

## Basic Diploma in Conveyancing Practice

### Purpose of the basic diploma course

- To provide step-by-step updated and thoroughly researched knowledge and skills to anyone from a beginner to a conveyancing typist who wants to improve his or her overall work performance and client service.
- Comprehensive explanatory theoretical training manual.
- Extensive examples in each module.
- After completion of this basic diploma course the attendees will be able to work independently and efficiently in the field of conveyancing, using their user-friendly notes as an “office bible”.
- Attendance courses are presented by approachable lecturers, capable of motivating learners and inspiring them with a love for conveyancing.

### Silver & Gold Certificates

- We do not issue meaningless attendance certificates. A Silver Certificate for each module is only issued upon successful completion of the evaluation by the learner as proof that the learner has the ability to apply the learning content that relates to a certain module.
- The pass mark for each module is 50%. A mark exceeding 90% will earn an honours certificate.
- A Gold Certificate is issued upon receipt of an affidavit from the learner’s employer to the effect that a certain prescribed type of work, related to the relevant module, has been completed independently and faultlessly.
- An administration fee of R110 (VAT included) is payable in respect of each Gold Certificate and Gold Diploma requested.

### Who should attend?

- This diploma is suitable for anyone from a beginner to someone who has been working in conveyancing practice for some years and wants to improve his or her knowledge and skills.
- Candidate attorneys and paralegals will also benefit from this diploma.
- This is a widely 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

#### ➤ Module 1 – Conventional Deed of Transfer (theory)

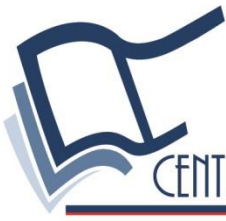
- General background on conveyancing, including the following:
  - ✓ the South African land registration system
  - ✓ the deeds registry
  - ✓ the role of a conveyancer
  - ✓ the role of a conveyancing typist
  - ✓ the Deeds Registries Act
  - ✓ differences in cheque accounts of an attorney's firm



- ✓ 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
  - ✓ detailed analysis of the clauses of a deed of transfer
    - Preparation certificate
    - Heading
    - Preamble
    - All types of party description,
    - 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 should be transferred
  - ✓ various sections issued under the Deeds Registries Act
- Theory on transfer procedures to be followed in a conveyancing practice from the opening of a file to closure of the file
- Discussion of the different types of power 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)**

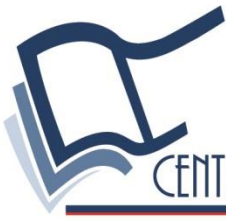
- Practical case study for the transfer of a full title property by means of a deed of transfer, including the following:
  - ✓ receipt of instruction and opening of a file
  - ✓ analysis of an agreement of sale
  - ✓ obtaining information, e.g. deeds search, cancellation figures, clearance figures, FICA documents of all parties concerned
  - ✓ analysis of a registered title deed
  - ✓ preparation of supporting documents, e.g.
    - documents for signature by seller and purchaser
    - drafting of a deed of transfer (all clauses)
  - ✓ 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 of all financial transactions on a file



- ✓ closure of file
- Thorough explanation and calculation of financial arrangements pertaining to a transfer.
- Evaluation for Silver Certificates - Modules 1 & 2

➤ **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
  - ✓ Perusal of bond instructions
  - ✓ Obtaining of information and documents
  - ✓ Content of all correspondence
  - ✓ Drafting of the bond documents such as guarantees
  - ✓ Dispatch of documents to bank
  - ✓ Lodgement, preparation, registration and delivery
- Useful hints are also supplied
- Theory and practice relating to 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 of different types of bond, 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
  - ✓ consent to various registration procedures
  - ✓ cession of a mortgage bond
  - ✓ substitution of a debtor and section 45 spouses married in community of property
- Evaluation for Silver Certificate – Module 3



## Diploma in Conveyancing Practice

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- Comprehensive explanatory theoretical training manual.
- Extensive examples in each module.
- After completion of this diploma course, the attendees will be able to work independently and efficiently with more complicated conveyancing procedures, using their user-friendly notes as an “office bible”.
- Attendance courses are presented by approachable lecturers, capable of motivating learners and inspiring them with a love for conveyancing.

