

# CONVEYANCING: CONVENTIONAL DEEDS (ACT 47/1937)

## GUIDELINE OF FEES

**CPI Reference: January 2020**

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: R730 per undertaking / guarantee;
- 1.9 any attendance on investments in trust in terms of Section 86(4) of the Legal Practice Act 228/2014. Recommended fee R730 per investment, alternatively a fee based on the amount and duration of 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 R500. 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 R1220 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 R200 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 Sections 33, 45 and 45 bis the fee will be calculated on 75% 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, subject to a maximum of R3270 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): R1220.
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): R1950.
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: R4350.
2. If more than one property or bond is included in the same application, an additional fee of R625 (R600) 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: R4350 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 2 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: R7300 plus R1460 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 R1850 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, subject to a maximum of R3270 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 another 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 R1250 for bonds securing an amount up to and including R200 000 and a basic amount of R1870 for bonds securing an amount over R200 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 R2450. (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: R3650.
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 R6080 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 the Schedule of the guideline shall be increased by 15% for each additional property, subject to a maximum of R3260 for each additional property.
3. For any notarially certified copy of a document (but excluding notarial authentication): R190 per document.
4. For a diplomatic Apostille Certificate or similar prescribed international authentication: R1850 per document.
5. For the notarial authentication of documents, certificates of identity: R1740 per document including the first page, plus R130 per additional page in the document.
6. For the notarial attestation of identity and signature of a party, including consultation and notarisation: R1850 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: R2550.

- (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: R375 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 R490 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: R2450.
  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 R2450 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, 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 High Court: 75% (seventy five percent) of the recommended fees, 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, 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: R2400 in respect of the application and R1240 in respect of the consent.

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 R250 is recommended for each such additional person after the first.

- 5. 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: R1460.
  - (b) For obtaining copies of all necessary documents which are or can be included in one application - per estate: R490.

## **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: R1520.
- 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: R490.
- 3. For attending deeds registry for obtaining a certificate required for any act of registration: R250.
- 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: R10 900.

- (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: R1850.
- 5.
- (a) For procuring registration of change of name
    - (i) where no advertisement is required: R1850 plus R250 for every extra deed after the first deed;
    - (ii) where advertisement is necessary: R2450 plus R250 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: R1850 plus a fee of R375 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: R1850.

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

- (d) For attendance to obtain an endorsement on any deed reflecting the conversion of a company to a close corporation and vice versa: R490 plus a recommended fee of R250 for every extra deed after the first.
  - (e) For attendance to obtain an endorsement on any deed reflecting a change of vesting of an entity: R490 plus a recommended fee of R250 for every extra deed after the first plus a further recommended fee of R250 for each additional property.
- 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: R270. Reporting per folio, except in the case of research as provided for in item 6(b) below: R190.
  - (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: R1950 per hour or pro rata per part thereof. Reporting per folio: R190.

7. (a) For drawing notice of application for issue of a certified copy of a deed in terms of Regulation 68(1) to serve in lieu of the original including instructions, application to registrar, filing all necessary documents, correspondence and all relevant attendances: R2500.
- (b) For preparing and lodging the consent in terms of Regulation 68(2) of the Act, including instructions, attendances on mortgagor, mortgagee, cessionary or other holder of a real right, correspondence and all relevant attendances: R1250 per consent.
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: R375 plus an additional recommended fee of R250 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 or certificate of remainder from the Surveyor-General, including instructions, application, correspondence and all relevant attendances: R375 plus an additional recommended fee of R250 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: R2450.
  - (b) for any endorsement of a power of attorney or diagram (other than a rates clearance certificate): R730.
  - (c) to obtain a certificate or approval regarding compliance with conditions of subdivision for all erven on a general plan, including valuation apportionment: R2450 plus R250 for every erf on the general plan.
  - (d) to obtain a transfer certificate in terms of SPLUMA: R800 plus an amount based on additional time spent to deal with conditions imposed and to resolve queries.

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: R1450 plus R250 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: R1450.
  - (c) 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: R730 per estate for any number of certificates.
  - (d) 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: R3700.
  - (e) For obtaining copies of all necessary documents which are or can be included in one application, per estate: R490.
  - (f) For attending on rectification of incorrect deeds office information, including letter of motivation, lodgement with Registrar and subsequent verification of rectification: R730.
  - (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: R4250, plus R600 for each additional cession of servitude contained in the same document, 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 R600 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: R490.
  14. For attending on upliftment of attachment interdict in the Deeds Office: R1450.
  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

2020

NOTE: Refer Section VII of the Conventional Guidelines regarding the additional basic amount applicable to **notarial bonds**.

