

Legal, financial implications of Pretoria Deeds Office shutdown

With the Deeds Office in Pretoria having closed down indefinitely, property buyers and sellers are grappling with the uncertainty surrounding the status of their transactions.



Bernard Cowley, real estate agent, Fitzanne Estates

Bernard Cowley, a real estate agent at Fitzanne Estates, provides insights into the implications of the closure, as well as advice on how buyers and sellers can mitigate the effects.

"Firstly, it is important to understand the role of the Deeds Office in the property transaction process," advises Cowley. "The Deeds Office is responsible for registering property transfers, ensuring that the transfer of ownership is legal and valid. Without the Deeds Office, property transactions cannot be completed, and buyers and sellers are left in limbo."

Its closure means that property transfers cannot be registered, which in turn means that the transfer of ownership cannot take place. This has led to uncertainty and delays in the property industry, with many transactions being put on hold indefinitely.

Implications for sellers, buyers

As a seller, the closure of the Deeds Office may have legal and financial implications for you. For example, if you have already sold your property and have not yet received the proceeds of the sale, you may be unable to access these funds until the property transfer is registered. Additionally, if you have any outstanding debts on the property, you may be unable to clear these debts until the transfer is registered, which could result in additional fees and interest charges.

As a buyer, if you have already paid a deposit on the property, you may be unable to take possession of the property until the transfer is registered. Additionally, you may be unable to access any funds from your bank or mortgage lender until the transfer is registered, which could result in additional fees and charges.

It is important to note, Cowley says, that while the duration of the closure is indefinite, efforts are being made by industry stakeholders, such as the Pretoria Attorneys Association, to address the issue.



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Ensure your paperwork is in order

"While the situation is challenging, it is important to remain patient and to continue working towards a successful transaction," Cowley advises.

"To soften the blow, ensure that all necessary paperwork is completed and submitted as soon as possible," suggests

Cowley. "This includes transfer documents, bond applications, and any other legal documents required for the transaction. Work closely with your professional property practitioner and legal team to ensure that everything is in order and that all paperwork is submitted as soon as possible."

"Buyers should ensure that they have the necessary funds available to cover the purchase price and any associated costs, such as transfer fees and bond registration fees. Sellers should ensure that they have paid off any outstanding debts on the property and that they have the necessary funds available to cover any outstanding payments."

Communication with all parties is key

"Communication is key to ensure a successful transaction during this challenging time," says Cowley. "Regularly communicate with all parties involved in the transaction, including the real estate agent, the legal team, and the buyer or seller. This can help to ensure that everyone is on the same page and that any issues or concerns are addressed as soon as possible."

"Finally, it may be worth considering alternative options for completing the transaction," suggests Cowley. "Buyers and sellers may be able to complete the transaction using a different Deeds Office, or by using an alternative registration process. Consult with your legal team and real estate agent to explore all available options and determine the best course of action."

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