PJC Attorneys

Registered as PJ Coetzee Attorneys trading as PJC Attorneys

Transfers Auctions Properties

PJC Attorneys

Registered as PJ Coetzee Attorneys trading as PJC Attorneys

Transfers Auctions Properties

The Process followed in Tranferring a Property from the Seller to the Buyer

Process followed in Transferring a Property

Introduction.

PJ Coetzee was admitted as an Attorney in 2002 and as a Conveyancer in 2006. PJ Coetzee has been practicing for his own account since 2007.

PJC Attorneys specialises in the transferring of properties and would like to offer you assistance in this regard.

The Process starts once the Buyer or the Seller submits an Agreement of Sale/Offer to Purchase to PJC Attorneys. The contract can be uploaded onto this website or be send via e-mail to info@pjcgroup.co.za.

In order for PJC Attorneys to effectively and timeously advice the Buyer or the Seller on the legal implications of the contract, it has to be submitted before signature thereof.

The Buyer or Seller is also more than welcome to request that an Agreement of Sale/Offer to Purchase be drawn-up by PJC Attorneys.

You are about to sign a legally binding contract, you should remain calm, get well informed and not get pushed around by other parties involved in the process.

Each transfer is unique in that each one is based on a different set of facts or circumstances. For example, it's a cash purchase or a bond is applicable, the Buyer is from Cape Town and the Seller from Pretoria, the property is being governed by a Body Corporate or has a normal street address. Therefore, each transfer should be dealt with by the Attorney dealing with the specific transfer as a unique project. It makes the work challenging yet interesting and exciting.

PJC Attorneys does transfers in collaboration with its Correspondents. Currently we focus on Pretoria, Potchefstroom and Klerksdorp as we are able to personally approach the different municipalities or body Corporates should the need arise. Properties from these cities are registered in the Deeds Office in Pretoria and we are specifically geared to deal with such transfers.

We make use of the latest technology. New developments in software enables us to connect our workstations online. Your transfer documents will be prepared by a team; the team members double-checks each other and this ensures great service delivery. We sometimes make video calls (Zoom or Google Meet) to our clients. People do business with people and sometimes clients enjoy being familiarized with the process that is followed.

PJC Attorneys has had a good working relationship with the mentioned Correspondents since 2007. In collaboration we have dealt with estates, transfers and litigation. We trust each other and work as a team in order to provide our clients with utmost service delivery. My Correspondents have a "well-oiled machine" and personnel with years and years of experience in the Deeds Office. Their Deeds – section is managed by Barend who was an Examiner in the Deeds Office and they have 3 ladies attending to transfers and 8 typists.

Before documents are lodged with the Deeds Office in Pretoria, they double- check all such documents. After lodgment, they monitor the progress of the documents on a daily basis and keep me updated.

Conveyancing fees are based on the value of the property that is being transferred. The fact that more than one firm collaborates in transferring a property has no cost implications. In fact, it only benefits the parties involved as not one person but a team actually attends to the completion of the process in a sufficient and timeously manner.

The Process is herewith detailed, from the initial signing of an Offer to Purchase to the Registration of the Property in the Buyer's name:

Step 1: Signing of the Offer to Purchase

A mandatory Property Condition Report in terms of the Property Practioner Act No 22 of 2019 should be provided by the Seller to the Buyer before the Buyer signs an Offer to Purchase.

Should it be required, PJC Attorneys will provide the parties with a proforma Property Condition Report and or an Offer to Purchase. Before an offer is made or accepted, the applicable Offer to Purchase should be send via e-mail to info@pjcgroup.co.za or uploaded onto the website of PJC Attorneys namely: (www.pjcgroup.co.za). (Before signature).

The party who uploads the document will be advised timeously and accordingly. A valuation of the property by a well-respected entity will be made available.

Most Estate Agents use standardised contracts and these contracts normally includes the following:

- A description (address and erf number) of the property and the purchase price.
- Terms on which the purchase price is payable by the Buyer (cash or a bond etc.).
- Conditions of Sale (Mostly standardised).
- Special Conditions (If applicable).
- An expiry date of the offer to purchase.

Step 2: Appointment of the Transfer Attorney

The Seller appoints the Transfer Attorney by nominating the Attorney in the Offer to Purchase. The Buyer and or the Estate Agent are welcome to advise the Seller with regards to the Attorney being appointed to transfer the Property. The Buyer pays the Transfer Costs.

