



# NEWSLETTER

### This Issue's Word:

#### acquisitive prescription

*n.* In SA law, a person shall by prescription become the owner of a thing which he has possessed openly and as if he was the owner thereof for an uninterrupted period of 30 years. (Losing that same piece of property is known as extinctive prescription.) This is only a brief description, please consult the Prescription Act 68 of 1969 as amended for more detailed information.

### Inside this Issue

<a href="#">ITA Soon to Offer GREEN Online Classes</a>	1
<a href="#">Congrats to our Grads</a>	2
<a href="#">Iq Crossword Puzzle</a>	2
<a href="#">I ITA'd It!</a>	3
<a href="#">Estate Agent Training Update</a>	3
<a href="#">LegalEyes – Resolutions (cont')</a>	4
<a href="#">Uncommon Property – Conspiracy Theory</a>	5
<a href="#">Snippets</a>	6
<a href="#">About ITA</a>	6

If you have difficulty viewing this publication or if you would like to view this publication with all its "bells & whistles", then please open the attached pdf file. Please [email](#) any comments and/or suggestions to us. Click here to [Unsubscribe](#).

## ITA Soon to Offer GREEN Online Classes!

Imagine not having to leave the comfort of your office or home to attend your ITA classes. Not only will you be saving on transport costs and time, you will also be reducing your carbon footprint on our planet (while ITA does the same)!

ITA has been investigating the options for offering 'on-line' training to students. How will this work? One option is that ITA will be using online 'Classrooms' ('e-classes') made available by a company called Elluminate. These classrooms will allow for a number of students to simultaneously attend an online lecture by simply logging in to the 'classroom' at a predetermined date/time with log-in details furnished by ITA. During the online class, students are able to 'raise their hands' to ask questions by the click of a mouse, and can even interact with the teacher and other students via voice or text! Assignments and notes can also be 'handed out' and shared in this virtual

classroom. What would you, the student need, in order to take part in an e-class? As long as the computer you work on has speakers and a microphone, you will be able to take part, even if you only have a dial up internet connection!

We are also investigating a non-interactive e-learning option which will allow students the same freedom of learning independently at his/her own time/pace and to turn in assignments without having to leave home/the office.

This option will allow students who have access to a computer but do not have speakers and a microphone to conveniently access assignments, notes and other material, and to turn in assignments on-line, however, without the added benefit of participating in an e-class.

We would like to hear from you in this regard. Please

take the time to participate in our survey. To send us your comments, simply select your answer below. Feel free to add any comments, questions or suggestions to your email before sending.

- [Yes, I would be interested in taking part in on line classes and/but...](#)
- OR,
- [No, I wouldn't be able to participate in on line classes because...\(please elaborate why\).](#)

Thank you for your time!

### IMPORTANT REMINDER:

With effect from **1 July 2009**, SARS and the Deeds Office no longer allow amendments on transfer duty receipts. [Read more](#)



# CONGRATS TO OUR GRADS!! A Listing of our Recent Graduating Classes

## Conveyancing

### LEVEL 1 & LEVEL 2

CLASS: 2008/07/14, Monday Evening  
Part-time

GRADUATION DATE: 2009/05/12

- Jill Goldberg (Distinction: top student – received Phillip Steyn Prize)
- Gaynor Adair (Distinction)
- Taryn White (Distinction)
- Iona McLeod (Merit)
- Leonora Fredericks (Merit)
- Shareef Blotman (Merit)
- Zayaan Safter (Merit)
- Mustapha Parker (Merit)
- Imtiaz Adam
- Fazlin Arendse
- Nuraan Samodien
- Ntombi Mclean
- Charlene Prins
- Anastasios Kytides (Level 1)

## Conveyancing

### ESTATE TRANSFERS (LEVEL 3)

CLASS: 2009/02/12, Thursday Evening  
Part-time

GRADUATION DATE: 2009/05/12

- Lamiz Pretorius (Distinction: top student – received Phillip Steyn Prize)
- Wiedaad Bey (Distinction)
- Tracey Imbriolo (Distinction)
- Rebecca Palmer (Merit)
- Christelle Adonis (Merit)
- Berenice Swain (Merit)
- Elana Meyer (Merit)

(cont' in next column...)

