UKUTHENGA OKANYE UKUTHENGISA INDLU

OKO UMELE UKWAZI

LAW SOCIETY OF SOUTH AFRICA

BLACK LAWYERS ASSOCIATION

CAPE LAW SOCIETY

IGQWETHA LAKHO – UMCEBISI WAKHO ONOKUMTHEMBA

UKUTHENGA INDLU

Mhlawumbi ukuthenga umzi kolona tyalo-mali lukhulu nokona kubalulekileyo uya kuze uwenze.

Xa uyifumana indlu ofuna ukuyithenga yaye ngaphambi kokuba usayine naliphi na lalvumelwano sokuthenga (ekudla ngokubhekiselwa kuso maxa wambi ngokuthi 'yiOffer to Purchase'), landela la manyathelo alandelayo:

- Yihlolisise indlu leyo. Buza ngophahla, ligatha, lintambo zombane, laseko njalo njalo. Ukuba unamathandabuzo, cela ingcali ukuba ihlolisise indlu leyo. Ukuba kukho amakhwiniba, bhala kwalvumelwano sokuthenga ukuba zize kulungiswa ngumthengisi ngemali yakhe.
- Ngaphambi kokutyobela lalvumelwano sokuthenga, nika lgqwetha lakho olu xwebhu ukuze lihlolele. Buza ngayo nantoni na engacacanga.
- Buza ngazo naziphi na lindleko ezongezelelekileyo, njengentlawulo yeenkonzo neendleko zokuyidlulisela komnye umntu – lgqwetha lakho liya kukuphendula. Onke amakungalelelo nezithembiso zityiwelanye yekontraktli ebhalweyo. Akunakubophelela mntu ngaalvumelwano somlomo. Ukwebhu okusayinwe nguwe lwaza lwamkelwa ngumthengi kunokuba alalvumelwano asibophelelayo.
- Qinisekisa ukuba unemali eyaneleyo. Ukuba ufuna lmboleko-mali (bond) funa imali eza kugubungela lindleko okanye ukuhlolwa kwendlu nokubhaliswa kwayo – lgqwetha lakho liya kukuxelela ngale nto.
- Ukuba akuqinisekanga enoba uya kuyifumana imali eboleleisayo ukuze uhlawulele indlu okanye ezinye lindleko, ukuthenga kwakho indlu makulindle imali-mboleko.
- Qinisekisa ukuba lalvumelwano sokuthenga senza ukuba kube lula ukufumana lisatifikothi esisebenzayo ngeendleko zomthengisi kumaphondo aseKapa nakwaZulu-Natal, kwakunye nesatifikati sokuvumelana (certificate of compliance) ngenxa yokufakelwa kombane kuwo onke amaphondo.
- Ngaba umthengisi ufuna idipozithi kwimali athengisa ngayo indlu? Ukuba kunjalo, kungasiela ukuba lintlawulo lgchisiwe naliphi na lgqwetha yaye lgcinwe lichusiselelo kwakhawunti yokonga imali da indlu ibe segameni lakho. Ngealvumelwano senu nobabini, lgqwetha linokuyityala le mali ukuba nje, lingeniso sfumaneke apho lza kungena kwlakhawunti yakho.
- Phawula umhla wokungena kwalvumelwano sokuthengiselana. Ukuba nje unokungena endlwini ngaphambi kokuba indlu ibe segameni lakho,kuya kulindeleka ukuba uhlawule irents. Qinisekisa ngomntu omele ahlawule irhafu, lindleko, nasemali zeinshorensi ngeli xesha. Ukuba ukuthengiswa kwendlu kuya kwasiela emva kokuba ungenile kuyo, kuya kufuneka ngokuzenzekileyo uphinde uphume uphinde uhlawule ezinye lindleko yaye uphazamiseke.
- Ukuba umthengisi ufuna ukukhupha nantoni na njengezityalo, likhabhathi njalo njalo, oku kufanele kubhalwe kucace kwikontrakti. Naziphi na izinto ezinokusuka lula (njengeekhethini, lquta njalo njalo) nazo zimele zichazwe.

UKUTHENGISA INDLU

Ukuba ucaba ukuthengisa indlu yakho, musa ukuthabatheka yimali oyenze ngoku tyalo-mali, ngokuthi ungabi nalwazi ngemiba yomthetho ebandakanyekileyo.

