



This Issue's Word:

recital *n.* clause in a deed of transfer which sets out the reason (causa) why the property is transferred under the deed. *If the causa is a sale of sectional title property, it is interesting to note that the purchase price is included in the recital (together with a brief description of any registered exclusive use area(s) included in the sale). This is not the case with deeds involving the sale of freehold property.*

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ADV. GWANGWA – THE REGISTRAR OF DEEDS - PIETERMARITZBURG

Adv Audrey Gwangwa was appointed as the PMB Registrar of Deeds on 1 March 2008. We stole a few minutes out of Adv Gwangwa's busy schedule to chat to her about her career journey.

Adv Gwangwa holds 3 degrees (B Proc, LLB, & LLM), has passed her attorney, conveyancing & notary exams AND is a single mom of a 10 year old daughter. She is also an accredited conveyancing instructor who has tutored for UNISA for 11 years.

Adv Gwangwa grew up in Limpopo. She initially planned on becoming a practicing conveyancing attorney but soon after she obtained an entry level position at the Pretoria deeds office, she realized that her career path was taking a turn in a new direction. During her time at the Pretoria deeds office, she worked in various departments. This aided her in obtaining a vast amount of valuable 'hands-on' experience. Eventually Adv

Gwangwa secured the position of Assistant Registrar at the Pretoria deeds office. She was then offered, and accepted, a better position as Deputy Registrar at the Johannesburg Deeds Office. Three years later, she was offered, and accepted, the position of Registrar of Deeds, Pietermaritzburg.

ITA: *How do you find life in Natal after living in Guateng?*
ADV GWANGWA: "Much slower! Guateng was very hectic, so I had to help speed things up when I came here!"

The PMB deeds office services the entire Kwazulu-Natal province. 180 permanent employees work at the PMB deeds office and an average of 700 to 800 lodgments and registrations take place at this deeds office on a daily basis. Upon Adv Gwangwa's appointment, she inherited a 3 ½ month delivery back log. Now, on average, delivery takes place 7 days after registration, and registration 6 days after lodgement!

ITA: *What is your average work day like?* AG: "I have

23 managers who report to me and each manager is in charge of a subdirectory. Each morning these managers must report to me on the progress of their department. I also take phone calls and consult with conveyancers who come in between 08h00 to 11h00. I execute deeds between 10h00 and 11h00. In the afternoon I go check on the various departments and consult with staff. Every day something new happens. I also have quarterly meetings with the conveyancers."

ITA: *Do you find that being a female Registrar of Deeds brings more challenges to the table?*
AG: "Yes, especially in KZN. It is something unusual for men to be lead by a woman, but after a month or two they got used to it."
ITA: *What is your favourite part of the job?*
AG: "I think providing advice to members of the public." ITA: *And the worst part?* AG: "Not meeting expectations of clients. For example, some financial
(Cont'... on page 2)

DEEDS OFFICE CLOSURE OVER THE FESTIVE SEASON:

When planning your lodgements & registrations this Festive Season, please bear in mind that the Cape Town Deeds Registry will be closed from 29th December 2008 (Monday) and will only re-open on the 5th of January 2009 (Monday). Also note that the deeds office will only be open until 10:00 on Wednesday the 24th of December 2008.

COURSE ANNOUNCEMENT: CONVEYANCING COURSE FOR PARALEGALS LEVEL 1 & LEVEL 2

In addition to the Conveyancing Course commencing on 18 February 2009 (Weds), ITA would like to announce the offering of a Monday night course commencing 11 May 2009. Please contact Nailah on nailahj@stbb.co.za for more information on course schedules & availability.

DID YOU KNOW? As from 8 December 2008 all valid monogamous customary marriages are regarded as marriages in community of property, whether or not they were concluded after 15 November 2000.

ADV. GWANGWA – THE REGISTRAR OF DEEDS – PIETERMARITZBURG... (Cont')

(Cont'... from page 1)

institutions would like us to register within 4 days of lodgement. ITA: *Any words of advice for aspiring Registrars of Deeds?* AG: "It is not an easy job. Conveyancing experience is

one of the most important things you will need. I, myself, achieved this only after 12 years. A minimum of 5 years conveyancing exposure (is essential)."

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

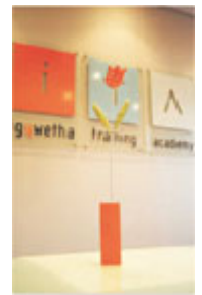
Nicolette ("Nicky") De Beer, a 'born & bred' Capetonian graduated from her BCA/ITA Conveyancing for Paralegals class on 12 November 2008. Nicky, now 28 years old, finished her matric through college while working in retail over weekends. Shortly after completing her matric, and with no prior conveyancing experience, she managed to secure a job as a receptionist at Allie & Associates. She started receiving 'in house' transfers training when Nicky's employer, who belonged to the Black Conveyancers Association, suggested that Nicky also take the ITA Conveyancing course. While taking the ITA course, Nicky was offered a promising position at Parker Khan Attorneys. Nicky's new employer, who also happened to belong to the BCA, was thankfully very supportive about Nicky completing the ITA course.

