

15 APRIL 2026

CONVEYANCING EXAMINATION

PART 1

Time: 2 Hours (09:00–11:15)

CANDIDATES PLEASE NOTE:

1. You are allowed **15 minutes** to read the paper before answering. No writing may take place during this time.
2. Write legibly and neatly in ink.
3. Use only the **front side** of each page.
4. An aggregate of **50%** is required to pass. Candidates achieving **40% to 49%** may be called for an oral examination.

TOTAL MARKS: [100]

QUESTION 1 [4]

Johannes Sithole and Peter van Wyk are partners in a civil union partnership. They have not registered an antenuptial contract. Describe the parties as **Transferors** in a Power of Attorney to pass transfer.

QUESTION 2 [4]

List four instances where the **original title deed** does not need to be lodged with the Registrar of Deeds when dealing with a property.

QUESTION 3 [3]

You are instructed to cancel a mortgage bond that has been fully paid. You discover the bond is registered in favour of a company that has been **finally deregistered**. Explain how you will proceed to ensure the bond is effectively cancelled.

QUESTION 4 [8]

Name 4 (four) ways in which the holder of a **personal servitude**, in terms of the Deeds Registries Act No. 47 of 1937, can transfer their rights to the owner of the burdened property.

QUESTION 5 [10]

Mention 5 (five) ways to **cancel or note** a personal servitude that has lapsed.

QUESTION 6 [4]

Name at least 4 (four) requirements for a **valid mortgage bond**.

QUESTION 7 [14]

Nomusa Dlamini, a widow, is acquiring Erf 121 Giyani, in extent 500 square metres. The property is currently subject to a registered usufruct (K150/2021S) in favour of Sipho Khoza, a bachelor, for a period of 10 years. Nomusa has been granted a loan of R2,000,000.00 by Cash Bank Ltd, provided the usufructuary waives preference in favour of the bond.

7.1 Describe the property for the purpose of the bond, complying with **Deeds Registry Regulation 41**. (4)

7.2 Draft the **waiver clause** to be incorporated in the bond, starting from the authority of the appearer. (10)

QUESTION 8 [7]

Two parties, who are unmarried, originally purchased a property together. One party is now acquiring the other's **half share** by private treaty for R2,500,000.00. Calculate the **transfer duty** payable on this transaction.

QUESTION 9 [3]

Is it allowable to include **legal exceptions** (such as *non numeratae pecuniae*) in a mortgage bond considering the National Credit Act No. 34 of 2005? Motivate your answer.

QUESTION 10 [4]

Draft the **causa** for a transfer of immovable property that has been specifically bequeathed in a Will, subject to the payment of a **bequest price**. Use your own facts.

QUESTION 11 [6]

Define a **kinderbewys bond** and explain its purpose.

QUESTION 12 [12]

Lungi Lungu is single and an **unrehabilitated insolvent**. After his sequestration, he purchased Erf 555 Krugersdorp.

12.1 Draft the document his **trustee** must sign to grant consent for Lungi to buy the property. (8)

12.2 How will you describe Lungi Lungu in the **vesting clause** of the Deed of Transfer?. (4)

QUESTION 13 [22]

Describe the meaning of the following **Deeds Office Codes** and state against whom or what the endorsement is made:

- 13.1 K.../2026S
- 13.2 K.../2026L
- 13.3 .../2026AT
- 13.4 .../2026REH
- 13.5 .../2026C (Continue for 11 codes total, 2 marks each) .

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