



## Conveyancing Fees Guidelines

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The fees to come into operation for instructions received as from 15 September 2014.

- A. Conveyancing Fees – Conventional Deeds
- B. Conveyancing Fees – Sectional Titles
- C. Interprovincial Apportionment of Fees – Conventional Deeds
- D. Interprovincial Apportionment of Fees – Sectional Titles
- E. Wasted Costs Apportionment
- F. Alienation of Land Act 68 of 1981: Conveyancing Fees and Apportionment of Fees

Internal (or intra) provincial apportionment of fees are provided by the provincial law societies for:

- Conventional deeds inside their own province
- Sectional title deeds inside their own province

**CONVEYANCING: CONVENTIONAL DEEDS (ACT 47/1937)**  
**GUIDELINE OF FEES**

Conveyancing fees are negotiable. These are merely guidelines.

**1. GENERAL NOTES:**

The fees recommended in this guideline are in respect of and include *inter alia* the general conveyancing duties performed by a conveyancer for procuring the due and proper execution and registration of the relevant deed or document, or the filing thereof or cancellation thereof, as the case may be, as well as the responsibility placed on him / her for the accuracy of the facts mentioned in deeds or documents or which are relevant in connection with the registration or filing thereof as contemplated in section 15A of the Deeds Registries Act, Act 47 of 1937 (the Act), as amended; for ensuring that copies of any deeds and documents are identical as at the date of lodgement, that all applicable conditions of title, including endorsements and township conditions are correctly brought forward in any deed of transfer or certificate of title, that any person signing a document as principal or representative has been appointed and is acting in accordance within the powers granted to him / her and that any security required has been furnished to the Master, that parties to deeds are correctly reflected, that the necessary authority has been obtained for the signing of any document in a representative capacity, that the transaction in question is authorised by and in accordance with the constitution, regulations or founding statement or trust instrument of a trust, as the case may be, of any church, association, close corporation, society, trust or other body of persons, or any institution (whether created by statute or otherwise) being a party to such document, where applicable, that the relevant particulars in the deed have been correctly brought forward from the power of attorney, as contemplated in Regulation 44A of the Deeds Regulations; and for this purpose shall include the taking and giving of instructions, all correspondence, including the perusal of completed deeds of sale; the preparation and attendance on signature of all powers of attorney, declarations, affidavits, resolutions, status affidavits, company certificates, exchange control certificates and other necessary preliminary and ancillary documents as well as attendances in connection with the obtaining, preparation and signature of documents to ensure compliance with the provisions of the Financial Intelligence Center Act and the signature of ancillary documents required by a mortgagee in terms of the National Credit Act; the payment of transfer duty or VAT and of all rates levied by any lawful authority, the obtaining and making of all clearance and other certificates, including attendances or consultation with an outside agent to obtain clearance certificates; the obtaining of endorsements or copies of documents from the Office of the Master or the High Court or other public office (except where otherwise provided, including attendances or consultation with an outside agent to obtain copies and endorsements); the perusal of memoranda and articles of association and trust deeds, the making of all necessary financial

arrangements, including the issuing of guarantees on behalf of bondholders or the provision and checking of guarantees and attending payment in terms thereof; the drawing and preparation of any document, including all copies thereof, required for execution or registration at a deeds registry and the obtaining of registration thereof, arranging simultaneous lodgement and registration with another conveyancer or other conveyancers, where necessary; the giving of all references required by the deeds registry for examination purposes; and all attendances at the deeds registry, but shall not include —

- 1.1 any attendance in connection with the drawing and execution of deeds of sale, deeds of donation, deeds of exchange, preliminary partition agreements, deeds of suretyship and acknowledgements of debt and documents of a similar nature; or
- 1.2 any separate act of registration of any other document which may be necessary before or in connection with the first-mentioned act of registration; or
- 1.3 any attendance in connection with the resolution of a dispute between the transferor and the transferee arising from a deed of sale or any of the other documents referred to in 1.1 above or from whatsoever cause; or
- 1.4 any attendance arising from negotiations between the parties, resulting in a further agreement or addendum or amendment to an existing agreement; or
- 1.5 any consultation for the purpose of drafting a marriage contract; or
- 1.6 any attendance or consultation, in addition to taking instructions, relating to the opening of a township register in terms of section 46 of the Act, or incisions or excisions; or
- 1.7 any attendance in connection with the preparation and obtaining of documents relating to collateral security required by a mortgagee.
- 1.8 any attendance on the issue of letters of undertaking and guarantees (other than in favour of or for bond holders, the seller or transferring attorney or undertakings for cancellation/release of bond costs in favour of the bond cancellation attorney). Suggested fee R485 per undertaking / guarantee.
- 1.9 any attendance on investments in trust in terms of section 78 (2A) of the Attorneys Act of 1979. Recommended fee R485 per investment, unless the investment attorney is charging a percentage of the interest earned on the investment.
- 1.10 any attendance or disbursement paid to a computer software supplier for purposes of receiving or drafting instructions electronically.

- 1.11 any attendance or consultation with an outside agent to attend to municipal refunds and reconciliations on behalf of client. Suggested fee R330. The foregoing fee excludes the fee payable to the outside agent.
- 1.12 any formal confirmation (other than routine facts, such as fulfillment of suspensive conditions or absence of an addendum to the deed of sale) to any linked attorney or third party (including a bank) relating to material aspects of the transaction: A fee of R300 per confirmation payable by the requesting attorney or party.
- 1.13 any formal certification or opinion to any linked attorney or third party of material facts relating to the transaction (such as the actual sale price, transaction not forming a major part of seller's assets or compliance with specific section of the Companies Act) and that places the conveyancer at professional risk: A fee of R600 plus a fee assessed according to the length or complexity thereof is recommended, payable by the requesting attorney or party.

## **NOTE**

It is recommended that additional charges and disbursements discussed above in 1.1 to 1.13 be agreed upon with the client.

## **2. DEFINITIONS**

For the purpose of these guidelines —

- (a) a folio consists of 100 printed or written words or figures or part thereof and four figures shall be recorded as one word; and
- (b) 'value of property' means —
- (i) where transfer duty is payable, the purchase price or the amount on which transfer duty is payable, whichever amount is the higher;
  - (ii) where no transfer duty is payable in terms of section 9(2) of the Transfer Duty Act, 1949 (Act No. 40 of 1949), the purchase price or the declared value as determined in the Transfer Duty Act, 1949, whichever amount is the higher;
  - (iii) where no transfer duty is payable in terms of section 9(15) of the Transfer Duty Act 40 of 1949, the purchase price plus VAT;

- (iv) where no transfer duty is payable in terms of any other provision of section 9 of the Transfer Duty Act, 1949, but an official valuation (be it municipal, divisional council or from the Master of the High Court) is available, then such valuation or the compensation paid, whichever amount is the higher; provided that where no official valuation is available, it shall be deemed to be the fair value of the property as defined in the Transfer Duty Act, 1949;
- (v) where no consideration is payable and no municipal, divisional council or other official valuation is available, the value shall be deemed to be no less than R150 000;
- (vi) the municipal or divisional council valuation where the property has either been sold in execution, or by public auction at the instance of a liquidator or trustee and the purchase price was less than such valuation.

## **SECTION I**

### **A. CONVEYANCE OF OWNERSHIP OF IMMOVABLE PROPERTY (OTHER THAN PARTITION, RECTIFICATION OR EXCHANGE TRANSFERS)**

1. For all work in connection with obtaining of conveyance of ownership of immovable property in any manner not specifically mentioned elsewhere in this guideline, the recommended fee is as set out in Column B of Schedule I to this guideline; this includes the case of a conveyance in terms of the second proviso to section 16 and in terms of section 31 and sections 45 and 45 bis (bonds excluded) of the Act; Provided that in the case of section 45 and 45 bis the fee will be calculated on 50% of the full value of the whole property as set out in Column A of Schedule 1 of the guideline.
2. If more than one property is included in the same instrument of conveyance and if the same title conditions apply, an additional fee of R180 is recommended for each additional property. Where the title conditions differ, a fee assessed according to the length and complexity thereof, may apply.

### **B. LEASEHOLD AND UPGRADING TRANSACTIONS (OTHER THAN BONDS)**

1. For all work done for registration of a Certificate of Registered Grant of Leasehold (annexure E Regulation 13, Act 4/1984): R950.

