



This Issue's Word:

interlineation *n.* the act of writing between the lines of a document, usually to add something that was omitted. All interlineations to deeds of transfer/cession/ certificates of title & mortgage bonds to be lodged must be initialed by the conveyancer/notary public who prepared such deed/certificate/bond.

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BCA / ITA Partnership Success

The Black Conveyancers Association (BCA) was formed in May 2005 in response to the historical inequalities in the conveyancing industry. This organisation represents the interests of black conveyancers nationally and supports their advancement. Willie Pretorius, Chairman of the BCA (Western Cape) approached ITA with the suggestion of joining forces to offer employees of BCA member firms the opportunity to take part in ITA's Conveyancing for Paralegals Course. It was proposed that ITA provide the course venue, course notes, and student support while Western Cape BCA members lecture the classes on a rotating basis.

In support of this upliftment project, Smith Tabata Buchanan Boyes Attorneys (STBB) provided full sponsorship to all BCA students. The first BCA/ITA class was held on Tuesday afternoon, 18 July 2006. Today, ITA is proud to confirm that the third group of BCA students (Class of 2008) will be graduating in November 2008! We are also pleased to confirm that our Level 3 (Estate Transfers) Course is now being included in the BCA initiative. Many thanks to the BCA Lecturers – all of whom are experienced practicing conveyancers – who committed to the project

by offering their Thursday afternoons to share their expertise with the students. The BCA/ITA partnership has not only granted BCA member employees the opportunity to further their conveyancing careers, but has also been fundamentally helpful in fostering mutually rewarding relationships between ITA and BCA members. We at ITA find it a pleasure working with BCA volunteer lecturers, members, and employees in aid of realizing these students' full career potential. We are grateful to all participants for their hard work and look forward to the continued success of this initiative!

Schedule of Next Courses

Sign up today by emailing: nailahj@stbb.co.za !

Conveyancing Course for Paralegals Levels 1 & 2

START DATE:
7th October 2008
DAY OF WEEK:
Tuesday
TIME: 18h00-21h00
COMPLETION DATE:
June 2009

Estate Transfers Course Level 3

START DATE:
12 February 2009
DAY OF WEEK:
Thursday
TIME: 18h00-20h00
COMPLETION DATE:
May 2009

Conveyancing Course for Paralegals Levels 1 & 2

START DATE:
18 February 2009.
DAY OF WEEK:
Wednesday
TIME: 18h00-21h00
COMPLETION DATE:
September 2009

REGISTRAR OF DEEDS – PMB

In our next issue, we will be introducing you to a dynamic young woman who is the new Registrar of Deeds at the Pietermaritzburg Deeds Office.

Advocate Gwangwa was appointed as the new PMB Registrar of Deeds in March 2008. Look out for the article which will tell all about Adv Gwangwa's journey to getting where she is today and about her passion for superior service delivery, her commitment to achieving outstanding turn around times for the delivery of deeds, and her words of advice for aspiring Registrars.

"Everybody was great... they just had this positive energy in them and that helped me to adapt with the way things were done."

CONGRATS TO OUR GRAD!!

A special congratulations and our sincere apologies to MAISIE STOCK whose name we accidentally omitted in Issue 2's list of Conveyancing Level 1 & Level 2 graduates. Maisie graduated on the 6th of May 2008 *with distinction*.

I "ITA'd" it!! – [About our Graduates]

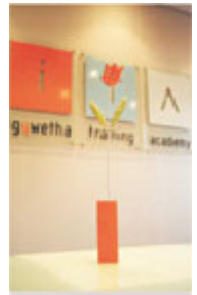
Issue 3's student in focus is ITA graduate, Mandisa Futshane. Mandisa graduated from our Level 1 & Level 2 Conveyancing course on 23 May 2005.