- The Transfer Attorney prepares the applicable documents and coordinates the transfer process between all the different parties (Seller, Buyer, Bond Attorneys (If applicable), Bond Cancelation Attorneys (If applicable), the Estate Agent (If applicable), the Body Corporate (If applicable), the local Municipality.
- He or she ensures legal compliance and prepares the necessary transfer documents for signature by the Seller and the Buyer.
- He or she obtains the applicable cancellation figures and verifies that all the financial

- requirements are met with the Local Municipality and the relevant Body Corporate (If applicable).
- He or she attends to bank guarantees that may apply (Cash Buyer).
- The Transfer Attorney oversees and coordinates the process in the deeds office in collaboration with the Bond Attorneys and the cancellation Attorneys (If applicable). Upon the successful registration of the transfer in the deeds office, bonds are cancelled or registered (If applicable) and the Transfer Attorney makes the appropriate payment to the Seller.

Step 3: Signing of the Transfer Documents

PJC Attorneys makes use of e-mails, courier services and or correspondent to ensure that all documents are signed at the convenience of the parties involved.

Documents prepared by us:

Local Municipalities and Body Corporates (If applicable)

- Applications with regards to Clearance Certificates.
- Clearance Certificates (If applicable).
- A Power of Attorney for signatures from the Body Corporate (If applicable).

For the Seller

- An Offer to Purchase (If applicable).
- A Power of Attorney.
- FICA affidavits.
- Transfer duty declarations.
- Other declarations and certificates (If applicable).

For the Buyer

- An Offer to Purchase (If applicable).
- FICA affidavits.
- The account payable.
- Transfer duty declarations.
- Mortgage loan documentation (If applicable).

Step 4: Transfer fees payable by the Buyer

Transfer fees include the following:

- Purchase price (Cash transaction).
- Conveyancing fees based on property value (It is explained in the introduction that multiple firms working on a transfer does not increase the cost of such a transfer).

- Deeds Office fee.
- Rates Clearance Application fee (Municipality, Body Corporate (If applicable)).
- Pro rata levies for Clearance Certificates (Municipality, Body Corporate (If applicable)).
- Electronic document generation fee.
- Deeds Office search.
- Postages and Petties
- FICA Identification and Verification fee
- Fee for submitting Transfer Duty.
- Transfer Duty (Transfer duty is a tax paid to SARS calculated on the property’s purchase price. The Buyer pays the required amount upon which the Transfer Attorney applies for a transfer duty receipt from SARS. The receipt is mandatory for property registration; a table of current rates will be made available upon request)
- 

Step 5: Lodgment of Documents at the Deeds Office

Once all payments are received and documents are signed, the Transfer Attorney:

- PJC Attorneys and its Correspondents “double-checks” the signed documents and ensures all financial aspects of the transaction are in order.
- Collects the applicable certificate of compliance from an electrician or Estate Agent.
- Collects the Clearance Certificate from the Municipality.
- Collects the Clearance Certificate from the Body Corporate. (If applicable).
- In collaboration with the Bond Attorneys and the Cancelation Attorneys submits all documents to the Deeds Office for registration.

Step 6: Registration of the Deed.

- Upon successful lodgment in the Deeds Office, the documents will be examined by multiple examiners at different levels in the Deeds Office. We follow the progress between the different levels on a daily basis. The process normally takes about 8 to 10 working days.
- The documents then go onto “Prep”. At this stage, we as the conveyancing team are very relieved as it indicates everything is in order and we can register the transfer.
- Simultaneously upon registration:
  1. Any existing bonds are cancelled and the payment of outstanding amounts are correlated (If applicable)
  2. A new bond is registered and the financial implications are correlated (If applicable).
  3. The property is registered in the Buyer’s name (New deed registered).
  4. The Seller receives the proceeds from the sale!

An Approximate Property Transfer Timeline

Phase	**Timeframe**	**Key Activities**
Initial Phase	1 to 2 weeks	OTP Signing, home loan application
Documentation	2 to 3 weeks	Document preparation, FICA verIfication
Financial Phase	2 to 4 weeks	Payment Transfer Duty, Rates, Clearance CertIficate
Lodgment	1 to 2 weeks	Document submission to the Deeds Office
Registration	8 to 10 working days	Examination and registration
Total Timeline	2 to 3 months	Full transfer process