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CHECKLIST FOR AGENTS

- FICA for Seller and Purchaser – ID and proof of residence, less than 3 months old
- Seller's bond account number (if property is bonded)
- Has Seller already given notice to bondholder to cancel bond?
- Does Seller have original title deed (if property unbonded)?
- Seller and Purchaser's marital status: If married by foreign law, ascertain what was the husband's domicile at the time of the marriage.
- Has Seller's marital status changed since taking ownership (divorced, widowed or now married)?
- Seller or Purchaser provisionally or finally sequestered or liquidated?
- Is an Electrical Clearance Certificate in place (i.e. one that is less than 2 years old)? If not, a new inspection and certificate is required.
- Beetle Certificate – inspection must be done after the sale unless sale agreement stipulates it would be valid for a period before the date of sale.
- Gas Certificate of Compliance – required where there is a gas installation on the property - to be issued before occupation or transfer, whichever is the earlier. Best to limit its period of validity to 2 years prior to the date of sale. This must be dealt with in the deed of sale.
- Plumbing Certificate - for properties in the jurisdiction of the City of Cape Town municipality.
- Latent defects? Seller to apply mind to leaks etc. Record these. Make a note whether Purchaser accepts as is or whether Seller is required to effect repairs before transfer and deal with this in the sale agreement.
- Ascertain property's current zoning status.
- What restrictive title conditions apply? Get a copy of the Title Deed from the Seller and get Purchaser to look at it and acknowledge acceptance thereof. (It is best to discuss any onerous clauses with the conveyancer.)
- Is the Seller non-resident for tax purposes? Possible withholding tax scenario where purchase price over R 2 million. Best to speak to accountant. Applies to Sellers as individuals or entities.
- Tenant in the property? Get copy of lease - tenant staying or going? Deal with it in the sale agreement at the occupation clause.
- Is a special levy payable (if sectional title)? Note: it is payable by the Seller if raised before transfer, unless sale agreement stipulates otherwise.
- Signatory to contract signing under power of attorney? Request a copy. (It must be dated prior to the deed of sale.)
- If either party is a company or close corporation: Is the signatory authorised to sell or buy – Is resolution in place?
- If either party is a company or close corporation: Is it still on the register of companies and not deregistered?
- Seller a VAT vendor? If so, is it a vatable sale? Best to speak to Seller's accountant.
- If Seller or Purchaser is a trust, there must either be a resolution for a trustee to bind the trust, dated prior to the sale, or all trustees must sign the agreement of sale. If not, the agreement will be invalid. Get a copy of the latest Letters of Authority.
- Remember: Purchaser cannot sign as trustee for a trust to be formed - invalid sale.
- Income taxes of the Seller and Purchaser up to date?
- Rates and taxes up to date?
- Home Owners' Association involved? Get details.
- Approved building plans in place for all improvements on the property, where required by council.

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