

SECTIONAL TITLES REGULATIONS

(under section 56)

(23rd September, 2002)

ARRANGEMENT OF REGULATIONS

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S.I. 77, 2002,
S.I. 8, 2003.

1. Citation

These Regulations may be cited as the Sectional Titles Regulations.

2. Interpretation

In these Regulations-

(a) a word or expression to which a meaning has been assigned in the Act shall bear that meaning unless the context otherwise requires;

(b) "**sectional title file**" means the file referred to in regulation 11; and

(c) "**the Act**" means the Sectional Titles Act.

3. Notification of tenants about development scheme

(1) Where a developer intends to convert an existing building into a development scheme in terms of section 6(2) of the Act, he shall furnish, to the tenants occupying that building as required by section 6(2)(b), full particulars of the development scheme.

(2) The particulars shall indicate the following-

(a) the name of the scheme;

(b) the description and extent of the land upon which the building or buildings comprising the proposed scheme are situated, as reflected in the title deed of such land;

(c) the full name and address of the developer;

(d) the number or description of every separate category of units in the buildings comprised in the scheme;

(e) the number of garages and the number of parking places which are provided in the scheme;

(f) any facilities available as common property under the scheme;

(g) a copy of a report by an architect or a professional engineer in respect of the common property relating to the general physical condition of the building or buildings comprised in the scheme, with specific reference to any defects in the buildings and the services and facilities relating thereto;

(h) a specified estimate by the developer or his agent of the annual expenditure in respect of-

(aa) the repair, upkeep, control, management and administration of the common property;

(bb) the payment of rates and taxes and other local authority charges in respect of the building or buildings and land concerned;

(cc) the charges for the supply of electricity, gas, water, fuel and sanitary and other services to the building or buildings and land concerned;

(dd) insurance premiums; and

(ee) all other costs in respect of the common property which are normally recovered from the owners of units as contemplated in section 40(1) of the Act.

4. Sectional plans

(1) A sectional plan prepared in terms of section 7(1) of the Act and lodged with the Director for approval in terms of section 9(1) for registration in the Deeds Registry shall comply with the following requirements-

(a) it shall be prepared on a drawing medium of durable and good quality approved by the Director, of any of the following sizes: 297 x 210 mm; 297 x 420 mm or 297 x 841 mm and in black ink of a good quality:

Provided that any departure from these requirements shall require the prior written approval of the Director;

(b) only one side of the sheet shall be used;

(c) the binding margin shall be along the 297 mm side and sheets larger than 297 x 210 mm shall be folded to that size with the folds clear of the binding margin:

Provided that sheets required by the Director shall not be folded;

(d) margins 40 mm wide along the 297 mm binding side of the sheets and 10 mm wide along the other sides shall be provided and such margins, subject to the provisions of paragraph (h), shall be left free of any writing or drawing;

(e) all linear measurements recorded on such plan shall be in metres to two decimal places;

(f) where angles or angles of direction are required to be shown on such a plan they shall be recorded to 10 seconds;

(g) the scale to which any plan is prepared shall be one of the following

1/1 000, 1/1 250, 1/1 500, 1/2 000, 1/2 500, 1/3 000, 1/4000, 1/5 000, 1/6 000 or 1/7 500, or shall be to any of the said scales in which the denominator can be multiplied or divided by ten to any integral power:

Provided that-

(i) the size of the figure shall be sufficiently large to show all the required details, and

(ii) if necessary, block plans, floor plans and cross-sections of a building may be shown on more than one sheet;

(h) any addition, alteration or interlineation on a sectional plan shall be initialled by the preparer thereof and for this purpose, the margin on the right hand side of the sheet opposite such addition, alteration or interlineation shall be used;

(i) the Director may refuse to approve a sectional plan if, in his opinion, that plan is dilapidated, has been prepared in a careless manner, or the appearance thereof is spoilt by additions or alterations, or the writing or any drawing thereon does not, owing to faintness or other reason, ensure durability;

(j) the developer shall furnish the architect or land surveyor with all documents and particulars required by him to prepare the sectional plan;

(k) (i) where the scheme comprises more than one building, the buildings on the sectional plan shall be consecutively numbered commencing with the figure "1",

(ii) all sections in a scheme shall be numbered consecutively on the sectional plan commencing with the figure "1",

(iii) the number allocated to a section on the sectional plan shall be allocated to all parts of that section,

(iv) the number allocated to a section on a sectional plan of subdivision, consolidation and extension shall continue from the last number used for the scheme:

Provided that if a section is extended it shall retain the same number, and

(v) an exclusive use area shall be uniquely numbered;

(l) where the boundaries of a section or of a part thereof cannot be defined by reference to its floor, walls and ceiling, such boundaries shall be defined in a manner acceptable to the Director;

(m) the common boundary between an exclusive use area created in terms of section 29(1) or 29(2) of the Act, and a section or common property shall be, in the case of physical features, the median line of the dividing floor, wall, ceiling, fence or other similar feature, unless boundaries have been described in a different manner on the sectional plan; otherwise a boundary which is not a physical feature shall be described in a manner acceptable to the Director, or in terms of beacons determined in accordance with the provisions of the Cap. 33:01 Land Survey Act, which beacons shall be described, and sufficient data given on such plan to define the area and to determine the location thereof in relation to the building, section or boundaries of the land; and

(n) each sheet shall contain the following-

(i) the title of the sheet,

(ii) the sheet number and, in addition thereto, an indication of the number of sheets of which the sectional plan shall consist as follows-

"Sheet of sheets",

(iii) the name and address of the architect or land surveyor concerned or, if he is practising with a firm of architects or land surveyors, his name and the name and address of the firm, all in block letters, the signature of the architect or land surveyor, and his professional designation,

(iv) the date on which the architect or land surveyor signed the sheet,

- (v) a space which shall be provided for the approval certificate of the Director, and
- (vi) such notes as the architect or land surveyor may wish to make.

(2) A sectional plan shall consist of the following sheets which, subject to the provisions of the Act and subregulation (3), shall contain the particulars prescribed by this regulation:

Provided that if such plan is intended for the purposes of a subdivision, consolidation or extension of a section or sections, for the extension of a scheme or common property, in the circumstances referred to in section 29(5) of the Act, for the amendment of a scheme due to the destruction of or damage to a building or buildings, or for the amendment of a sectional plan in terms of section 15(1) of the Act, it need only comprise such sheets as are affected by such amendments, and the heading of such plan shall be styled as an amending sectional plan-

(a) a first sheet which shall be in the form of Form A in the Schedule, and which shall contain, in addition to the particulars mentioned in subregulation (1)(n), the following-

- (i) the name of the scheme,
- (ii) the description of the land as reflected on the relevant approved general plan or approved diagram of the land,
- (iii) the number of the relevant approved general plan or of the approved diagram of the land;
- (iv) the number of the section or part of a section that is found in every building:

Provided that if a building consists only of common property, it shall be described as such,

- (v) the nature of any encroachment on the land to which the scheme relates,
- (vi) a certificate signed by the architect or land surveyor that the sectional plan has been prepared from actual measurements taken by him or under his direction:

Provided that where the responsibility for the preparation of the sectional plan is carried by more than one person, each of such architects or land surveyors shall affix a certificate to this sheet, and such certificate shall disclose to what extent he accepts responsibility for the preparation of the sectional plan,

- (vii) the name of the local authority,
- (viii) the sheet number on which every exclusive use area can be found,
- (xi) space for-
 - (aa) the signature of the Registrar and his reference number, and
 - (bb) the signature of the Director and his reference number;