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	R5200
Over R100 000 up to and including R500 000	R5200 plus R800 per R50 000 or part thereof above that
Over R500 000 up to and including R1 million	R11600 for the first R500 000 plus R1600 per R100 000 or part thereof above that
Over R1 million up to and including R5 million	R19600 for the first R1 million plus R1600 per R200 000 or part thereof above that
Over R5 million	R51600 for the first R5 million plus R2000 per R500 000 or part thereof above that

# CONVEYANCING: SECTIONAL TITLES (ACT 95/1986) GUIDELINE OF FEES

**CPI Reference: January 2020**

Conveyancing fees are negotiable. These are only 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 sections 15A and 15B of the Sectional Titles Act, Act 95 of 1986 (**“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, including endorsements are correctly brought forward in any deed of transfer, 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, 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 Center 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 lodgment 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, partition agreements, amendments to the rules for bodies corporate, special developers' conditions, deeds of suretyship, acknowledgements of debt and documents of a similar nature;
- 1.2 any separate act of registration of any documents 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 attendance or consultation, in addition to taking instructions, relating to the opening of a sectional title register in terms of Section 11 of the Act, or extensions of a scheme;
- 1.6 any attendance in connection with the preparation and obtaining of documents relating to collateral security required by a mortgagee;
- 1.7 any attendance on the issue of additional letters of undertaking or guarantees (other than in favour of or for bondholders, the seller or transferring attorney). Suggested fee R730 per undertaking / guarantee;
- 1.8 any attendance on investments in trust in terms of Section 86(4) of the Legal Practice Act 18/2014. Recommended fee R730 per investment, alternatively a fee based on the amount and duration of the investment;
- 1.9 Any attendance or disbursement paid to a computer software supplier for purposes of receiving or drafting instructions electronically;
- 1.10 Any attendance or consultation with an outside agent to attend to municipal refunds and reconciliations on behalf of client. Suggested fee R500. The foregoing fee excludes the fee payable to the outside agent;

1.11 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 R1220 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 1.11 be agreed upon in advance with the client.

## 2. **DEFINITIONS**

For the purpose of these guidelines

- (a) a folio shall consist of 100 printed or written words or figures, part thereof, and four figures shall be recorded as one word.
  
- (b) "value of the property" means –
  - (i) where transfer duty is payable, the purchase price of the property 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, 1949 (Act No 40 of 1949), the purchase price of the property or the declared value of the property as contemplated in the Transfer Duty Act, 1949, 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 provision of section 9 of the Transfer Duty Act, 1949, other than section 9(2), but an official valuation by a municipality, other local authority or by the Master of the High Court is available, such valuation or the compensation paid in respect of the acquisition of the property, 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 compensation is payable in respect of the acquisition of the property and no official valuation by a municipality, other local authority is available, an amount which shall be deemed to be no less than R200 000.
  - (vi) the Municipal or other local authority valuation if available, alternatively the valuation of the unit for insurance purposes 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.
- (c) "the Act" means the Sectional Title Schemes Act 95/1986, or where the context requires, the Deeds Registries Act 47/1937, as the case may be.

## **SECTION I**

### **1. APPLICATION FOR THE OPENING OF A SECTIONAL TITLE REGISTER**

For the preparing and drawing of an application for the opening of a sectional title register, perusing of sectional plan, drawing of certificates of registered sectional title, correspondence and attendances on all matters referred to in section 11 of the Act, but excluding the drawing of any consent of a bondholder, or searches in any deeds registry or other public office, or attendance upon fulfilling the requirements of section 4 of the Act, or additional consultations required by the developer:

- (a) A basic recommended fee of: R7300 and
- (b) in respect of each section, a recommended fee of: R730; and
- (c) in respect of each certificate of real right in respect of a right of exclusive use as contemplated by Section 27(1), a recommended fee of R730 plus a fee of R250 per additional right of exclusive use contained in the same certificate.

### **2. APPLICATION FOR THE EXTENSION OF SCHEMES BY ADDITION OF LAND TO COMMON PROPERTY**

For the preparing of the required documents as well as the necessary attendances referred to in Sections 7 and 26 of the Act, but excluding the drawing of any consent of a bondholder, or searches in any deeds registry or other public office, or attendance upon fulfilling the requirements of section 4 of the Act, or additional consultations required by the developer:

- (a) A basic recommended fee of R7300; and
- (b) In respect of each section, a recommended fee of: R730.

### 3. APPLICATION FOR THE EXTENSION OF SCHEMES IN TERMS OF SECTION 25 OF THE ACT

For the preparing and drawing of an application for the opening of an extension of a sectional title register, perusing of sectional plan of extension, drawing of certificates of registered sectional title, correspondence and attendances on all matters referred to in section 25 of the Act, but excluding the drawing of any consent of a bondholder, or searches in any deeds registry or other public office, or attendance upon fulfilling the requirements of section 4 of the Act, or additional consultations required by the developer, or the fees for issuing the related certificates of real rights as defined in Section XI:

- (a) A basic recommended fee of: R7300; and
- (b) in respect of each section, a recommended fee of: R730; and
- (c) where such application is made in terms of Section 25(6), an additional fee per consent obtained from each owner of: R730.

## SECTION II

### TRANSFER OF OWNERSHIP

1. For the registration of ownership of a unit or land held under sectional title deed, the recommended fee be the amount set out in column of the Schedule to the Conventional Guideline (“**the Schedule**”), in respect of the value of the property concerned as indicated in column A of the Schedule. This includes the case of 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 Deeds Registries Act 47/1937. Provided that in the case of Sections 33, 45 and 45 bis of the Deeds Registries Act 47/1937 the fee will be calculated on 75% of the full value of the whole property.
2. Where more than one unit or section is included in the same instrument of conveyance, the recommended fee as set out in the Schedule shall be increased by 15% for each additional unit or section, subject to a maximum of R3270 for each additional unit or section .

