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March 2019

Dear Client / Geagte Kliënt

Newsletter

Hierdie maand is ons baie opgewonde om vier nuwe kollegas hartlik by ons firma te verwelkom en ons stel hulle graag aan u, ons kliënte en vriende, bekend!

As from the first of March Cheryl-Anne Ehrenreich is joining us as our third director greatly enhancing our ability to provide an even more extended service and adding some feminine touch to our somewhat manly approach to date.

Cheryl-Anne beskryf haar agtergrond en ondervinding as volg in haar eie woorde:



"I completed my BA.LLB at the University of the Western Cape and was admitted as an Attorney and Conveyancer in 1997. In 2009 I obtained the degree LLM (Masters in Commercial Law) from UNISA.

Daarna het ek my leerklerskap by De Klerk & Van Gend -, en daarna VGV Prokureurs onderneem, by wie ek vir agt jaar as assosiaat by laasgenoemde betrokke was en ondervinding opgedoen het in alle aspekte van aktebesorging.

I then joined Nedbank (BoE Private Clients at the V& A Waterfront in Cape Town), followed with a stint at Old Mutual Finance in Pinelands, both as Legal Advisor. At VZK I intend to specialise in all aspects of Conveyancing and in Drafting Commercial and General Contracts.

Ek is getroud, het twee seuns en is lief vir lees, liedjies-skryf, kook en spandeer graag kwaliteit tyd saam met familie en vriende."

Ons was voorts gelukkig om drie nuwe assosiate te kon aanstel as deel van ons uitbreiding met die oog op uitmuntende dienslewering, naamlik Sonja Janse van Rensburg, Andri Barnard en Marlene van den Heever.



Sonja obtained the degrees B.Com (Law) and LL.B from the University of Pretoria. Upon completing her articles at Couzyn, Hertzog & Horak she was admitted as an Attorney, Notary Public and Conveyancer early in 1991 and joined the ranks of Van der Merwe du Toit & Fuchs (later VDT Inc.) in Pretoria of which she became partner in 1997. There she specialised in Residential- and Commercial Property Developments (both Township- and Sectional Title), the Securitisation of funding (mortgaging) for such developments, as well as for other commercial- and business transactions on behalf of major banks.

Sonja speel graag muurbal en stap in die buitlug om fiks te bly. Sy het ook 'n passie vir skubaduik, vis-identifisering en onderwater fotografie. 'n Ander groot liefde was nog altyd boeke en skryfbehoeftes en sy het einde 2010 vir 'n wyle weggebreek uit die regsprofessie en in Mei 2011 'n boekwinkel in Pretoria geopen. Dit het in 2016 na die gesogte Menlyn Maine-omgewing verskuif.

Sonja finally moved down to Cape Town in 2018, after completing a very long house-build in the Southern Suburbs.

Nadat sy haar behoorlik in die Kaap gevestig het, was dit haar ideaal om weer voltyds in die prokureurs-praktyk betrokke te raak. Haar soeke het haar pad gelukkig met ons laat kruis. Vandag is sy opgewonde en entoesiasies om deel van ons energieke span te wees.



A new job opportunity for her husband in Cape Town has led to us being able to secure the services and exceptional talents of Andri who has a very keen interest in estate planning, administration of estates, taxation, as well as corporate law.

Andri het haar B.Com Regte graad (Cum Laude) in 2014 aan die Universiteit van die Vrystaat behaal en die dekaans-medalje vir die beste voorgraadse student in die B.Com-fakulteit ontvang. Sy het ook haar LLB-graad (Summa Cum Laude) in 2016 aldaar behaal. Daarbenewens is talle toekennings aan haar toegeken vir prestasies as uitstaande student in onder meer Kontraktereg, Erfreg en Boedeladministrasie, Belastingreg en Finansiële Beplanningsreg.

She strives for excellence and has a passion to help people. Her areas of specialized interests include administration of deceased estates, estate planning, drafting of wills and trusts and conveyancing. Andri has a zest for life and enjoys interior decorating, goes to the gym often

and will forever be a lover of cats!

Van die vier nuwelinge is Marlene die enigste gebore Kapenaar. Na skool was sy vir ongeveer 20 jaar betrokke in die bankwese. Sy het in daardie tyd haar staal en deursettingsvermoë bewys deur haar LL.B graad deelyds deur UNISA te behaal.



In 2016 she entered into articles with JJ Smit & Associates in Cape Town which she ceded to VZK and after being admitted as an Attorney in the beginning of this year she was invited to join the VZK team as an associate. Marlene toon duidelik 'n wye verskeidenheid belangstelling in die regte, met spesifieke konsentrasie op die gebiede van familiereg, boedels, testament en trust administrasie. Voorts beoog sy om haar toe te spits op verbruikersbeskerming-reg, maatskappyereg, arbeidsreg en aktebesorging.

She is married, has two boys and a girl and her social interests include, ringball, gym, DC4K counselling and any outdoor activities.

Met ons bestaande span staatmakers en hierdie uitstaande en belowende nuwe aanstellings lyk die toekoms vir VZK inderdaad rooskleurig.

