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APPORTIONMENT OF FEES:

CONVENTIONAL DEEDS

1 JUNE 2021

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

NOTE: THE FEES 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 1 June 2021 and where the documents are lodged on or after 1 June 2021)

Note that the new guidelines will be charged by the lodging Conveyancer on all matters received on or after the 1st June 2021 unless the letter of instructions states the contrary.

A. DEEDS REGISTRIES ACT, NO. 47 OF 1937 1. *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 Surety ship 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 registering 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 registering 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 registering 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 registering 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 registering conveyancer or notary, who does all the work.

SECTION I

A.	1.		Transfer of Ownership	A
			See Schedule 1 attached hereto	
			B	33 1/3 %
			C	80%
		Conveyancing in terms of Section 16, 31, 45 and 45 bis	A	75% of the fees are set out under item A.1.A above, calculated of the value of the whole property
			B	33 1/3%
			C	80%
	2.	Additional Property	A	Nil
			B	33 1/3 %
B.	Leasehold and Upgrading Transactions And Act of Registration under the Black Communities Development Act, 1984 Proclamations R293/1962, R29/1988 And R30/1988		See Schedule 1 attached hereto	

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SECTION II

Endorsements

1.	Sections 24 bis (2),25(3) and also the Administration of Estates Act, 66/1965	A B C	R595,00 50% 80%
2.	Additional Property	A	Nil

SECTION III

Partition, Rectification and Exchange Transfers

Partition, Rectification and Exchange Transfers	A B C	R535,00 33 1/3% 80%

SECTION IV

Certificates of Registered Title

1.	Certificates of Title	A B C	R680,00 66 2/3 % 80%
	Note – Additional Property	A B C	Nil 66 2/3 % 80%
2.	Certificate of Consolidated Title	A B C	R750,00 66 2/3% 80%

SECTION V

(THIS PART OF THE GUIDELINES HAS BEEN DELETED)

SECTION VI

A. Bonds

1.	Mortgage Bonds and Surety Bonds	A B C	See Schedule 1 attached hereto. 33 1/3 % 80%
2.	Collateral Bond	A B C	70% of the fee under A.1.A above 33 1/3% 80%

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3.	Waiver included in Bond	A	Nil
		B	33 1/3 %
		C	80 %
4.	Additional Property	A	Nil
		B	33 1/3 %
		C	80%

B.	Leasehold and deed of grant mortgage Bonds, including surety bonds, under the Black Communities Development Act, 1984, Proclamations R293/1962, R29/1988 And R30/1988 and the KwaZulu Land Affairs Act, 1992	See Schedule 1 attached hereto

SECTION VII

Notarial Bonds

1.	Notarial Bond, Surety Notarial Bond	A	R1 605,00
		B	50%
		C	80%
2.	Collateral Notarial Bond	A	R1 605,00
		B	50%
		C	80%

SECTION VIII

Marriage contracts including all notarial contracts under the Matrimonial Property Act, 1984 (Act No. 88 of 1984)

Marriage Contract	A	R385,00
	B	50 %
	C	80 %

SECTION IX

Other notarial deeds

1.	Notarial Waiver of Preference	A	R560,00
		B	50 %
		C	80 %
2.	Other Notarial Deeds	A	R560,00
		B	50 %
		C	80 %

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SECTION X

Cancellation, cession or variation of bods, release of persons or property from bonds and waiver of preference in regard to ranking of bonds

1.	(a)	Consent to cancellation, release, Part payment, waiver, etc	A B C	R420,00 50 % 80 %
	(b)	Consent in respect of any further bond	A B C	R95,00 50 % 80 %
	(c)	Additional Property	A B C	Nil 50 % 80 %
2.	Cession of bonds, and section 45 applications In relation to registration bonds		A B C	R435,00 50 % 80 %
3.	Agreement to vary mortgage or notarial bond		A B C	R320,00 50 % 80 %
4.	(a)	Consents to Substitution i.t.o Section 24 bis (3), 45(2)(b) or 45 bis (2)	A B C	R620,00 50 % 80 %
	(b)	Substitution in terms of Section 57	A B C	50 % of the fee which would be Chargeable under Section VI, item A1 above for a new bond of the same amount 50 % 80 %
	(c)	Application and consent under Section 40(5) (a) (Form WW)		R620,00
5.	Additional Signature		A B C	Nil 50 % 80 %
6.	Masters Certificate or copy		Practitioner Obtaining as per schedule of fees for additional work : See Section XII	