### **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 column B of the Schedule;
2. Where the value cannot be determined, a fee assessed according to the length and complexity thereof is recommended.

### **SECTION IV**

#### **ENDORSEMENTS**

1. For endorsement of title deeds or bonds in terms of Sections 24bis(2) and 25(3) of the Deeds Registries Act 47 of 1937 and in terms of Sections 39 and 40 of the Administration of Estates Act 66 of 1965 including the drawing of all necessary documents, the obtaining of all necessary ancillary documents, consents and certificates from the Master and Registrar, and all necessary attendances and correspondence in connection therewith, including the obtaining of registration, a recommended fee of: R4260.
2. If more than one section or bond is included in the same application, an additional fee of R625 is recommended for each section or bond.

### **SECTION V**

#### **SUBDIVISION, CONSOLIDATION AND EXTENSION OF SECTIONS**

For drawing and submitting an application for subdivision, consolidation or extension and preparing certificates of registered sectional title, together with supporting documents, for perusing a plan of subdivision, consolidation or of extension, for obtaining registration, for correspondence and attendance on all matters referred to in Sections 22, 23 and 24 of the Act, but excluding the obtaining of the consent of any bondholder:

- a) A basic recommended fee of R4260; and
- b) In respect of each subdivision, consolidation or extension, a recommended fee of: R460.

## **SECTION VI**

### **APPLICATION FOR SECTIONAL TITLE DEED IN RESPECT OF UNDIVIDED SHARE IN UNIT**

For preparing a certificate of registered title in respect of an undivided share (including the application), for correspondence and for attendances on all matters referred to in Section 15B(5) of the Act, a recommended fee of R1950.

## **SECTION VII**

### **1. REVERSION FROM SECTIONAL TITLE REGISTER TO LAND REGISTER**

For attending to all matters referred to in subsections (4), (5) and (6) of Section 17 of the Act:

- (a) A basic recommended fee of: R4260;
- (b) in respect of each section, a recommended fee of: R460.

### **2. DISPOSAL ON DESTRUCTION OF BUILDINGS**

For attending to all matters referred to in Section 49 of the Act:

- (a) A basic recommended fee of: R4260;
- (b) in respect of each section, a recommended fee of: R460.

## **SECTION VIII**

### **SECTIONAL MORTGAGE BONDS**

- 1. For obtaining registration of any sectional mortgage bond or surety bond other than a bond referred to in paragraph 2 of this Section, including the drawing of all necessary documents and the obtaining of necessary ancillary documents, the recommended fee be the amount as set out in column B of the Schedule in respect of the value of the bond concerned as indicated in column A of the Schedule.

2. The recommended fee for any collateral bond passed as additional security for another bond between the same parties irrespective of where the collateral bond is being registered, be 75% of the recommended fee set out in the Schedule.
3. For any waiver in terms of Regulation 41(7) when included in a bond, an additional fee of R1850 is recommended.
4. If more than one unit or section is included in a bond referred to in paragraph 1 or 2 of this Section the recommended fee as set out in the Schedule shall be increased by 15% for each additional property, subject to a maximum of R3270 for each additional unit or section.

## **SECTION IX**

### **CESSION, CANCELLATION OR MODIFICATION OF BONDS**

1. (a) For drawing consent to cancellation of bond, consent to cancellation of cession of bond, release of property or a 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 and, consent of a mortgagee, usufructuary, lessee or holder of any other limited interest required in terms of any provision of the Act or these Regulations and not otherwise provided for in this Guideline (but not being notarial), and attending registration thereof, including 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, a recommended fee of R2600.
- (b) For attending to all matters referred to in subparagraph (a) of this paragraph in respect of any second or subsequent bond when any relevant document has been drawn by the same conveyancer who drew the corresponding document or 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, R375 per bond,
- (c) if more than two units are included in any release contemplated in subparagraph (a) or (b) of this paragraph, a further fee of R500 is recommended for each additional unit over and above the first two units.

2. For drawing cession of bond or an application for endorsement, including instructions and drawing consent of mortgagor where necessary, attendances on mortgagor and mortgagee, correspondence and all relevant attendances including registration, but excluding attendances on the Office of the Master of the High Court, a recommended fee of R2600.
3. For drawing agreement varying the terms of a bond, including instructions, attendance on mortgagor and mortgagee, correspondence and all relevant attendances including registration, a fee of R2600 or assessed according to the length and complexity of the agreement is recommended.
4.
  - (a) For drawing consents to substitution under Section 24bis(3) or 45bis (2) of the Deeds Registries 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 Deeds Registries 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 Deeds Registries Act, including instructions and all attendances on both mortgagor and mortgagee, correspondence and miscellaneous attendances including registration: R2400 in respect of the application and R1240 in respect of the consent.
5. Where 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 R250 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 matter referred to in paragraph 1(a), 2 or 4 of this Section, the following additional recommended fees be allowed:
  - (a) For obtaining any Master's Certificate per estate for any number of certificates which are or can be applied for simultaneously, a recommended fee of R1560.



- (b) For obtaining copies of all necessary documents which are or can be included in one application, per estate R500.