2. For all work done for the registration of a Certificate of Ownership in terms of Act 112/1991 or Act 113/1991 (form AAA, Act 47/1937): R1 450.
3. For all work in connection with the registration of a transfer of a right of leasehold, not specifically mentioned elsewhere in this guideline, the recommended fee is as set out in Column B of Schedule I to this guideline.

## **SECTION II**

1. For endorsement of title deeds or bonds in terms of sections 24 bis(2) and 25(3) of the Act and in terms of sections 39 and 40 of the Administration of Estates Act, 1965 (Act No. 66 of 1965), including the drawing of all necessary documents, the obtaining of necessary ancillary documents, consents and certificates from the Master and Registrar of Deeds and all necessary attendances and correspondence in connection therewith: R2000.
2. If more than one property or bond is included in the same application, an additional fee of R180 is recommended for each additional property or bond.

## **SECTION III**

### **PARTITION, RECTIFICATION AND EXCHANGE TRANSFERS**

For the drawing and registration of each deed of partition, rectification or exchange transfer, inclusive of all preliminary and other work in connection therewith but excluding attendances in connection with the framing of any provisional agreement:

1. Where the value can be determined, the recommended fee is as set out in Column B of Schedule I to this guideline.
2. Where the value cannot be determined, a fee assessed according to the length and complexity thereof is recommended.

## **SECTION IV**

1. For certificates of title under sections 18, 34, 35, 36, 39, 43, 46 and 64 of the Act: R3 300 provided that, in cases where the registration of any of the said certificates results in the subdivision of a property, the recommended fee referred to in item 10(a) of Section XI may be added. Note: In respect of all matters falling under this item and item 4 below, a

further fee of R1 100 is recommended for each additional property, if the same title conditions apply. Where the title conditions differ, a fee assessed according to the length and complexity thereof, is recommended.

2. For certificates of consolidated title under section 40, certificates of amended title and uniform title under sections 41 and 42 and a certificate in terms of section 38 of the Act: R5 500 plus R1 100 for every additional constituent property after the first two properties or alternatively a fee assessed according to the length and complexity thereof is recommended.
3. For the substitution of lost or destroyed title deeds of rights to minerals (which have not been de-registered) in terms of section 74ter of the Act: R950.

## **SECTION V**

1. Application for the de-registration of mineral rights in terms of the Mineral and Petroleum Resources Development Act 28/2002: R1 450.
2. If more than one property is included in the same application, an additional fee of R180 for each additional property is recommended.

## **SECTION VI**

### **A. BONDS**

1. The recommended fee for mortgage bonds, including surety mortgage bonds, is as set out in Column B of Schedule 2 to this guideline.
2. The recommended fee charged for collateral bonds, being mortgage bonds passed as additional security for another bond irrespective of where the collateral bond is being registered, is 75% of the recommended fee as set out in Column B of Schedule 2 to this guideline.
3. For any waiver in terms of regulation 4 1(7) when included in a bond, an additional fee of R665 is recommended.
4. If more than one property is included in any bond referred to in item 1 or 2 above, an extra fee of R180 is recommended for each additional property.

## **B. LEASEHOLD MORTGAGE BONDS**

The recommended fee for leasehold mortgage bonds, including surety bonds, is as set out in Column B of Schedule 2 to these guidelines.

### **SECTION VII**

#### **NOTARIAL BONDS**

1. The recommended fee for notarial bonds, including surety notarial bonds:
  - 1.1 a basic amount of R1 000 for bonds securing an amount up to and including R100 000 and a basic amount of R1 500 for bonds securing an amount over R100 000; plus
  - 1.2 the relevant amount as set out in Column B of Schedule 2 to these guidelines.
2. The recommended fee for collateral notarial bonds passed as additional security for a mortgage bond or other notarial bond, irrespective of where the collateral notarial bond is being registered, is 75% (seventy five percent) of the fee set out in Column B of Schedule 2 to these guidelines.

### **SECTION VIII**

#### **MARRIAGE CONTRACTS INCLUDING ALL NOTARIAL CONTRACTS UNDER THE MATRIMONIAL PROPERTY ACT, 1984 (Act No, 88 of 1984)**

For drawing contracts and necessary copies, attending on execution, notarial attestation and registration, including all correspondence: R2 000. (This recommendation does not include any consultations for the purpose of drafting the marriage contract).

### **SECTION IX**

#### **OTHER NOTARIAL DEEDS AND ATTENDANCES**

1. For the drawing and registering of any notarial waiver of preference by mortgagee, usufructuary or other holder of a limited interest, or other notarial consent required under the Act or the Regulations: R1 500.

2. For the drawing and registering of any notarial lease, servitude, donation or other notarial deed (other than those elsewhere specially provided for in this guideline), a fee assessed according to the length or complexity thereof is recommended.
3. For any notarially certified copy of a document: R100 per document.
4. For a diplomatic Apostile Certificate or similar prescribed international authentication: R350 per document.
5. For the notarial authentication of documents, certificates of identity: R300 per document including the first page plus R50 per additional page in the document.
6. For the notarial attestation of identity and signature of a party, including consultation and notarization: R700 per document.

## **SECTION X**

### **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) For drawing consent to cancellation of bond; consent to cancellation of cession of bond; release of property or person from a bond; consent to reduction of cover; consent to part payment of capital; framing waiver of preference in regard to the ranking of a bond; waiver of preference in respect of real rights in land; consent of mortgagee, usufructuary, lessee or holder of other limited interest required by the Act or the Regulations and not otherwise provided for in this guideline (not notarial) and attending registration thereof, inclusive of instructions and Deeds Office searches, correspondence, the signing of consents on behalf of the bondholder and all relevant attendances except attendances on the Office of the Master of the High Court: R1 650.
- (b) Attending to all matters referred to in item (a) above in respect of any second or subsequent bond or bonds when such document or documents has or have been drawn by the same conveyancer who drew the corresponding documents in connection with the first bond between the same parties over the same property and such documents are or can be lodged simultaneously as a set: R220 per bond.

- (c) If more than two properties are included in any release referred to in item 1 (a) or 1 (b) above, a further fee of R220 is recommended for each additional property over and above the first two properties.
2. For drawing cession of bond or application for endorsement of a bond in terms of section 45 and 45bis of the Act including instructions and drawing consent of mortgagor where necessary, attendance on mortgagor and mortgagee, correspondence and all relevant attendances including registration, but excluding attendances on the Office of the Master of the High Court: R1 800.
3. For drawing agreement varying the terms of a bond including instructions, attendances on mortgagor and mortgagee, correspondence and all relevant attendances including registration, a fee assessed according to the length and complexity thereof is recommended.
4. (a) For drawing consents to substitution under section 24b1s (3), 45(2)(b) or 45bis (2) of the Act, including instructions, all attendances on mortgagee and new debtor, correspondence, and miscellaneous attendances, including registration but excluding attendances on the Office of the Master of High Court: R1 800.
- (b) For drawing consents to substitution under section 57 of the Act, in respect of all bonds relating to the same mortgagee, including instructions, all attendances on mortgagee and new debtor, correspondence and miscellaneous attendances, including registration but excluding attendances on the Office of the Master of the High Court: 50% (fifty percent) of the recommended fees for bonds, specified in Schedule 2.
- (c) For application and consent under section 40(5)(a) of the Act (Form WW), including instructions and all attendances on both mortgagor and mortgagee, correspondence and miscellaneous attendances including registration: R2 200.
5. If any of the documents referred to in this are required to be signed by more than one mortgagee, mortgagor, usufructuary, lessee or holder of other limited interest, an additional fee of R180 is recommended for each such additional person after the first.
6. Where it is necessary to attend on the Office of the Master of the High Court in connection with any of the matters referred to in terms of items 1 (a), 2 and 4 above, the following additional fees may be allowed:
- (a) For obtaining any Master's Certificate per estate for any number of certificates which are or can be applied for simultaneously: R850.

- (b) For obtaining copies of all necessary documents which are or can be included in one application - per estate: R400.

