

CONVEYANCING
PART 1
6 SEPTEMBER 2017
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
TUMELO CHUENE MAGWAI

**APPLICATION FOR A CERTIFICATE OF CONSOLIDATED TITLE IN TERMS OF SECTION 40(3)
OF THE DEEDS REGISTRIES ACT, 1937**

I, the undersigned

1. Tango Charlie May

In my capacity as a Trustee of TCM Trust

Registration number IT no 1007/2004

Acting by virtue of the Letters of Authority issued by the Master of the High court, Pretoria on the 17 April 2016 and duly authorized thereto by a resolution of the trustees

And

2. Tango Charlie May

In my capacity as a Member of Preferred Development CC
Registration Number 2001/011133/23
duly authorized thereto by a resolution of the members

hereby apply, in terms of section 40(3) of the Deeds Registries Act 47 of 1937, to the Registrar of Deeds at PRETORIA for the issue to us of a Certificate of Consolidated Title in respect of

1. ERF 100 BENDOR TOWNSHIP
REGISTRATION DIVISION L.S., LIMPOPO PROVINCE;

Held by Certificate of Consolidated Title T123/2008

And

2. ERF 101 BENDOR TOWNSHIP
REGISTRATION DIVISION L.S., LIMPOPO PROVINCE;

Held by Deed of Transfer T133/2007;

Which pieces of land have been consolidated and are now known as

ERF 222 BENDOR TOWNSHIP
REGISTRATION DIVISION L.S., LIMPOPO PROVINCE;

Measuring: 4 600 (FOUR THOUSAND SIX HUNDRED) Square Meters;

As will appear from Consolidation Diagram SG No.1007/2014.

SIGNED AT _____ on this the _____ day of _____ 2017.

QUESTION 1.2

Prepared by me

CONVEYANCER
TUMELO CHUENE MAGWAI

CERTIFICATE OF CONSOLIDATED TITLE

WHEREAS

1. Trustee for the time being of the TCM Trust
Registration number IT no 1007/2004

And

2. Preferred Development CC
Registration Number 2001/011133/23

Have applied for the issue to them of a Certificate of Consolidated Title under the provisions of section 40 of the Deeds Registries Act 1937;

AND WHEREAS **Trustee for the time being of the TCM Trust** and **Preferred Development CC** are the registered owners of:

1. ERF 100 BENDOR TOWNSHIP
REGISTRATION DIVISION L.S., LIMPOPO PROVINCE;
Held by Certificate of Consolidated Title T123/2008

AND

2. ERF 101 BENDOR TOWNSHIP
REGISTRATION DIVISION L.S., LIMPOPO PROVINCE;

Held by Deed of Transfer T133/2017

Which have been consolidated into the land hereinafter described:

NOW, THEREFORE, in pursuance of the provisions of the said Act, I, the Registrar of Deeds at PRETORIA do hereby certify that the said:

1. Trustee for the time being of the TCM Trust
Registration number IT no 1007/2004

and

2. Preferred Development CC,
Registration Number 2001/011133/23

their successor in office and/or title, administrators or assigns is the registered owner of

ERF 222 BENDOR TOWNSHIP
REGISTRATION DIVISION L.S., LIMPOPO PROVINCE;

Measuring: 4 600 (FOUR THOUSAND SIX HUNDRED) Square Meters;

As will appear from Consolidation Diagram SG No1007/2014.

The property is subject to the following conditions:

- a. The property shall not be subdivided nor consolidated save with the written consent of the Local Authority;
- b. "Die eienaar sal nie geregtig wees om die eiendom of enige onderverdeling daarvan oor te dra sonder 'n uitklaringcertifikaat van die BENDOR HOMEOWNERS' ASSOCIATION NPC"
- c. The former **ERF 100 BENDOR TOWNSHIP** represented by the figures AbcD is subject to a 4.05 meters wide right of way servitude in favour of XYZ (Pty) Ltd as will more fully appear in the Notarial Deed No K111/2004S with diagram annexed to Deed of Transfer T2015 /2004;
- d. The former **ERF 101 BENDOR TOWNSHIP** represented by the figures aBCd is subject to a 4.00-meters wide right of way servitude in favour of XYZ (Pty) Ltd as will more fully appear in the Notarial Deed No K113/2004S with diagram annexed to Deed of Transfer T1013/2004;

SUBJECT TO ALL SUCH CONDITIONS AS REFERRED TO IN THE AFORESAID DEED.

