

# Regulations

## Definitions

1. In these regulations a word or expression to which a meaning has been assigned in the Act, bears that meaning unless the context otherwise indicates-

'the Act' means the Sectional Titles Act, 1986 (Act 95 of 1986);

'main file' .....

'professional engineer' means a professional engineer as defined in the Professional Engineers' Act, 1968 (Act 81 of 1968);

'subfile' .....

'section title file' means the file referred to in regulation 13;

'taxing master' .....

'under his direction' .....

## Certificate in Respect of Leased Buildings

4. The certificate contemplated in section 4 (3) (a) (ii) of the Act shall contain the following particulars:

(a) The name of the scheme;

(b) the description and extent of the land upon which the building or buildings comprising the proposed scheme are situated, as reflected in the title deed of such land;

(c) the full name and address of the developer;

(d) the number of the title deed in respect of the land concerned;

(e) the number and description of every separate category of units in the buildings comprised in the scheme;

(f) the number of garages and the number of parking places which are provided in the scheme;

(g) any facilities available as common property under the scheme;

(h) a copy of a report by an architect or a professional engineer in respect of the common property relating to the general physical condition of the building or buildings comprised in the scheme, with specific reference to any defects in the buildings and the services and facilities relating thereto;

(i) a specified estimate by the developer or his agent of the annual expenditure in respect of-

(i) the repair, upkeep, control, management and administration of the common property;

(ii) the payment of rates and taxes and other local authority charges in respect of the building or buildings and land concerned;

(iii) the charges for the supply of electricity, gas, water, fuel and sanitary and other services to the building or buildings and land concerned;

(iv) insurance premiums; and

(v) all other costs in respect of the common property which are normally recovered from the owners of units as contemplated in section 37 (1) (a) of the Act.

## Draft Sectional Plans

5. (1) A draft sectional plan intended to be approved by a Surveyor-General and registered in a deeds registry shall comply with the following requirements:

(a) It shall be prepared on a drawing medium of durable and good quality approved by the Surveyor-General, of any of the following sizes: 297 x 210 mm; 297 x 420 mm or 297 x 841 mm and in black ink of a good quality: Provided that any departure from these requirements shall require the prior approval of the Surveyor-General.

(b) Only one side of the sheet shall be used.

(c) The binding margin shall be along the 297 mm side and sheets larger than 297 x 210 mm shall be folded to that size with the folds clear of the binding margin: Provided that sheets required by the Surveyor-General shall not be folded.

(d) Margins 40 mm wide along the 297 mm binding side of the sheets and 10 mm wide along the other sides, shall be provided and such margins, subject to the provisions of paragraph (h) shall be left free of any writing or drawing.

(e) All linear measurements recorded on such plan shall be in metres to two decimal places.

(f) If angles or angles of direction are required to be shown on such a plan they shall be expressed to 10 seconds.

(g) The scale to which any plan is prepared shall be one of the following: 1/1 000, 1/1 250, 1/1 500, 1/2 000, 1/2 500, 1/3 000, 1/4000, 1/5 000, 1/6 000, 1/7 500, or shall be to any of the above-mentioned scales in which the denominator can be multiplied or divided by ten to any integral power: Provided that-

(i) the size of the figure shall be sufficiently large to show all the required details; and

(ii) if necessary, block plans, floor plans and cross-sections of a building may be shown on more than one sheet.

(h) Any addition, alteration or interlineation on a draft sectional plan shall be initialled by the preparer thereof and for this purpose the margin on the right hand side of the sheet opposite such addition, alteration or interlineation shall be used.

(i) A Surveyor-General may refuse to approve a draft sectional plan should he be of opinion that such plan is dilapidated or has been prepared in a careless manner or that the appearance thereof is spoilt by additions, alterations or interlineations or that the writing or any drawing thereon does not, owing to faintness or other reasons, ensure durability.

(j) The developer shall furnish the architect or land surveyor with all documents and particulars required by him to prepare the draft sectional plan.

(k) (i) If the scheme comprises more than one building, the buildings on the draft sectional plan shall be consecutively numbered commencing with the figure '1'.

(ii) All sections in a scheme shall be numbered consecutively on the draft sectional plan commencing with the figure '1'.

(iii) The number allocated to a section on the draft sectional plan shall be allocated to all parts of that section.

(iv) The numbers allocated to sections on a draft sectional plan of subdivision, consolidation and extension shall continue from the last number used for the scheme: Provided that if a section is extended it shall retain the same number.

(v) An exclusive use area shall be uniquely numbered.

(l) If boundaries of a section or of a part thereof cannot be defined by reference to its floor, walls and ceiling, such boundaries shall be defined in a manner acceptable to the Surveyor-General.

(m) The common boundary between an exclusive use area created in terms of section 27 (1), 27 (2) or 60 (3) of the Act and a section of common property is, in the case of physical features, the median line of the dividing floor, wall, ceiling, fence other similar feature, unless boundaries have been described in a different manner on the sectional plan; otherwise a boundary which is not a physical feature, shall be described in a manner acceptable to the Surveyor-General or in terms of beacons determined in accordance with the provisions of the Land Survey Act, 1997 (Act 8 of 1997), which beacons shall be described, and sufficient data given on such plan to define the area and to determine the location thereof in relation to the building, section or boundaries of the land.

(n) Each sheet shall contain the following:

(i) the title of the sheet;

(ii) the sheet number and, in addition thereto, an indication of the number of sheets of which the draft sectional plan shall consist, as follows:

'Sheet ..... of ..... sheets';

(iii) The name and address of the architect or land surveyor concerned or, if he is practising with a firm of architects or land surveyors, his name and the name and address of the firm, all in block letters, the signature of the architect or land surveyor, and his professional designation;

(iv) the date on which the architect or land surveyor signed the sheet;

(v) a space which shall be provided for the approval certificate of the Surveyor-General;

(vi) such notes as the architect or land surveyor may wish to make.

(2) A draft sectional plan shall consist of the following sheets which, subject to the provisions of the Act and subregulation (3), shall contain the particulars prescribed by this subregulation: Provided that if such a plan is intended for the purposes of a subdivision, consolidation or extension of a section or sections, or for the extension of a scheme or common property, or in the circumstances referred to in section 27 (2) of the Act, or for the amendment of a scheme due to the destruction of or damage to a building or buildings, or for the amendment of a sectional plan in terms of section 14 (1) of the Act, it need only comprise such sheets as are affected by such amendments, and the heading of such plan shall be styled as an amending sectional plan:

(a) A first sheet which shall be substantially in the form of Form AC in Annexure 1 and which shall contain, in addition to the particulars mentioned in subregulation (1) (n), the following:

(i) The name of the scheme;

(ii) the description of the land as reflected on the relevant approved general plan or approved diagram;

(iii) the number of the relevant approved general plan or of the approved diagram of the land;

(iv) the number of the section or part of a section that is found in every building: Provided that if a building consists only of common property, it shall be described as such;

(v) the nature of any encroachment on the land to which the scheme relates;

(vi) a certificate signed by the architect or land surveyor that the draft sectional plan has been prepared from actual measurements taken by him or under his direction: Provided that where the responsibility for the preparation of the draft sectional plan is carried by more than one person, each of such architects or land surveyors shall affix a certificate to this sheet, and such certificate shall disclose to what extent he accepts responsibility for the preparation of the draft sectional plan;

(vii) a caveat, if a developer should reserve himself the right under section 25 of the Act to erect a further building or buildings to horizontally or vertically extend an existing building;

(viii) the name of the local authority;

(ix) .....

(x) the sheet number on which every exclusive use area is found;

(xi) space for-

(aa) the signature of the registrar and his reference number; and

(bb) the signature of the Surveyor-General and his reference numbers.

(b) A sheet or sheets on which a block plan is prepared, which shall, in addition to complying with the provisions of Section 5 (3) (a) of the Act and subregulation (1) (n), contain or indicate the following:

(i) a description of contiguous land, and the names of contiguous streets, if any;

(ii) (aa) the position at ground level of the external surfaces of the walls of all buildings shown by a solid line, together with the horizontal distances between each rectilinear cadastral boundary and the buildings nearest to such boundary: Provided that where such external surfaces of any walls are interrupted at ground level by features such as archways, doorways or similar openings, such external surfaces shall likewise be shown by a solid line;

(bb) the greatest extent to which the external surfaces, excluding roof overhangs, unless any such overhang encroaches over the cadastral boundary, protrude beyond the external surfaces of the building at ground level shown by distinctive broken lines, together with the horizontal distance between each rectilinear cadastral boundary and the nearest protrusion to such boundary: Provided that if a basement area determined by the internal surfaces of the walls projects beyond the external surface of the building at ground level, such projection shall likewise be shown separately by a distinctive broken line: Provided further that a brief description shall be given of all parts of the building indicated by a distinctive broken line;

(iii) any encroachment on the land to which the scheme relates;

(iv) any servitude burdening the land reflected on the relevant approved diagram or general plan;

(v) a sign indicating the true north direction;

(vi) an exclusive use area as referred to in subregulation (1) (m) which shall be delineated by means of distinctive broken lines and shall express the area to the nearest square metre: Provided that if details cannot clearly be shown on the sheet such details may be shown, in an inset or on an additional sheet as contemplated in paragraph (f).

(c) A sheet or sheets on which the diagrammatic floor plan in respect of each storey in the building or buildings referred to in section 5 (3) (c) and (d) of the Act are shown and which shall contain, in addition to the particulars mentioned in subregulation (1) (n), the following:

(i) the boundaries of the sections shown in a solid line;

(ii) the common property areas by means of distinctive broken lines;

(iii) an indication of the position of the diagrammatic cross- sections when required in terms of subregulation (3);

(iv) the number of each section or part of such section;

(v) .....