(b) a sheet or sheets on which a block plan is prepared, which shall, in addition to complying with the provisions of section 7(3)(a) of the Act and subregulation (1)(n), contain or indicate the following-

- (i) a description of contiguous land, and the names of contiguous streets, if any,
- (ii) (aa) the position at ground level of the external surfaces of the walls of all buildings shown as a solid line, together with the horizontal distances between each rectilinear cadastral boundary and the buildings nearest to such boundary:

Provided that where such external surfaces of any walls are interrupted at ground level by features such as archways, doorways or similar openings, such external surfaces shall likewise be shown as a solid line,

(bb) the greatest extent to which the external surfaces, excluding roof overhangs, unless any such over-hang encroaches over the cadastral boundary, protrude beyond the external surfaces of the building at ground level shown by distinctive broken lines, together with the horizontal distance between each rectilinear cadastral boundary and the nearest protrusion to such boundary:

Provided that if a basement area determined by the internal surfaces of the walls projects beyond the external surface of the building at ground level, such projection shall likewise be shown separately by a distinctive broken line:

Provided further that a brief description shall be given of all parts of the building indicated by a distinctive broken line,

- (iii) any encroachment on the land to which the scheme relates, and
- (iv) a sign indicating the true north direction;

(c) a sheet or sheets on which the diagrammatic floor plan in respect of each story in the building or buildings referred to in section 7(3)(c) and (d) of the Act are shown and which shall contain, in addition to the

particulars mentioned in subregulation 4(1)(n), the following-

- (i) the boundaries of the sections shown as a solid line,
- (ii) the common property areas by means of distinctive broken lines,
- (iii) an indication of the position of the diagrammatic cross-sections when required in terms of subregulation 4(3),
- (iv) the number of each section or part of such section,
- (v) a sign indicating the true north direction,
- S.I. 8/2003.* (vi) such other information as may be necessary to define each section, and
- S.I. 8/2003.* (vii) an exclusive use area as referred to in subregulation 4(1)(m), which shall be delineated by means of distinctive broken lines and shall express the area to the nearest square metre:

Provided that if details cannot clearly be shown on the sheet, such details may be shown in an inset or on an additional sheet as contemplated in paragraph (f),

- (d) a sheet or sheets containing in numerical sequence-
 - (i) the floor areas of the sections as referred to in section 7(3)(e) of the Act, and
 - (ii) the participation quotas in respect of the sections in the schedule referred to in section 7(3)(g) of the Act:

Provided that the participation quotas of the separate sections shall be made up in such a way that the total participation quota is equal to 100,00; and

- (e) a sheet or sheets containing the insets referred to in paragraphs (b)(vi) and (c)(vii).

(3) A sectional plan shall, where uncertainty or ambiguity about the boundaries of a section, as defined in the Act, may exist, shall contain an additional sheet or sheets that contain diagrammatic cross-sections of the building or buildings of every floor in the building or buildings, detailed sufficiently to indicate the boundaries of every section, and that contain, in addition to the particulars specified in subregulation 4(1)(n), the following-

- (a) the number of the building and the name or number of every floor; and
- (b) such other information as may be necessary to define every section.

5. Submission of sectional plan to Director

(1) The submission of a sectional plan to the Director for his approval in terms of section 9 of the Act shall be in the form of Form AB in the Schedule and shall be accompanied by one paper copy and two copies of the sectional plan concerned on durable drawing material approved by the Director.

(2) The certificate issued by an architect or a land surveyor in terms of section 9(2) shall be in the form of Form B in the Schedule.

(3) In addition to the requirements of section 9(2) of the Act, the submission shall also be accompanied by the other documents and plans listed in Form AB referred to in subregulation (1).

(4) The field book or field plan shall contain the original record of all measurements taken in the field, the name of the person who took the measurements, and the date on which the measurements were taken.

(5) The calculations shall include the following-

- (a) the calculations of the dimensions of the sections to the median lines from the field measurements;
- (b) sufficient calculations to indicate how the area of each section or exclusive use area was determined and how it was checked;
- (c) the calculations of the participating quota of each section;
- (d) a list of co-ordinates of at least two corners or identified permanent features of each building:

Provided that the distances between such corners or features shall be adequate to provide an accurate determination of the position of each building:

Provided further that the co-ordinates may be listed on the copy of the block plan;

(e) a copy of the block plan on which the corners or identified permanent features are indicated and described; and

(f) the calculations relevant to the fixing and checking of the buildings to the boundaries of the land and exclusive use areas in relation to the building, section or boundaries of the land.

S.I. 8/2003. (6) The median dimension plan shall indicate the boundaries and the final dimensions of each section as derived from the field measurements and the consistency adjustments.

6. Field measurements

(1) Measurements by a land surveyor or architect for the preparation of a sectional plan shall be made in the field to two decimal places of a metre and recorded, at the time of the measurement in the field, in the field book or on the field plan.

(2) Sufficient measurements shall be made to enable all median dimensions to be calculated and checked, so as to be consistent with the dimensions of the building as a whole, and the sections and other details on the sectional plan to be correctly depicted.

(3) The provisions of the Land Survey Act and the regulations made thereunder shall apply to the manner in which, and the accuracy to which, the survey of buildings and exclusive use areas whose boundaries are not represented by physical features of permanent nature, shall be performed, and to the manner and the form in which the records of such surveys shall be prepared and lodged with the Director.

7. Accuracy and correctness of sectional plan

(1) The Director may at any time check, in the field, the accuracy or correctness of a sectional plan, or any measurement recorded by a land surveyor or architect.

(2) Where the Director finds a sectional plan, or measurement to be incorrect, he may take such action as he considers appropriate in terms of the Act.

8. Application for opening of sectional title register

(1) An application for the opening a sectional title register in terms of section 12(1) of the Act shall be in the form of Form C in the Schedule.

(2) The application referred to in subregulation(1) shall be accompanied by the title deed to any registered real right, if the land is subject to such a right, excluding rights to minerals, which title deed shall be suitably endorsed to indicate that the land described therein is subject to a development scheme and is registered in the sectional title register:

Provided that where a certificate has been submitted by a conveyancer to the effect that the title deed to such real rights is not available, the Registrar shall endorse the Registry duplicate of such title deed, and, if the original title deed is at any time lodged with the Registrar for any purpose, he shall make a similar endorsement thereon.

(3) The schedule contemplated in section 12(3)(b) of the Act shall, in addition to the particulars prescribed in the section, contain the following-

- (a) the name of the scheme;
- (b) the full name and address of the developer;
- (c) the number of the title deed of the land concerned; and

(d) in the case of land defined on an approved diagram, the number of the title deed with which the diagram is filed.

9. Certificates of registered sectional title

(1) A certificate of registered sectional title referred to in section 12(3)(f) of the Act shall be prepared by a conveyancer and be in the form of Form D in the Schedule, and shall be signed and dated by the Registrar and be sealed with his seal of office.

(2) Certificates of registered sectional title shall be on paper of durable and good quality of size A4 standard paper and shall be written, typed or printed in size not less than 2 mm, with black ink of good quality.

(3) A certificate of registered sectional title that does not comply with the requirements of subregulation (2) shall be rejected by the Registrar.

(4)(a) Subject to the provisions of paragraph (b), a certificate of registered sectional title shall be lodged in duplicate with the Registrar.