We caught up with Mandisa in Pretoria (where she is currently working) to ask her about her ITA experience. Shortly after graduating from ITA, Mandisa decided to take the initiative to 'jump start' her conveyancing career by offering to volunteer as an administrative transfers assistant at STBB Attorneys in Cape Town. A few months after joining STBB, Mandisa managed to secure a 6 month working contract at the firm. Mandisa was then moved to the Standard Bank bonds department to assist with deliveries, sending compliance documents back to the bank, and other administrative duties. Although Mandisa was actively working on furthering her career in Cape Town, she soon found herself becoming increasingly homesick. Mandisa grew up in the Vaal Triangle and she left all her close family and friends behind when she moved to the Cape.

Two years and two months after joining STBB, Mandisa decided to return home (2006). Shortly after arriving home, Mandisa secured a position at Potgieter Fourie Attorneys. The position was initially for a temp overflow switchboard operator, but it was not long before Mandisa was recruited as a temp administrative assistant to one of the senior transfer paralegals. It was at this stage that Mandisa's ITA background assisted her most. Having knowledge of the principle conveyancing procedures & terminology played a vital role in allowing Mandisa to adapt quickly to her new responsibilities in handling transfer files from inception to lodgement. Soon Mandisa started to recognize her love of the financial aspects relating to the field of conveyancing. She decided to apply for two advertised positions at two different private banks. In the interviews, Mandisa fell in love with both jobs! She came to the conclusion that she would choose the job which replied to her first. It was in this way that

Mandisa secured her current job as a Legal Compliance Administrator at RMB Private Bank.

ITA: *You are now 23 years young and have already progressed so far with your career. What is your ultimate goal?* MANDISA: "I recently started studying part-time for my LLB. I am not yet sure what direction I will take once I have my LLB, but as a qualified attorney, I will have many options." ITA: *How did you hear about ITA?* MANDISA: "I had just finished school and I did not know what I wanted to do. My mom saw ITA on the internet and told me about it." ITA: *Is there anything you would like to add about your ITA experience?* MANDISA: "ITA was my first step to a brighter future. I don't think I'd be where I am today had I not pursued with the studies. It was an amazing experience..." "Everybody was great... they just had this positive energy in them and that helped me to adapt with the way things were done."



NEWSLETTER



UNCOMMON PROPERTY – Unusual Property Transfer Scenarios

An anonymous paralegal received a transfer instruction for the sale of a sectional title unit in Cape Town. The purchaser, a female South African, advised the paralegal that she was Married Out of Community of Property. The paralegal's deeds office person search (in the Cape Town Deeds Registry) confirmed this. However the Cape Town search did not reflect an ANC under the contracts section for this individual. The purchaser advised the paralegal that she would provide the paralegal with a copy of her ANC in due course. Shortly before lodgement, the purchaser finally forwarded a copy of her "ANC" to the paralegal and the paralegal immediately noticed that it was not registered. At this stage, the paralegal was ready to lodge. The paralegal decided to conduct additional deeds office

searches in the OTHER deeds registries in South Africa. She found a record in the Johannesburg Deeds Registry reflected an ANC listed under the 'contracts' section for this individual. The paralegal contacted the purchaser to request a copy of the REGISTERED ANC. At this late stage, the purchaser casually informed the paralegal that the Johannesburg ANC was in respect of her previous marriage and that the ANC for her current marriage has not been registered yet as she is in the process of changing her marital status! The purchaser provided the paralegal with the contact details for the attorney attending to the High Court Application for the change of marital status. The attorney in question advised that this procedure has not yet been finalized, but finalization thereof was scheduled to take place a few days before

the scheduled date of registration of the property transfer. At the time of the discussion, the attorney was not aware of the purchaser's intention to purchase a property and the purchaser was clearly not aware of the impact this fact would have on the property transfer.

