

CONVEYANCING: CONVENTIONAL DEEDS (ACT 47/1937)

GUIDELINE OF FEES

CPI Reference: January 2016

Conveyancing fees are negotiable. These are merely guidelines and not minimum or maximum fees.

1. GENERAL NOTES:

The fees recommended in this guideline are in respect of and include *inter alia* the general conveyancing duties performed by a conveyancer for procuring the due and proper execution and registration of the relevant deed or document, or the filing thereof or cancellation thereof, as the case may be, as well as the responsibility placed on him for the accuracy of the facts mentioned in deeds or documents or which are relevant in connection with the registration or filing thereof as contemplated in section 15A of the Deeds Registries Act, Act 47 of 1937 (the Act), as amended; for ensuring that copies of any deeds and documents are identical as at the date of lodgement, that all applicable conditions of title are correctly brought forward in any deed of transfer or certificate of title, that any person signing a document as principal or representative has been appointed and is acting in accordance within the powers granted to him and that any security required has been furnished to the Master, that parties to deeds are correctly reflected, that the necessary authority has been obtained for the signing of any document in a representative capacity, that the transaction in question is authorised by and in accordance with the constitution, regulations or 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 (whether created by statute or otherwise) being a party to such document, where applicable, that the relevant particulars in the deed have been correctly brought forward from the power of attorney, as contemplated in Regulation 44A of the Deeds Regulations; and for this purpose shall include the taking and giving of instructions, all correspondence, including the perusal of completed deeds of sale; the preparation and attendance on signature of all powers of attorney, declarations, affidavits, resolutions, status affidavits, company certificates, exchange control certificates, certificates in terms of section 20 of the Alienation of Land Act 68/1981 and other necessary preliminary and ancillary documents as well as attendances in connection with the obtaining, preparation and signature of documents to ensure compliance with the provisions of the Financial Intelligence Centre Act and the signature of ancillary documents required by a mortgagee in terms of the National Credit Act; the payment of transfer duty or VAT and of all rates levied by any lawful authority, the obtaining and making of all clearance and other certificates; including attendances or consultation with an outside agent to obtain clearance certificates; the perusal of memoranda and articles of association and trust deeds, the making of all necessary financial arrangements, including the issuing of guarantees on behalf of bondholders or the provision and

checking of guarantees and attending payment in terms thereof; the drawing and preparation of any document, including all copies thereof, required for execution or registration at a deeds registry and the obtaining of registration thereof, arranging simultaneous lodgement and registration with another conveyancer or other conveyancers, where necessary; the giving of all references required by the deeds registry for examination purposes; and all attendances at the deeds registry, but shall not include —

- 1.1 any attendance in connection with the drawing and execution of deeds of sale, deeds of donation, deeds of exchange, preliminary partition agreements, deeds of suretyship and acknowledgements of debt and documents of a similar nature;
- 1.2 any separate act of registration of any other document which may be necessary before or in connection with the first-mentioned act of registration;
- 1.3 any attendance in connection with the resolution of a dispute between the transferor and the transferee arising from a deed of sale or any of the other documents referred to in 1.1 above or from whatsoever cause;
- 1.4 any attendance arising from negotiations between the parties, resulting in a further agreement or addendum or amendment to an existing agreement;
- 1.5 any consultation for the purpose of drafting a marriage contract;
- 1.6 any attendance or consultation, in addition to taking instructions, relating to the opening of a township register in terms of Section 46 of the Act; or incisions or excisions;
- 1.7 any attendance in connection with the preparation and obtaining of documents relating to collateral security required by a mortgagee;
- 1.8 any attendance on the issue of additional letters of undertaking and guarantees (other than in favour of or for bond holders, the seller or transferring attorney or undertakings for cancellation/release of bond costs in favour of the bond cancellation attorney). Suggested fee R600 per undertaking / guarantee;
- 1.9 any attendance on investments in trust in terms of Section 78 (2A) of the Attorneys Act of 1979. Recommended fee R600 per investment, unless the investment attorney is charging a percentage of the interest earned on the investment;
- 1.10 Any attendance or disbursement paid to a computer software supplier for purposes of receiving or drafting instructions electronically;

1.11 Any attendance or consultation with an outside agent to attend to municipal refunds and reconciliations on behalf of client. Suggested fee R400. The foregoing fee excludes the fee payable to the outside agent;

1.12 Any formal certification to any linked attorney or third party of material facts relating to the transaction but beyond what is required for registration of the transaction itself and which certification a conveyancer may, but is not obliged to furnish (such as certification of the sale price, no conditions or servitudes that adversely affect the value of the property or the security of a mortgage bond, the disposal not forming a major part of seller's assets, or compliance with specific sections of the Companies Act, Insolvency Act or any other Act) and that places the conveyancer at professional risk: A fee of R1000 per certification or a fee assessed according to the perceived risk and/or complexity thereof is recommended, payable by the requesting attorney or party.