## SECTION XI

### MISCELLANEOUS

1. For attendance on behalf of transferor or transferee, mortgagor or mortgagee, or any other person, supervising the registration of the transfer or bond or supervising the bond, when the documents are being prepared and lodged by another conveyancer, inclusive of all instructions, correspondence, and miscellaneous attendances relevant to such supervision: R850.
2. For instructions and attendances on the inspecting, checking, arranging and lodging for endorsement of any amendment of title under section 44 of the Act, inclusive of all necessary attendances: R360.
3. For attending deeds registry for obtaining a certificate required for any act of registration: R180.
4.
  - (a) For drawing application for endorsement in terms of section 46 of the Act, for the layout of a township or settlement and attendances on lodging title deed for endorsement: R8 250.
  - (b) For drawing application and related work for an incision in terms of section 49(1) of the Act or for the excision of an agricultural holding: R1 450.
5.
  - (1) For procuring registration of change of name -
    - (a) where no advertisement is required: R600 plus R180 for every extra deed after the first deed;
    - (b) where advertisement is necessary: R900 plus R180 for every extra deed after the first deed.
  - (2) For procuring an amendment of any deed in terms of section 4(1) (b) of the Act: R600 plus a fee of R180 for every extra deed is recommended.
  - (3) For preparing and lodging consent of any interested party, including any bondholder, to any amendment in terms of this item: R165.

Note: The above recommended fees include the drawing of necessary applications, correspondence and all relevant attendances and, where advertising is necessary, also include the drawing up and placing of the necessary advertisements.

- (4) For attendance in order to obtain an endorsement on any deed reflecting the conversion of a company to a close corporation and vice versa: R360 plus a recommended fee of R180 for every extra deed after the first.
6.
  - (a) Attendances and searching for information required, other than information required for preparation or registration of a deed, including instructions, correspondence and all relevant attendances, per quarter hour or part thereof: R180.  
Reporting per folio, except in the case of research as provided for in item 6(b) below: R120.
  - (b) Attendance and searching at deeds registry and/or the Office of the Surveyor-General for research and searching for the necessary information in connection with rights to minerals and rights to water, including correspondence and all relevant attendances: R1 200 per hour or part thereof pro rata. Reporting per folio: R120.
7. For drawing notice of application for issue of a certified copy of a deed to serve in lieu of the original including instructions, application to registrar, filing all necessary documents, correspondence and all relevant attendances: R600 per deed.
8. For attendance in order to obtain a certified copy of any deed or document from deeds registry for any purpose, other than to serve in lieu of the original inclusive of instructions, filing of necessary documents, correspondence and all relevant attendances: R240 plus an additional recommended fee of R180 for every deed after the first which can be applied for in the same application.
9. For attendance on Surveyor-General, for the metrication or amendment of any diagram or obtaining a copy of any diagram from the Surveyor-General, including instructions, application, correspondence and all relevant attendances: R240 plus an additional recommended fee of R180 for every diagram after the first which can be applied for in the same application.
10. For attendance on local or other authority –
  - (a) to obtain a certificate or approval regarding compliance with conditions of subdivision for an erf: R1 650;

- (b) for any endorsement of a power of attorney or diagram (other than a rates clearance certificate): R600;
  - (c) to obtain a certificate or approval regarding compliance with conditions of subdivision for all erven on a general plan, including valuation apportionment: R1 650 plus R180 for every erf on the general plan.
11. (a) For drawing any affidavit or application in regard to any separate act of registration or endorsement not specifically mentioned in this guideline (for example the creation of township conditions against the remainder of the property, or for the lapsing of any condition of title or personal servitude excluding *usufruct*, *usus* or *habitatlo*) inclusive of taking or giving instructions, correspondence and all other attendances in connection with such affidavit or application: R600 plus R180 drawing each extra folio of an affidavit or application where such document exceeds one folio in length.
- (b) For attendance on the Office of the Master of the High Court in order to obtain all necessary endorsements in connection with any matter referred to in this item, per estate: R420.
- (c) For drawing a Special Power of Attorney or General Power of Attorney and all relevant attendances including registration: R600.
- (d) For drawing and signing a certificate in terms of section 42 (1) of the Administration of Estates Act, 1965 (Act No. 66 of 1965), including investigations and attendances on the Office of the Master of the High Court: R420 per estate for any number of certificates.
- (e) For drawing any application and registration of lapse of *usufruct* (not notarial): R600.
12. (a) For drawing cession of servitude or of rights to mineral rights in terms of Form RR as provided under section 32 of the Act, inclusive of instructions, correspondence, registration and all other relevant attendances: R1 800.
- (b) If more than one property is included in the same cession, an additional recommended fee of R180 for each additional property.
13. For attending on filing at deeds registry of any document relating to any person, partnership, association or company, where such filing is independent of any particular act of registration being attended to by that conveyancer, inclusive of instructions, correspondence and all relevant attendances: R360.

14. For attending on upliftment of attachment interdict in the Deeds Office: R960.
15. For attendance on taxation where required, including all necessary relevant attendances and correspondence, a recommended fee equal to 5% (five per cent) of the fees allowed on taxation be chargeable by the conveyancer submitting the bill of costs, and a recommended fee equal to 5% (five per cent) of the total fees originally reflected in that bill of costs be chargeable by the conveyancer opposing taxation.

## SCHEDULE I

Column A	Column B
Value of property	Recommended Guideline of Fees for Conveyance of Immovable Property
R100 000 or less	R3 950
Over R100 000 up to and including R125 000	R4 375
Over R125 000 up to and including R150 000	R4 550
Over R150 000 up to and including R175 000	R4 900
Over R175 000 up to and including R200 000	R5 130
Over R200 000 up to and including R250 000	R5 600
Over R250 000 up to and including R300 000	R6 410
Over R300 000 up to and including R350 000	R6 880
Over R350 000 up to and including R400 000	R7 460
Over R400 000 up to and including R450 000	R8 050
Over R450 000 up to and including R500 000	R8 750
Over R500 000	R8 750 for the first R500 000 plus R1 160 per R100 000 or part thereof above that, thereafter, up to and including R1 000 000 whereafter the recommended fee be R580 per R100 000 or part thereof up to and including R5 000 000 whereafter the recommended fee be R290 per R100 000

## SCHEDULE 2

Regarding Notarial bonds, see Section VII, where it is provided as follows:

1. The recommended fee for notarial bonds, including surety notarial bonds, is:
  - 1.1 a basic amount of R1 000 for bonds securing an amount up to and including R100 000,00 and a basic amount of R1 500 for bonds securing an amount over R100 000,00; plus
  - 1.2 the relevant amount as set out in Column B of Schedule 2 to these guidelines

Column A	Column B
Amount of Bond	Recommended Guideline of Fees for Mortgage Bonds
R100 000 or less	R3 360
Over R100 000 up to and including R125 000	R3 500
Over R125 000 up to and including R150 000	R3 625
Over R150 000 up to and including R175 000	R3 900
Over R175 000 up to and including R200 000	R4 030
Over R200 000 up to and including R250 000	R4 435
Over R250 000 up to and including R300 000	R4 970
Over R300 000 up to and including R350 000	R5 510
Over R350 000 up to and including R400 000	R6 180
Over R400 000 up to and including R450 000	R6 720
Over R450 000 up to and including R500 000	R7 260
Over R500 000	R7 260 for the first R500 000 plus R1 180 per R100 000 or part thereof above that, thereafter, up to and including R1 000 000 whereafter the recommended fee be R590 per R100 000 or part thereof up to and including R5 000 000 whereafter the recommended fee be R295 per R100 000

The recommended fee for collateral notarial bonds passed as additional security for a mortgage bond or another notarial bond, irrespective of where the collateral notarial bond is being registered, is 75% (seventy five percent) of the recommended fee set out in Column B of Schedule 2 to this guideline.

## **CONVEYANCING: SECTIONAL TITLES (ACT 95/1986) GUIDELINE OF FEES**

Conveyancing fees are negotiable. These are merely guidelines.

