

DIE REPUBLIEK VAN SUID-AFRIKA

TRANSPORTBESORGINDEKSAMEN

DEEL 1

11 MEI 2016

4 Uur

08:30-12:45

Kandidate kry 15 minute om die vraestel deur te lees voor hulle begin skryf. Geen kandidaat mag tydens hierdie tyd in die antwoordboek begin skryf nie. Die eksamen van 4 uur volg dan.

LET ASSEBLIEF OP DIE VOLGENDE:

1. Skryf asseblief die nommer wat aan u toegeken is op die omslag van u antwoordboek.
2. Kandidate moet leesbaar en netjies skryf. Wat vir die kandidaat (wat aan sy eie handskrif gewoon is) leesbaar mag lyk, is nie altyd leesbaar vir die eksaminatore nie. Daar kan nie van die eksaminatore verwag word om skrif te ontsyfer nie, nog minder is dit regverdig (teenoor ander kandidate) om te verwag dat die eksaminatore dit moet doen. Indien die handskrif van die kandidaat nie duidelik leesbaar vir die eksaminatore is nie, loop die kandidaat gevaar om baie punte te verloor. GEBRUIK SLEGS 'N VUL- OF BALPUNTPEN VIR U ANTWOORDE.
3. Gebruik asseblief net een kant van elke bladsy.
4. Besonderhede, veral die beskrywing van eiendomme, mag verander word om te voldoen aan die heersende praktyk in u aktekantoor. Indien 'n vraag egter betrekking het op plaaseiendom, mag die beskrywing NIE verander word na dié van 'n erf in 'n dorp nie.
5. Kandidate moet sodanige verdere besonderhede verskaf as wat nodig mag wees om die verlangde dokument behoorlik op te stel, afkortings (ID XXX), alfabetiese simbole vir name, "ens"/"...." is dus onaanvaarbaar.
6. Aktes en dokumente wat opgestel word, moet voldoen aan die vereistes van die Akteswet en regulasies, met ander woorde asof bedoel vir indiening by die aktekantoor.
7. Kandidate **MOET ALLE** vrae beantwoord.
8. Tensy daar 'n spesiale rede bestaan, word 'n kandidaat nie vir 'n mondeling ingeroep as 'n totaal van 50% en meer behaal is nie. Indien 'n kandidaat 'n totaal van tussen 40% en 49% behaal slaag hulle nie die eksamen nie en sal hy/sy 'n mondelinge moet aflê ten einde die eksaminatore te oortuig dat hy/sy wel oor voldoende kennis beskik om die eksamen te slaag. Kandidate wat minder as 40% behaal sal nie kwalifiseer vir 'n mondeling nie en druiop dus hierdie eksamen.

TOTALE PUNTE: [200]

THE REPUBLIC OF SOUTH AFRICA

CONVEYANCING EXAMINATION

PART 1

11 MAY 2016

4 Hours

08:30-12:45

Candidates are allowed 15 minutes to peruse the paper before starting to answer the questions. No candidate may start writing in the answerbook during this period. The examination of 4 hours then follows.

PLEASE NOTE:

1. Please write the number allocated to you on the cover of your answer book.
2. Candidates **must** write legibly and neatly. What may appear to a candidate (being accustomed to his own handwriting) to be legible, may **not** be legible to the examiners who cannot be expected to guess what has been written, nor would it be correct or fair (to other candidates) to expect the examiners to do so. If a candidate's handwriting is not clearly legible to the examiners, the candidate runs the risk of losing many marks. **ANSWERS MUST BE WRITTEN ONLY IN INK OR WITH A BALLPOINT PEN.**
3. Please use only one side of each page.
4. Details, especially the description of properties, may be changed to comply with the practice prevailing at your deeds office. However, if a question relates to farm property, the description may **NOT** be changed to that of an erf in a township.
5. Candidates must furnish such further details as may be necessary to draw properly the required deeds or documents, eg abbreviations (ID XXX), alphabetical symbols for names, and "etc"/"...." are unacceptable.
6. Deeds and documents to be drawn must comply fully with the requirements of the Deeds Registries Act and regulations, i.e. as if intended for lodgement in a deeds registry.
7. Candidates **MUST ANSWER ALL** questions.
8. Except if a special reason exists, a candidate will not be required to do an oral if 50% aggregate or more is attained. If a candidate achieves an aggregate of between 40% and 49% he/she will have failed the examination and will be required to do an oral in order to convince the examiners that he/she does have sufficient knowledge to pass the exam. Candidates who attain less than 40% will not qualify for an oral and will have failed this examination.

TOTAL MARKS: [200]

VRAAG 1 [5]

Mishka Singh is die verbandgewer van 'n verband vir R800 000,00 wat ten gunste van Best Bank geregistreer is en gesedeer is aan Central Bank as sekuriteit. Mishka het die verband ten volle betaal.

