



7 HIDDEN PITFALLS THAT COULD DERAIL YOUR PROPERTY DEAL

From solar leases to Eskom accounts, the fine print of property transactions can trip up even the savviest buyer or seller.

Here's what to watch out for – and how the right legal partner can protect you

Property sales rarely unravel over obvious faults. More often, it's what goes unseen – overlooked clauses, undisclosed defects, or unnoticed technicalities – that cost you time, money, and your peace of mind.

Harris Marcus Mahlangu Attorneys (HMM), a boutique all-female firm on the Pam Golding Properties panel, has built a reputation for spotting these silent deal-breakers early. Their proactive approach helps buyers, sellers, and agents manage risks before they turn into costly problems. Here are seven of the most common pitfalls they see, and why choosing the right lawyer makes all the difference.

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DEFECTS AND DISCLOSURE
Every sale requires a Mandatory Disclosure Form, where sellers must declare defects they actually know about. The *voetstoots* clause still applies, but hiding serious flaws – even latent ones, like damp – can lead to claims long after transfer. Sellers risk legal action, buyers risk disappointment, and agents risk reputational damage if disclosure isn't handled correctly.

MARITAL STATUS: AN OTP MINEFIELD
Names and ID numbers must be precise on an Offer to Purchase, but marital status matters just as much. Marriage or divorce during the process can delay – or even collapse – a deal.

“HMM is an integral part of my service offering and I highly recommend them to my clients, knowing that every detail of even the most complex transactions will be handled with professionalism, efficiency, tenacity and integrity.”

Tarynn McMillan
Pam Golding GoldClub agent

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BANK APPROVALS WITH HIDDEN STRINGS
A bond approval may look straightforward, but banks often attach suspensive conditions. A requirement for zoning compliance, for instance, could derail a deal if the seller can't provide it. These hidden strings can leave all parties arguing over responsibility as deadlines expire.

THE FORGOTTEN BOND
It isn't just buyers who need finance approvals. Sellers often overlook their own bond obligations. If the sale price doesn't cover what's owed (plus commission) a bank's acknowledgement of debt may be required. Miss the 90-day bond cancellation notice, and penalty interest can quickly erode your proceeds.

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SOLAR SYSTEMS
Rented solar panels must be disclosed, or buyers risk unexpected monthly fees or removal of panels after purchase.

THE ESKOM ACCOUNT TRAP
Eskom offers no clearance certificate to prove accounts are up to date. Without specific protection in the OTP, buyers could inherit unpaid charges or delayed transfers.

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ELECTRICAL CERTIFICATES
A valid, current Electrical Certificate of Compliance (ECC) is critical. Faulty or outdated certificates can stall transfers and create liability.

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