Cont' from previous column...

- Katherine Lauff (Merit)
- Nuraan Schonlo
- Wardah Davids

## Conveyancing

### LEVEL 1 & LEVEL 2

CLASS: 2008/02/05, Tuesday Evening  
Part-time

GRADUATION DATE: 2008/11/12

- Cindi Dollman (Distinction: top student – received Phillip Steyn Prize)
- Moreeda Reizenberg (Distinction)
- Jolene Keyser (Distinction)
- Melanie Hendricks (Merit)
- Candice Smith (Merit)
- Kim Masuret (Merit)
- Dorothea (Rita) Douglas (Merit)
- Hilton Morgan (Merit)
- Nomzamo Mali
- Sheyaam Swartz
- Danica Coert

## Conveyancing

### LEVEL 1 & LEVEL 2 [BCA]

CLASS: 2008/02/07, Thursday afternoon  
Part-time

GRADUATION DATE: 2008/11/12

- Christelle Adonis (Merit: top student – received Phillip Steyn Prize)
- Siyaam Karbelkar (Merit)
- Rieyaana Davids
- Renè April
- Chantelle Brand

(cont' in next column...)

Cont' from previous column...

- Rozetta Manuel
- Nicolette De Beer
- Juanita Davis
- Chantal Norman
- Leandra Cloete
- Bronique Cupido
- Jerobium Oppelt
- Eulene Smith
- Phindiswa Thamane
- Tramaine Swartz

## Conveyancing

### LEVEL 1 & LEVEL 2

CLASS: 2008/04/16, Wednesday  
Evening Part-time

GRADUATION DATE: 2008/11/12

- Tracey Imbriolo (Distinction: top student – received Phillip Steyn Prize)
- Surasha Naidoo (Distinction)
- Shahnaaz Jansen (Distinction)
- Katherine Lauff (Distinction)
- Cindy Patience (Distinction)
- Raphael Roems (Distinction)
- Feroz Bawa (Distinction)
- Gretchen Nyhoff (Distinction)
- Amina Hughes (Merit)
- Inge Hendrickse
- Fiona Bobbs
- Fatima Dramat
- Priscilla Jardine
- Thato Tsilo
- Janine Siebrietz (Distinction for Level 1)

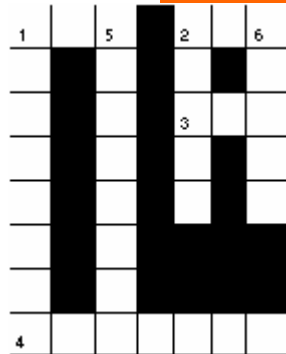
## Iq Crossword

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

- Homeowners Assoc (Abbr)
- Certificate for Consolidation of Properties (Abbr)
- Act mainly dealing with conveyancing matters (Abbr)
- Once-off power of attorney is a \_\_\_ Power of Attorney



### DOWN

- units of measure used to measure properties that are 1000+square metres in size.
- Used on lodgment covers to identify type of deed lodged
- To sell land
- To trace the whereabouts of a lodged deed.

**Congratulations to the winners of V2 Issue 1's puzzle!**

### V2 ISSUE 1 WINNERS:-

**Aziza Sydow** (Class of 05-08);  
**Monique Beukes** (Class of 10-07 & 05-08) & **Mauritia Isaacs**

### V2 ISSUE 1 ANSWERS:-

ACROSS: 1. FICA. 2. panel 3. two. 4. SK. DOWN: 1. fixtures. 4. Capital. 5. endorse. 6. validity.

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



NEWSLETTER



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

**Katherine Lauff** is no stranger to ITA. On the night of the 12<sup>th</sup> of May 2009, Katherine graduated from ITA's Estate Transfers Course (Level 3) with merit. This, following on her completion of the Level 1 and 2

Conveyancing for Paralegals course from which she graduated on 12 November 2008 and in which she received a distinction, placed 4<sup>th</sup> at the top of her class!