NOTE: It is recommended that additional charges and disbursements discussed above in 1.1 to 1.12 be agreed upon in advance with the client.

2. DEFINITIONS

For the purpose of these guidelines —

- (a) a folio consists of 100 printed or written words or figures or part thereof and four figures shall be recorded as one word; and
- (b) 'value of property' means —
 - (i) where transfer duty is payable, the purchase price or the amount on which transfer duty is payable, whichever amount is the higher;
 - (ii) where no transfer duty is payable in terms of section 9(2) of the Transfer Duty Act 40 of 1949, the purchase price or the declared value as determined in the Transfer Duty Act, whichever amount is the higher;
 - (iii) where no transfer duty is payable in terms of Section 9(15) of the Transfer Duty Act 40 of 1949, the purchase price plus VAT;
 - (iv) where no transfer duty is payable in terms of any other provision of section 9 of the Transfer Duty Act, 1949, but an official valuation (be it municipal, other local authority or by the Master of the High Court) is available, then such valuation or the compensation paid, whichever amount is the higher; provided that where no official valuation is available, it

shall be deemed to be the fair value of the property as defined in the Transfer Duty Act, 1949;

- (v) where no consideration is payable and no municipal, other local authority or other official valuation is available, the value shall be deemed to be no less than R150 000;
- (vi) the municipal or other local authority valuation where the property has either been sold in execution, or by public auction at the instance of a liquidator or trustee and the purchase price was less than such valuation.

SECTION I

A. TRANSFER OF OWNERSHIP OF IMMOVABLE PROPERTY (OTHER THAN PARTITION, RECTIFICATION OR EXCHANGE TRANSFERS)

1. For all work in connection with obtaining registration of transfer of immovable property in any manner not specifically mentioned elsewhere in this guideline, the recommended fee be as set out in column B of the Schedule to this guideline; this includes the case of a conveyance in terms of the second proviso to section 16 and in terms of section 31 and sections 45 and 45 bis (bonds excluded) of the Act; Provided that in the case of Section 45 and 45 bis the fee will be calculated on 50% of the full value of the whole property as set out in column A of the Schedule of the guideline.
2. If more than one property is included in the same instrument of conveyance, the recommended fee as set out in column A of the Schedule of the guideline shall be increased by 15% for each additional property.

B. LEASEHOLD AND UPGRADING TRANSACTIONS (OTHER THAN BONDS)

1. For all work done for registration of a Certificate of Registered Grant of Leasehold (annexure E Regulation 13, Act 4/1984): R1000.
2. For all work done for the registration of a Certificate of Ownership in terms of Act 112/1991 or Act 113/1991 (form AAA, Act 47/1937): R1600.
3. For all work in connection with the registration of transfer of a right of leasehold, not specifically mentioned elsewhere in this guideline, the recommended fee be as set out (in Column B of the Schedule to) this guideline:

SECTION II

ENDORSEMENTS

1. For endorsement of title deeds or bonds in terms of sections 24bis(2) and 25(3) of the Act and in terms of Sections 39 and 40 of the Administration of Estates Act, 1965 (Act No. 66 of 1965), including the drawing of all necessary documents, the obtaining of necessary ancillary documents, consents and certificates from the Master and Registrar of Deeds and all necessary attendances and correspondence in connection therewith: R2500.
2. If more than one property or bond is included in the same application, an additional fee of R500 is recommended for each additional property or bond.

SECTION III

PARTITION, RECTIFICATION AND EXCHANGE TRANSFERS

For the drawing and registration of each deed of partition, rectification or exchange transfer, inclusive of all preliminary and other work in connection therewith but excluding attendances in connection with the framing of any provisional agreement:

1. Where the value can be determined, the recommended fee be as set out in this guideline;
2. Where the value cannot be determined, a fee assessed according to the length and complexity thereof is recommended.

SECTION IV

CERTIFICATES OF TITLE

1. For certificates of title under sections 18, 34, 35, 36, 39, 43, 46 and 64 of the Act: R3600 provided that, in cases where the registration of any of the said certificates results in the subdivision of a property, the recommended fee referred to in item 10(a) of Section XI may be added. Note: In respect of all matters falling under this item, a further fee of R1200 is recommended for each additional property if the same title conditions apply. Where the title

conditions differ, a fee assessed according to the length and complexity thereof, is recommended.