Gebruik jou eie feite en stel die nodige dokument(e) op wat benodig word om die verband te kanselleer.

VRAAG 2 [15]

Anna Bates, 'n weduwee met identiteitsnommer 351017 0014 08 4, is die houer van verband B67594/2012 vir 'n kapitale bedrag van R120 000,00 en 'n addisionele bedrag van R2 000,00 wat in haar guns geregistreer is. Haar seun Philip Bates, identiteitsnommer 651128 5086 082, getroud buite gemeenskap van goedere is die verbandnemer. 'n Lening is goedgekeur in Anna Bates se guns vir R50 000,00 deur Best Bank Beperk. As sekuriteit vereis die bank 'n sessie van die bogemelde verband. Die volle bedrag verseker deur die verband is steeds uitstaande.

2.1 Stel die nodige sessie op. (10)

2.2 Phillip Bates het al die geld verskuldig aan sy ma terugbetaal ten opsigte van die verband en sy het intussen alle uitstaande gelde terugbetaal aan die bank. Lys die dokumente wat ingedien moet word om die verband te kanselleer. (5)

VRAAG 3 [10]

Larry White, identiteitsnommer 630101 6262 08 2, ongetroud is die geregistreerde eienaar van Erf 150 Umkomaas wat gehou word kragtens Akte van Transport T 8282/2006. Daar is geen verband geregistreer oor die eiendom nie. Gedurende 2009 het Larry White getrou met sy huidige vrou, Sarah White binne gemeenskap van goedere. Sarah is nie gelukkig dat die eiendom slegs in haar man se naam geregistreer is nie. Die eiendom is waar die

QUESTION 1 [5]

A mortgage bond for R 800 000,00 passed by Mishka Singh in favour of Best Bank has been ceded by Best Bank to Central Bank as security. Mishka has repaid the bond in full.

Inventing your own facts, draw the document(s) required to cancel the bond.

QUESTION 2 [15]

Anna Bates, identity number 351017 0014 084, a widow, is the holder of Mortgage Bond B 67594/2012 for the sum of R120 000,00 with a contingency provision of R12 000,00, which was passed in her favour by her son, Phillip Bates, identity number 65 1128 5086 08 2, married out of community of property. Anna Bates has been granted a loan of R50 000,00 by Best Bank Limited. As security, the bank requires cession of the said bond. The full amount is still owing under the bond.

2.1 Draw the cession. (10)

2.2 Phillip Bates has now repaid all monies due by him to his mother in terms of the bond and she in turn has discharged her indebtedness to the bank. List the documents to be lodged to cancel the bond. (5)

QUESTION 3 [10]

Under Deed of Transfer T 8282/2006, Erf 150 Umkomaas is registered in the name of Larry White, identity number 630101 6262 08 2, unmarried. The property is not mortgaged. In 2009 Larry White married his present wife, Sarah White, in community of property. Sarah is not happy that the property is registered only in the name of her husband. The property serves as the residence of the spouses and has, since the marriage, been improved using cash which

eggenote woon en Sarah het met haar geld verbeterings aangebring aan die eiendom. Larry is gewillig om die nodige aksie te neem om sy vrou se belange te beskerm.

Stel die nodige dokumente op wat die akteskantoor gaan benodig om die nodige veranderinge te maak.

VRAAG 4**[10]**

Sybill Crawley wat binne gemeenskap van goedere getroud was met Tom Branson is die geregistreerde eienaar van Erf 123 Bronberg Park, Uitbreiding 12. Op 12 Januarie 2013 is Sybill en Tom geskei en die egskeidingsbevel verwys slegs na die verdeling van die gemeenskaplike boedel. Sybill Crawley het jou genader om 'n verband te registreer ten opsigte van haar aandeel in die eiendom.

Stel die nodige aansoeke op wat voor of tydens die verbandregistrasie geregistreer moet word. Gebruik u eie verdere besonderhede.

VRAAG 5**[20]**

Jim Cook, identiteitsnommer 750106 505088, ongetroud (die eienaar van die blote eiendom) en sy pa John Cook, identiteitsnommer 451018 5092 00 1 (die vruggebruiker) wat getroud is welke huwelik beheer word deur die wette van Engeland, verkoop Gedeelte 1 van die Plaas Mooikloof, groot 1000 Hektaar aan the Cook Trust vir R800 000,00 op 17 April 2014. Hy gee die volgende dokumente aan jou:

- a) Volgens die koopkontrak word die eiendom verkoop onderhewig aan 'n voorkoopsreg ten gunste van die verkopers. Die eiendom is verder onderhewig aan 'n serwitut van reg van weg ten gunste van die Restant van die plaas.
- b) Die plaas Mooikloof, groot 2 000 Hektaar word gehou kragtens Akte van Transport T4321/1996 en bevat slegs twee voorwaardes naamlik:

Sarah has brought into the marriage. Larry is perfectly happy to take the necessary action to protect his wife's interests.