### **1. GENERAL NOTES**

The fees recommended in this guideline are in respect of and include *inter alia* the general conveyancing duties performed by a conveyancer for procuring the due and proper execution and registration of the relevant deed or document, or the filing thereof or cancellation thereof, as the case may be, as well as the responsibility placed on him for the accuracy of the facts mentioned in deeds or documents or which are relevant in connection with the registration or filing thereof as contemplated in sections 15A and 15B of the Sectional Titles Act, Act 95 of 1986 (the Act), as amended; for ensuring that copies of any deeds and documents are identical as at the date of lodgement, that all applicable conditions, including endorsements are correctly brought forward in any deed of transfer, that any person signing a document as principal or representative has been appointed and is acting in accordance within the powers granted to him and that any security required has been furnished to the Master; that parties to deeds are correctly reflected, that the necessary authority has been obtained for the signing of any document in a representative capacity; that the transaction in question is authorised by and in accordance with the constitution, regulations, or founding statement or trust instrument of a trust, as the case may be, of any church, association, close corporation, society, trust or other body of persons, or any institution (whether created by statute or otherwise) being a party to such document, where applicable; that the relevant particulars in the deed have been correctly brought forward from the power of attorney, and for this purpose shall include the taking and giving of instructions, all correspondence, including the perusal of completed deeds of sale; the preparation and attendance on signature of all powers of attorney, declarations, affidavits, resolutions, status affidavits, company certificates, exchange control certificates and other necessary preliminary and ancillary documents as well as attendances in connection with the obtaining, preparation and signature of documents to ensure compliance with the provisions of the Financial Intelligence Center Act and the signature of ancillary documents required by a mortgagee in terms of the National Credit Act; the payment of transfer duty or VAT and of all rates levied by any lawful authority; the obtaining and making of all clearance and other certificates, including attendances or consultation with an outside agent to obtain clearance certificates; the obtaining of endorsements or copies of documents from the Office of the Master of the High Court or other public office (except where otherwise provided including attendances or consultation with an outside agent to obtain copies and endorsements); the perusal of memoranda and articles of association and trust deeds; the making of all necessary financial arrangements, including the issuing of guarantees on behalf of bondholders or the provision and

checking of guarantees and attending payment in terms thereof; the drawing and preparation of any document, including all copies thereof, required for execution or registration at a deeds registry and the obtaining of registration thereof, arranging simultaneous lodgement and registration with another conveyancer or other conveyancers, where necessary; the giving of all references required by the deeds registry for examination purposes; and all attendances at the deeds registry, but shall not include -

- 1.1 any attendance in connection with the drawing and execution of deeds of sale, deeds of donation, partition agreements, amendments to the rules for bodies corporate, special developers' conditions, deeds of suretyship, acknowledgements of debt and documents of a similar nature;
- 1.2 any separate act of registration of any documents which may be necessary before or in connection with the first mentioned act of registration;
- 1.3 any attendance in connection with the resolution of a dispute between the transferor and the transferee arising from a deed of sale or any of the other documents referred to in 1.1 above or from whatsoever cause;
- 1.4 any attendance arising from negotiations between the parties resulting in a further agreement or addendum or amendment to an existing agreement;
- 1.5 any attendance or consultation, in addition to taking instructions, relating to the opening of a sectional title register in terms of section 11 of the Act, or extensions of a scheme;
- 1.6 any attendance in connection with the preparation and obtaining of documents relating to collateral security required by a mortgagee;
- 1.7 any attendance on the issue of letters of undertaking or guarantees (other than in favour of or for bondholders, the seller or transferring attorney). Suggested fee R485 per undertaking / guarantee;
- 1.8 any attendance on investments in trust in terms of section 78 (2A) of the Attorneys Act of 1979. Recommended fee R485 per investment, unless the investment attorney is charging a percentage of the interest earned on the investment;
- 1.9 any attendance on investments in trust in terms of section 78 (2A) of the Attorneys Act of 1979. Recommended fee R485 per investment, unless the investment attorney is charging a percentage of the interest earned on the investment;

- 1.10 Any attendance or disbursement paid to a computer software supplier for purposes of receiving or drafting instructions electronically;
- 1.11 Any attendance or consultation with an outside agent to attend to municipal refunds and reconciliations on behalf of client. Suggested fee R330. The foregoing fee excludes the fee payable to the outside agent;
- 1.12 Any formal confirmation (other than routine facts, such as fulfillment of suspensive conditions or absence of an addendum to the deed of sale) to any linked attorney or third party (including a bank) relating to material aspects of the transaction: A fee of R300 per confirmation payable by the requesting attorney or party;
- 1.13 Any formal certification or opinion to any linked attorney or third party of material facts relating to the transaction (such as the actual sale price, transaction not forming a major part of seller's assets or compliance with specific Sections of the Companies Act) and that places the conveyancer at professional risk: A fee of R600 plus a fee assessed according to the length or complexity thereof is recommended, payable by the requesting attorney or party.

#### **NOTE**

It is recommended that additional charges and disbursements discussed above in 1.1 to 1.13 be agreed upon with the client.

## **2. DEFINITIONS**

For the purpose of these guidelines

- (a) a folio shall consist of 100 printed or written words or figures, or part thereof, and four figures shall be recorded as one word.
- (b) "value of the property" means –
- (i) where transfer duty is payable, the purchase price of the property or the amount on which transfer duty is payable, whichever amount is the higher;
  - (ii) where no transfer duty is payable in terms of section 9(2) of the Transfer Duty Act, 1949 (Act No 40 of 1949), the purchase price of the property or the declared value

of the property as contemplated in the Transfer Duty Act, 1949, whichever amount is the higher;

- (iii) where no transfer duty is payable in terms of section 9(15) of the Transfer Duty Act 40 of 1949, the purchase price plus VAT;
- (iv) where no transfer duty is payable in terms of any provision of section 9 of the Transfer Duty Act, 1949, other than section 9(2), but an official valuation by a municipality, divisional council or the Master of the High Court is available, such valuation or the compensation paid in respect of the acquisition of the property, whichever amount is the higher, provided that where no official valuation is available, it shall be deemed to be the fair value of the property as defined in the Transfer Duty Act, 1949;
- (v) where no compensation is payable in respect of the acquisition of the property and no official valuation by a municipality, divisional council or the Master of the High Court is available, an amount which shall be deemed to be no less than R150 000,00;
- (vi) the municipal or divisional council valuation if available, alternatively the valuation of the unit for insurance purposes where the property has either been sold in execution, or by public auction at the instance of a liquidator or trustee and the purchase price was less than such valuation.

## **SECTION 1**

### **1. APPLICATION FOR THE OPENING OF A SECTIONAL TITLE REGISTER**

For the preparing and drawing of an application for the opening of a sectional title register, perusing of sectional plan, drawing of certificates of registered sectional title, correspondence and attendances on all matters referred to in section 11 of the Act, but excluding the drawing of any consent of a bondholder, or searches in any deeds registry or other public office, or attendance upon fulfilling the requirements of section 4 of the Act: or additional consultations required by the developer

- (a) A basic recommended fee of: R5 500 and
- (b) in respect of each section, a recommended fee of R550.

**2. APPLICATION FOR THE EXTENSION OF SCHEMES BY ADDITION OF LAND TO COMMON PROPERTY**

For the preparing of the required documents as well as the necessary attendances referred to in sections 7 and 26 of the Act, but excluding the drawing of any consent of a bondholder, or searches in any deeds registry or other public office, or attendance upon fulfilling the requirements of section 4 of the Act: or additional consultations required by the developer

- (a) A basic recommended fee of R5 500; and
- (b) in respect of each section, a recommended fee of R550.

**3. APPLICATION FOR THE EXTENSION OF SCHEMES IN TERMS OF SECTION 25 OF THE ACT**

For the preparing and drawing of an application for the opening of an extension of a sectional title register, perusing of sectional plan of extension, drawing of certificates of registered sectional title, correspondence and attendances on all matters referred to in section 25 of the Act, but excluding the drawing of any consent of a bondholder, or searches in any deeds registry or other public office, or attendance upon fulfilling the requirements of section 4 of the Act: or additional consultations required by the developer

- (a) A basic recommended fee of R6 000; and
- (b) in respect of each section, a recommended fee of R550.

**SECTION II**

**TRANSFER OF OWNERSHIP**

1. For the registration of ownership of a unit or land held under sectional title deed, the recommended fee is the amount set out in Column B of Schedule I to this guideline, in respect of the value of the property concerned as indicated in Column A of that Schedule : this includes the case of conveyance in terms of the second proviso to section 16 and in terms of section 31 and sections 45 and 45 bis (bonds excluded) of the Deeds Registries Act 1937 (Act No 47 of 1937); Provided that in the case of section 45 and 45 bis the fee will be calculated on 50% of the full value of the whole property as set out in Column B of Schedule 1 of the guideline.
2. Where more than one section is included in the same transaction, an additional recommended fee of R180 is chargeable for each additional section.