2. For certificates of consolidated title under section 40, certificates of amended title and uniform title under sections 41 and 42 and a certificate in terms of section 38 of the Act: R6000 plus R1200 for every additional constituent property after the first two properties, or alternatively a fee assessed according to the length and complexity thereof is recommended. The recommended fee herein excludes the fee contemplated to in item 10(a) of Section XI.

SECTION V

DE-REGISTRATION OF MINERAL RIGHTS

(This section has been deleted)

SECTION VI

A. BONDS

1. The recommended fee for mortgage bonds including surety mortgage bonds be as set out in column B of the Schedule to this guideline.
2. The recommended fee charged for collateral bonds, being mortgage bonds passed as additional security for another bond irrespective of where the collateral bond is being registered, be 75% of the recommended fee as set out in column B of The Schedule to this guideline.
3. For any waiver in terms of regulation 41(7) when included in a bond, an additional fee of R1500 is recommended.
4. If more than one property is included in any bond referred to in item 1 or 2 above the recommended fee as set out in column A of the Schedule of the guideline shall be increased by 15% for each additional property.

B. LEASEHOLD MORTGAGE BONDS

The recommended fee for leasehold mortgage bonds, including surety bonds, be as set out in Column B of The Schedule to these guidelines.

NOTE: The recommended fee for all mortgage bonds, including surety and leasehold bonds, includes the fee, if any, payable to a conveyancer in terms of paragraph 1.12 of the General Notes.

SECTION VII

NOTARIAL BONDS

The recommended fee for notarial bonds, including surety notarial bonds:

- 1.1 a basic amount of R1000 for bonds securing an amount up to and including R100000 and a basic amount of R1500 for bonds securing an amount over R100 000.

plus
- 1.2 the relevant amount as set out in column B of the Schedule to these guidelines.
2. The recommended fee for collateral notarial bonds passed as additional security for a mortgage bond or other notarial bond irrespective of where the collateral notarial bond is being registered, be 75% (seventy five percent) of the fee set out in (Column B of the Schedule to these) this guideline.

SECTION VIII

MARRIAGE CONTRACTS INCLUDING ALL NOTARIAL CONTRACTS UNDER THE MATRIMONIAL PROPERTY ACT, 1984 (Act No, 88 of 1984)

For drawing contracts and necessary copies, attending on execution, notarial attestation and registration, including all correspondence: R2000. (This fee does not include any consultations for the purpose of drafting the marriage contract).

SECTION IX

OTHER NOTARIAL DEEDS AND ATTENDANCES

1. For the drawing and registering of any notarial waiver of preference by mortgagee, usufructuary or other holder of a limited interest, or other notarial consent required under the Act or the Regulations: R3000.

2. For the drawing and registering of any notarial lease, servitude, donation or other notarial deed or cancellation thereof (other than those elsewhere specially provided for in this guideline), a fee of R5000 or a fee assessed according to the length or complexity thereof, is recommended. If more than one property is included in the same notarial instrument, the recommended fee as set out in column A of the Schedule of the guideline shall be increased by 15% for each additional property
3. For any notarially certified copy of a document (but excluding notarial authentication): R150 per document.
4. For a diplomatic Apostile Certificate or similar prescribed international authentication: R1500 per document.
5. For the notarial authentication of documents, certificates of identity: R1500 per document including the first page, plus R100 per additional page in the document.
6. For the notarial attestation of identity and signature of a party, including consultation and notarisation: R1500 per document.

SECTION X

CANCELLATION, CESSION OR VARIATION OF BONDS, RELEASE OF PERSONS OR PROPERTY FROM BONDS, AND WAIVER OF PREFERENCE IN REGARD TO RANKING OF BONDS.

- 1 (a) For drawing consent to cancellation of bond; consent to cancellation of cession of bond; release of property or person from a bond; consent to reduction of cover; consent to part payment of capital; framing waiver of preference in regard to the ranking of a bond; waiver of preference in respect of real rights in land; consent of mortgagee, usufructuary, lessee or holder of other limited interest required by the Act or the Regulations and not otherwise provided for in this guideline (not notarial) and attending registration thereof, inclusive of instructions and Deeds Office searches, correspondence, the signing of consents on behalf of the bondholder and all relevant attendances except attendances on the Office of the Master of the High Court: R2100.
- (b) Attending to all matters referred to in item (a) above in respect of any second or subsequent bond or bonds when such document or documents has or have been drawn by the same conveyancer who drew the corresponding documents in connection

with the first bond between the same parties over the same property and such documents are or can be lodged simultaneously as a set: R300 per bond.