We caught up with Katherine early one morning before she started her busy working day. Katherine has been working at Greeff Properties in the Southern Suburbs for 7 years already. Currently fulfilling the position of sales administrator, Katherine says she thoroughly enjoys her job and the challenges that go along with it. KL: "I enjoy the interaction with people and assisting the agents with ensuring that our transfers proceed as smoothly as possible. I (also) enjoy problem solving to ensure that everyone is happy at the end of the day." ITA: *What are your general duties as sales administrator?* KL: "(As sales come in) I track transfers. I liaise with attorneys on a daily basis, invest deposits, and also load

buyers (on our database). I basically manage the pipeline, making sure that sales go through smoothly. I also assist buyers and sellers, and the agents on the admin side."

ITA: *What made you decide to take the ITA Conveyancing Course?* KL: "I wanted to gain further knowledge in conveyancing, enrich my mind and gain a better understanding of what happens in attorney firms on a daily basis." ITA: *How did you find the Conveyancing course?* KL: "I found it helpful and thoroughly enjoyed the lectures. The reading material was interesting and informative. I would definitely recommend the courses to others. I really enjoyed the practical side and found it very useful. It makes it so much easier when I speak to a paralegal because I now know what she is talking about." Katherine added that the Conveyancing Course gave her insight in the 'goings-on' at law firms and an understanding of the legal jargon. She said that this enables her to guide the estate agents accordingly where they need assistance. ITA: *And what about the Estate Transfers Course*

(Level 3)? KL: "It was very challenging, but very interesting. I am glad I proceeded to the Level 3 course because I do deal with some estate transfers and it helps when I am dealing with the attorneys." Katherine added that it was also tough because, at the same time, she was working to qualify for her NQF Level 4 'Further Education & Training: Real Estate' qualification by undergoing the new Estate Agency Affairs Board "RPL" process. ITA: *What are your aspirations for the future?* KL: "As I have been working for Greeff Properties for 7 years now, I would like to continue growing in the company. Maybe, one day when I am brave enough, I will tackle an LLB degree ☺." KL: **"I just have to add that the lectures were very worth- while and informative. The lecturers were patient and made the experience interactive and fun. They always made sure that everyone understood what was going on and I really appreciated that!"**

ITA: Thanks for your time Katherine! We will now let you get back to your busy day. Be warned, though, we might contact you again soon

to ask you more about how you found the Estate Agency Affairs Board's RPL process!

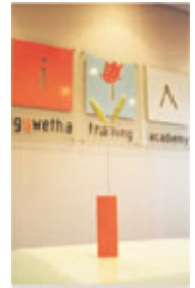
### Estate Agent Training Update:

On 17 April 2009, The Estate Agency Affairs Board (EAAB) issued a study guide for persons wishing to qualify as non-principal estate agents.

This new qualification is called the Further Education and Training Certificate: Real Estate. It is a National Qualification Framework ('NQF') Level 4 qualification.

[Read here](#) for a recap on the comparison between the new criteria for qualifying and the old dispensation.

A study guide for persons wishing to qualify as a principal estate agent (NQF Level 5) will hopefully be published soon.



NEWSLETTER

# LEGALEYES – RESOLUTIONS [Part 2 of 2]

In our last student newsletter ([Volume 2, Issue 1](#)), we gave an overview of how entities use resolutions to formalize and record their decisions. At the end of the article, we left the reader with some questions to be answered in this issue. These are:-

**1. When must SHAREHOLDERS (as opposed to just directors) of a company sign a resolution?** If the company (by selling the property/ies in question) is disposing of substantially the whole of the assets of the company, then the shareholders must 'ratify' this decision by signing a resolution authorizing the directors' decision. (*For more on 'ratify' see question 2 below*). The resolution must also be registered with the Registrar of Companies. In addition, sometimes a company's founding documents stipulate certain other instances in which the shareholders must ratify certain decisions, in which case the paralegal needs to ensure the resolution is obtained.

**2. What does 'ratify' mean and when does it apply?** To 'ratify' means to approve or confirm a decision that has already been made by another. A person acting on behalf of an entity needs to

have the authorization to do so. Such authorization must normally be furnished by the other decision-makers of the entity (usually the directors of company or members of a cc).