Draw the document which the deeds office will require to give effect to the wishes of the spouses.

QUESTION 4**[10]**

Sybill Crawley who was married in community of property to Tom Branson, is the registered owner of Erf 123 Bronberg Park, Extension 12. On 12 January 2013, Sybill and Tom were divorced and the divorce court order refers merely to a division of the joint estate. Sybill Crawley now approached you to register a mortgage bond in respect of her share in the said erf.

Draft the necessary applications for the acts of registration that must take place before or simultaneously with the registration of the mortgage bond. Use your own further particulars.

QUESTION 5**[20]**

Jim Cook, identity number 750106505088, unmarried (the owner of the bare dominium) and his father John Cook, identity number 451018 5092 00 1 (the usufructuary) married, which marriage is governed by the laws of England, sell the proposed Portion 1 of the farm Mooikloof, in extent 1000 hectares, to the Cook Trust for R800 000,00 on 17 April 2014. They hand you the following:

- a) The deed of sale from which it appears that the property is sold subject to a pre-emptive right in favour of the sellers. The property is further subject to a servitude of right of way in favour of the Remaining Extent of the farm.
- b) Deed of Transfer T 4321/1996 in terms of which the farm Mooikloof, in extent 2000 hectares, is held, contains only two conditions, namely:

- i) Dat die minerale regte (kool uitgesluit) gereserveer is ten gunste van Mineral Investments Beperk; en
- ii) Die vruggebruik ten gunste van John Cook.

Daar is nie 'n verband geregistreer oor die eiendom nie.

- c) Jy ontvang die goedgekeurde onderverdelingsdiagram S.G. No 321/2012 ten gunste van Gedeelte 1 van die Plaas Mooikloof waarop die volgende serwituutnotas voorkom:
"Lyn a verteenwoordig die middellyn van 'n serwituut 10 meter wyd vir padgebruik."

Stel die volmag op sodat oordrag kan plaasvind na die trust. Gee verdere inligting sodat jou antwoord volledig is.

VRAAG 6**[12]**

Black Balance (Pty) Ltd het onlangs 'n deeltitelregister geopen ten opsigte van 'n ontwikkeling wat bekend staan as Royal Gardens, geleë te Erf 155 Kloof. Die skema word aangedui op deelplan SS 452/2012 en bestaan uit 5 eenhede. Al die eenhede is vir residensiële doeleindes. Die grootte van die eenhede is 96 vierkante meter elk. Daar is geen uitsluitlike gebruiksaareas nie.

Geen van die eenhede is verkoop deur die Maatskappy nie. Al die eenhede word geokkupeer deur huurders. Geen reg van uitbreiding is gereserveer ten gunste van die ontwikkelaar nie. Black Balance (Pty) Ltd het op die 4 de Mei 2016 die skema aan Equal Balance (Pty) Ltd verkoop vir R5 000 000,00. Die koopkontrak bevat 'n klousule dat daar bestaande huurkontrake is waarmee die koper tevrede is en stem toe om die skema te koop onderhewig aan die bestaande huurooreenkomste.

- a) Beskryf die causa en eiendomsbeskrywing soos wat dit sal voorkom in die transportakte. (7)

- i) That the rights to all minerals (excluding coal) are reserved in favour of Mineral Investments Limited, and
- ii) The usufruct in favour of John Cook;

No bond is registered over the property.

- c) You are provided with the approved subdivision diagram S.G. No 321/2012 in respect of Portion 1 of the farm Mooikloof on which the following servitude note appears:
"The line a represents the centre line of a servitude 10 metres wide for road purposes."

Draw the power of attorney to pass transfer to the trust. Provide such further details to complete your answer fully.

QUESTION 6**[12]**

Black Balance (Pty) Ltd recently caused a sectional title register to be opened in respect of a development scheme known as Royal Gardens, situate on Erf 155 Kloof. The scheme is depicted on Sectional Plan SS 452/2012 and it consists of 5 units, all being residential flats. The floor area of each section is 96 square metres. There are no exclusive use areas.

None of the units has thus far been sold by the Company. All units are occupied by tenants. No right to extend has been reserved by the developer. Black Balance (Pty) Ltd has sold on the 4th of May 2016, the scheme to Equal Balance (Pty) Ltd for the sum of R5 000 000,00. The agreement of sale contains provisions acquainting the purchaser fully with the details of the existing leases, the purchaser being quite happy to purchase the scheme subject to the existing leases.

