



7 Seller tips to an enjoyable Transfer Process

- ## 1 Give notice to your bank that you are selling

Most banks require a 90 days' notice period. If insufficient notice is given to the bondholder, you could end up paying penalties for early settlement.

If your bond is an access bond and if you are intending to access the bond during the transfer process, you would be well advised to draw the money that you want immediately. Once the cancellation process is in progress the access bond will close and additional funds will no longer be available. Ensure you pay your bond right up to registration.
- ## 2 Make prior arrangements should you plan to travel

If you are going to be out of reach or out of the county at any time during the transfer process, please warn the Conveyancers well in advance so that they can arrange that any original documents requiring a signature are signed before your departure.

Signing any official documentation outside of South Africa is challenging and is best avoided!
- ## 3 Maintain the property's condition

Ensure that the property including the garden and pool is maintained in the same order and condition as on the date of signature of the Sale Agreement.

If your buyer finds the property in a compromised condition, he/she is likely to try and stop the transfer until the issue is addressed.
- ## 4 Arrange compliance Certificates timeously (Electrical Compliance Certificate / (Gas Certificate and Electrical Fencing Certificate if applicable)

Immediately arrange for the issue of Compliance Certificates stipulated in the Sale Agreement.

If work is required to the property as a condition for the issue of a Certificate, you will be required to accept a quotation for the cost of work. Bear in mind registration of transfer can't take place without the relevant Certificates.

If your Buyer is registering a bond over the property, some banks will also require one or more (if applicable) as part of their bond conditions.
- ## 5 Approved municipal plans

Most banks and Buyers insist on approved municipal plans. Arrange for the approved plans as soon as possible as the plans might need to be updated and can delay the transfer process.

All outbuildings including a swimming pool must be included in the plans.
- ## 6 Spluma Certificate not a SA- wide requirement before lodgement can take place at a deeds office

Reports have indicated that all Municipalities would need to be SPLUMA (Spatial Planning and Land Use Management Act) compliant for this new certificate by October 2020. SPLUMA is national legislation and already applies to all Municipalities in South-Africa enabling Municipalities to pass their own by-laws, as was the case when **the Mbombela Municipality included in its by-laws that a Certificate must be lodged with the deeds office for every transfer of property.**

The by-laws of the other Municipalities including, the City of Tshwane, Johannesburg, and Cape Town only require the Certificate when **dealing with development land**, as supposed to properties separately registered before.

The Deeds Registries Act 47 of 1937 can also not be amended as it provides for acts of registration and can't prescribe what the Municipal by-laws must provide for.

In summary, a SPLUMA Certificate is not a requirement at this stage from the City of Ekurhuleni, before lodgement can take place at the Johannesburg or Pretoria Deeds Office.
- ## 7 Vacate your property timeously

Your Sale Agreement will normally either provide that your Purchaser is entitled to possession and occupation of your property on a stated date or provisions that this is to occur on the date of transfer.

If it states on transfer you will need to be able to make arrangements on very short notice.

OUR PERSONAL APPROACH IS UNIQUE.



J.A. COETZEE
ATTORNEYS
CONVEYANCERS