(b) Where the procedure is followed, in the Deeds Registry, of reproducing deeds and documents, and of keeping such reproductions instead of the original such deeds or documents, it shall, notwithstanding anything to the contrary in these Regulations, not be necessary to lodge a duplicate original of such deed or document for filing in the Deeds Registry, and, upon registration, such deed or document shall be deemed to be the copy filed in the Deeds Registry until such time as the reproduction of the deed or document is filed in lieu thereof.

(5) The provisions of this regulation shall apply *mutatis mutandis* with reference to any certificate of registered sectional title or sectional title deed issued under any other provision of the Act.

10. Numbering of sectional plans on registration

(1) The distinctive number allotted to a sectional plan in terms of section 13(1)(a) of the Act shall be a consecutive number, starting each year with the figure "1", and shall be followed by an oblique line and the year in which the sectional plan is registered.

S.I. 8/2003. (2) The Registrar may refuse to register a sectional plan if, in his opinion, the plan is dilapidated.

11. Conditions for registration of sectional plan and opening of sectional title register

(1) The sectional title register as contemplated in section 13(1)(b) of the Act shall be opened by means of a sectional title file as set out in the form of Form D in the Schedule.

(2) The Registrar shall open a sectional title file in respect of every property to be registered in accordance with the Act and these Regulations, and in that file shall be filed-

(a) the documents referred to in section 12(3) of the Act, with the exception of the certificates of registered sectional title, the owners copy of the title deed of the land and the bond;

(b) the copy of any notice to the Director and the local authority concerned of the registration or cancellation of the registration of a sectional plan or of the reversion of land to the land register; and

(c) correspondence relating to the scheme concerned as a whole.

(3) Where the procedure is followed, in the Deeds Registry, of reproducing documents and of keeping such reproductions instead of the original such deeds or documents, and of maintaining a register as referred to in section 13(1)(c), the sectional title file referred to in subregulation (3) may be substituted by such reproductions and register:

Provided that the sectional title file may be maintained for such other documents as the Registrar may determine.

(4) The file number allotted to the sectional title file shall be the same as the number allotted to the sectional plan.

12. Certificates of real right

(1) The certificate of real right referred to in section 13(1)(e) of the Act shall be in the form of Form F in the Schedule.

(2) The certificate of real right referred to in section 27(6) of the Act shall be in the form of Form G in the Schedule, and shall be accompanied by the written consent of all the members of the body corporate and of every holder of a bond over a unit in the scheme.

(3) The certificate of real right referred to in section 13(1)(f) of the Act shall be in the form of Form H in the Schedule.

13. Amendment, etc, of registered sectional plan

(1) The provisions of subregulation (4) shall apply *mutatis mutandis* to a sectional plan which is to be substituted for a registered sectional plan.

(2) The Registrar shall forward a copy of the sectional plan which is substituted for a registered sectional plan to the local authority concerned.

(3) Whenever the Registrar amends the relative sectional title deed as required by section 15(5) of the Act, he shall endorse thereon that the amendment has been effected in accordance with an alteration, amendment or substitution of the registered sectional plan.

(4) Whenever the registration of a sectional plan is cancelled on the application of the developer in terms of section 15(6) of the Act, the Registrar shall make the necessary endorsement on-

(a) each of the relevant sectional title deeds;

(b) the titles to any real right, with the exclusion of mineral rights; and

(c) on the schedule referred to in section 12(3)(b) of the Act.

(5)(a) Whenever the registration of a sectional plan is cancelled, the Registrar shall make the alterations, amendments, endorsements and entries in the relevant land register and records which are necessary to effect the reversion of the land to the land register.

(b) Any entry referred to in paragraph (a) shall contain a reference to the number of the relevant sectional plan.

(6) Whenever the registration of a sectional plan is cancelled, the Registrar shall, if a certificate of registered title referred to in section 15(7) of the Act is not issued by him, revive the developer's title deed of the land referred to in section 12(3)(c) of the Act by making an appropriate endorsement on the title deed under his signature and date.

14. Registration of transfer of ownership and other rights

(1) The deed of transfer referred to in section 18(1) of the Act shall be in the form of Form I in the Schedule.

(2) An application referred to in section 18(5) of the Act shall be in the form of Form J in the Schedule.

(3) A certificate of registered sectional title referred to in section 18(5) of the Act shall be in the form of Form K in the Schedule.

15. Preparation of certificate of registration, etc

(1) Every deed of transfer, certificate of title, certificate of registration or sectional mortgage bond shall be prepared by a conveyancer or other person empowered thereto by any Act, and the conveyancer or other person shall make and sign a certificate in the form set out in regulation 16, in the upper right hand corner on the first page of the document concerned.

(2) The conveyancer or other person referred to in subregulation (1) shall initial all alterations or interlineations in such deed of

transfer, certificate or sectional mortgage bond and every page thereof not requiring a signature, and no such deed of transfer, certificate or sectional mortgage bond shall be accepted for execution or registration if it does not bear such certificate and is not so initialled.

16. Preparation of and form of documentation for registration

(1) Subject to the provisions of subregulations (3) and (4), a power of attorney, application or consent required for the performance of an act of registration in the Deeds Registry, and tendered for registration or filing of record in the Deeds Registry shall be prepared by a practising attorney, notary, conveyancer or other person empowered thereto by any Act, who shall make and sign a certificate of registration in the undermentioned form in the upper right hand corner on the first page of the document concerned.

"Prepared by me

.....

Attorney/Notary/Conveyancer/Other authorised person

(Delete whichever is inapplicable, and write name(s) and surname in capital letters) "

(2) Subject to the provisions of subregulation (3), any alteration or interlineation in a document referred to subregulation (1) shall be initialled by the person who prepared such document.

(3) The Registrar may waive compliance with the provisions of subregulations (1) and (2) in respect of a power of attorney, application or consent executed outside Botswana, or in respect of a power of attorney, application or consent not provided for by the Act or the Regulations.

(4) The provisions of subregulation (1) shall not prevent an attorney, notary or conveyancer in the employ of the State from preparing, in the course of his employment, any document, referred to in that subregulation.

(5) Where a certificate referred to in subregulation (1) is signed by an attorney or notary, the fact that the signatory is a practising attorney or notary shall be confirmed by a practising conveyancer who shall countersign the certificate by making and signing the following certificate thereon-

"Countersigned by me

.....

Conveyancer

(Write name(s) and surname in capital letters)"

17. Responsibility for correctness of facts stated in documents

The person preparing and signing the documents referred to in regulations 15 and 16 shall accept responsibility for the correctness of the facts referred to herein and stated in the deeds or documents concerned or which are relevant in connection with the registration or filing thereof, namely-

(a) that all copies of the deeds or documents intended for execution or registration are identical at the date of lodgment;

(b) that in the case of a deed of transfer, certificate of title or certificate of registration, all the applicable conditions of title have been correctly brought forward in that deed of transfer, certificate of title or certificate of registration;

(c) that in the case of a document referred to in regulation 16(1) signed by a person in his capacity as executor, trustee, tutor, curator, liquidator or judicial manager, such person has in fact been appointed in that capacity, is acting in accordance with the powers granted to him, and that any surety required has been furnished to the Master of the High Court;

(d) that to the best of his knowledge and belief and after due enquiry has been made-

(i) (aa) the names, Omang number or date of birth and marital status of any person being a party to a deed or document and, in the case of any other person or trust, its name and registered number, if any, of such person or trust, are correctly reflected in that deed or document;

(bb) in the case where a woman married out of community of property, or a woman whose marriage is governed by the law of any other country, has not been assisted by her husband in the signing of any deed or document, the marital power has been excluded or abolished;

(ii) in the case of a document referred to in regulation 16(1)-

(aa) the necessary authority has been obtained for the signing of such document in a representative capacity on behalf of a company, church, association, society or other body of persons or an institution; and

(bb) the transaction as disclosed therein is authorized by and in accordance with the constitution, regulation or founding statement, as the case may be, of any church, association, close corporation, society or other body of persons, or any institution other than a company, or the trust instrument of a trust being a party to such document, and

(e) that, in the case where the person signs the preparation certificate on a deed of transfer, certificate of title, certificate of registration or a sectional mortgage bond, he accepts responsibility that the particulars in the deed referred to in paragraph (d)(i) have been brought forward correctly from the special power of attorney or application relating thereto.