It often occurs that such decisions are only formalized / recorded by way of written resolutions AFTER the act has already been committed [for example, the signing of an agreement of sale of immovable property by a representative of the entity before the formal resolution was signed]. The signing of a resolution by the remaining decision-makers (members/directors), AFTER the act [*committed by the single representative (director/member) on behalf of the entity*], is referred to as ratification. As a precaution, an experienced paralegal should add a phrase to his/her standard company/cc resolution stating that all documents that have already been signed by the specified representative / decision-maker, is hereby (by signing of the resolution by all directors or members) ratified. One must ensure that the entity's founding documents permit the act of ratification and that no legislation is being contravened by such ratification. Please consult your conveyancer regarding

how to include such a phrase into your standard resolution, remembering that when dealing with a trust, the option of ratification is not available. (*With a trust, the decision must always be authorized BEFORE entering into the transaction.*)

**3. Do I need to obtain a resolution if I am dealing with a partnership?** Legally speaking, no. However, it is advisable to draft your standard resolution for the partners to sign (and to keep this on file).

**4. Must I obtain the ORIGINAL signed resolution for my file or will a copy do?** Although a copy is in order for your file, your conveyancer should see the original.

**5. When drafting a resolution, how do my dealings with a trust differ compared to other entities?** Unless all trustees signed the agreement of sale at the time of contracting (whether the trust is the seller or purchaser) it is necessary for the trust to authorize the transaction IN WRITING, by way of a written resolution signed by ALL trustees ***PRIOR*** to its duly authorized representative(s) entering into the transaction. The same applies to the signing of the conveyancing documents.

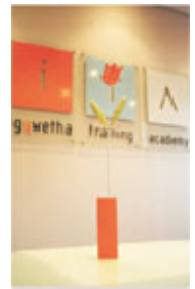
**6. In which case(s) will it NOT**

**be acceptable for a resolution to be signed AFTER the entity's representative has already signed the sale agreement and/or transfer/bond documents?**

When the party to the transaction is a trust; or where the party is another type of entity of which the founding document(s) (or legislation) specifically prohibit ratification.

**7. Can a Power of Attorney be used to substitute a resolution?** This is not necessarily prohibited, but is not common practice either. If your client (the entity in question) furnishes you with a general or special power of attorney that authorizes the entity or trust to enter into the agreement and/or appoints someone to sign documents on behalf of the trust/company, then such Power of Attorney must be signed by all directors (and shareholders – if applicable) if the entity is a company; or by all trustees, if the entity is a trust, or by all members, if the entity is a cc.

If the Power of Attorney in question is not signed by all members/directors/trustees, then a written resolution needs to be in place which authorized the signatory that appears on the Power of Attorney to sign the Power of Attorney on behalf of the entity.



NEWSLETTER



## UNCOMMON PROPERTY – A CONSPIRACY THEORY

As a paralegal, you will inevitably deal with clients that are trusts. [In Issue 10-2009 of our Property Law Service, we reported on a recent court case](#) which involved the property of a trust being erroneously transferred to a new owner, without the trustees of that trust even knowing about it! How can such an error occur?

**Facts:** The case involved the sequestration of a trust and the subsequent transfer of a property believed to be owned by the trust to a new owner. However, unbeknownst to the parties involved, there were two trusts with the same name, namely the Bezuidenhout Trust. Both had immovable properties registered in their names at a time when the deeds office did not require the number of the trust to be reflected on the documents lodged with them. This was the position prior to 1998. On (incorrect) instruction of the trustees, transfer of ownership in the property belonging to the solvent Bezuidenhout Trust was passed to the Purchaser instead of transferring the property of the insolvent Bezuidenhout Trust.

Presumably the error occurred when the trustees of the insolvent trust incorrectly identified and sold property which they believed belonged to the insolvent Bezuidenhout Trust. The judgment does not indicate how the error manifested itself initially, but in this article, we will focus on how the error could have been avoided from

a conveyancing perspective.

### How to avoid the conundrum:

When receiving a transfer instruction of any nature, the appointed paralegal/conveyancer should inspect the documents almost assuming there will be errors or omissions. You must generally ask the following questions: Did the estate agent fill in the property details correctly?; Were the persons who signed the agreement of sale duly authorized to do so?; Is the date of sale prior to the date of expiry of the agreement?; Are all changes to the agreement initialed by all parties?; Are there tie conditions or other title conditions that the seller or agent may not have been aware of?; Has the bond approval date already lapsed?; and so forth.

