

DIE REPUBLIEK VAN SUID-AFRIKA

TRANSPORTBESORGINDEKSAMEN

DEEL 1

10 MEI 2017

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 leesbaare 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 drup dus hierdie eksamen.

TOTALE PUNTE: [200]

THE REPUBLIC OF SOUTH AFRICA

CONVEYANCING EXAMINATION

PART 1

10 MAY 2017

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**[15]**

U berei 'n koopkontrak voor waar A eiendom verkoop aan B. A het u in kennis gestel dat 'n aangrensende eiendom wat in die naam van X geregistreer is, geregtig is op 'n serwituut van reg van weg oor die eiendom wat aan B verkoop is, welke serwituut nog nie geregistreer is nie.

- 1.1 Stel die bepaling op wat in die koopkontrak vervat moet word ten opsigte van die ongeregisteerde serwituut. (5)
- 1.2 Die serwituut kan op twee maniere geregistreer word. Beskryf die twee moontlikhede. (7)
- 1.3 Beskryf die hereregte implikasies ten opsigte van die serwituut wat geregistreer staan te word. Geen vergoeding is deur X aan A betaalbaar nie. (3)

VRAAG 2**[24]**

Mavis Bates, 'n weduwee, het gesterf op 8 Mei 2016 en nomineer (sonder om hulle name te noem) haar kinders as die enigste en universele erfgename van haar gehele boedel. In terme van die oorledene se testament gedateer 1 Januarie 2016 is daar 'n verdere bepaling wat soos volg lees:

"Die nalatenskap aan my erfgename sal nie deel vorm van die gemeenskap van goed van 'n bestaande of toekomstige huwelik nie."

Best Bank wat aangestel is as mede-eksekuteurs tesame met Lauren Smith, stel u in kennis dat die kinders van die oorledene die volgende is:

- i) Lauren Smith, identiteitsnommer 581010 0093 001 getroud buite gemeenskap van goed;
- ii) Pam Bates, gebore 18 Augustus 1950, identiteitsnommer 500918 0039 089. Pam Bates was getroud binne gemeenskap van goed met Simon Taylor. Die partye is geskei in 2014 en Pam het haar nooiensvan weer terug geneem.

QUESTION 1**[15]**

You are preparing a deed of sale where A is selling a property to B. A has informed you that an adjoining property registered in the name of X is entitled to a servitude of right of way over the property sold to B, which servitude has not been registered.

- 1.1 Draft the clause to be incorporated in the deed of sale relating to the unregistered servitude. (5)
- 1.2 The servitude can be registered in two ways. Describe the two possibilities. (7)
- 1.3 Discuss the transfer duty implications regarding the servitude to be registered. No compensation is payable by X to A. (3)

QUESTION 2**[24]**

Mavis Bates, a widow, died on 8 May 2016 and nominated (without naming them) her children to be the sole and universal heirs of her entire estate. In terms of the deceased's will dated 1st January 2016, there is a further condition in the will which reads as follows:

"The inheritance of my heirs shall not form part of the community of property of a present or future marriage."

Best Bank which is appointed as co-executors with Lauren Smith, informs you that the children of the deceased are the following:

- i) Lauren Smith identity number 581010 0093 001 married out of community of property;
- ii) Pam Bates born 18 August 1950 identity number 500918 0039 089. Pam Bates was married in community of property to Simon Taylor. The parties divorced in 2014 and Pam reverted to her maiden name.

iii) Vivienne Hart, identiteitsnommer 461204 0481 085 getroud met Eric Hart welke huwelik bepaal word deur die reg van Engeland.

Wyle Mavis Bates is die eienaar van Eenheid 11, Tulips, tesame met 'n uitsluitlike gebruiksgebied beskryf as CPT8 vir gebruik as 'n motorafdak. Gemelde eiendom en uitsluitlike gebruiksgebied was verbind aan Better Bank. U stel vas dat die volle bedrag verskuldig onder die verband reeds terugbetaal is.

2.1 Stel die volmag om oordrag te passeer op. Verskaf sodanige verdere besonderhede as wat nodig mag wees. (16)

2.2 Lys die dokumente wat tesame met die oordrag ingedien moet word in die aktekantoor. (8)

VRAAG 3**[14]**

James Blunt, 'n wewenaar, het intestaat gesterf gedurende 2001 en sy kinders, Tom, Dick, Sally en Sue is geregtig op Erf 200 Ballito as enigste intestate erfgename. Die erfgename het 'n herverdelingsooreenkoms aangegaan waarkragtens Tom en Dick oordrag van die eiendom sal kry en Sally en Sue sal geregtig wees op die bewoningsreg ten aansien van die eiendom.

- Tom is getroud buite gemeenskap van goed. Hy het sy van verander na Burns en sodanige aanname van sy nuwe van is geregistreer onder BC157/2000.
- Dick is getroud kragtens 'n geregistreerde siviele verbintenis, met 'n huweliksvoorwaardekontrak.
- Sally is geskei.
- Sue is getroud binne gemeenskap van goed.

3.1 Stel slegs die causa en die vestigingsklousule op soos dit sal verskyn in die akte van transport vanaf die boedel na die relevante erfgename. Begin u antwoord met: "En die Komparant het verklaar dat..." (10)

iii) Vivienne Hart identity number 461204 0481 085 married to Eric Hart which marriage is governed by the laws of England.

The late Mavis Bates is the owner of Unit 11, Tulips together with an exclusive use area described as CPT8 for use as a carport. The said property and exclusive use area were bonded to Better Bank. You ascertain that the full amount owing on the bond has been paid.

