

M.C. MONTHLY



The newsletter with a difference

Mar/Apr 2015

MCADEMY

Aan die begin van 2015 het ons begin om MCademy, ons eie akademiese, vanuit ons nuwe gebou te bedryf met ongelooflike welslae en sukses. Ons is uiters dankbaar vir die fenomenale ondersteuning wat ons deurlopend ontvang by MCademy.

Ons bied tans die volgende vier opleidingsgeleenthede aan:

1. Rookie1 - 'n twee dag seminaar vir beginner agente waar hulle op 'n praktiese manier onderrig word in die basiese regsbeginsels van die kontrak en eiendomsreg.
2. Rookie2Recruit - 'n een dag seminaar wat handel oor defekte en onderhewige transaksies.
3. Recruit3Realtor - 'n een dag seminaar wat handel oor alle belastingaspekte en die oordragproses.
4. Die tema opleiding waar ons deur die loop van die jaar 4 onderwerpe behandel (een per kwartaal). Die eerste een hierdie jaar is deeltitels. Die tweede wat begin na die skoolvakansie, handel oor nakomingsertifikate.

Ons het aan die begin van die jaar die besluit geneem om die tema opleiding vir enkele groot agentskappe op sekere dae eksklusief aan te bied op sogenaamde "Your Morning at MCademy". Die ongelooflike ondersteuning in die verband het my nederig en dankbaar gelaat.

Die kleiner agentskappe ontvang presies dieselfde opleiding maar vir verstaanbare redes nie op 'n eksklusiewe geleentheid nie. Die "Oop MCademy" opleiding wat ook deurlopend aangebied word, is dus daar vir agente en agentskappe wat nie die getalle het om die lesinglokaal op hulle eie vol te maak nie. Dit is dan die datums wat geadverteer word op die webwerf en in hierdie koerant.

Weens die toeloop van agente na die verskeie opleidingsgeleenthede, sit ons nou in die ongemaklike situasie dat ons toenemend van ons lojale ondersteuners by die "Oop MCademy en die Rookie 1, 2, en 3" moet wegwys omdat elke lesing vol bespreek is.



Ons het derhalwe besluit om voortaan voorkeur te gee aan die agente en agentskappe wat ons as firma ondersteun voordat ons die besprekings oopmaak vir almal.

Ons lojale ondersteuners moet dit beskou as ons manier om dankie te sê vir die ondersteuning.

Aangesien ons bewus is van die ongelooflike behoefte aan opleiding, sal ons nog steeds geleentheid aan andere gee om die opleiding by te woon, maar slegs indien daar plek beskikbaar is nadat ons bestaande kliënte bespreek het.

Ons vertrou dat almal begrip het vir die situasie.

Groete, Tiaan

Written by/Geskryf deur: Tiaan (M.C.) van der Berg

M.C. VAN DER BERG^{INC}
ATTORNEYS, CONVEYANCERS & NOTARIES

Your Property Attorneys

KANSELLASIE VAN HUURKONTRAKTE: ARTIKEL 14 VAN DIE WET OP VERBRUIKERSBESKERMING

Artikel 14 van die Wet op Verbruikers Beskerming is van toepassing op alle vaste-termyn ooreenkomste, insluitend huurkontrakte.

Hierdie artikel is egter nie van toepassing op transaksies tussen regspersone nie, ongeag hul jaarlikse omset en/of batewaarde. Regspersone sluit onder andere die volgende in: beheerliggame, vennootskappe, assosiasies of trusts.

Die wet bepaal dat die **huurder** die kontrak mag kanselleer deur 20 besigheidsdae kennis aan die verhuurder te gee.

In bogenoemde geval bly die huurder verantwoordelik teenoor die verhuurder vir enige bedrae uitstaande ten opsigte van die terme van die huurkontrak tot en met datum van kansellatie.

Die verhuurder mag ook redelike boetes hef teenoor die huurder wat kanselleer, gebaseer op: huur bedrag, ligging van die eiendom, duur van die huurooreenkoms en die moontlikheid om die eiendom weer uit te verhuur (onder andere).

Die **verhuurder** mag nie die huurkontrak na wil kanselleer nie.

Die verhuurder mag slegs die huurkontrak kanselleer indien die huurder wesenlik versuim om te voldoen aan sy verpligtinge in terme van die huurkontrak, en indien die huurder nalaat om die kontrakbreuk reg te stel binne die 20 besigheidsdae kennis periode.