### Silver & Gold Certificates

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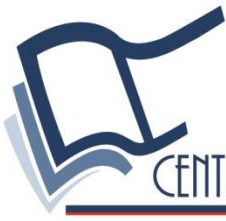
### Who should attend?

- This diploma is suitable for persons who have already done the Basic Diploma or who have been actively working in a conveyancing practice for 1 or 2 years and who want to improve their knowledge and skills.
- Candidate attorneys and paralegals will also benefit greatly from this diploma.
- The course would also be beneficial to conveyancers who want to refresh their knowledge and skills.
- More specialised topics are covered in this course. Although the notes are fully explanatory attendees need a basic knowledge of conveyancing.
- This is a widely recognised and popular course and lays the foundation on which to build an even more advanced knowledge of conveyancing.

### What to expect from each module – content

#### ➤ Module 4 - Sectional Deed of Transfer (theory)

- General background on the Sectional Titles Act including terminology and concepts peculiar to sectional title transactions
- Overview of the opening of a sectional title register along with the necessary documents for lodgement in the deeds registry



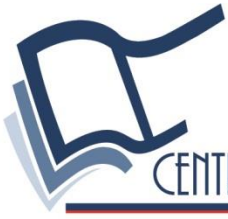
- Analysis of sectional title deed of transfer through comparison with a conventional deed of transfer
- Discussion of section 15B(3)(a) conveyancer's certificate and section 15B(3)(c) affidavit by the developer
- Documents to be lodged at the deeds registry
- Conveyancer's responsibilities in terms of section 15A
- Joint ownership of a unit in undivided shares, section 15B(4), 15B(5) and 15B(5A)
- Discussion of exclusive use of common property and real right of extension
- Overview of sectional mortgage bonds

## ➤ **Module 5 - Sectional Deed of Transfer (practical case study)**

- Practical case study for the transfer of a sectional deed of transfer, including:
  - ✓ receipt of instruction, opening of a file
  - ✓ analysis of an agreement of sale
  - ✓ obtaining information e.g. deeds searches, cancellation figures, clearance figures, FICA documents of all parties involved
  - ✓ analysis of a registered title deed
  - ✓ preparation of supporting documents, e.g. documents for signature by seller and purchaser, and drafting of a sectional deed of transfer (all clauses) and a notarial deed of cession of exclusive use areas
  - ✓ special conditions and how to deal with them appropriately,
  - ✓ explanation of an application in terms of section 4(1)(b)
  - ✓ maintenance of correspondence
  - ✓ financial arrangements such as all certificates, transfer duty receipt and VAT (basic principles) and guarantees, drafting of *pro forma* statement of account,
  - ✓ lodgement and registration
  - ✓ finalisation of the file, including drafting of final accounts, and balancing all financial transactions on a file
  - ✓ closure of file
- Thorough explanation and calculation of financial matters pertaining to a transfer.
- Evaluation for Silver Certificates - Modules 4 & 5

## ➤ **Module 6 - Estate Transfers**

- Background to estate transfers and the applicable acts
- Terminology and concepts peculiar to estate transfers
- Theory and practical training in the transfer of a property from a solvent deceased estate as a result of a sale or an inheritance, including:
  - ✓ description of parties
  - ✓ section 42(1) and 42(2) certificates
  - ✓ extensive discussion of form JM33
  - ✓ drafting of various types of *causae*,
  - ✓ divesting of a joint estate
  - ✓ supporting documents to be lodged
  - ✓ transfer duty/ VAT implications
- Full discussion on section 18(3) estates, including documents to be lodged as a result of inheritance or sale
- Transfers pertaining to intestate inheritance of black persons, including the application of the Reform of Customary Law of Succession and Regulation of Related Matters Act 11 of 2009 to the administration of black estates



- Estate endorsements in terms of
  - ✓ section 45(1) of the Deeds Registries Act
  - ✓ sections 39(2), 39(3) and 40(1)(b) of the Administration of Estates Act
  - ✓ applicable sections of the Administration of Estates Act (sections 37, 38, 41, 49, 78, 79, 80, 81 and 94)
- Insolvent deceased estate transfers
- Execution transfer procedures, including documents to be lodged
- Evaluation for Silver Certificate - Module 6