- a) Draw the causa and property description as it will appear in the deed of transfer. (7)

- b) Lys die dokumente vir indieningsdoeleindes. (5)

VRAAG 7 [25]

Erf 123 Hillcrest is geregistreer in die name van Donald Duck en Daisy Duck. Die partye is buite gemeenskap van goedere getroud. Donald Duck was gesekwestreer op 1 Mei 2015 en Paul Rush was aangestel as die trustee van sy insolvente boedel. Die trustee, met die toestemming van sy vrou en die Meester van die Hooggeregshof het die eiendom vir R2 500 000,00 verkoop aan Bargain Properties (Pty) Ltd. Die eiendom was beswaar met 'n verband ten gunste van Liberal Bank, daar was R1 000 000,00 uitstaande ten tyde van sekwestrasie.

Gebruik jou eie besonderhede waar nodig.

- a) Stel die volmag op om transport te gee aan Bargain Properties (Pty) Ltd. (10)
- b) Lys die volgorde van die transaksies en dokumente wat ingedien moet word. (5)
- c) Wat is die bedrag betaalbaar ten opsigte van die hereregte? Sit jou berekeninge duidelik uiteen. (4)
- d) Jy is in kennis gestel dat die titelakte en verband verlore is. Hoe sal jy hiermee handel? (6)

VRAAG 8 [10]

Koos Koekemoer is getroud met sy vrou Sophie in Engeland terwyl hy gedomisilieërd was in Israel. Hy woon tans in Suid Afrika en is die eienaar van Erf 123 Bellville. Op 16 Januarie 2015 het hy die eiendom aan sy vrou Sophie geskenk.

- 8.1 Stel die aanhef, causa en die vestigingsklousule op van die Transportakte vir die oordrag aan Sophie. (3)

- b) List the documents that you need to lodge at the deeds office. (5)

QUESTION 7 [25]

Erf 123 Hillcrest is registered in the names of Donald Duck and Daisy Duck. The parties were married out of community of property to each other. Donald Duck was sequestered on the 1st May 2015 and Paul Rush was appointed as the Trustee of his insolvent estate. The trustee, with the consent of the spouse and the consent of the Master of the High Court, sold the property for R2 500 000,00 to Bargain Properties (Pty) Ltd. The property was bonded to Liberal Bank and the sum of R1 000 000,00 was still owing as at date of sequestration.

Inventing your own particulars.

- a) Draw the power of attorney to pass transfer to Bargain Properties (Pty) Ltd. (10)
- b) List the sequence of transactions and the documents to be lodged in the deeds office. (5)
- c) Calculate the amount of transfer duty payable. Show your calculations in detail. (4)
- d) You have been advised that the title deed and the mortgage bond are mislaid. How would you deal with this? (6)

QUESTION 8 [10]

Koos Koekemoer married his wife, Sophie, in England while he was domiciled in Israel. He now stays in South Africa and he owns Erf 123 Bellville. On 16 January 2015 he donated the said erf to Sophie.

- 8.1 Draw the Pre-ambule, recital and vesting clause of the deed in which he passes ownership to Sophie. (3)

8.2 Hoe sal die transaksie geaffekteer word as Koos gedomisilieërd was in Suid Afrika toe hy getroud is? (2)

8.2 How will the transaction be effected if Koos was domiciled in South Africa at the time of the marriage? (2)

8.3 Is daar enige skenkingsbelasting betaalbaar? Verduidelik kortliks. (5)

8.3 Is donations tax payable? Discuss briefly. (5)

VRAAG 9 [15]

QUESTION 9 [15]

Koos Koekemoer is die eienaar van Erf 123 Bellville en sy buurman, Jan Ellis die eienaar van Erf 456 Bellville. Op 1 Februarie 2016 het hulle ooreengekom om hul eiendomme te ruil. Koos se eiendom is gewaardeer vir R2 000 000,00 en Jan se eiendom vir R1 000 000,00. Hulle het ooreengekom dat Jan vir Koos R1 000 000,00 sal betaal ten opsigte van die balans.

Koos Koekemoer is the owner of Erf 123 Bellville and his neighbour, Jan Ellis, is the owner of Erf 456 Bellville. On 1 February 2016 they agreed to exchange the properties. Koos had his property valued for R2 000 000,00 and Jan's property is valued at R1 000 000,00. They agreed that Jan will pay Koos R1 000 000,00 to equalize the deal.

9.1 Stel die causa van die akte op vir Erf 456 Bellville wat oorgedra word aan Koos; (12)

9.1 Draw the causa in the Deed of Transfer passing ownership of Erf 456 Bellville to Koos; (12)

9.2 Wat is die bedrag vir die hereregte wat betaal moet word, indien enige? (3)

9.2 What transfer duty, if any, is payable? (3)

VRAAG 10 [10]

QUESTION 10 [10]

Koos Koekemoer, ongetroud is 'n ongehabiliteerde insolvent. Na die sekwestrasie van sy boedel het hy Erf 123 Bellville gekoop.

Koos Koekemoer, unmarried, is an unrehabilitated insolvent. Subsequent to the sequestration of his estate, he purchased Erf 123 Bellville.