CANCELLATION OF LEASE AGREEMENTS: SECTION 14 OF THE CONSUMER PROTECTION ACT

Section 14 of the Consumer Protection Act applies to all fixed term agreements, including lease agreements.

This section does however not apply to transactions between juristic persons regardless of their yearly turnover or the value of their assets. Juristic persons include companies, close corporations, partnerships, associations or trusts, amongst others.

The act determines that the **tenant** will be able to cancel the agreement by giving the landlord 20 business days' notice.

In such instance the tenant remains liable to the landlord for any outstanding amounts owed in terms of the agreement until date of cancellation.

The Landlord may also impose a reasonable cancellation penalty, based on: amount of rental, location of premises, duration of lease and prospect for re-letting (amongst others).

The landlord is not afforded the right to cancel the lease agreement as he wishes.

The **landlord** may only cancel the agreement should the tenant commit material failure to comply with the agreement, and the tenant fails to rectify such breach of contract prior to the expiration of 20 business days' notice period.

Written by/Geskryf deur: Annelé Odendaal

MCADemy TRAINING

In 2015 we will run four different lecture themes throughout the year at our MCademy Facility based at: c/o Saxby & Frederik Streets, Eldoraigne, Centurion.

Theme Training

All the dates below (Excluding Rookie and Rookie2Recruit) will be the same theme, so please be sure to book the date and venue that suits you best.

All bookings must be made with Liza Louw: MCademybookings@mcvdberg.co.za or contact her at 012 660 6109.

Centurion - Theme Training 2015

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|--------|---------------|-----|--|--|
| 23 Apr | 09:00 – 11:00 | AFR | Die nakomingsvereistes wat die agent daagliks in die gesig staar | c/o Saxby & Frederik Streets, Eldoraigne, Centurion. |
| 7 May | 09:00 – 11:00 | ENG | The compliance requirements estate agents face daily | c/o Saxby & Frederik Streets, Eldoraigne, Centurion. |

Midstream - Theme Training 2015

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|--------|---------------|-----|--|------------------------------|
| 20 May | 09:00 – 11:00 | ENG | The compliance requirements estate agents face daily | Kerk Sonder Mure, Midstream. |
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Pretoria East - Theme Training 2015

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|--------|---------------|-----|--|-----------------------------------|
| 13 May | 09:00 – 11:00 | ENG | The compliance requirements estate agents face daily | Nedbank, Menlyn Maine Auditorium. |
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Centurion - Rookie 1 Training 2015

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|-----------|---------------|-----|-----------------------|--|
| 26-27 May | 09:00 – 16:00 | ENG | Basic Rookie Training | c/o Saxby & Frederik Streets, Eldoraigne, Centurion. |
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Centurion - Rookie2Recruit Training 2015

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|--------|---------------|-----|--|--|
| 15 Apr | 09:00 – 15:00 | ENG | Defects, CPA, Subject-To Transactions & Existing Lease Agreement | c/o Saxby & Frederik Streets, Eldoraigne, Centurion. |
|--------|---------------|-----|--|--|

Centurion - Rookie3Realtors Training 2015

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|--------|---------------|-----|--|--|
| 15 May | 09:00 – 13:00 | ENG | Capital Gains Tax & Transfer Procedure | c/o Saxby & Frederik Streets, Eldoraigne, Centurion. |
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DIE VERKOOP VAN EIENDOM EN DIE NUWE REGULASIES VIR UITHEEMSE & INDRINGERSPESIES:

Op 1 Augustus 2014 het die Minister van Omgewingsake die Regulasies vir Uitheemse en Indringerspesies gepubliseer welke inwerking getree het op 1 Oktober 2014.

Die doel van die regulasies is om óf die sekere kategorieë indringer plantegroei uit te roei of te beheer of om te verseker dat 'n permit uitgereik word vir die beperkte aktiwiteit met betrekking tot sekere indringerspesies. 'n Lys van Uitheemse Indringerplante kan gevind word by <http://www.invasives.org.za/legislation.html>.

Wat is die implikasie hiervan vir eiendomsagente? Agente moet verkopers in kennis stel van die regulasies. Ons standaard koopkontrak bevat ook die bepaling dat die koper die eiendom aanvaar met die plantegroei soos dit staan.

