



Who pays for what on the sale and transfer of a property?

SELLER

Agents Commission:

- As per the Sale Agreement (may be inclusive or exclusive of VAT)

Bond Cancellation Fees:

- As per Legal Practice Council Guidelines, fee payable per bond cancelled (calculated on a sliding scale)
- Even if bond is paid up, the bond must still be cancelled at the Deeds Office.

Rates and Services:

- Current outstanding amount including any arrears and an advance collection amount (dependant on municipality) payable in order to obtain Rates Clearance Certificate
- A rates clearance certificate must be submitted to Deeds Office for transfer to take place
- Credits due to the Seller on transfer are calculated by the Municipality and refunded to conveyancer or Seller depending on what is elected by the Seller.

Compliance Certificates:

- Electrical
- Plumbing (if applicable) – Mandatory in City of Cape Town
- Beetle (if applicable)
- Gas (if applicable)
- Electric Fence installation (if applicable)
- Costs of inspection, certificate and repairs (where required) can be paid upfront (normally discounted) or from the proceeds of transfer.

Levies/Special Levy:

- Pro rata share of Levy and/or Special Levy, if due. Must be stipulated in Sale Agreement

Other:

- Maintenance/Repairs stipulated in the Agreement of Sale
- Lost Title Deed – Our fee, cost of obtaining certified copy from the Deeds Office and cost of Advertisement
- Penalty interest on Bond (90 day penalty interest or pro rata) – If 3 months notice not given to cancel bond
- Capital Gains Tax / Section 35A withholding tax, (if applicable).

PURCHASER

Transfer Costs:

- As per Legal Practice Council Guidelines
- Based on the purchase price and calculated on a sliding scale payable before lodgment at the Deeds Office.
- Notarial Cession fee (if applicable)

Transfer Duty/VAT:

- Transfer duty payable to SARS
- Payable approximately one month before registration of transfer
- Calculated on a sliding scale
- A transfer duty receipt/exemption certificate must be submitted to Deeds Office for transfer to take place
- No Transfer duty payable where Seller registered for VAT and sale part of Seller's VATable enterprise.
- VAT, if applicable, to be stipulated in Agreement of Sale

Bond Costs:

- As per Legal Practice Council Guidelines, based on a sliding scale and calculated on the value of the bond
- Bond Initiation fee – payable to the Bank unless included in loan amount

Occupational Rental:

- Payable from date of occupation if occupation is given prior to transfer
- As per the Sale Agreement and payable monthly in advance
- Pro rata refunds payable on registration of transfer

Levies/Special Levies:

- Cost of Levy Clearance Certificate
- Pro rata share of monthly levy calculated from date of registration
- Pro rata share of Special Levy if any due

Other:

- Cost of submitting the transfer duty application
- Cost of Rates Clearance Certificate
- Deeds Office Fees and Searches
- Postages and Petties
- Cost of Home Owner's Association Consent (if applicable)
- FICA compliance