



**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	NQF LEVEL: 5
COURSE NAME: DEEDS REGISTRATION LAW 1	COURSE CODE: DRL520S
SESSION/DATE: NOVEMBER 2019	PAPER: THEORY
DURATION: 2 HOURS	MARKS: 100

FIRST OPPORTUNITY EXAMINATION QUESTION PAPER	
EXAMINER(S)	Stephnie Nicolene De Villiers
MODERATOR:	Emmy Wabomba

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

PERMISSABLE MATERIAL

1. Calculators

THIS QUESTION PAPER CONSISTS OF 21 PAGES (Including this front page and annexures)

Question 1

Answer the following multiple-choice questions. Write only the Roman number of the most relevant answer next to the question number on your answer sheet.

- a) Which of the following is **incorrect**?

A preparing a deed of transfer for lodgement in the deeds office, a conveyancer must:

- i. Use only black ink
- ii. Ensure that there is a right margin of at least four centimeters wide
- iii. Ensure that every blank space larger than three centimeters is ruled through
- iv. Not use correction ink
- v. Number pages consecutively. (2)

- b) A deed examiner should ensure that notes are clear. Which of the following notes would be acceptable:

- i. 'Regulation 43'; 'at property clause on page 2'; pencil notes;
- ii. 'Comply with Regulation 43 of the Deeds Registries Act'; 'at X on page 2'; pencil notes
- iii. 'Comply with Regulation 43 of the Deeds Registries Act'; 'at the extending clause on page 2'; no pencil notes
- iv. 'Comply with Regulation 43 of the Deeds Registries Act'; 'at the property clause on page 2'; notes in black ink.
- v. Both iii. and iv. (2)

- c) If there are three properties held under one title deed and the registration transaction affects only the property described in paragraph 3 of the title deed, an endorsement must be qualified immediately above it, as follows:

- i. Paras 1 to 3

- ii. Paras 1 and 3
 - iii. Para 3
 - iv. Para 1
 - v. WOP (2)
- d) When ownership in Erf 100 Cimbebasia, Windhoek is held under Title Deed T 200/2011 is transferred from Sam to John and John now holds ownership in Erf 100 Cimbebasia under Title Deed T 1990/2019, then
- i. a transfer endorsement should be placed on T200/2011
 - ii. a transfer endorsement should be placed on T1990/2019
 - iii. a transfer and a bond endorsement should be placed on T200/2011
 - iv. a transfer and a bond endorsement should be placed on T1990/2019
 - v. a transfer endorsement should be placed on T200/2011 and a bond endorsement on T1990/2019 (2)
- e) The supporting documents which need to be lodged together with a deed of transfer where the property is agricultural land, and where there is no bond cancellation or registration should be:
- i. Title deed, Power of Attorney, Transfer Duty Receipt, Deed of Transfer, Affidavit in terms of section 61 of the Agricultural (Commercial) Land Reform Act, Certificate of Waiver, Land Tax Certificate, Certificate in terms of section 78 of the Local Authorities Act
 - ii. Title deed, Power of Attorney, Transfer Duty Receipt, Deed of Transfer, Affidavit in terms of section 61 of the Agricultural (Commercial) Land Reform Act, Certificate of Waiver
 - iii. Title deed, Power of Attorney, Transfer Duty Receipt, Affidavit in terms of section 61 of the Agricultural (Commercial) Land Reform Act, Certificate of Waiver

- iv. Title deed, Power of Attorney, Transfer Duty Receipt, Affidavit in terms of section 61 of the agricultural (Commercial) Land Reform Act, Certificate of Waiver, Consent to bond cancellation
- v. Power of Attorney, Transfer Duty Receipt, Affidavit in terms of section 61 of the agricultural (Commercial) Land Reform Act, Certificate of Waiver, consent to bond cancellation. (2)

[10]