18. Dealings with common property

(1) Simultaneously with the registration of a transfer referred to in sections 20(4)(a) and 22(3) of the Act, the Registrar shall make an endorsement under his signature on the schedule of conditions referred to in section 12(3)(b) of the Act.

(2) Any sectional title deed registered pursuant to section 20(4) or 22(3) of the Act shall simultaneously be re-registered as a deed of transfer under the Cap 33:02 Deeds Registry Act.

(3) The Registrar shall register a cession of a servitude or other real right in terms of section 22 of the Act by virtue of a deed of cession in the form of Form L in the Schedule.

19. Registration of sectional plan of sub-division, consolidation, etc *s.I. 8/2003.*

(1) An application for the registration of a sectional plan of-

- (a) subdivision;
- (b) consolidation;
- (c) extension of a section; and
- (d) extension of a scheme

shall be in the form of Form M in the Schedule.

(2) When registering the plans referred to in subsection (1), the Registrar shall allot a distinctive number to each of the said plans.

(3) The certificates of registered sectional title referred to in sections-

- (a) 24(5) and 25(5) of the Act shall be in the form of Forms N and O in the Schedule; and
- (b) section 27(12)(c) of the Act shall be in the form of Form P in the Schedule.

(4) Whenever the Registrar issues a sectional title deed under sections 24(5) and 25(5) respectively of the Act in lieu of the sectional title deed referred to in sections 24(2)(b) and 25(2)(b) respectively of the Act, he shall endorse the latter sectional title deed.

(5) The Registrar shall furnish the local authority concerned with a copy of the registered sectional plans referred to in this regulation.

20. Registration of plan of extension of common property

(1)(a) An application for the registration of a sectional plan of extension of common property shall be in the form of Form Q in the Schedule.

(b) When registering such a sectional plan under section 28(4) of the Act, the Registrar shall allot a distinctive number thereto.

(2) The Registrar shall furnish the local authority concerned with a copy of the registered sectional plan of extension.

21. Exclusive use areas

(1) The exclusive use areas referred to in section 7(3)(f) of the Act shall, where there is more than one area, be numbered and described in separate paragraphs in the certificate of real rights referred to in section 13(1)(f) of the Act.

(2) Simultaneously with the transfer of a right to an exclusive use area referred to in section 29(3) of the Act, the Registrar shall make an endorsement under his signature on the schedule of conditions referred to in section 12(3)(b) of the Act and shall notify the Director accordingly.

22. Destruction of or damage to buildings

(1) Whenever a building is damaged or deemed to have been destroyed as contemplated in section 51 of the Act and a scheme has been authorised as provided for in section 52(1), the body corporate shall notify the Registrar, and the notification shall be in the form of Form R in the Schedule.

(2) The notice to the Registrar pursuant to subregulation (1) shall be accompanied by a schedule in terms of section 7(3)(g) of the Act which shall exclude reference to any section which has been destroyed, and the affected title of the owner of the unit or the holder of any real rights together with the consent of the holder of any mortgage bond or holder of any real rights for disposal thereof.

(3) The Registrar shall give effect to the requirements as contemplated by section 51(3)(b) of the Act by making an appropriate endorsement on the relevant deeds.

(4) The Registrar shall, in writing, advise the Director and the local authority concerned of any registration pursuant to section 51 of the Act, which advise shall be accompanied by a schedule referred to in subregulation (2), in the case of the local authority, and by the original in the case of the Director.

(5) On receipt of the notification pursuant to subregulation (2), the Director shall make the required amendments and endorsements on the sectional plan and on the Deeds Registry copy thereof.

23. Sectional mortgage bonds

A sectional mortgage bond hypothecating a unit held under a sectional title deed, an exclusive use area or the right to extend a scheme held under a certificate of real right, shall be in the form of Form S in the Schedule, and shall be prepared by a conveyancer and be signed by the mortgagor, or his duly authorized agent, in the presence of a conveyancer, and the said form shall be suitably adapted when hypothecating land held under a sectional title deed or a registered notarial lease or sublease or other registered real right.

24. Endorsement or entries on registered deeds or other documents

Endorsements or entries required by these Regulations to be made on registered deeds or other documents or in registers may be made thereon or therein by means of a rubber stamp, handwriting or typewriting, and shall be signed and dated by the Registrar who shall, below his signature, state the office held by him, and who shall initial any alteration or interlineation to an endorsement or entry.

25. Arbitration proceedings

The provisions of the Arbitration Act shall, in so far as those provisions can be applied, apply mutatis mutandis with reference to arbitration proceedings under the Act.

26. Certified copies

A certified copy of an approved sectional plan shall only be issued by the Director and shall not be issued prior to the registration thereof, unless the written consent of the architect and the land surveyor concerned, or any person legally entitled to act on his behalf, is produced to the Director :

Provided that such consent shall not be required if the Director has been supplied with evidence that such architect or land surveyor has unreasonably withheld his consent or has failed to respond in a reasonable time to a notice requesting authorization for the issue of a certified copy.

SCHEDULE

Form A

TITLE PAGE

(regulation 4)

SECTIONAL PLAN	SHEET OF SHEETS	DSM NO.
Registered at Gaborone Registrar of Deeds Date:		APPROVED Director of Surveys & Mapping
NAME OF SCHEME		
DESCRIPTION OF LAND		
DIAGRAM No.		
GENERAL PLAN No.		
NAME OF LOCAL AUTHORITY		
DESCRIPTION OF BUILDINGS		

ENCROACHMENTS ON THE LAND		
EXCLUSIVE USE AREAS		
CERTIFICATE		
I,, hereby certify that I have prepared Sheets.....to inclusive of this Sectional Plan from survey, in accordance with the provisions of the Sectional Titles Act, 1999 and the Regulations made thereunder.		
SR No.	Compilation	GP No.

Form AB

*(regulation 5)***TO:** Director of Surveys and Mapping

**SUBMISSION OF SECTIONAL PLAN
IN TERMS OF SECTION 9 OF SECTIONAL TITLES ACT (No. 7 of 1999)**

1. *(Applicant's full name)*.....of
(postal address)
.....*(local authority area)*.....
(professional registration number).....hereby apply
for the approval
of the sectional plan in respect of *(name of scheme)*.....
The full description of the land in respect hereof is reflected on General Plan /
Diagram.....
2. Copies of the survey records applicable to the determination of the boundaries
of the
property which have been filed in your office under reference
number.....are submitted herewith.
3. In support of this application, the following documents are submitted:
 - (a) the sectional plan comprising.....sheets, together with one
paper copy and two copies on durable drawn material of the draft sectional
plan concerned;
 - (b) the field plan/field book;
(delete as appropriate)
 - (c) the media dimension plan;
 - (d) the calculations;
 - (e) the report;
 - (f) the necessary certificates from the land surveyor concerned that the
scheme is not in conflict with any building line restrictions appearing in the
relevant title deeds; and
 - (g) a copy of the schedule certified by a Conveyancer setting out the
servitudes and conditions of tile burdening or benefiting the land.

