D.

APPORTIONMENT OF FEES:

SECTIONAL TITLES:

1 June 2017

RECOMMENDED APPORTIONMENT OF FEES BETWEEN PRACTITIONERS IN KWAZULU-NATAL FOR CONVEYANCING AND NOTARIAL PRACTICE

NOTE: THE FEES IN PAYABLE IN TERMS OF THESE APPORTIONMENT GUIDELINES ARE PAYABLE OUT OF THE TOTAL RECOMMENDED FEES, AND NOT IN ADDITION TO THE TOTAL RECOMMENDED FEES.

(These fees are payable to the lodging conveyancer in respect of all matters where the Instructing conveyancer receives instructions on or after the 1 April 2017 and where the documents are lodged on or after 1 June 2017)

Note that the new guidelines will be charged by the lodging Conveyancer on all matters received on or after the 1st JUNE 2017 unless the letter of instructions states the contrary.

A. General : Definitions.

(1) "Preliminary work" where referred to 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, payment of transfer duty and all rates levied by any lawful authority, obtaining or making all clearance or other certificates, obtaining endorsements and/or copies of documents from the Office of the Master or public officer, except where otherwise provided, or other public offices, the provision and perusal of guarantees and attending 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, Deeds of Suretyship and acknowledgements of debt and documents of a similar nature, as well as documents for which a special fee is provided in this tariff.

(2) "Final Work" where referred to shall mean and include the drawing and preparation and signature of any documents for execution or registration at the Deeds Registry, Notarial execution of Notarial Deeds, obtaining registration thereof, arranging simultaneous lodgments with another conveyancer 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 of any other documents which may be necessary before or in connection with the first mentioned act of registration or for which special provision is made in the tariff.

(3) "Lodgment" wherever a specific or proportionate fee is provided for, lodgment shall mean:

The fee payable by the instructing practitioner to the instructed practitioner for all attendances in connection with the lodgement (and where necessary registration) of any document, including arranging simultaneous lodgments, giving necessary reference, searches, attending to counter queries, and all other attendances and correspondence connected with such lodgement and registration, except where otherwise provided, and shall be payable out of the total recommended fee.
2. Notes.

(1) Instructing Conveyancers are earnestly requested to take note of the provisions of category B(2) below as it is desirable that all deeds and other documents sent for lodgement should be prepared and signed by a Conveyancer in the instructing Conveyancer's office.

(2) All references hereunder to Parts and/or items shall relate to the guide of fees recommended by the Society.

(3) The fees specified hereunder shall be those accruing to the Registering Conveyancer, are net, and are not be subject to any allowance or discount.

(4) The apportionment of fees shall be dealt with in the following three categories:

A. Where the instructing attorney, conveyancer or notary does all the work including the drawing and signature or notarial execution of all documents and signing them as preparer where necessary, and then instructs the registerin g conveyancer to attend to lodgment and registration.

B (1) Where the instructing attorney or conveyancer or notary does the "preliminary work" and then instructs the registerin g conveyancer to draw and prepare, sign or notarially execute the deeds and attend to lodgment and registration.

B (2) Where the instructing attorney, conveyancer or notary instructs the registerin g conveyancer or notary to sign as preparer or conveyancer, or to notarially execute, deeds or documents typed in the instructing conveyancer's or notary's office and attend to lodgement and registration, or where the registerin g conveyancer or notary signs such documents without being requested to do so.

C. Where the instructing practitioner merely takes instructions from his client and thereafter sends his whole "file "to the registerin g conveyancer or notary, who does all the work.
B. SECTIONAL TITLES ACT NO. 95 OF 1986.

SECTION I

1. Application for the opening of a sectional title register per unit

(a) Application for opening of Sectional Title Register
   R640.00 plus R65.00 per CRST in the scheme
   B  50 %
   C  80 %

(b) For each re-lodgement of the documents for the Registration of a scheme
   A  R135.00

(c) Additional fee may be charged by agreement for Exceptional attendance at the rate, per ¼ hour, of R215.00

2. Application for the Extension of Schemes by Additional of Land to common property

   As for Section I.1 (a) to (c) above.

3. Application for the Extension of Schemes in terms of Section 25 of the Act

   As for Section I.1(a) to (c) above.

