



VAN DER WALT & HUGO

PROKUREURS, AKTEVERVAARDIGERS & NOTARISSE
ATTORNEYS, CONVEYANCERS & NOTARIES

EST. 1976

FIELDS OF EXPERTISE

- Conveyancing
Property Transfers; Opening of Sectional Titles; Subdivisions & Consolidations
- Bond Registrations
Standard Bank (Developments), First National Bank, ABSA Bank, Nedbank, SA Home loans, Private Bonds
- Bond Cancellations
Standard Bank, First National Bank, ABSA Bank, Private Bonds
- Estates
Administration of Deceased Estates; Wills & Estate Planning
- Notarial Practice
Antenuptial Contract; Notarial Bonds; Notarial Cessions
- General Litigation & Commercial law
- General Legal Advice

OUR SERVICES

As a service driven firm, we focus on offering personalised service to all individuals as well as to businesses of all sizes. As a commercial law firm and conveyancing specialists, we offer a full spectrum of legal services. These services are structured into two main business divisions:

- Conveyancing and Bonds
- Litigation and Dispute Resolution.

OUR DIFFERENCE

Van der Walt & Hugo Incorporated is a well-established law firm specializing in all conveyancing related matters, bond registrations and bond cancellations.

All our directors, attorneys and support staff at Van der Walt & Hugo Incorporated are property law specialists. We truly appreciate the importance of high quality legal work and professional timely service.

We believe in following a holistic approach to ensure that our clients receive the best advice at all times.

Through our effective network of associates and correspondents, we can respond swiftly to address the needs of our clients locally and nationally. At Van der Walt & Hugo Incorporated, we are a team that enjoy and take pride in what we do.

WHO WE ARE

In 1976 Braam Van der Walt founded Van der Walt Attorneys as a sole proprietorship. The practice expanded to such an extent that it was one of the first firms on the bond panel of Volkskas Bank Limited. Mr. Hugo joined the firm at a later stage. The practice was incorporated during 1996 and then became Van der Walt & Hugo Incorporated. The firm currently serves on the bond panels of ABSA Bank Limited, Standard Bank of South Africa Limited (Developments), Nedbank Limited, First National Bank Limited and SA Home Loans.

Karina Harmse and Johan Pienaar joined the firm as directors during 2015, and Julie Meso during 2019. We now cover the whole of Centurion, Pretoria and Pretoria North.



MEET THE TEAM



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CERTIFICATES OF COMPLIANCE

CERTIFICATE	LAW APPLICABLE	PURPOSE [what must it certify]	VALID FOR	CAN BE WAIVED BY THE BUYER	WHO MUST ISSUE IT	WHEN MUST IT BE PROVIDED
ELECTRICAL	Occupational Health and Safety Act, 1993 - Electrical Installation Regulations 2009	Safety of the electrical installations on the property and compliance with the South African National Standards 10142-1	Two years	Yes	A registered person in terms of Regulation 11 or Regulation 9 of the electrical Installation Regulation, 2002	Before registration of transfer or occupation
ELECTRICAL FENCE	Occupational Health and Safety Act, 1993 - Regulation 12 of the Electrical Machinery Regulations	Safety of the electrical installation of an electric fence system.	Two years	Yes	A registered person in terms of Regulation 11 or Regulation 9 of the electrical Installation Regulation, 2002	Before registration of transfer or occupation
GAS	Occupational Health and Safety Act, 1993 -Pressure Equipment-Regulations 2009	The gas system was inspected, The leaktest was performed and the gas system is safe.	No legal requirement, but customary to require one not older than 1 years	Yes	A person registered with the Liquefied Petroleum Gas Safety Association of Southern Africa	Before registration of transfer or occupation
BEETLE	Occupational Health; Only applicable to coastal properties such as Western Cape or Kwazulu-Natal	That the property is beetle free.	Normally 3 to 6 months	Yes	Usually an entomologist, but it will depend on agreement between parties	Before registration of the transfer
PLUMBING	City of Cape Town Metropolitan Municipality Water By-Law	The water installation conforms to the National Building Regulations; no defect in water systems; the water meter registers; no discharge of stormwater	No legal requirement	Yes, the by-law only requires the seller to submit the certificate to the City Council and not to the buyer	An accredited plumber	Before registration of transfer
INVASIVE SPECIES	National Environmental Management: Biodiversity Act 2004 [Act 10 of 2004] and regulations promulgated thereunder	Prohibition of invasive species	No legal requirement	Yes	Department of Environmental Affairs	Before registration of transfer



TRANSFER PROCESS

Step 1 :

Receive sale agreement; notify all parties and request necessary documents from parties.

Step 2 :

Upon confirmation and acceptance of bond approval, request cancellation figures from Bond holder, rates and /or levy clearance figures from Local Authority and / or Managing Agent.

Step 3 :

Draft and Prepare the transfer documents and arrange the signing thereof.

Step 4 :

On Receipt of cancellation figures, request guarantees from Bond Attorney (if applicable).

Step 5 :

Receive costs from the Purchaser and pay Transfer Duty. Receive payment from the Seller and pay the Local Authority and Managing Agent. The payment of Transfer costs and the Local Authority clearance figures are necessary for the process to continue.

Step 6 :

Upon receipt of the Transfer Duty Receipt, Clearance Certificate from the Local Authority (and if applicable, the Managing Agent) and guarantees, lodge the deeds at the Deeds Office.

Step 7 :

After approximately 10-12 working days, registration can be expected in the Deeds Office. Only on the date of registration will the Purchaser become the legal owner of the property.