2.1 Draw the power of attorney to pass transfer. Provide such further details as may be required. (16)

2.2 List the documents to be lodged in the deeds office together with the transfer. (8)

QUESTION 3**[14]**

James Blunt, a widower, died intestate during 2001 and his children Tom, Dick, Sally and Sue are entitled to Erf 200 Ballito as sole intestate heirs. The heirs entered into a redistribution agreement in terms of which Tom and Dick will receive transfer of the property and Sally and Sue will be entitled to the right of *habitation* in respect of the property.

- Tom is married out of community of property. He changed his surname to Burns and such assumption of surname is recorded under BC157/2000.
- Dick is married in terms of a registered civil union, with an antenuptial contract.
- Sally is divorced.
- Sue is married in community of property.

3.1 Draw only the causa and the vesting clause as it will appear in the deed of transfer from the estate to the relevant heirs. Begin your answer with: "And the Appearer declared that ..." (10)

- 3.2 Hoe sal u die bewoningsreg skep? Stel die bepaling op wat verband hou met die bewoningsreg soos dit sal verskyn in die akte van transport. (4)

VRAAG 4**[25]**

Brian Strong, 'n geskeide, is die verbandhouer onder Verband B8642/1999 in sy guns gepasseer deur Angela Botha, Identiteitsnr. 400503 3020 081, 'n weduwee, vir R200 000,00 tesame met 'n verdere bedrag van R50 000,00 as sekuriteit vir onvoorsiene kostes en betalings. Die verband geld as 'n eerste verband oor Erf 1004 Eshowe en die leningsbedrag onder die verband verseker is steeds uitstaande.

Brian Strong is op 18 Desember 2002 oorlede. In sy testament gedateer 11 Julie 2000, welke deur die Meester aanvaar is, het hy sy hele boedel bemaak aan sy trustee (sy broer, Grant Strong) in trust. Die Trustee sal die gebruikelike magte hê van belegging en om die inkomste uit die trust bates aan te wend vir die onderhoud, opvoeding en algemene bevoordeling van die lewens van die oorledene se kinders, Merle en Andrew Strong, tans onderskeidelik 15 en 13 jaar oud. Die trust moet ontbind sodra die jongste van hierdie kinders die ouderdom van 21 jaar bereik. Die trustbates moet dan gelykop verdeel word tussen die twee kinders of die oorlewende van hulle, en in afwesigheid van 'n oorlewende, danna 'n benoemde liefdadigheidsorganisasie. Grant Strong is aangestel deur die Meester as die eksekuteur van Brian se boedel. Daar is genoeg kontant in die boedel om al die verpligtinge en beredderingskoste te dek.

- 4.1 Stel die dokument op wat nodig mag wees om met die verband te handel in die lig van die feite hierbo vermeld en lys enige ondersteunende dokument(e) en sertifikaat(e) wat, afgesien van die verband self, ingedien moet word in die aktekantoor. Ten opsigte van elke ondersteunende dokument of sertifikaat watingedien word, moet u kortliks aandui die doel daarvan. Let wel u sal gepenaliseer word vir onnodige dokumente. (15)

- 3.2 How will you create the right of habitation? Draw the condition relating to the right of habitation as it will appear in the deed of transfer. (4)

QUESTION 4**[25]**

Brian Strong, a divorcee, is the mortgagee under Mortgage Bond B8642/1999, passed in his favour by Angela Botha, Identity No 400503 3020 081, a widow, for R200 000,00 together with the further amount of R50 000,00 to secure contingent costs and payments. The bond operates as a first mortgage over Erf 1004 Eshowe and the amount of the loan secured by the bond is still owing.

Brian Strong died on 18 December 2002. In his Will dated 11 July 2000, which the Master has accepted, he bequeathed his whole estate to his trustee (who is his brother Grant Strong) in trust. The trustee is to have the usual powers of investment and to utilise the income from the trust assets for the maintenance, education and general advancement in life of the deceased's children Merle and Andrew Strong, now respectively aged 15 and 13 years. The trust is to terminate once the youngest of these children attains the age of 21 years. The trust assets are then to be distributed equally amongst the two children or the survivor of them and, failing such survivor also, to a named charity. Grant Strong has been appointed by the Master as the executor of Brian's estate. There is enough cash in the estate to cover all liabilities and administration costs.

- 4.1 Draw the document required to deal with the bond in the light of the facts mentioned above and list any supporting document(s) and certificate(s) which, apart from the bond itself would have to be lodged in the Deeds Office. In respect of each supporting document or certificate indicate very briefly what purpose it is intended to serve. Note that you will be penalised for listing superfluous documents. (15)

4.2 Ses maande na die transaksie waarna in 4.1 hierbo verwys word geregistreer is, betaal Angela Botha R75 000,00 terug ten opsigte van haar kapitale verskuldigheid onder die verband. Sy wil graag daardie betaling genoteer hê teen die verband. Stel die nodige toestemming op. (10)

VRAAG 5 (AANHANGSEL A) [15]

Erf 1 Goodwood Dorpsgebied (groot: 400 vierkante meter) en Erf 2 Goodwood Dorpsgebied (groot: 342 vierkante meter) is onderhewig aan sekere serwitute, welke aangedui en beskryf word op die afsonderlike kaarte SG no 1/2006 en 2/2006 onderskeidelik, soos meer volledig uiteengesit word in **Aanhangsel "A"** by hierdie vraestel aangeheg.

Die Landmeter Generaal het konsolidasiekaart SG No. 5/2008 goedgekeur waarkragtens Erf 1 en Erf 2 Goodwood Dorpsgebied gekonsolideer staan te word en bekend te staan as Erf 100 Goodwood Dorpsgebied, groot: 742 vierkante meter.