(vi) a sign indicating the true north direction;

(vii) such other information as may be necessary to define each section;

(viii) an exclusive use area as referred to in subregulation (1) (m), which shall be delineated by means of distinctive broken lines and shall express the area to the nearest square metre: Provided that if details cannot clearly be shown on the sheet, such details may be shown in an inset or on an additional sheet as contemplated in paragraph (f);

(d) .....

(e) a sheet or sheets containing in numerical sequence-

(i) the floor areas of the sections as referred to in section 5 (3) (e) of the Act; and

(ii) the participation quotas in respect of the sections in the Annexure as referred to in section 5 (3) (g) of the Act: Provided that the participation quotas of the separate sections shall be made up in such a way that the total participation quota is equal to 100,0000;

(f) a sheet or sheets containing the insets referred to in paragraphs (b) (vi) and (c) (viii).

(3) A draft sectional plan shall, when uncertainty or ambiguity about the boundaries of a section, as defined in the Act, may exist, contain an additional sheet or sheets that contain diagrammatic cross-sections of the building or buildings of every floor in the building or buildings, detailed sufficiently to indicate the boundaries of every section, and that contain, in addition to the particulars mentioned in subregulation (1) (n), the following:

- (a) The number of the building and the name or number of every floor;
- (b) such other information as may be necessary to define every section.

### Submission of Draft Sectional Plan to Surveyor-General

6 (1) The submission of a draft sectional plan to the Surveyor-General in terms of section 7 of the Act for his approval shall be substantially in the form of Form AB in Annexure 1 and shall be accompanied by one paper copy and two copies on durable drawing material of the draft sectional plan concerned.

(2) In addition to the requirements of Section 7 (2) of the Act, the submission shall also be accompanied by the other documents and plans listed in Form AB in Annexure 1.

(3) The field book or field plan shall contain the record of all measurements made in the field.

(4) The calculations shall include:

(a) The calculations of the dimensions of the sections to the median lines from the field measurements;

(b) sufficient calculations to indicate how the area of each section or exclusive use area was determined and how checked;

(c) the calculations of the participation quota of each section;

(d) a list of co-ordinates of at least two corners or identified permanent features of each building: Provided that the distances between such corners or features shall be adequate to provide an accurate determination of the position of each building: Provided further that the co-ordinates may be listed on the copy of the block plan;

(e) a copy of the block plan on which the corners or identified permanent features are indicated and described;

(f) the calculations relevant to the fixing and checking of the buildings to the boundaries of the land and exclusive use areas on relation to the building, section or boundaries of the land, or reference to approved survey records where such calculations were carried out.

(5) The median dimension plan shall indicate the boundaries and the final dimensions of each section as derived from the field measurements and the consistency adjustments.

### Field Measurements

7. (1) Measurements by a land surveyor or architect for the preparation of a draft sectional plan shall be made in the field to two decimal places of a metre and recorded, at the time of the measurement in the field, in the field book or on the field plan.

(2) Sufficient measurements shall be made to enable all median dimensions to be calculated and checked, so as to be consistent with the dimensions of the building as a whole, and the sections and other details on the draft sectional plan to be correctly depicted.

(3) The provisions of the Land Survey Act, 1997 (Act 8 of 1997), and the regulations made thereunder, shall apply to the manner in which and the accuracy to which the survey of buildings and exclusive use areas of which the boundaries are not represented by physical features of permanent nature, shall be performed and to the manner and the form in which the records of such surveys shall be prepared and lodged with the Surveyor-General.

## Accuracy and correctness of a draft sectional plan or sectional plan

8. (1) The Surveyor-General may at any time check in the field the accuracy or correctness of a draft sectional plan, sectional plan or any measurement recorded by a land surveyor or architect.

(2) If the Surveyor-General finds a draft sectional plan, sectional plan, or measurement to be incorrect, he may take such action as he may deem fit in terms of the Act.

## Application for Opening of Sectional Title Register

10. (1) An application for the opening of a sectional title register in terms of section 11 (1) of the Act, shall be in the form of Form B in Annexure 1.

(2) The application referred to in subregulation (1) shall be accompanied by-

(a) the title deed to any registered real right, if the land is subject to such a right, excluding rights to minerals, which title deed shall be suitably endorsed to indicate that the land described therein is subject to a development scheme and is registered in the sectional title register: Provided that where a certificate has been submitted by a conveyancer to the effect that the title deed to such real right is not available, the registrar shall endorse the registry duplicate of such title deed, and, if the original title deed is at any time lodged with the registrar for any purpose, he shall make a similar endorsement thereon; and

(b) .....

(3) The schedule contemplated in section 11 (3) (b) of the Act shall, in addition to the particulars prescribed in the section, contain the following:

(i) The name of the scheme.

(ii) The full name and address of the developer.

(iii) The number of the title deed of the land concerned.

(iv) In the event of land defined on an approved diagram, the number of the title deed with which the diagram is filed.

## Certificates of Registered Sectional Title

11. (1) A certificate of registered sectional title referred to in section 11 (3) ( f ) of the Act, shall be in the form of Form C in Annexure 1, shall be signed and dated by the registrar and shall be sealed with his seal of office.

(2) to (4) inclusive .....

(5) Certificates of registered sectional title shall be on paper of durable and good quality of the size known as A4 standard paper and shall be written, typed or printed in size not less than 2 mm, with black ink of a good quality only.

(6) A certificate of registered sectional title which does not comply with the requirements of subregulation (5), shall be rejected by the registrar.

(7) (a) Subject to the provisions of paragraph (b) a certificate of registered sectional title shall be lodged in duplicate with the registrar.

(b) Where a procedure is followed in a deeds registry of reproducing deeds and documents and of keeping such reproduction instead of such deed or document, it shall, notwithstanding anything to the contrary in these Regulations, not be necessary to lodge a duplicate original of such deed or document for filing in the deeds registry, and upon registration such deed or document shall be deemed to be the copy filed in the deeds registry until such time as the reproduction of the deed or document is filed in lieu thereof: Provided that the provisions of this paragraph shall not be applied in a deeds registry until the Chief Registrar of Deeds has instructed the registrar of the office concerned in writing.

(8) The provisions of this regulation shall apply *mutatis mutandis* with reference to any certificate of registered sectional title or sectional title deed issued under any other provision of the Act.

## Registration of Sectional Plans

12. (1) The distinctive number allotted to a sectional plan in terms of section 12 (1) (a) of the Act, shall be a consecutive number, starting each year with the figure '1', and shall be followed by an oblique line and the year in which the sectional plan is registered.

(2) .....

(3) A registrar may refuse to register a sectional plan should he be of the opinion that such plan is dilapidated.

## Sectional Title Registers

13. (1) The sectional title register as contemplated in section 12 (1) (b) of the Act, shall be opened by means of a sectional title file as set out in Forms D in Annexure 1.

(2) The file number allotted to the sectional title file, shall be the same as the number allotted to the sectional plan.

(3) .....

(4) In the sectional title file shall be filed-

(a) the documents referred to in section 11 (3) of the Act, with the exception of the certificates of registered sectional title, the owner's copy of the title deed of the land and the bond;

(b) the copy of any notice to the Surveyor-General and the local authority of the registration or cancellation of the registration of a sectional plan or of the reversion of land to the land register;

(c) correspondence relating to the scheme concerned as a whole;

(d) .....

(5) .....

(6) Where a procedure is followed in a deeds registry of reproducing documents and of keeping such reproduction instead of such document and of maintaining a register as referred to in section 12 (1) (c), the sectional title file referred to in subregulation (4) may be substituted by such reproductions and register: Provided that the sectional title file shall be maintained for certain documents should the Chief Registrar of Deeds so determine.

## Certificates of Real Rights

14. (1) The certificates of real right referred to in section 12 (1) (e) of the Act, shall be in the form of Form F in Annexure 1.

(2) The certificate of real right referred to in section 25 (6) of the Act, shall be in the form of Form R in Annexure 1, and shall be accompanied by the written consent of all the members of the body corporate and of every holder of a bond over a unit in the scheme.

(3) The certificate of real right referred to in section 12 (1) (f) of the Act, shall be in the form of Form G in Annexure 1.

## Alteration, Amendment, Substitution or Cancellation of Registered Sectional Plan

15. (1) .....

(2) The provisions of regulation 5 shall apply *mutatis mutandis* to a draft sectional plan which is to be substituted for a registered sectional plan.

(3) The registrar shall forward a copy of a sectional plan which is substituted for a registered sectional plan to the local authority concerned.

(4) Whenever the registrar amends the relative sectional title deed as required by section 14 (5) of the Act, he shall endorse thereon that the amendment has been effected in accordance with an alteration, amendment or substitution of the registered sectional plan.

(5) Whenever the registration of a sectional plan is cancelled on the application of the developer in terms of section 14 (6) of the Act, the registrar shall make the necessary endorsement on-

- (a) each of the relevant sectional title deeds;
- (b) the titles to any real rights, with the exclusion of mineral rights; and
- (c) on the schedule referred to in section 11 (3) (b).

(6) (a) Whenever the registration of the sectional plan is cancelled, the registrar shall make the alterations, amendments, endorsements and entries in the relevant land register and records which are necessary to effect the reversion of the land to the land register.

(b) Any entry referred to in paragraph (a) shall contain a reference to the number of the relevant sectional plan.

