

Reports damn Sibisi in Deeds Office saga

Roy Cokayne

A DAMNING report has highlighted the role played by Edmund Sibisi, the acting deputy registrar of the Pretoria Deeds Office, in the alleged irregular and fraudulent transfer of 33 properties owned by the Johannesburg Property Company (JPC) to private companies.

Two reports about the property transfers have been submitted to Sam Lefafa, the chief registrar of deeds, who tasked Pretoria Deeds Office registrar Pogiso Mesefo with investigating the suspect transfers.

Mesefo submitted one report and another was compiled by Allen West, the chief of deeds training.

It is unclear why they did not submit a joint report.

West's report is particularly damning of Sibisi's conduct in transferring the properties and his findings coincide with the findings of an investigation conducted by an attorney acting for the JPC.

West said it was quite clear from the omissions detected on the deeds registered and the time Sibisi spent examining the deeds that Sibisi "did not act responsibly".

"It is evident that, through his lack of diligence and care, the security of title has been placed in jeopardy and from the court order these transactions will be cancelled, together with the bonds registered over the successive transfers.

"This gross negligence could have dire consequences and to my mind (is) mala fide. The provisions of section 99 of Act 47 of 1937 could possibly be invoked."

This section of the Deeds Registries Act states that the government is liable for any act or omission by any examiner.

West said the fact that all the deeds examined by Sibisi were expedited and the reason given for doing this, namely that they were land reform transactions, was "a myth distant from the truth".

West mentions that Sibisi examined 43 deeds in four minutes and concludes that it was evident the deeds were never examined and in the present state were not capable of being registered. Conveyancing attorneys indicated that it took about 20 minutes to properly examine a single title deed.

West suggested Lefafa "deal with this matter".

Mesefo's report took a softer line although its purpose was "to request human resources management component to institute an investigation against the alleged acts of misconduct committed by Mr Sibisi".

But in regard to a batch of 18 deeds that were examined by Sibisi and expedited for registration the same day they were lodged, Mesefo said Sibisi did not pick up that the Municipality of Sandton was the transferor and not the City of Johannesburg; the township name was omitted; there was no purchase price in the power of attorney; and both the transfer duty receipt and rates clearance certificate were received in two days.

Helen Botes, the JPC's managing director, previously confirmed that all the documentation presented to the company as proof of transfer were forged and fraudulent.

Mesefo said that when one looked at Botes' signature on the various transactions, "it is not consistent, giving the impression that it is forged".