And by virtue of these presents the said **Trustee for the time being of the TCM Trust and Preferred Development CC**, their successor in office and/or title administrators or assigns, now are and henceforth shall be entitled thereto conformably to local custom, the State, however, reserving its rights.

In witness whereof, I, the said Registrar have subscribed to these presents, and have caused the seal of office to be affixed thereto.

Thus done and executed at the Office of the Registrar of Deeds at PRETORIA on this

REGISTRAR OF DEEDS

APPEARER

QUESTION 1.3

The owners' shares would have to be specified in the vesting clause.

QUESTION 2.1

Prepared by me

CONVEYANCER
AQEEL FEISAL RHEMTULA

POWER OF ATTORNEY TO PASS TRANSFER

We, the undersigned

1. Jane Doe
Identity Number 810101 0081 08 1
Married out of community of property
(as bare dominium owner)
2. James Doe
Identity Number 530303 0053 08 3
Married Lee Doe which marriage is governed by the laws of Japan
(as usufructuary)

do hereby nominate, constitute and appoint

TUMELO CHUENE MAGWAI and/or AQEEL FEISAL RHEMTULA

with power of substitution to be the true and lawful Attorney/s and Agent/s of the transferors to appear before the REGISTRAR OF DEEDS LIMPOPO at POLOKWANE and there to declare that we did on 9 March 2017 sell to:

ABC Proprietary Limited

Registration number 1999/111123/07

for the sum of R1 500 000,00 (One Million Five Hundred Thousand Rand) our respective interests in the undermentioned property, namely-

PORTION 10 (PORTION OF PORTION 1) OF THE FARM POLOKWANE NO 234
REGISTRATION DIVISION LS
LIMPOPO PROVINCE

MEASURING 100 (ONE HUNDRED) Hectares

As will appear from sub-divisional diagram SG No. 1001/2017 and held by Deed of Transfer T1002/2004

SPECIALLY SUBJECT to the following conditions:

“the owner of the property shall, on registration of the transfer, automatically become a member of the Polokwane Farms Homeowner Association NPC Registration Number 2016/000001/08 and shall be bound by the rules of the Association”

and further cede and transfer the said property in full and free property to the said Transferee; to renounce all right, title and interest which the Transferor heretofore had in and to the said property, to promise to free and warrant the said property and also to clear the same from all encumbrances and hypothecations according to law, to draw, sign and pass the necessary acts and deeds, or other instruments and documents; and generally, for effecting the purposes aforesaid, to do or cause to be done whatsoever shall be requisite, as fully and effectually, to all intents and purposes, as the Transferor might or could do if personally present and acting therein; hereby ratifying, allowing and confirming all and whatsoever the said Agent/s shall lawfully do or cause to be done in the premises by virtue of these presents.

Signed at _____ on _____

in the presence of the undersigned witnesses.

AS WITNESSES :

1. _____
JANE DOE
2. _____
JAMES DOE

ACCEPTANCE IN TERMS OF SECTION 65 OF THE DEEDS REGISTRIES ACT

I, James Bond, in my capacity as director of Polokwane Farms Homeowner Association NPC Registration Number 2016/000001/08, duly authorised thereto by a resolution, do hereby accept the condition imposed in favour of the Association.

AS WITNESSES :

1. _____
JANE BOND
2. _____

QUESTION 2.2

In terms of section 17(6) of the Deeds Registries Act, 1937 the assistance of the spouse is required of people where the marriage consequences are governed by the laws of another country, unless the assistance of the spouse is in terms of this Act or on other grounds is deemed by the Registrar to be unnecessary.

A personal servitude does not form an asset in a joint estate as it is personal to that person (Van der Merwe v Van Wyk NO 1921 EDL 298).

The community of property is thus excluded by common law in respect of the usufructuary with the result that the assistance of the spouse of the usufructuary is not necessary.

