

## **PROPERTY TRANSFERS DURING COVID-19 LOCKDOWN**

As you may know, conveyancing is not considered an essential service for purposes of the national lockdown, which came into effect at midnight on the 26<sup>th</sup> March 2020. Various service providers, who play an integral part in the conveyancing process, are precluded from being fully operational. This will have an impact on the property industry and we have therefore put together a list of conveyancing processes which can and cannot be concluded to during this time.

Let us take a closer look.

### **What can be done:-**

- Conveyancer may receive new transfers and bond registration instructions, either electronically or via email, from the estate agency or bank.
- Parties (meaning sellers, purchasers, agents, mortgagors) can be contacted telephonically to discuss the terms of the transfer or approved mortgage loan.
- Parties could supply the conveyancer with their personal information, which may include emailed copies of their personal documents.
- Provided that the deeds office search options, available through various software vendors, are operating, the conveyancer will be in a position to conduct property searches and request copies of title deeds.

In the case of sectional title transfers these online searches are not wholly reliable. The actual extent of units and the descriptions of exclusive use areas can only be confirmed by an actual viewing of the Deeds Office main file, a task that can only be carried out after lockdown.

- On receipt of all information listed above, the conveyancer will be in a position to draft all transfer and bond documents in preparation for signing thereof by the sellers, purchasers and mortgagors after the lockdown had ended.

### **What can't be done:-**

- Signing of transfer and bond documents. Movement is limited to seeking medical assistance and the purchasing of essential food items and medical supplies.
- Application for rates assessments and rates clearance certificates. The eThekweni municipality rates department is closed.
- The issue of electrical, entomologist, electrical fence and gas compliance clearance certificates. Service providers are unable to do inspections and carry out work necessary to issue certificates.
- Investment of funds, unless FICA processes have been completed prior to the lockdown.
- Issue of guarantees, unless all bond documents were signed prior to the lockdown.
- The obtainment of cancellation figures to enable a request for guarantees from the bond registering attorney to be issued
- The obtainment of draft title deeds from the transfer attorney to prepare bond documents
- Lodgements, preparation and registration of property transactions as the deeds office is closed.