

Dear Client / Geagte Kliënt

Newsletter

U sou beslis al daarop gelet het dat ons, in die VZK briefhoof en webtuiste, onself beskryf as *Prokureurs, Aktebesorgers en Notarisse* en in Engels as *Attorneys, Conveyancers and Notaries*.

What should just be a simple “yes” can, however, be and often is, not that simple because the person asking, is more than likely not confusing the term, lawyer, but rather that of an advocate.

In Afrikaans word “lawyer” vertaal as ‘n “regsgeleerde”, wat ‘n baie meer beskrywende woord is en dus ook minder verwarring tot gevolg het as die Engelse uitdrukking.



An apple is a fruit, but any particular fruit, may not necessarily be an apple! I am an attorney and all attorneys are lawyers, but not all lawyers are attorneys!

In the South African context, a lawyer is someone who has some law qualification which generally allows him or her to legally make a living by providing services associated with some or other field of law. For instance, prosecutors, magistrates, advocates, judges, compliance officers and legal advisors all earn a living by being involved in some or other way with the law.

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Landlords v Tenants - Who Pays for Unauthorised Repairs?

You rent a house and the geyser packs in or the pool starts leaking. The landlord ignores your pleas to fix the problem – or outright refuses to do so. Can you go ahead and do the repairs yourself, then deduct your costs from your rental payments? We discuss a recent High Court case which ended badly for the tenant.

We also share some tips for both landlords and tenants on avoiding these costly and unnecessary disputes.

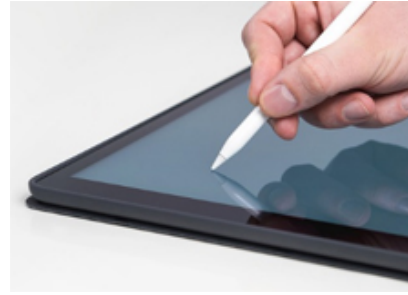
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Electronic Signatures – Pitfalls To Avoid

What you may consider to be a simple email correspondence, merely discussing the contract, may result in you acquiescing to the variation of a contractual term.

Purpose of a signature

A person's signature generally signifies the signatory's intent to be bound by the content of the document that he or she has signed. However, what constitutes a "signature" is not limited to handwritten signatures but also includes electronic signatures.



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Collecting Arrear Levies: A New Risk for Your Body Corporate

Levy collections are the lifeblood of sectional title schemes, and both owners and trustees need to know about a new Supreme Court of Appeal decision which puts at risk the body corporate's right to apply for the sequestration of levy defaulters' estates.

That has serious implications for the body corporate's ability to collect arrears by accessing the value in the unit itself. Be warned and act now to nip any arrears in the bud ...

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Creditors – Your Special Notarial Bond is Good for 30 Years

There's good news for creditors in a recent Supreme Court of Appeal judgment handing a R500k victory to a creditor against both the debtor close corporation and its member who had signed a personal suretyship.

We explain what "a special notarial bond" over your debtor's movables is, and how it secures your claim and protects you from a "3 year prescription" defence.



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Directors and the "Delinquency" Danger

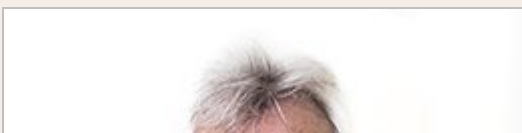
Amongst the many challenges that company directors face is the danger of being declared "delinquent", or being put "on probation".

We discuss who can apply for a delinquency order and the serious consequences for the director if it is granted.

Read on also for details of a case recently before the High Court involving many millions raised from the public in share offers, a failed plan to build an international airport and a director now facing "7 years in the wilderness".

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