QUESTION 3.1

- 1 Bridget Jones

Identity Number 760904 5025 081
Unmarried
(Bare Dominium Owner of the property)

- 2 Simon Jones
Identity Number 800712 5535 082
Married in Community of Property to Penny Jones
(Usufructuary in respect of the herein mentioned property)

(NOTE: a usufruct does not form part of the community of property)

QUESTION 3.2

- 1 Ian Taylor
Identity Number 440212 5025 081
Unmarried
(the Fiduciary)
- 2 Sean Taylor
Identity Number 840214 5535 082
Unmarried
(holder of the Fideicommissary rights to the within property)
- 3 Ryan Taylor
Identity Number 860214 5525 082
Unmarried
(holder of the Fideicommissary rights to the within property)

QUESTION 3.3

We the undersigned Peter Zondi and Sophie Zondi
Parents and natural guardians of

Sipho Zondi
Identity Number 080405 5028 081
a Minor

or as in 3.4 (both are acceptable)

QUESTION 3.4

James Blunt

Identity number 050401 5067 087

Minor

Duly assisted by his parents and guardians Peter Blunt and Anne Blunt (3)

QUESTION 3.5

I, the undersigned

Graig Johnston in my capacity as curator in the estate of the mental patient

Sue Gordon

Identity Number 451011 0043 081 (a mental patient)

Unmarried

Duly appointed according to a letter of Authority issued by the Master of the Northern Gauteng High Court, at Pretoria, on 6 January 2012

QUESTION 3.6

We the undersigned

1. Graig Johnston duly appointed by virtue of Letter of Authority issued by the Master of the North Gauteng High Court, Pretoria dated the 8th of January 2012 in my capacity as curator in the estate of the mental patient
Sue Gordon (a mental patient)
Identity Number 4510110043081 married in community of property to Jason Garden
Married in Community of Property to Sue Gordon.

And

2. Jason Gordon

QUESTION 3.7

I, the undersigned

JOHN COETZEE

in my capacity as the Sheriff of the Magistrate's Court Pretoria and duly authorised hereto by virtue of a writ issued by the clerk of the court at Pretoria on the 18th January 2012.

QUESTION 3.8

We, the undersigned

Peter Swart and Jane Landsberg

Trustees of the

THE BODY CORPORATE OF THE LINK SCHEME

NO. SS 7747/2009

duly authorised hereto by virtue of a Unanimous Resolution of the said Body Corporate dated the 6 of February 2012

QUESTION 3.9

We, the undersigned

1. PETER SWAY, as nominee of ABSA TRUST LIMITED, who was appointed as Executor in the Estate Late Sue Black, acting under Letters of Executorship No. 1234/2011 issued by the Master of the Southern Gauteng High Court, at Johannesburg on 4 February 2011

and

2. JOHN BLACK

Identity Number 430105 5263 081

Widower

In my capacity as surviving spouse of the deceased with whom I was married in community of property.

QUESTION 3.10

I the undersigned

Priya Singh in my capacity as executrix in the estate of the late Raj Singh acting under Letters of Executorship No 1234/2011 dated the 24th August 2011 issued by the Master of the KwaZulu-Natal High Court

QUESTION 3.11

I the undersigned

Hugh Grant

In my capacity as Representative in the estate of late Emily Blunt, duly authorised by a Letter of Appointment, in terms of Section 18(3) of the Administration of Estates Act 66 of 1965, issued by the Master of the Northern Gauteng High Court at Pretoria, on 3 February 2009

QUESTION 4

- 4.1 First registered and still held by Certificate of Consolidated Title T1000/2010 with diagram S.G. No 582/2009 annexed thereto.
- 4.2 First registered by Certificate of Consolidated Title T1000/2010 with diagram S.G. No 582/2009 annexed thereto and Held by deed of Transfer 2000/2010.
- 4.3 First registered by Certificate of Consolidated Title T1000/2010 with diagram S.G. No 582/2009 annexed thereto and held by Deed of Transfer T1234/2011.
- 4.4 First registered by Certificate of Consolidated Title T1000/2010 with diagram S.G. No 582/2009 annexed thereto and held by Deed of Transfer T1234/2011 and Deed of Transfer T50084/2014.
- 4.5 As will appear from sub-divisional diagram S.G. No 246/2013 and held by Deed of Transfer T8010/2013.

QUESTION 5

Prepared by me

CONVEYANCER

ALAN PATON

POWER OF ATTORNEY TO WAIVE PREFERENCE OF RIGHT OF *USUFRUCT*

I , the undersigned:

Jamina Blap (formerly Smith)

Identity Number: 261212 0032 080

Married in community of property to Mark Blap

do hereby nominate, constitute and appoint:

ALAN PATON

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 Pietermaritzburg, KwaZulu-Natal, and then and there as my act and deed in certain Mortgage Bond about to be registered by:-

