

A QUICK GUIDE TO THE TRANSFER PROCESS

- STEP 1 CONVEYANCERS ACKNOWLEDGE RECEIPT OF DEED OF SALE**
Acknowledgement of receipt. Deeds Office search and copy of the title deed requested.
Apply to municipality for rates figures and valuation certificate.
- STEP 2 CONVEYANCERS FOLLOW UP ON FULFILMENT OF SUSPENSIVE CONDITIONS**
Follow up on fulfilment of suspensive conditions, e.g. bond approval or sale of purchaser's property.
On confirmation of fulfilment, issue cancellation instructions to seller's bondholder, if the property is bonded.
Collect necessary documents for transfer and FICA from seller and purchaser and draft transfer documents.
- STEP 3 FICA TO BE IN ORDER**
Check FICA compliance.
- STEP 4 GUARANTEES TO BE CHECKED**
Ensure satisfactory guarantees are in place for purchase price.
- STEP 5 COMPLIANCE CERTIFICATES**
Seller to provide all the relevant Compliance Certificates applicable as per the relevant municipalities.
- STEP 6 SIGNATURE OF DOCUMENTS & PAYMENT OF COSTS**
Seller and purchaser sign transfer documents. Purchaser sign bond documents (if applicable).
Purchaser pays transfer costs. Seller to pay advance rates and taxes.
Conveyancers apply for transfer duty receipt and rates clearance certificate.
- STEP 7 LODGEMENT OF DEEDS AT DEEDS OFFICE**
Upon receipt of transfer duty receipt, rates clearance certificate and original Title Deed, the Conveyancers arrange with linked bond cancellation and bond attorneys for simultaneous lodgement. Deeds lodged at the Deeds Office and allocated a barcode for tracking purposes. Deeds examined. Examination process takes seven to ten working days. After approximately 7 to 10 working days, the deeds come "up for registration". The conveyancer has five working days to finalise anything outstanding and register the transaction.
- STEP 8 REGISTRATION**
Registration takes place at about 10h00 on the day of registration. On that day ownership passes from seller to purchaser.
Purchaser's new bond (if applicable) is registered. Seller's existing bond (if applicable) is cancelled.
Final accounts drawn for the seller and purchaser. Seller paid out net proceeds. Agent's commission paid, if applicable.
- STEP 9 DELIVERY OF DEEDS**
Once registered, the deeds are numbered and scanned in the Deeds Office, and it can take up to three months for the Deeds Office to deliver the original Title Deed and mortgage bond back to the conveyancer. Once delivered, the conveyancer will send the original Title Deed to the relevant bank (if the property is bonded) or purchaser (if unbonded).

COSTS PER TRANSACTION:

To be paid by Seller:

1. Agent's commission
2. Bond cancellation fee
3. Advanced Rates
4. If applicable:
 - Levy amounts
 - Homeowners Consent
 - Arrear amounts such as rates and taxes / levies
 - Possible penalty interest on cancellation of bond
5. All appropriate and necessary certificates of compliance, e.g. Electrical Certificate
6. Any further amounts arising or stipulated as per Deed of Sale and per attorney's or bank's request

To be paid by Purchaser:

1. Transfer costs
2. Clearance certificates
3. Bond costs
4. Occupational Rental/Interest
5. Any other/further costs arising as per Deed of Sale

A QUICK GUIDE TO THE BOND PROCESS

- STEP 1** After applying for a loan, and if the bank finds value in the property and that you are financially able to afford the loan, the bank will send you a quotation in terms of the National Credit Act which will set out the basic terms of their loan – the loan amount, interest rate and period of the loan. Upon acceptance, they will then instruct their choice of Bond Registration Attorney. It is important to note that the Bond Attorney acts for the Bank – not the buyer as many will believe.
- STEP 2** The Bond Attorney will contact the purchaser to request FICA documents; confirm details of the transaction and enquire the name of the Transferring Attorneys.
- STEP 3** The Bond Attorneys request a copy of the Draft (new) Title Deed which the transferring attorneys must prepare for the transfer of the property. This will enable the Bond Attorneys to check the correctness of the property description, buyers’ details and certain title deed conditions which may impact on the bond. They then prepare the bond documents.
- STEP 4** Contact is made with the buyers to sign the bond documentation and to FICA them.
- STEP 5** The signed bond documents are forwarded to the purchaser’s bank for their approval and authorization to lodge the documents in the Deeds Office for registration. This takes around 5 working days.
- STEP 6** Upon receipt of the bank’s authorization the bond documents are lodged at the Deeds Office simultaneously with those of the Transferring Attorneys and the Bond Cancellation Attorneys (i.e. the attorneys who see to it that the existing bond, if any, is also cancelled). After the deeds have been examined by the Deeds Office examiners, they are returned to the attorneys to attend to the actual registration (also referred to as execution) of the transfer and bond. The bond is then registered and microfilmed by the Deeds Office who also informs the local authority of the change of ownership. The Deeds Office delivers the registered deeds to the attorneys after a few months who in turn forward it to the purchaser’s bank for safekeeping.

Costs of selling / buying immovable property

A buyer is liable to pay for:	A seller is liable to pay for:
<ol style="list-style-type: none"> 1. Transfer fees 2. Transfer duty 3. Bond registration fees 4. Home Owner Consent fee if applicable. 5. Body Corporate levy clearance fee 6. On the odd occasion, the costs of complying with special bond conditions. 	<ol style="list-style-type: none"> 1. Compliance certificates 2. Bond cancellation fees (if applicable) 3. Advance Rates Clearance figures 4. Levies up to date of transfer 5. Special Levies imposed by a body corporate before transfer: <ol style="list-style-type: none"> 5.1 If payable in a lumpsum, by the seller. 5.2 If payable in instalments then the seller pays up until date of transfer and the buyer inherits the balance

Table View

Durbanville

Claremont

Cape Town

Hout Bay

Helderberg

Paarl

Johannesburg

Website: www.miltons.law.za