LEGAL PRACTICE COUNCIL

CONVEYANCING EXAMINATION
PAPER 1 (THEORY)

DATE: 16 April 2025 **DURATION: 2 HOUR PAPER**

TIME: 09:00 – 11:15 **TOTAL MARKS: 100**

INSTRUCTIONS TO CANDIDATES:

1. Candidates are allowed 15 minutes to peruse the paper before starting to answer the questions. No candidate may start writing in the answer book during this period. The examination of 2 hours then follows.

2. Candidates must answer **ALL** questions.

3. Please write only in **BLACK** pen on the right-hand pages. Please note that answers written in pencil or any another colour pen will not be marked. Do not use tippex or correction tape.

4. Candidates must remember that marks are awarded for good draftsmanship.

5. No cellphones (or other electronic devices) or unauthorised materials may be used during the examination. Any candidate found to be using an electronic device, has unauthorised materials in their possession, and/or found committing any irregularity will be removed from the examination and subject to the LPC disciplinary procedures.

6. Except if a special reason exists, a candidate will not be required to do an oral if 50% or more is attained. If a candidate achieves a score from 40% and below 50% he/she will be required to do an oral. If a candidate achieves less than 40% he/she will not qualify for an oral and will have failed this section.

QUESTION 1 **[3 marks]**

When is a remote purchaser entitled to claim transfer of property to himself or herself in terms of the Alienation of Land Act 68 of 1981?

QUESTION 2 **[3 marks]**

What percentage must you withhold, from the amount due to a seller of an immovable property who is a non-resident in the event that the said seller:

2.1 is a natural person [1]
2.2 is a Company [1]
2.3` is a Trust [1]

QUESTION 3 **[3 marks]**

You receive a Homeowners Association certificate consisting of two pages, with the signature appearing only on page 2 of the said certificate. Explain, with authority, how you will successfully deal with lodgment at the Deeds Office.

QUESTION 4 **[10 marks]**

You are attending to the transfer of Erf 123 Bendor Township belonging to Franco de Villiers. He sold the property to Eben Etsebeth for R2 000 000.00. He owes Standard Bank R851 880.16, plus simple interest at the rate of 15.50% per annum on the amount of R820 000.00. The cancellation figures were issued on 10 January 2025. The statement of account received from the bond cancellation attorneys for their cancellation costs is R5 650.50, and they are satisfied if a guarantee can be issued in their favour for payment of these costs on registration.

Draft a letter to Moloi Inc who are attending to the purchaser's bond registration, requesting the necessary guarantees for the full bond amount of R2 000 000.00 which was granted by Green Bank. Also set out the conditions and simultaneous transactions in the letter.

NB – marks will be affected by poor wording, spelling errors and poor drafting skills.

QUESTION 5 **[13 marks]**

Draft the causa to be inserted in the Deed of Transfer in respect of the following:

5.1 sale by the deceased during his lifetime. [3]

5.2 reversion of a property to the enforcer due to non-compliance with the agreed prior conditions. [4]

5.3 partition of the property. [2]

5.4 the deceased died testate and bequeathed the entire estate to his surviving spouse, subject to the condition that on her death such inheritance must devolve on their son Mark. [4]

QUESTION 6 **[2 marks]**

What constitutes a valid causa on a Deed of Transfer?

QUESTION 7 **[4 marks]**

An attachment is noted against the property.

7.1 How will you deal with the attachment, when an expropriation transfer is attended to? [2]

7.2 How would you deal with cancellation of a registered mortgage bond against the property? [2]

QUESTION 8 **[4 marks]**

May one deed of transfer be used, where the same Transferor and same Transferee entered into two deeds of sale for two different properties with different purchase prices for the said properties? Briefly explain your answer

QUESTION 9 **[3 marks]**

DEVPRO (a private profit company) is the developer of the scheme DEV VALLEY ESTATE and the Body Corporate is not established. DEVPRO wants to subdivide the common property and issue a CRT for that portion of the common property. How can DEVPRO obtain title for that part of the common property where it wants to retain the subdivided property**?**

QUESTION 10 **[2 marks]**

Who must pass transfer of the property that is attached and sold by the Sheriff after the death of the owner?

QUESTION 11 **[2 marks]**

Land is inherited by an heir in an estate that is administered in terms of Section 18(3) of the Administration of Estates Act 66 of 1965, and is later sold by the heir for a purchase price of R950,000.00. The two transfers are being registered simultaneously. Must the Master be approached to approve the subsequent sale? Motivate your answer

QUESTION 12 **[2 marks]**

Who may certify a copy of a foreign divorce order, where a property in South Africa is dealt with?

QUESTION 13 **[2 marks]**

Where a Homeowners Association is finally deregistered by the Companies and Intellectual Property Commission, may the provisions of Section 68(1) of Deeds Registries Act 47 of 1937 (Deeds Registries Act) be invoked to indicate the lapsing of the condition / servitude in which reference is made to Homeowners Association?

QUESTION 14 **[2 marks]**

May the provisions of Section 38 of the Deeds Registries Act be invoked in view of Section 3(1) of the Sectional Title Act No.95 of 1986 (Sectional Titles Act) where both clients' copies of the Notarial Deed of Cession of the Exclusive Use Area and the Deeds Office copies are lost or destroyed, if a copy from the Notary's protocol is available?

QUESTION 15 **[2 marks]**

Can a sectional plan which reflects exclusive use areas be registered without a certificate of registered real right being included in the batch? Explain.

QUESTION 16 **[2 marks]**

Are the provisions of Section 10 of Sectional Titles Act applicable when co-developers enter into a partition agreement?

QUESTION 17 **[4 marks]**

List the documents to be kept in the Conveyancer's file and not lodged, when attending to a sectional title transfer?

QUESTION 18 **[4 marks]**

How would you rectify an error in a Section 11(3)(b) Schedule of Conditions in the Sectional Titles Act? Explain in full.

QUESTION 19 **[2 marks]**

May a Trustee of an insolvent estate or Liquidator subdivide or consolidate immovable property? Explain.

QUESTION 20 **[5 marks]**

List five examples of bondholder's consents that amount to separate acts of registration.

QUESTION 21 **[2 marks]**

What are the legal implications of a donation or exchange of a portion of agricultural land which is entered into prior to obtaining Minister's consent?

QUESTION 22 **[2 marks]**

If an order of Court provides that a portion of agricultural has vested by virtue of acquisitive prescription, will the Registrar of Deeds insist on the Minister's consent in terms of the Subdivision of Agricultural Land Act 70 of 1970? Explain.

QUESTION 23 **[12 marks]**

May a mortgage bond be registered over the following. Provide authority for each answer:-

23.1 A registered lease over land for a period of 5 years and no renewal period. [2]

23.2 A registered lease over land for a period of 20 years with 3 renewal periods of 5 years each. [2]

23.3 A registered right of leasehold. [2]

23.4 An exclusive use area registered in the name of the Developer. [2]

23.5 The rights of extension ceded by the Developer to a purchaser. [2]

23.6 A registered personal servitude. [2]

QUESTION 24 **[2 marks]**

Who must consent to the release of property from a mortgage bond which has been ceded to a person as security?

QUESTION 25 **[2 marks]**

What document must be lodged with the Registrar of Deeds to prove that a husband is precluded from inheriting, in the event the husband had murdered his wife and was convicted of same?

QUESTION 26 **[6 marks]**

List 6 requirements under the Deeds Registries Act and Regulations for a valid Special Power of Attorney to Transfer, for use in the Deeds Registry?

- THE END -