



Practical conveyancing for attorneys

Purpose

- To provide step-by-step updated and thoroughly researched knowledge and skills to newly admitted conveyancers, candidate attorneys and sole proprietors working without a conveyancing typists who want to improve their overall work performance and client service.
- Comprehensive explanatory theoretical training manual.
- Extensive examples.
- After completion of this course the attendees will be able to work timely and with greater efficiency in conveyancing, using their user friendly notes as an “office bible”.
- Attendance courses are presented by approachable lecturers, maximizing motivation and a love for conveyancing.

Who should attend?

- This course is suitable for people who already have a degree of theoretical knowledge of conveyancing, who want to improve their knowledge and skills, being -
 - newly admitted conveyancers,
 - sole proprietors working without a conveyancing typist, and
 - attorneys who want to establish a proven system in their offices.
- Candidate attorneys will also benefit from this course.
- The presentation focusses on the practical application of conveyancing and therefore attendees should study the theoretical part in advance.
- This is a well-recognised and popular course and lays the essential foundation on which to build a more advanced knowledge of conveyancing.

What to expect from each module - content

➤ Part 1 – Conventional & Sectional Deed of Transfer (Theory)

- General background on conveyancing
 - ✓ including the South African Land Registration System,
 - ✓ Deeds Office
 - ✓ the role of a conveyancer
 - ✓ the role of a conveyancing typist
 - ✓ the Deeds Act
 - ✓ differences of cheque accounts of an attorneys firm
 - ✓ terminology and concepts peculiar to conveyancing
 - ✓ parties involved in a single transfer
 - ✓ documents to be lodged at the deeds registry
- Purpose and provisions of an agreement of sale
- Analysis of a deed of transfer including
 - ✓ 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 and
 - Execution clause
- ✓ deeds to follow sequence of their relative causes
- ✓ how real rights shall 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 and
 - ✓ execution by prospective owners
- Important procedures, practices and ethics in a conveyancing practice.

➤ **Part 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, and



- 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.

➤ **Part 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 and
 - 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 and
 - ✓ 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.