**NOTE** - Where transfer takes place as a result of expropriation in terms of an act, or if a person becomes entitled to deal with a unit or land as if he or she had taken formal transfer into his or her name by virtue of an endorsement contemplated in the Act, the recommended fee is 75% (seventy five percent) of the amount set out in Column B of Schedule I.

### **SECTION III**

#### **PARTITION, RECTIFICATION AND EXCHANGE TRANSFERS**

For the drawing and registration of each deed of partition, rectification or exchange transfer, inclusive of all preliminary and other work in connection therewith, but excluding attendances in connection with the framing of any provisional agreement:

1. Where the value can be determined, the recommended fee is as set out in Column B of Schedule 1 of this guideline.
2. Where the value cannot be determined, a fee assessed according to the length and complexity thereof is recommended.

### **SECTION IV**

For endorsement of title deeds or bonds in terms of sections 24bis(2) and 25(3) of the Deeds Registries Act, 1937 (Act No. 47 of 1937) and in terms of sections 39 and 40 of the Administration of Estates Act, 1965 (Act No. 66 of 1965) including the drawing of all necessary documents, the obtaining of all necessary ancillary documents, consents and certificates from the Master and Registrar, and all necessary attendances and correspondence in connection therewith, including the obtaining of registration, a recommended fee of: R1 800.

### **SECTION V**

#### **SUBDIVISION, CONSOLIDATION AND EXTENSION OF A SECTION/S**

For drawing and submitting an application for subdivision, consolidation or extension and preparing certificates of registered sectional title, together with supporting documents, for perusing a plan of subdivision, consolidation or of extension, for obtaining of registration, for correspondence and

attendance on all matters referred to in sections 22, 23 and 24 of the Act, but excluding the obtaining of the consent of any bondholder:

- a) A basic recommended fee of R3 300; and
- b) In respect of each subdivision, consolidation or extension, a recommended fee of R330.

## **SECTION VI**

### **APPLICATION FOR SECTIONAL TITLE DEED IN RESPECT OF UNDIVIDED SHARE IN UNIT**

For preparing a certificate of registered title in respect of an undivided share (including the application), for correspondence and for attendances on all matters referred to in section 1 5B(5) of the Act, a recommended fee of R1 450.

## **SECTION VII**

### **1. REVERSION FROM SECTIONAL TITLE REGISTER TO LAND REGISTER**

For attending to all matters referred to in subsections (4), (5) and (6) of section 17 of the Act:

- (a) A basic recommended fee of R1 800; and
- (b) in respect of each section, a recommended fee of R180.

### **2. DISPOSAL ON DESTRUCTION OF BUILDINGS**

For attending to all matters referred to in section 49 of the Act:

- (a) A basic recommended fee of R1 800; and
- (b) in respect of each section, a recommended fee of R180.

## **SECTION VIII**

### **SECTIONAL MORTGAGE BONDS**

- 1. For obtaining registration of any sectional mortgage bond or surety bond other than a bond referred to in paragraph 2 of this Section, including the drawing of all necessary documents and the obtaining of necessary ancillary documents, the recommended fee be the amount as set out

in Column B of Schedule 2 to these guidelines in respect of an amount of the bond concerned as indicated in Column A of the Schedule.

2. The recommended fee for any collateral bond passed as additional security for another bond between the same parties irrespective of where the collateral bond is being registered, is 75% of the recommended fee set out in Column B of Schedule 2 of these guidelines.
3. If more than one unit is included in a bond referred to in paragraph 1 or 2 of this Section it is recommended that an additional fee of R180 may be chargeable for each additional unit.

## **SECTION IX**

### **CESSION, CANCELLATION OR MODIFICATION OF BONDS**

1.
  - (a) For drawing consent to cancellation of bond, consent to cancellation of cession of bond, release of property or a person from a bond, consent to reduction of cover, consent to part payment of capital, framing waiver of preference in regard to the ranking of a bond, waiver of preference in respect of real rights in and, consent of a mortgagee, usufructuary, lessee or holder of any other limited interest required in terms of any provision of the Act or these Regulations and not otherwise provided for in this guideline (but not being notarial), and attending registration thereof, including instructions and deeds office searches, correspondence, the signing of consents on behalf of the bondholder and all relevant attendances except attendances on the Office of the Master of the High Court, a recommended fee of R1 650.
  - (b) For attending to all matters referred to in subparagraph (a) of this paragraph in respect of any second or subsequent bond when any relevant document has been drawn by the same conveyancer who drew the corresponding document or documents in connection with the first bond between the same parties over the same property, and such documents are or can be lodged simultaneously as a set, a recommended fee of R220 per bond.
  - (c) If more than two units are included in any release contemplated in subparagraph (a) or (b) of this paragraph, it is recommended that a further fee of R220 be chargeable for each additional unit over and above the first two units.
2. For drawing cession of bond or an application for endorsement, including instructions and drawing consent of mortgagor where necessary, attendances on mortgagor and mortgagee, correspondence and all relevant attendances including registration, but excluding attendances on the Office of the Master of the High Court, a recommended fee of R1 800.

3. For drawing agreement varying the terms of a bond, including instructions, attendance on mortgagor and mortgagee, correspondence and all relevant attendances including registration, a fee assessed according to the length and complexity of the agreement is recommended.
4. For drawing consents to substitution under section 57 of the Deeds Registries Act, 1937, in respect of all bonds relating to the same mortgagee, including instructions, all attendances on mortgagee and new debtor, correspondence and miscellaneous attendances, including registration but excluding attendances on the Office of the Master of the High Court: 50% (fifty per cent) of the recommended fees for bonds, specified in Schedule 2 to these guidelines.
5. Where any document referred to in any paragraph of this Section is required to be signed by more than one mortgagee, mortgagor, usufructuary, lessee or holder of other limited interest, it is recommended that an additional fee of R180 may be chargeable in respect of each such additional person after the first.
6. Where it is necessary to attend on the Office of the Master of the High Court in connection with any matter referred to in paragraph 1(a) or 2, the following additional recommended fees are allowed:
  - (a) For obtaining any Master's Certificate per estate for any number of certificates which are or can be applied for simultaneously, a recommended fee of R825; and
  - (b) For obtaining copies of all necessary documents which are or can be included in one application, per estate: R400.
7. For drawing consents to substitution under section 24b1s(3), 45(2)(b) or 45bis(2) of the Deeds Registries Act, 1937, including instructions, all attendances on mortgagee and new debtor, correspondence, and miscellaneous attendances, including registration but excluding attendances on the Office of the Master of the High Court: R1 800.

## **SECTION X**

### **NOTARIAL DEEDS**

1. For drawing and registering any notarial lease, sub-lease, servitude or other notarial deed, the fee may be assessed according to the length and complexity of the deed concerned.

2. For drawing and registering a notarial waiver of preference by mortgagee, usufructuary or other holder of a limited interest, or other notarial consent required in terms of any provision of the Act or the Regulations: R1450.

## **SECTION XI**

### **CERTIFICATES OF REAL RIGHTS**

1. Section 12(1)(e): In favour of developer to develop further in terms of section 25(1).  
[See regulation 14(1), and Form F]: R1 800;
2. Section 25(6): In favour of body corporate to extend scheme.  
[See regulation 14(2) and Form F]: R1 800;
3. Section 12(1)(f): In favour of developer, right of exclusive use in terms of section 27(1). [See regulation 14(3) and Form G]: R1 200;  
Plus R180 for each additional area.

## **SECTION XII**

### **CESSIONS (NOTARIAL)**

1. Section 27(1)(b): Unilateral cession of an exclusive use area by a developer to owner(s) to whom such rights are allocated: R1 200 where the cession is registered simultaneously with the transfer of the corresponding unit. Where no simultaneous transfer of a unit takes place: the notary is entitled to charge the usual transfer fee as set out in Column B of Schedule 1 based on the purchase price or value of the unit. Plus R180 for each additional area.
2. Section 27(3) and section 60(3): Bilateral cession by body corporate as representative of owners of all sections: R1 500 where the cession is registered simultaneously with the transfer of the corresponding unit. Where no simultaneous transfer of a unit takes place: R1 800. Plus R180 for each additional area.
3. Section 27(4): Bilateral cession of an exclusive use area:  
Ad valorem as per Schedule 1 to these guidelines unless no consideration has been allocated to the exclusive use area, in which case: R1 800. Plus R180 for each additional area.