Signed *Date*

.....
Land Surveyor/Architect

Form AC

EXCLUSIVE USE AREAS

SHEET OF SHEETS	DSM NO.
	APPROVED:
	Director of Surveys & Mapping
	Date:



Legend:

E.U.A. No.	Area Sq.metres

NOTES:


Signed:

DRAWING TITLE

Date:

Exclusive use areas on the ground

Form AD
FLOOR PLANS

SHEET OF SHEETS	DSM NO.
	<p>APPROVED:</p> <p>Director of Surveys & Mapping</p> <p>Date:</p>

NOTES:

Signed:	DRAWING TITLE
Date:	Floor plans

Form AE
FLOOR PLAN SHOWING CROSS-SECTIONS

SHEET OF SHEETS	DSM NO.
<div style="border: 1px solid black; width: 60px; height: 60px; margin-bottom: 10px;"></div>	APPROVED: Director of Surveys & Mapping Date:
Signed:	DRAWING TITLE:
Date:	

Form AF
GROUND PLAN SHOWING CROSS-SECTIONS

SHEET OF SHEETS	DSM NO.
<div style="border: 1px solid black; width: 60px; height: 60px; margin-bottom: 10px;"></div>	APPROVED: Date:

NOTES:	
Signed:	SCHEME
Date:	DRAWING TITLE
	SCALE

Form AG
PARTICIPATION QUOTA SCHEDULE

SHEET OF SHEETS		DSM NO.
		APPROVED:
		Director of Surveys & Mapping Date:
Section No.	Area in square metres	Participation quota
NOTES:		
Signed:		DRAWING TITLE
Date:		Participation quota schedule

Form B
LAND SURVEYOR/ARCHITECT'S CERTIFICATE
IN TERMS OF SECTION 9(2) OF THE SECTIONAL
TITLES ACT (No. 7 of 1999)

(regulation 5(2))

NAME OF SCHEME :

DESCRIPTION OF PROPERTY:

I,.....hereby certify that, disregarding minor discrepancies and infringements, the above mentioned sectional plan complies with the requirements of section 9(2) of the Sectional Titles Act namely- (i) the proposed divisions into sections and common property complies with the provisions of the Town and Country Planning Act and the Building Control Act and the regulations made thereunder; and (ii) the building(s) to which the scheme relate(s) were erected in accordance with approved building plans.

SIGNED.....

DATE.....

Registration number.....

Note : Delete and initial paragraph (ii) if section 9(2)(c) applies

Form C

APPLICATION FOR OPENING OF SECTIONAL TITLE REGISTER UNDER SECTION 12(1) OF THE SECTIONAL TITLES ACT (No. 7 of 1999)

(regulation 8(1))

Prepared by me

.....
Conveyancer

I, the undersigned.....
(name of developer)
hereby apply to the Registrar of Deeds for-

[i]*1. the registration of the attached sectional plan in terms of the provisions of section 13(1)(a) of the Sectional Titles Act, 1999, and the opening of a sectional titles register in terms of the provisions of section 13(1)(b) of the aforesaid Act in respect of the scheme known as as will more fully appear from sectional plan DSM No..... held under

[ii]*2. the issue of certificates of registered sectional title in terms of the provisions of section 13(1)(d) of the aforesaid Act in respect of the sections shown on the said sectional plan

[iii]*3. the issue of a certificate of real right in terms of the provisions of section 13(1)(e) of the aforesaid Act in respect of any proviso in terms of section 27(1)

[iv]*4. the issue of a certificate of real right in terms of the provisions of section 13(1)(e) of the above mentioned Act in respect of any reservation in respect of section 27(6)

[v]*5. the issue of a certificate of real right in terms of the provisions of section 13(1)(f) of the aforesaid Act in respect of a right of exclusive use referred to in section 29(1)

[vi]*6. the issue of a certificate of real right in terms of the provisions of section 13(1)(f) of the aforesaid Act in respect of a right of exclusive use referred to in section 29(1).

at.....on.....20.....

Signed
.....
Signature of Developer

Note : Please attach, to this application, the documents and information referred to in section 12 of the Act

Form D

CERTIFICATE OF REGISTERED SECTIONAL TITLE ISSUED UNDER

SECTION 12(3)(f) OF THE SECTION TITLES ACT (No. 7 of 1999)

(regulation 4)

Prepared by me

.....
Conveyancer

I, Registrar of Deeds at....., hereby certify that.....

..... is the registered owner of a unit consisting of-

(a) Section No.....as shown and more fully described in

Sectional Plan No....., in the scheme known as.....

.....in respect of the land and building or buildings

situate at [vii]*....., of which section

the floor area, according to the said sectional plan is.....square metres in extent; and

(b) an undivided share in the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan.

(c) Ownership of the said unit is subject to the conditions contained in the schedule filed with the sectional plan.

THUS DONE AND EXECUTED at the Office of the Registrar of Deeds for Botswana at

Gaborone this.....day of.....in the year of Our

Lord Two Thousand and.....(20.....)

In my presence

.....
.....
REGISTRAR OF DEEDS

q.q. HIS PRINCIPAL

Registered in the Register
of.....
at Gaborone on the above date

Form E
SECTIONAL TITLES REGISTER

Section:.....

Folio:.....

Area:.....

SECTIONAL TITLES REGISTER

Sectional Plan DSM No.....Surveyed by Surveyor/s
.....in.....
and approved by the Director of Surveys and Mapping on
the
Name of Scheme:.....

Entry No.	Sectional Title Deed No.	Date	Holding	From Entry	Area	Transferor	Transferee and Identification	Remarks

--	--	--	--	--	--	--	--	--

Form F
 CERTIFICATE OF REAL RIGHT UNDER SECTION 13(1)(e) OF THE SECTIONAL TITLES ACT (No. 7 of 1999)
 (regulation 12(1))

Prepared by me

 Conveyancer

WHEREAS(hereinafter called "the developer") has applied for the registration of a sectional plan in terms of section 12(1) of the Sectional Titles Act;

AND WHEREAS the developer has reserved for [viii]*himself/herself the right to extend the scheme as contemplated in section 27(1) of the Act;

AND WHEREAS no reservation was made by the developer in terms of section 27(1) of the Act and the body corporate has not yet been established;

NOW THEREFORE, in pursuance of the provisions of the said Act, I, as Registrar of Deeds atdo hereby certify that the developer or [ix]*his/her successor in title is the registered owner of the right to erect and complete from time to time within a period of for [x]*his/her personal account [xi]**..... on the specified portion of the common property as indicated on the plan filed in sectional title file number, and to divide such building or buildings into a section or sections and common property, and to confer the right to exclusive use over a portion of such common property upon the owner or owners of one or more units in the scheme known as

..... in respect of the land and building or buildings situate at [xii]**..... and shown on sectional plan No.

THUS DONE AND EXECUTED at the Office of the Registrar of Deeds for Botswana at Gaborone this day of in the year of Our Lord Two Thousand and (20.....)

In my presence

.....
REGISTRAR OF DEEDS **q.q. HIS**
PRINCIPAL

Form G
 CERTIFICATE OF REAL RIGHT UNDER SECTION 27(6) OF THE SECTIONAL TITLES ACT (No. 7 of 1999)
 (regulation 12(2))

Prepared by me

 Conveyancer

WHEREAS the right to extend the scheme rests with the body corporate of.....