INFORMATION FOR THE SELLER

1. It is the privilege of the Seller to appoint the Transferring Attorney.
2. It is necessary for the Seller to give 90 days written notice of their intention to cancel their existing bond in order to avoid penalty interest.
3. The Seller's Bondholder, should a bond be registered over the property, will appoint cancellation attorneys and the Seller will be liable to pay the cancellation fees of those attorneys.
4. It is the responsibility of the Seller to furnish an Electrical Certificate of Compliance, Gas Certificate and / or an Electrical Fence Certificate to the Transferring Attorney (All certificates only to be obtained if applicable).
5. The Seller is responsible for all outstanding rates, taxes and levies payable on request from the Attorneys.
6. Rates clearance figures are calculated 4 months in advance and will be refunded to the Seller, by the Local Authority, pro rata after registration. Note: It is not the responsibility of the Transferring Attorney to collect or follow up such a refund.

INFORMATION FOR THE PURCHASER

1. Banks occasionally require the Purchaser to contribute a deposit towards the purchase price.
2. The Purchaser is responsible for the payment of Transfer Duty, Transfer costs as well as the Bond registration costs and needs to make provision for the payment thereof.
3. Natural persons and legal entities are exempted from Transfer Duty on a purchase price up to R1 100 000,00 subject to change.
4. The Purchaser is responsible for the payment of the rates Clearance Certificate Fee by the Local Authority and if applicable, the payment of the Levy Certificate Fee issued by the Managing Agent.



REQUIREMENTS IN TERMS OF FINANCIAL INTELLIGENCE CENTRE ACT, ACT 38 OF 2001

1 

SOUTH AFRICAN NATURAL PERSON

1. Original Identity document
2. Proof of residential address (i.e. Water & Electricity Account) not older than three months.
3. Income Tax Reference Number.
4. Marriage Certificate. If married out of community of property, your Antenuptial Contract/ Agreement.
5. Copy of Divorce Decree/ Order, if present marital status differs from marital status on Title Deed.

NATURAL PERSON REPRESENTATIVE

1. Same as 1 – 2 above with contact details.
2. Registered General Power of Attorney/Special Power of Attorney. status on Title Deed.

2 

OTHER THAN SOUTH AFRICAN NATURAL PERSON REPRESENTATIVE

1. Original Passport document
2. Proof of residential address (i.e. Water & Electricity Account) not older than three months.
3. Income Tax Reference Number.
4. Confirmation of Nationality.
5. Confirmation of marital status.(proof thereof).

NATURAL PERSON REPRESENTATIVE

1. Same as 1 – 2 above with contact details.
2. Registered General Power of Attorney/Special Power of Attorney.

3 

CLOSE CORPORATION

1. Founding Certificate and Certificate of Incorporation
2. Amended Founding Certificate
3. Proof of registered address
4. Address from which the CC conducts business.
5. If the CC is not conducting business, the accounting officer of the CC may confirm the address on a letterhead.
6. Original Identity Document of all the members and proof of residential address for all the members, not older than three months.
7. Details of person signing on behalf of the CC.
8. Resolution signed by all of the members of the CC.

4 

COMPANY

1. Notice of Incorporation (CoR14.1).
2. Notice of registered office and postal address (CoR14.3)
3. Certificate of change of Name or Directors (if applicable) (CoR15.2).
4. Registration Certificate (CoR14.3).
5. Memorandum of Incorporation (CoR15.1).
6. Rules of the Company.
7. Proof of residential address for the company (i.e. Water & Electricity Account) (if applicable) (CoR16.1) not older than three months. If the company is not conducting business, the accounting officer of the company may confirm the address on a letterhead.
8. Original Identity Documents of all the directors and proof of residential address for all the directors, not older than three months.
9. Details of person signing on behalf of the company.
10. Resolution signed by all the directors of the company.

5 

TRUST

1. Trust Deed.
2. Master's Letter of Authority.
3. Proof of residential address for the trust (i.e. Water & Electricity Account) not older than three months. If the trust is not conducting business, the accounting officer of the company may confirm the address on a letterhead.
4. Original Identity Documents of all the trustees and proof of residential address for all the trustees, not older than three months.
5. Details of person signing on behalf of the trust.
6. Resolution signed by all the trustees of the trust.

6 

PARTNERSHIP

Natural Person:
Original Identity Document

Close Corporation:
Founding Statement

South African Company:
Notice of Incorporation (CoR14.1).

Foreign Company:
Official incorporation documents

Partnership:
Partnership Agreement

1. Proof of registered address
2. Proof of residential address (i.e. Water & Electricity Account) not older than three months

90 DAYS BOND CANCELLATION NOTICE

Once a homeowner has successfully sold their property, the existing bond will need to be cancelled on the transfer of the property.

A 90 day notice period is required by a bank to cancel your existing bond. Giving the bank notice doesn't mean that you are cancelling your bond in 90 days, it only informs the bank of your intention to cancel your bond. You may give this required notice yourself before the property is placed on the market, or if you want to settle and cancel your bond, or you can leave this task to your Attorney attending to the transfer / bond cancellation. The costs and payments of the bond cancellation will be the responsibility of the Seller.

If the bond is cancelled after the 90 day period an Early Termination Fee will not be applicable, but if the bond is cancelled before the 90 day period an Early Termination Fee is applicable. It is calculated on the remaining days (Pro-rata).

The Seller can request for registration to take place once the 90 days has expired in order to avoid paying the penalty fee. However, this request must be disclosed in the sale agreement so that the Purchaser is made aware of the delay.

If the property does not sell within that period, the Seller will simply need to renew their letter of intent.

In some circumstances the 90 day notice period will be waived by the bank, for example:

- If the property is sold within a deceased estate.
- If the Seller of the property has been sequestrated.
- If the Seller is buying a new property and taking out a new home loan with the same bank.



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