Question 2

For each of the following statements, state whether it is true/ false. You do not have to motivate your answers. *Please note that T/F and yes/ no answers will not be marked.*

- a) Under Namibia's registration system Carlos will be protected when land is registered in his name which he bought from Desmond if Desmond got the land in an unlawful manner from Sue. (2)
- b) Namibia has a system of registration of title. (2)
- c) The Deeds Registries Regulations prescribe a form for a partition transfer. (2)
- d) Expropriation can take place as an institution wishes and without informing an owner. (2)
- e) The Registrar of Deeds may not rectify an error in terms of section 4(1)(b) of the Deeds Registries Act, 1937 on a deed if it has the effect of transferring a right. (2)

[10]

Question 3

Complete the following sentences. Only write the missing words next to the question number on your answer sheets.

- a) In the deeds registries context, another word for title is (2)
- b) In the deeds registration context, another word for a mortgagor is (2)
- c) A is used to pass a bond over machinery in a factory. (2)
- d) A mortgage bond registered in the deeds office is also called property. (2)
- e) Fill in the missing word(s): A right of way is an example of a (2)
- f) If a couple south of the Red line in Namibia entered into an before marriage, they will be married out of community of property. (2)
- g) A land register consist of an erf register and a register. (2)
- h) The amount of stamp duty in a transfer transaction from John Poggenpoel to Josias Garoeb where the purchase price is N\$1 325 000, is (2)
- i) The amount of stamp duty on a mortgage bond to be registered over a property in the deeds office in respect of a loan obtained by the City of Windhoek to the amount of N\$600 000, is (2)
- i) The amount of stamp duty to be paid on a deed of transfer, where the purchase consideration of the property was N\$580 000.00, is (2)

[20]

Question 4

Study the attached set of documents and answer the following questions:

- a) The transaction you have received to examine was already lodged and sorted. Draw a flowchart showing what the next steps in the workflow would be up to and including registration of the transaction. Each step should consist of a word and 1 sentence explaining the step and the duties of the relevant people. (24)
- b) Complete the lodgement cover. No new bond will be registered. The conveyancing firm who lodged the set of documents you have to examine is De Villiers & Co., with lodgement number 3. Should other transaction(s) be linked with the one you are examining, you should provide your own facts regarding the name(s) and lodgement number(s) of the conveyancer(s) dealing with those transactions. ***Instructions for completing the lodgement cover: On the lodgement cover, the Roman letters i) to vi) were inserted. Write the Roman numbers i) to vi) on your answer sheet. Write the information which would have appeared on the lodgement cover next to the respective Roman numbers onto your answer sheet. Note that number iv) should be answered in the correct order and must refer to the 'Code, nature of transaction, Firm No, Batch No.'*** of all the transactions linked. An incorrect order, the omission of relevant transactions or the addition of irrelevant transactions, will result in negative marking. (12)
- c) Critically discuss the amount of transfer duty paid. (13)
- d) Analyse the descriptions of the parties in both the Title Deed Number T1459/2002 as well as the rest of the documents attached for examination. (11)
- [60]**

Annexures Follow

Prepared by me

Conveyancer
De Villiers. S.N.

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN
THAT STEPHNIE NICOLENE DE VILLIERS

Appeared before me Registrar of Deeds at Windhoek, she the said
Appearer being duly authorized thereto by a power of attorney
granted to her by

SAMUEL SIMANDE
BORN ON 15 MARCH 1958

And

EMILY SIMANDE
BORN ON 19 JUNE 1957
MARRIED IN COMMUNITY OF PROPERTY TO EACH OTHER

*Acting by virtue of a Special Power of Attorney signed at Windhoek
at 23RD March 2009.*



AND THE SAID APPEARER declares that the said TRANSFEROR sold the hereinafter mentioned property on 1 March 2009.