(7) Whenever the registration of a sectional plan is cancelled, the registrar shall, if a certificate of registered title referred to in section 14 (7) of the Act is not issued by him, revive the developer's title deed of the land referred to in section 11 (3) (c) of the Act by making an appropriate endorsement on the title deed under his signature and date.

## Registration of Transfer of Ownership and Registration of Other Rights in Respect of Parts of Buildings

16. (1) (a) Simultaneously with the establishment of a body corporate in terms of section 36 (1) of the Act the registrar shall issue a certificate in the form of Form W in Annexure 1: Provided that the registrar may, on application being made by a body corporate in respect of which such certificate has not been issued prior to 1 June 1981, issue such certificate after the date of establishment of such body corporate.

(b) (i) A draft certificate in the form prescribed in paragraph (a) shall be prepared by a conveyancer and lodged in duplicate with the registrar.

(ii) The original certificate shall be filed in the sectional title file and the duplicate thereof shall be delivered to the conveyancer.

(c) Once a certificate has been issued in terms of paragraph (a), no further such certificate shall be issued in respect of the building concerned, but if required the registrar may issue a certified copy of the original certificate.

(2) The deed of transfer referred to in section 15B (1) of the Act, shall be in the form of Form H in Annexure 1.

(3) Where consent to which reference is made in regulation 30 (2) is required, it shall be lodged with the deed of transfer.

(4) An application referred to in section 15B (5) of the Act, shall be in the form of Form I in Annexure 1.

(5) A certificate of registered sectional title referred to in section 15B (5) of the Act, shall be in the form of Form J in Annexure 1.

## Untitled - 16A

16A (1) Every deed of transfer, certificate of title, certificate of registration or sectional mortgage bond shall be prepared by a conveyancer or other person empowered thereto by any act who shall make and sign a certificate in the upper right hand corner on the first page of the document concerned.

(2) A conveyancer or other person empowered thereto by any act, who prepares a deed of transfer, certificate or sectional mortgage bond referred to in subregulation (1), shall initial all alterations or interlineations in such deed of transfer, certificate or sectional mortgage bond and also every page thereof not requiring a signature and no such deed of transfer, certificate or sectional mortgage bond shall be accepted for execution or registration if it does not bear such certificate and is not so initialled: Provided that in the case of such deed of transfer, certificate or sectional mortgage bond where an alteration or interlineation is not so initialled, and in the opinion of the registrar, such initialling by the conveyancer who prepared such deed of transfer, certificate or sectional mortgage bond is not required, such alteration or interlineation may be initialled by the conveyancer executing such deed of transfer.

**Untitled - 16B**

16B (1) Subject to the provisions of subregulation (3) and (4) a power of attorney, application or consent required for the performance of an act of registration in a deeds registry, and tendered for registration or filing of record in a deeds registry, shall be prepared by a practising attorney, not necessarily practising in the province in which such deeds registry is situate, notary, conveyancer or other person empowered thereto by any act, who shall make and sign a certificate in the undermentioned form in the upper right hand corner on the first page of the document concerned:

'Prepared by me

.....

ATTORNEY/NOTARY/CONVEYANCER/

AUTHORISATION OF OTHER PERSON

(Use whichever is applicable)

.....

(State surname and initials in block letters.)'

(2) Subject to the provisions of subregulation (3), any alteration or interlineation in a document referred to subregulation (1) shall be initialled by the person who prepared such document.

(3) A registrar may waive compliance with the provisions or subregulations (1) and (2) in respect of a power of attorney, application or consent executed outside the Republic or in respect of a power of attorney, application or consent not provided for by the Act or the Regulations.

(4) The provisions or subregulation (1) shall not prevent an attorney, notary or conveyancer in the employ of the State from preparing in the course of his employment, any document mentioned in such subregulation.

(5) When a certificate referred to in subregulation (1) is signed by an attorney or notary, the fact that the signatory is a practising attorney or notary shall be confirmed by a practising conveyancer, who shall countersign the certificate by making and signing the following certificate thereon:

'Countersigned by me

.....

CONVEYANCER

.....

(State surname and initials in block letters.)'



## Untitled - 16C

16C The person preparing and signing the documents referred to in regulations 16A (1) and 16B (1) accepts responsibility for the correctness of the undermentioned facts stated in the deeds or documents concerned or which are relevant in connection with the registration or filing thereof, namely:

(a) That all copies of the deeds or documents intended for execution or registration are identical at the date of lodgement.

(b) That, in the case of a deed of transfer, certificate of title or certificate of registration, all the applicable conditions of title have been correctly brought forward in that deed of transfer, certificate of title or certificate of registration.

(c) That, in the case of a document referred to in regulation 16B (1) signed by a person in his or her capacity as executor, trustee, tutor, curator, liquidator or judicial manager from perusal of documents evidencing such appointment exhibited to him or her, such person has in fact been appointed in that capacity and acts in accordance with the powers granted to him or her and that any surety required has been furnished to the Master of the High Court.

(d) That, to the best of his knowledge and belief and after due enquiry has been made-

(i) (aa) the names, identity number or date of birth and marital status of any natural person being a party to a deed or document and in the case of any other person or a trust, its name and registered number, if any, of such person or trust are correctly reflected in that deed or document;

(ii) in the case of a document referred to in regulation 16B (1)-

(aa) the necessary authority has been obtained for the signing of such document in a representative capacity on behalf of a company, close corporation, church, association, society or other body of persons or an institution;

(bb) the transaction as disclosed therein, is authorized by and in accordance with the constitution, regulation, founding statement or trust instrument of a trust, as the case may be, of any church, association, close corporation, society, trust, or other body of persons, or any institution other than a company, except a share block company as defined in the Share Blocks Control Act, 1980 (Act 59 of 1980), being a party to such document.

(e) That, in the case where the person signs the preparation certificate on a deed of transfer, certificate of title, certificate of registration or a sectional mortgage bond, he accepts responsibility that the particulars in the deed referred to in paragraph (d) (i), have been brought forward correctly from the special power of attorney or application relating thereto.

## Alienation and letting of Common Property

17. (1) .....

(2) Simultaneously with the registration of a transfer referred to in section 17 (3) (a) or 19 (3) of the Act, the registrar shall make an endorsement under his signature on the schedule of conditions referred to in section 11 (3) (b) of the Act.

(3) Any sectional title deed registered pursuant to section 17 (3) or 19 (3) of the Act shall simultaneously be re-registered as a deed of transfer under the Deeds Registries Act, 1937 (Act 47 of 1937).

(4) The registrar shall register a cession of a servitude or other real right in terms of section 19 of the Act by virtue of a deed of cession in the form of Form M in Annexure 1.

## Draft Sectional Plan of Subdivision

18. (1) .....

(2) The provisions of regulation 5 shall apply *mutatis mutandis* to a draft sectional plan of consolidation.

## Registration of Subdivision of a Section

19. (1) (a) Application for registration of a sectional plan of subdivision shall be in the form of Form O in Annexure 1.

(b) When registering such a sectional plan under section 22 (3) of the Act, the registrar shall allot a distinctive number thereto.

(2) The certificate of registered sectional title referred to in section 22 (5) of the Act, shall be in the form of Form P in Annexure 1.

(3) Whenever the registrar has issued a sectional title deed under section 22 (5) of the Act in lieu of the sectional title deed referred to in section 22 (2) (b) of the Act, he shall cancel the last- mentioned sectional title deed.

(4) The registrar shall furnish the local authority concerned with a copy of the registered sectional plan of subdivision.

## Draft Sectional Plan of Consolidation

20. (1) .....

(2) The provisions of regulation 5 shall apply *mutatis mutandis* to a draft sectional plan of consolidation.

## Registration of Consolidation of Sections

21. (1) (a) Application for registration of a sectional plan of consolidation shall be in the form of Form O in Annexure 1.

(b) When registering such a sectional plan under section 23 (3) of the Act, the registrar shall allot a distinctive number thereto.

(2) The certificate of registered sectional title referred to in section 23 (5) of the Act, shall be in the form of Form Q in Annexure 1.

(3) Whenever the registrar has issued a sectional title deed under section 23 (5) of the Act in lieu of the sectional title deeds referred to in section 23 (2) (b) of the Act, he shall cancel the last- mentioned sectional title deeds.

(4) The registrar shall furnish the local authority concerned with a copy of the registered sectional plan of consolidation.

## Draft Sectional Plan for Extension of a Section

22. (1).....

(2) The provisions of regulation 5 shall apply *mutatis mutandis* to a draft sectional plan of extension of a section.

## Registration of Extensions of Sections

23. (1) (a) Application for registration of a sectional plan of extension of a section shall be in the form of Form O in Annexure 1.

(b) When registering such a sectional plan under section 24 (7) of the Act the registrar shall allot a distinctive number thereto.

(2) The registrar shall furnish the local authority concerned with a copy of the registered sectional plan of extension.

## Draft Sectional Plan for Extension of a Scheme

24. (1) .....

(2) The provisions of regulation 5 shall apply *mutatis mutandis* to a draft sectional plan of extension of a scheme.

### Registration of Extension of a Scheme

25. (1) (a) The application for registration of a sectional plan of extension of a scheme shall be in the form of Form O in Annexure 1.

(b) When registering such a sectional plan under section 25 (11) of the Act, the registrar shall allot a distinctive number thereto.

(2) The certificate of registered sectional title referred to in section 25 (10) (d) of the Act, shall be in the form of Form C in Annexure 1.

(3) The registrar shall furnish the local authority concerned with a copy of the registered sectional plan of extension.

### Draft Sectional Plan for Extension of the Common Property

26. (1).....