## **SECTION X**

### **NOTARIAL DEEDS**

1. For drawing and registering a notarial waiver of preference by mortgagee, usufructuary or other holder of a limited interest, or other notarial consent required in terms of any provision of the Act or the Regulations: R3640.
2. For the drawing and registering of any notarial sectional lease, servitude, donation or other notarial sectional deed or cancellation thereof (other than those elsewhere specially provided for in this guideline), a fee of R6080 or a fee assessed according to the length or complexity thereof, is recommended. If more than one section is included in the same notarial instrument, the recommended fee as set out in column B of the Schedule shall be increased by 15% for each additional property.

## **SECTION XI**

### **CERTIFICATES OF REAL RIGHTS**

1. Section 12(1)(e): In favour of developer to develop further in terms of section 25(1).  
See regulation 14(1), and Form F: R2600.
2. Section 25(6): In favour of body corporate to extend scheme.  
See regulation 14(2) and Form F: R2600.
3. Section 12(1)(f): In favour of developer, right of exclusive use in terms of section 27(1).  
See regulation 14(3) and Form G: R2600.

Plus R250 for each additional defined area in the same deed.

## SECTION XII

### CESSIONS (NOTARIAL)

1. Section 27(1)(b) of the Act: Unilateral cession of an exclusive use area by a developer to owner(s) to whom such rights are allocated: R2600 where the cession is registered simultaneously with the transfer of the corresponding unit. Where no simultaneous transfer of a unit takes place: the notary is entitled to charge the usual transfer fee as set out in Column B of the Schedule based on the purchase price or value of the unit. Plus R250 for each additional area in the same deed.
2. Section 27(3) and Section 60(3) of the Act: Bilateral cession by body corporate as representative of owners of all sections: R1850 where the cession is registered simultaneously with the transfer of the corresponding unit. Where no simultaneous transfer of a unit takes place: R2600 plus R250 for each additional defined area in the same deed.
3. Section 27(4) of the Act: Bilateral cession of an exclusive use area: Ad valorem as per the Schedule unless no consideration has been allocated to the exclusive use area, in which case: R2600 plus R250 for each additional defined area in the same deed.
4. Section 27(5) of the Act: Cancellation of right to exclusive use: bilateral notarial deed between owner and body corporate: R2600 plus R250 for each additional defined area in the same deed.
5. For the execution and registration of each cession of a Right to Extend, inclusive of all preliminary and other work in connection therewith, but excluding attendances in connection with the framing of any provisional agreements between the parties and ancillary attendances not directly required to achieve full and proper cession:
  - a. Where the value can be determined, the recommended fee be as set out in column B of the Schedule;
  - b. Where the value cannot be determined, a fee assessed according to the length, complexity and risk thereof is recommended.

## SECTION XIII

### MISCELLANEOUS

1. For attendance on behalf of transferor or transferee, mortgagor or mortgagee or any other person, for supervising the registration of the transfer or bond or supervising the bond with documents prepared and lodged by another conveyancer, including instructions, correspondence and attendances relevant to the supervision: R1520.
2. (a) For the necessary attendances and searching and inspecting of a Conveyancer's protocol or file or at deeds registry for information, including instructions, correspondence and all relevant attendances, per quarter hour or part thereof, a recommended fee of R250. Reporting, except in the case of research as provided for in subparagraph (b) of this paragraph, a recommended fee of R190 per folio;  
(b) For attendance and searching at Deed Registry or the office of the Surveyor General for research and searching for the necessary information in connection with the opening of the register and registration of the sectional plans, including correspondence and all relevant attendances, a recommended fee of R1950 per hour or pro rata per part thereof;  
Reporting per folio, a recommended fee of R190.
3. For drawing of any certificate by a conveyancer with regard to any servitude, other real right or condition, where not otherwise provided for in this guideline: an hourly rate or as assessed according to the length, complexity and risk thereof is recommended.
4. For preparing and drawing certificate of establishment of a body corporate under Regulation 16(1) of the Act, lodging the same, including all correspondence and attendances in connection therewith, a recommended fee of R750, alternatively a fee based on the time and attendances required therefor.
5. For drawing a consent by any owner of a section or holder of any sectional mortgage bond in terms of Sections 24(6) and 25(10) of the Act, including all correspondence and attendances in connection therewith, including lodging, a recommended fee of R1950.
6. For substituting, amending, amplifying or repealing either the management or conduct rules in terms of Section 35 of the Act: a fee of R2600 or as assessed according to the extent and complexity thereof is recommended.

In any case where a fee is not recommended in this guideline in respect of any matter, but a fee has been recommended in respect of the corresponding matter in the recommended guideline of fees prescribed for Conventional Deeds (Deeds Registries Act 47/1937), such fee may *mutatis mutandis* apply in respect of the matter in question.

## INTERPROVINCIAL APPORTIONMENT GUIDELINES:

### CONVENTIONAL DEEDS

**CPI REFERENCE: JANUARY 2020**

Following the guideline changes, the LSSA Council has recommended that the guidelines set out below should, unless otherwise agreed, apply in respect of all conveyancing work performed in one Province on instructions received from a practitioner in another Province and for which such instructions were received by the instructing practitioner on or after the date when these Guidelines come into effect. This apportionment serves as a guideline only and conveyancers are free to negotiate the apportionment as they see fit.