STEWARD DAVIES

Identity Number: 520332 5054 081

and

ANNA DAVIES

Identity Number: 560402 0045 083

Married in community of property to each other

for the sum of R100 000.00 (One Hundred Thousand Rands) being the Principal Amount plus a further sum of R20 000.00 (Twenty Thousand Rands) to cover contingent costs, in favour of BERGBANK LIMITED Registration No. 1986/004794/09 in terms of the annexed Power of Attorney marked "A" signed at Pietermaritzburg on the 6th September 2017 on my behalf under renunciation of the benefits of the legal exceptions set out in the said Mortgage Bond with which I am fully acquainted, to waive in favour of BERGBANK LIMITED, its order or assigns all preference in respect of certain condition of title in Deed of Transfer Number. T 1784/1987 reserved in my favour which reads as follows:-

"D. Subject to the reservation of a right of *usufruct* in favour of the transferor, the said:

Jamina Smith

Identity Number: 261212 0032 080

Unmarried

in respect of: -

ERF 58 BOSHOF

REGISTRATION DIVISION FT

PROVINCE OF KWAZULU-NATAL

IN EXTENT 2045

(TWO THOUSAND FOUR HUNDRED AND FORTY FIVE) SQUARE METRES

HELD BY Deed of Transfer T 1784/1987

to the intent that I hereby waive and postpone in favour of the aforesaid Mortgage Bond, the right of *usufruct* over the said property and that I shall not at any time during the continuance of such Mortgage Bond be in a position by virtue of such right of *usufruct* to compete with **BERGBANK LIMITED** its order or assigns under the aforesaid Mortgage Bond but that in the event of the property being sold by the said **BERGBANK LIMITED** as provided for in the Loan Agreement, the said **BERGBANK LIMITED** its orders or assigns under the bond shall be entitled to have the property sold and transferred to the Purchaser free of such rights conferred to me under condition of title more fully set out above, and the proceeds of the sale applied towards payment of such moneys as shall be then due and owing to the said **BERGBANK LIMITED** its orders or assigns under the bond plus all costs and interest due. For such purposes the said JAMINA BLAP (FORMERLY SMITH) hereby nominates, constitutes and appoints the said **BERGBANK LIMITED** irrevocably and *in rem suam* to be her duly authorised attorney and agent to act on her behalf as fully as she might do for the purpose of taking possession of and realising the mortgaged property and conveying valid title and ownership in and to the mortgaged property to the Purchaser thereof and generally for affecting the purposes aforesaid to do or cause to be done whatsoever shall be requisite hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm, all and whatsoever my said Attorney and Agent shall lawfully do or cause to be done in the premises by virtue of these present.

SIGNED at PIETERMARITZBURG on

AS WITNESSES

1. _____
Jamina Blap
2. _____

QUESTION 6.1

Lodgement cover one

- The sectional plan (in duplicate)
- The application for the opening of a sectional title register prepared in accordance with the prescribed Form B to Annexure 1 to the regulations
- The s 11(3)(b) schedule of conditions
- Plans and documents referred to in s 25 as well as certificate by Architect
- The certificate relating to the rules by the Conveyancer or Ombud
- Any other consent that might be required and do not constitute a separate act of registration, attracting a separate registration fee

It should be noted that in some offices all the above documents are lodged in one cover (jacket), but in other offices the sectional plan is lodged in a separate cover and linked either prior or after the cover containing the application and supporting documents

Lodgement cover two

- Where a Developer, in terms of s 27(1) of the Act, imposes a condition regarding a right to exclusive use areas of parts of common property in respect of one or more sections, a certificate or certificates of real right is issued to the developer, in terms of s 12(1)(f), in accordance with Form G to Annexure 1 to the regulations. Each type of exclusive use area will be set out in a separate paragraph, described in accordance with the said Form G

Lodgement cover three

- Where a developer, in terms of s 25 (1) of the Act, has reserved a right of extension of a scheme by the addition of sections and exclusive use areas, the Registrar of Deeds concerned will issue a certificate or certificates of real right to the developer, in terms of s 12(1)(e), in accordance with Form F to Annexure 1 to the regulations.