ITA: *Why did you agree to taking the ITA course?* ND: "Coming from a retail background, conveyancing

was a totally different career path, so I needed some training which would offer me a background in conveyancing. I was extremely motivated and worked hard by always keeping my eyes & ears open [to learn new things in this field]." ITA: *What are your daily duties in your new job?* ND: "I mainly deal with transfers, however, we are on the bond panel, therefore, I also do bonds. I draft documents, liaise with clients, etc." ITA: *What do you like best about the work you do now?* ND: "For me, coming out of a nearly 7 years' retail background, conveyancing gives me an idea of the property world out there. It has really broadened my mind, not having any prior knowledge of what it involves to purchase a property and by learning about the criteria for qualifying for a bond."

ITA: *Is there anything you do not like about conveyancing?* ND: "No, nothing really. Everyday you come to work and there is something completely

different to deal with, so each day is a new learning curve. In the retail world, you are just there because you have to be there. So, it is a totally different experience." ITA: *What plans do you have for your conveyancing career?* ND: "I haven't even thought about that. I would want to further my career, but I am not sure yet when and how." ITA: *What did you enjoy most about partaking in the ITA Conveyancing Course for Paralegals?* ND: "I met friends who work at different firms and it was nice meeting other people who also wished to further their knowledge in conveyancing. We could interact and compare experiences. It was actually nice."



NEWSLETTER



OUT WITH THE OLD, IN WITH THE NEW!

A Message to our Students, Colleagues, & Friends

We are fortunate to enjoy another 'happy ending' to a training year. For this, we thank our sponsoring company, **Smith Tabata Buchanan Boyes**, that has maintained its support and commitment to empowerment by providing previously disadvantaged students with financial support with regard to their course fees. We are also very grateful to the **Bright Foundation Trust** for a generous donation towards student bursary funds; to **Lizelle**, our CEO, for being a visionary in mapping ITA's future growth and for her inspired support and guidance with regard to all ITA's projects; to the energy, teaching passion and skills of **June, Morné, Angie & Ninette**, our part-time lecturers who have committed to the success of our students; to **Nailah** our administration and student liaison officer who provides non-stop one-on-one

support and guidance to students; and lastly to you, **our students** who reward this input by persevering, showing commitment and finally succeeding to master the demanding course work! A very warm and special thanks also goes to: **Willie, Tasneem and Chantal** of the **Black Conveyancer's Association** for their support input and unwavering enthusiasm with the 3rd run of our joint training venture this year! We are looking forward to the 2009 BCA schedule! **The superb ladies at Nedbank Corporate Finance** at the Clocktower branch on the Waterfront for whom we presented a 2 month course earlier this year. It was a privilege to work with such knowledgeable & motivated individuals!

When we reach the end of a year, it is one's experience that four things happen: We

speed up, we take stock, we wrap things up and then, all things being fair, we rest. The first three are almost inevitable, but the fourth sometimes slips away. As you approach the festive season, I hope you take time to let down a bit and rejuvenate. To those who have graduated in this year especially, you have earned your break! When we take stock and wrap up, we acknowledge that 2008 was a challenging year: on the one hand, we were preoccupied with some very important and difficult issues — addressing the severe slowdown in the property market, the effect thereof on the industry generally in South Africa and on training needs, making budget cuts and addressing changing training requirements. At the same time, we continuously worked with the same dedication to deliver our day-to-day duties of providing students with the high quality training and

support they deserve and on which we pride ourselves. And, on the other hand, we never lost sight of ITA's main initiative and goal: to teach real skills, to help and empower our students so that they can find fulfilling employment and add value where they are employed.

These challenges will remain with us in 2009. I am reminded of the pianist who comes to the passage in a Schumann piano sonata marked *'As fast as possible'* which is followed a few bars later with the instruction *'Faster!* I am confident that ITA will play up to the metronome's requirements and enjoy a successful 2009.

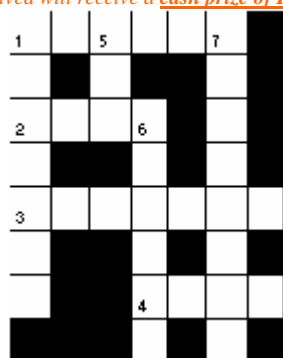
We are looking forward to welcoming our new 2009 students and courses! Until that time, our best wishes for a peaceful and blessed festive season! Best regards,
Maryna Botha - Training & Operations Manager

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

1. A reminder recorded against a property in the deeds office
2. rates/levy charges (split) pro-____
3. To sign next to changes/deletions (short)
4. ____ing-off clause in agreement of sale



DOWN

1. to confirm that a copy is a true copy of the original
5. not subject to transfer duty, but subject to ____
6. To 'take' a property & sell it on public auction
7. In your Will you will be described as the "____"

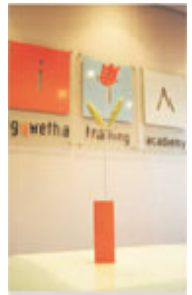
Congratulations to the winners of Issue 3's puzzle!

