

# DIE REPUBLIEK VAN SUID-AFRIKA

## TRANSPORTBESORGININGSAMEN

### DEEL 1

5 SEPTEMBER 2018 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 gewoond 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 druipe dus hierdie eksamen.

TOTALE PUNTE: [200]

# THE REPUBLIC OF SOUTH AFRICA

## CONVEYANCING EXAMINATION

### PART 1

5 SEPTEMBER 2018 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 answer book 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****[45]**

Erf 983 Hilton is geregistreer in die name van Rory Bryan Gibson en Marcella Celine Gibson, getroud binne gemeenskap van goedere met mekaar, en gehou kragtens Transportakte Nr. T 25790/2010.

Op die 17de Februarie 2011 het die twee eggenote 'n gesamentlike testament opgestel waarin hulle boedels saamgesmelt het, en word 'n vruggebruik verleen ten gunste van die langlewende van hulle. Hulle bemaak die eiendom aan hulle dogter Theresa May Anne Gibson, onderworpe aan die gewone voorwaarde dat gemeenskap van goedere, wins en verlies uitgesluit sal word van vererwing. Die twee eggenote is ook bekommerd dat hulle dogter dalk mag trou, en dat haar huwelik onderworpe sal wees aan die aanwasbedeling en daarom het hulle die aanwasbedeling ook uitgesluit van enige vererwing.

Die voorwaarde in die testament lees as volg:

“Enige voordeel en enige Kodisil hiertoe sal alles buite van enige gemeenskap van goedere, wins en verlies wees en wat bestaan tussen hom en haar en enige eggenoot en die vrugte daarvan sal nie deel vorm van enige aanwas nie.”

Marcella Celine Gibson sterf op die 14de April 2015.

Die boedel word aangemeld by die Meester van die Hoër Hof te Pietermaritzburg en Theresa May Anne Gibson en haar broer Thomas Brendan Gibson word aangestel as eksekuteurs in die boedel. Die Magtigingsbrief van Boedel Nr. 3348/2015 is uitgereik deur die Meester op die 10de Mei 2015. Rory Bryan Gibson, wat gedomisilieerd is in Suid Afrika, het intussen weer getrou, sonder enige huwelikvoorwaardekontrak, en in oorweging van sy toekoms, en ook met inagneming van die terme en voorwaardes van die gesamentlike testament besluit om die testament te adieër – wat gedoen is op die 20ste Junie 2015.

**QUESTION 1****[45]**

Erf 983 Hilton is registered in the names of Rory Bryan Gibson and Marcella Celine Gibson, married in community of property to each other, under Deed of Transfer No. T 25790/2010.

On the 17<sup>th</sup> February 2011 the two spouses executed a Joint Will in which they massed their respective estates, and granted to the survivor a life usufruct over the property. They bequeathed the property to their daughter Theresa May Anne Gibson, and also imposed the usual condition which excluded community of property and community of profit and loss from the inheritance. The two testators were also concerned that their daughter might, in the future, get married subject to the accrual system and they decided to exclude the accrual system in the Will as well.

The Will condition which they inserted reads as follows:

“Any benefit accruing to any beneficiary of this Will and any Codicil hereto shall be absolutely excluded from any community of property and any community of profit and loss which may exist between him or her and any spouse and the fruits thereof shall not be party of any accrual.”

On the 14<sup>th</sup> April 2015 Marcella Celine Gibson died.

The matter was reported to the Master of the High Court at Pietermaritzburg and Theresa May Anne Gibson and her brother Thomas Brendan Gibson were appointed as executors in the estate. Letter of Executorship No. 3348/2015 were issued by the Master on the 10<sup>th</sup> May 2015. Rory Bryan Gibson, who was still domiciled in South Africa, subsequently re-married, without concluding any antenuptial contract, and having considered his future, and the terms and conditions of the joint will, decided to adiate under the will – which he did on the 20<sup>th</sup> June 2015.

Die waarde van die eiendom soos aangetoon in die likwidasië- en distribusie rekening wat ingedien is by die Meester, wat ook geadverteer is en wat vir inspeksie ter insae gelê het vir die voorgeskrewe periode is R2 000 000,00 (twee miljoen rand).

- 1.1 Moet 'n Volmag om transport te gee of 'n aansoek opgestel word om uitvoering te gee aan die bepalings van die testatrisse testament, en om registrasie te bewerkstellig in die akteskantoor. Verduidelik volledig. (5)
- 1.2 Hoe sal u te werk gaan om die vruggebruik te registreer? Verduidelik volledig. (5)
- 1.3 Stel die nodige dokument/e op vir registrasie in die aktekantoor om uitvoering te gee aan die bepalings van die testament. (15)
- 1.4 Is daar enige hereregte implikasies vir die testamentêre bepalings en die adiasie van die langsewende eggenote? Verduidelik volledig. (5)
- 1.5 Nadat u die aktekantoor rekords nagaan en die transportakte bestudeer het, het u opgetel dat die eiendom verbind is onder 'n verband ten gunste van Rip-Off Bank Beperk. Die langsewende eggenoot gee instruksies dat die verband nie gekanselleer moet word nie, omdat hy dalk aansoek wil doen vir 'n voorskot om 'n nuwe motor te kan koop, en vereis dat die verband in plek moet bly. Watter advies sal u aan hom gee? (5)
- 1.6 Lys die dokumente wat ingedien moet word in die akteskantoor om uitvoering te gee aan die testateur se testamentêre bepalings. (10)

**VRAAG 2****[35]**

John Brown, trou binne gemeenskap van goedere met Rachel Scott in 2000 en is die geregistreerde eienaar van:

The value of the property as reflected in the liquidation and distribution account filed with the Master – and which has been advertised, and has lain open for inspection without objection for the prescribed period – is R2 000 000,00 (two million rand).

- 1.1 Would you need to draft a power of attorney to transfer, or an application, in order to give effect to the testator's will, and in order to effect registration in the deeds registry. Explain fully. (5)
- 1.2 How would you go about registering the usufruct? Explain fully. (5)
- 1.3 Draft the document/s necessary in order to give effect to registration in the deeds registry in terms of the will. (15)
- 1.4 Could there be any transfer duty implications flowing from this will and the adiation by the surviving spouse? Explain fully. (5)
- 1.5 On conducting a search of the deeds registry records, and after scrutinizing the holding title, you note that the property is subject to a mortgage bond in favour of Rip-Off Bank Limited. The surviving spouse instructs you that he does not wish to cancel the bond, as he might require a re-advance to purchase a new motor vehicle, and requires the bond to remain in place. What advice would you give him? (5)
- 1.6 List all of the documents which you will need to lodge in order to give effect to the testator's will in the deeds registry. (10)

**QUESTION 2****[35]**

John Brown, married Rachel Scott in 2000 in community of property and is the registered owner of:



(a) Restant van Erf 100 Warrenton Township  
Groot 2000 (twee duisend) vierkante meter  
Gehou kragtens Transportakte Nr. T1234/1993

(a) Remainder of Erf 100 Warrenton Township  
In Extent 2000 (two thousand) square metres  
held by Deed of Transfer No. T 1234/1993

Die ondergenoemde endossemente verskyn op die genoemde Transportakte:

The following endorsement appears on the said Deed of Transfer:

"'n Gedeelte van ongeveer 200 vierkante meter is onteien deur die Munisipaliteit om 'n pad te verbreed en word meer ten volle aangedui op onteieningskennisgewing nr. "EX84/1993"."