Further lodgement covers

The certificates of registered sectional title of each of the units in the scheme must be lodged in separate covers

QUESTION 6.2.1

Prepared by me

FOLLOW FORM B

CONVEYANCER
ALLEN NOTHER

APPLICATION UNDER SECTION 11(1) OF THE SECTIONAL TITLES ACT NO 95 OF 1986

I, the undersigned,

..... duly authorized thereto by a resolution of the directors of

S.A.L.T PROPERTIES (PTY) LTD
REGISTRATION NUMBER: 2000/007410/07
(hereinafter called the Developer)

Do hereby apply to the Registrar of Deeds at Pretoria for:

1. The opening of a Sectional Title Register in terms of the provisions of Section 12(1)(b) of the Sectional Titles Act, No. 95 of 1986, and the registration of the attached Sectional Plan in terms of the provisions of Section 12(1)(a) of the aforesaid Act, in respect of the scheme known as SANDTON SKYE S.G. Number D 787/2014 and held under Deed of Transfer T999/2012
2. The issue of Certificates of Registered Sectional Title in terms of the provisions of Section 12(1)(d) of the aforesaid Act in respect of the sections shown on the said Sectional Plan.
3. The issue of a Certificate of Real Right in terms of the provisions of Section 12(1)(f) of the aforesaid Act in respect of the right of exclusive use referred to in Section 27(1).
4. The issue of a Certificate of Real Right in terms of the provisions of Section 12(1)(e) of the aforesaid Act in respect of any proviso in terms of Section 25(1).

SIGNED at _____ on _____ in the presence of the undersigned witnesses.

1. _____

2. _____

QUESTION 6.2.2

(Note: Ensure that the details are correct according to the annexures provided)

**SCHEDULE OF CONDITIONS IN TERMS OF SECTION 11(3)(b)
OF THE SECTIONAL TITLES ACT, NO. 95 OF 1986**

Sectional Plan SS : _____

S.G. Number : D 787/2014

Name of Scheme : SANDTON SKYE

Title Deed : T 999/2012

Represented on: SG No. D 787/2014

Name of Developer : S.A.L.T. Properties Proprietary Limited

Address of developer : 20 Sout Street, Parktown, Johannesburg

Diagram Deed : S.G. 7716/2009 filed with T 203/2010

I, the undersigned ALLEN NOTHER

Conveyancer, do hereby certify that the property known as:

ERF 1738 MORNINGSIDE EXTENSION 50 TOWNSHIP
REGISTRATION DIVISION IR
THE PROVINCE OF GAUTENG

MEASURING 1, 0573 (ONE COMMA ZERO FIVE SEVEN THREE) HECTARES

Held by Deed of Transfer T 999/2012

is subject or entitled to the following conditions:

SEE CONDITIONS B (a) (b) & D (i) & (ii) (note: conditions to conform with local practice)

The Developer reserves the right, as contemplated by Section 25(1) of the Sectional Titles Act No. 95 of 1986, as amended, to erect and complete from time to time, but within a period of 1 (one) year from the date of the opening of the Sectional Title Register in respect of this scheme, for its personal account a further building or buildings on a specified part of the common property, and to divide such building or buildings into a section or sections and common property and to confer the right of exclusive use over parts of such common property upon the owner or owners of one or more of such sections.

The Developer hereby imposes a condition in terms of Section 11(2) of the Sectional Titles Act, No. 95 of 1986, read with Section 27, by which the right to the exclusive use of such part or parts of the common property, delineated for this purpose on the Sectional Plan, is conferred upon the owner or owners of one or more sections as follows: **(ENSURE THAT YOU MENTION EXCLUSIVE USE AREAS)**

(a) The owner of **Section 1** shall be entitled to the exclusive use, occupation and enjoyment of the following areas marked as indicated on Sheet 4 and 5 of the Sectional Plan, to the exclusion of the rights of all other owners and all other persons:

Parking P17 measuring 85 (Eighty-Five) Square metres.

Swimming Pool SP1 measuring 47 (Forty-Seven) Square metres.

(b) The owner of **Section 2** shall be entitled to the exclusive use, occupation and enjoyment of the following areas marked as indicated on Sheet 4 and 5 of the Sectional Plan, to the exclusion of the rights of all other owners and all other persons:

Parking P2 measuring 49 (Forty-Nine) Square metres.

Parking P3 measuring 54 (Fifty-Four) Square metres.

Subject further to such conditions as are mentioned or referred to in the aforesaid Deed.

And that no further conditions have been registered against the Title Deed or imposed by the Developer.