### DEFINITIONS

For the purpose of this tariff:

**"Preliminary work"**, where referred to in this guideline shall mean and include: The taking and giving of instructions; preparation and attending signature of all powers of attorney; declarations, affidavits, resolutions and other necessary preliminary and ancillary documents, such as extracts from a company's memorandum and articles of association; payment of transfer duty and of all rates levied by any lawful authority; obtaining or making all clearance or other certificates; the obtaining of endorsements or copies of documents from the office of the Master or other public office (except where otherwise provided); the making of all financial arrangements, including the provision and perusal of guarantees and attending on payment in terms thereof; all relevant correspondence; or such of the above work as may be necessary.

"Preliminary work" shall, however, not include any attendances in connection with the drawing and execution of general powers of attorney; deeds of sale, deeds of exchange; preliminary partition agreements; with regard to any lease, servitude, prospecting contract or donation and documents of a similar nature; and documents for which a special fee is provided in this guideline.

**"Final work"** shall mean and include: The drawing and preparation of any documents for execution or registration at a deeds registry; obtaining registration thereof; arranging simultaneous lodgments with another conveyancer or conveyancers where necessary; giving all references required by the deeds office for examination purposes and all attendances at the deeds office; and correspondence in connection with registration. "Final work" shall not include any separate act of registration of any other document which may be necessary before or in connection with the first mentioned act of registration or for which special provisions is made in the guideline.

**"Lodgment"**: Wherever in this guideline a specific or proportionate fee is provided for lodgment it shall mean the fee payable by the instructing practitioner to the instructed practitioner for all attendances in connection with the lodgment of any document, including arranging simultaneous lodgments, giving necessary references, and all other attendances and correspondence in connection with such lodgment and registration and shall be payable out of the total fee.

## **NOTES**

1. All references hereunder to sections and/or items shall relate to the Guideline of Fees recommended by the LSSA.
2. Where a deed of transfer, a partition transfer or a mortgage bond is drawn, complete in every detail, and prepared by one conveyancer and is merely lodged and executed by another conveyancer, the instructing conveyancer shall be entitled to 85% and the instructed conveyancer to 15% of the total fee, provided that -
  - 2.1 If such deeds are rejected by the deeds office by reason of a note or notes raised against such deeds which is/are incapable of being remedied on preparation/rectification and such deeds will have to be relodged, or where the instructing conveyancer expressly requested the instructed conveyancer to check such deeds and documents, and the deeds and/or supporting documents are patently incorrect or incomplete and would have been rejected, the instructed conveyancer shall immediately communicate with the instructing conveyancer and by arrangement, either
    - 2.1.1 return the deeds to the instructing conveyancer to be redrawn and reprepared, in which event, the instructed conveyancer shall be entitled to 20% of the fee, or
    - 2.1.2 the instructed conveyancer shall redraw and reprepare the deed in which event the instructed conveyancer shall be entitled to 25% of the total fee if the rejection was a result of a simple error and 33,3% of the total fee if the rejection was as a result of errors other than a simple error.
  - 2.2 If the conveyancer expressly requested the instructed conveyancer to check such deeds and supporting documents, the instructed conveyancer shall be entitled in any event to 20% of the total fee and if such deeds and documents would have

been rejected, the instructed conveyancer shall immediately communicate with the instructing conveyancer and by arrangement proceed as in 2.1.1 or 2.1.2.

2.3 If the instructed conveyancer attends to any matter on preparation/rectification as the case may be, which is covered under the item "apportionment of fees for preliminary work", he shall charge such fee.

3. Where the instructing practitioner merely takes instructions from his client and thereafter sends his whole "file" to the instructed conveyancer who then does all the work, the former shall, as a general rule, be entitled to 20% and the latter to 80% of the fee where the fee is divided on a percentage basis as set out hereunder.

4. Fees and percentages specified herein shall be nett and shall not be subject to any allowance.

5. **APPORTIONMENT OF FEES FOR PRELIMINARY WORK**

Where a practitioner who attends to the preliminary work in connection with any conveyancing matter requests another practitioner to do part of that preliminary work, the former shall from his share of the fees pay to the latter the amount set out hereunder:

I. (a) Obtaining all necessary endorsements from the Master for any number of certificates which are or can be applied for simultaneously

per estate R1460

(b) Furnishing a certificate in terms of Section 42(1) of the Administration of Estates Act, 1965, including investigations and attendances on Master's Office

per estate R1460

(c) Obtaining copies of all necessary documents which are or can be included in one application

per estate

- II. Obtaining copies of documents required for lodgment in the deeds office which are or can be included in one application (inclusive of searches)
- per application R540
- III. Obtaining a clearance or other similar certificate from a public or local authority or a body corporate
- per certificate R540
- IV. Attending on payment of transfer duty or VAT and uplifting receipt or obtaining an exemption certificate R540
- V. Any other attendance per quarter hour or part thereof
- R260
- Reporting per folio R190
- VI. Furnishing a conveyancer's certificate or drawing any document not provided for elsewhere in this guideline
- R260
- VII. Perusing and certifying a guarantee for payment
- R370

The above fees shall be nett.