We look forward to being at your service!

Groete / Regards

Hennie, Eberhard & Cheryl-Anne | Directors



Dealing With Behavioural Disputes In Community Schemes

Danny van Zyl, associate attorney at Van Zyl Kruger Inc, was recently awarded his Master of Laws Degree from the University of Stellenbosch and wrote his thesis on the Community Schemes Ombud Service Act 9 of 2011. He shares certain aspects of his thesis with us in a series of articles to be featured in the next few newsletters.

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Auctions - The Need To Know On Buying And Selling



In South Africa, when one thinks of a property that is being auctioned, it is generally assumed that the reasoning behind this should be in line with liquidations and insolvencies. However, one should take note that properties sold on auction are not always enforced sales due to financial distress of the property owner. Today it cannot be assumed that buying a property on auction will be the bargain buy everyone seems to think it is. Therefore, it is recommended that you do your thorough homework before purchasing a property on auction. Homeowners have now started turning to auctions by virtue of selling their properties for a price as high as possible as soon as possible.



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Gaan Jy Eiendom Koop? Wat Van Onwettige Okkupeerders?

Jy bevind jou in goeie geselskap as jy van mening is dat daar goeie geleenthede bestaan om tydens 'n stram ekonomie eiendomme teen verlaagde pryse te koop.

As jy oorweeg om 'n huis te koop, hetsy as 'n beleggingseiendom of om daarin te woon, moet jy beslis uitvind of die eiendom bewoon word of nie. As daar okkupeerders in die eiendom is en daar 'n geldige ooreenkoms met hulle gesluit is waarmee jy tevrede is, kan jy op eie risiko voortgaan.

Waar jy egter 'n eiendom koop sonder dat jy weet van okkupeerders of sonder dat daar 'n formele huurooreenkoms gesluit is, mag jy vind dat jy nie die okkupeerders kan laat uitsit nie.

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Traffic Fines and Admissions of Guilt – Will They Earn You a Criminal Record?

A criminal record, even for a minor offence from decades back, comes with very serious and lifetime consequences. It will hang around forever, just waiting to ambush you when you apply for a job, or a travel visa, or a firearm licence.

So, acquiring a record inadvertently is the stuff of nightmares, and the question is whether you can land yourself in that position by paying an admission of guilt fine? The reality is that we are beset by so many laws and regulations covering every aspect of our lives that most of us have paid admission of guilt fines at one time or another. Usually it's just to avoid having to defend ourselves in the unpredictability and delay of an over-burdened court system. Sometimes it's the more serious matter of avoiding a stay in a police cell.



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Trustees wat Koppe Stamp: Die Remedie om te Verwyder en die Beperkinge

Wanneer onenigheid in 'n familie 'n familietrust beïnvloed, is dit dikwels die verhouding tussen die aangestelde trustees en die begunstigdes, en/of tussen die trustees onderling, wat eerste daaronder lei.

Wanneer sulke onenigheid tot deurlopende konflik en onoorbrugbare verskille tussen trustees lei, is die gepaste oplossing dalk vir een of meer van die trustees om vervang te word. Dit is verkieslik as dit met 'n vrywillige bedanking bewerkstellig kan word. Wat gebeur as 'n trustee weier om te bedank? Kan die meerderheid trustees hom of haar

op 'n ander manier laat verwyder?

'n Onlangse uitspraak van die Hooggeregshof handel met hierdie spesifieke vraagstuk.

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Our Directors



Hennie van Zyl

DIRECTOR

021 180 4551 / 083 250 9501

hvanzyl@vzk.co.za

[Full Bio →](#)



Eberhard Kruger

DIRECTOR

021 180 4552 / 082 789 1706

ekruger@vzk.co.za

[Full Bio →](#)



**Cheryl-Anne
Ehrenreich**

DIRECTOR

021 180 4564 / 082 783 7242

cheryl@vzk.co.za

[Full Bio →](#)

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VAN ZYL KRUGER INCORPORATED (REG. NO 2015/174073/21) (VAT NUMBER 413 0273 172)

VZK

www.vzk.co.za



Suite A4-2, Avanti Building, South Block,
cnr Carl Cronje Drive & Bill Bezuidenhout Avenue, Bellville, Cape Town

info@vzk.co.za | Reception: 021 180 4550 | Fax: 021 180 4540

DIRECTORS: H L VAN ZYL (B.PROC); E S KRUGER (B.COMM LL.B MPRE); C A EHRENREICH (BA.LL.B LL.M)
ASSOCIATES: S JANSE VAN RENSBURG (B.COM LL.B); LI CHANTLER(B COMM LLB); D VAN ZYL (LL.B LL.M);
M VAN DEN HEEVER (LL.B); A BARNARD (B.COM LL.B DIP.FINPLANNING).
PRACTICE MANAGER: F BRAVENBOER (NDIP FIS).
CONSULTANT: J A L VAN ZYL (B.JURIS LL.B); C I'ANSON-SPARKS Solicitor in England and Wales (LL.B(HONS), DIP LEGAL PRACTICE)