

# How selling and moving overseas affects the conveyancing process

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Whether you are selling or buying property in South Africa while living or working abroad, it is noteworthy to know that your property transactions can be concluded.



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Contracts of sale can be signed, scanned and sent back to the conveyancers or agents from anywhere in the world, however, from a conveyancing point of view, the signing of conveyancing documents when a party resides outside of South Africa is not so simple.

“Conveyancing documents that are signed overseas can only be used at the Deeds Office if they are properly authenticated, Section 63 of the Uniform Rules of the High Court regulates these requirements. Authentication can be done at any foreign South African embassy or consulate service overseas,” advises Karien Hunter, licence partner, Engel & Völkers KZN Dolphin Coast.

In the United Kingdom, Northern Ireland, Zimbabwe, Lesotho, Botswana and Swaziland, a notary public in that country can authenticate the documents that have been signed. Once signed, such documents then need to be sent back to the conveyancers by courier as the original documents are required to be submitted at the Deeds Office with the authentication certificate.

"If you are planning to be abroad when purchasing or selling a property, it will be advisable that a Power of Attorney is signed prior to your departure from South Africa, enabling a third party to sign some of the documents on behalf of the client. Some documents however cannot be signed under Power of Attorney such as affidavits" Karien concluded.

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