And that she in her capacity aforesaid did, by these presents, cede and transfer, in full and free property, to and on behalf of

**JERRY HELAGO
BORN ON 15 FEBRUARY 1947**

And

**SOPHIA HELAGO
BORN ON 7 APRIL 1953
MARRIED IN COMMUNITY OF PROPERTY TO EACH OTHER**

Their heirs, executors, administrators or assigns

CERTAIN: Erf No 593, KLEINE KUPPE (Extension 1)

SITUATE: In the Municipality of WINDHOEK
Registration Division "K"
Khomas Region

MEASURING: 502(FIVE ZERO TWO) square meters

FIRST TRANSFERRED and still held by Deed of Transfer No
T1359/2002 with General Plan No. A629/96
relating thereto.

- A. Subject to the following conditions imposed in terms of Government Notice No. 218/1997, and created in the said Deed Of Transfer No T 1359/2002 , namely:

In favour of the Municipal Council of Windhoek

1. The erf is subject to the reservation for the Municipal Council of Windhoek of the right of access and use without compensation of the area three meters parallel with any boundary for the construction and maintenance of municipal services in respect of water, sewerage, drainage, electricity and gas which right includes the right to place

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on such erf temporarily any materials that may be excavated or used during such operations on the erf or any adjacent erf.

2. The building value of the main building, excluding the outbuildings, to be erected on the erf shall be at least four times the prevailing valuation of the erf by the Municipal Council of Windhoek



WHEREFORE the Appearer renouncing all the right and title the said TRANSFERORS heretofore had to the premises, did, in consequence also acknowledge the said TRANSFERORS to be entirely dispossessed of, and disentitled to, the same; and that by virtue of these presents the said TRANSFEREES their heirs, executors, administrators or Assigns, now are and henceforth shall be entitled thereto, conformable to local custom the State, however, reserving its rights, and finally acknowledging the purchase price to the sum of N\$925 000.00

SIGNED at WINDHOEK, on _____, together with the Appearer, and, confirmed with my seal of office.

Signature of Appearer

In my presence

REGISTRAR OF DEEDS

Transfer Duty Receipt No.108122937 issued by the Receiver of Revenue at Windhoek on 26/09/08 for the amount of N\$57 000.00

(Checked) 1. 2.

I the undersigned, Stephnie Nicolene De Villiers, Conveyancer hereby certify in terms of Section 78 of Act No 23 of 1992 that all rates leviable in respect of such immovable property in terms of this Act, and all the fees, charges and other moneys due to the local authority council in respect of any service, amenity or facility supplied to such property in terms of this Act, inclusive of any availability charge and minimum charge provided for in section 30(1)(u) has been paid up to and including the date of registration hereof.



CONVEYANCER

Prepared by me

Conveyancer
De Villiers. S.N.

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN
THAT STEPHNIE NICOLENE DE VILLIERS

Appeared before me Registrar of Deeds at Windhoek, she the said
Appararer being duly authorized thereto by a power of attorney
granted to her by

SAMUEL SIMANDE
BORN ON 15 MARCH 1958

And

EMILY SIMANDE
BORN ON 19 JUNE 1957
MARRIED IN COMMUNITY OF PROPERTY TO EACH OTHER

*Acting by virtue of a Special Power of Attorney signed at Windhoek
at 23RD March 2009.*



AND THE SAID APPEARER declares that the said TRANSFEROR sold the hereinafter mentioned property on 1 March 2009.

And that she in her capacity aforesaid did, by these presents, cede and transfer, in full and free property, to and on behalf of

**JERRY HELAGO
BORN ON 15 FEBRUARY 1947**

And

**SOPHIA HELAGO
BORN ON 7 APRIL 1953
MARRIED IN COMMUNITY OF PROPERTY TO EACH OTHER**

Their heirs, executors, administrators or assigns

CERTAIN: Erf No 593, KLEINE KUPPE (Extension 1)

SITUATE: In the Municipality of WINDHOEK
Registration Division "K"
Khomas Region

MEASURING: 502(FIVE ZERO TWO) square meters

FIRST TRANSFERRED and still held by Deed of Transfer No T1359/2002 with General Plan No. A629/96 relating thereto.