"A Portion measuring approximately 200 square metres has been expropriated by the Municipality for road widening purposes as will more fully appear from expropriation notice no. "EX84/1993.""

(b) Gedeelte 1 van Erf 100 Warrenton Township  
Groot 1000 (een duisend) vierkante meter  
Aangedui op Kaart 15/1965 soos aangeheg by Transportakte Nr. T5678/1966, waarvan John Brown die eienaar is.

(b) Portion 1 of Erf 100 Warrenton Township  
In Extent 1000 (one thousand) square metres  
According to Diagram 15/1965 annexed to Deed of Transfer No. 5678/1966 by which John Brown holds the property.

Ondergenoemde endossement gedateer 15 November 1970 verskyn op Transportakte Nr. T5678/1966:

Deed of Transfer No. T5678/1966 bears the following endorsement dated 15 November 1970:

"Kragtens Notariële Akte Nr. K10/1970 is die eiendom onderhewig aan 'n serwituut van reg van weg van 4 meter wyd ten gunste van Erf 101 Warrenton, welke serwituut aangedui word deur die figure abcd op Kaart 15/1965."

"By Notarial Deed No. K10/1970 the property held hereunder is subject to a servitude of right of way 4 metres wide in favour of Erf 101 Warrenton which servitude is represented by the figure abcd on Diagram 15/1965."

Die Landmeter Generaal het konsolidasie kaart L.G Nr. 55/1994 goedgekeur ten opsigte van Erf 200 Warrenton, groot 3000 (drie duisend) vierkante meter, wat die konsolidasie van die bogenoemde erwe voorstel. Op die konsolidasiekaart word Restant van Erf 100 Warrenton voorgestel deur Figure AxyD en Gedeelte 1 van Erf 100 Warrenton word voorgestel deur figure xBCy.

The Surveyor General has approved a consolidated diagram S.G No. 55/1994 in respect of Erf 200 Warrenton, in extent 3000 (three thousand) square metres, representing a consolidation of the afore-said properties. It is stated on the consolidation diagram that the Remainder of Erf 100 Warrenton, is represented by the figure AxyD and that Portion 1 of Erf 100 Warrenton is represented by the figure xBCy.

Op die konsolidasie kaart is die volgende endossement:

The consolidation diagram also bears the following endorsement:

"die figure rBCp stel voor 'n serwituut (Notariële Akte nr. K10/1970)".

"The figure rBCp represents a servitude (Notarial Deed no. K10/1970)".

Die restant van Erf 100 Warrenton is verbind onder verband Nr. B171/1993 vir R10 000.00 ten gunste van Best Bank Beperk.

The Remainder of Erf 100 Warrenton is mortgaged by Mortgage Bond No. B171/1993 for R10 000.00 in favour of Best Bank Limited.

Gebruik u eie verdere besonderhede om die volgende te bewerkstellig:

Invent your own further particulars and do the following:

2.1 Stel die Sertifikaat van Verenigde Titel op vir Erf 200 Warrenton. (14)

2.1 Draw the Certificate of Consolidated Title in respect of Erf 200 Warrenton. (14)

2.2 Stel die dokumente op wat benodig word om die verband te substitueer oor die gekonsolideerde eiendom. (12)

2.2 Draw the documents which will be required to have the bond substituted over the consolidated property. (12)

2.3 Watter dokumente moet ingedien word om registrasie van 2.1 en 2.2 te kan bewerkstellig. (6)

2.3 State what documents must be lodged to obtain registration of 2.1 and 2.2 above. (6)

2.4 Stel die lys van dokumente op wat nie ingedien word in die aktekantoor nie, maar wat die transportbesorger benodig of nagegaan het om die dokumente te kan voorberei ter uitvoering van 2.1.

2.4 Prepare a list of the documents which will not be lodged in the Deeds Registry, which the Conveyancer will have to consult or peruse in preparation of the documents in 2.1.

(3)

(3)

**VRAAG 3****[15]**

Die geregistreerde eienaars van al die eenhede in die Deeltitelskema bekend as Happy Days SS Nr. 163/1998 het besluit om 'n gedeelte van die gemeenskaplike eiendom te verkoop aan Magic View Proprietary Limited, die eienaar van die aangrensende eiendom. Daar is 'n saaklike reg van uitbreiding geregistreer ten gunste van die Trustees van die Bad Blood Trust in terme van Artikel 25 van die Deeltitelwet Nr. 95/1986 en die gemelde trustees is bereid om hulle samewerking te gee aan die regspersoon om die transport te kan bewerkstellig van die gemeenskaplike eiendom. Daar is geen eenhede gebou op die gedeelte van die gemeenskaplike eiendom nie. Dit is onbeboude eiendom. Die Plaaslike Owerheid het die onderverdeling van die gemeenskaplike eiendom goedgekeur en al die vereistes en die voorwaardes is aan voldoen. Die Landmeter-Generaal het die onderverdelingskaart goedgekeur van die gedeelte wat deel vorm van die voorgenome verkoping.

**QUESTION 3****[15]**

The registered owners of all the units in the sectional title scheme known as Happy Days SS No. 163/1998 have decided to sell a portion of the common property to Magic View Proprietary Limited, the owner of an adjoining property. There is a real right of extension registered in favour of The Trustees of the Bad Blood Trust in terms of section 25 of the Sectional Titles Act No. 95/1986 and the said trustees are prepared to co-operate with the body corporate of the scheme to facilitate the transfer of the portion of the common property. There are no units built on the portion of the common property in question and it is vacant land. The local authority has approved the subdivision of the common property and all its requirements and conditions have been met. The Surveyor-General has approved a diagram in respect of the portion of the common property affected by the proposed sale.

Die Regspersoon en die Trustees van die Bad Blood Trust het 'n ooreenkoms aangegaan en besluit om die gedeelte van die gemeenskaplike eiendom gesamentlik te verkoop, ooreenkomstig met die goedgekeurde kaart, vir 'n bedrag van R900 000,00.

Stel die volmag om transport te gee op vir die gedeelte van die gemeenskaplike eiendom aan Magic View Proprietary Limited. Voorsien u eie besonderhede waar dit nodig word. Die beskrywing van die partye en die eiendom moet volledig voldoen aan die vereistes van die aktekantoor se praktyke.

**VRAAG 4****[10]**

Die testament van Joe Bekker gedateer 10 April 2010, wie getroud was buite gemeenskap van goed met Joanne Bekker, bepaal dat die plaas eiendom vererf aan sy enigste seun Koos Bekker onderhewig aan 'n lewenslange vruggebruik aan sy vrou. Die testament bepaal verder dat by die dood van Joanne Bekker, sal die vruggebruik gaan na sy enigste dogter, Anna Bekker. Joe Bekker sterf op 15 May 2017.

4.1 Voorsien u eie besonderhede om die nodige voorwaardes op te stel soos dit sal voorkom in die Transportakte van die plaas eiendom van Koos Bekker, ten opsigte van die registrasie van die regte ten gunste van beide Joanne Bekker en die oorledene se dogter, Anna Bekker.

(5)

4.2 Na registrasie van die transport sterf Joanne Bekker op 10 Mei 2018. Watter stappe moet geneem word om seker te maak dat Anna Bekker se regte beskerm word ten opsigte van die eiendom, en, watter dokumente, indien enige, moet in die aktekantoor geliasseer word om dit te bewerkstellig.