6. **APPORTIONMENT OF FEES FOR "FINAL WORK" AND "LODGMET"**

For attendances in order to have any conveyancing matter expedited, restored or put forward for execution, including completion of application forms and searches in connection therewith.

R730

The above fees shall be nett.

## APPORTIONMENT

### SECTION I

#### A. CONVEYANCE OF OWNERSHIP OF IMMOVABLE PROPERTY (OTHER THAN PARTITION TRANSFERS)

(a) Conveyance by means of a deed of transfer:

Preliminary work	66.6%
Final work	33.3%
Lodgment	15%

(b) Conveyance in terms of the second proviso to Section 16 and in terms of Sections 31, 45 and 45 bis of the Act; bonds excluded:

Lodgment	15% with a minimum of	R370
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#### B. LEASEHOLD AND UPGRADING TRANSACTIONS (OTHER THAN BONDS)

##### 1. Certificate of Registered Grant of Leasehold.

(Total fee –R1000)

Preliminary work	66.6%
Final work	33.3%

Where **Instructed Conveyancer** merely lodges such certificate:

Lodgment	R370
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##### 2. Certificate of Ownership

(Total fee –R1700)

Preliminary work	66.6%
Final work	33.3%



Where **the instructed conveyancer merely lodges such certificate:**

Lodgment	R370
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**3. Transfer of a Right of Leasehold**

Preliminary work	66.6%
Final work	33.3%

**SECTION II: ENDORSEMENTS OF TITLE DEEDS OR BONDS IN TERMS OF SECTIONS 24 BIS (2) AND 25(3) OF THE ACT AND IN TERMS OF THE ADMINISTRATION OF ESTATES ACT 1965**

Lodgment	R370
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**SECTION III: PARTITION RECTIFICATION AND EXCHANGE TRANSFERS**

Preliminary work	40%
Final work	60%
Lodgment	15%

**SECTION IV: CERTIFICATES OF TITLE**

(a)	Preliminary work	40%
	Final work	60%
(b)	Lodgment	R370

**[SECTION V: DEREGISTRATION OF MINERAL RIGHTS**

[OMIT]

**SECTION VI: MORTGAGE BONDS**

Preliminary work	66.6%
Final work	33.3%
Lodgment	15%

**SECTION VII: NOTARIAL BONDS**

Preliminary work	60%
Final work	40%

When the deed is drawn and attested by the instructing notary:

Lodgment	R370
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**SECTION VIII: MARRIAGE CONTRACTS**

Preliminary work	60%
Final work	40%

Where **Instructing Attorney** prepares and executes the contract:

Lodgment	R370
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**SECTION IX: OTHER NOTARIAL DEEDS**

<b>Item 1 &amp; 2:</b> (a)	Preliminary work	60%
	Final work	40%

(b) Where instructing notary prepares and executes the deed:

Lodgment	R370
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**SECTION X: CANCELLATION OF BONDS, ETC**

Item 1(a):	Lodgment	R370
Item 1(b):	Lodgment	R190

Item 1(c):	Instructed conveyancer	Nil
Item 2,3,4:	Lodgment	R370
Item 5:	Instructed conveyancer	Nil
Item 6(a):	Instructed conveyancer	R540
Item 6(b):	Instructed conveyancer	R290

#### **Section XI: MISCELLANEOUS**

Item 1:	Preliminary work	33,3%
	Final work	66,6%
Item 2:	Lodgment	R370
Item 3:	Preliminary work	33,3%
	Final work	66,6%
Item 4, 5(1)(a) & (b), 5(2), 5(3), 5(4), 6, 8, 9:	Instructing practitioner	50%
	Instructed practitioner	50%
	Lodgment	R370
Item 10(a), 10(b), 11(a), 11(c), 12(a), 12(b), 13:	Instructing practitioner	33,3%
	Instructed practitioner	66,6%
Item 11(b):	Instructed practitioner	R730
Item 11(d):	Instructed practitioner	R730
Item 11(e):	Instructed practitioner	R370
Item 14:	Instructing practitioner	50%
	Instructed practitioner	50%

## **INTERPROVINCIAL APPORTIONMENT GUIDELINES: SECTIONAL TITLES**

**CPI Reference: January 2020**

Following the guideline changes, the LSSA Council has recommended that the guidelines set out below should, unless otherwise agreed, apply in respect of all conveyancing work performed in one Province on instructions received from a practitioner in another Province and for which such instructions were received by the instructing practitioner on or after the date when these Guidelines come into effect. This apportionment serves as a guideline only and conveyancers are free to negotiate the apportionment as they see fit.

DEFINITIONS for purposes of this guideline:

**"PRELIMINARY WORK"** where referred to in this guideline shall mean and include the taking and giving of instructions, preparation and attending signature of all powers of attorney, declarations, affidavits, resolutions and other necessary preliminary and ancillary documents such as extracts from companies' memorandum and articles of association and proof in regard to all matters required to be certified in terms of Section 15B(3) of the Act, payment of transfer duty and of all levies imposed by the body corporate, and of all rates levied by any lawful authority, obtaining or making all clearances or other certificates, the obtaining of endorsements or copies of documents from the office of the Master or other public office (except where otherwise provided) the making of all other financial arrangements including the provision and perusal of guarantees and attending to payment in terms thereof, all relevant correspondence, or such of the above work as may be necessary. "Preliminary work" shall, however, not include any attendances in connection with the drawing and execution of general powers of attorney, deeds of sale, deeds of exchange, preliminary agreements with regard to any lease, servitude or donation and documents of a similar nature as well as documents for which a special fee is provided in this guideline.