The result was that the legal marital status of the purchaser at the time of entering into the agreement was actually 'married in community of property'. Therefore all transfer documents had to be redrafted & resigned and once transfer took place, the property would vest in the couple's joint estate. The purchaser, however, did not wish to purchase the property jointly with her husband. This meant that the agreement of sale would have to be cancelled and a new agreement entered into AFTER finalization of the

purchaser's change of marital status. This was all subject, of course, to agreement by the Seller who had every right to instruct the conveyancing attorney to put the purchaser to terms.

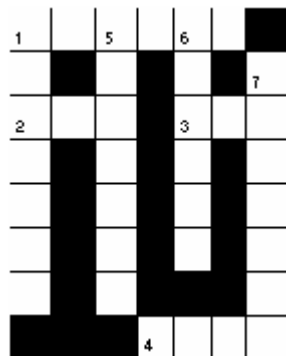
The lesson learned in this transfer scenario is that when conducting deeds office searches on individuals, one should not only search the deeds registry in which the property is located, but one should also search all South African deeds registries. Also, one should insist on obtaining a certified copy of the individual's registered ANC at all times (when dealing with an individual who is married out of community of property). This is important not only to confirm the marital status, but also for picking up any spelling or other errors on the ANC which may require the preparation of a 4(1)(b) certificate. *Also see this issue's "LegalEyes" article for more deeds office search information.*

Iq Crossword

Complete this crossword and fax (with your contact details) to 021-4197845 for attention "Nailah". The first three correct entries received will receive a cash prize of R50.00 each!!

ACROSS

- To act contrary to the terms of an agreement
- Credit Act (Abbrv)
- minor/major refers to ___
- type of right

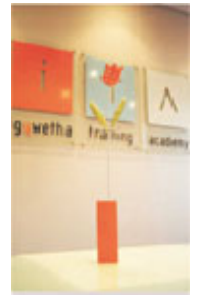


DOWN

- on possession, risk & ___ pass to the new owner
- What an examiner will do
- group of words / sentences in an agreement
- Clause in deed which states the 'causa'

Congratulations to the winners of Issue 2's puzzle!
ISSUE 2 WINNER:-
Aziza Sydow (Class of 07-2007)

ISSUE 2 ANSWERS:-
 ACROSS: 1. CIPRO. 2. store. 3. OTP. 4. nominee. DOWN: 1. cession. 4. proforma. 5. encumber. 5. No.
Thanks to all for the tremendous response and good luck with this issue's puzzle!



NEWSLETTER



LEGALEYES – The Search is On!

A look at Deeds Office “Searches”

We decided to write on this subject under our “LegalEyes” column because this column was established to offer conveyancing guidelines on what to LOOK OUT for, from a legal perspective, during the course of performing your paralegal duties. One of the most important duties as a paralegal is to present sufficient information to your conveyancer to allow him/her to perform his/her duty of properly ‘prepping’ documents for lodgement. To draft documents, the paralegal must cross-check source documents (i.e., IDs / passports / marriage certificates/ANCs, etc) against the Deed of Sale, the holding title deed(s), AND against the information already contained in South Africa’s Deeds Registration System. The purpose of the check is to look out for any discrepancies which may need to be addressed prior to lodgement. When parties sign, the attending conveyancer should also certify copies of source documents. As from 1992, the “Aktex Information System” has been available to conveyancers, financial institutions, estate agents and others, allowing them to obtain registration information from SA’s Deeds Registration System. Since then, third party companies have developed PC-based

‘easy to use’ communications software allowing the user vast search option flexibility. In 2001, The Department of Land Affairs also launched DeedsWeb which offers the general public the ability to conduct searches via the internet without having to install / purchase software (although search fees do apply & features are more limited).

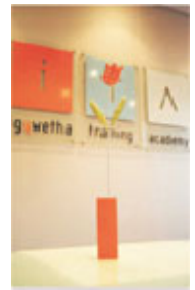
Some firms choose to purchase third party software which is installed on the firm’s computers for use by employees. One of the most widely used Search software (for conveyancing purposes) is Windeed. Similar to DeedsWeb, with Windeed, users are charged ‘per search’. Accordingly many large firms select a package whereby they are offered special rates for conducting a certain amount of searches in a set period. (Many firms also restrict their employees from using certain advanced search functions and also monitor use of the system by employees.)