- (c) If more than two properties are included in any release referred to in item 1 (a) or 1 (b) above, there be a further fee of R400 is recommended for each additional property over and above the first two properties.
2. For drawing cession of bond or application for endorsement of a bond in terms of section 45 and 45bis of the Act including instructions and drawing consent of mortgagor where necessary, attendance on mortgagor and mortgagee, correspondence and all relevant attendances including registration, but excluding attendances on the Office of the Master of the High Court: R2000.
 3. For drawing agreement varying the terms of a bond including instructions, attendances on mortgagor and mortgagee, correspondence and all relevant attendances including registration, a fee of R2000 or as assessed according to the length and complexity thereof is recommended.
 4.
 - (a) For drawing consents to substitution under section 24bis(3) or 45bis (2) of the Act, including instructions, all attendances on mortgagee and new debtor, correspondence, and miscellaneous attendances, including registration but excluding attendances on the Office of the Master of High Court: 75% (seventy five percent) of the recommended fees for bonds, specified in The Schedule.
 - (b) For drawing consents to substitution under section 57 of the Act, in respect of all bonds relating to the same mortgagee, including instructions, all attendances on mortgagee and new debtor, correspondence and miscellaneous attendances, including registration but excluding attendances on the Office of the Master of the High Court: 75% (seventy five percent) of the recommended fees for bonds, specified in The Schedule.
 - (c) For application and consent under Section 40(5)(a) of the Act (Form WW), including instructions and all attendances on both mortgagor and mortgagee, correspondence and miscellaneous attendances including registration: R3000.
 5. If any of the documents referred to in this Section are required to be signed by more than one mortgagee, mortgagor, usufructuary, lessee or holder of other limited interest, an additional fee of R200 is recommended for each such additional person after the first.

6. Where it is necessary to attend on the Office of the Master of the High Court in connection with any of the matters referred to in terms of items 1 (a), 2 and 4 above, the following additional fees may be allowed:
 - (a) For obtaining any Master's Certificate per estate for any number of certificates which are or can be applied for simultaneously: R1200.
 - (b) For obtaining copies of all necessary documents which are or can be included in one application - per estate: R400.

SECTION XI

MISCELLANEOUS

1. For attendance on behalf of transferor or transferee, mortgagor or mortgagee, or any other person, supervising the registration of the transfer or bond, or supervising the bond, when the documents are being prepared and lodged by another conveyancer, inclusive of all instructions, correspondence, and miscellaneous attendances relevant to such supervision: R1200.
2. For instructions and attendances on the inspecting, checking, arranging and lodging for endorsement of any amendment of title under section 44 of the Act, inclusive of all necessary attendances: R400.
3. For attending deeds registry for obtaining a certificate required for any act of registration: R200.
4.
 - (a) For drawing application for endorsement in terms of section 46 of the Act, for the layout of a township or settlement and attendances on lodging title deed for endorsement: R9000.
 - (b) For drawing application and related work for an incision in terms of section 49(1) of the Act or for the excision of an agricultural holding: R1600.
5.
 - (a) For procuring registration of change of name
 - (i) where no advertisement is required: R1500 plus R200 for every extra deed after the first deed;
 - (ii) where advertisement is necessary: R2000 plus R200 for every extra deed after the first deed.

- (b) For procuring an amendment of any deed in terms of section 4(1) (b) of the Act: R1500 plus a fee of R300 for every extra deed is recommended.
- (c) For preparing and lodging consent of any interested party including any bondholder, to any amendment in terms of this item: R1500.

Note: The above recommended fees exclude the drawing of necessary applications, correspondence and all relevant attendances.

- (d) For attendance in order to obtain an endorsement on any deed reflecting the conversion of a company to a close corporation and vice versa: R400 plus a recommended fee of R200 for every extra deed after the first.
6. (a) Attendances and searching for information required, other than information required for preparation or registration of a deed, including instructions, correspondence and all relevant attendances, per quarter hour or part thereof: R200. Reporting per folio, except in the case of research as provided for in item 6(b) below: R150.
- (b) Attendance and searching at deeds registry and/or the Office of the Surveyor-General for research and searching for the necessary information in connection with rights to minerals and rights to water, including correspondence and all relevant attendances: R1600 per hour or pro rata per part thereof. Reporting per folio: R150.
7. For drawing notice of application for issue of a certified copy of a deed to serve in lieu of the original including instructions, application to registrar, filing all necessary documents, correspondence and all relevant attendances: R1000 per deed.
8. For attendance in order to obtain a certified copy of any deed or document from deeds registry for any purpose, other than to serve in lieu of the original inclusive of instructions, filing of necessary documents, correspondence and all relevant attendances: R300 plus an additional recommended fee of R200 for every deed after the first which can be applied for in the same application.

