

MULTIPLE ATTACHMENTS AT THE DEEDS OFFICE.

Copies of warrants of attachment whether originating from the Magistrates' Courts and the High Court of Namibia are served at the Deeds Office : Windhoek irrespective where the immovable property is situated. The Registrar of Deeds records such attachment by noting an interdict in the name of the execution debtor. The attachment is noted on the land register of the attached property belonging to the debtor.

The effect of the interdict is that no dealings are allowed to be registered in respect of the attached property, other than by the Messenger of the Court or the Deputy-Sheriff who will first have to uplift the attachment. The vex question is: what happens if there are multiple attachments by different execution creditors on the same property. The authorities has it that the creditor who takes action and procures sale of the property is entitled to demand that transfer be passed to the purchaser without withdrawal of the other attachments (Jones. Conveyancing in South Africa, 4th edition).

In the event that a creditor procures sale by private treaty and not through sale by the Messenger or the Deputy-Sheriff, then the other creditors will consent to uplift their attachments provided they share in the proceeds of the private treaty sale. What remedies are available to a creditor if the whereabouts of the other creditors are unknown? The courts have the power to grant a rule nisi and eventually grant an order for the setting aside of the interdict (*Indurjith v Naidoo* 1974 SA 104 (D)).