- A. Subject to the following conditions imposed in terms of Government Notice No. 218/1997, and created in the said Deed Of Transfer No T 1359/2002 , namely:

In favour of the Municipal Council of Windhoek

1. The erf is subject to the reservation for the Municipal Council of Windhoek of the right of access and use without compensation of the area three meters parallel with any boundary for the construction and maintenance of municipal services in respect of water, sewerage, drainage, electricity and gas which right includes the right to place

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on such erf temporarily any materials that may be excavated or used during such operations on the erf or any adjacent erf.

2. The building value of the main building, excluding the outbuildings, to be erected on the erf shall be at least four times the prevailing valuation of the erf by the Municipal Council of Windhoek

WHEREFORE the Appearer renouncing all the right and title the said TRANSFERORS heretofore had to the premises, did, in consequence also acknowledge the said TRANSFERORS to be entirely dispossessed of, and disentitled to, the same; and that by virtue of these presents the said TRANSFEREES their heirs, executors, administrators or Assigns, now are and henceforth shall be entitled thereto, conformable to local custom the State, however, reserving its rights, and finally acknowledging the purchase price to the sum of N\$925 000.00

SIGNED at WINDHOEK, on _____, together with the Appearer, and confirmed with my seal of office.

Signature of Appearer

In my presence

REGISTRAR OF DEEDS

Prepared by me



Legal Practitioner
DE WITT B

POWER OF ATTORNEY TO GIVE TRANSFER

We, the undersigned

**SAMUEL SIMANDE
BORN ON 15 MARCH 1958**

And

**EMILY SIMANDE
BORN ON 19 JUNE 1957
MARRIED IN COMMUNITY OF PROPERTY TO EACH OTHER**

Do hereby nominate, constitute and appoint STEPHNIE NICOLENE DE VILLIERS with power of substitution to be my lawful Attorney and agent in my name and place and stead to appear before the Registrar of Deeds at WINDHOEK and then and there as our act and deed to transfer to

**JERRY HELAGO
BORN ON 15 FEBRUARY 1947**

And

**SOPHIA HELAGO
BORN ON 7 APRIL 1953
MARRIED IN COMMUNITY OF PROPERTY TO EACH OTHER**

the following property, namely:

CERTAIN: ERF NO. 583 KLEINE KUPPE
SITUATE: In the Municipality of WINDHOEK
 Registration Division "K"
MEASURING: 500 (FIVE ZERO TWO) square metres.
HELD BY: DEED OF TRANSFER No T 1459/2002

Which property was sold on 7 March 2009

for the sum of **N\$975 000.00**

and further to renounce all the right, title and interest which the said transferor hereto had in and to the said property, to promise to free and warrant the said property and also to clear the same from all encumbrances and hypothecations according to law, to draw, sign and pass the necessary acts and deeds, or other instruments and documents;

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AND further to cede to transfer the said land in full and free property to the Transferees and to renounce all the right, title and interest which the Transferor hereto before had in and to the said property and generally for effecting the purposes afore-written, to do or cause to be done whatsoever shall be requisite, as personally present and acting herein – hereby ratifying, allowing and confirming and promising and agreeing to ratify, allow and confirm all and whatsoever my said attorney and agent shall lawfully do, or cause to be done, by virtue of these presents.