4. Section 27(5) Cancellation of right to exclusive use: bilateral notarial deed between owner and body corporate: R1 800. Plus R180 for each additional area.

### **SECTION XIII**

#### **MISCELLANEOUS**

1. For attendance on behalf of transferor or transferee, mortgagor or mortgagee or any other person, for supervising the registration of the transfer or bond or supervising the bond with documents prepared and lodged by another conveyancer, including instructions, correspondence and attendances relevant to the supervision: R850.
2. (a) For the necessary attendances and searching and inspecting of a Conveyancer's protocol or file or at deeds registry for information, including instructions, correspondence and all relevant attendances, per quarter hour or part thereof, a recommended fee of: R180. Reporting per folio, except in the case of research as provided for in subparagraph (b) of this paragraph, a recommended fee of R120.  
  
(b) For attendance and searching at Deed Registry or the office of the Surveyor General for research and searching for the necessary information in connection with the opening of the register and registration of the sectional plans, including correspondence and all relevant attendances, a recommended fee of R725 per hour or part thereof pro rata. Reporting per folio, a recommended fee of R120.
3. For drawing of any certificate by a conveyancer with regard to any servitude, other real right or condition, where not otherwise provided for in this guideline: R600.
4. For preparing and drawing certificate of establishment of any body corporate under regulation 16(1), lodging the same, including all correspondence and attendances in connection therewith, a recommended fee of R180.
5. For drawing a consent by any owner of a section or holder of any sectional mortgage bond in terms of sections 24(6) and 25(10) of the Act, including all correspondence and attendances in connection therewith, including lodging, a recommended fee of R1 450.
6. For substituting, amending, amplifying or repealing either the management or conduct rules in terms of section 35 of the Sectional Titles Act, 1986: a fee assessed according to the extent and complexity thereof is recommended.

In any case where a fee is not recommended in this guideline in respect of any matter, but a fee has been recommended in respect of the corresponding matter in the recommended guideline of fees prescribed for Conventional Deeds (Act 47/1937), such fee may *mutatis mutandis* apply in respect of the matter in question.

## SCHEDULE I

Column A	Column B
Value of property	Recommended Guideline of Fees for Conveyance of Sectional Title Property
R100 000 or less	R3 950
Over R100 000 up to and including R125 000	R4 375
Over R125 000 up to and including R150 000	R4 550
Over R150 000 up to and including R175 000	R4 900
Over R175 000 up to and including R200 000	R5 130
Over R200 000 up to and including R250 000	R5 600
Over R250 000 up to and including R300 000	R6 410
Over R300 000 up to and including R350 000	R6 880
Over R350 000 up to and including R400 000	R7 460
Over R400 000 up to and including R450 000	R8 050
Over R450 000 up to and including R500 000	R8 750
Over R500 000	R8 750 for the first R500 000 plus R1 160 per

R100 000 or part thereof above that, thereafter, up to and including R1 000 000 whereafter the recommended fee be R580 per R100 000 or part thereof up to and including R5 000 000 whereafter the recommended fee be R290 per R100 000

## SCHEDULE 2

Column A	Column B
Amount of Bond	Recommended Guideline of Fees for Sectional Mortgage Bonds
R100 000 or less	R3 360
Over R100 000 up to and including R125 000	R3 500
Over R125 000 up to and including R150 000	R3 625
Over R150 000 up to and including R175 000	R3 900
Over R175 000 up to and including R200 000	R4 030
Over R200 000 up to and including R250 000	R4 435
Over R250 000 up to and including R300 000	R4 970
Over R300 000 up to and including R350 000	R5 510
Over R350 000 up to and including R400 000	R6 180
Over R400 000 up to and including R450 000	R6 720
Over R450 000 up to and including R500 000	R7 260
Over R500 000	R7 260 for the first R500 000 plus R1 180 per

	<p>R100 000 or part thereof above that, thereafter, up to and including R1 000 000 whereafter the recommended fee be R590 per R100 000 or part thereof up to and including R5 000 000 whereafter the recommended fee be R295 per R100 000.</p>
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**INTERPROVINCIAL APPORTIONMENT GUIDELINES:**  
**CONVENTIONAL DEEDS**

Following the guideline changes, the LSSA Council has recommended that the guidelines set out below should, unless otherwise agreed, apply in respect of all conveyancing work performed in one province on instructions received from a practitioner in another province and for which such instructions were received by the instructing practitioner on or after 15 September 2014. This apportionment serves as a guideline only and conveyancers are free to negotiate the apportionment as they see fit.

**DEFINITIONS**

For the purpose of this tariff:

**"Preliminary work"**, where referred to in this guideline 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 a company's memorandum and articles of association; payment of transfer duty and of all rates levied by any lawful authority; obtaining or making all clearance or other certificates; the obtaining of endorsements or copies of documents from the office of the Master or other public office (except where otherwise provided); the making of all financial arrangements, including the provision and perusal of guarantees and attending on 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; with regard to any lease, servitude, prospecting contract or donation and documents of a similar nature; and documents for which a special fee is provided in this guideline.

**"Final work"** shall mean and include: The drawing and preparation of any documents for execution or registration at a deeds registry; obtaining registration thereof; arranging simultaneous lodgments with another conveyancer or conveyancers 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. "Final work" shall not include any separate act of registration of any other document which may be necessary before

or in connection with the first mentioned act of registration or for which special provisions is made in the guideline.

**"Lodgement"**: Wherever in this guideline a specific or proportionate fee is provided for lodgement it shall mean the fee payable by the instructing practitioner to the instructed practitioner for all attendances in connection with the lodgement of any document, including arranging simultaneous lodgements, giving necessary references, and all other attendances and correspondence in connection with such lodgement and registration and shall be payable out of the total fee.

## **NOTES**

1. All references hereunder to sections and/or items shall relate to the guideline recommended by the various provincial law societies.
2. Where a deed of transfer, a partition transfer or a mortgage bond is drawn, complete in every detail, and prepared by one conveyancer and is merely lodged and executed by another conveyancer, the instructing conveyancer shall be entitled to 85% and the instructed conveyancer to 15% of the total fee, provided that -
  - 2.1 If such deeds are rejected by the deeds office by reason of a note or notes raised against such deeds which is/are incapable of being remedied on preparation/rectification and such deeds will have to be relodged, or where the instructing conveyancer expressly requested the instructed conveyancer to check such deeds and documents, and the deeds and/or supporting documents are patently incorrect or incomplete and would have been rejected, the instructed conveyancer shall immediately communicate with the instructing conveyancer and by arrangement, either
    - 2.1.1 return the deeds to the instructing conveyancer to be redrawn and reprepared, in which event, the instructed conveyancer shall be entitled to 20% of the fee; or
    - 2.1.2 the instructed conveyancer shall redraw and reprepare the deed in which event the instructed conveyancer shall be entitled to 25% of the total fee if the rejection was a result of a simple error and 33,3% of the total fee if the rejection was as a result of errors other than a simple error.

2.2 If the conveyancer expressly requested the instructed conveyancer to check such deeds and supporting documents, the instructed conveyancer shall be entitled in any event to 20% of the total fee and if such deeds and documents would have been rejected, the instructed conveyancer shall immediately communicate with the instructing conveyancer and by arrangement proceed as in 2.1.1 or 2.1.2.

2.3 If the instructed conveyancer attends to any matter on preparation/rectification as the case may be, which is covered under the item "apportionment of fees for preliminary work", he shall charge such fee.

3. Where the instructing practitioner merely takes instructions from his client and thereafter sends his whole "file" to the instructed conveyancer who then does all the work, the former shall, as a general rule, be entitled to 20% and the latter to 80% of the fee where the fee is divided on a percentage basis as set out hereunder.