Daar is geen ander voorwaardes in die aktes van transport van Erf 1 en Erf 2 Goodwood Dorpsgebied nie, behalwe daardie serwitute wat aangedui word op die kaarte in Aanhangsel "A".

Stel die eiendomsbeskrywing en voorwaardes op soos dit daar sal uitsien in die Sertifikaat van Gekonsolideerde Titel van Erf 100 Goodwood Dorpsgebied. Die voorwaardes moet behoorlik gekwalifiseer word (indien nodig) om te voldoen aan aktekantoor praktyk. Voorsien u eie besonderhede soos dit nodig mag wees.

VRAAG 6 [7]

In terme van die testament van wyle DAVID SMITH is sy boedel bemaak aan sy seun, JOHN SMITH (identiteitsnommer 620511 5195 08 1) onderhewig aan 'n vruggebruik ten gunste van sy oorlewende gade, MARY SMITH (identiteitsnommer 410413 0179 085) met wie die oorledene getroud was buite gemeenskap van goed.

4.2 Six months after the transaction referred to under 4.1 above has been registered, Angela Botha repays R75 000,00 of her capital indebtedness under the bond. She would like that payment to be recorded against the bond. Draw the necessary consent. (10)

QUESTION 5 (ANNEXURE A) [15]

Erf 1 Goodwood Township (measuring 400 square metres) and Erf 2 Goodwood Township (measuring 342 square metres) are subject to certain servitudes, which are reflected and described as per the separate diagrams SG No 1/2006 and 2/2006 respectively, as will more fully appear from **Annexure "A"** annexed to this question paper.

The Surveyor General has approved a consolidation diagram SG No. 5/2008 in terms whereof Erf 1 and Erf 2 Goodwood Township are to be consolidated and to be known as Erf 100 Goodwood Township measuring 742 square metres.

There are no other conditions in the Deeds of Transfer of Erven 1 and Erven 2 Goodwood Township except those servitudes reflected on the diagrams on Annexure "A". Prepare the property description and conditions as they will be reflected in the Certificate of Consolidated Title of Erf 100 Goodwood Township. The conditions must be properly qualified (if necessary) to conform with deeds office practice. Provide your own further details as may be required.

QUESTION 6 [7]

In terms of the will of the late DAVID SMITH his estate has been bequeathed to his son, JOHN SMITH (Identity number 620511 5195 08 1) subject to a usufruct in favour of his surviving spouse, MARY SMITH (Identity number 410413 0179 085), to whom the deceased was married out of community of property.

Stel die dokumente op wat nodig mag wees om uitvoering te gee aan die testament van die oorledene, DAVID SMITH, waar een van die bates in die boedel 'n verband is wat geregistreer is ten gunste van die oorledene. Fabriseer sodanige besonderhede as wat nodig mag wees.

VRAAG 7**[25]**

Oordrag van Eenheid 4 in 'n deeltitelskema is vanaf die ontwikkelaar na A geregistreer in 2014. Gelyktydig met gemelde oordrag is 'n uitsluitlike gebruiksgebied, Parkeerruimte PB4, gesedeer vanaf die ontwikkelaar na A – welke deel gevorm het van die transaksie.

In 2015 is oordrag van dieselfde eenheid vanaf A na B geregistreer. As gevolg van 'n oorsig was geen sessie van die uitsluitlike gebruiksgebied geregistreer nie, alhoewel dit deel gevorm het van die transaksie tussen A en B.

B het nou Eenheid 4 en Parkeerruimte PB4 verkoop aan C.

Uit die aktekantoor rekords blyk dit dat A steeds die geregistreerde houer is van die uitsluitlike gebruiksgebied.

A is nie meer die geregistreerde eienaar van enige eenhede in die skema nie.

7.1 Wat is die effek van hierdie oorsig en hoe moet dit hanteer word? Motiveer u antwoord. (6)

7.2 Lys die dokumente wat vereis word om oordrag te bewerkstellig van Parkeerruimte PB4 na C. (6)

7.3 Stel slegs die vereiste aansoek op. (9)

7.4 Sal dit enige verskil maak aan u antwoord indien A steeds die geregistreerde eienaar is van 'n ander eenheid in die skema? Verduidelik kortliks. (4)

Draw the documents necessary to give effect to the will of the deceased, DAVID SMITH, where one of the assets in the estate is a bond registered in favour of the deceased. Invent such particulars as may be necessary.

QUESTION 7**[25]**

Transfer of Unit 4 in a sectional title scheme from the developer to A is registered in 2014. Simultaneously with said transfer an exclusive use area, Parking Bay PB4 is ceded from the developer to A – forming part of the transaction.

In 2015 transfer of the same unit from A to B is registered. Through an omission no cession of the exclusive use area is registered, although it formed part of the transaction between A and B.

B has now sold Unit 4 and Parking Bay PB4 to C.

From the deeds office records it appears that A is still the registered holder of the exclusive use area.

A is no longer the registered owner of any units in the scheme.

7.1 What is the effect of this omission and how must it be dealt with? Motivate your answer. (6)

7.2 List the documents required to effect transfer of Parking Bay PB4 to C. (6)

7.3 Draw only the required application. (9)

7.4 Will it make any difference to your answer if A is still the registered owner of another unit in the sectional title scheme? Explain briefly. (4)

VRAAG 8

[35]

Onder Akte van Transport ST100/2000 is die eiendom beskryf as Eenheid 1 Palms, groot: 200 vierkante meter, en parkeerruimte PB1, groot: 18 vierkante meter, gehou kragtens notariële akte van sessie SK45/2000, geregistreer in die name van Albert Loots en Yvonne Loots, getroud binne gemeenskap van goed met mekaar. Die eiendom is vry van enige verband.

