

The Safe Property Purchase Checklist

How to protect yourself before you buy property in South Africa

Buying property is one of the biggest financial commitments you will ever make, and a single missed check can cost you everything you pay. Work through this checklist before you sign anything or hand over any money. If you can tick every box, you are in a far safer position. If you cannot, speak to an attorney before you proceed.

1. Confirm who really owns the property

- ☐ I have obtained a deeds office search on the property.
- ☐ The search confirms the name of the current registered owner.
- ☐ The seller's name matches the registered owner exactly.
- ☐ I have checked whether a bank or anyone else holds a bond or other interest over the property.
- ☐ If the property is in a deceased estate, I have seen the executor's letters of executorship.
- ☐ If the property is held by a company, close corporation, or trust, I have confirmed who is authorised to sell it.

2. Check the seller and any agent's authority

- ☐ I have seen and copied the seller's identity document.
- ☐ The identity document matches the registered owner on the title deed.
- ☐ If someone is signing on the owner's behalf, I have seen their written authority, such as a power of attorney, a company or trust resolution, or letters of executorship.
- ☐ I am satisfied that the person I am dealing with is genuinely connected to the property.

3. Get the agreement right

- ☐ The sale is recorded in a written agreement, not a verbal or WhatsApp arrangement.
- ☐ The agreement is signed by the seller and the buyer, or by their authorised agents.
- ☐ The agreement records all the important terms, being the parties, the full property description, and the price.
- ☐ The agreement sets out the conditions of sale and what must happen before transfer takes place.
- ☐ The seller warrants in writing that the property is theirs, is not subject to undisclosed finance, and is free of undisclosed disputes.

4. Protect your money

- ☐ A conveyancer, meaning a property transfer attorney, is handling the transfer.
- ☐ My payment is structured so that the purchase price is only released once transfer is registered in my name, or is held in a trust account until then.
- ☐ I have verified all banking details telephonically, using contact numbers I obtained independently.
- ☐ I have not paid any deposit directly to a seller I am unable to verify.

5. Red flags: stop and get advice if you see these

- ☐ The price is well below market value.
- ☐ I am being pressured to pay quickly.
- ☐ The seller is not named on the title deed.
- ☐ A bank is still recorded as the titleholder.
- ☐ The seller is reluctant to provide identity or authority documents.
- ☐ I am asked to pay into an account that does not match the seller or the conveyancer.

Need help before you buy?

We help buyers and sellers confirm ownership, draft watertight sale agreements, and structure payment so that your money is safe until transfer is registered. Speak to us before you sign or pay.

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This checklist is general information and does not constitute legal advice. Every transaction is different. For advice on your specific situation, please contact Bregman Moodley Attorneys.