SECTION II

Transfer of ownership

1. Registration of Transfer
   A  See schedule 1 attached hereto
   B  50 %
   C  80 %

NOTE: Expropriation or endorsement Transfers (e.g. in terms of Section 45 of Deeds Registries Act)

   A  75% of the fees set out on Schedule 1 annexed hereto calculated on the value of the whole property
   B  50%
   C  80%
SECTION III

Partition transfers

Registration of Deeds of Partition

A  R455,00
B  50%
C  80%

SECTION IV

(This part of the guidelines has been deleted)
(See Section XIV)

SECTION V

Subdivision and Consolidation and Extension of a Section/s

(a) Subdivision or consolidation or extension of a Section/s – basic fee

A  R640,00
B  50%
C  80%

(b) Each CRST

A  R65,00
B  50%
C  80%

SECTION VI

Application for CRST in respect of undivided share in unit

CRST for undivided share

A  R265,00
B  50%
C  80%
SECTION VII

1. Reversion from sectional title register to land register

   (a) Basic Fee
       A Basic fee of R320,00 plus R65,00 in respect of each section cancelled
       B  50 %
       C  80 %

2. Disposal on destruction of buildings

   As for SECTION VII(a) above.

SECTION VIII

Sectional Mortgage Bonds

1. Sectional Mortgage or Surety Bond
   A  See Schedule 1 attached hereto
   B  50 %
   C  80 %

2. Collateral Bond
   A  70% of the fee under 1. Above
   B  60 %
   C  80 %

3. Additional Unit
   NIL

SECTION IX

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) Consent to cancellation, cancellation of
       Concession, release, reduction of cover,
       Part payment, waiver or preference, consent
       to registration or extension of scheme
       A  R350,00
       B  50 %
       C  80 %

   (b) Consents in respect of further bonds
       A  R75,00
       B  50 %
       C  80 %
2. Cession of bond or Section 45 endorsement of bond
A R375,00
B 50%
C 80%

3. Agreement varying – Conventional mortgage bond
A R255,00
B 50%
C 80%

Agreement varying – Sectional mortgage bond
A R255,00
B 50%
C 80%

4. (a) Consents to Substitution i.t.o Section 24 bis (3), 45(2)(b) or 45 bis (2)
A R505,00
B 50%
C 80%

(b) Substitution in terms of Section 57
A 50% of the fee which would be chargeable under paragraph VIII above for a new bond of the same amount
B 50%
C 80%

5. Additional Signature
A Nil
B 50%
C 80%

6. Masters Certificate or copy
Practitioner Obtaining as per schedule of fees for additional work: See Section XIV

SECTION X

NOTARIAL DEEDS

1. Notarial Lease, Servitude, other Notarial Deed
A R 480,00
B 50%
C 80%
2. Notarial Waiver of Preference

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<th>A</th>
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<td>R480,00</td>
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**SECTION XI**

Certificates of Real Rights

Certificate of Real Rights: Forms F or G

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<td>R425,00</td>
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**SECTION XII**

Notarial Cessions of EUA and Rights of Extension

1. Notarial Deed of Cession if no consideration allocated to exclusive use areas

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<td></td>
<td>R265,00</td>
<td>50%</td>
<td>80%</td>
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2. Notarial Deed of Cession if no consideration allocated to exclusive use areas and if registered simultaneous with transfer, otherwise as for transfer of ownership under Section II above

**SECTION XIII**

Miscellaneous

1. Supervising

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<th>Practitioner Supervising</th>
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2. (a) Searching and Reporting per ¼ hour and per folio

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<tr>
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<th>R220,00 per ¼ hour, R160,00 per folio</th>
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(b) Searching Rights to Minerals Water rights and Land Claims per hour

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<tr>
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<th>R1700,00 per hour, R160,00 per folio</th>
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3. Conveyancer’s certificate per folio

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<th>R160,00</th>
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4. Certificate of Establishment of Body Corporate:
   FORM W  R55,00

5. (a) Amended Rules for Substitution  Deleted
   (b) Notification of Domicilium in terms of Section 29 (1)(b)  Deleted

SECTION XIV

SCHEDULE OF FEES FOR ADDITIONAL WORK

Where a practitioner instructs another practitioner to do any work in Parts I, II, III and IV above, not covered by the term “lodgement”, the former shall from his share of the fees pay the latter the amount set out hereunder.

1. Lodging Masters endorsement in terms of Section 42(2)  R535,00
2. Obtaining certified copies from Master of the High Court, per application  R235,00
3. Obtaining a rates or water rates certificate from a local Authority, per application  R640,00
4. Obtaining a Transfer Duty Receipt or Exemption from South African Revenue Service, per application  R640,00
5. (a) Searching at the Deeds Office per ¼ hour  R220,00
   (b) Reporting per folio  R160,00
6. Drawing any document not provided for elsewhere, per folio  R160,00
7. Perusing and Certifying a guarantee for payment  R160,00
8. Applying for restoration of rejected Deeds  R425,00
9. Applying for expedition of set not previously lodged  R640,00
10. Collaborating outside KwaZulu-Natal, per Transaction  R535,00
11. Miscellaneous application/affidavits in terms of section 11 (a) of main guideline  R315,00

Alienation of Land Act

Recordal of Contract and cancellation of recordal  R215,00

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