

Owner, where is your title?

For any transaction regarding land in the Deeds Offices, the Deeds Registries Act, 47 of 1937 requires that the original deed(s) be lodged. If the original is lost (or the original cannot be found) one must apply for a replacement copy thereof. The Regulations regulating the replacement of original Deeds changed again recently. The previous position was that a so-called Regulation 68(1) application be lodged at the Deeds Office in which jurisdiction the property is situated.

In a bid to try and circumvent fraud, the process has changed to a slightly more expensive procedure: once it is ascertained that a title deed is in fact missing, an advertisement will have to be placed in a local newspaper (in the area in which the property is situated) indicating that there is an intention to replace the lost deed.

This advertisement will 1. have an additional cost implication on the transaction; and 2. can delay the transaction with 2 (two) weeks if you only find out your deed(s) is missing close to lodgement.

It is therefore advisable if you are in possession of your title deeds, to ensure you keep them safe and know where they are or alternatively to have them placed in safekeeping with your attorney.

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