SIGNED at WINDHOEK, this 15th day of March 2009

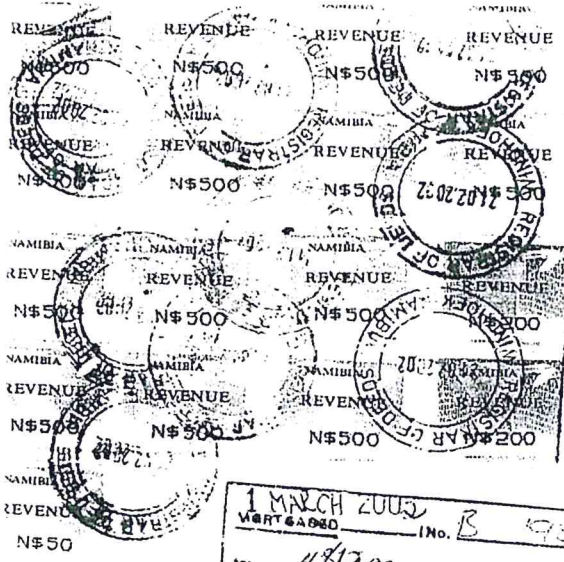
AS WITNESSES:

1. *Witbooi*

S. Simande
SAMUEL SIMANDE

2. *Anna Witbooi*

E Simande
EMILY SIMANDE



Prepared by me
 Conveyancer
 Bergh M.

1 MARCH 2002
 WERT 6090 No. B 486 / 2002
 for N\$1200 000-00
 Best reference for N\$ 150000-00
 Registrar of Deeds

DEED OF TRANSFER T 1459 1:2002

BE IT HEREBY MADE KNOWN
 THAT NICOLENE BERGH

Appeared before me Registrar of Deeds at Windhoek, she the said
 Appearer being duly authorized thereto by a power of attorney
 granted to her by

MICHAEL JACKSON
 BORN ON 30 SEPTEMBER 1968
 UNMARRIED

Acting by virtue of a Special Power of Attorney signed at Windhoek
 at 15th FEBRUARY 2002

(Handwritten signatures and initials)

AND THE SAID APPEARER declares that the said TRANSFEROR sold the hereinafter mentioned property on 31 JANUARY 2002.

And that she in her capacity aforesaid did, by these presents, cede and transfer, in full and free property, to and on behalf of

**SAMUEL SIMANDE
BORN ON 15 MARCH 1958**

And

**EMILY SIMANDE
BORN ON 19 JUNE 1957
MARRIED IN COMMUNITY OF PROPERTY TO EACH OTHER**

Their heirs, executors, administrators or ass

CERTAIN: Erf No 593, KLEINE KUPPE (Extension 1)

SITUATE: In the Municipality of WINDHOEK
Registration Division "K"
Khomas Region

MEASURING: 502(FIVE ZERO TWO) square meters

FIRST TRANSFERRED and still held by Deed of Transfer No T1359/2002 with General Plan No. A629/96 relating thereto.

- A. Subject to the following conditions imposed in terms of Government Notice No. 218/1997, and created in the said Deed Of Transfer No T 1359/2002 , namely:

In favour of the Municipal Council of Windhoek

- 1. The erf is subject to the reservation for the Municipal Council of Windhoek of the right of access and use without compensation of the area three meters parallel with any boundary for the construction and maintenance of municipal services in respect of water, sewerage, drainage, electricity and gas which right includes the right to place on such erf temporarily any materials that may be

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excavated or used during such operations on the erf or any adjacent erf.

2. The building value of the main building, excluding the outbuildings, to be erected on the erf shall be at least four times the prevailing valuation of the erf by the Municipal Council of Windhoek.

[A long vertical line with some faint scribbles at the bottom right]

WHEREFORE the Appearer renouncing all the right and title the said TRANSFEROR heretofore had to the premises, did, in consequence also acknowledge the said TRANSFEROR to be entirely dispossessed of, and disentitled to, the same; and that by virtue of these presents the said TRANSFEREE its heirs,executors, administrators or Assigns, now are and henceforth shall be entitled thereto, conformable to local custom the State, however, reserving its rights, and finally acknowledging the purchase price to the sum of N\$180 000.00

SIGNED at WINDHOEK, on 12 APR 2002, together with the Appearer, and confirmed with my seal of office.


Signature of Appearer

In my presence