Op 1 Maart 1970 het die gades 'n gesamentlike testament verly waarin hulle:

1. hulle boedels saamgesmelt het;
2. die geheel van hulle saamgesmelte boedel bemaak het aan die langsliewende van hulle twee onderhewig aan die bepaling dat by die dood van die langsliewende, die oorblywende gedeelte van hulle saamgesmelte boedel vererf sal word deur die kinders wat uit die huwelik gebore is, in gelyke dele;
3. op voorwaarde dat die gemeenskap van goed in enige huwelik wat 'n erfgenaam mag sluit, uitgesluit sal wees.

Yvonne Loots het op 3 Januarie 2010 gesterwe. 'n Prokureur, Peter Fourie, is aangestel as die eksekuteur. Albert Loots het geadieër ingevolge 'ie gesamentlike testament. Yvonne Loots word oorleef deur die volgende kinders, gebore uit haar huwelik met Albert Loots:

- a) Roberta Smith, wat getrou het met Louis Smith binne gemeenskap van goed. Louis Smith se boedel was finaal gesequestreer in Februarie 2006 en hy is nog nie gerehabiliteer nie.
- b) John Loots, 'n seun, gebore op 11 Maart 1960. Daar is nie 'n identiteitsdokument aan hom uitgereik nie en hy is as geestesasiënt verklaar.
- c) Adam Loots, 'n seun, gebore op 12 November 1971, is ongetroud en sy identiteitsnommer word gereflekteer as 710912 505408 1 in sy identiteitsdokument.

QUESTION 8

[35]

Under Deed of Transfer ST100/2000 the property described as Section 1 Palms, measuring 200 square metres and parking bay PB1 in extent 18 square metres, is held under notarial deed of session SK45/2000, is registered in the names of Albert Loots and Yvonne Loots, married in community of property to each other. The property is free of mortgage.

On 1 March 1970 the spouses executed a joint will in which they:

1. massed their estate;
2. bequeathed the whole of the massed estate to the survivor of them subject to the stipulation that on the death of the survivor, the remainder of the joint estate is to devolve upon the children born of the marriage, in equal shares;
3. provided that the community of property of any marriage an heir may have entered into or may enter into, shall be excluded.

Yvonne Loots died on 3 January 2010. An attorney, Peter Fourie, has been appointed as the executor. Albert Loots adiated under the mutual will. Yvonne Loots is survived by the following children, born of her marriage to Albert Loots:

- a) Roberta Smith, who married Louis Smith in community of property. Louis Smith's estate was finally sequestrated in February 2006 and he has not been rehabilitated.
- b) John Loots, a son, born on 11 March 1960. He has not been issued with an identity document and has been declared a mental patient.
- c) Adam Loots, a son, born on 12 November 1971, is unmarried and his identity number is reflected as 710912 505408 1 in his identity document.

- 8.1 Stel die nodige dokument op om die eiendom in die name van die persoon/e te vestig wat geregtig is daartoe. "Dokument" sluit nie 'n akte in nie. (15)
- 8.2 Lys al die ander dokumente en sertifikate wat u sal indien in die aktekantoor om registrasie te bewerkstellig. (10)
- 8.3 Aanvaar dat, in die situasie hierbo uiteengesit, ALBERT LOOTS gekies het om die voordele van die gesamentlike testament te repudieër. Beskryf die oordragnemers in die vestigingsklousule van die akte van transport sowel as die eiendom tot by en insluitende die grootte daarvan. (10)

VRAAG 9**[20]**

A het sy residensiële eiendom verkoop aan B ('n natuurlike persoon) op 1 Maart 2017 vir R2 000 000,00. U is die transportbesorger wat toesien tot die oordrag. Die bepalinge van die koopkontrak is die volgende:

- i) Die koopprys is betaalbaar op datum van oordrag. 'n Bedrag van R200 000,00 moet in trust gehou word en belê word tot voordeel van die koper. Die balans van die koopprys sal verseker word deur aanvaarbare bank waarborge.
- ii) Die koper is aanspreeklik vir alle kostes verbonde aan die oordrag, uitsluitend die kansellering van die verkoper se bestaande verband. Die verkoper is nie 'n verskaffer nie.
- iii) Die koper sal okkupasie neem op 1 April 2017 en aan die verkoper okkupasiehuur betaal van R15 000,00 per maand, maandeliks vooruit.
- iv) Die verkoper is aanspreeklik vir die betaling van die agent se kommissie van R150 000,00 welke BTW insluit.
- v) Die koper is aanspreeklik vir die betaling van die munisipale heffings en erfbelasting welke R5000,00 per maand beloop soos vanaf datum van oordrag.

- 8.1 Draw the document necessary to vest the property in the name of the person/s entitled thereto. "Document" does not include a deed. (15)
- 8.2 List all the other documents and certificates which you will lodge in the Deeds Office to effect registration. (10)
- 8.3. Assume that, in the situation set out above, ALBERT LOOTS has elected to renounce the benefits of the joint will. Describe the transferees in the vesting clause of the deed of transfer as well as the property up to and including the extent thereof. (10)

QUESTION 9**[20]**

A sold his residential property to B (a natural person) on 1 March 2017 for R2 000 000,00. You are the conveyancer who attends to the transfer. The terms of the agreement of sale are as follows:

- i) The purchase price is payable on date of transfer. An amount of R200 000,00 is to be held in trust and to be invested for the benefit of the purchaser. The balance of the purchase price will be secured by acceptable bank guarantees.
- ii) The purchaser is liable for all costs relating to the transfer, excluding the cancellation of the seller's existing bond. The seller is not a vendor.
- iii) The purchaser will take occupation on 1st of April 2017 and pay the seller occupational rental of R15 000,00 per month, monthly in advance.
- iv) The seller is liable to pay the agent's commission of R150 000,00 which includes VAT.
- v) The purchaser is liable to pay the municipal rates and taxes which amounts to R5000,00 per month as from the date of transfer.