SECTION XI

Miscellaneous

1.	Supervising	Practitioner Supervising

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2.	Section 44 Endorsement	A	R170,00
		B	50 %
		C	80 %
3.	Registrar's Certificate of any fact	Practitioner Obtaining R215,00	
4.	Township Registration	A	R1 865,00
		B	50 %
		C	80 %
5.	(1) (a) & (b) Change of name	A	R300,00
		B	50 %
		C	80 %
	Additional Deed	A	R85,00 per deed
		B	50 %
		C	80 %
5.(2)	Amendment Section 4 (1) (b)	A	R355,00
		B	50 %
		C	80 %
	Additional Deed	A	R85,00
		B	50 %
		C	80 %
5(3)	Consent to section 4 (1)(b) Amendment	A	R85,00
		B	50 %
		C	80 %
5.(4)	Company Conversion/change of name	A	R300,00
	Additional Deed	B	R85,00 per deed
6. (a)	Searching and Reporting per ¼ hour and per folio	R280,00 per ¼ hour, R190,00 per folio	
	(b) Searching Rights to Minerals Water rights and Land Claims per hour	R2 010,00 per hour, R190,00 per folio	
7.	Certified Copy to replace original: Reg 68(1)	A	R280,00
		B	50 %
		C	80 %
8.	Certified Copy for Information	A	R190,00
		B	50 %
		C	80 %

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	Additional Deed		A	R65,00
			B	50 %
			C	80 %
9.	Metrication, Amendment or copy of Diagram		A	R190,00
	Additional Diagram		A	R65,00 per diagram
10.	(a) Private Townships Board or Local Authority Declaration for sub-division		A	R2 520,00
			B	50 %
			C	80 %
	(b) Local or Other Authority Endorsement of Power of Attorney or Diagram		A	R745,00
	(c) Certificate of Approval : Conditions of Subdivision			R2 520,00 plus R 220,00 for every erf depicted on the General Plan
11.	(a)	Affidavit or Application - Lodgment	A	R320,00
			B	50 %
			C	80 %
	(b)	Registration of Powers of Attorney		R190,00
	(c)	Lodging at master office for endorsements In terms of sec 42(2)		R635,00
	(d)	Certificate in terms of Section 42(1) of Administration of Estates Act		R745,00
12.	(a)	Cession of Servitude	A	R815,00
			B	33 1/3 %
			C	80 %
13.	Filing per document filed			R510,00
14.	Filing of upliftment of attachment interdict : per interdict			R375,00
15.	Attendance on taxation			For attendance on taxation where required, including all necessary relevant attendance and correspondence, a recommended fee equal to 5% (Five per cent) of the fees allowed on Taxation be chargeable by the conveyance 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 rechargeable by the conveyance opposing taxation

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SECTION XII

SCHEDULE OF FEES FOR ADDITIONAL WORK

1.	Lodging Masters endorsement in terms of Section 42(2)	R635,00
2.	Obtaining certified copies from Master of the High Court, per application	R280,00
3.	Obtaining a rates or water rates certificate from a local Authority, per application	R745,00
4.	Obtaining a Transfer Duty Receipt or Exemption from South African Revenue Service, per application	R745,00
5.	(a) Searching at the Deeds Office per ¼ hour	R280,00
	5.(b) Reporting per folio	R190,00
6.	Drawing any document not provided for elsewhere, per folio	R190,00
7.	Perusing and Certifying a guarantee for payment	R190,00
8.	Applying for restoration of rejected Deeds	R500,00
9.	Applying for expedition of set not previously lodged	R745,00
10.	Collaborating outside KwaZulu-Natal, per Transaction	R630,00
11.	Miscellaneous applications/affidavits in terms of Section 11 (a) Of main guideline	R370.00
12.	Applying for withdrawal of a lodged matter	R260,00
13.	Attendance on Deeds Office to track matter lodged per matter	R260,00

Alienation of Land Act

Recordal of Contract and cancellation of recordal	R245,00

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