(5)

**VRAAG 5****[15]**

Jo Dube, Identiteitsnommer 550911 5203 080, is kragtens Transportakte Nr. ST 22/2002, die

The body corporate and The Trustees of the Bad Blood Trust have reached agreement and decided to jointly sell the portion of the common property, as per the approved diagram, for the sum of R900 000,00.

Prepare the Power of Attorney for transfer of the portion of the common property to Magic View Proprietary Limited. Provide your own details where required. The description of the parties and properties must fully comply with deeds office practice.

**QUESTION 4****[10]**

The Will of Joe Bekker, dated 10 April 2010, who was married out of community of property to Joanne Bekker, stipulated that his farm property should be inherited by his only son Koos Bekker subject to a lifelong usufruct in favour of his wife. The will furthermore stipulated that at the death of Joanne Bekker the testator's only daughter, Anna Bekker, should have the usufruct. Joe Bekker passed away on 15 May 2017.

4.1 Providing your own further particulars draw the relevant conditional clauses as it would appear in the Deed of Transfer of the farm property to Koos Bekker relating to the registration of the rights in favour of both Joanne Bekker and the deceased's daughter, Anna Bekker.

(5)

4.2 After the registration of transfer Joanne Bekker passed away on 10 May 2018. What steps, if any, should be taken by Anna Bekker to secure her rights in respect of the property and what document/s, if any, need to be lodged in the Deeds Office for that purpose.

(5)

**QUESTION 5****[15]**

Jo Dube, with identity number 550911 5203 080, is by Deed of Transfer No. ST 22/2002 the



geregistreerde eienaar van Deel 1 in die gebou bekend as Bella Bella, (groot 300 vierkante meter). Die deeltitelplan is Nr. SS 11/2000. Deel 1 is verbind onderverband Nr. SB 44/2002 vir R900 000.00 ten gunste van Hel Bank Beperk.

Jo Dube word beskryf as "ongetroud" in Transport Akte Nr. ST 22/2002. Hy het egter in 'n gebruiklike huwelik getree met Lucy Dube, Identiteitsnommer 680111 5062 087 in 2003. Jo en Lucy is nie partye tot enige ander gebruiklike huwelik nie en hul huwelik is geldig en gereguleer kragtens die bepalings van die Wet op Erkenning van Gebruiklike Huwelike Wet Nr. 120/1998.

Jo het gevind dat deel 1 groter is as wat hy benodig en het besluit om dit te onderverdeel en die oorbodige gedeelte aan sy skoonmoeder oorgedra. 'n Deelplan van onderverdeling was opgestel en goedgekeur waarmee deel 1 in twee dele verdeel was naamlik nommer 21 en 22 wat elk 150 vierkante meter groot is.

(Gebruik u eie verdere besonderhede om te voldoen aan die praktyksreëls in die gebied waar u praktiseer)

- 5.1 Beskryf slegs die partye in die aansoek vir die registrasie van die deeltitelplan van onderverdeling. (5)
- 5.2 Watter dokument/e moet saam ingedien word vir die aansoek van registrasie van 'n deeltitelplan van onderverdeling? (4)
- 5.3 Wat is die vereistes, in terme van artikel 3 van die Erkenning van Gebruiklike Huwelike, Wet Nr. 120/1998, vir 'n geldig monogame gebruiklike huwelik. (4)
- 5.4 Moet 'n toestemming van die Trustees van die Regspersoon saam ingedien word by die Registrateur van Aktes wanneer 'n eienaar aansoek doen vir die konsolidasie van eenhede in terme van Artikel 23 van die Deeltitelwet Nr. 95/1986? Motiveer u antwoord. (2)

registered owner of section 1 (the floor area of which is 300 square metres in extent) in the building known as Bella Bella. The relevant sectional plan is No. SS11/2000. Section 1 is subject to Mortgage Bond No. SB 44/2002 for R900 000.00 in favour of Hel Bank Limited.

Jo Dube is described as "unmarried" in Deed of Transfer No. ST 22/2002. He however, entered into a customary marriage with Lucy Dube, Identity Number 680111 5062 087, in 2003. Jo and Lucy are not partners in any other customary marriage and their marriage is valid and regulated by the provisions of the Recognition of Customary Marriage Act No. 120/1998.

Jo has found that section 1 has an area larger than he requires and has decided to subdivide it and transfer the surplus area to his wife's mother. A sectional plan of subdivision was prepared and approved, dividing section 1 into two new sections numbered 21 and 22 each being 150 square metres in extent.

(Supply your own further details to comply with the practice in the deeds registry for the area where you practice)

- 5.1 Describe only the parties in the application for registration of the sectional plan of subdivision. (5)
- 5.2 What document/s must accompany the application for registration of the sectional plan of subdivision? (4)
- 5.3 What are the requirements, in terms of section 3 of the Recognition of Customary Marriages Act No. 120/1998, for a valid monogamous customary marriage? (4)
- 5.4 Do you have to submit a consent by the trustees of the body corporate to the Registrar of Deeds when an owner applies for registration of a consolidation of sections in terms of section 23 of the sectional Title Act No. 95/1986? Motivate your answer. (2)

**VRAAG 6****[15]**

Toby en Maud Burns was getroud binne gemeenskap van goedere. Hulle het 'n gesamentlike testament geteken in terme waarvan hulle hul boedels saamsmelt en die saamgesmelte boedel bemaak aan hul enigste kind, Sandra Smith, wie getroud is met Roger Smith terwyl hy gedomiliseer was in Engeland, onderhewig aan 'n lewenslange vruggebruik ten gunste van die langsliewende eggenoot. Maud Burns is oorlede op 20 April 2012 en Toby Burns het gerepudieër. Erf 199 Hillcrest is geregistreer in die name van Toby en Maud Burns kragtens Transportakte Nr. T515/1998. Die algemene plan nommer is L.G Nr. 200/1996 en Toby en Maud het die eiendom gekoop vanaf die dorpsontwikkelaar. Stel die gedeelte van die transportakte ten gunste van Sandra Smith op wat begin met "En die genoemde Komparant het verklaar dat ...." tot en met die uitstrekende klousule.

**VRAAG 7****[15]**

Pieter Louw is die eienaar kragtens meer as een transportakte van verskeie onverdeelde aandele in 'n enkele stuk grond, naamlik 'n een kwart aandeel, 'n een kwart aandeel en 'n eenagste aandeel. Pieter is ongetroud en 'n gerehabiliteerde insolvent. Stel die aansoek op vir 'n sertifikaat van geregistreeerde titel ten opsigte van sy gesamentlike aandele in die stuk grond vir welke doeleindes van u verwag word om die vereiste verdere besonderhede te voorsien.

**VRAAG 8****[10]**

Graham Smith, getroud buite gemeenskap van goedere, die geregistreeerde eienaar van Erf Nr. 444 Summerton, groot 496 vierkante meter, kragtens Transportakte Nr. T7739/2013. Die eiendom, tans nie met 'n verband beswaar nie, is onderhewig aan 'n geregistreeerde huur Nr. K319/2014L ten gunste van John Hampshire vir 'n periode van 15 jaar. Die huurders is in besit van die eiendom ingevolge die huur. Smith het aansoek gedoen om 'n lening van R1 000 000,00 by Best Bank wat toegestaan is onderhewig aan die registrasie van 'n eerste verband deur Smith oor Erf 444

**QUESTION 6****[15]**

Toby and Maud Burns were married in community of property. They signed a Joint Will in terms of which they massed their estates and bequeathed the massed estate to their only child, Sandra Smith, married to Roger Smith, while he was domiciled in England, subject to the life usufruct in favour of the surviving spouse. Maud Burns died on the 20 April 2012 and Toby Burns repudiated. Erf 199 Hillcrest is registered in the names of Toby and Maud Burns under Deed of Transfer no. T515/1998. The general plan number is S.G No. 200/1996 and Toby and Maud bought the property from the township owner. Draft the part of the deed in favour of Sandra Smith starting with "And the Appearer declared that..." up to and including the extending clause.

