

INTERPROVINCIAL APPORTIONMENT GUIDELINES:

CONVENTIONAL DEEDS

CPI REFERENCE: JANUARY 2017

Following the guideline changes, the LSSA Council has recommended that the guidelines set out below should, unless otherwise agreed, apply in respect of all conveyancing work performed in one Province on instructions received from a practitioner in another Province and for which such instructions were received by the instructing practitioner on or after the date when these Guidelines come into effect. This apportionment serves as a guideline only and conveyancers are free to negotiate the apportionment as they see fit.

DEFINITIONS

For the purpose of this tariff:

"Preliminary work", where referred to in this guideline shall mean and include: The taking and giving of instructions; preparation and attending signature of all powers of attorney; declarations, affidavits, resolutions and other necessary preliminary and ancillary documents, such as extracts from a company's memorandum and articles of association; payment of transfer duty and of all rates levied by any lawful authority; obtaining or making all clearance or other certificates; the obtaining of endorsements or copies of documents from the office of the Master or other public office (except where otherwise provided); the making of all financial arrangements, including the provision and perusal of guarantees and attending on payment in terms thereof; all relevant correspondence; or such of the above work as may be necessary.

"Preliminary work" shall, however, not include any attendances in connection with the drawing and execution of general powers of attorney; deeds of sale, deeds of exchange; preliminary partition agreements; with regard to any lease, servitude, prospecting contract or donation and documents of a similar nature; and documents for which a special fee is provided in this guideline.

"Final work" shall mean and include: The drawing and preparation of any documents for execution or registration at a deeds registry; obtaining registration thereof; arranging simultaneous lodgments with another conveyancer or conveyancers where necessary; giving all references required by the deeds office for examination purposes and all attendances at the deeds office; and correspondence in connection with registration. "Final work" shall not include any separate act of registration of any other document which may be necessary before

or in connection with the first mentioned act of registration or for which special provisions is made in the guideline.

"Lodgment": Wherever in this guideline a specific or proportionate fee is provided for lodgment it shall mean the fee payable by the instructing practitioner to the instructed practitioner for all attendances in connection with the lodgment of any document, including arranging simultaneous lodgments, giving necessary references, and all other attendances and correspondence in connection with such lodgment and registration and shall be payable out of the total fee.

NOTES

1. All references hereunder to sections and/or items shall relate to the guideline recommended by the various Provincial Law Societies.
2. Where a deed of transfer, a partition transfer or a mortgage bond is drawn, complete in every detail, and prepared by one conveyancer and is merely lodged and executed by another conveyancer, the instructing conveyancer shall be entitled to 85% and the instructed conveyancer to 15% of the total fee, provided that -
 - 2.1 If such deeds are rejected by the deeds office by reason of a note or notes raised against such deeds which is/are incapable of being remedied on preparation/rectification and such deeds will have to be relodged, or where the instructing conveyancer expressly requested the instructed conveyancer to check such deeds and documents, and the deeds and/or supporting documents are patently incorrect or incomplete and would have been rejected, the instructed conveyancer shall immediately communicate with the instructing conveyancer and by arrangement, either
 - 2.1.1 return the deeds to the instructing conveyancer to be redrawn and reprepared, in which event, the instructed conveyancer shall be entitled to 20% of the fee, or
 - 2.1.2 the instructed conveyancer shall redraw and reprepare the deed in which event the instructed conveyancer shall be entitled to 25% of the total fee if

the rejection was a result of a simple error and 33,3% of the total fee if the rejection was as a result of errors other than a simple error.

- 2.2 If the conveyancer expressly requested the instructed conveyancer to check such deeds and supporting documents, the instructed conveyancer shall be entitled in any event to 20% of the total fee and if such deeds and documents would have been rejected, the instructed conveyancer shall immediately communicate with the instructing conveyancer and by arrangement proceed as in 2.1.1 or 2.1.2.
- 2.3 If the instructed conveyancer attends to any matter on preparation/rectification as the case may be, which is covered under the item "apportionment of fees for preliminary work", he shall charge such fee.
3. Where the instructing practitioner merely takes instructions from his client and thereafter sends his whole "file" to the instructed conveyancer who then does all the work, the former shall, as a general rule, be entitled to 20% and the latter to 80% of the fee where the fee is divided on a percentage basis as set out hereunder.
4. Fees and percentages specified herein shall be nett and shall not be subject to any allowance.
5. **APPORTIONMENT OF FEES FOR PRELIMINARY WORK**

Where a practitioner who attends to the preliminary work in connection with any conveyancing matter requests another practitioner to do part of that preliminary work, the former shall from his share of the fees pay to the latter the amount set out hereunder:

- I. (a) Obtaining all necessary endorsements from the Master for any number of certificates which are or can be applied for simultaneously

per estate

R1280

- (b) Furnishing a certificate in terms of Section 42(1) of the Administration of Estates Act, 1965, including investigations and attendances on Master's Office