(2) The provisions of regulation 5 shall apply *mutatis mutandis* to a draft sectional plan of extension of the common property.

### Registration of Plan of Extension of the Common Property

27. (1) (a) An application for registration of a section plan of extension of the common property shall be in the form of Form O in Annexure 1.

(b) When registering a sectional plan under section 26 (5) of the Act, the registrar shall allot a distinctive number thereto.

(2) The registrar shall furnish the local authority concerned with a copy of the registered sectional plan of extension.

(3) The application contemplated in subregulation (1) (a) must be accompanied by an amended schedule as contemplated in section 11 (3) (b) of the Act, where the land to be incorporated into the communal scheme concerned is subject to conditions which are different from the conditions registered at the opening of the sectional title register.

### Exclusive Use Areas

28. (1) The exclusive use areas referred to in section 5 (3) (f) of the Act shall, where there is more than one area, be numbered and described in separate paragraphs in the certificate of real rights referred to in section 12 (1) (f) of the Act.

(2) Simultaneously with the transfer of a right to an exclusive use area referred to in section 27 (3) and 60 (3) of the Act, the registrar shall make an endorsement under his signature on the schedule of conditions referred to in section 11 (3) (b) of the Act shall notify the Surveyor-General accordingly.

(3) The provisions of subregulation (1) shall apply *mutatis mutandis* to a transfer, cancellation or mortgage of any exclusive use area.

(4)(a) Whenever any real right to an exclusive use area vests in the body corporate as contemplated in section 27 (1) (c) or section 27 (4) (b) of the Act, the registrar shall upon lodgment of an application by the body corporate, nearly as practicable in the form AG in Annexure 1, issue a certificate of real right in favour of the body corporate in the form AH of Annexure 1.

(b) If the real right to such exclusive use area is hypothecated, the registrar shall endorse the fact of the issuing of such certificate on the registry duplicate of the bond and, if the original bond is at any time lodged with the registrar's office for any purpose except cancellation, the registrar shall make a similar

endorsement thereon: Provided that the issuing of such certificate shall not prejudice any claim to compensation which any person may have as a result of the vesting of such right.

(c) The body corporate shall produce the title deed of the real right to such exclusive use area to the registrar, together with the certificate of real right, and the registrar shall thereupon endorse the fact of the issuing of such certificate on such title deed.

(d) If the body corporate does not produce the title deed of the real right to such exclusive use area, it must submit to the registrar an affidavit stating the reasons why it has been unable to produce the title deed and the registrar shall if he or she is satisfied with the reasons, endorse the fact of the issuing of the certificate on the registry duplicate of such title deed, and if the original title deed is at any time lodged with his or her office for any purpose, the registrar shall make a similar endorsement thereon.

(e) The registrar shall not issue the said certificate unless a certificate has been furnished by the body corporate to the effect that the provisions of section 27 of the Act in connection with the vesting of such right have been complied with.

5 (a) A separate title deed as contemplated in section 27 (7) of the Act may be obtained by the registered holder from the registrar upon written application accompanied by the title deed of the right to the exclusive use area concerned and such title deed must be issued, nearly as practicable, in the form AI in Annexure 1.

(b) If the right to the exclusive use area concerned is subject to a registered mortgage bond, that bond shall be produced to the registrar by the holder thereof, upon the request by and at the expense of the applicant.

(c) Before issuing such title deed the registrar shall cause to be made upon the title deed to the exclusive use area concerned and upon the mortgage bond an endorsement to the effect that a separate title deed as contemplated in section 27 (7) of the Act, has been substituted for the one title deed in respect of the right to the exclusive use area concerned and the registrar shall further make the necessary entries in the registers of the issue of the separate title deed and shall, if the right to the exclusive use area is mortgaged, endorse that fact upon the title deed so issued.

(d) Any separate title deed, when issued, shall in respect of the right to the exclusive use area described therein, take the place of the title deed or deeds by which such right was previously held and the issue of such title deed shall not in any manner affect any right or obligation in connection with such right to the exclusive use area concerned.

## Untitled 29

29. A registrar shall not issue a certificate of real right contemplated in section 25 (6A) or section 27 (1A) of the Act, unless a conveyancer certifies-

(a) that no unit in the scheme has been alienated; or

(b) if an unit was alienated, the developer disclosed to the owner that application has been made for the issuing of a certificate of real right in terms of section 25 (6A) and section 27 (1A) of the Act.

## Rules

30. (1) Subject to subregulations (2) and (3), the management rules as contemplated in section 35 (2) (a) of the Act shall be those rules as set out in Annexure 8, for which, except in the case of rules 1 to 6, inclusive, rules 10 to 13, inclusive, rule 15 (3) and (4), rules 16 to 26, inclusive, rules 28 to 45, inclusive, rules 46 (1), rules 47 to 56, inclusive, rule 57 (1) and rules 59 to 70, inclusive, other rules may be substituted, added to, amended or withdrawn by the developer when submitting an application for the opening of a sectional title register.

(2) If the schedule referred to in section 11 (3) (b) of the Act contains a condition restricting transfer of a unit without the consent of an association whose constitution stipulates that-

(a) all members of the body corporate of the development scheme of which the unit forms part, shall be members of that association, and

(b) the functions and powers of the body corporate shall be assigned to that association,

the developer may, when submitting an application for the opening of a sectional title register, substitute any management rule contained in Annexure 8.

(3) If at the commencement of the Act the members of a body corporate are all members of an association whose constitution binds its members to assign the functions and powers of the body corporate to that association, the management rules contained in Annexure 8 shall not apply.

(4) The management rules set out in Annexure 8 may be added to, amended or repealed by unanimous resolution of the body corporate: Provided that no such addition, amendment or repeal shall be made until such time as there are owners, other than the developer, of at least 50 per cent of the units in the scheme save in the case of a body corporate which is established in a scheme which was approved in terms of the Sectional Titles Act, 1971.

(5) The conduct rules as contemplated in section 35 (2) (b) of the Act shall be those rules set out in Annexure 9.

(6) The notification referred to in section 35 (5) of the Act shall be in the form set out in Form V in Annexure 1.

(7) The body corporate shall notify the Registrar of any addition to, amendment of or repeal of conduct rules as contemplated in section 35 (2) (b) of the Act in the form set out in Form V of Annexure 1.

## **Destruction of or Damage to Building and Transfer of Interest**

31. (1) Whenever a building or buildings are damaged or deemed to be destroyed as contemplated in section 48 and a scheme has been authorized as provided for in section 48 (3) (a) of the Act, the body corporate shall notify the registrar. The notification shall be in the form of Form X of Annexure 1.

(2)\* The notification to the registrar pursuant to subregulation (1) shall be accompanied by a schedule in terms of section 5 (3) (g) of the Act which shall exclude reference to any section which has been destroyed, and the affected title of the owner of the unit or holder of any real rights together with the consent of the holder of any mortgage bond or holder of any real rights for disposal thereof.

(3) The registrar shall give effect to the requirements as contemplated by section 48 (3) (a) (ii) of the Act, by making an appropriate endorsement on the relevant deeds.

(4) The registrar shall advise the Surveyor-General and the local authority of any registration pursuant to section 48 of the Act, which advice shall be accompanied by a copy of the schedule referred to in subregulation (2), in the case of the local authority, and by the original, in the case of the Surveyor-General.

(5) On receipt of the notification pursuant to subregulation (4), the Surveyor-General shall make the required amendments and endorsements on the sectional plan and the deeds registry copy thereof.

## **Notification of Destruction of Building**

32. The notification referred to in section 49 (1) of the Act, shall be in the form of Form Y in Annexure 1.

## **Sectional Mortgage Bonds**

34. A sectional mortgage bond hypothecating a unit held under a sectional title deed or an exclusive use area or the right to extend a scheme held under a certificate of real right, shall be substantially in the form of Form Z in Annexure 1, and shall be prepared by a conveyancer and be signed by the mortgagor, or his duly authorized agent, in the presence of a conveyancer, and the said form shall be suitably adapted when hypothecating land held under a sectional title deed or a registered notarial lease or sublease or other registered real right.

## Fees of Office

35. (1) The fees of office to be charged in respect of any act, matter, or thing required, or permitted, to be done in or in relation to a deeds registry shall be those as specified in the schedule of fees of office, published in terms of regulation 84 of the Regulations in terms of the Deeds Registries Act, 1937 (Act 47 of 1937), (Government Notice R474 of 29 March 1963).

(2) The fees of office to be charged in respect of any act, matter or thing required or permitted to be done in or in relation to an office of the Surveyor-General, shall be those fees as is determined in accordance with section 9 of the Land Survey Act, 1997 (Act 8 of 1997).

(3) The fees of office referred to in subregulations (1) and (2) shall be paid in cash, by postal order, cheque or in such other manner determined by the Chief Registrar of Deeds or Chief Surveyor-General.

## Endorsement or Entries on Registered Deeds or other Documents or in Registers

38. Endorsements or entries required by these Regulations to be made on registered deeds or other documents or in registers may be made thereon or therein by means of rubber stamp or handwriting or typewriting, and shall be signed and dated by the registrar who shall below his signature state the office held by him, and who shall initial any alteration or interlineation to an endorsement or entry.

## Arbitration Proceedings

39. The provisions of the Arbitration Act, 1965 (Act 42 of 1965), shall, in so far as those provisions can be applied, apply *mutatis mutandis* with reference to arbitration proceedings under the Act.