**QUESTION 7****[15]**

Pieter Louw is the owner by more than one title deed of various undivided shares in a single piece of land, namely one quarter share, one quarter share and one eighth share. Pieter is unmarried and a rehabilitated insolvent. Draw the application for a certificate of registered title in respect of his aggregate share in the piece of land, for which purpose you are required to furnish the necessary further particulars.

**QUESTION 8****[10]**

Graham Smith, married out of community of property, is the registered owner of Erf No. 444 Summerton, in extent 496 square metres, by Deed of Transfer No. T7739/2013. The property presently not mortgaged, is subject to a registered lease No. K319/2014 L in favour of John Hampshire, for a period of 15 years. The lessees are in occupation of the property pursuant to the lease. Smith has applied to Best Bank for a loan of R1 000 000,00 which has been granted subject to registration of a first bond by Graham Smith over Erf 444 Summerton with a contingency provision of



Summerton met 'n gebeurlikheidsvoorsiening van R200 000,00 mits die huurders afstand doen van voorkeur ten gunste van die verband. Die afstanddoening moet bereik word op die mees koste-effektiewe manier.

8.1 Beskryf die eiendom vir doeleindes van die verband, voldoen volledig aan Regulasie 41 van die regulasies van die Registrasie van Aktes Wet. (3)

8.2 Stel die afstanddoening op vir doeleindes van die verband. (7)

### VRAAG 9 [10]

A is die eienaar van die Plaas Rietvlei wat die konsolidasie is van twee vorige eiendomme. Die beskrywing van die eiendom in die huidige titelakte, naamlik Sertifikaat van Verenigde Titel T4352/96 lees as volg:

Die PLAAS RIETVLEI ...

Groot 800 (Agthonderd) hektaar soos blyk uit die aangehegte kaart L.G Nr. 243/96

9.1 U ontvang instruksies om die eiendom oor te dra. Stel die uitstreckende klousule op van die akte wat u gaan registreer. (2)

9.2 Die oordrag verwys na in 9.1 was geregistreer kragtens transportakte T81258/96. Die eiendom word weer oorgedra. Stel die uitstreckende klousule op van die akte wat geregistreer gaan word. (3)

9.3 Die oordrag verwys na in 9.2 was geregistreer kragtens transportakte T6712/97 en die eienaar van die eiendom het die eiendom onderverdeel in twee gedeeltes van 400 hektaar elk. Voorsien die volle eiendomsbeskrywing en uitstreckende klousule soos dit sal verskyn in die transportakte van die onderverdeelde gedeelte ten opsigte waarvan kaart L.G Nr. 42/97 goedgekeur was. (5)

Voorsien u eie verdere besonderhede om te voldoen aan die praktyk van die Akteskantoor vir die gebied waar u praktiseer.

R200 000,00 provided that the lessees waive preference in favour of the bond. The waiver is to be achieved in the most cost effective manner.

8.1 Describe the property for the purpose of the bond, comply fully with Deeds Registry Regulation 41. (3)

8.2 Draw the waiver for the purpose of the bond document. (7)

### QUESTION 9 [10]

A is the owner of the Farm Rietvlei which is a consolidation of two former properties. The description of the property in the present title deed, namely Certificate of Consolidated Title T4352/96 read as follows:

The FARM RIETVLEI....

Measuring 800 (eight hundred) hectares as will appear from the annexed diagram S.G No. 243/96

9.1 You receive instructions to transfer the property. Draw the extending clause in the deed of transfer you are to register. (2)

9.2 The transfer referred to in 9.1 was registered under deed of transfer T81258/96. The property is to be transferred again. Draw the extending clause in the deed of transfer to be registered. (3)

9.3 The transfer referred to in 9.2 was registered under deed of transfer T6712/97 and the owner has the property subdivided into two portions of 400 hectares each. Provide the entire property description and extending clause as it will appear in the deed of transfer of the surveyed portion in respect of which diagram S.G No. 42/97 was approved. (5)

Supply your own further details to comply with the practice in the Deeds Registry for the area where you practice.

**VRAAG 10 SIEN AANHANGSEL [30]**

**Aanhangsel "A" sal gebruik word in hierdie vraag. Kandidate moet verseker dat hulle in besit is van die aanhangsel (dit bestaan uit 8 bladsye)**

John Peters en Mary Peters, getroud buite gemeenskap van goedere, is die geregistreerde eienaars van Gedeelte 1 van Erf 181 Edenburg Dorpsgebied, Gauteng Provinsie, groot 5163 vierkante meter kragtens Transportakte T 918/2008. Daar is 'n verband oor die eiendom geregistreer ten gunste van Standard Bank. John Peters en Mary Peters kom skriftelik ooreen op 1 September 2014 om 'n deeltitelregister oop te maak op die eiendom. Alle stappe was geneem vir die opening van die register in terme van die Deeltitelwet Nr. 95 van 1986 en die deelplan S.G Nr. D362/2016 was goedgekeur op 4 Mei 2016 - **SIEN AANHANGSEL "A"**.

John Peters sterf op 12 Desember 2016 en Mac Donald word aangestel deur die Meester van die Suid Gauteng Hoër Hof. Die Eksekuteur, met toestemming van die Meester en erfgename van John Peters, het besluit om die terme van die ooreenkoms te aanvaar en die opening van die register en registrasie van die deelplan te behartig soos per aanhangsel "A". Standard Bank het toegestem tot opening van die register.

Van u word verlang:

- 10.1 Die aansoek vir die opening van die deeltitelregister op te stel. Gebruik u eie verdere besonderhede wat nodig mag wees. (15)
- 10.2 Beskryf die skakeling van transaksies wat ingedien moet word vir die opening van die deeltitelregister en welke dokumente in elke omslag ingedien moet word. (10)
- 10.3 Hoe sal die geregistreerde eienaars van die eenhede beskryf word in elke sertifikaat van geregistreerde deeltitel. (5)

**QUESTION 10 SEE ANNEXURE [30]**

**Annexure "A" will be used in this question. Candidates must ensure that they are in possession of the annexure (it consists of 8 pages).**

John Peters and Mary Peters, married out of community of property, are the registered owners of Portion 1 of Erf 181 Edenburg Township, Province of Gauteng, measuring 5163 square metres by virtue of Deed of Transfer T 918/2008. There is a mortgage bond registered over the property in favour of Standard Bank. John Peters and Mary Peters entered into a written agreement on the 1<sup>st</sup> of September 2014 in terms whereof they agreed to open a sectional title register on the property. The necessary steps were taken in terms of the Sectional Titles Act No. 95 of 1986 and the sectional title plan S.G No. D362/2016 was approved on 4<sup>th</sup> of May 2016 - **SEE ANNEXURE "A"**.


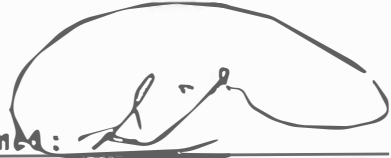
John Peters died on the 12<sup>th</sup> of December 2016 and Mac Donald was appointed as Executor of his estate by the Master of the South Gauteng High Court. The Executor, with the consent of the Master and heirs of John Peters, has decided to accept the terms of the aforesaid agreement and attend to the opening of the sectional title register as per the sectional plan (Annexure "A") and Standard Bank has agreed to consent to the opening of the register.

