

TRANSFER PROCESS – BRIEF GUIDE

Step 1: Offer to Purchase

In terms of the Alienation of Land Act the sale of immovable property must be in writing and signed by both the Seller and the Purchaser to constitute a valid sales agreement.

The Purchaser signs the Offer to Purchase and once the Seller accepts same and signs the offer it becomes a binding contract and is referred to as the Deed of Sale

The Transferring Attorney/ Conveyancer receives the Deed of Sale.

Step 2: Suspensive conditions

The Conveyancer will await the fulfilment of the suspensive conditions ie bond approval, or subject to sale of house, for the sale to be complete.

Should the suspensive conditions not be met timeously, the sale will lapse.

Step 3: Preparation

Once all the suspensive conditions of the Deed of Sale are fulfilled, the Conveyancer can start with the transfer process.

The Conveyancer will request the following documentation from both the Seller and the Purchaser:

- Identity document
- Proof of residential address (ie Municipal, Telkom Account, not older than 3 months)
- Proof of Marital status (Marriage Certificate, Antenuptial contract)
- Proof of income tax numbers

Purchase Price confirmation to be in place by means of a suitable bank guarantee ie bond approval

Existing bond holder advised of sale and cancellation figures and original title deed requested.

Step 4: Documents and Payment of Costs

Seller and Purchaser to finalise an appointment with the Conveyancer, to attend to the signing of transfer documentation.

The Seller signs a power of attorney, transfer duty declaration and affidavit concerning identity, marital status and FICA status.

The Purchaser signs a similar affidavit, as well as a transfer duty declaration

The **Purchaser** is usually liable for the payment of transfer costs, payable to the Conveyancer, which includes:

- Conveyancer's Transfer Fees (payable prior to lodgement of the transaction ± 2 - 3 weeks before registration)
- Transfer Duty payable to SARS (payable after signature of the transfer documents)
- Deeds Office, FICA, Post & Petties

The **Seller** is responsible for certain Clearance Certificates:

- Certificate of Compliance in respect of:
 - Electrical Certificate
 - Beetle Certificate
 - Gas Certificate
 - Electric Fence Certificate
 - Plumbing Certificate (only required by certain Municipalities)
 - Municipal Rate Clearance
 - Body Corporate Levies Clearance Certificate/ Home Owners Association Consent

Step 5: Lodgement at the Deeds Office

Once Transfer Duty, Rates Clearance Certificate as well as the original Title Deed have been obtained, arrangements for simultaneous lodgement with the Bond Cancellation Attorneys (if Seller has an existing bond) and Bond Attorneys (if Purchaser is registering a new bond)

A Deeds Office barcode is allocated for tracking the transaction in the Deeds Office, once lodged.

The Examination process takes between 10 -15 working days before the Deeds will come up for Registration.

Step 6: Registration

Registration of transfer is effected by the signing of the Deeds of Transfer by the Conveyancer, in the presence of the Registrar of Deeds.

On registration of transfer, the ownership of the property passes to the Purchaser.

The Seller's existing bond is cancelled; the Purchaser's new bond is registered and the finances are finalised by the Conveyancer.

Step 7: Delivery of Deeds

The Deeds are numbered and micro-filmed at the Deeds Office.

The original new Title Deed and Mortgage Bond will be collected by the Conveyancer, once same has been released by the Deeds Office. This can take up to 3 – 4 months.

In the case of a new bond registered the Conveyancer will send the Title Deed to the bond registration bank or in the case of a cash deal, to the Purchaser.