**"FINAL WORK"** shall mean and include, the drawing and preparation of any document for execution or registration at a deeds registry, obtaining of registration thereof, arranging simultaneous lodgment with another conveyancer or conveyancers where necessary, giving all references required by the deeds office for examination purposes and all attendances at the deeds office and correspondence in connection with registration, but shall not include any separate act of registration of any other document which may be necessary before or in connection with the first-mentioned act of registration or for which special provision is made in the guideline.

**"LODGMENT"** wherever in this guideline a specific or proportionate fee is provided for lodgment, it shall mean the fee payable by the instructing practitioner to the instructed practitioner for all attendances in connection with the lodgment and where necessary, registration of any document, including arranging simultaneous lodgments, giving necessary references and all other attendances and correspondence connected with such lodgment and registration and shall be payable out of the total fee.

**NOTES:**

1. All references hereunder to sections and/or items shall relate to the guidelines as recommended by the LSSA.
2. Where a deed of transfer, a partition transfer or a mortgage bond is drawn, complete in every detail, and prepared by one conveyancer and is merely lodged and executed by another conveyancer, the instructing conveyancer shall be entitled to 85% and the instructed conveyancer to 15% of the total fee, provided that -
  - 2.1 if such deeds are rejected by the deeds office by reason of a note or notes raised against such deeds which is/are incapable of being remedied on preparation/rectification and such deeds will have to be relogged, or where the instructing conveyancer expressly requested the instructed conveyancer to check such deeds and documents, and the deeds and/or supporting documents are patently incorrect or incomplete and would have been rejected, the instructed conveyancer shall immediately communicate with the instructing conveyancer and by arrangement, either
    - 2.1.1 return the deeds to the instructing conveyancer to be redrawn and re-prepared, in which event, the instructed conveyancer shall be entitled to 20% of the fee, or
    - 2.1.2 the instructed conveyancer shall redraw and re-prepare the deed in which event the instructed conveyancer shall be entitled to 25% of the total fee if the rejection was a result of a simple error and 33,3% of the total fee if the rejection was as a result of errors other than a simple error.

If the instructing conveyancer expressly requested the instructed conveyancer to check such deeds and supporting documents, the instructed conveyancer shall be entitled in any event to 20% of the total fee and if such deeds and documents would have been rejected, the instructed conveyancer shall immediately communicate with the instructing conveyancer and by arrangement proceed as in 2.1.1 or 2.1.2.

- 2.2 If the instructed conveyancer attends to any matter on preparation/rectification as the case may be, which is covered under the item "fees for apportionment for preliminary work", he shall charge such fee.
3. Where the instructing practitioner merely takes instructions from his client and thereafter sends his whole "file" to the instructed conveyancer who then does all the work, the former shall, as a general rule be entitled to 20% and the latter to 80% of the prescribed fee where the fees are divided on a percentage basis as set out hereunder.
4. Fees and percentages specified herein shall be net and shall not be subject to any allowances.

**5. APPORTIONMENT OF FEES FOR "PRELIMINARY WORK"**

Where a practitioner who attends to the preliminary work in connection with any conveyancing matter, requests another practitioner to do part of such preliminary work, the former shall, from his share of fees, pay the latter the amounts set out hereunder, and which amounts shall be net.

- (i) (a) Obtaining all necessary endorsements from the Master for any number of endorsements which are applied for simultaneously  
per estate
- (b) Furnishing a certificate in terms of Section 42(1) of the Administration of Estates Act 1965, including investigations and attendances on Master's Office  
per estate R1460 for any number of Certificates
- (c) Obtaining copies of all necessary documents which are or can be included in one application  
per estate R540
- (ii) Obtaining copies of all documents for lodgment in a deeds registry which are or can be included in one application (inclusive of searches)  
per application R540
- (iii) Obtaining a clearance or other similar certificate from a public or local authority or body corporate  
per certificate R540
- (iv) Attending on payment of transfer duty or VAT and uplifting receipt or obtaining an exemption certificate R540

(v) Any other attendance per quarter hour or part thereof

R250

Reporting per folio

R190

(vi) Furnishing a conveyancer's certificate or drawing any document not provided elsewhere in this guideline

R250

(vii) Perusing and certifying a guarantee for payment

R370

The above fees shall be net.

## 6. APPORTIONMENT OF FEES FOR "FINAL WORK" AND "LODGEMENT"

6.1 For attendances in order to have any conveyancing matter expedited, restored or put forward for execution, including completion of application forms and searches in connection therewith:

R730

The above fees shall be net.

## SECTION I

### Application for the opening of a Sectional Title Register

#### DEFINITIONS

For the purpose of this section.