Signed at PRETORIA on

CONVEYANCER

QUESTION 6.2.3

Prepared by me

CONVEYANCER
ALLEN NOTHER

FOLLOW FORM F

CERTIFICATE OF REAL RIGHT UNDER SECTION 12(1)(e) OF THE SECTIONAL TITLES ACT, 1986

WHEREAS,

S.A.L.T PROPERTIES (PTY) LTD
REGISTRATION NUMBER: 2000/007410/07

Herein represented by Duly authorized thereto by a resolution of the directors
(hereinafter called the Developer)

has applied for the registration of a Sectional Plan in terms of Section 11(1) of the Sectional Titles Act, 95 of 1986;

AND WHEREAS the Developer has reserved for itself the right to extend the scheme as contemplated in Section 25(1) of the Act;

NOW THEREFORE, in pursuance of the provision of the said Act, I, the Registrar of Deeds at Pretoria do hereby certify that the Developer is the registered holder of the right to erect and complete from time to time within a period of 1 (one) year for its personal account a further building or buildings, or horizontal extension of an existing building or vertical extension of an existing building, in terms of Section 25(1) of the Act on the specified portion of the common property as indicated on the plan referred to in Section 25(2)(a) of the Act, filed in this office, and to divide such building or buildings into a section or sections and common property, and to confer the right of exclusive use over a portion of such common property upon the owner or owners of one or more units in the scheme known as SANDTON SKYE in respect of the land and building or buildings situate at MORNINGSIDE EXT 50 City of Johannesburg

and shown on Sectional Plan Number SS _____

Signed at the Office of the Registrar of Deeds at Pretoria on

REGISTRAR OF DEEDS

QUESTION 6.2.4

RCR22/2013 states it should read as follows:

“The right to erect and complete from time to time within a period of years with effect as from the date of the registration of the real right of extension KiS for his personal account on the specified portion of the common property as indicated on the plan referred to in Section 25(2)(a) of the Act, filed in this office, and to divide such building or buildings into a section or sections and common property, and to confer the right to exclusive use over a portion of such common property upon the owner or owners of one or more units in the scheme known as in respect of the land and building or buildings situated at Erf Province Gauteng, Registration Division as shown on Sectional Plan No. SS43/2002, with the exclusion of the rights of extension already cede.”

QUESTION 7

Section 40(5)(b) provides that, if the properties which are to be consolidated are mortgaged under separate bonds, the bonds must be cancelled. In this case it will be sufficient to cancel only one bond (in terms of section 40(5)(b)) and the provisions of Section 40(5)(a) can then be applied to the other bond. Section 40(5)(a) stipulates that if a portion only of the land to be consolidated is mortgaged by the same bond, all the land to be consolidated may be substituted for the land originally mortgaged under the bond.

First step: A must obtain a re-advance from first bank for R200 000.00 and use it to pay Best Bank. The bond in favour of Best Bank can then be cancelled.

Second step: Erf 1 can then be substituted by the consolidated property under the bond in favour of First Bank.

QUESTION 8

The purpose of the question is to test your knowledge on the procedure to be followed when property is sold. You must show insight in obtaining release figures for the share to be transferred, the issue of guarantees, etc. It must also be noted that it is not necessary for B to obtain a CRT for his half share because he is transferring the whole of his share.

Lodge:

- (1) Title deed and draft
- (2) Certificate of real rights and bilateral Notarial cession of EAU
- (3) Draft sectional bond
- (4) Transfer duty receipt
- (5) Rates Clearance
- (6) Section 15(B)(3) certificate by conveyance
- (7) Existing mortgage bond and Release by Best Bank

QUESTION 9

Prepared by me

Conveyancer
Alice Jones

LAW SOCIETY
OF SOUTH AFRICA
APPLICATION IN TERMS OF SECTION 25(3) OF THE DEEDS REGISTRIES ACT 47/1937

We, the undersigned

1. Joe Spade
Identity number:
Married out of community of property

2. Anna King (born Spade)
Identity number:
Married in community of property to John King which community is excluded by virtue of the stipulations in the will of the late Edward Spade, dated 1 November 2000

Do hereby apply in terms of Section 25(3) of the Deeds Registries Act 47/1937

For the endorsement of Deed of Transfer T under which is held

Erf 123 Bluff

Registration Division FT

Province of KwaZulu-Natal

In extent: 1000 (One thousand) square metres

Whereas we are the only children born of the marriage between Paul Spade and Kate Spade and are now ascertained following the death of Paul Spade on 1 September 2015;

Now therefore, we hereby apply for the endorsement of Deed of Transfer T14205/2012 to the effect that our names be contained in the Title deed and that we shall be entitled to deal with the said property as if we had taken formal transfer subject to the exclusion of community as more fully set out in the will of the late Edward Spade dated 1 November 2000.

We hereby declare the value of the property to be the sum of R1 000 000 (One Million Rand)

Signed at Durban on day of 2017.

Joe Spade

Anna King

LAW SOCIETY
OF SOUTH AFRICA