

Private Sale – Property Checklist and Property Condition Report

Registered Owner/s: _____

Property description (erf / unit): _____

Property address: _____

A seller has a duty to inform a purchaser of all latent defect that he or she is aware of as well as any abnormal or unusual qualities of the property. This applies to all information that does not fall within the reasonable scope of the buyer’s knowledge or where the seller has exclusive knowledge relating to the property.

The South African courts have found that a seller will not be protected by the *voetstoots* clause if he or she is aware of the existence of the latent defect in the property, or he or she intentionally concealed the existence of the property defect.

However, the courts have also found that a purchaser is obliged to take reasonable action to protect himself or herself and is therefore obliged to carry out a thorough and reasonable examination of the property to identify patent defects before signing an offer to purchase.

We have therefore created the property checklist and property condition report to assist the seller on declaring relevant information in respect of the property to the purchaser.

Property Checklist

	In working order			Repair item	
	YES	NO	N/A	YES	NO
Stove plates.....					
Stove oven.....					
Extractor fan.....					
Plugs.....					
Ceiling fans.....					

Blocked drains.....	YES	NO	N/A		YES	NO
Blocked sewers.....	YES	NO	N/A		YES	NO
Blocked storm water drains.....	YES	NO	N/A		YES	NO
Blocked water pipes.....	YES	NO	N/A		YES	NO
Blocked gutters.....	YES	NO	N/A		YES	NO

How many remote controls are there?

Gate.....

Garage.....

Alarm.....

Supply details of any other known defects

Are there any interdicts, attachments or usufructs on or over the property? NO YES

Are there any building restrictions or registered servitudes on the property? NO YES

Do you possess copies of the building plans? NO YES

Is the property subject to a lease? NO YES

If YES, date of expiry_____

The property is sold with all fixtures and fittings, subject to clause below and especially including:

The following items are excluded from the sale of the property:

Statement concerning the condition of the property:

I am aware:

- 1 Of defect in the roof.....
- 2 Of defects in the electrical system.....
- 3 Of defects in any part of the plumbing system, including any defects pertaining to the swimming pool, if any....
- 4 Of defects in the heating and/or air conditioning system, including air filters and humidifiers.....
- 5 Of defects in the septic system or other sanitary disposal system.....
- 6 Of any defects of the property and/or in the basement or foundations of the property, including cracks, seepage and bulges. Other such defects include, but are not limited to, flooding dampness or wet walls and unsafe concentrations of mould, or defects in drain tiling or sump pumps.....

YES	NO	N/A
YES	NO	N/A
YES	NO	N/A
YES	NO	N/A
YES	NO	N/A
YES	NO	N/A



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- 7 Of any structural defect in the property.....
- 8 Of the boundary line disputes, encroachments or encumbrances including a joint driveways.....
- 9 The remodeling or refurbishment has affected the structure of the property.....
- 10 That any additions and/or improvements made to and/or any erections made on the property, have been done , or were made, only after the required consents, permissions and permits to do so were property obtained.....
- 11 Of interdicts, attachments or usufructs registered on or Over the property.....
- 12 That all building improvements and roofed areas, e.g. carports, conform to the local authority approved building plans, approved sectional title plans, if applicable, and home owners association rules, if applicable.....
- 13 Of, and have in my possession, copy of duly approved building plans.....
- 14 That it is advisable for the Seller to give to the Bond Holder to avoid penalty interest and that 90 days' notice is required.....
- 15 That a structure on the property has been designated as a historic building.....
- 16 Of the following defects that I believe need to be brought to the Purchaser's attention:.....

YES	NO	N/A
YES	NO	N/A
YES	NO	N/A
YES	NO	N/A
YES	NO	N/A
YES	NO	N/A
YES	NO	N/A
YES	NO	N/A
YES	NO	N/A
YES	NO	N/A



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I have resided on the property for _____ years and purchased the property on or about _____

I/We declare that to the best of my/our knowledge and belief, the information contained on this checklist is true and correct.

I/We warrant that no other known material defect to the building or its accessories exists other than those listed above.

I/We indemnify Da Costa Incorporated against any and all liability and/or expense and/or responsibility in respect of any claim the purchaser/s may have against me/us as a result of property defect/s not listed or revealed to the purchaser/s.

Signed at _____ on this _____ day of _____ 20____

Seller 1 _____ Witness _____

Seller 2 _____ Witness _____

A copy of the completed property checklist and property condition report has been received by the purchaser on _____

Signed at _____ on this _____ day of _____ 20____

Purchaser 1 _____ Witness _____

Purchaser 2 _____ Witness _____