## Conveyancers' Files

40. (1) Every conveyancer shall keep in his or her file the respective documents set out in Annexure 6 to these Regulations in respect of the following transactions:

(a) Transfers of ownership in terms of section 15B (1) (a) of the Act;

(b) transfers of ownership in terms of sections 17 (3), 19 (3) and 34 (4) of the Act; and

(c) sectional mortgage bonds referred to in section 15B (1) (c) of the Act in respect of which he or she has signed the bond as preparer.

(2) The conveyancer who has prepared the documents contemplated in subregulation (1), shall retain his or her file, with such documents as is prescribed relating to the transaction in question, for a period of at least six years after the date of registration of such document.

(3) Every conveyancer shall take such reasonable precautions for the safe custody of his or her file as may be necessary.

## Certified Copies

42. A certified copy of an approved sectional plan shall only be issued by a Surveyor-General and shall not be issued prior to the registration thereof, unless the written consent of the architect and the land surveyor concerned, or any person legally entitled to act on his behalf, is produced to the Surveyor-General: Provided that such consent shall not be required if the Surveyor-General has been supplied with evidence that such architect or land surveyor has unreasonably withheld his consent or has failed to respond in a reasonable time to a notice requesting authorization for the issue of a certified copy.

## Examination in Connection with the Preparation of Draft Sectional Plans

43. (1) The syllabus for the examination that has to be set for a land surveyor or architect, who has been required by the Chief Surveyor-General to sit for an examination in connection with the preparation of a draft sectional plan in terms of section 5 (2) of the Act, shall consist of-

(a) comprehensive knowledge of all matters covered by the Act and the Regulations;

(b) knowledge of all matters relating to the registration or cancellation of real rights in land in respect of grants, transfers, leases, subdivisions, consolidations, servitudes, bonds, mineral and surface rights, national building regulations as made under the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), and town planning schemes; and

(c) comprehensive knowledge of all matters relating to the duties, responsibilities and professional conduct of land surveyors and architects as covered by their respective professional Acts.

(2) There is hereby established a committee to be known as the Sectional Titles Examination Committee which shall consist of the following members appointed by the Director-General, namely:

(a) the Chief Surveyor-General who shall be Chairman of the Committee;

(b) one person nominated by the South African Council for Professional Land Surveyors and Technical Surveyors; and

(c) one person nominated by the South African Council for Architects.

(3) All the meetings of the Sectional Titles Examination Committee shall be held at such time and place as the Chairman of the Committee may determine.

(4) Two members of the Sectional Titles Examination Committee shall form a quorum for any meeting thereof.

(5) The Sectional Titles Examination Committee may determine the procedure at its meetings.

(6) A resolution of the Sectional Titles Examination Committee contained in writing and signed by at least two of the members of the committee shall be valid although no meeting was held to pass the resolution.

(7) The functions of the Sectional Titles Examination Committee in respect of the examinations shall be to-

(a) appoint an examiner and a moderator;

(b) make arrangements with the South African Council for Professional Land Surveyors and Technical Surveyors and the South African Council for Architects regarding date, time, place, fees and other matters incidental to conducting such examination; and

(c) determine pass mark and duration of paper.

(8) The examiner and the moderator appointed in terms of subregulation (7) (a) shall make the examination results available to the Chief Surveyor-General Director, and the names of the land surveyors and architects who were successful in the examination shall be placed on a register, to be maintained by the Chief Surveyor-General, comprising the names of those persons entitled to undertake sectional title work: Provided that in the event of the examiner and the moderator disagreeing with regard to the examination questions or the marking of the papers, the final decision will rest with the Chief Surveyor-General.

### Extension of period referred to in section 60 (1) (b) (iii) of the Act

44. The period during which a developer may apply for a certificate of real right in respect of a right of extension of a building acquired in terms of section 18 of the Sectional Titles Act, 1971, as contemplated in section 60 (1) (b) of the Sectional Titles Act, 1986, is extended to 31 December 2001.

## Annexure 1 - Forms

### FORM B

Prepared by me

.....

CONVEYANCER

(State surname and initials in block letters)

**APPLICATION UNDER SECTION 11(1) OF THE SECTIONAL TITLES ACT, 1986**

I, the undersigned, ..... (name of developer), hereby apply to the Registrar of Deeds ..... for-

- \*1. the opening of a sectional title register in terms of the provisions of section 12 (1) (b) of the Sectional Titles Act, 1986, and the registration of the attached sectional plan in terms of the provisions of section 12 (1) (a) of the aforesaid Act, in respect of the scheme known as ..... SG No..... and held under Title Deed No T...../19.....;
- \*2. the issue of certificates of registered sectional title in terms of the provisions of section 12 (1) (d) of the aforesaid Act in respect of the sections shown on the said sectional plan;
- \*3. the issue of a certificate of real right in terms of the provisions of section 12 (1) (e) of the aforesaid Act in respect of any proviso in terms of section 25 (1);
- \*4. the issue of a certificate of real right in terms of the provisions of section 12 (1) (e) of the aforesaid Act in respect of any reservation in terms of section 25 (6A);
- \*5 the issue of a certificate of real right in terms of the provisions of section 12 (1) (f) of the aforesaid Act in respect of a right of exclusive use referred to in section 27 (1);
- \*6 the issue of a certificate of real right in terms of the provisions of section 12 (1) (f) of the aforesaid Act in respect of a right of exclusive use referred to in section 27 (1A).

Signed at .....on.....  
.....

Signature of Developer

\* Delete whichever is inapplicable

**FORM C**

Prepared by me

.....

CONVEYANCER

(State surname and initials in block letters)

**CERTIFICATE OF REGISTERED SECTIONAL TITLE ISSUED UNDER \*SECTION 12 (1) (d)/25 (11) (c) OF THE SECTIONAL TITLES ACT, 1986**

I, Registrar of Deeds at ..... hereby certify that ..... is the registered owner of a unit consisting of-

(a) Section No..... as shown and more fully described on Sectional Plan No SS..... in the scheme known as ..... in respect of the land and building or buildings situated at\* ..... of which section the floor area, according to the said sectional plan is..... square metres in extent; and



(b) an undivided share in the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan.

The unit is subject to or shall benefit by-

(i) the servitudes, other real rights and conditions, if any, as contained in the Schedule of conditions referred to in section 11 (3) (b) and the servitudes referred to in section 28 of the Sectional Titles Act, 1986; and

(ii) any alteration to the building or buildings or to a section or to the common property shown on the said sectional plan.

Signed at .....on .....

(Seal of Office)

.....

Registrar of Deeds

\* Delete whichever is inapplicable

**FORM D**

**SECTIONAL TITLE FILE**

Sectional Title File No SS...../19.....

Name of scheme.....

Place where building is situated (i.e. name of township/suburb and local authority)

.....

.....

**FORM F**

Prepared by me

.....

CONVEYANCER

(State surname and initials in block letters)

**CERTIFICATE OF REAL RIGHT UNDER SECTION 12 (1) (e) OF THE SECTIONAL TITLES ACT, 1986**

WHEREAS..... (hereinafter called the developer) has applied for the registration of a sectional plan in terms of section 11 (1) of the Sectional Titles Act, 1986,

\*AND WHEREAS the developer has reserved for \*himself/herself the right to extend the scheme as contemplated in section 25 (1) of the Act;

\*AND WHEREAS no reservation was made by the developer in terms of section 25 (1) of the Act and the body corporate has not been established;

NOW, therefore, in pursuance of the provisions of the said Act, I, the Registrar of Deeds at ..... do hereby certify that the developer or \*his/her successor in title is the registered holder of the right to



erect and complete from time to time within a period of ..... for \*his/her personal account  
\*..... on the specified portion of the common property as indicated on the plan referred to in  
section 25 (2) (a) of the Act, filed in this office, and to divide such building or buildings into a section or  
sections and common property, and to confer the right of exclusive use over a portion of such common  
property upon the owner or owners of one or more units in the scheme known as  
..... in respect of the land and building  
or buildings situate at\* .....and shown on Sectional Plan No  
SS.....

Signed at .....on.....

Seal of Office

.....

Registrar of Deeds

\* Delete whichever is inapplicable

### FORM G

Prepared by me

.....

CONVEYANCER

(State surname and initials in block letters)

### CERTIFICATE OF REAL RIGHT: EXCLUSIVE USE AREAS

[In terms of section 12 (1) (f), 25 and 27 of the Sectional Titles Act, 1986]

\*WHEREAS ..... (hereinafter called the developer) has  
applied for the registration of a sectional plan in terms of section 11 (1) of the Sectional Titles Act, 1986,

\*WHEREAS ..... (hereinafter called the developer) has  
applied for the registration of a sectional plan of extension in terms of section 25 of the Sectional Titles  
Act, 1986,

\*AND WHEREAS the developer has in terms of section 5 (3) (f) of the said Act delineated certain exclusive  
use areas on the sectional plan;

\*AND WHEREAS no reservation was made by the developer in terms of section 27 (1) (a) of the said Act  
and the body corporate has not yet been established;

NOW, therefore, I, the Registrar of Deeds at....., do hereby certify that the developer is the  
registered holder of the right to the following exclusive use areas, namely ....., forming part of the  
common property and delineated as such on Sectional Plan No SS.....in the scheme known as\*  
.....situated at\*

Signed at .....on .....

(Seal of Office)

.....

Registrar of Deeds

\* Delete whichever is inapplicable.  
Disclose each type of exclusive use area separately.  
Disclose name of town/suburb/local authority/description of farm.

**FORM H**

Prepared by me  
.....