4. Fees and percentages specified herein shall be nett and shall not be subject to any allowance.

5. **APPORTIONMENT OF FEES FOR PRELIMINARY WORK**

Where a practitioner who attends to the preliminary work in connection with any conveyancing matter requests another practitioner to do part of that preliminary work, the former shall from his share of the fees pay to the latter the amount set out hereunder:

I (a) Obtaining all necessary endorsements from the Master for any number of certificates which are or can be applied for simultaneously  
per estate R825

(b) Furnishing a certificate in terms of Section 42(1) of the Administration of Estates Act, 1965, including investigations and attendances on Master's Office  
per estate R825

(c)	Obtaining copies of all necessary documents which are or can be included in one application per estate	R400
II.	Obtaining copies of documents required for lodgment in the deeds office which are or can be included in one application (inclusive of searches) per application	R240
III.	Obtaining a clearance or other similar certificate from a public or local authority or a body corporate per certificate	R400
IV	Attending on payment of transfer duty or VAT and uplifting receipt or obtaining an exemption certificate	R400
V	Any other attendance per quarter hour or part thereof	R180
	Reporting per folio	R120
VI	Furnishing a conveyancer's certificate or drawing any document not provided for elsewhere in this guideline	R165
VII	Perusing and certifying a guarantee for payment	R275

The above fees shall be nett.

6. **APPORTIONMENT OF FEES FOR "FINAL WORK" AND "LODGEMENT"**

For attendances in order to have any conveyancing matter expedited, restored or put forward for execution, including completion of application forms and searches in connection therewith:

R400

The above fees shall be nett.

**APPORTIONMENT**

**SECTION I**

**A. CONVEYANCE OF OWNERSHIP OF IMMOVABLE PROPERTY (OTHER THAN PARTITION TRANSFERS)**

**(a) Conveyance by means of a deed of transfer:**

Preliminary work	66.6%
Final work	33.3%
Lodgement	15%

**(b) Conveyance in terms of the second proviso to Section 16 and in terms of Sections 31, 45 and 45 bis of the Act; bonds excluded:**

Lodgement 15% with a minimum of R275

**B. LEASEHOLD AND UPGRADING TRANSACTIONS (OTHER THAN BONDS)**

**1. Certificate of Registered Grant of Leasehold**

(Total fee – R950)

Preliminary work	66.6%
Final work	33.3%

Where **instructed conveyancer merely lodges** such certificate:

Lodgement R275

**2. Certificate of Ownership**

(Total fee – R1 450)

Preliminary work	66.6%
Final work	33.3%

Where the **instructed conveyancer merely lodges** such certificate:

Lodgement	R275
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**3. Transfer of a Right of Leasehold**

Preliminary work	66.6%
Final work	33.3%

**SECTION II**

**ENDORSEMENTS OF TITLE DEEDS OR BONDS IN TERMS OF SECTIONS 24 BIS (2) AND 25(3) OF THE ACT AND IN TERMS OF THE ADMINISTRATION OF ESTATES ACT 1965**

Lodgement	R275
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**SECTION III**

**PARTITION RECTIFICATION AND EXCHANGE TRANSFERS**

Preliminary work	40%
Final work	60%
Lodgement	15%

**SECTION IV**

**CERTIFICATES OF TITLE**

Preliminary work	40%
Final work	60%
Lodgement	R275

## SECTION V

### DEREGISTRATION OF MINERAL RIGHTS

Preliminary work	50%
Final work	50%
Lodgement	R275

## SECTION VI

### MORTGAGE BONDS

Preliminary work	66.6%
Final work	33.3%
Lodgement	15%

## SECTION VII

### NOTARIAL BONDS

Preliminary work	60%
Final work	40%

When the deed is **drawn and attested by the instructing notary:**

Lodgement	R275
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## SECTION VIII

### MARRIAGE CONTRACTS

Preliminary work	60%
Final work	40%

Where **instructing attorney prepares and executes** the contract:

Lodgement	R275
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**SECTION IX  
OTHER NOTARIAL DEEDS**

**Item 1:**

(a)	Preliminary work	60%
	Final work	40%
(b)	Where <b>instructing notary prepares and executes</b> the deed:	
	Lodgement	R275

**Item 2:**

(a)	Preliminary work	60%
	Final work	40%
(b)	Where the <b>instructing notary prepares and executes</b> the deed:	
	Lodgement	R275

**SECTION X  
CANCELLATION OF BONDS, ETC**

Item 1(a):	Lodgement	R275
Item 1(b):	Lodgement	R110
Item 1(c):	Instructed conveyancer	Nil
Item 2,3,4:	Lodgement	R275
Item 5:	Instructed conveyancer	Nil
Item 6(a):	Instructed conveyancer	R400
Item 6(b):	Instructed conveyancer	R220

**SECTION XI  
MISCELLANEOUS**

Item 1:	Preliminary work	33.3%
	Final work	66.6%
Item 2:	Lodgement	R275

Item 3:	Preliminary work	33.3%
	Final work	66.6%
Item 4, 5(1)(a) & (b), 5(2), 5(3), 5(4), 6, 8, 9:	Instructing practitioner	50%
	Instructed practitioner	50%
Item 7:	Lodgement	R275
Item 10(a), 10(b), 11(a), 11(c), 12(a), 12(b), 13:	Instructing practitioner	33.3%
	Instructed practitioner	66.6%
Item 11(b):	Instructed practitioner	R500
Item 11(d):	Instructed practitioner	R500
Item 11(e):	Instructed practitioner	R275
Item 14:	Instructing practitioner	50%
	Instructed practitioner	50%

## **INTERPROVINCIAL APPORTIONMENT GUIDELINES : SECTIONAL TITLES**

Following the guideline changes, the LSSA Council has recommended that the guidelines set out below should, unless otherwise agreed, apply in respect of all conveyancing work performed in one province on instructions received from a practitioner in another province and for which such instructions were received by the instructing practitioner on or after 15 September 2014. This apportionment serves as a guideline only and conveyancers are free to negotiate the apportionment as they see fit.

DEFINITIONS for purposes of this guideline:

"**PRELIMINARY WORK**" where referred to in this guideline 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 and proof in regard to all matters required to be certified in terms of Section 15B(3) of the Act; payment of transfer duty and of all levies imposed by the body corporate, and of all rates levied by any lawful authority, obtaining or making all clearances or other certificates; the obtaining of endorsements or copies of documents from the office of the Master or other public office (except where otherwise provided); the making of all other financial arrangements including the provision and perusal of guarantees and attending to 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 agreements with regard to any lease, servitude or donation and documents of a similar nature as well as documents for which a special fee is provided in this guideline.

"**FINAL WORK**" shall mean and include, the drawing and preparation of any document for execution or registration at a deeds registry; obtaining of registration thereof; arranging simultaneous lodgement with another conveyancer or conveyancers 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, but shall not include any separate act of registration of any other document which may be necessary before or in connection with the first-mentioned act of registration or for which special provision is made in the guideline.

**"LODGEMENT"** - wherever in this guideline a specific or proportionate fee is provided for lodgement, it 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 lodgements, giving necessary references and all other attendances and correspondence connected with such lodgement and registration and shall be payable out of the total fee.

**NOTES:**

1. All references hereunder to sections and/or items shall relate to the guidelines as recommended by the Law Society.
2. Where a deed of transfer, a partition transfer or a mortgage bond is drawn, complete in every detail, and prepared by one conveyancer and is merely lodged and executed by another conveyancer, the instructing conveyancer shall be entitled to 85% and the instructed conveyancer to 15% of the total fee, provided that –
  - 2.1 if such deeds are rejected by the deeds office by reason of a note or notes raised against such deeds which is/are incapable of being remedied on preparation/rectification and such deeds will have to be relogged, or where the instructing conveyancer expressly requested the instructed conveyancer to check such deeds and documents, and the deeds and/or supporting documents are patently incorrect or incomplete and would have been rejected, the instructed conveyancer shall immediately communicate with the instructing conveyancer and by arrangement, either
    - 2.1.1 return the deeds to the instructing conveyancer to be redrawn and reprepared, in which event the instructed conveyancer shall be entitled to 20% of the fee; or
    - 2.1.2 the instructed conveyancer shall redraw and reprepare the deed, in which event the instructed conveyancer shall be entitled to 25% of the total fee if the rejection was a result of a simple error and 33,3% of the total fee if the rejection was as a result of errors other than a simple error.
  - 2.2 If the instructing conveyancer expressly requested the instructed conveyancer to check such deeds and supporting documents, the instructed conveyancer shall be entitled in any event to 20% of the total fee and if such deeds and documents

would have been rejected, the instructed conveyancer shall immediately communicate with the instructing conveyancer and by arrangement proceed as in 2.1.1 or 2.1.2.

