

15 February 2013

APPORTIONMENT OF FEES: SECTIONAL TITLES: 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 is instructed on or after the 1st March 2013)

B. SECTIONAL TITLES ACT NO. 95 OF 1986

1. General Notes as per Part B, item 1 above.
2. Definitions as per Part B, item 2 above.

SECTION I

1. Application for the opening of a sectional title register

- | | |
|---|---|
| (a) Application for opening of Sectional Title Register – per unit | A A basic fee of R500,00, plus a fee of R50,00 per unit in the scheme
B 50 %
C 80 % |
| (b) For each <u>re-lodgement</u> of the documents for the registration of a scheme | A R 100,00 |
| (c) Additional fee may be charged by agreement for exceptional attendance at the rate, per ¼ hour, of | R165,00 |

2. Application for the Extension of Schemes by Addition 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% |
|
<u>NOTE:</u> Expropriation or endorsement

transfers (e.g. in terms of Section 45
of Deeds Registries Act) referred to in
the Note to Section II of Part B above |
A 50% of the fees set out Section 11,
item 1 above, calculated on the value
of the whole property

B 50 %
C 80 % |

SECTION III**Partition transfers**

- | | |
|------------------------------------|-------------------------------|
| Registration of Deeds of Partition | A R360.00
B 50 %
C 80 % |
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SECTION IV**Endorsement in terms of the Administration of Estates Act, 1965**

- | | |
|-------------------------|--------------------------------|
| Lodgment of Application | A R 220.00
B 50 %
C 80 % |
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SECTION V**Subdivision and Consolidation and Extension of a Section/s**

- | | |
|---|----------------------------------|
| (a) Subdivision or consolidation or extension
of a Section/s – basic fee | A R500.00
B 50 %
C 80 % |
|
(b) Each subdivision or consolidation |
A R50.00
B 50 %
C 80 % |

SECTION VI**Application for sectional title deed in respect of undivided share in unit**

C.R.S.T. for undivided share	A	R210.00
	B	50 %
	C	80 %

SECTION VII**1. Reversion from sectional title register to land register**

(a) Basic Fee	A	Basic fee of R175.00 plus R35.00 in respect of each section
(b) Each Section	B	50 %
	C	80 %

2. Disposal on destruction of buildings

As for **Section VII.1** above.

SECTION VIII**Sectional Mortgage Bonds**

1. Sectional Mortgage or Surety Bond	A	See Schedule 2 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**Cession, cancellation or modification of bonds**

1. (a) Consent to cancellation, cancellation of Cession, release, reduction of cover, part payment, waiver of preference, consent to registration or extension of scheme	A	R275.00
	B	60 %
	C	80 %

(b) consents in respect of further bonds	A R55.00 B 50 % C 80 %
(c) Additional unit	NIL
2. Cession of bond or Section 45 endorsement of bond	A R300.00 B 50 % C 80 %
3. Agreement varying – Deeds Registries bond	A 200,00 B 50 % C 80 %
Agreement varying – Sectional bond	A R200,00 B 50% C 80%
4. Substitution in terms of Section 57 of Deeds Registries Act	A 50 % of the fee which would be chargeable under Section VIII, item 1 above for a new bond of the same amount B 50 % C 80 %
5. Additional signature	NIL
6. Master's Certificates, consents or copy	As per conventional apportionment guidelines
7. Consents to substitution under Section 24bis(3), 45(2)(b) or 45bis(2)	R385.00

SECTION X

Notarial deeds

1. Notarial Lease, Servitude, other Notarial Deeds	A R220.00 B 50 % C 80 %
2. Notarial Waiver of Preference	A R260.00 B 50 % C 80 %

SECTION XI**Certificates of Real Rights**

Certificate of Real Rights – 1, 2 and 3	A	R330,00
	B	50 %
	C	80 %

SECTION XII**Cessions (Notarial)**

Cessions (Notarial) - 1, 2 and 4	A	R190.00
And cancellations of exclusive use areas	B	50%
	C	80%

3 as for 1,2 and 4 above **if** no consideration allocated to exclusive use area, **otherwise** as for transfer of ownership under Part B, Section II above

SECTION XIII**Miscellaneous**

1. Supervising		Practitioner supervising
2. (a) Attendance and Searching per ¼ hr or part thereof		R165,00
Reporting per folio		R110,00
3. Conveyancer's Certificate per folio		R100,00
4. Certificate of Establishment of Body Corporate	A	R40,00
	B	50 %
	C	80 %
5. (a) Amended Rules for Substitution	A	R165.00
	B	50 %
	C	80 %
(b) Notification of Domicilium in terms of Section 29(1)(b)	A	R100.00
	B	50 %
	C	80 %

16. 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)	Obtaining all necessary endorsements from the Master – per estate	R400.00
(2)	Obtaining copies of documents from the Master required for lodgement in a deeds registry per application (exclusive of searches)	R165.00
(3)	Obtaining a clearance or other similar certificate from a public or local authority per certificate	R250.00
(4)	Attending on payment of transfer duty and uplifting receipt	R250.00
(5)	Any other attendance per quarter hour or part thereof including searching in the deeds office in connection with a deed in the course of preparation	R165.00
(6)	Drawing any document per folio or part thereof	R110.00
(7)	Perusing and certifying a guarantee for payment	R110.00
(8)	Applying for restoration of deed on the specific instructions of the instructing conveyancer and where the deed was rejected through no fault of the lodging conveyancer	R110.00
(9)	Expedition of set not previously lodged	R375.00
(10)	Collaborations outside KwaZulu-Natal	R500,00
(11)	Conveyancer's Section 42(1) certificate	R350,00

ALIENATION OF LAND ACT

Recordal of contract and cancellation of recordal – section 20	R165,00
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