

LPL416F

May/June 2009

CONVEYANCING (PRIVATE LAW (LLB))

Duration . 2 Hours

100 Marks

EXAMINERS :FIRST
SECONDMS D RAMWELL
MS M WIESE

MR PD BRINK

This paper consists of 3 pages

ANSWER ALL QUESTIONS.**QUESTION 1**

Without explaining or referring to authority, indicate whether each of the following statements is **TRUE** or **FALSE**

- 1 1 Deeds are linked for lodgement in the deeds registry to effect faster and more cost effective registration (2)
- 1 2 The preparation certificate of a power of attorney that is lodged in a deeds registry as a supporting document may be prepared by a conveyancer, attorney or notary (2)
- 1 3 A conveyancer can only prepare deeds for lodgement and registration at the South African deeds registry where such conveyancer's practice is situated (2)
- 1 4 The recital of a deed of transfer sets out the circumstances giving rise to transfer (2)
- 1 5 Servitudes which bind or benefit an immovable property may be found in the conditional clause of a deed of transfer of that immovable property. (2)
- 1 6 Where land is subject to a usufruct (personal servitude), the registered owner of the land may only transfer such land with the written consent of the usufructuary (2)
- 1 7 A deed of grant is the term used for a title deed in favour of the state. (2)

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- 1 8 Where all the land and all the persons bound by a mortgage bond are released from the operation of such mortgage bond, that mortgage bond is in effect cancelled. (2)
- 1 9 Where a will states that land forming part of the deceased estate must be administered by a trustee for the benefit of certain beneficiaries, the title deed to the land can be endorsed in terms of sec 40(1)(b) of the Administration of Estates Act 66 of 1965 to reflect the provisions of the will. (2)
- 1 10 X and Y are joint owners of Erf 999 Pretoria. X and Y each hold an undivided half share under deeds of transfer T1234/2008 and T1235/2008 respectively. Either X or Y can apply in terms of the Deeds Registries Act 47 of 1937 for a certificate of registered title for their undivided half shares. (2)
[20]

QUESTION 2

- 2.1 List and briefly explain the general format requirements that deeds destined for lodgement and registration in the deeds office, must comply with. (5)
- 2 2 Briefly explain the registration process in the deeds office. (5)
- 2 3 Discuss the definition of owner as contained in section 102 of the Deeds Registries Act 47 of 1937. (10)
[20]

QUESTION 3

- 3 1 Explain what a partition transfer is (4)
- 3 2 What is the effect of a partition transfer on the mineral rights to the land? (3)
- 3 3 What is the effect of a partition transfer on the conditions of tenure or servitudes over the land? (6)
- 3 4 What is the effect of a partition transfer on mortgage bonds that may be registered over the land? (4)
- 3 5 Distinguish between a subdivision and a partition of land (3)
[20]

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QUESTION 4

- 4 1 Discuss under what circumstances land may be transferred by endorsement in terms of section 45 of the Deeds Registries Act 47 of 1937 (4)
- 4 2 Discuss the circumstances that must prevail for the issue of a certificate of registered title to the owner of land
- 4 2 1 in terms of section 35 certificate of registered title of aggregate shares (4)
- 4 2 2 in terms of section 38 certificate of registered title taking the place of a lost or destroyed deed (4)
- 4.2 3 in terms of section 40 certificate of consolidated title (6)
- 4 3 Is it necessary to lodge a transfer duty receipt or exemption with an application for a certificate of registered title? (2)
- [20]**

QUESTION 5

- 5 1 When must a mortgage bond be cancelled? (2)
- 5 2 List the exceptions to the general rule that the mortgage bond must be lodged when the bond is cancelled (4)
- 5 3 Distinguish between registration of a part payment and a reduction in cover in respect of a mortgage bond and explain under what circumstances these are registered (4)
- 5 4 What is the effect of a cession of a mortgage bond? Explain (4)
- 5 5 List what terms of a mortgage bond cannot be varied by agreement (4)
- 5 6 An application in terms of section 17(4) of the Deeds Registries Act 47 of 1937 to reflect a change of marital status may only be applied for under specific circumstances Explain (2)

[20]**TOTAL: 100**