Die oordrag was geregistreer op 10 Mei 2017. Alle bedrae aangedui sluit BTW in.

Die koper het die bedrag van R650 000,00 betaal aan u, synde die deposito, okkupasiehuur vir twee maande en 'n voorsiening vir u fooie en uitgawes. Aanvaar dat u fooi vir die transport, insluitende die belegging van trustgelde en pos en diverse, sal onderskeidelik R65 000,00 netto en R600,00 netto beloop.

U het die deposito belê en teen sluiting van die belegging op transport het u rente ontvang in die bedrag van R2 500,00. U het die plaaslike owerheid R400,00 betaal vir 'n uitklaring-
sertifikaat tesame met die bedrag van R15 000,00 ten opsigte van heffings en erfbelasting vir die maande van April, Mei en Junie 2017.

Op 1 April het u die verkoper R15 000,00 betaal ten opsigte van okkupasiehuur vir April 2017.

Die koper het u voorsien van twee bank waarborge vir gesamentlik R1 800 000,00, een ten gunste van die bestaande verbandhouer en die ander in u guns. Op registrasie bied u die waarborg in u guns aan vir betaling en ontvang 'n tjek vir R600 000,00.

U het ook onderneem om die kostes in verband met die kansellasië van die bestaande verband te betaal aan die verbandhouer se aktevervaardiger. Die kansellasiëkoste beloop R3 500,00. Die eiendomsagent het u versoek om sy kommissie direk aan hom te betaal. U het R2 500,00 aan Speedy Electrical betaal en R1 000,00 aan Expert Fumigators. U het ook R150 000,00 betaal aan Ford Motors op die verkoper se instruksies. Die aktekantoor fooi beloop R990,00.

Stel die rekeningstate op wat u aan die verkoper en die koper sal stuur.

Kandidate moet nie addisionele uitgawes bybring nie, behalwe vir die verpligte uitgawes.

The transfer was registered on 10 May 2017. All amounts shown are inclusive of VAT.

The purchaser paid the amount of R650 000,00 to you being the deposit, occupational rental for two months and a provision for your fees and disbursements. Assume that your fee for transfer, including the investment of trust monies and postages and petties will be R65 000,00 nett and R600,00 nett respectively.

You invested the deposit and when closing the investment on transfer you received interest in the amount of R2 500,00. You paid the local authority R400,00 for a clearance certificate together with the amount of R15 000,00 in respect of rates and taxes for the months of April, May and June 2017.

On 1 April you paid the seller R15 000,00 in respect of occupational rental for April 2017.

The purchaser provided you with two bank guarantees totalling R1 800 000,00, one in favour of the existing bondholder and the other in your favour. On registration you present the guarantee in your favour for payment and receive a cheque for R600 000,00.

You also undertook to pay the costs relating to the cancellation of the existing bond to the bondholder's conveyancer. The cancellation costs amount to R3 500,00. The estate agent requested you to pay his commission to him direct. You paid R2 500,00 to Speedy Electrical and R1 000,00 to Expert Fumigators. You also paid R150 000,00 to Ford Motors on the instructions of the seller. The Deeds fee is R990,00.

Draw the statements of account you will send to the seller and the purchaser.

Candidates should not introduce any additional expenses, save for the compulsory disbursements.

VRAAG 10

[20]

John en Shaun Young, tweelingbroers, besit Erf 986 Durban gesamentlik, in uitstrek 2 500 vierkante meter, onder Akte van Transport Nr. T3003/1982. Hulle het die eiendom vanaf hulle oorlede vader geërf en dit is tans vry van enige verband. Die titelakte bevat geen wesentlike voorwaardes vir die huidige doeleindes nie. Die eiendom is 'n leë erf.

Die broers het besluit om die eiendom te onderverdeel in twee entiteite, naamlik Gedeelte 1 en Restant. Gedeelte 1, in uitstrek 1 750 vierkante meter, beslaan die noordelike helfte van die huidige eiendom en grens aan 'n openbare pad, so ook die Restant, wat die suidelike gedeelte van Erf 986 beslaan.

Die nodige toestemming vir onderverdeling van die eiendom is verkry en geen titelvoorwaardes is in hierdie verband opgelê nie. 'n Onderverdelingskaart is goedgekeur deur die Landmeter Generaal ten opsigte van Gedeelte 1.

John, wat binne gemeenskap van goed getroud is met Suzie Young, staan oordrag te neem van Gedeelte 1, terwyl Shaun, wat buite gemeenskap van goed getroud is met Beverly Young, staan oordrag te neem van die Restant. Die twee stukke grond is van gelyke waarde en geen eweredigende vergoeding van enige aard sal betaalbaar wees nie.

John is van voorneme om 'n woonhuis op Gedeelte 1 op te rig sodra oordrag aan hom gepasseer is. Die voorgestelde Gedeelte 1 van Erf 986 Durban vorm 'n helling vanaf die noorde afwaarts na die suide en John wil verseker dat die pragtige see uitsig wat tans geniet word vanaf die voorgestelde Gedeelte 1 nie verberg sal word deur sy broer of deur enige toekomstige eienaar van die Restant wat 'n woonhuis op die Restant oprig nie, welke bestaan uit 'n gelyke stuk grond, of enige gebou of struktuur hoër as 8 meter bo die vlak van die grond waarop dit staan of deur enige bome wat toegelaat word om op die Restant hoër te groei as daardie hoogtebeperking nie.