CONVEYANCER  
(State surname and initials in block letters)

**DEED OF TRANSFER**

Be it hereby made known:

That.....appeared before me at.....being duly authorized thereto by a power of attorney granted to him or her by..... dated the.....day of.....and signed at..... and the said appearer declared that-

(Here insert an appropriate recital of the nature and date of the transaction or the circumstances necessitating transfer as well as the compensation) and that he or she in his or her capacity as aforesaid, did, by these presents, cede and transfer, in full and free property, to and on behalf of.....

\*1. A unit consisting of-

(a) Section No.....as shown and more fully described on Sectional Plan No SS.....in the scheme known as..... in respect of the land and building or buildings situated at\* ..... of which section the floor area according to the said sectional plan is.....square metres in extent; and

(b) an undivided share in the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan.

Held by virtue of\* .....

\*2. Here insert the description of the land to be conveyed, the extent thereof, and comply with the provisions of the regulations promulgated under the Deeds Registries Act, 1937 (Act 47 of 1937), with reference to the extending clause and the conditions governing the unit.

\*3. All the right, title and interest (here insert the share to be alienated if not the full interest) in the land and building or buildings in the scheme known as.....

..... situated at\* ..... which interest consisting of \*Section No .....in extent .....as shown and more fully described on Sectional Plan No SS.....and \*undivided share/undivided shares in the common property apportioned in accordance with the participation quota as endorsed on the said sectional plan.

Held by virtue of\* .....

The said \*unit/interest is subject to or shall benefit by-

\*(i) the servitudes, other real rights and conditions, if any, as contained in the schedule of conditions referred to in section 11 (3) (b) and the servitudes referred to in section 28 of the Sectional Titles Act, 1986 (Act 95 of 1986); and

(ii) any alteration to the building or buildings or to a section or to the common property shown on the said sectional plan.

(iii) (Insert the special conditions endorsed against the title deed contained therein.)



Wherefore all the right, title and interest which the transferor heretofore had to the unit aforesaid is renounced, and in consequence it is also acknowledged that the transferor is entirely dispossessed of, and disentitled to, the same, and that, by virtue of these presents the aforesaid transferee now is entitled thereto, the State however, reserving its rights.

Signed, executed and sealed at.....on.....

.....

q.q. Signature of appearer

In my presence

.....

Registrar of Deeds

- \* Delete whichever is inapplicable.
- State each unit in separate paragraph.
- Disclose name of town/suburb/local authority/description of farm.
- Omit in the event of transfer of land.
- State type of sectional deed(s) and the number(s) thereof.

**FORM I**

Prepared by me

.....

ATTORNEY/NOTARY/CONVEYANCER

(Use whichever is applicable)

.....

(State surname and initials in block letters.)

The Registrar of Deeds

.....

**APPLICATION UNDER SECTION 15B (5) OF THE SECTIONAL TITLES ACT, 1986**

I, ..... joint owner of .....  
..... (furnish particulars of unit) held by me, by virtue of \* .....  
hereby apply for a certificate of registered sectional title in respect of my ..... (state extent of the share) share in the aforesaid unit.

.....

Applicant

.....

Date and place

**FORM J**

Prepared by me

.....



CONVEYANCER

.....

(State surname and initials in block letters.)

**CERTIFICATE OF REGISTERED SECTIONAL TITLE ISSUED UNDER SECTION 15B (5) OF THE SECTIONAL TITLES ACT, 1986**

I, Registrar of Deeds at ....., hereby certify that ..... is the registered owner of an undivided ..... share in a unit consisting of-

(a) Section No .....as shown and more described on Sectional Plan No SS ..... in the scheme known as..... in respect of the land and building or buildings situate at\* ..... of which section the floor area, according to the said sectional plan, is.....square metres in extent; and

(b) an undivided share in the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan.

Held by virtue of \* .....

The unit is subject to or shall benefit by-

(i) the servitudes, other real rights and conditions, if any, as contained in the schedule of conditions referred to in section 11 (3) (b) and the servitudes referred to in section 28 of the Sectional Titles Act, 1986; and

(ii) any alteration to the building or buildings or to a section or to the common property shown on the said sectional plan.

(iii) (Insert the special conditions endorsed against the title deed or contained therein.)

Signed at.....on.....

Seal of Office

.....

Registrar of Deeds

**FORM L**

Prepared by me

.....

CONVEYANCER

.....

(State surname and initials in block letters.)

**DEED OF TRANSFER**

[Under section 19 (3) of the Sectional Titles Act, 1986]

Be it hereby made known:

WHEREAS the undermentioned land has been expropriated by .....



(here state name of Transferee and quote authority) which land is at present registered under Sectional Title Deeds Nos ..... in the Deeds Registry at .....

AND WHEREAS a certificate referred to in section 31 (4) (a) of the Deeds Registries Act, 1937, has been furnished to me by the transferee to the effect that the provisions of any law in connection with the change of ownership in the land in consequence of expropriation, have been complied with.

NOW, therefore by virtue of the authority vested in me by section 19 of the Sectional Titles Act, 1986, I, the Registrar of Deeds at ..... do hereby transfer in full and free property to and in favour of .....(here insert name of Transferee) ..... (here insert the description of the property being transferred and refer to the diagram annexed or the diagram deed and conditions of title.)

NOW therefore the registered owners are entirely dispossessed of and disentitled to the said land and by virtue of this deed the said transferee .....(here insert name of Transferee) now is entitled thereto, the State however reserving its rights.

Signed at.....on.....

.....

Registrar of Deeds

Seal of office

**FORM M**

Prepared by me

.....

CONVEYANCER

.....

(State surname and initials in block letters.)

**DEED OF CESSION OF .....(here insert servitude or rights UNDER SECTION 19 (3) OF SECTIONAL TITLES ACT, 1986**

WHEREAS the undermentioned .....(state whether servitude or other right) has/have been ..... expropriated by (quote authority) .....over/in and upon portion/the land, comprised in the common property in the scheme known as ..... No .....situate at .....(disclose name of local authority) which ..... is/are at present registered in the name of ..... (disclose name of holder of servitude or other right) under ..... (state nature of title and number);

AND WHEREAS a certificate has been furnished to me under section 32 (4) of the Deeds Registries Act, 1937, by the cessionary to the effect that the provisions of any law in connection with the expropriation of such .....(state servitude or other right) have been complied with;

NOW therefore by virtue of the authority vested in me by section 19 of the Act, I, the Registrar of Deeds at ..... do hereby cede to .....

(state name of cessionary)-

\*1. ....



(In the event of a servitude the description or nature thereof with reference to any diagram, if annexed.)  
over .....

(Description and extent of land.)

2. ....

(In the case of other rights the description thereof.) in and upon .....

(description of and extent of land, with reference to diagram or section plan and ancillary rights, if any).

In witness whereof I, the said Registrar, have signed this deed at ....., on .....

.....

Registrar of Deeds

Seal of office

**FORM O**

Prepared by me

.....

ATTORNEY/NOTARY/CONVEYANCER

.....

(State surname and initials in block letters.)

**APPLICATION UNDER SECTION \*22 (1), 23 (1), 24 (6), 25 (9), 26 (5) OR 27 (1) OF THE SECTIONAL TITLES ACT, 1986**

I, the undersigned ....., do hereby apply to the Registrar of Deeds at ..... for:

1. The registration of the attached sectional plan of subdivision of a section/consolidation of sections/extension of sections/extension of scheme by addition of sections/extension of scheme by the addition of land to the common property\* in terms of the provisions of section 22 (1)/23 (1)/24 (6)/25 (9)/26 (5)/27 (1)\* of the Sectional Titles Act, 1986, in respect of \*section No ....., formerly section/sections No/Nos ..... as shown and more fully described on sectional plan No SS..... in the scheme known as ..... in respect of the land and building or buildings situate at\* ..... and held under\* .....

2. The issue of certificates of registered sectional title in terms of the provisions of section \*22 (5)/23 (5)/25 (11) of the aforesaid Act in respect of the sections shown on the said sectional plan of \*subdivision/consolidation/extension.

3. The issue of a certificate of real right in respect of a right to exclusive use as contemplated by section 27(1) (if applicable)

Signed at ....., on.....

.....

Signature of Owner

\* Delete whichever is not applicable.

Disclose name of town/suburb and local authority.



To be adapted for extension of sections and/or common property.  
State type of sectional deed(s) and the number(s) thereof.

**FORM P**

Prepared by me

.....

CONVEYANCER

.....

(State surname and initials in block letters.)

**CERTIFICATE OF REGISTERED SECTIONAL TITLE UNDER SECTION 22 (5) OF THE SECTIONAL TITLES ACT, 1986**

Whereas ..... has made application for the subdivision of Section No ..... as shown and more fully described on Sectional Plan No SS..... in the scheme known as ..... in respect of the land and building or buildings situate at \*..... and held under\* ..... in accordance with a plan of subdivision;

And whereas the sectional plan of subdivision has been registered by me as Sectional Plan No SS.....

Now, therefore, I, Registrar of Deeds ..... at ..... hereby certify that ..... aforesaid is the registered owner of a unit consisting of-

(a) Section No ..... as shown and more fully described on the aforesaid sectional plan, in the scheme known as ..... in respect of the land and building or buildings situate at \*..... of which section the floor area, according to the said sectional plan is ..... square metres in extent; and

(b) an undivided share in the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan.

The unit is subject to or shall benefit by-

(i) the servitudes, other real rights and conditions, if any, as contained in the schedule of conditions referred to in section 11 (3) (b) and the servitudes referred to in section 28 of the Sectional Titles Act, 1986, and

(ii) any alteration to the building or buildings or to a section or to the common property shown on the said sectional plan.