.....under the provisions of section 27(6) of the Sectional Titles Act:

NOW THEREFORE, I, the Registrar of Deeds at in pursuance of the provisions of the said Act, do hereby certify that the said body corporate is the registered holder of the right to erect and complete from time to time

[xiii]*.....on the specified portion of the common

property as indicated on the plan filed in sectional title file number....., and to divide such building or buildings into section or sections and common property and to confer the right of exclusive use over portions of such common property upon the owner or owners

of one or more of the units in the scheme known as....., in respect of the

land and building or buildings situate at [xiv]**.....and shown on sectional plan No.

THUS DONE AND EXECUTED at the Office of the Registrar of Deeds for Botswana at Gaborone this.....day of.....in the year of Our Lord Two Thousand and.....(20.....)

In my presence

.....
.....
REGISTRAR OF DEEDS
PRINCIPAL

q.q. HIS

Form H
CERTIFICATE OF REAL RIGHT: EXCLUSIVE USE AREAS IN TERMS OF SECTION 13(1)(f)
OF THE SECTIONAL TITLES ACT (No. 7 of 1999)

(regulation 12(3))

Prepared by me
.....
Conveyancer

WHEREAS.....(hereinafter called "the developer") has applied for the registration of a sectional plan in terms of section 12(1) of the Sectional Titles Act;

AND WHEREAS the developer has in terms of section 7(3)(f) of the said Act delineated certain exclusive use areas on the sectional plan;[xv]*

AND WHEREAS no reservation was made by the developer in terms of section 27(1)(a) of the said Act and the body corporate has not yet been established;[xvi]*

NOW THEREFORE, I, the Registrar of Deeds at....., do hereby certify that the developer is the registered holder of the right to the undermentioned exclusive use areas forming part of the common property and delineated as such on Sectional Plan No.....

in the scheme known as [xvii]**.....Situate at

[xviii]**.....

In respect of-

- (1)
- (2)
- (3)
- (4)
- (5)
- (6)
- (7)
- (8)
- (9)

(10)

THUS DONE AND EXECUTED at the Office of the Registrar of Deeds for Botswana at Gaborone this.....day of.....in the year of Our Lord Two Thousand and.....(20.....) In my presence

.....

REGISTRAR OF DEEDS PRINCIPAL

q.q. HIS

Form I
DEED OF TRANSFER IN TERMS OF SECTION 18(1) OF THE SECTIONAL TITLES ACT (No. 7 of 1999)
(regulation 14)

Prepared by me
.....
Conveyancer

BE IT HEREBY MADE KNOWN

THAT.....appeared before me, Registrar of Deeds for Botswana at Gaborone, he, the said appearer, being duly authorised thereto by a Power of Attorney dated the.....day of.....20.....passed atgranted tohim by.....
(transferor's names, date of birth and marital status)

which power of Attorney was exhibited to me this day;

AND THE SAID APPEARER DECLARED THAT the said.....
.....did on the.....day of
(seller's name, date of birth and marital status)
.....20.....sell the hereinafter mentioned property to the hereafter mentioned transferee;

AND THAT he/she did by these presents cede and transfer in full and free property to and on behalf of.....
(names and date of birth of transferee)

His/Her Heirs, Executors, Administrators or Assigns the following property:

- (a)
 - A CERTAIN:** Unit Consisting of Section No.....
 - SITUATE:**
 - MEASURING:**
 - AS SHOWN AND MORE FULLY DESCRIBED:** On sectional plan no.....
 - IN THE SCHEME KNOWN AS:**
 - HELD UNDER:**
 - SUBJECT TO:**

(b) An undivided share in the common property in the scheme apportioned to the said section in accordance with the participation quota endorsed on the said sectional plan.

WHEREFORE the appearer, renouncing all the right, title and interest which his principal heretofore had to the premises, did in consequence also acknowledge it to be entirely dispossessed of and disentitled to the same and that by virtue of these presents, the said.....
(names and date of birth of transferee)

his/her heirs, executors, administrators or assigns now is and henceforth shall be entitled thereto, conformably to local custom. The State however reserving its rights and finally

acknowledging that the property was sold on the.....day of
....., 20.....for the sum
of.....

IN WITNESS WHEREOF I, the said Registrar, together with the Appearer q.q. have subscribed to these presents, and have caused the seal of office to be affixed thereto.

THUS DONE AND EXECUTED at the Office of the Registrar of Deeds for Botswana at Gaborone on this.....day of.....in the year of our Lord Two Thousand and.....(20.....).

In my presence

.....
REGISTRAR OF q.q. HIS PRINCIPAL

DEEDS

Form J
APPLICATION FOR A CERTIFICATE OF REGISTERED SECTIONAL TITLE ISSUED UNDER SECTION 1 - (5) OF THE SECTIONAL TITLES ACT (No. 7 of 1999)

(regulation 14)

Prepared by me
.....
Conveyancer
To: The Registrar of Deeds
Private Bag 0020
GABORONE

WHEREASis the registered owner of an undivided
(full names, date of birth & marital status) (state extent
of share)

share in:

CERTAIN: Section No.....

SITUATE:

MEASURING:

AS SHOWN AND MORE FULLY DESCRIBED: On sectional plan no.....

IN THE SCHEME KNOWN AS:

HELD UNDER:

SUBJECT TO:

AND WHEREAS the said.....is desirous of taking out a certificate of Registered Sectional Title in respect of such undivided share.

NOW THEREFORE I, the undersigned,

.....
(Full names)
(Born on the.....& Marital status)

Page 1

do hereby make application for issue to me of a certificate of Registered Sectional title in

respect of of an undivided.....in
(State extent of share)

CERTAIN:

SITUATE:

MEASURING:

DATED at this day
of 20

.....
(Applicant's signature)

As Witnesses

1.

2.

Form K
CERTIFICATE OF REGISTERED SECTIONAL TITLE ISSUED UNDER
SECTION 18(5) OF THE SECTIONAL TITLES ACT (No. 7 of 1999)

(regulation 14)

Prepared by me

.....
Conveyancer

KNOW ALL MEN WHOM IT MAY CONCERN:

THAT WHEREAS is the registered owner
of an undivided

(Full names, date of birth and marital status)

..... share in:
(state extent of share)

CERTAIN:

SITUATE:

MEASURING:

AS SHOWN AND
MORE FULLY DESCRIBED: On sectional plan
no.:

IN THE SCHEME
KNOWN AS:
.....

HELD UNDER:
.....

AND WHEREAS the said has applied for
issue to him of

(Full names, date of birth & marital status)

a Certificate of Registered Sectional Title in respect of such undivided share.

NOW THEREFORE, I, the Registrar of Deeds for Botswana at Gaborone, do hereby
certify that the said:

.....
(Full names, date of birth and marital status)

His heirs, executors, administrators or assigns

is the registered owner of an undivided share in:
(Extent of share)

CERTAIN:

SITUATE:

MEASURING:

AS SHOWN AND

MORE FULLY DESCRIBED: On Sectional Plan no.

IN THE SCHEME KNOW AS:

HELD UNDER:

SUBJECT TO:

AND THAT by virtue of these presents, the said..... (Full names, date of birth and marital status)

is now and henceforth shall be entitled thereto conformably to local custom, the state however reserving its rights.

IN WITNESS WHEREOF, I, the said Registrar have subscribed to these presents and have caused the seal of office to be affixed thereto.

THUS DONE AND EXECUTED at the office of the Registrar of Deeds for Botswana at

Gaborone on this.....day of.....in the Year of Our Lord, Two

Thousand and.....(20.....)

In my presence

.....

