

CHIEF REGISTRAR'S CIRCULAR NO. 1 OF 2010

CANCELLATION OF REGISTRATION OF A LOST BOND

1. CANCELLATION OF A LOST OR DESTROYED BOND

The registrar of deeds may effect the cancellation of the registration of a mortgage bond / notarial bond ("bond") of which the client's copy, as well as the deeds registry duplicate thereof, have been lost or destroyed.

2. PROCEDURE FOR CANCELLATION

2.1. Publication of notice of intention to cancel a bond:

2.1.1. The person who purports to be the mortgagee must, at own expense, publish a notice of intention to apply for the cancellation of the registration of the relevant bond in two consecutive ordinary issues of the *Gazette*.

2.1.2. The notice of intention to apply for the cancellation of the registration of a bond must call upon any interested person to furnish the registrar of deeds with an objection, if any, to the cancellation of the registration within a period of six weeks after the date of the first publication of the notice in the *Gazette*.

2.1.3. The notice of intention to apply for the cancellation must be along the following lines:

NOTICE OF INTENTION TO APPLY FOR THE CANCELLATION OF A LOST / DESTROYED BOND

Notice is hereby given that it is the intention to apply for the cancellation of the registration of (here insert the bond code, number and year), dated passed by for the amount of in favour of in respect of certain (here insert the description of the property), which has been lost or destroyed.

All persons having objection to the cancellation of the registration of such bond are hereby required to lodge the same in writing with the registrar of deeds at the deeds registry in which the bond is registered, within three weeks after the date of the first publication of this notice.

Dated at this day of

.....
Signature of person who purports to be the mortgagee.

2.1.4. The registrar must, where an objection to a cancellation of a bond is received, convey the information to the person who purports to be the mortgagee. The registrar must, unless an objection is resolved and withdrawn in the above

instance, ensure that no cancellation of the bond takes place, except upon an order of the court.

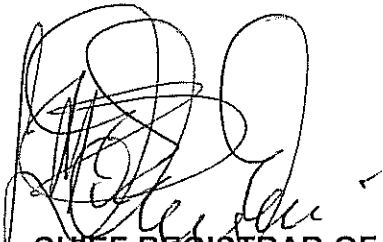
2.2. Consent to cancellation of bond:

2.2.1. After expiry of the six-week period referred to in paragraph 2.1.2 above, the person who purports to be the mortgagee must lodge with the registrar of deeds, within a further period of six weeks, a consent to cancellation of the registration of the relevant bond.

2.2.2. The consent to cancellation of the bond must contain an affidavit stating the following:

- That the client's copy of the bond have been lost or destroyed;
- That a notice of intention to have the registration of the relevant bond cancelled, has been duly published;
- That the client's copy of the bond has not been pledged and that it is not being detained by any one as security for debt or otherwise.

2.2.3. A copy of the intention to cancel the registration of a bond (*Gazette*) must accompany the consent to cancellation.



CHIEF REGISTRAR OF DEEDS

DATE: 11 February 2010.

REFERENCE: A. 6/2/P
RINGBINDER 10

CHIEF REGISTRAR OF DEEDS
REGISTRARS OF DEEDS
THE CHIEF: JUSTICE TRAINING
DIRECTOR: LAW SOCIETY OF SOUTH AFRICA : PRETORIA
MANAGER: BUTTERWORTHS PUBLICATIONS : DURBAN
CHAIRPERSON: PROPERTY LAW COMMITTEE : PRETORIA