2.3 If the instructed conveyancer attends to any matter on preparation/rectification as the case may be, which is covered under the item "fees for apportionment for preliminary work", he shall charge such fee.

3. Where the instructing practitioner merely takes instructions from his client and thereafter sends his whole "file" to the instructed conveyancer who then does all the work, the former shall, as a general rule be entitled to 20% and the latter to 80% of the prescribed fee where the fees are divided on a percentage basis as set out hereunder.

4. Fees and percentages specified herein shall be net and shall not be subject to any allowances.

**5. APPORTIONMENT OF FEES FOR "PRELIMINARY WORK"**

Where a practitioner who attends to the preliminary work in connection with any conveyancing matter, requests another practitioner to do part of such preliminary work, the former shall, from his share of fees, pay the latter the amounts set out hereunder, and which amounts shall be net.

- (i) (a) Obtaining all necessary endorsements from the Master for any number of endorsements which are applied for simultaneously  
per estate R825
- (b) Furnishing a certificate in terms of Section 42(1) of the Administration of Estates Act 1965, including investigations and attendances on Master's Office  
per estate R825 for any number of certificates
- (c) Obtaining copies of all necessary documents which are or can be included in one application  
per estate R400

- (ii) Obtaining copies of all documents for lodgment in a deeds registry which are or can be included in one application (inclusive of searches)  
per application R240
- (iii) Obtaining a clearance or other similar certificate from a public or local authority or body corporate  
per certificate R400
- (iv) Attending on payment of transfer duty or VAT and uplifting receipt or obtaining an exemption certificate  
R400
- (v) Any other attendance per quarter hour or part thereof  
R180  
Reporting per folio R120
- (vi) Furnishing a conveyancer's certificate or drawing any document not provided elsewhere in this guideline  
R165
- (vii) Perusing and certifying a guarantee for payment  
R275

The above fees shall be net.

## 6. APPORTIONMENT OF FEES FOR "FINAL WORK" AND "LODGEMENT"

For attendances in order to have any conveyancing matter expedited, restored or put forward for execution or delivery, including completion of application forms and searches in connection therewith.

R400

The above fees shall be net.

## **SECTION I**

### **Application for the opening of a Sectional Title Register**

#### **DEFINITIONS**

For the purpose of this section:

"**Preliminary work**" shall mean and include, drawing the application in terms of Section 11 of the Act, perusing the sectional plan, obtaining the certificate required (where necessary) in terms of Section 11(3)(e) and all correspondence and attendances in connection with all such matters.

"**Final Work**" shall mean and include the drawing and preparation of certificates of registered sectional title in terms of Section 11(3), obtaining registration of such sectional plan, arranging simultaneous lodgement with another conveyancer or conveyancers, where necessary giving all references required by the deeds office for examination purposes all attendances at the deeds office for examination purposes and all attendance at the deeds office and correspondence in connection with registration of the sectional plan.

Preliminary work	R3 300 plus R275 per section
Final work	R2 200 plus R275 per section
Lodgement	R1 200 plus R275 per section

## **SECTION II**

### **Transfer of Ownership**

Preliminary work	66.6%
Final work	33.3%
Lodgement	15%

## **SECTION III**

### **Partition Transfers**

Preliminary work	40%
Final work	60%
Lodgement	15%

## **SECTION IV**

### **Endorsement in terms of the Administration of Estate Act**

If the instructed conveyancer attends only to lodgment he will be entitled to R275 out of the overall fee.

## **SECTION V**

### **Subdivision and re-subdivision and extensions of a section**

Preliminary work	R2 200 plus R275 per section
Final work	R1 100 plus R275 per section
Lodgement	R275 plus R275 for each additional section after the first two

## **SECTION VI**

### **Application for Sectional Title Deed in respect of an undivided share in a Unit**

Preliminary work	40%
Final work	60%
Lodgement	R275

## **SECTION VII**

### **Reversion from Sectional Title register to Land register**

Preliminary work	40%
Final work	60%
Lodgement	R275

## **SECTION VIII**

### **Sectional Mortgage Bond**

Preliminary work	66.6%
Final work	33.3%
Lodgement	15%

### **Collateral Bond**

Preliminary work	66.6%
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Final work	33.3%
Lodgement	R275

## **SECTION IX**

### **Cession, cancellation or modification of bonds**

Lodgement	R275
Further bond	R165

## **SECTION X**

### **Notarial Deeds**

Preliminary work	60%
Final work	40%
Lodgement	R275

## **SECTION X**

### **Certificates of Real Rights**

Preliminary work	60%
Final work	40%
Lodgement	R275

## **SECTION XII**

### **Cessions (Notarial)**

Preliminary work	60%
Final work	40%
Lodgement	R275

## **SECTION XIII**

### **Miscellaneous**

#### Item 1

Instructing conveyancer	33.3%
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Instructed conveyancer	66.6%
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Item 2

(a)	Instructed Conveyancer	100%
(b)	Instructing conveyancer	33.3%
	Instructed conveyancer	66.6%

Item 3

Instructing conveyancer	15%
Instructed conveyancer	85%

Item 4

Instructing conveyancer	15%
Instructed conveyancer	85%

Item 5

Instructing conveyancer	15%
Instructed conveyancer	85%
Lodgement	R275

Item 6

Preliminary work	60%
Final work	40%
Lodgement	R275

The apportionment applicable under the conventional deeds guidelines shall apply in respect of any matter for which provision is not made in this apportionment.

## APPORTIONMENT OF FEES: WASTED COSTS

Guidelines for the apportionment of fees for conventional conveyancing and sectional title matters where a mandate is terminated at any stage before execution or registration as the case may be.

	Total
1. Attendances on taking instructions and planning transactions - 17.5% of recommended fee	17.5%
2. Drawing preliminary documents additional 15% of recommended fee	32.5%
3. Attendances on signatures of preliminary documents - additional 10% of recommended fee	42.5%
4. Attendances on completion of all necessary financial arrangements before lodgement - additional 20% of recommended fee	62.5%
5. Drawing and preparing deed for execution or document for registration - additional 12.5% of recommended fee	75.0%
6. Lodgement - additional 15% of recommended fee	90.0%

It is emphasized that not every termination of a mandate will lend itself to the applications of the apportionment as set out above and each case will have to be dealt with on its own merits. For example where instructions are amended or where a bank, building society or similar institution instructs its conveyancer not to proceed with the registration of a mortgage bond, or in the case of a notarial bond, some of the factors mentioned above will not necessarily be applicable.

## **CONVEYANCING FEES AND APPORTIONMENT OF FEES**

### **ALIENATION OF LAND ACT No. 68 OF 1981**

#### **CONVEYANCING FEES (2 Jan 2014)**

1. Recording of Contract - Section (1)(a) and 20(1)(bb);
2. Cancellation of recording - Section 20(1)(c);
1. **RECORDING OF CONTRACT**  
The fee as set out in Column B of Annexure A.
2. **CANCELLATION OF CONTRACT**  
If contract is cancelled by mutual agreement total fee R440.00.  
If contract is cancelled for any other reason, the fee as set out in Column B of Annexure A

#### **ANNEXURE A**

<b>COLUMN A</b>	<b>COLUMN B</b>
Purchase price of property as reflected in deed of alienation	Tariff
R10 000.00 or less	R440.00
Over R10 000.00 up to and including R20 000.00	R510.00
Over R20 000.00 up to and including R30 000.00	R580.00
Over R30 000.00 up to and including R40 000.00	R640.00
Over R40 000.00 up to and including R50 000.00	R700.00
Over R50 000.00 up to and including R60 000.00	R740.00
Over R60 000.00 up to and including R70 000.00	R780.00
Over R70 000.00 up to and including R80 000.00	R820.00
Over R80 000.00 up to and including R90 000.00	R870.00
Over R90 000.00 up to and including R100 000.00	R950.00
Over R100 000.00	R1020.00

#### **APPORTIONMENT OF FEES**

##### **NOTE:**

The prescribed forms A and C in the regulations to the Act, can be prepared only by a **conveyancer**.

Where an instructing **conveyancer** draws and prepares either form A or form C and the instructed practitioner merely lodges the application.

Lodgement	R140.00
<i>In all other cases</i>	
Instructing practitioner	15%
Instructed practitioner	85%