



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal
Date: 27 November 2008
Status: Immediate

CITY OF JOHANNESBURG v EVEN GRAND 6 CC

The Supreme Court of Appeal today upheld an appeal against a judgment in the Johannesburg High Court in terms of which the appellant was ordered to issue a clearance certificate in respect of four properties against payment of the purchase price fetched by those properties at a public auction. The seller of the properties was the executor in a deceased insolvent estate. In terms of s 118 of the Local Government: Municipal Systems Act the registrar of deeds may not register the transfer of a property except on production of a prescribed certificate that the municipal service fees, property rates and certain other amounts that became due in connection with the property during the two years preceding the date of application for the certificate, have been fully paid. The SCA held that the appellant was not obliged to accept the purchase price payable in respect of the properties in settlement of the aforesaid amounts payable to the appellant.