QUESTION 10

[20]

John and Shaun Young, twin brothers, jointly own Erf 986 Durban, in extent 2 500 square metres, under Deed of Transfer No T3003/1982. That property was inherited by them from their late father and it is presently bond free. The title deed contains no conditions of title material for present purposes. The property is vacant land.

The brothers have decided to partition the property into two entities, namely Portion 1 and Remainder. Portion 1, in extent 1 750 square metres, comprises the northerly half of the present property and adjoins a public road, as does the Remainder, which comprises the southerly portion of Erf 986.

The necessary permission to subdivide the property has been obtained and no conditions of title have been imposed in that regard. A sub-divisional diagram has been approved by the Surveyor-General in respect of Portion 1.

John, who is married in community of property to Suzie Young, is to receive transfer of Portion 1, whilst Shaun, who is married out of community of property to Beverly Young, is to receive transfer of the Remainder. The two pieces of land are of equal value and no equalising consideration of any kind will be payable.

John intends erecting a dwelling on Portion 1 once transfer thereof has been passed to him. The proposed Portion 1 of Erf 986 Durban slopes from the north down to the south and John wishes to ensure that the beautiful sea view presently enjoyed by the proposed Portion 1 will not be obstructed by his brother or any future owner of the Remainder erecting a dwelling on the Remainder, which consists of a level piece of ground, any building or structure higher than 8 metres above the level of the ground on which it stands and by any trees being allowed to grow on the Remainder exceeding that height limit.

Shaun is heel tevrede om sy broer in daardie opsig tegemoet te kom en aan hom die nodige beskerming te verleen.

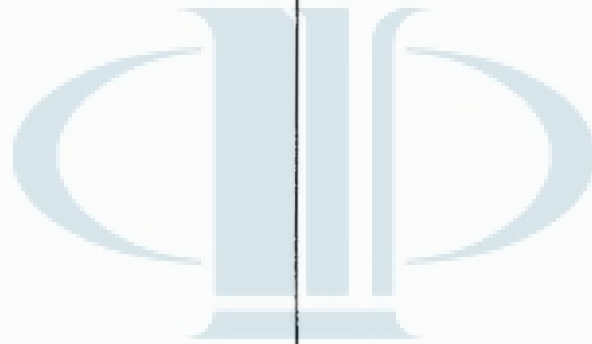
Stel die nodige volmag vir transport op, welke ook die ooreenkoms tot onderverdeling moet omvat, soos vereis word om uitvoering te kan gee aan die bogemelde reëlings.

Shaun is quite happy to accommodate his brother in that regard and to afford him the necessary protection.

Draw the necessary power of attorney to transfer, which must also embody the agreement to partition, required to give effect to the above arrangements.