You are required to:

- 10.1 Prepare the application for the opening of the sectional title register and registration of the sectional plan. Invent your own further particulars that may be required. (15)
- 10.2 Describe the linking of the transactions to be lodged with the opening of the sectional title register and what documents will be lodged in each cover. (10)
- 10.3 Describe the registered owners as they will appear in the certificates of registered sectional title. (5)

# ANNEXURE "A"

**REGISTRATION COPY**

<b>SECTIONAL PLAN No. SS</b> Registered at Pretoria  Registrar of Deeds Date:	<b>SHEET 1</b>  <b>OF</b>  <b>8 SHEETS</b>	<b>S.G. No. D362/2016</b> Approved  for SURVEYOR-GENERAL Date: 2016-05-04
<b>NAME OF SCHEME : 51 WESSEL ROAD</b>		
<b>DESCRIPTION OF LAND ACCORDING TO DIAGRAM:</b> Portion 1 of Erf 181 Edenburg Township, Province of Gauteng, measuring 5163 square metres in extent.		
<b>DIAGRAM: S.G. No. A 708/1947</b>		
<b>NAME OF LOCAL AUTHORITY : CITY OF JOHANNESBURG</b>		
<b>DESCRIPTION OF BUILDINGS : TWO BUILDINGS NAMELY;</b>  1. Building 1 comprising Sections 1, 2 and 3 and Common Property; and 2. Building 2 comprising Common Property.		
<b>ENCROACHMENTS ON THE LAND : NIL</b>		
<b>EXCLUSIVE USE AREAS: SEE SHEET 3, 4, 5 AND 6</b>		
<b>CAVEAT</b> The Developer, in terms of Section 25 of the Act, reserves the right to erect a further building or buildings or add a horizontal or vertical extension to an existing building or buildings.		
<b>CERTIFICATE :</b>  I, BRIAN SHEARER VILJOEN hereby certify that I have prepared sheets 1 to 8 inclusive, of this sectional plan from survey in accordance with the provisions of the Sectional Titles Act, 1986, and the regulations promulgated thereunder.		
Date : <u>14-04-2016</u>	Signed:  <b>BRIAN SHEARER VILJOEN</b> Professional Land Surveyor	
Registration No. PL80768-D	P.O. Box 5571 HALFWAY HOUSE 1685	
Tel.: (011) 314-4677/8 Fax.: (011) 314-4679		
<b>Survey Records No.</b> 762/2016	<b>Compilations :</b> IR1A - 7/C	<b>General Plan TP 1323</b> S.G. No. A2899/1904



SHEET 2 OF 8 SHEETS

S.G. No. D 362/2016

LEGEND:  
BD denotes Building

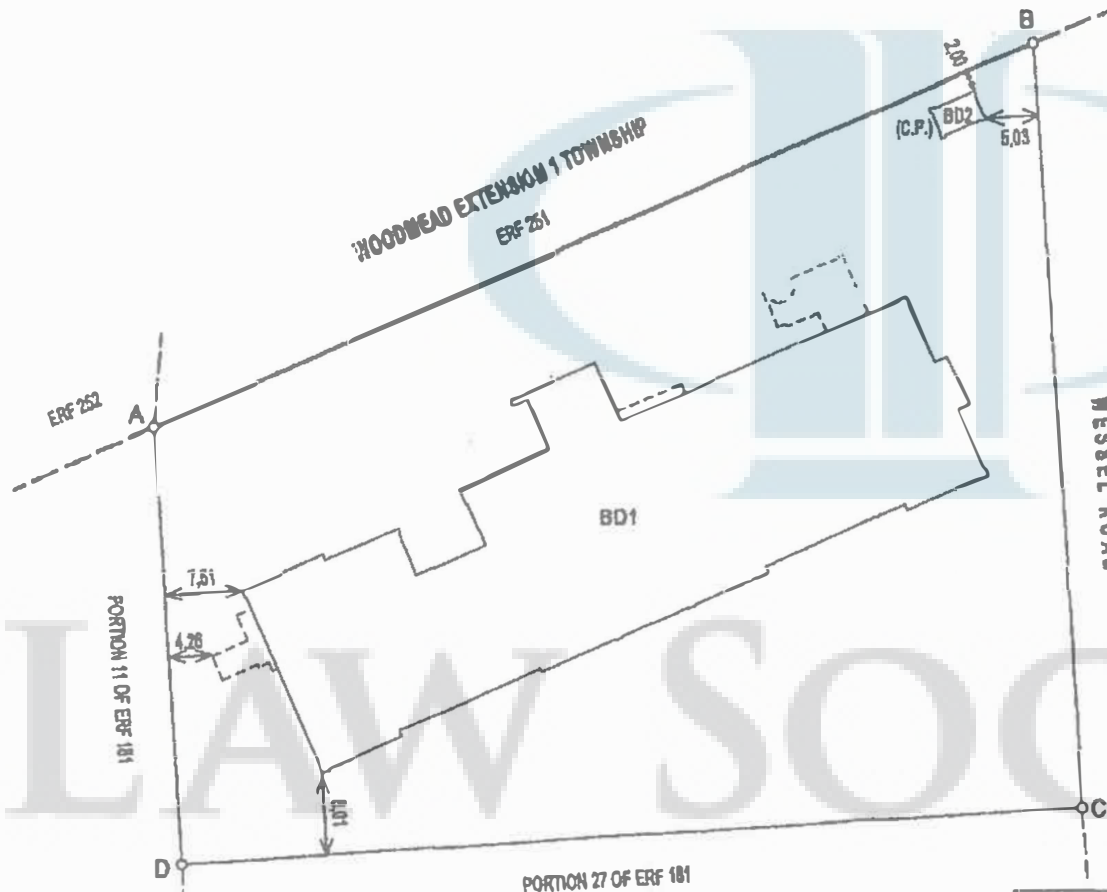
Approved



2016-05-04

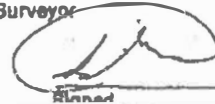
for Surveyor-General

Date



- NOTES:
1. The figure ABCDA represents Portion 1 of Erf 181 Edenburg Township.
  2. - - - - denotes an overhang above ground floor level beyond external wall of Building.
  3. (C.P.) denotes Common Property.
  4. All measurements are given in metres.