9. For attendance on Surveyor-General, for the metrication or amendment of any diagram or obtaining a copy of any diagram from the Surveyor-General, including instructions, application, correspondence and all relevant attendances: R300 plus an additional recommended fee of R200 for every diagram after the first which can be applied for in the same application.

10. For attendance on local or other authority –
 - (a) to obtain a certificate or approval regarding compliance with conditions of subdivision or consolidation for an erf: R2000.

 - (b) for any endorsement of a power of attorney or diagram (other than a rates clearance certificate): R600.

 - (c) to obtain a certificate or approval regarding compliance with conditions of subdivision for all erven on a general plan, including valuation apportionment: R2000 plus R200 for every erf on the general plan.

11.
 - (a) For drawing any affidavit or application in regard to any separate act of registration or endorsement not specifically mentioned in this guideline (for example the creation of township conditions against the remainder of the property, or for the lapsing of any condition of title or personal servitude) inclusive of taking or giving instructions, correspondence and all other attendances in connection with such affidavit or application: R1200 plus R200 drawing each extra folio of an affidavit or application where such document exceeds one folio in length.

 - (b) For drawing a Special Power of attorney or General Power of Attorney and all relevant attendances including registration: R1200.

 - (c) For the completion and submission to the Office of the Master of the High Court of an application to sell property in pursuance of a sale and to obtain a certificate by the Master in terms of Section 42(2) of the Administration of Estates Act 66 of 1965 that the Master has no objection to such transfer, per estate: R3000.

 - (d) For drawing and signing a certificate in terms of section 42(1) of the Administration of Estates Act 66 of 1965, including investigations and attendances on the Office of the Master of the High Court: R600 per estate for any number of certificates.

- (e) For obtaining copies of all necessary documents which are or can be included in one application, per estate: R400.
 - (f) For attending on rectification of incorrect deeds office information, including letter of motivation, lodgement with Registrar and subsequent verification of rectification: R600.
 - (g) For attending on research and issue of a conveyancer's certificate regarding any aspect of a registered property including its conditions of title, a fee at an hourly rate, alternatively as assessed according to the length, complexity and risk thereof is recommended.
12. (a) For drawing cession of servitude in terms of Form RR as provided under section 32 of the Act, inclusive of instructions, correspondence, registration and all other relevant attendances: R3600, alternatively a fee as assessed according to the length, complexity and risk thereof is recommended.
- (b) If more than one property is included in the same cession, an additional recommended fee of R500 for each additional property.
13. For attending on filing at deeds registry of any document relating to any person, partnership, association or company, where such filing is independent of any particular act of registration being attended to by that conveyancer, inclusive of instructions, correspondence and all relevant attendances: R400.
14. For attending on upliftment of attachment interdict in the Deeds Office: R1200.
15. For attendance on taxation where required, including all necessary relevant attendances and correspondence, a recommended fee equal to 5% (five per cent) of the fees allowed on taxation be chargeable by the conveyancer submitting the bill of costs, and a recommended fee equal to 5% (five per cent) of the total fees originally reflected in that bill of costs be chargeable by the conveyancer opposing taxation.

SCHEDULE

2016

Regarding Notarial bonds, refer Section VII, where it is provided as follows:

1. The recommended fee for notarial bonds, including surety notarial bonds, be:
 - 1.1 a basic amount of R1 000 for bonds securing an amount up to and including R100 000,00 and a basic amount of R1 500 for bonds securing an amount over R100 000,00;
plus
 - 1.2 the relevant amount as set out in Column B.
2. The recommended fee for collateral notarial bonds passed as additional security for a mortgage bond or another notarial bond irrespective of where the collateral notarial bond is being registered, shall be 75% (seventy five percent) of the recommended fee set out in Column B.

Column A	Column B
Value of property or bond	Recommended Guideline of Fees for Conveyance of Immovable Property or the Registration of a Mortgage Bond
R100 000 or less	R4300
Over R100 000 up to and including R500 000	R4300 plus R650 per R50 000 or part thereof above that
Over R500 000 up to and including R1 000 000	R9500 for the first R500 000 plus R1300 per R100 000 or part thereof above that
Over R1 000 000 up to and including R5 000 000	R16 000 for the first R1 000 000 plus R650 per R100 000 or part thereof above that
Over R5 000 000	R42 000 for the first R5 000 000 plus R325 per R100 000 or part thereof above that