- DIE EINDE -

- THE END -

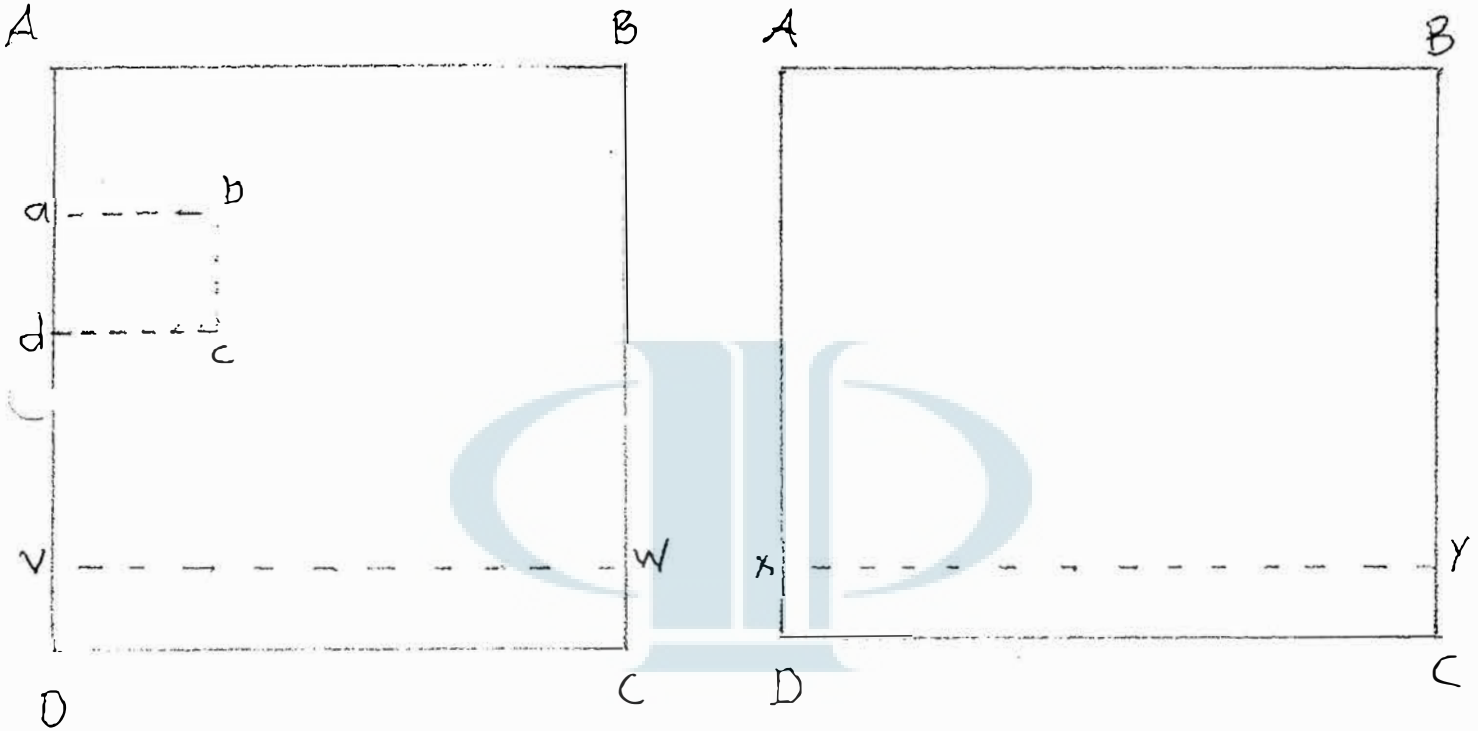


LAW SOCIETY
OF SOUTH AFRICA

Annexure "A"

Diagram SG No 1/2006
The figure ABCD represents Erf 1,

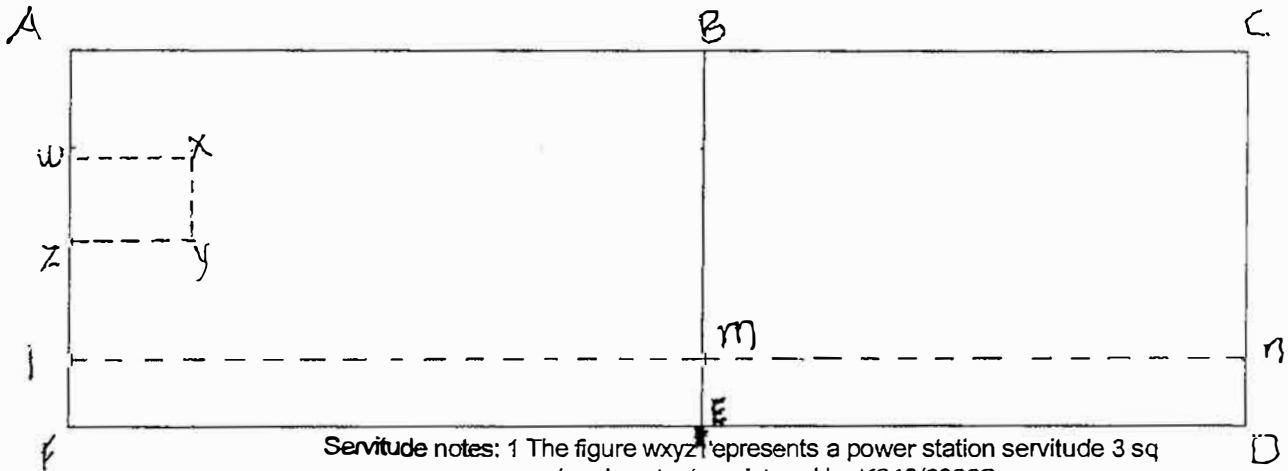
Diagram SG No 2/2006
The figure ABCD represents Erf 2,



- Servitude notes**
1. The figure abcd represents a power station servitude 3 sq metres in extent, registered by K243/2000S
 2. The line vw represents the northern boundary of a 2 metre servitude for municipal services, registered by K169/2004S.

- Servitude notes**
- The line xy represents the northern boundary of a 2 metre servitude for municipal services, registered by K169/2004S.

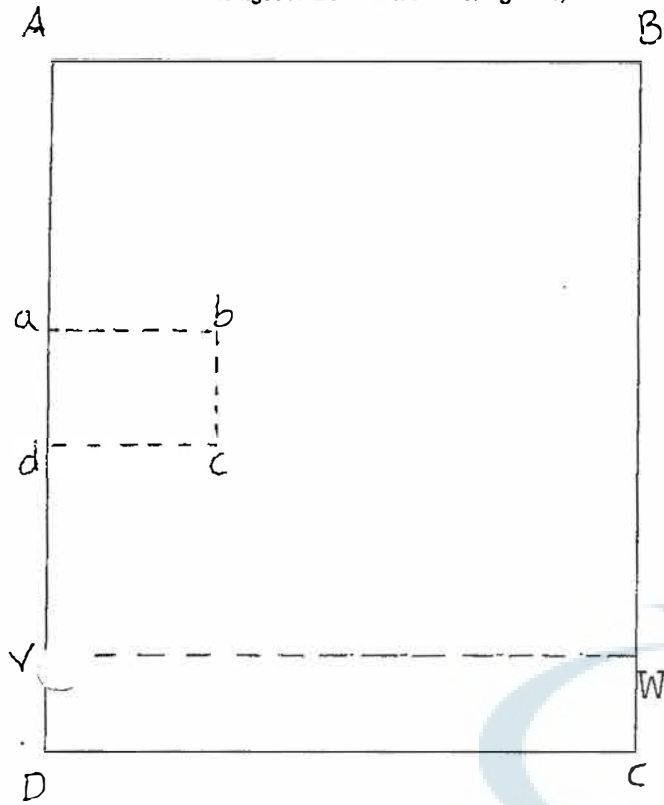
Consolidation diagram SG No 5/2008
The figure ABEF represents Erf 1, ... & the figure BCDE represents Erf 2,...



