

## THE LA13 FORM OUTLINES THE DOCUMENTS TO BE SUBMITTED WITH A NOTARIAL TIE AGREEMENT (NTA) OR THE CANCELATION THEREOF

To notarially tie two or more properties, results therein that the properties are regarded as one property, for all intents and purposes (except as far as the zoning of the properties are concerned) without going through the process of consolidation of the properties. As the Council is always a party to such an Agreement, the Notarial Tie Agreement has to be signed by Legal Administration, before it can be registered in the Deeds Office against the Title Deeds of the applicable properties.

One of the conditions of the NTA will be that neither of the properties to be tied, may be sold, or transferred except to the same transferee, without the written consent of the Council first being obtained.

Wherever it is legally possible to consolidate properties, such properties need to be consolidated and not notarially tied. However, if the properties belong to different owners and/or are situated in different townships, consolidation is not possible and such properties have to be notarially tied.

The proposed notarial tie, must originate from a decision already taken by the Council e.g. a condition of the approval of a Site Development Plan, building plan, rezoning, sub-division of an erf, division of a holding or farm portion, township establishment, etc. Legal Administration does not have delegated powers to approve a notarial tie unless such a previous approved decision exists. Even if such a decision exists, the Council still has the right to insist on consolidation of the erven as contemplated (if legally possible).

Should there not be an existing decision to have the Tie, however, the property(ies) owner(s) have good reason to request such, Legal Administration will circulate such application to all MoE's and only after receiving comments from all the relevant MoE's, the application can then be further circulated to Land Use Management for a decision.

### CANCELLATION OF A NOTARIAL TIE AGREEMENT:

Circumstances applicable to specific properties, may change to such an extent, that the need to have the properties notarially tied, no longer exists. The effect of a cancellation of a Tie Agreement is that the properties concerned, will revert back to their previous separate/individual status.

The Registrar of Deeds will not cancel such a Notarial Tie Agreement without the consent of the Council. Such consent is granted by the signing of a Notarial Deed of Cancellation by the Deputy Director: Legal Administration, which Deed will then be registered in the Deeds Office.

## LA13 – DOCUMENT SUBMISSION CHECKLIST

DOCUMENT SUBMITTED	APPLICANT	LEGAL ADMIN
<b>Cover letter</b> including a motivation as to <b>why the NTA or cancelation thereof is required.</b>	<input type="checkbox"/>	<input type="checkbox"/>
Copy of the latest Title Deeds of the properties. If a cancellation of NTA is applied for then a copy of the existing registered NTA needs to be submitted.	<input type="checkbox"/>	<input type="checkbox"/>
<b>Power of Attorney</b> authorising attorney to act on behalf of the registered owner, <b>if not already on the file.</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Resolution of the company/partnership/joint owners/other legal entity</b> , if applicable <b>and if not already on the file.</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Zoning Certificate</b> of each property	<input type="checkbox"/>	<input type="checkbox"/>
<b>Proof of payment</b> with Invoice number as payment	<input type="checkbox"/>	<input type="checkbox"/>
The written consent of any holder of a registered Mortgage bond over the erven ( <b>Bondholder</b> )	<input type="checkbox"/>	<input type="checkbox"/>
The written consent of any holder of a registered right (such as a servitude)	<input type="checkbox"/>	<input type="checkbox"/>
A plan indicating the location of the erven ( <b>Locality Plan</b> )	<input type="checkbox"/>	<input type="checkbox"/>



**LA13 - APPLICATION FORM:**

**PROPERTY INFORMATION OF THE PROPERTIES TO BE TIED:**

Township / Agricultural Holding / Farm	
Erf (Erven) / Plot(s) / Farm(s) No	
<b>Council Reference Number, if applicable:</b>	

I, ..... being the **applicant** described herein, declare that the above information is correct.

**SIGNATURE** ..... **DATE:** .....