10.1 Stel die dokument op wat deur sy trustee geteken moet word sodat die eiendom in Koos se naam geregistreer kan word. (5)

10.1 Draw the document that his trustee must sign granting his consent to Koos acquiring the said property. (5)

10.2 Hoe sal jy vir Koos beskryf in die vestigingsklousule van die transportakte? (5)

10.2 How will you describe Koos in the vesting clause of the deed of transfer? (5)

VRAAG 11 [8]

QUESTION 11 [8]

Abdul Armien Properties BK, No 2000/000345/23 het Erf 1235 Hopefield verkoop aan Sannie Louw, ongetroud in terme van 'n koopkontrak aangegaan soos gedefinieer in die Wet op Vervreemding van Grond. Die kontrak is aangeteken teen die akte van die eiendom.

Abdul Armien Properties CC, No 2000/000345/23 sold Erf 1235 Hopefield to Sannie Louw, unmarried in terms of a deed of alienation as defined in the Alienation of Land Act. The contract is recorded against the title deed of the property, being Certificate of Registered Title No T8689/

naamlik Sertifikaat van Geregistreeerde Titel No T8689/2003 met verwysing B12643/2004AL op 24 September 2004. Sannie het nie haar ooreenkoms nagekom om haar skuld te betaal nie nadat sy in terme van artikel 19 van die Wet aangemaan is. Abdul Armien in sy hoedanigheid as die verteenwoordiger van die verkoper het die kontrak gekanselleer. Stel die nodige dokument op wat jy sal indien by die akteskantoor om die kontrak te kanselleer.

VRAAG 12**[15]**

ABC Company Beperk, No 1999/000123/07 is die geregistreeerde eienaar van Erf 1177 Uitenhage gehou kragtens Grondbrief No T1352/1904. Die eienaar het sy akte verloor en toe hy aansoek doen by die akteskantoor vir 'n verlore afskrif is hy in kennis gestel dat die akteskantoor se kopie ook verlore is. Verduidelik die prosedure wat gevolg moet word om 'n nuwe akte te bekom. Stel die nodige aansoek op wat jy sal indien by die akteskantoor. Lys die dokumente vir indieningsdoeleindes.

VRAAG 13**[15]**

A, identiteitsnommer (gebruik u eie besonderhede), ongetroud, B, identiteitsnommer (gebruik u eie besonderhede) getroud buite gemeenskap van goedere en C, identiteitsnommer (gebruik u eie besonderhede), getroud binne gemeenskap van goedere met D, is die eienaars van Erf 7892 Parow gehou kragtens Akte van Transport T8765/2001 waar hulle aangedui word as "wie gesamentlik in vennootskap besigheid dryf as ABC Brothers". Op 15 Junie 2015 het die vennote besluit om die vennootskap te ontbind en aansoek te doen vir die endosseëring van die titelakte sodat hul die eiendom kan besit in hul persoonlike hoedanigheid. Verband B5743/2001 is geregistreeer oor die eiendom in die naam van die vennootskap ten gunste van XYZ Bank Beperk vir R800 000,00 plus die addisionele bedrag van R100 000,00. Stel die dokument op wat jy sal indien by die akteskantoor sodat die vennote in hul persoonlike hoedanigheid skuldenaars is onder die verband. Die volle bedrag is steeds verskuldig onder die verband.

2003, under reference B12643/2004AL on 24 September 2004. Sannie failed to maintain regular payments and after demanding payment of the arrears in terms of Section 19 of the Act, Abdul Armien as representative of the seller, cancelled the agreement. Draw the document that you will lodge at the deeds office to cancel the recordal of the contract.

QUESTION 12**[15]**

ABC Company Ltd, No 1999/000123/07, is the registered owner of Erf 1177 Uitenhage, held by Deed of Grant No T1352/1904. The owner has lost the said title and upon applying for a certified copy thereof, discovered that the Deeds Office copy has been lost as well. Explain the procedure to be followed to obtain a new title deed. Draw the relevant application to be lodged at the Deeds Office. List the documents for lodgement at the Deeds Office.

QUESTION 13**[15]**

A, id no (provide your own details), unmarried, B, id no (provide your own details), married out of community of property and C, id no (provide your own details), married in community of property to D, are the owners of Erf 7892 Parow, under Deed of Transfer No T8765/2001, in which deed they are reflected as "carrying on business in partnership as ABC Brothers". On 15th June 2015 the partners resolved to dissolve the partnership and to make application for the title deed to be endorsed to the effect that the said erf vests in them as individuals. Bond No B5743/2001 is registered over the property in the name of the partnership i.e. XYZ Bank Ltd for the sum of R800 000,00 plus R100 000,00 additional sum. Prepare the document that you will lodge at the deeds office to reflect the individual former partners as debtors under the bond. Assume that the full amount is still due under the bond.