As a conveyancing paralegal, it is necessary for you to conduct deeds office searches on every individual/entity/ party to a conveyancing transaction in addition to a search on the property in question. We looked at how

one could conduct searches in a cost effective, yet thorough manner. In this example, we are using Windeed. First do ‘individual/entity’ searches. Select (tick) all deeds registries. When typing in the person/entity’s name, only type in the surname and first initial (If the person has a very common name, then also include the person’s date of birth. If you are searching for an entity, omit the (pty) ltd/cc part. If you are dealing with a trust, exclude the word “the”). A list of options should appear. Carefully check the ID/registration No. and spelling before selecting the correct choice. Once you have selected your choice you should be able to see the results which will include a listing of all properties owned by the individual/entity. Directly from this screen you can now conduct a search on the property/ies relating to your instruction. From the property screen, you will also be able to order your information title deed copies. When dealing with a cc/company, it is also advisable to do a CIPRO search to verify director names, etc. Again, only insert the company name without cc/pty ltd. A list of options should appear. Carefully check spelling and registration number before selecting the

correct option. It is advisable not to insert the full ID number/first names/ registration number when conducting an individual/ entity search. If you do so, you might miss data which may contain spelling/other errors. When checking the list of results of your search, look out for duplicates and/or other persons/entities with ID/Registration numbers differing by one digit or where the ID/Registration number is the same, but the name is slightly different. This could spare you the agitation of finding out at a later stage that a 4(1)(b) application is required.

Also remember that the deeds registration system is based on a negative system of land registration which means that the deeds office data is only updated regarding the status of a person when deeds are presented for an act of registration. It is accordingly possible that an intervening marriage may never be captured in the deeds office! (Please first check with your conveyancer regarding your own firm’s policy on how to conduct deeds office searches.)



NEWSLETTER



SA BIGGEST BATCH

SA BIGGEST BATCH 'COMPETITION'

According to a recent GhostDigest article, the biggest batch of deeds ever lodged was Meyer Attorneys' Wonderpark Estate batch of 2,177! It was lodged in the Pretoria Deeds Registry on 14 December 2006. This

beats Routledge Modise's Sandhurst Towers batch of 1325 lodged in the Pretoria deeds office in July 2008. Because there seemed to be uncertainty about Cape Town's biggest batch, we decided to contact the

Cape Town Deeds Registry to obtain the answer 'from the horse's mouth'. The unofficial answer was Shaer@Law's batch of approximately 1,600 deeds. Email us on ITAdmin@stbb.co.za if your firm beat this!

What do you think?

An opportunity to place your vote!

SHOULD ITA OFFER AN ADVANCED SHORT PRACTICAL COURSE ON UNDERSTANDING TITLE DEED CONDITION CHANGES & EXTENDING CLAUSES?

YES – This will help reduce the time it takes for conveyancers to prep

incorrectly drafted deeds.

NO – I already know all there is to know about drafting title deeds.

Send your vote and / or your comments to: ITAdmin@stbb.co.za

We at ITA value your opinion. Feel free to express yourself freely by sending us an email. Your interesting comments / feedback could be published in one of our future newsletters!

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igqwetha training academy

At ITA we are passionate about practical legal training, particularly in the field of conveyancing, which is our speciality.

Our aim is not in the first place to make money (although we need to do that too in order to remain in business). We want to make a difference in people's lives, by teaching knowledge and skills about law that has value in the market place and which will help them to find jobs that they enjoy.

A career in conveyancing (or in other legal fields) is demanding but also stimulating, and there are many opportunities for growth and advancement. We want our students to enjoy their studies, and to master the theory and practice of conveyancing.



NEWSLETTER