REGISTRAR OF DEEDS PRINCIPAL q.q. HIS

Form L NOTARIAL DEED OF CESSION (regulation 18)

Protocol No..... Notary Public

NOTARIAL DEED OF CESSION

Be it hereby made known

That on this.....day of.....in the Year of Our Lord Two Thousand and(20.....), before me

..... (Name of Notary Public)

Notary Public by lawful authority duly sworn and admitted practising in Botswana residing at

....., and in the presence of the subscribing witnesses personally came and appeared

..... (either the names of the Trustees of the Association or Deputy Sherrif)

(hereinafter referred to as "the cedent")

and further came and appeared

..... (representative of expropriating authority duly authorised by resolution)

(hereinafter referred to as the Cessionary)

And the Appearers declared that:

WHEREAS a Notarial Deed of lease/servitude/other real rights, registered in the Deeds office for Botswana at Gaborone under no.....and dated.....

was entered into by and between (if lease) was ceded by.....to.....

(Cedent)

(Cessionary)

(if servitude).

In respect of: (state particulars of leased land or servitude)

AND WHEREAS.....has expropriated the said..... (expropriating authority) (state the right expropriated)

NOW THEREFORE, the said cedent did by these presents hereby cede and assign all its rights, title and interest in, and all its obligations under the (lease/servitude or other real right) to the cessionary, its successors in title or assigns and the cessionary hereby accepts such cession and assignment subject to all the terms and conditions of the lease/servitude/other real rights and hereby releases the cedent from all its obligations thereunder.

IN WITNESS WHEREOF, I, said Notary, together with the Appearers, q.q. have subscribed to these presents and have caused the seal of office to be affixed thereto.

THUS DONE AND EXECUTED AT GABORONE on the date, month and year aforewritten, in the presence of the subscribing witnesses and of me, the said Notary.

AS WITNESSES

1. (Cedent)

2.

1. (Cessionary)

2.

..... Quod Attestor

..... Notary Public

Form M

APPLICATION FOR REGISTRATION OF SECTIONAL PLAN OF SUBDIVISION/CONSOLIDATION/EXTENSION OF SECTION/ EXTENSION OF SCHEME UNDER SECTIONS 24(1), 27(6), AND 27(11) OF THE SECTIONAL TITLES ACT (No. 7 of 1999)

(regulation 19(1))

Prepared by me

..... Attorney/Notary public/ Conveyancer

I, the undersigned, do hereby apply to the Registrar of Deeds at Gaborone for:

1. The registration of the attached sectional plan of subdivision of a section/consolidation of sections/extension of sections/extension of scheme by addition of sections/extension of scheme by addition of land to the common property [xix]* in terms of the provisions of section 24(1), 25(1), 27(6), 27(11) [xx]* of the Sectional Titles Act, in respect of [xxi]+/-

2. Section No.....formerly section/sections No./Nos.....

3. as shown and more fully described on sectional plan No. DSM..... in the scheme known as.....

in respect of the land or building or buildings situate at [xxii]**..... and held under [xxiii]+ +.....

4. The issue of certificates of registered sectional title in terms of the provisions of section 24(5), 25(5), 27(11) of the aforesaid Act in respect of the sections shown on the said sectional plan of [xxiv]*

Signed
at.....on.....

.....
Signature

THUS DONE AND EXECUTED at the Office of the Registrar of Deeds for Botswana at
Gaborone on this.....day of.....in the
year of Our Lord

Two Thousand and.....(20.....)

In my presence

.....
REGISTRAR OF DEEDS

.....
q.q. HIS PRINCIPAL

IN WITNESS WHEREOF, I, the said Registrar have subscribed
to these presents, and have caused the seal of office to be affixed thereto

THUS DONE AND EXECUTED at the Office of the Registrar of Deeds for Botswana
at

Gaborone on this.....day of.....in the
year of Our Lord

Two Thousand and.....(20.....)

In my presence

.....
REGISTRAR OF DEEDS

.....
q.q. HIS PRINCIPAL

Form N
CERTIFICATE OF REGISTERED SECTIONAL TITLE IN TERMS OF SECTION 24(5)
OF THE SECTIONAL TITLES ACT (No. 7 of 1999)

(regulation 19)

Prepared by me

.....
Conveyancer

WHEREAS

.....
(Full names, date of birth and marital status)

is the registered owner of

CERTAIN: Section no.....

SITUATE:

MEASURING:

AS SHOWN AND
MORE FULLY DESCRIBED: On sectional plan no.:.....

IN THE SCHEME
KNOWN AS:
.....

HELD UNDER:
.....

AND WHEREAS the said.....has caused a portion of the
aforementioned section to be surveyed under a sectional plan of subdivision approved by the
Director of Surveys and Mapping.

AND

WHEREAS

.....
has applied for issue to him of a Certificate of Registered Sectional Title in respect of such
portion;

NOW THEREFORE, I, the Registrar of Deeds for Botswana at.....do hereby certify that the said:

.....
(Full names, date of birth and marital status)

His heirs, executors or assigns
is the registered owner of:

CERTAIN: Section no.....

SITUATE:

MEASURING:

AS SHOWN AND MORE FULLY DESCRIBED: Sectional Plan no.....

IN THE SCHEME KNOWN AS:

SUBJECT TO:

AND THAT by virtue of these presents, the said

.....
(Full names, date of birth and marital status)

His Heirs, Executors or Assigns is now and henceforth shall be entitled thereto conformably to local custom, the state, however reserving its rights.

IN WITNESS WHEREOF, I, the said Registrar have subscribed to these presents and have caused the seal of office to be affixed thereto.

THUS DONE AND EXECUTED at the office of the Registrar of Deeds for Botswana at Gaborone on this.....day of.....in the Year of Our Lord, Two Thousand and.....(20.....)

.....
.....
REGISTRAR OF DEEDS

q.q. HIS PRINCIPAL

Form O
CERTIFICATE OF REGISTERED SECTIONAL TITLE IN TERMS OF SECTION 25(5)
OF THE SECTIONAL TITLES ACT (No. 7 of 1999)
(regulation 19)

Prepared by me
.....
Conveyancer

WHEREAS
(Full names, date of birth and marital status)

is the registered owner of

CERTAIN: Section No.....

SITUATE:

MEASURING:

AS SHOWN AND MORE FULLY DESCRIBED: On sectional plan no.:

IN THE SCHEME KNOWN AS:

HELD UNDER:

AND WHEREAS the said.....has caused a portion of the aforementioned section to be surveyed under a sectional plan of consolidation approved by the Director of Surveys and Mapping.

AND WHEREAS

.....
has applied for issue to him of a Certificate of Registered Sectional Title in respect of such portion;

NOW THEREFORE, I, the Registrar of Deeds for Botswana at.....do hereby certify that the said:

.....
(Full names, date of birth and marital status)

His heirs, executors or assigns
is the registered owner of:

CERTAIN Section no.....
SITUATE:
MEASURING:
AS SHOWN AND MORE FULLY DESCRIBED: Sectional Plan no.....
IN THE SCHEME KNOWN AS:
SUBJECT TO:

AND THAT by virtue of these presents, the said

.....
(Full names, date of birth and marital status)

His Heirs, Executors or Assigns is now and henceforth shall be entitled thereto conformably to local custom, the state, however reserving its rights.

IN WITNESS WHEREOF, I, the said Registrar have subscribed to these presents and have caused the seal of office to be affixed thereto.

THUS DONE AND EXECUTED at the office of Registrar of Deeds for Botswana at Gaborone on this.....day of.....in the Year of Our Lord, Two Thousand and.....(20.....)

