) OF THE DEEDS REGISTRIES ACT 47 OF 1937**

I, the undersigned

**MIKE NAUDE**

in my capacity as trustee in the insolvent estate of

**THANDI MOLEFE-PONTI**

Identity number: 600822 0219 082

married out of community of property

duly appointed thereto by virtue of a letter of Appointment 777/2012 issued by the Master of the High Court, Durban on 18 April 2012

do hereby apply in terms of section 58(2) of the Deeds Registries Act 47 of 1937 to the Registrar of Deeds at Pietermaritzburg, for the endorsement of the Deed of Transfer No. T9133/2010 in respect of

Erf 525 Hillcrest

Registration Division FT

Province of KwaZulu-Natal

Measuring 834 (eight hundred and thirty-four) square metres

Whereas the creditors have returned the abovementioned property to Thandi Molefe-Ponti, free of the insolvent estate, and whereas the Master of the High Court has consented thereto, now therefore I hereby apply for endorsement of the said title deed to the effect that the said property has been restored to the said Thandi Molefe-Ponti and that she may now freely deal therewith.

Signed at Hillcrest this 8<sup>th</sup> day of January 2016.

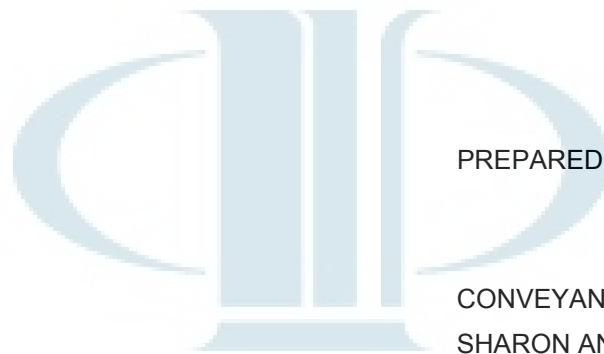
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Mike Naude

**QUESTION 9.2**

- Assumption of surname - bring an application in terms of Section 93 (1)
- Incorrect I D No - bring an application in terms of section 4 (1) b

**QUESTION 10.1**



PREPARED BY ME

CONVEYANCER

SHARON ANN DE LANGE

**APPLICATION FOR ENDORSEMENT OF TITLE DEED IN TERMS OF SECTION 16 OF THE DEEDS  
REGISTRIES ACT, 47 OF 1947**

I, Koos Koekemoer in my capacity as Administrative Officer in the Department of Agriculture, acting under and by virtue of a Special Power of Attorney registered in the office of the registrar of Deeds at Cape Town under No PA 20/2010 signed at Cape Town on the 10th of September 2010 granted in my favour by Solweni Swane, in his capacity as Minister of Agriculture, do hereby declare that the State purchased the undermentioned land from:

**PIET LATEGAN**

Identity number 670812 0493 083

Unmarried

On the 12th day of September 2015 for an amount of R850 000.00 (eight hundred and fifty thousand rand), all of which land is held by him under T 1892/1988 namely:

Erf 123 Belville, District Belville, Province Free State  
Extent: 1200 (one thousand two hundred) square metres

I request that the necessary endorsement as contemplated by section 16 of the Deeds Registries Act 47 of 1937 as amended be made on the aforementioned land in favour of the State.

Signed ....

### **QUESTION 10.2**

Section 31 (2) (b) = failing the production of a title deed, the transferee shall produce to the Registrar an affidavit to the satisfaction of the Registrar that he / she has been unable to obtain possession of the title deed and the Registrar shall thereupon endorse such transfer on the registry duplicate of the title deed.

### **QUESTION 10.3**

Expropriation takes place on the date stated in the Notice of Expropriation.

Ownership passes to the expropriating authority.

Ownership vests immediately when the expropriation comes into operation.

### **QUESTION 10.4**

Where a portion of a piece of land has been expropriated, the expropriation servitude must be ceded in pursuance of section 32.