(iii) (Insert the special conditions imposed, endorsed against the title deed or contained therein.)

Signed at.....ON.....

Seal of Office

.....

Registrar of Deeds

**FORM Q**

Prepared by me

.....

CONVEYANCER



.....  
(State surname and initials in block letters.)

**CERTIFICATE OF REGISTERED SECTIONAL TITLE UNDER SECTION 23 (5) OF THE SECTIONAL TITLES ACT, 1986**

Whereas ..... has made application for the consolidation of his Sections Nos ..... as shown and more fully described on Sectional Plan No SS..... in the scheme known as ..... in respect of the land and building or buildings situate at \* ..... and held under\* .....in accordance with a sectional plan of consolidation;

And whereas the plan of consolidation has been registered by me as Sectional Plan No SS.....

Now, therefore, I, Registrar of Deeds at ..... hereby certify that ..... aforesaid is the registered owner of a unit consisting of-

(a) Section No ..... as shown and more fully described on the aforesaid section plan, in the scheme known as ..... in respect of the land and building or buildings situate at \* ..... of which section the floor area, according to the said sectional plan, is ..... square metres in extent; and

(b) an undivided share in the common property apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan.

The unit is subject to or shall benefit by-

(i) the servitudes, other real rights and conditions, if any, as contained in the schedule of conditions referred to in section 11 (3) and the servitudes referred to in section 28 of the Sectional Titles Act, 1986; and

(ii) any alteration to the building or buildings or to a section or to the common property shown on the said sectional plan.

(iii) (Insert the special conditions endorsed against the title deed or contained therein.)

Signed at .....on.....

Seal of Office

.....

Registrar of Deeds

**FORM R**

Prepared by me

.....

CONVEYANCER

.....

(State surname and initials in block letters.)

**CERTIFICATE OF REAL RIGHT UNDER SECTION 25 (6) OF THE SECTIONAL TITLES ACT, 1986**

Whereas the right to extend the scheme vests with the body corporate of ..... under the provisions of section 25 (6) of the Act:



Now, therefore, I, the Registrar of Deeds at ....., in pursuance of the provisions of the said Act, do hereby certify that the said body corporate is the registered holder of the right to erect and complete from time to time\* ..... on the specified portion of the common property as indicated on the plan [referred to in section 25 (2) (a) of the Act] filed in this office, and to divide such building or buildings into a section or sections and common property and to confer the right of exclusive use over portions of such common property upon the owner or owners of one or more of the units in the scheme known as ....., in respect of the land and building or buildings situate at\* ..... and shown on Sectional Plan No SS.....

Signed at ..... on .....

Seal of Office

.....

Registrar of Deeds

**FORM V**

Registrar's number of Sectional Plan SS .....

Registrar of Deeds

.....

**NOTIFICATION UNDER SECTION 35 (5) AND REGULATION 30 (3) AND (4)\* OF THE SECTIONAL TITLES ACT, 1986**

We, ..... and .....(only two trustees required to sign), the undersigned trustees of the body corporate of the .....scheme known as....., No..... situate at\* ....., hereby give notice that on ..... the Body Corporate made the following rules (set out in the Schedule) which have been initialled by the trustees for identification for the control and management of the buildings:

\*(a) Management Rules (\*in substitution of, addition to or withdrawal of, or in amendment of the existing rules).

\*(b) Conduct Rules (\*in substitution of, addition to, or withdrawal of, or in amendment of the existing rules).

The rules referred to in paragraph (a) have been made by unanimous resolution of the members of the body corporate.

The rules referred to in paragraph (b) have been made by special resolution of the body corporate.

Address: .....

.....

.....

.....

Trustee.

.....

Trustee.

.....

Date



**FORM W**

Prepared by me:

.....

Conveyancer

.....

(State surname and initials in block letters.)

**CERTIFICATE OF ESTABLISHMENT OF BODY CORPORATE IN TERMS OF THE PROVISIONS OF SECTION 36 (1) OF THE SECTIONAL TITLES ACT, 1986**

I, Registrar of Deeds at ..... hereby certify that a body corporate designated as the Body Corporate of the scheme known as....., No....., is deemed to be established with effect from .....

Signed at ..... on .....

Seal of office

.....

Registrar of Deeds

**FORM X**

The Registrar of Deeds

.....

**NOTIFICATION IN TERMS OF REGULATION 31 (1) UNDER THE SECTIONAL TITLES ACT, 1986**

We, ..... and ....., trustees of the Body Corporate of the scheme known as..... No....., hereby give notice that in terms of section 48 of the above-mentioned Act the building or buildings have been damaged or are deemed to have been destroyed as contemplated in section 48 (1) of the Act, on account of .....

..... (state why building or buildings are damaged or deemed to be destroyed), and that the owners have by a unanimous resolution/order of court,\* been authorised to rebuild and reinstate in whole/or in part\* the building or buildings\* and to transfer the interest of owners whose sections have been wholly or partly destroyed to the other owners.

The following documents are attached:

- (a) A copy of the unanimous resolution, certified by us; or
- (b) a copy of the order of court certified by the registrar of the court.

Address: .....

.....

.....

.....



Trustee.  
.....  
Trustee.  
.....  
Date

Delete (a) or (b).

**FORM Y**

The Registrar of Deeds  
.....

**NOTIFICATION UNDER SECTION 49 (1) OF THE SECTIONAL TITLES ACT, 1986**

We, ..... and ....., trustees of the Body Corporate of the scheme known as..... No....., hereby give notice that in terms of section 48 of the Act the building or buildings are deemed to be destroyed on account of  
.....  
.....  
.....  
.....(state why the building or buildings are deemed to be destroyed), and that the owners have by unanimous resolution resolved not to rebuild the building or buildings.

The following documents are attached:

- (a) A copy of the unanimous resolution of the owners that the building or buildings are deemed to be destroyed, as certified by us, \*together with the written agreement of the holders of registered sectional mortgage bonds and the agreement of persons with registered real rights; or
- \*(b) a copy of the order of the court that the building or buildings are deemed to be destroyed, certified by the registrar of the court; and
- (c) copy of unanimous resolution of the owners not to rebuild, as certified by us.

Address: .....  
.....  
.....

.....  
Trustee.  
.....  
Trustee.  
.....



Date

**FORM Z**

Prepared by me

.....

CONVEYANCER

.....

(State surname and initials in block letters.)

**SECTIONAL MORTGAGE BOND HYPOTHECATING \*A UNIT/AN EXCLUSIVE USE AREA/THE RIGHT TO EXTEND A SCHEME/OTHER REGISTERED REAL RIGHTS**

I, the undersigned ..... (hereinafter referred to as the mortgagor), do hereby declare myself to be lawfully indebted and bound to ..... (hereinafter referred to as the mortgagee) in the amount of (in words and figures)..... and (in words and figures) ..... being the additional amount referred to in the conditions annexed, arising from and being ..... and as security for the above, I hereby bind as a\* ..... mortgage, subject to the conditions set out in the annexure to this bond\*:

(1) \*A unit consisting of-

(a) Section No ..... as shown and more fully described on Sectional Plan No SS..... in the scheme known as ..... in respect of the land and building or buildings situate at\* .....of which the floor area, according to the said sectional plan, is ..... square metres in extent; and

(b) an undivided share in the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan.

Held under\* .....

(2) \*An exclusive use area described as .....No..... measuring ..... being as such part of the common property, comprising the land and the scheme known as ..... in respect of the land and building or buildings situate at\* ..... as shown and more fully described on Sectional Plan No SS..... held under \*Certificate of Real Right/Notarial Deed of Cession No SK.....

(3) \*The right to erect and complete from time to time within a period of ..... for \*my/our/its personal account\* ..... on the specified portion of the common property as indicated on the plan [as referred to in section 25 (2) (a) of the Act] and to divide such building or buildings into a section or sections and common property and to confer the right of exclusive use over portion of such common property upon the owner or owners of one or more sections in respect of the land described as ..... and in the scheme known as ..... in respect of the land and building or buildings situate at \*..... and shown on Sectional Plan No SS..... and held under \*Certificate of Real Rights/Notarial Deed of Cession No SK.....

Signed at ..... on .....

.....

Mortgagor/or his duly authorized agent

Before me ..... Conveyancer .....

Registered at ..... on .....



Seal of Office

.....

Registrar of Deeds

The Annexure to the bond shall be signed by the mortgagor and the conveyancer at the end thereof and when it consists of more than one page, each additional page shall be initialed by the said parties. The form must be adapted if other real rights are mortgaged. (Follow the description of the real right as it appears on the title of the right.)

**FORMS AB and AC**

Omitted

**FORM AD**

**SECTIONAL TITLES ACT, 1986**

**NO PART OF BUILDING(S) LET FOR RESIDENTIAL PURPOSES**

**AFFIDAVIT**

I, the undersigned, .....

do hereby make oath and say that:

1. The developer in the sectional title development scheme known as ..... situated on Erf ..... in ..... Township ('the scheme'), is .....

2. I have been duly authorised by resolution of the developer, dated ..... (a certified copy of which resolution is annexed hereto), to declare that, in regard to section 4 (3) of the Sectional Titles Act, 1986, as amended ('the Act'), the provisions of the said section do not apply to the scheme, in that no part of the building(s) comprised in the scheme and which, after a division of the building(s), will constitute a unit or units therein, has been let wholly or partially for residential purposes.

3. I am able to depose to the correctness of the facts contained in paragraph 2 above, because I personally have made investigations to verify such facts.

.....

Deponent

THUS SIGNED AND SWORN to before me at ..... on the ..... day of ..... 19..... by the Deponent, who acknowledges that he/she knows and understands the contents of this Affidavit.

