



Practical Conveyancing for Attorneys

Summary of course content

Module 1

Conventional & Sectional Deeds of Transfer
Theory

Module 2

Conventional Deed of Transfer with Sectional Title Transfer input
Practical case study

Module 3

Mortgage bonds – registration and cancellation procedure
Theory & practice

What to expect from each module

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 attorney's 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





- Analysis of a deed of transfer including the purpose of the deed of transfer
 - the purpose of the deed of transfer
 - formalities and rules when preparing a deed of transfer
 - general background on the Sectional Titles Act including terminology and concepts peculiar to sectional titles
 - in detail analysis of the clauses of a deed of transfer
 - Preparation certificate
 - Heading
 - Preamble
 - All types of party descriptions
 - Recital and vesting clauses
 - Property clause
 - Extending clause
 - Conditional clause
 - Divesting clause
 - Consideration clause
 - Execution clause
 - deeds to follow sequence of their relative causes
 - how real rights will be transferred
 - discussion on exclusive use of common property & real right of extension
- Overview of the opening of a sectional title register as well as the necessary documents to be lodged in the deeds office
- Discussion of section 15B(3)(a) Conveyancer Certificate and section 15B(3)(c) Affidavit by the developer
- Documents to be lodged at the deeds registry
- Theory on transfer procedures to follow in a conveyancing practice from opening of the file to the closing thereof
- Discussion on the different types of powers of attorney including full discussion and analysis of a power of attorney to transfer land
 - various examples of powers of attorney
 - special power of attorney
 - general power of attorney
 - execution by prospective owners
- Important procedures, practices and ethics in a conveyancing practice





Module 2 – Conventional Deed of Transfer (Practical case study) with Sectional Title Transfer input

- Practical case study for the transfer of a full title property by means of a deed of transfer, including the following:
 - receipt of instruction and opening of a file
 - analysis of an agreement of sale
 - obtaining information e.g. deeds search, cancellation figures, clearance figures, FICA documents of all parties involved
 - analysis of a registered title deed – comparison with a Sectional Title Transfer will constantly be discussed
 - preparation of supporting documents e.g.
 - documents for signature by seller and purchaser
 - drafting of a deed of transfer (all clauses)
 - and a notarial deed of cession of exclusive use area
 - special conditions and how to deal with them accordingly
 - explanation of an application in terms of section 4(1)(b) as well as section 68(1)
 - financial arrangements e.g.
 - obtaining all necessary certificates
 - transfer duty receipt & VAT (basic principles)
 - requesting guarantees
 - drafting of pro forma statement of account
 - all matters pertaining to lodgement and registration
 - finalisation of the file including drafting of final accounts, and balancing all finances on a file
 - closure of file
- Thorough explanation and calculation of finances pertaining to a transfer

Module 3 – Mortgage bonds – Registration and cancellation procedure

- Theory and practical examples for the registration and cancellation of mortgage bonds, including:
 - Useful background
 - Loan application and different bond registration procedures
 - bond registration with simultaneous transfer
 - bond switch
 - 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