VRAAG 14 [30]

(Kandidate moet verseker dat hulle in besit is van Aanhangsel "A" wat bestaan uit 4 bladsye van Deelplan S.G. No D1026/2015. Dit word benodig om hierdie vraag te beantwoord)

'n Deeltitelskema is geregistreeer oor Erf 227 Brooklyn Dorpsgebied en 'n saaklike reg van uitbreiding was geregistreeer ten gunste van die ontwikkelaar. Hierdie saaklike reg van uitbreiding het verval. Eenhede 1 en 2 was oorgedra deur die ontwikkelaar gelyktydig met die opening van die deetitelregister. Die Regspersoon het besluit om 'n saaklike reg van uitbreiding te registreer ten gunste van die Regspersoon en Deelplan S.G. No D1026/2015 (aangehegte aanhangsel "A") is goedgekeur deur die Landmeter-generaal. Daar is geen verband geregistreeer ten opsigte van die skema nie. Gebruik u eie verdere besonderhede en dan:

- 14.1 Bespreek volledig die prosedure wat gevolg moet word om die Deelplan S.G. No D1026/2015 (aangehegte aanhangsel "A") en saaklike reg van uitbreiding te registreer ten gunste van die Regspersoon. Kandidate moet die indieningsomslae vermeld en skakeling daarvan. Die dokumente wat in elke omslag ingedien word by die Aktekantoor moet uiteengesit word. (10)
- 14.2 Aanvaar nou dat die transaksies vermeld in 14.1 geregistreeer is in die Aktekantoor. Die Regspersoon het versuim om die rekening van die Plaaslike Owerheid te betaal. Die Plaaslike Owerheid het beslaggelê op eenhede 3 en 4 en uitsluitlike gebuiksgebiede, aangrensend die vermelde eenhede, ingevolge 'n Hofbevel en lasbrief tot eksekusie van die Hoër Hof. Die eenhede en uitsluitlike gebuiksgebiede was in eksekusie verkoop op die 5de April 2016 aan ABC (Pty) Ltd deur die Balju. Die koopprys is die bedrag van R800 000,00 (agt honderd duisend rand). Gebruik u eie verdere besonderhede en stel die volmag op om oordrag te bewerkstellig aan ABC (Pty) Ltd. (20)



QUESTION 14 [30]

(Candidates must ensure that they are in possession of Annexure "A" which consists of the 4 pages of Sectional Plan S.G. No D1026/2015. This document is required to answer this question)

A sectional title scheme has been opened on Erf 227 Brooklyn Township and a real right of extension was registered in favour of the developer. This real right of extension has lapsed. Sections 1 and 2 were transferred by the developer simultaneously with the opening of the sectional title register. The Body Corporate of the scheme resolved to register a real right of extension in its favour and Sectional Plan S.G. No D1026/2015 (attached Annexure "A") has been approved by the Surveyor General. There is no mortgage bond registered in respect of the scheme. Invent your own further particulars and then:

- 14.1 Discuss fully the procedure to be followed to register the Sectional Plan S.G. No D1026/2015 (attached Annexure "A") and real right of extension in favour of the Body Corporate. Candidates must also list the lodgement covers and linking of documents for lodgement at the Deeds Office. List the documents to be lodged in each of the lodgement covers. (10)
- 14.2 Assume the transactions listed in 14.1 have been registered in the Deeds Office. The Body Corporate has failed to pay its municipal accounts and the Local Authority attached sections 3 and 4 and the exclusive use areas, adjacent to the sections, in terms of a Court Order and writ of execution issued by the High Court. The sections and exclusive use areas were sold in execution to ABC (Pty) Ltd by the Sheriff of the High Court on the 5th April 2016. The purchase price payable was the sum of R800 000,00 (eight hundred thousand rand). Invent your own further particulars and prepare the Power of Attorney to transfer the properties to ABC (Pty) Ltd. (20)

Aanhangsel / Annexure "A"