Landela la manyathelo:

- Gcina indlu yakho neyadi zicoceklle ukuze zitsale abo baza kufuna ukuzithenga.
- Thetha negqwetha lakho ngokuphathelele amalungelo neembopheleleko zakho. Njengomthengisi, unalungelo lokuzikhethela lgqwetha eliza kukuncedisa ekuthengiseni. Musa ukuvumela inkampani ethengisa izindlu ukuba ikuxelele enye into.
- Qhagamshelana nenkampani ethengisa izindlu ibe nye nangephezulu, uze ubhalise indlu yakho. Musa ukurhoxisa inkampani ethengisa izindlu ilungelo elipheleleyo ngaphandle kokuyifikela ngokuxoxisekileyo. lgqwetha lakho liya kukuxelela kuko nba.
- Xa ufumana umthengi, ungasayini naliph na alvumelwano sokuthengiselana ngaphambi kokuba lgqwetha lakho lalihlolisise. Onke amalungiselelo nezithembiso amele abhalwe phantsi kwikontrakti. Izivumelwano zomlomo azinakubophelela mntu.

- Ngaphambi kokuba usayine, fumanisa ukuba ingakanani ingeniso (commission) eya kwinkampani ethengisa izindlu nokuba iVAT iqukiwe na.
- Nika ummeli wenkampani yezindlu igama legqwetha lakho - igqwetha lakho liya kujongana nemiba yomthetho lize liqiniseke ukuba indlu idluliselwa kuwe uyithengayo. Kanti uya kulungiselela imiba yemali aze eqiniseke ukuba uyayifumana imali yakho.

Nalu uluhlu lweemfuneko ezibalulekileyo ezifanele zifikelelwe kwisivumelwano sokuthengiselana. Noko ke, olu luhlu alupheleliyanga, kuba nayiphi intengiselwano ineemfuneko zayo. Ukuba ungathanda ukwenjenjalo, igqwetha lakho liya kukwenzela isivumelwano sokuthengiselana.

- Amagama akho, linombolo zeID, nokuba utshatile kusini na (ngokomzekelo utshate njani, nidibeniselene ngezinto) okanye ingakanani (ukuba zilinkampani), kwakunye neadresi yomthengi neyomthengisi.
- Inkcazelo nobungakanani bendawo, njengoko ichazwe kwisivumelwano sokudlulisela.
- Isibiso lendawo nendlela ekuza kuhlawulwa ngayo.
- Ilungiselelo lokuba umthengi uhlawula zonke lindleko zokudluliselwa kwendlu.
- Igama legqwetha lakho elidlulisela indlu
- Umhla wokufumana indlu nokuhlala kuyo.
- Ilungiselelo lokuba umthengi uhlawula zonke lirhafu nezinye lindleko zikamasipala ukususela mhla wangena endlwini.
- Ilungiselelo lokuba indlu ithengiswa 'ngobunjalo bayo' (ngamany' amazwi awunakubekwa tyala ngeziphako ezibonakalayo okanye ezingabonakaliyo).
- Ingeniso efunekayo (commission) negama lenkampani ethengisa izindlu.
- Ukuba umhla wokungena endlwini ungaphambi komhla wokudlulisela, qiniseka ukuba umthengi uhlawula inzala yemali yentsango okanye eyerenta de libe ngumhla wokudlulisela. Imali nendlela eza kuhlawulwa ngayo imele ichazwe.

- Isibakala sokuba isivumelwano sokuthenga asinakutshintsha, siya kuba njalo ngaphandle kokuba sibhalwe phantsi saza sasayinwa ngala macala omabini.
- Enoba isatifikethi esisebenzayo sinokufumaneka (kumaphondo aseKapa naKwaZulu-Natal) yaye ukuba kunjalo ngubani ofanele ehlawulele ukuhlolwa okanye nawuphi na umsebenzi oyimfuneko.
- Nayiphi na imeko ekhethekileyo, ngokomzekelo:
  - Uluchwe lwewo nawaphi na amaeolotya akhutshiweyo kwintengiselwano.
  - Enoba le ndlu iza kuthengwa ngokuthi umthengi afumane imali-mboleko (bond) okanye athengise umzi ahlala kuwo. Igqwetha lakho liya kukucebisa kwezi meko.
  - Isivumelwano esikhethekileyo simele sibhalwe ukuba umthengi ufuna ukuyihlawula ixesha elandisiweyo. Lo mba uthande ukuba nturnunturu yaye unazo neengozi ezithile yaye ubongozwa ngokunggongqo ukuba uvumele igqwetha lakho likwenzele isivumelwano sokuthengiselana.