- Servitude notes:**
- 1 The figure wxyz represents a power station servitude 3 sq metres in extent, registered by K243/2000S.
 - 2 The line lmn represents the northern boundary of a 2 metres wide servitude for municipal services registered by K169/2004S

Aanhangsel "A"

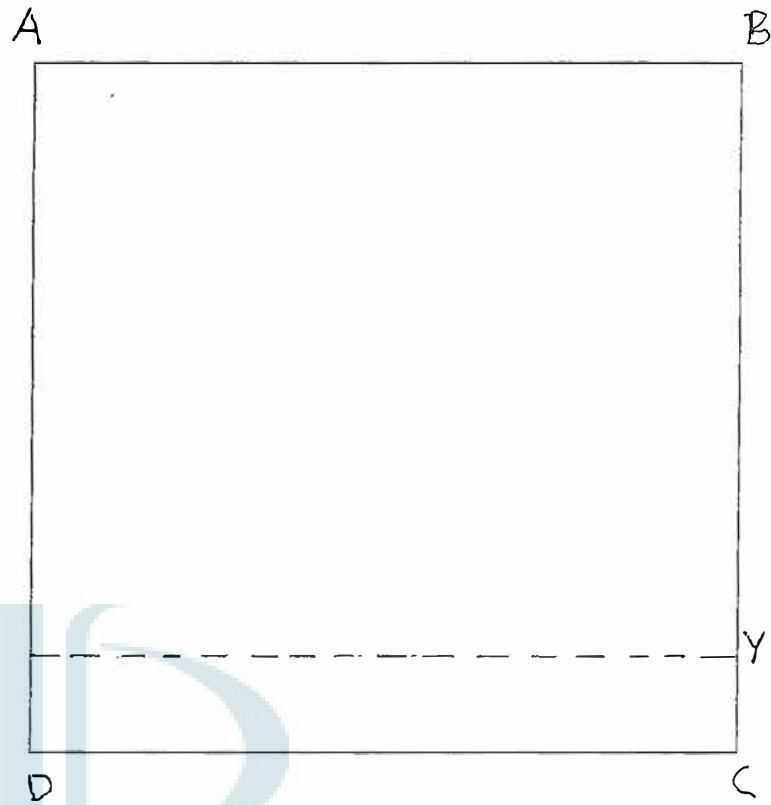
Kaart LG No 1/2006
Die figuur ABCD verteenwoordig Erf 1,



Serwituutnotas

1. Die figuur abcd verteenwoordig 'n kragstasieserwituut, 3 vierkante meter groot, geregistreer kragtens K243/2000S
2. Die lyn vw verteenwoordig die noordelike grens van 'n 2 meter serwituut vir munisipale dienste, geregistreer kragtens K169/2004S.

Kaart LG No 2/2006
Die figuur ABCD verteenwoordig Erf 2,

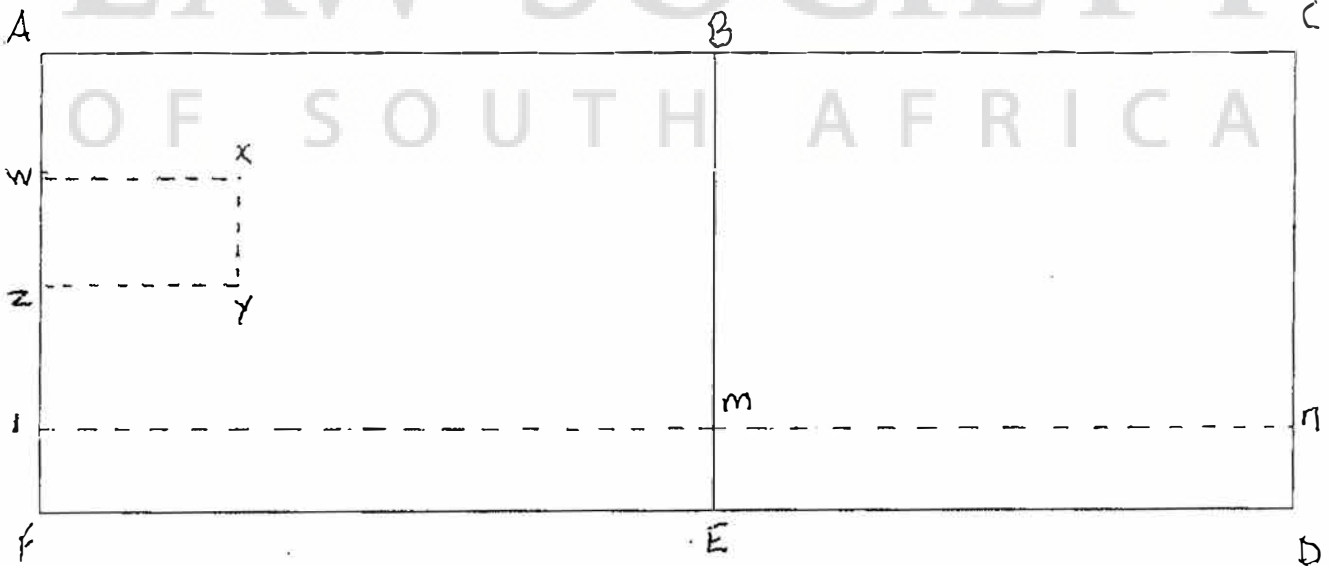


Serwituutnotas

Die lyn xy verteenwoordig die noordelike grens van 'n 2 meter serwituut vir munisipale dienste, geregistreer kragtens K169/2004S.

Konsolidasiekaart LG No 5/2008

Die figuur ABEF verteenwoordig Erf 1,... & die figuur BCDE verteenwoordig Erf 2, ...



Serwituutnotas: 1 Die figuur wxyz verteenwoordig 'n kragstasieserwituut, 3 vierkante meter groot, geregistreer kragtens K243/2000S.

2 Die lyn lmn verteenwoordig die noordelike grens van 'n 2 meter wye serwituut vir munisipale dienste geregistreer deur K169/2004S