D.

APPORTIONMENT OF FEES:

SECTIONAL TITLES:

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 the 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. General : *Definitions.*

(1) "Preliminary work" where referred to shall mean and include the taking and giving of instructions, preparation and attending signature of all Powers of Attorney, declarations, affidavits, resolutions and other necessary preliminary and ancillary documents, such as extracts from Companies" Memorandum and Articles of Association, payment of transfer duty and all rates levied by any lawful authority, obtaining or making all clearance or other certificates, obtaining endorsements and/or copies of documents from the Office of the Master or public officer, except where otherwise provided, or other public offices, the provision and perusal of guarantees and attending payment in terms thereof, all relevant correspondence, or such of the above work as may be necessary.

"Preliminary work" shall, however, not include any attendances in connection with the drawing and execution of General Powers of Attorney, Deeds of Sale, Deeds of Exchange, preliminary partition agreements, Deeds of 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.

B. SECTIONAL TITLES ACT NO. 95 OF 1986*.*

SECTION I

1. <u>Application for the opening of a sectional title register per unit</u>

(a)	Application for opening of Sectional Title Register	R745,00 plus R85,00 per CRST in the scheme	
		B	50 %
		C	80%
(b)	For each <u>re-lodgement</u> of the documents for the Registration of a scheme	A	R155,00
(c)	Additional fee may be charged by agreement for Exceptional attendance at the rate, per ¼ hour, of		R255,00

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

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

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

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

SECTION II

Transfer of ownership

1.	Registration of Transfer	A	See schedule 1 attached hereto
		B	50 %
		C	80 %
	NOTE: Expropriation or endorsement Transfers (e.g. in terms of Section 45 of Deeds Registries Act)	A	75% of the fees set out on Schedule 1 annexed hereto calculated on the value of the whole property
		B	50%
		C	80%

SECTION III

Partition transfers

Registration of Deeds of Partition	A	R535,00
	B	50%
	C	80%

SECTION IV

(THIS PART OF THE GUIDELINES HAS BEEN DELETED)
(See Section XIV)

SECTION V

Subdivision and Consolidation and Extension of a Section/s

(a)	Subdivision or consolidation or extension of a Section/s – basic fee	A	R745,00
		B	50%
		C	80%
(b)	Each CRST	A	R85,00
		B	50%
		C	80%

D.

SECTION VI

Application for CRST in respect of undivided share in unit

CRST for undivided share	A	R320,00
	B	50%
	C	80%

SECTION VII

1. Reversion from sectional title register to land register

(a) Basic Fee	A	A Basic fee of R370,00 plus R70,00 in respect of each section cancelled
	B	50 %
	C	80 %

2. Disposal on destruction of buildings

As for **SECTION VII(a)** above.

SECTION VIII

Sectional Mortgage Bonds

1.	Sectional Mortgage or Surety Bond	A	See Schedule 1 attached hereto
		B	50 %
		C	80 %
2.	Collateral Bond	A	70% of the fee under 1. Above
		B	60 %
		C	80 %
3.	Additional Unit	NIL	

SECTION IX

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

1.	(a)	Consent to cancellation, cancellation of Concession, release, reduction of cover, Part payment, waiver or preference, consent to registration or extension of scheme	A	R420,00
			B	50 %
			C	80 %

D.

	(b)	Consents in respect of further bonds	A B C	R95,00 50 % 80 %
	(c)	Additional unit	A B C	NIL 50% 80%
2.		Cession of bond or Section 45 endorsement of bond	A B C	R435,00 50 % 80%
3.		Agreement varying – Conventional mortgage bond	A B C	R310,00 50 % 80%
		Agreement varying – Sectional mortgage bond	A B C	R310,00 50 % 80 %
4.	(a)	Consents to Substitution i.t.o Section 24 bis (3), 45(2)(b) or 45 bis (2)	A B C	R600,00 50 % 80 %
	(b)	Substitution in terms of Section 57	A B C	50 % of the fee which would be chargeable under paragraph VIII above for a new bond of the same amount 50 % 80 %
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 XIV

SECTION X

NOTARIAL DEEDS

1.		Notarial Lease, Servitude, other Notarial Deed	A B C	R560,00 50% 80%

D.

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

SECTION XI

Certificates of Real Rights

Certificate of Real Rights : Forms F or G	A	R500,00
	B	50%
	C	80%

SECTION XII

Notarial Cessions of EUA and Rights of Extension

1.	Notarial Deed of Cession if no consideration allocated to exclusive use areas	A	R315,00
		B	50 %
		C	80 %
2.	Notarial Deed of Cession if no consideration allocated to exclusive use areas and if registered simultaneous with transfer, **otherwise** as for transfer of ownership under Section II above		

SECTION XIII

Miscellaneous

1.	Supervising		Practitioner Supervising
2.	(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
3.	Conveyancer's certificate per folio		R190,00
4.	Certificate of Establishment of Body Corporate : FORM W		R70,00

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

SECTION XIV

SCHEDULE OF FEES FOR ADDITIONAL WORK

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

1.	Lodging Masters endorsement in terms of Section 42(2)	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 application/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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