B.S. VILJOEN  
Professional Land Surveyor  
P.O. Box 5571  
HALFWAY HOUSE  
1685  
Date: 16-04-2016



NAME OF SCHEME:  
**51 WESSEL ROAD**  
DRAWING TITLE:  
**BLOCK PLAN**

SHEET 3 OF 8 SHEETS

8.G. No. D362/2016

LEGEND:  
BD denotes Building  
P denotes Parking

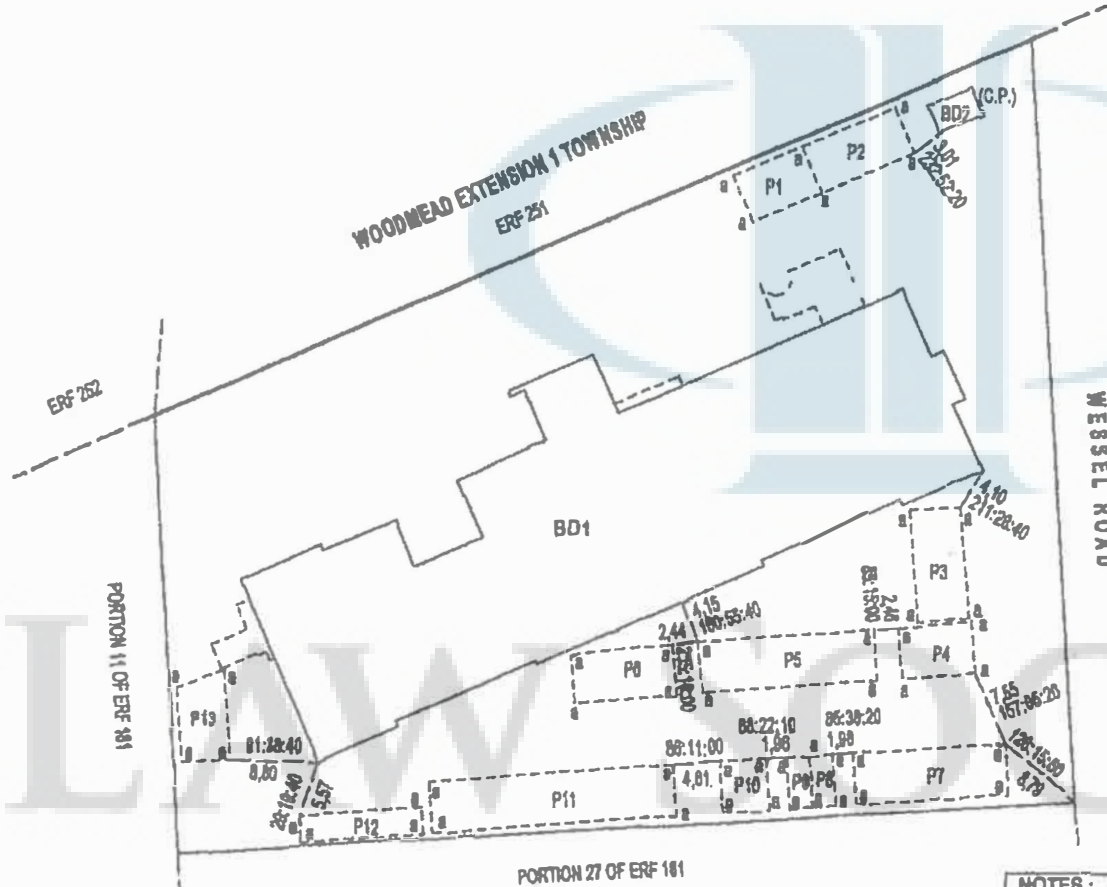
Approved



2016-05-04

for Surveyor-General

Date



SCALE: 1:500

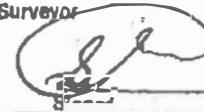
BEACON DESCRIPTION:

a ... Hole In Concrete

NOTES:

1. All parking areas on the ground are undefined.
2. For areas and dimensions of the parking areas see inset on sheet 4.
3. For other Exclusive Use Areas see sheets 5 and 6.
4. --- denotes an overhang above ground floor level beyond external wall of Building.
5. All measurements are given in metres.
6. (C.P.) denotes common property

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P.O. Box 5671  
HALFWAY HOUSE  
1686  
Date: 14-04-2016



NAME OF SCHEME:

61 WESSEL ROAD

DRAWING TITLE : LAYOUT OF EXCLUSIVE USE AREAS ON THE GROUND

**LEGEND:**

P denotes Parking

Approved



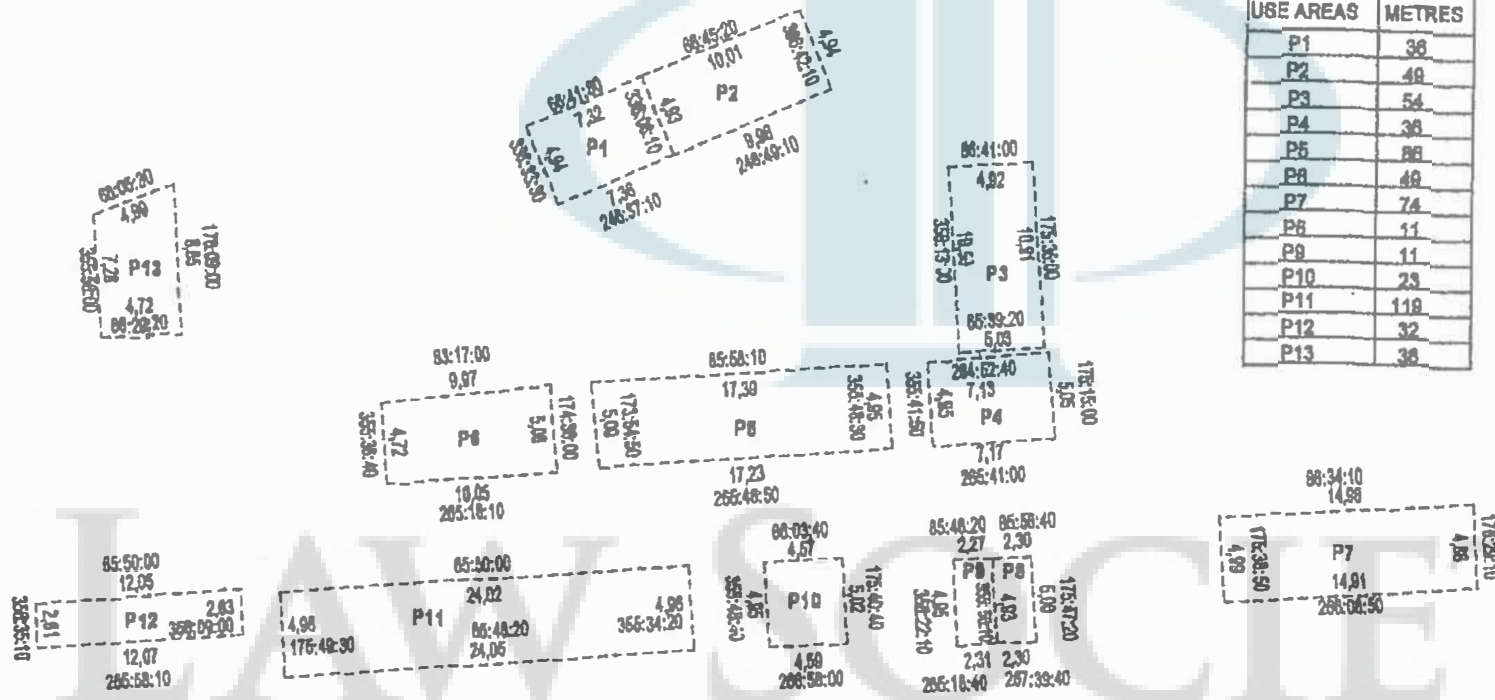
2016-05-04

for Surveyor-General

Date

**INSET:**

EXCLUSIVE USE AREAS ON THE GROUND



EXCLUSIVE USE AREAS	SQUARE METRES
P1	36
P2	48
P3	54
P4	38
P5	88
P6	48
P7	74
P8	11
P9	11
P10	23
P11	119
P12	32
P13	38



SCALE: 1: 300

**NOTES :**

1. For the layout of the Exclusive Use Areas on the ground see sheet 3.
2. For other Exclusive Use Areas see sheets 5 and 6.
3. For the beacon description see sheet 3.
4. All measurements are given in metres.