.....

Commissioner of Oaths

Full name: .....

Designation: .....

Address: .....

.....

.....



**FORM AE**

**SECTIONAL TITLES ACT, 1986**

**BUILDING(S) OR PART THEREOF LET FOR RESIDENTIAL PURPOSES**

**AFFIDAVIT**

I, the undersigned, ..... do hereby make oath and say that-

1. The Developer in the sectional title development scheme known as ....., situated on Erf ..... in ..... Township ('the scheme'), is .....

2. I have been duly authorised by resolution of the developer dated ..... (a certified copy of which resolution is annexed hereto) to declare that, in regard to section 4 (3) of the Sectional Titles Act, 1986 as amended ('the Act')-

2.1 the provisions of section 4 (3) of the Act apply to the scheme in that one or more part(s) of the building(s) comprised in the scheme which will constitute a unit or units therein, is or are let wholly or partially for residential purposes;

2.2 the developer has complied fully with all the provisions of section 4 (3) of the Act, in that-

2.2.1 every lessee of every part of the building(s) which is leased for residential purposes as stated in 2.1 above, was notified in writing of the meeting of lessees which was held on .....; a specimen of the notice is attached hereto, marked Annexure 'A', and which has been initialled by me for identification purposes;

2.2.2 the notice referred to in paragraph 2.2.1 above, was-

(a) delivered personally on ....., and a list of lessees with signatures (and dates of such signatures) thereon, acknowledging receipt of the said notice, is attached hereto, marked Annexure 'B', and which has been initialled by me for identification purposes;

OR

(b) despatched by registered post on ....., and a copy of the acknowledgement of receipt of the registered letters by the post office concerned, is attached hereto, marked Annexure 'B', and which has been initialled by me for identification purposes;

2.2.3 the meeting referred to in paragraph 2.2.1 above, was held within the municipal area of ..... at ....., which is situated at a distance of ..... km from the scheme;

2.2.4 the meeting referred to in paragraph 2.2.1, was held on ..... a certified copy of the minutes is attached hereto, marked Annexure 'C', which has been initialled by me for identification purposes;

2.2.5 ..... of the developer attended the meeting to provide the lessees with-

(a) such particulars of the scheme as the lessees may reasonably require from him/her; and

(b) the information regarding the lessees' rights as set out in section 10 of the Act; and

2.2.6 in addition to the notice referred to in paragraph 2.2.1 above, the lessees were provided with certificates containing the prescribed particulars in respect of the relevant building(s), parts thereof or units therein, and of the scheme. A copy of the certificate is attached hereto, marked Annexure 'D', and which has been initialled by me for identification purposes.

3. I am able to depose to the correctness of the facts contained in paragraph 2 above because I personally have made investigations to verify such facts.

.....

Deponent

THUS SIGNED AND SWORN to at ..... on the ..... day of ..... 19..... by the Deponent who acknowledges that he/she knows and understands the contents of this Affidavit.

.....

Commissioner of Oaths

Full name: .....

Designation: .....

Address: .....

.....

.....

**FORM AF**

**SECTIONAL TITLES ACT, 1986**

**BUILDING(S) SUBJECT TO SHARE BLOCKS CONTROL ACT, 1980**

**AFFIDAVIT**

I, the undersigned, ..... do hereby make oath and say that:

1. The developer in the sectional title development scheme known as ....., situated on Erf ..... in ..... Township ('the scheme'), is .....

2. I have been duly authorised by resolution of the developer, dated ..... (a certified copy of which resolution is annexed hereto) to declare that-

2.1 in regard to section 4 (3) of the Sectional Titles Act, 1986, (Act 95 of 1986), as amended ('the Act')-

2.1.1 one or more part(s) of the building(s) comprised in the scheme and which will constitute a unit or units therein is/are let wholly or partially for residential purposes;

2.1.2 I submit that the provisions of section 4 (3) of the Act can have no application to the scheme in that-

2.1.2.1 the Developer as defined in the Act, is a share block company constituted in terms of the provisions of the Share Blocks Control Act, 1980 (Act 59 of 1980);

2.1.2.2 the Developer has in terms of the proviso to section 4 (3) of the Act, within a period of two years prior to the date of application, complied with the provisions of section 11A of the Share Blocks Control Act, 1980 (Act 59 of 1980).

3. I am able to depose to the correctness of the facts contained in paragraph 2 above, because I personally have made investigations to verify such facts.

.....

Deponent



THUS SIGNED AND SWORN to before me at ..... on the ..... day of ..... 19..... by the Deponent, who acknowledges that he/she knows and understands the contents of this Affidavit.

.....

Commissioner of Oaths

Full name: .....

Designation: .....

Address: .....

.....

.....

**FORM AG**

Prepared by me

.....

ATTORNEY/NOTARY/CONVEYANCER

.....

(State surname and initials in block letters.)

**APPLICATION UNDER \*SECTION 27 (1) (d)/SECTION 24 (4) (c) OF THE SECTIONAL TITLES ACT, 1986**

We ..... and ..... the undersigned trustees of the Body Corporate of the .....(name).....Scheme, No .....

Hereby apply for the issuing of a certificate of real rights of exclusive use areas in respect of:

An exclusive use area described as ..... No ....., measuring ....., being as such part of the common property comprising the land and buildings and the scheme known as ..... in respect of the land and building or buildings situate at ..... as shown and more fully described on Sectional plan No SS .....held under \*Certificate of Real Right/Notarial Deed of Cession No SK .....

Which right vests in the said body corporate in terms of section \*27 (1) (d)/27 (4) (c) of the Sectional Titles Act, 1986

Address: .....

.....

.....

.....

Trustee.

.....

Trustee.

.....

Date



\_\_\_\_\_  
\* Delete that which is not applicable.  
Disclose name of town/suburb and local authority.

**FORM AH**

Prepared by me  
.....

CONVEYANCER  
(State surname and initials in block letters)

**CERTIFICATE OF REAL RIGHT: EXCLUSIVE USE AREA**

[In terms of section 27 (1) (d)/27 (4) (c) of the Sectional Titles Act, 1986]

WHEREAS the undermentioned exclusive use area vests in the Body Corporate of the .....(name) .....Scheme No ....., in terms of section \*27 (1) (d)/27 (4) (c) of the Sectional Titles Act, 1986;

AND WHEREAS the said body corporate has applied for the issuing of a certificate of real right of exclusive use area;

NOW THEREFORE, in terms of the provisions of he Act, I, the Registrar of Deeds at....., hereby certify that the Body Corporate of the .....(name) .....Scheme No ..... is the registered holder of:

An exclusive use area described as ..... No ....., measuring ..... being as such part of the common property comprising the land and the scheme known as ..... in respect of the land and building or buildings situate at ..... as shown and more fully described on Sectional plan No SS .....held under

\*Certificate of Real Right/Notarial Deed of Cession No SK .....

Signed at .....on .....

(Seal of Office)

.....

Registrar of Deeds

\* Delete whichever is inapplicable  
Disclose name of township/suburb and local authority.  
Disclose each type of exclusive use area separately

**FORM AI**

Prepared by me  
.....

CONVEYANCER  
.....

(State surname and initials in block letters.)

**CERTIFICATE UNDER SECTION 27 75) OF THE SECTIONAL TITLES ACT, 1986**



WHEREAS ..... has applied for the issuing of a separate title deed as contemplated in section 27(7) of the Sectional Titles Act, 1986, in respect of the undermentioned exclusive use areas, being exclusive use areas registered in his/her name held by virtue of \*Certificate of Real Rights: Exclusive Use Areas/Notarial Deed of Cession of Exclusive Use Areas (state No of title deed) ..... dated .....,

NOW THEREFORE, in terms of the provisions of the said Act I, the Registrar of Deeds at ..... hereby certify that the said ..... heirs, executors, administrators, or successors in title or assigns is/are the registered holder/s of certain .....(describe the right/s to the exclusive use area/s) and that by virtue of these presents (he, she or it) is now and henceforth shall be entitled thereto conformably to local custom, the State, however, reserving its rights.

In witness whereof I, the said Registrar, have signed this Deed, and have caused the seal of office to be affixed thereto.

Signed at .....on.....

Seal of Office

.....

Registrar of Deeds

\_\_\_\_\_  
Delete that which is not applicable  
Disclose each type of exclusive use area separately

## Annexure 6

### DOCUMENTS TO BE KEPT IN CONVEYANCERS' FILES IN TERMS OF SECTION 15B (6)

#### A Transfer of ownership or alienation in terms of section 15B of the Act

- (1) The original or duplicate original of the conveyancer's certificate under section 15B (3) of the Act.
- (2) Where applicable, the power of attorney conferring authority to act in respect of the transaction.
- (3) The clearance of other certificate issued by the body corporate to the effect that on date of registration of the relevant transfer all monies due to the body corporate, have been paid or that provision has been made to the satisfaction of the body corporate for the payment thereof.
- (4) The conveyancer may keep any other documents relating to the status, authority or capacity of the transferor or the transferee deemed necessary by him in the file.

#### B Sectional Mortgage Bond

- (1) Power of attorney conferring authority on the conveyancer to act in respect of the transaction, unless such authority is contained in the bond.
- (2) Any other documents, including powers of attorney, deemed necessary by the conveyancer and relating to the status, authority or capacity of the mortgagor or his or her agent or of the mortgagee or his or her agent or of the conveyancer.
- (3) Any consent granted in terms of section 15 (2) of the Matrimonial Property Act, 1984 (Act 88 of 1984).