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per estate R1280

- (c) Obtaining copies of all necessary documents which are or can be included in one application Hieta57

per estate R480

- II. Obtaining copies of documents required for lodgment in the deeds office which are or can be included in one application (inclusive of searches)

per application R480

- III. Obtaining a clearance or other similar certificate from a public or local authority or a body corporate

per certificate R480

- IV. Attending on payment of transfer duty or VAT and uplifting receipt or obtaining an exemption certificate R480

- V. Any other attendance per quarter hour or part thereof

R220

Reporting per folio R160

- VI. Furnishing a conveyancer's certificate or drawing any document not provided for elsewhere in this guideline

R220

- VII. Perusing and certifying a guarantee for payment

R320

The above fees shall be nett.

6. **APPORTIONMENT OF FEES FOR "FINAL WORK" AND "LODGMET"**

For attendances in order to have any conveyancing matter expedited, restored or put forward for execution, including completion of application forms and searches in connection therewith.

R640

The above fees shall be nett.

APPORTIONMENT

SECTION I

A. CONVEYANCE OF OWNERSHIP OF IMMOVABLE PROPERTY (OTHER THAN PARTITION TRANSFERS)

(a) Conveyance by means of a deed of transfer:

Preliminary work	66.6%
Final work	33.3%
Lodgment	15%

(b) Conveyance in terms of the second proviso to Section 16 and in terms of Sections 31, 45 and 45 bis of the Act; bonds excluded:

Lodgment	15% with a minimum of	R320
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B. LEASEHOLD AND UPGRADING TRANSACTIONS (OTHER THAN BONDS)

1. Certificate of Registered Grant of Leasehold.

(Total fee –R1000)

Preliminary work	66.6%
Final work	33.3%

Where **Instructed Conveyancer** merely lodges such certificate:

Lodgment	R320
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2. Certificate of Ownership

(Total fee –R1700)

Preliminary work	66.6%
Final work	33.3%

Where **the instructed conveyancer** merely lodges such certificate:

Lodgment	R320
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3. Transfer of a Right of Leasehold

Preliminary work	66.6%
Final work	33.3%

SECTION II: ENDORSEMENTS OF TITLE DEEDS OR BONDS IN TERMS OF SECTIONS 24 BIS (2) AND 25(3) OF THE ACT AND IN TERMS OF THE ADMINISTRATION OF ESTATES ACT 1965

Lodgment	R320
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SECTION III: PARTITION RECTIFICATION AND EXCHANGE TRANSFERS

Preliminary work	40%
Final work	60%
Lodgment	15%

SECTION IV: CERTIFICATES OF TITLE

(a)	Preliminary work	40%
	Final work	60%

(b)

Lodgment

R320

[SECTION V: DEREGISTRATION OF MINERAL RIGHTS

[OMIT]

SECTION VI: MORTGAGE BONDS

Preliminary work	66.6%
Final work	33.3%
Lodgment	15%

SECTION VII: NOTARIAL BONDS

Preliminary work	60%
Final work	40%

When the deed is drawn and attested by the instructing notary:

Lodgment	R320
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SECTION VIII: MARRIAGE CONTRACTS

Preliminary work	60%
Final work	40%

Where **Instructing Attorney** prepares and executes the contract:

Lodgment	R320
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SECTION IX: OTHER NOTARIAL DEEDS

Item 1 & 2: (a)	Preliminary work	60%
	Final work	40%

(b) Where instructing notary prepares and executes the deed:

Lodgment	R320
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SECTION X: CANCELLATION OF BONDS, ETC

Item 1(a):	Lodgment	R320
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Item 1(b):	Lodgment	R160
Item 1(c):	Instructed conveyancer	Nil
Item 2,3,4:	Lodgment	R320
Item 5:	Instructed conveyancer	Nil
Item 6(a):	Instructed conveyancer	R480
Item 6(b):	Instructed conveyancer	R260

Section XI: MISCELLANEOUS

Item 1:	Preliminary work	33,3%
	Final work	66,6%
Item 2:	Lodgment	R320
Item 3:	Preliminary work	33,3%
	Final work	66,6%
Item 4, 5(1)(a) & (b), 5(2), 5(3), 5(4), 6, 8, 9:		
	Instructing practitioner	50%
	Instructed practitioner	50%
Item 7:	Lodgment	R320
Item 10(a), 10(b), 11(a), 11(c), 12(a), 12(b), 13:		
	Instructing practitioner	33,3%
	Instructed practitioner	66,6%
Item 11(b):	Instructed practitioner	R640
Item 11(d):	Instructed practitioner	R640
Item 11(e):	Instructed practitioner	R320
Item 14:	Instructing practitioner	50%
	Instructed practitioner	50%