**ISSUE 3 WINNER:-
Janice De Cerff-Coetzee**
(Class of 03-2007)

ISSUE 3 ANSWERS:-

ACROSS: 1. breach. 2. NCA 3. age. 4. real. DOWN: 1. benefit. 5. examine. 6. clause. 7. recital.

Thanks to all for the tremendous response and good luck with this issue's puzzle!



NEWSLETTER



LEGALEYES – SECTION 11(3)(b) - SCHEDULE OF CONDITIONS

One of the first investigations a conveyancing paralegal must undertake upon receiving a sectional title transfer instruction is to obtain a copy of the respective sectional title scheme's "Schedule of Conditions". This document is also referred to as a "Section 11(3)(b) schedule".

When a developer decides to build a sectional title scheme, it is required by law for him/her to make application to the applicable Deeds Registry for the opening of a sectional title register and for the registration of a sectional plan. One of the items to be included with the application to open a sectional title register is a schedule, certified by a conveyancer, setting out the servitudes and conditions of title burdening or benefiting the land [upon which the scheme is being built]. It is also possible for the developer to impose any other registerable conditions, which conditions must also appear on the said schedule. This requirement is more fully set out in Section 11(3)(b) of the Sectional Titles Act, 1986 (Act No. 95 of 1986) [STA].

From the onset of receiving the transfer instruction, a conveyancing paralegal

should order an information copy of the scheme's schedule of conditions from the applicable deeds registry office. Upon receiving a copy of the schedule of conditions, the paralegal should inspect the contents for any conditions which may impact on the registration of the transfer. We will now briefly discuss two of the most common 11(3)(b) conditions to watch out for.

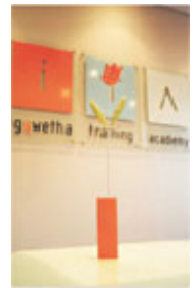
Tie conditions – "Tie conditions" is a conveyancing term used in conventional and sectional title transfers. For the purpose of this article, we are only focusing on the word as it is used in sectional title matters. When a developer imposes a 'tie' condition in a sectional title scheme it usually relates to the developer's requirement for a specific section or exclusive use area to be 'tied' to another section or exclusive use area (i.e. to make it impossible for the one to be sold separately from the other). The paralegal needs to check if there are any such tie conditions and if so, whether they relate to the section(s) and/or exclusive use area(s) in her transfer instruction. If so, the paralegal must draw this to the attention of the

conveyancer immediately. In every sectional title transfer, the conveyancer must [by way of signing a section 15(b)3 certificate] certify that, by passing transfer, no tie conditions are contravened.

Developer's right to extend the scheme – For financial or other reasons, it is often the intention of a developer to build a scheme in phases rather than building the whole scheme all at once. In such an instance, when making application for the opening of a sectional title register, the developer will include a 'right to extend' condition in the scheme's schedule of conditions which will allow him to later 'extend' the scheme [in the prescribed manner]. This condition must, however, stipulate a set period in which this right can be exercised. If the developer's right to extend is secured for a period of 15 years, this means that the developer (or his/her successor in title) may only exercise the right to extend within this period. The period runs from date of the opening of the sectional title register. The STA requires that in all cases where a developer or a body corporate has a real right to extend a scheme, such right shall be disclosed

in the deed of alienation (agreement of sale / offer to purchase) to every purchaser of a section in the scheme concerned. If the paralegal discovers that the scheme's schedule of conditions makes provision for a developer's right to extend [which right has not yet lapsed], the paralegal needs to ensure that this was disclosed to the purchaser in the agreement of sale. If not, the paralegal needs to inform her conveyancer immediately because the purchaser will then have the option to walk away from the agreement. The deeds office requires that the conveyancer must certify the status of any possible rights to extend schemes in the Sec 15(B)(3) certificate lodged with the ST transfer.

We recommend that paralegals consult their conveyancers **early on** in the transfer process regarding any uncertainty about conditions contained in Section 11(3)(b) schedules.



NEWSLETTER



WEDDING WISHES

WEDDING WISHES

ITA's student liaison officer, Ms Nailah Johnstone is soon to be wed! Nailah's special day is planned for 13 December 2008. Nailah is in the throws of planning final touches as her big day draws closer. Nailah, we wish you a uniquely beautiful and memorable wedding day and we wish you and your fiancé a blissful marriage filled with much joy, happiness, and good fortune!

What do you think?

An opportunity to place your vote!

ARE YOU, AS A TRANSFERS PARALEGAL MAKING USE OF THE NEW ELECTRONIC MEANS OF APPLYING FOR RATES CLEARANCE CERTIFICATES?

YES – It is easy and saves time!

NO – I find this to be a duplication of work as you still have to submit a manual copy of the application with your payment.

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!



NEWSLETTER

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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.