**"Preliminary work"** shall mean and include, drawing the application in terms of Section 11 of the Act, perusing the sectional plan, obtaining the certificate required (where necessary) in terms of Section 11(3)(e) and all correspondence and attendances in connection with all such matters.

**"Final Work"** shall mean and include the drawing and preparation of certificates of registered sectional title in terms of Section 11(3), obtaining registration of such sectional plan, arranging simultaneous lodgment with another conveyancer or conveyancers, where necessary giving all references required by the deeds office for examination purposes all attendances at the deeds office for examination purposes and all attendance at the deeds office and correspondence in connection with registration of the sectional plan.

Preliminary work	R4350 plus R370 per section
Final work	R2930 plus R370 per section
Lodgment	R1410 plus R370 per section

## **SECTION II**

### **Transfer of Ownership**

Preliminary work	66.6%
Final work	33.3%
Lodgment	15%

## **SECTION III**

### **Partition Transfers**

Preliminary work	40%
Final work	60%
Lodgment	15%

## **SECTION IV**

### **Endorsement in terms of the Administration of Estate Act**

If the instructed conveyancer attends only to lodgment he will be entitled to R370 out of the overall fee.

## **SECTION V**

### **Subdivision and re-subdivision and extensions of a section**

Preliminary work	R2810 plus R370 per section
Final work	R1460 plus R370 per section
Lodgment	R370 plus R370 for each additional section after the first two sections.



## **SECTION VI**

### **Application for Sectional Title Deed in respect of an undivided share in a Unit**

Preliminary work	40%
Final work	60%
Lodgment	R370

## **SECTION VII**

### **1. Reversion from Sectional Title register to Land register**

Preliminary work	40%
Final work	60%
Lodgment	R370

## **SECTION VIII**

### **Sectional Mortgage Bond**

Preliminary work	66.6%
Final work	33.3%
Lodgment	15%

### **Collateral Bond**

Preliminary work	66.6%
Final work	33.3%
Lodgment	R370

## **SECTION IX**

### **Cession, cancellation or modification of bonds.**

Lodgment	R370
Further bond	R250

## **SECTION X**

### **Notarial Deeds**

Preliminary work	60%
Final work	40%
Lodgment	R370

## **SECTION XI**

### **Certificates of Real Rights**

Preliminary work	60%
Final work	40%
Lodgment	R370

## **SECTION XII**

### **Cessions (Notarial)**

Preliminary work	60%
Final work	40%
Lodgment	R370

## **SECTION XIII**

### **Miscellaneous**

#### Item 1

Instructing conveyancer	33.3%
Instructed conveyancer	66.6%

#### Item 2

(a) Instructed Conveyancer	100%
(b) Instructing conveyancer	33.3%
Instructed conveyancer	66.6%

#### Item 3 & 4

Instructing conveyancer	15%
Instructed conveyancer	85%

#### Item 5

Instructing conveyancer	15%
Instructed conveyancer	85%
Lodgment	R370

Item 6

Preliminary work	60%
Final work	40%
Lodgment	R370

Any matter for which provision is not made in this apportionment, the apportionment applicable under the conventional deeds guidelines shall apply.

## APPORTIONMENT OF FEES: WASTED COSTS

Guidelines for the apportionment of fees for conventional conveyancing and sectional title matters where a mandate is terminated at any stage before execution or registration as the case may be.

	Total
1. Attendances on taking instructions and planning transactions - 17.5% of recommended fee	17.5%
2. Drawing preliminary documents additional 15% of recommended fee	32.5%
3. Attendances on signatures of preliminary documents - additional 10% of recommended fee	42.5%
4. Attendances on completion of all necessary financial arrangements before lodgement - additional 20% of recommended fee	62.5%
5. Drawing and preparing deed for execution or document for registration - additional 12.5% of recommended fee	75.0%
6. Lodgement - additional 15% of recommended fee	90.0%

It is emphasized that not every termination of a mandate will lend itself to the applications of the apportionment as set out above and each case will have to be dealt with on its own merits. For example where instructions are amended or where a bank, building society or similar institution instructs its conveyancer not to proceed with the registration of a mortgage bond, or in the case of a notarial bond, some of the factors mentioned above will not necessarily be applicable.

# ALIENATION OF LAND ACT No. 68 OF 1981

## CONVEYANCING FEES (CPI Reference 1 Jan 2020)

- RECORDING OF CONTRACT** [Section (1)(a) and 20(1)(bb)]  
The fee as set out in Column B hereof.
- CANCELLATION OF RECORDED CONTRACT** [Section 20(1)(c)]  
If contract is cancelled by mutual agreement total fee: R590.  
If contract is cancelled for any other reason, the fee as set out in Column B hereof:

<b>COLUMN A</b>	<b>COLUMN B</b>
Purchase price of property as reflected in deed of alienation	Recommended Fee
<hr/>	
R200 000 or less	R1200
Above R200 000	R1740
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### APPORTIONMENT OF FEES

#### NOTE:

The prescribed forms A and C in the regulations to the Act, can be prepared only by a **conveyancer**.

Where an instructing **conveyancer** draws and prepares either form A or form C and the instructed practitioner merely lodges the application.

Lodgment	R190
In all other cases:	
Instructing practitioner	15%
Instructed practitioner	85%