ANAGQABANTEHMITSHI

'Ukudlulisela itayitile' kuyinkqubo yomthetho apho amalungelo endlu abhalelwa kwiOfisi Yezivumelwano. La malungelo aquka ubunini, ukubambiza ngendlu, ukusebenza kangangethuba athile amalungelo azimbiwa nazanye. Oku ta malungelo athe zinzi ngokusemthethweni amnikwini kuphela xa sele kubhaliswe. Noko ke, kuquka yokubhaliswa itayitywa ngokusemthethweni amalungelo endlu endawo yokuhlala.

Ukudlulisela itayitile kuquka amanyathelo amaninzi, apala ngesivumelwano sokuthengiselana ahamba aye kutsho ekubhaliseni akagqibelele ubunini nokungqinelanwa kwesimali nentlawulo.

'Isivumelwano sokuthengiselana' lithetha isivo nawuphi na umbhalo omde Wedithwa okanye awukaklithwa ngokomzekelo kubeliwo indlu, Hama Okanye lesichwo sehlayitile.

"Dlulisela itayitile": Umntu odlulisela itayitile umiselwa yiKhomishi Ephakamileyo emva kokuba egqibe ukubhala limvivo esikhethekileyo. Kuphela ngumntu oye wamiselwa yiKhomishi Ephakamileyo njengegqwetha, onokungelo lokudlulisela itayitile. Ngoko ke, bonke abo badlulisela itayitile bekwengamagqwetha, kodwa asingawo onke amagqwetha adlulisela itayitile.

Ngaba okhethe umntu oza kudlulisela itayitile? Kuninzi kwamaphondo eMzantsi Afrika, ngumthengisi odla ngokukhetha umntu oza kudlulisela itayitile yendawo, nangona oku, kanye njengazinye iimbiko zezivumelwano zentengiselwano zinokwehluka ngenxa yothethathethwano lwabo bathengiselanayo.

Umthengi unokukhetha umntu oza kudlulisela itayitile ukuze amcebise, kodwa lindleko ziya kuthi kraiya kwazo zokudlulisela itayitile zibekwe ngumcebisi womthengisi, oya kudlulisela itayitile.

Kuthwini ufuneka umntu wokudlulisela itayitile?
Kuninzi okubandakanyekileyo xa kudluliselwa indawo eqingqiweyo. Ngokuphelelisileyo iba yeyona nto inkulu umntu anoyo yaye ukuthengwa kwendlu kuyeyona kontrakti ibalaleleyo yenzilwa ngabantu. Ngoko ke, umthetho uvumela kuphela abadlulisela itayitile abaliseleleyo abanokudlulisela izindlu okanye izinto ezifana nezo.

Oku akwenzelwa nje kuphela ukukhusela amalungelo abantu, kodwa kukhuselo nenkqubo yokizenzisi eMzantsi Afrika yokuthabatheka kamhlaba, egqibela amnisaberi wonke njengeyona isenzqobeli.

Xa sele kubhaliwe yonke into, zonke iinkqubo zilandelwe ngokuwo udlulisela itayitile nendlu ibhaliswe ngegama lomthengi, umthengi unokuqhubeka ukuba unoyena tayitile lilandelekileyo yako nalu.

Unokwenza ntoni ukuba kwenu udlulisela itayitile akwenzeki ngokufanele?
Abo badlulisela itayitile banokubhwaywa ngamagqwetha aphondo abasebenza kulo. Amagqwetha aya kuthusela abantu. Ukuba umntu ucinga ukuba umntu odlulisela itayitile akawenzanga umsebenzi wakhe lokuhle, unokufaka lekhelezo kumagqwetha afanelekileyo yaye loo magqwetha aya kuvuphanda lo mba, yaye kwimeko ezithile aya kuhlawuya lowo udlulisela itayitile. Ukuba uya akakhutshela waza ngenza yoko, umthengi okanye umthengisi wakhe/kakhwa, banokufaka isimangalo bazo bamele lindleko zako lahleko lowo udlulisela itayitile.

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