SECTIONAL PLAN No. SS Registered at PRETORIA Registrar of Deeds Date:	SHEET 1 OF 4 SHEETS	S.G. No. D1026/2015 Approved  for SURVEYOR-GENERAL Date: 2015 -11- 17
AMENDING SECTIONAL PLAN OF EXTENSION OF SCHEME IN TERMS OF SECTION 25 (and affects Sectional Plan S.G.No.D1037/2002 ; SS100/2003)		
NAME OF SCHEME : ERF 227 BROOKLYN		
DESCRIPTION OF LAND ACCORDING TO DIAGRAM: Erf 227, Brooklyn Township. Province of Gauteng, measuring 2552 square metres		
DIAGRAM No. : S.G.No.A10169/1903		
NAME OF LOCAL AUTHORITY: CITY OF TSHWANE LOCAL MUNICIPALITY		
DESCRIPTION OF BUILDINGS : FOUR BUILDINGS, NAMELY a) Buildings 1 to 3 as on sheet 1 of Sectional Title Plan S.G.No.D1037/2002; SS100/2003 and subsequent phase. b) Building 4, comprising Sections 3 and 4.		
ENCROACHMENTS ON THE LAND : NONE		
EXCLUSIVE USE AREAS: SEE SHEET 2		
CERTIFICATE : I, Eamon Glenn Swart, hereby certify that I have prepared sheets 1 to 4 inclusive, of this sectional plan from survey in accordance with the provisions of the Sectional Titles Act, 1986, and the regulations promulgated thereunder.		
Date : 2015-09-18		Signed :  E.G. Swart (PLS 0998-D) Professional Land Surveyor address: P O Box 12479 Clubview 0014 tel : 012 654-9769 fax: 012 654-3436
Survey Records No. 2070/2015	Compilation : JR7A - 5B4	General Plan S.G. No. A5267/1903 (TM2421)

LAW SOCIETY OF SOUTH AFRICA

SHEET 2 OF 4 SHEETS

S.G. No. D1026/2015

AMENDING SECTIONAL PLAN OF EXTENSION
OF SCHEME IN TERMS OF SECTION 25
(and affects Sectional Plan
S.G.No.D1037/2002; SS100/2003)

Approved

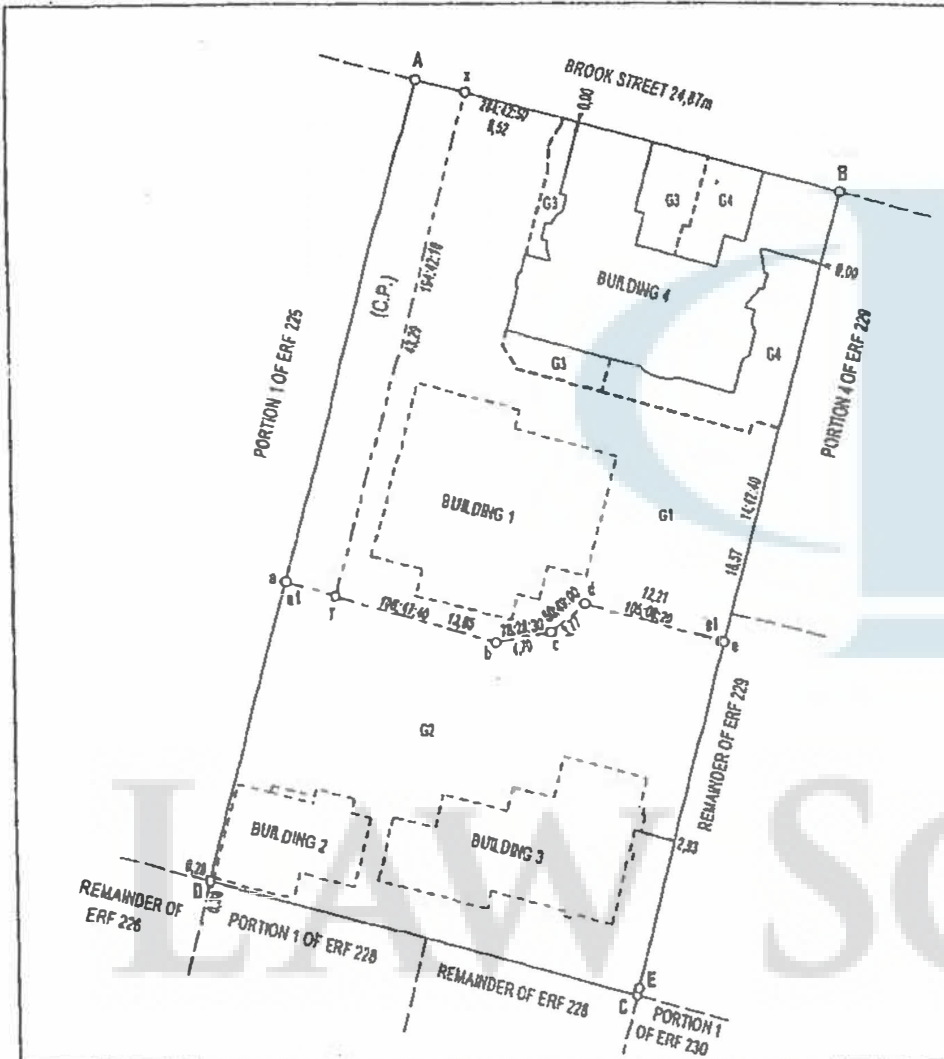
2015 -11- 17

for Surveyor-General Date

AREAS

E.U.A	Square metres
G1	576
G2	741
G3	79
G4	130

LEGEND: G = Yard



NOTES:

- The figure ABCDA represents Erf 227 Brooklyn Township
- Where Exclusive use areas about the buildings they extend to the outer surface of the Building
- (C.P) denotes Common Property.
- denotes previous phase.
- - - - denotes middle of wall.
- denotes not physically defined.
- Beacon Description A,B,C,D,a,e : Not Beacons
B : Corner of Building
- All measurements are given in metres.


a1,b,c,d,e1,x,y : 12mm Iron Peg
E : Hole on Wall

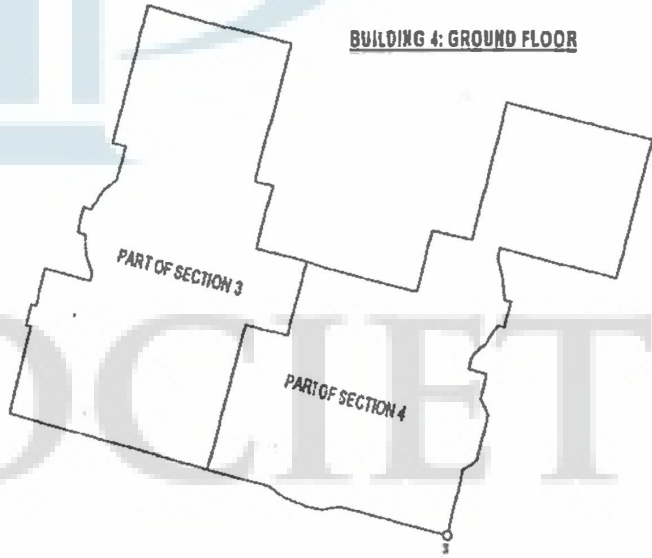
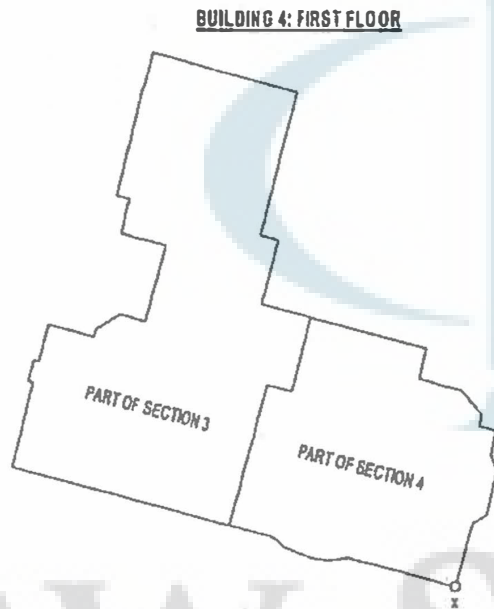
E.G. SWART
Professional Land Surveyor
P O Box 12479
Clubview 0014

[Signature]
signed
date : 2015-09-18


NAME OF SCHEME:
ERF 227 BROOKLYN

NAME OF DRAWING:
BLOCK PLAN and Layout of
Exclusive Use area on the ground
Scale 1 : 400


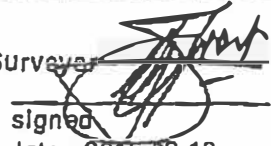
SHEET 3 OF 4 SHEETS	S.G. No. D1026/2015
AMENDING SECTIONAL PLAN OF EXTENSION OF SCHEME IN TERMS OF SECTION 25 (and affects Sectional Plan S.G.No.D1037/2002, SS100/2003)	Approved  2015-11-17 for Surveyor-General Date



NOTES:
 1. The point x depicts corresponding point on ground and first floor levels.
 2. For participation quotas see sheet 4.

E.G. SWART
 Professional Land Surveyor
 P O Box 12479
 Clubview 0014

 signed
 date 2015-09-18

NAME OF SCHEME:
 ERF 227 BROOKLYN
 NAME OF DRAWING:
 BUILDING 4: GROUND AND
 FIRST FLOOR PLANS
 Scale 1 : 200

SHEET 4 OF 4 SHEETS		S. G. No. D1026/2015
AMENDING SECTIONAL PLAN OF EXTENSION OF SCHEME IN TERMS OF SECTION 25 (and affects Sectional Plan S.G.No.D1037/2002; SS100/2003)		Approved  for Surveyor-General
		2015 -11- 17 Date
SECTION NUMBER	FLOOR AREA (Square Metres)	PARTICIPATION QUOTA PERCENTAGE
1	255	21,3926
2	430	36,0738
3	278	23,3221
4	229	19,2115
Total	1192	100,0000
<p>NOTE: Sections 3 and 4 has been added to this Scheme.</p>		
E.G. Swart Professional Land Surveyor P O Box 12479 Clubview 0014		NAME OF SCHEME: ERF 227 BROOKLYN NAME OF DRAWING: PARTICIPATION QUOTA SCHEDULE
 signed date : 2015-09-18		

LAW SOCIETY
OF SOUTH AFRICA