The same applies when a paralegal conducts deeds office and CIPRO searches. Ask yourself: Could the owner own multiple units within the same sectional title scheme and does he have his section and exclusive use numbers right?; Could there be more than one owner registered in the deeds office with the same name?; Are the directors who signed the agreement of sale the same persons who are/were registered as the directors at the time the sale took place?; Does the information reflected on your deeds office search result reflect any errors (spelling of name, wrong digit in registration number, etc)?; and so forth.

If the seller is a trust and your deeds office search result shows no trust number for the trust, immediate warning signals should go off in your

head: "There is a real chance here that an error in identification of the trust and property could have been made... even more so because the trust name is so common." There are a few simple things you can do to check this. First thing to remember is when you do your deeds office search under the name of the trust, do a very broad search (ie for Bezuidenhout Trust, simply insert 'bez' as the search criteria. In this way you will have more search results). Open all listed results to compare. If there is more than one result for the same (or very similar/registration number) name, inspect them all. It should go without saying that if your transfer instruction includes a request to apply for a replacement copy of a lost title deed and the trust number does not appear in the deeds office, you should notify the person who gave you the instruction that you came up with more than one result and you need confirmation that the correct property / trust is being dealt with. As an added measure, check the dates of registration of the holding deed compared to the date the trust was established. Also check the trust deed and trust number as filed in the Master's office.

It is unlikely that this error will occur if you are dealing directly with the trustees of the trust as they should certainly notice when signing transfer documents (and Regulation 68(1) application) that you have specified the incorrect property and, in any event, you would have been able to compare the property description in the deed of sale against the property description in the deeds office. Regardless of the chances, you should always approach each transaction with a suspicious mind.

### REMINDER!

**New VA Procedure at the Cape Town Deeds Registry** came into effect on **04 May 2009**. [Read here](#) for a summary of the changes.

**FURTHERMORE, as from 25 May 2009**, all VA applications (title deeds and bonds) lodged for bonded property (where it is alleged that the deed was kept by the bondholder), must be accompanied by a letter from the bondholder on its letterhead stating that a search has been done and that the bond or title deed is not in its possession and has been lost. This new rule does not apply to 68(11) applications (lost bonds being simultaneously cancelled).

IGNIPPTA

## ITA's Student Newsletter in Spotlight

<p>It looks like our student newsletter is becoming famous!☺ Recently at one of the Pietermaritzburg deeds office information days, our newsletter containing the article on the</p>	<p>new PBM Registrar of Deeds was included as part of the marketing material which was handed out to visitors. We are proud to get our name "out there"!</p>	<p>Please continue to send us <a href="#">your comments, ideas and criticisms</a> so that we may continue to offer you a valuable publication!</p>
--	--	--

## What do you think?

An opportunity to place your vote!

<p>NOWADAYS, PARALEGALS RELY HEAVILY ON COMPUTER PROGRAMS TO GENERATE DOCUMENTS. WOULD YOU LIKE TO ATTEND A SHORT COURSE ABOUT THE BASICS OF DRAFTING DOCUMENTS FROM SCRATCH?</p>	<p><input type="checkbox"/> <a href="#">YES, I think it will be a valuable asset for me to know how to cope without the luxury of such programs!</a></p> <p><input type="checkbox"/> <a href="#">No need for course on how to draft documents manually</a></p>	<p>We at ITA value your opinion. Feel free to <a href="#">express yourself freely by sending us an email</a>. Your interesting comments / feedback could be published in one of our future newsletters!</p>
---	--	---



NEWSLETTER

**Igqwetha Training Academy (Pty) Ltd**  
 2004/010167/07  
 3rd Floor Southern Life Centre  
 Riebeeck Street, Cape Town

**Phone**  
 (021) 419-7844

**Fax**  
 (021) 419-7845

**E-mail**  
[lizellek@stbb.co.za](mailto:lizellek@stbb.co.za) &  
[marynab@stbb.co.za](mailto:marynab@stbb.co.za)



igqwetha training academy

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

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.