.....
REGISTRAR OF DEEDS

.....
q.q. HIS PRINCIPAL

Form P
CERTIFICATE OF REGISTERED SECTIONAL TITLE UNDER
SECTION 27(12)(c) OF THE SECTIONAL TITLES ACT (No. 7 of 1999)
(regulation 19(3)(b))

Prepared by me

.....
Conveyancer

WHEREAS.....has made application for the extension of section

No.....as shown and more fully described on sectional plan No. DSM

.....in the scheme known as.....

In respect of the land and building or buildings situate at [xxv]*.....

And held under [xxvi]**.....in accordance with a plan of subdivision;

AND WHEREAS the sectional plan of the extension has been registered by me as Sectional Plan No. DSM.....

NOW THEREFORE, I, Registrar of Deeds at....., do hereby certify that

.....aforesaid is the registered owner of a unit consisting of -

- (a) Section No....., as shown and more fully described on the aforesaid sectional plan, in the scheme known as..... in respect of the land and building or buildings situate at [xxvii]*..... of which section, the floor area, according to the said sectional plan is.....square metres in extent; and
- (b) an undivided share in the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan.
- (c) Ownership of the said unit is subject to the conditions contained in the schedule filed with the sectional plan.

- The unit is subject to or shall benefit by-
- (i) the servitudes, other real rights and conditions, if any, as contained in the schedule of conditions as referred to in section 12(3)(b) and the servitudes referred to in section 32 of the Sectional Titles Act, and
 - (ii) any alterations to the building or buildings or to a section or to the common property shown on the said sectional plan.

THUS DONE AND EXECUTED at the Office of the Registrar of Deeds for Botswana at

Gaborone on this.....day of.....in the year of Our Lord

Two Thousand and.....(20.....)

In my presence

.....
.....

**REGISTRAR OF DEEDS
PRINCIPAL**

q.q. HIS

Registered in the Register
of.....
at Gaborone on the above date

Form Q
APPLICATION FOR REGISTRATION OF SECTIONAL PLAN OF EXTENSION OF COMMON PROPERTY UNDER SECTION 28(3) OF THE SECTIONAL TITLES ACT (No. 7 of 1999)
(regulation 20)

To:
.....
.....
(State name and address of local authority)

**APPLICATION FOR REGISTRATION OF SECTIONAL PLAN OF
EXTENSION OF COMMON PROPERTY UNDER SECTION 28(3) OF THE
SECTIONAL TITLES ACT (No. 7 of 1999)**

I/We.....

the undersigned trustees of the body corporate of the scheme known as.....

No.....situate
at[xxviii]*.....,

do hereby apply for extension of the common property by the addition thereto of the land described as

CERTAIN : Piece of land being Lot...../.....

SITUATE: In the.....Administrative District

MEASURING :m2 (.....square metres)

WHICH PROPERTY: Was held under Certificate of Registered Title

No.....dated.....and made in favour
of the seller

to provide facilities and amenities for its members.

[xxix]** The application is accompanied by the following documents:

.....

.....

.....

.....

Trustee

.....

Trustee

.....

Date

Notes: ++State title description

Form R

NOTIFICATION OF DAMAGE OR DESTRUCTION IN TERMS OF SECTION 52(1) UNDER THE SECTIONAL TITLES ACT (No. 7 of 1999)

(regulation 22)

To : The Registrar of Deeds

.....
.....
.....

NOTIFICATION OF DAMAGE OR DESTRUCTION IN TERMS OF SECTION 52(1) UNDER THE SECTIONAL TITLES ACT (No. 7 of 1999)

We,.....and.....

Trustees of the Body Corporate of the scheme known as.....

No....., hereby give notice that in terms of section 51 of the above mentioned Act, the building or buildings have been damaged or are deemed to have been destroyed as contemplated in section 51(1) of the Act, on account of.....

.....
(State why building or buildings are damaged or are deemed to have been destroyed),

and that the owners have by a unanimous resolution/order of the Court, [xxx]* been authorised to rebuild or reinstate in whole /or in part, the building or buildings [xxxi]* and to transfer the interest of owners whose sections have been wholly or partially destroyed to the other owners.

The following documents are attached :

A copy of the unanimous resolution, certified by us/a copy of the order of the court certified by the Registrar of the Court [xxxii]*

.....

Trustee

Postal Address:

.....
.....
.....

.....

Trustee

Postal Address:

.....
.....
.....

.....

Date

Form S

SECTIONAL TITLE MORTGAGE BOND

(regulation 23)

Prepared by me

.....

Conveyancer

**SECTIONAL TITLE MORTGAGE BOND
BY VIRTUE OF A POWER OF ATTORNEY**

KNOW ALL MEN WHOM IT MAY CONCERN

THATappeared before me, the Registrar of Deeds for

Botswana at Gaborone, he, the appearer being duly authorised thereto by a Power of Attorney granted to him by

.....
(full names, date of birth and marital status)

hereinafter called "the mortgagor"

dated.....day of.....20....., and signed at.....

duly witnessed according to law, which Power of Attorney was exhibited to me this day.

AND the said Appearer acknowledged and declared the said

.....
(full names, date of birth and marital status)

to be truly and lawfully indebted and held and firmly bound unto and on behalf of

.....
(the mortgagee)

its order or assigns (herein referred to as "the mortgagee/said bank") in the sum of

.....
(sum in words and figures)

arising from the causes aftermentioned, to be paid to the said Bank/Mortgagee its representatives, order or assigns in the manner hereinafter mentioned, renouncing therefore all benefit from the legal exceptions *non numeratae pecuniae, non causa debiti, error calculi*, revision of accounts, no value received, *ordinis sue execussionis et divisionis, de duobus vel pluribus reis debendi* and all other exceptions which might or could be taken at law or in equity to the payment of the aforesaid sum or any part thereof with the force and effect of which exceptions the Appearer declared the mortgagor to be fully acquainted;

AND for securing the due payment of the said sum or any portion thereof together with all interest which may become due thereon reckoned as herein set forth, as also the payment of any sum or sums of money which shall or may be disbursed by the said Bank/Mortgagee in respect of premiums or insurance, stand licences, Government and municipal and other rates and taxes and any interest thereon respectively, as also of any costs and charges incurred by the said Bank/Mortgagee in having this bond prepared and registered and in suing for the recovery of the said sum or any portion thereof - such costs, charges and disbursements in so far as they are not preferent being hereby secured

as preferent to the additional extent of.....

(additional sum in words &

figures)

As security for the due payment of the capital, additional sum and interest and other sums of money claimable in terms of this bond, or that may at any time be or become due and owing to the mortgagee, arising from any cause whatsoever, and for the due performance of the conditions of this bond, the Appearer q.q binds as a (**first/second** etc) mortgage bond the undermentioned property:

CERTAIN: Unit Consisting of section no.....

SITUATE:

MEASURING:

AS SHOWN AND

1/25/2016

Laws of Botswana

MORE FULLY:
no.....

On sectional plan

DESCRIBED
IN THE SCHEME:
KNOWN AS:
.....

HELD UNDER:
.....

AND the Appear q.q. declared to bond the mortgager to the following conditions:

IN WITNESS WHEREOF I, the said Registrar, together with the Appearer q.q. have subscribed to these presents, and have caused the seal of office to be affixed thereto

THUS DONE AND EXECUTED at the Office of the Registrar of Deeds for Botswana at Gaborone on the.....day of.....in the year of our Lord Two

Thousand and...../.....(20.....).

In my presence

.....
.....

**REGISTRAR OF DEEDS
PRINCIPAL**

q.q. HIS