



rural development  
& land reform

Department:  
Rural Development & Land Reform  
REPUBLIC OF SOUTH AFRICA

Office of the Registrar of Deeds,  
Private Bag X918, PRETORIA, 0001 - Tel (012) 338-7000; Fax 012 338 7103

## NOTICE TO EXAMINERS 08/2013

### HOME OWNERS ASSOCIATION CLEARANCE CERTIFICATES IN THE SITUATION WHERE A PROPERTY IS SOLD BY THE TRUSTEE IN AN INSOLVENT ESTATE:

1. In the High Court case: **J SEKE N.O & OTHERS/WILLOW WATERS HOA. CASE NO: 20361/2012 (NORTH GAUTENG HIGH COURT)** the court ruled that when a Trustee in an insolvent estate transfers a property, subject to a HOA condition, that the Trustee need not obtain a Clearance Certificate from the relevant HOA and that the Registrar of Deeds may register the same without the HOA Clearance Certificate.
2. The above case is currently on appeal and therefore the judgment in the above case is *ipso facto* suspended till the appeal has been finalised.
3. Examiners must call for a Clearance Certificate from the relevant HOA in all of these transfers and the *status quo* remains till further notice.

REGISTRAR OF DEEDS

PRETORIA

DATE: °