



**rural development
& land reform**

Department:
Rural Development & Land Reform
REPUBLIC OF SOUTH AFRICA

DEEDS REGISTRY - JOHANNESBURG
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REGISTRAR'S CIRCULAR 3/2012

SHERRIFS TRANSFER AND INSOLVENCY

Pending the decision of the Registrars' Conference 2012, only the Trustee is allowed to transfer the property where there is an attachment or the property has been sold in auction but not yet transferred.

Section 20(1) (c) of Insolvency Act provides as follows:

(1) The effect of the sequestration of the estate of an insolvent shall be-

(c) as soon as any sheriff or messenger, whose duty it is to execute any judgment given against an insolvent, becomes aware of the sequestration of the insolvent's estate, to stay that execution, unless the court otherwise directs.

The sheriff can only transfer if the court directs otherwise as in the case of *Edkins v Registrar of Deeds, Johannesburg and others* (unreported case of the South Gauteng High Court no 16117/11).

Please note that the leave to appeal against the judgment is granted.


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ACTING REGISTRAR OF DEEDS
M Mahlangu
JOHANNESBURG

**IN THE SOUTH GAUTENG HIGH COURT
(JOHANNESBURG)**

CASE NO: 2011/16117
P/H NO: 0

**JOHANNESBURG, 06 September 2012
BEFORE THE HONOURABLE JUDGE MOSHIDI**

In the matter between:-

JACOBUS PETRUS FOURIE N.O. **1st Applicant**
*[In his capacity as joint trustee of the
Insolvent Estate of Talent Mthethwa
(Master's Reference: T3657/10)]*

MARIAAN BARNARD N.O. **2nd Applicant**
*[In his capacity as joint trustee of the
Insolvent Estate of Talent Mthethwa
(Master's Reference: T3657/10)]*

and

EDKINS GRAHAM VERNON **Respondent**

HAVING read the documents filed of record and having considered the matter:-

IT IS ORDERED THAT:-

1. *Leave to appeal against the judgment is granted against the Third and Fourth Respondent in the main action.*
2. *Such leave is granted to the Supreme Court Appeal.*
3. *Cost of this application shall be in the appeal.*

BY THE COURT



REGISTRAR
/nw

