



**NAMIBIA UNIVERSITY
OF SCIENCE AND TECHNOLOGY**

FACULTY OF NATURAL RESOURCES AND SPATIAL SCIENCES

DEPARTMENT OF LAND AND PROPERTY SCIENCES

QUALIFICATION (S) : DIPLOMA IN LAND ADMINISTRATION ; BACHELOR IN LAND ADMINISTRATION	QUALIFICATION CODE: 06DLAD 07BLAD
COURSE NAME: SECTIONAL TITLE LEGISLATION	COURSE CODE: STL620S
SESSION/DATE: JULY 2019	NQF LEVEL: 6
DURATION: 2 HOURS	MARKS: 100
SECOND OPPORTUNITY EXAMINATION	
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THIS QUESTION PAPER CONSISTS OF 4 PAGES (Including this front page)

INSTRUCTIONS	
1.	The paper has 5 questions.
2.	All questions are compulsory.
3.	Read carefully before answering.
4.	Write clearly and neatly.
5.	Number the answers clearly and according to the numbering in the examination question paper.
6.	Candidates will be penalised for incorrect spelling and illegible handwriting.

PERMISSABLE MATERIAL

None

Question 1

Give a word or phrase for the following in the context of Sectional Title Legislation:

- a) Conventional ownership. (2)
- b) The part of the sectional plan containing general information of a sectional title scheme. (2)
- c) Type of rule regulating pets in a scheme. (2)
- d) The first cedent of a right to an exclusive use area in a scheme registered after the implementation of the Sectional Titles Act 2 of 2009. (2)
- e) Resolution needed to alienate common property of a scheme. (2)
- f) Form of ownership of a unit. (2)
- g) Expression of the participation quota under Sectional Titles Act 2 of 2009. (2)
- h) Body corporate. (2)
- i) Section. (2)
- j) Unit. (2)

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Question 2

State if the following questions are true or false (Do not motivate your answers):

- a) John is the developer of a sectional title scheme, namely Heavenly Places. The erven on which the scheme is to be erected must still be consolidated and registered in John's name. The building plans have been approved by the local authority and the scheme is not in conflict with the applicable town-planning scheme. John instructed an architect to prepare the whole sectional plan. The scheme to be registered is in respect of an existing building which will be subdivided into four sections. The floor area of the first two sections would be 65m², the third section 49m² and the fourth, 53m². John will be able to continue with the preparation of the Sectional Plan. (2)
- b) Section 9 of Act 2 of 2009 implies that the local authority, the Surveyor-General and the Office of the Registrar of Deeds carry no liability for an inaccurate Sectional Plan. (2)

- c) The surveyor-general has to take responsibility for the correctness of the sectional plan. (2)
- d) The land-surveyor who drafted the sectional plan is liable for the correctness of the sectional plan. (2)
- e) The documents to be lodged upon the application for the registration of the sectional plan and the opening of the sectional title register which a conveyancer needs to draft are always the following: the consent to bond cancellation of bonds which were registered over the land on which the scheme has been developed; new bonds to be registered over the scheme; application for the opening of the sectional title register and the registration of a sectional plan; certificates of real right of extension; Certificates of real right of exclusive use area; certificates of registered sectional title; power of attorney to transfer a unit; mortgage bonds to be registered over the units; power of attorney to mortgage; certificate by conveyancer of rules which are applicable. (2)
- f) A Body corporate can continue with the transfer of the right to the exclusive use area to another if 80% of the members of the Body Corporate agree thereto. (2)
- g) John registered mortgage bonds over his house in Pionierspark and his unit in Sports Village complex respectively. These two bonds are exactly the same in all aspects. (2)
- h) Apart from the supporting documents which will usually also be lodged in a conventional transfer, the only other supporting document which will be lodged together with form 10 in subsequent transfers, is a conveyancer's certificate in terms of section 17(3) of Act 2 of 2009. (2)
- i) A Certificate of Registered Sectional Title is not used to transfer a unit from one person to another. (2)
- j) A garden in a sectional title development scheme, unlike a garden of a property regulated by the Deeds Registries Act, should have a separate title deed before use of

it can be transferred from one person to another. (2)

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Question 3

Explain the difference between ownership under the Sectional Titles Act 2 of 2009, the understanding of ownership in terms of the common law and a land hold title right holder's ownership under the Flexible Land Tenure Act 2012. (20)

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Question 4

Draw a simple flowchart to show the five (5) main points of the process from the drafting of a sectional plan to the registration of a sectional plan. (*Answers will only be marked up to where it is chronologically correct.*) (20)

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Question 5

After the registration of the sectional plan and opening of a sectional title register in the deeds office, the developer, namely Jonas, wishes to transfer a unit to Josef. Josef had to obtain a loan from Honesty Bank to buy the unit.

a) Discuss the documents which should be lodged in the deeds office with the transfer of a unit from Jonas to Josef. (14)

b) Explain the difference between the mortgage bond over the unit which Josef needs to pass in favour of Honesty Bank and a conventional mortgage bond? (6)

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End of Question Paper