B.S. VILJOEN  
Professional Land Surveyor  
P.O. Box 5571  
HALFWAY HOUSE  
1685



Date: 14-04-2016

Signed

NAME OF SCHEME:

**51 WESSEL ROAD**

DRAWING TITLE : INSET OF THE EXCLUSIVE USE AREAS ON THE GROUND



SHEET 5 OF 8 SHEETS

S.G. No. D362/2016

EXCLUSIVE USE AREAS	SQUARE METRES
P14	184
P15	123
P16	83
P17	85
P18	122
SP1	47

**LEGEND:**

P denotes Parking  
SP denotes Swimming Pool

Approved

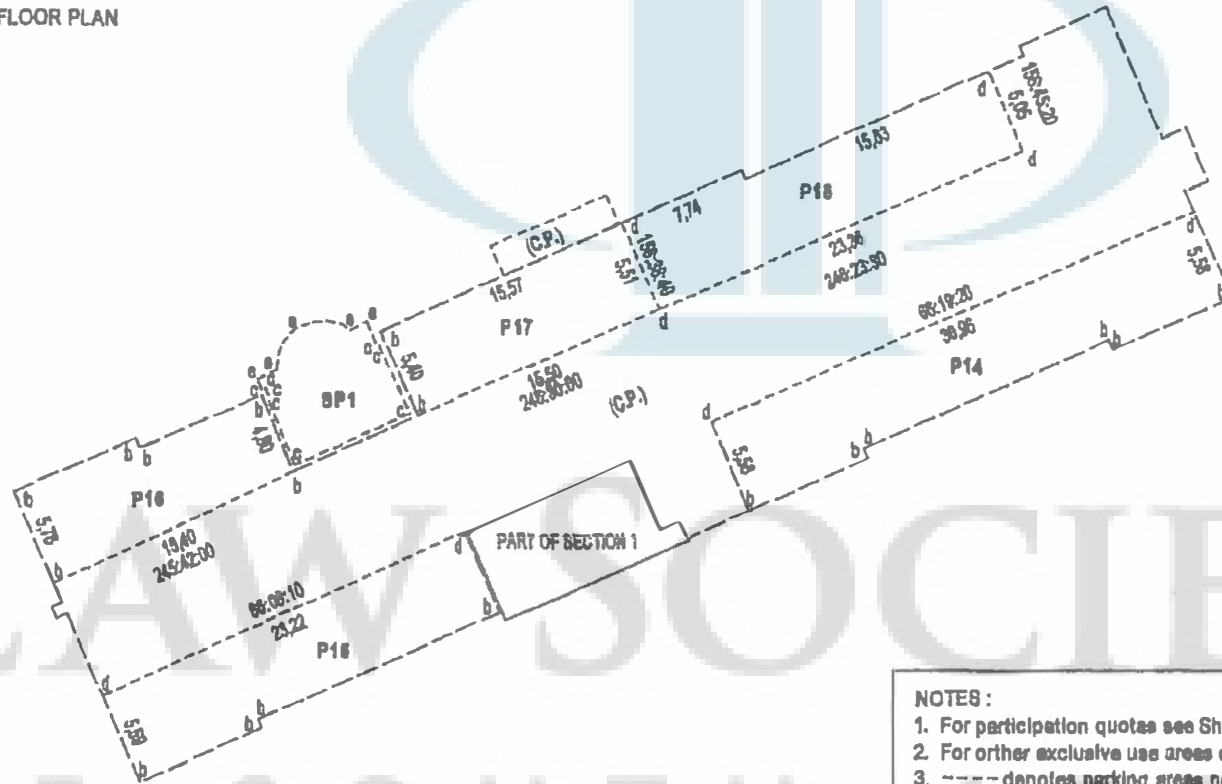


2016-05-04

for Surveyor-General

Date

**BUILDING 1:  
GROUND FLOOR PLAN**



SCALE: 1: 300

**BEACON DESCRIPTIONS:**

- b ... Corner of Wall
- d ... Hole in Concrete
- c ... Outer Face of Building
- e ... Outer Face of Stone Brick

**NOTES:**

1. For participation quotes see Sheet 6.
2. For other exclusive use areas see sheets 3, 4 and 8.
3. --- denotes parking areas not physically defined.
4. --- denotes the innerface of the ground floor.
5. (C.P.) denotes common property.
6. For other parts of Section 1 see sheets 6 and 7.
7. All measurements are in metres.

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Date: 16-04-2016



Signed

NAME OF SCHEME:

**51 WESSEL ROAD**

DRAWING TITLE: BUILDING 1:

GROUND FLOOR PLAN AND LAYOUT OF

EXCLUSIVE USE AREAS ON THE GROUND FLOOR

SHEET 6 OF 8 SHEETS

S.G. No. D 362/2016

**LEGEND:**

PT denotes Patio

Approved

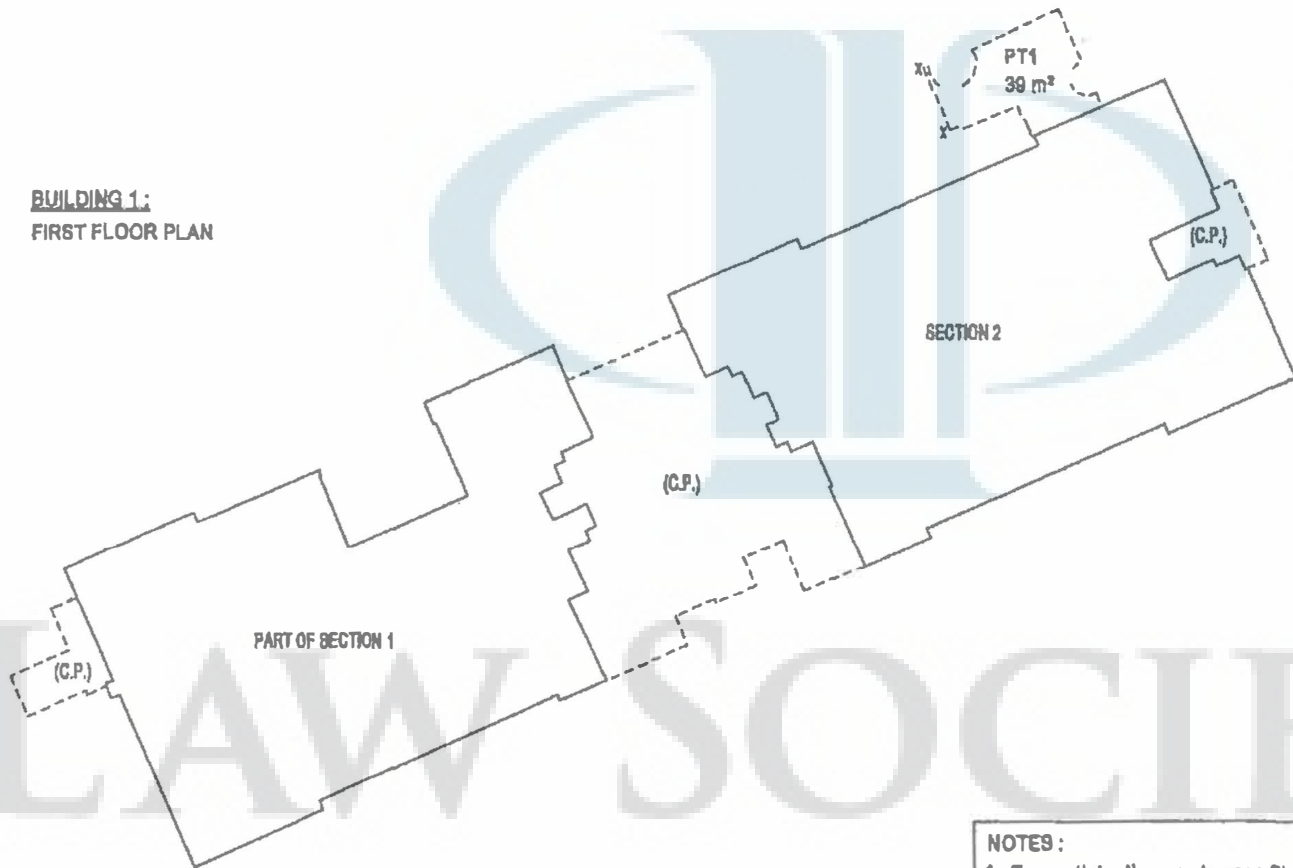


2016-05-04

for Surveyor-General

Date

**BUILDING 1:**  
FIRST FLOOR PLAN



**NOTES :**

1. For participation quotes see Sheet 5.
2. For exclusive use areas see sheets 3, 4 and 5.
3. (C.P.) denotes common property.
4. For other parts of Section 1 see sheets 5 and 7.
5. m<sup>2</sup> denotes square metres.
6. x denotes Edge of Floor Tile.

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Date: 14-04-2016



NAME OF SCHEME:

**51 WESSEL ROAD**

DRAWING TITLE :

**BUILDING 1: FIRST FLOOR PLAN**

SHEET 7 OF 8 SHEETS

S.G. No. D362/2016

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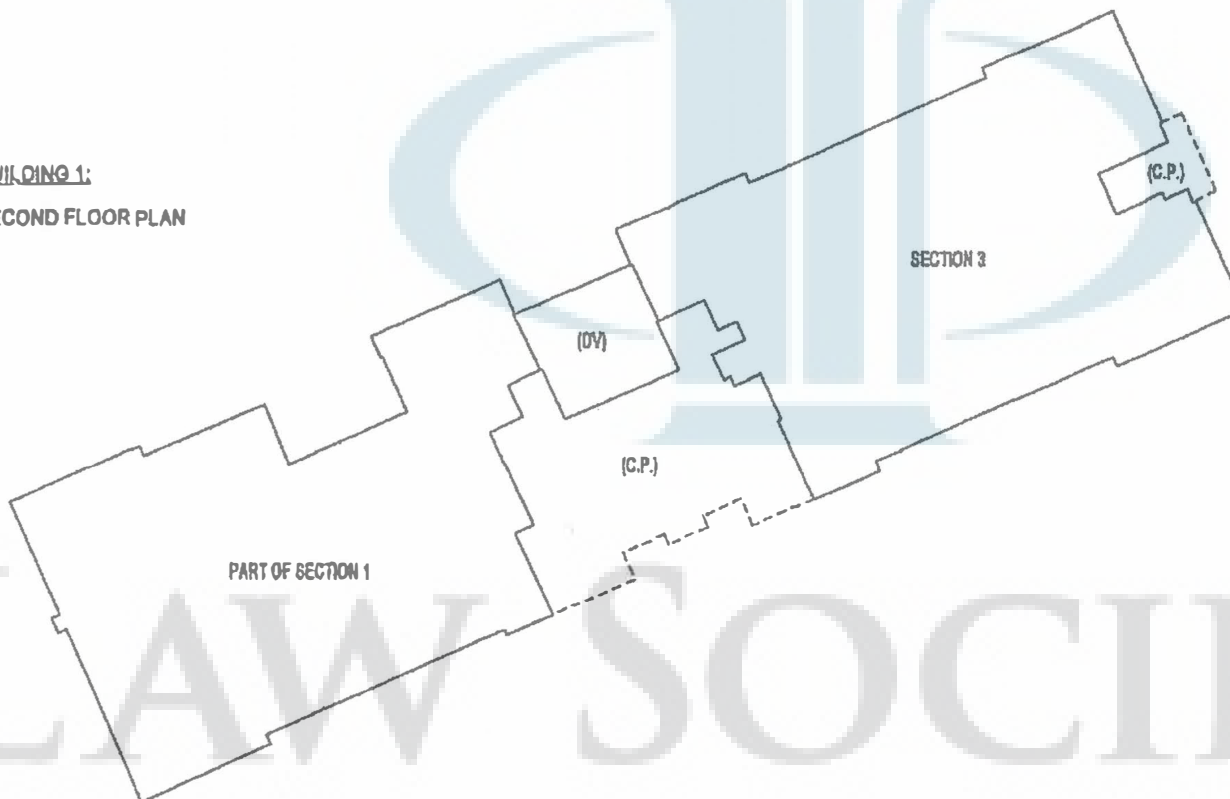


2016-05-04

for Surveyor-General

Date

**BUILDING 1:  
SECOND FLOOR PLAN**

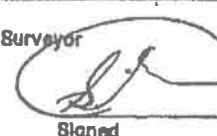


LAW SOCIETY  
OF SOUTH AFRICA

**NOTES :**

1. For participation quotas see Sheet 8.
2. For exclusive use areas see sheets 3, 4, 5 and 6.
3. (D.V) denotes double volume.
4. (C.P.) denotes common property.
5. For other parts of Section 1 see sheets 5 and 6.

**B.S. VILJOEN**  
Professional Land Surveyor  
P.O. Box 5571  
HALFWAY HOUSE  
1685  
Dated: 16-04-2016


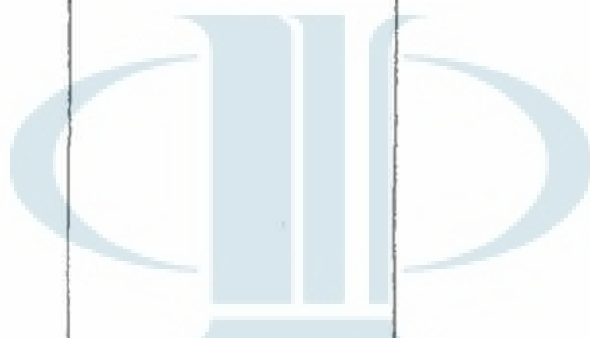


Signed

**NAME OF SCHEME:**  
**51 WESSEL ROAD**  
**DRAWING TITLE : BUILDING 1:**  
**SECOND FLOOR PLAN**



**REGISTRATION COPY**

<b>SHEET 8 OF 8 SHEETS</b>		<b>S. G. No. D362/2016</b>
		Approved  for Surveyor-General <span style="float: right;">2016-05-04 Date</span>
<b>SECTION NUMBER</b>	<b>FLOOR AREA (Square Metres)</b>	<b>PARTICIPATION QUOTA PERCENTAGE</b>
1	1053	50,0238
2	527	25,0356
3	525	24,9406
<b>Total</b>	<b>2105</b>	<b>100,0000</b>
 <b>LAW SOCIETY OF SOUTH AFRICA</b>		
<b>NOTE:</b> For areas of the Exclusive Use Areas, see sheets 4,5 and 8.		
B.S. VILJOEN Professional Land Surveyor P.O. Box 5571 HALFWAY HOUSE 1685 Date: 16-04-2016		NAME OF SCHEME: <b>51 WESSEL ROAD</b> DRAWING TITLE : PARTICIPATION QUOTA SCHEDULE



Signed