



the doj & cd

Department:  
Justice and Constitutional Development  
REPUBLIC OF SOUTH AFRICA

## **Chief Masters Directive 4 of 2009**

### **1. Purpose**

The purpose of the directive is to ensure a uniform approach by Masters in respect of the matters listed below.

### **2. Motivation / Background**

A number of role players have approached my Office for clarity on certain matters. As part of my statutory obligations I have decided to provide the following guidelines to ensure a uniform approach by Masters to the matters raised.

**All previous Master's Directives on points addressed by this Chief Master's Directive are revoked.**

### **3. The following has been decided:**

#### **3.1 Sale of immovable assets in a Section 18(3) estate**

Masters and the Deeds Office are in agreement that the general letter of authority issued by the Master in terms of section 18(3) does not authorize the Master's Representative to sell immovable property.

Therefore, where the Master's Representative wants (needs) to sell the property after having received his/her letter of authority, he/she will have to obtain a further direction from the Master which authorizes the sale of the property. (See Registrar's Conference Resolutions of 2008, Resolution 46/2008)

3.1.1) The application to the Master and the endorsement will follow the same format as an application for a section 42(2) application. The same form and endorsement must be used – the reference to section 42(2) must merely be changed to section 18(3).

- 3.1.2) If the purchase price (together with the value of the other assets in the estate) is less than R125 000, the Master should authorize the sale in terms of section 18(3) as part of the directions which the Master gives.
- 3.1.3) If the purchase price is in excess of R125 000, the Master must withdraw the letter of authority in terms of section 18(3) and issue letters of exectuorship, in which case the sale will require the Master's endorsement in terms of section 42(2).
- 3.1.4) It is important to note that the Master does not need to issue a section 18(3) endorsement where the fixed property is not sold out of the estate, but is being transferred to the heirs. The reason for this is that the letter of appointment (J.170) already authorizes the appointee to transfer the immovable property to the heir/heirs entitled thereto.

**4) Effective date**

This Directive will come into effect as from date of signature thereof.

K Mbeki  
Acting Chief Master

DATE \_\_\_\_\_