

SELLER'S RIGHT TO NOMINATE CONVEYANCER

In Namibia it is the Seller's prerogative to appoint a Conveyancer on the sale of his/her property. At first blush, it may seem odd that the Purchaser pays the costs of transferring the property, whilst the Seller is the one who is entitled to nominate the Conveyancer. However, on proper consideration, there are very sound reasons for having the Seller appoint the Conveyancer, the most important of which is that the Seller is ensured of some measure of control over his/her investment and can keep track of the financial aspects of the transfer. It is clear to see that the Seller falls to suffer a greater damage should anything go awry. Weighed on the risk scale, the relatively nominal costs paid by the Purchaser can't compare to the potential risk that the Seller is exposing himself to.

Careful consideration should always be given to one's choice of Conveyancer and it goes without saying that it is always best to choose a well-known, reputable firm of Legal Practitioners. In the highly unlikely but, sadly, not unheard of event of a Legal Practitioner absconding with the purchase price, the Seller might find himself in the unenviable position of having his property now registered in the Purchaser's name without having received a cent of the purchase price! The fact too, that it is invariably the Purchaser who has most to gain by delaying the transfer, adds support to the reasoning for leaving the choice of the Conveyancer in the hands of the Seller.

It often occurs that the Seller has no particular preference of Legal Practitioners and is unsure of who to nominate. In this scenario, it would be the Estate Agent's duty (if the property has not been sold privately) as part of his service to the Seller to suggest a well-established firm of Legal Practitioners with a good reputation. The reality is that most reputable Estate Agencies do have firms of Legal Practitioners that they use, and one is ordinarily safe in going with their suggestion regarding the appointment of the Conveyancers. At the end of the day, it is however the Seller's choice and if the Seller has a preference then he is entitled to choose. It's the Seller's investment and he needs to feel comfortable with his choice.

Where the Seller is selling his property privately and is uncertain about who to appoint as the Conveyancer, they can take comfort in the fact that whether he/she goes to a small or large firm of Legal Practitioners that the costs ought to be the same (if the Purchaser is sceptical) as the costs are regulated by tariff. The public would also do well to keep in mind that not all Legal Practitioners are Conveyancers. There are benefits in going to an established firm as there ought, at the very least to be a resident Conveyancer on board who can deal with any complications that may occur, rather than going to a firm which does not have a Conveyancer as there may be time delays in the Legal Practitioners having to seek counsel elsewhere who could assist him.