Verkopers sal waarskynlik nie oor genoeg kennis beskik om die plantegroei te identifiseer en te openbaar aan hul voornemende kopers nie. Die Departement van Omgewingsake het aangedui dat hulle "gesertifiseerde indringerspesie konsultante" sal akkrediteer, wat in staat sal wees om 'n verslag op te stel oor die indringerspesies op 'n eiendom. Daar is ook gerugte dat die verkoper hul kopers sal moet voorsien van die sertifikaat uitgereik deur die "gesertifiseerde indringerspesie konsultante" voor registrasie in die naam kopers kan plaasvind, maar dit is nie op hierdie stadium bevestig nie.

Ons hou u op hoogte van verdere verwickelinge in die verband.



SELLING YOUR PROPERTY AND THE NEW ALIEN AND INVASIVE SPECIES REGULATIONS:

On the 1st of August 2014 the Minister of Environmental Affairs published the Alien and Invasive Species Regulations which came into effect on the 1st of October 2014.

The purpose of the regulations are to either eradicate or control certain categories of invasive plant species or to ensure that a permit is issued for the limited activity pertaining to certain invasive plant species. Regulation 29 obliges a Seller to inform purchasers about all invasive plant species on the property before concluding the sale agreement. A list of Alien Invasive species can be found at <http://www.invasives.org.za/legislation.html>.

What is the implication for Estate Agents? The agent should duly inform the seller about the regulations. We have amended our standard deed of sale to include that the purchaser purchases the property with all vegetation as it stands.

Sellers will probably not have enough knowledge about vegetation to identify and certify the necessary to their prospective purchasers. The Department of Environmental Affairs has indicated that they will accredit "certified invasive species consultants" who will be able to prepare a report on the invasive species found on a property. There are also rumours that seller will have to provide purchasers with the certificate issued by the "certified invasive species consultants" before registration into the purchasers name can take place, but this is not confirmed at this stage.

We will keep you updated regarding further developments.

Written by/Geskryf deur: Nicole Rokebrand

ONS PERSONEEL



Marcé Strydom is werksaam by die firma sedert 2 Januarie 2013. Sy is aanvanklik aangestel as kandidaat prokureur maar het intussen haar eksamens geskryf om te kwalifiseer as 'n prokureur. Sy is ook vanaf 7 Maart amptelik Mevrouw van der Merwe!

BONDS/VERBANDE: FREQUENT ASKED QUESTIONS?/GEREELDE VRAE EN ANTWOORDE?

HOW ARE THE PROFESSIONAL FEES PAYABLE TO MY BOND ATTORNEYS, CALCULATED?

The fee payable to your attorneys are prescribed tariffs issued by the Law Society, and will depend on the total loan amount to be registered. Please visit our website and make use of our MCostCalculator, that can be used as a guideline.

HOE WORD DIE PROFESSIONELE FOOIE WAT BETAALBAAR IS AAN MY VERBANDPROKUREURS, BEREKEN?

Die fooi betaalbaar aan u verbandprokureurs word bereken volgens die tariewe wat voorgeskryf word deur die Prokureursorde en sal afhang van die totale leningsbedrag wat geregistreer gaan word. Besoek gerus ons webtuiste en maak gebruik van ons MCostCalculator, wat as 'n riglyn gebruik kan word.



Written by/Geskryf deur: Vernée Roets

WHAT OUR CLIENTS HAVE TO SAY / WAT ONS KLIËNTE SÊ

- You are extremely efficient... I'm pleased to do business with you...
- As for the service, I would give you a solid 5 out of 5, and would recommend you to any others wanting to use this kind of service.
- Your levels of professionalism, and the speed of the transaction, is commendable.
- Your service has been absolutely amazing, I have never had a matter so professionally and smoothly handled. Been an absolute pleasure.
- Soos altyd is dit net 'n plesier om van julle dienste gebruik te maak.
- Thank you very much for the great service we received, you made this transaction plain and simple.
- Dankie vir die baie professionele hantering van die oordragproses.
- Thank you once again for managing our house sale affairs, it was a pleasure working with you.
- I thank you sincerely for your efficiency.

RICH'S REVIEW:

If you enjoy history, novels and music, Sarah Quigley masters the art of fictionalising the life story of Russian born Dmitri Shostakovich.

The Conductor sets off in Leningrad 1941. Shostakovich was born on 25 September 1906 and died on the 9th of August 1975.

The storyline starts off with Shostakovich as a young boy in a struggling household as a brilliant young pianist. A jump to the Second World War grips the reader's attention to marvel at the determination of a musician who is nearly starved to death but won't let go of his career. Most of the novel is set around the composing and performance of his Seventh Symphony.

The Seventh Symphony is fictionalised as a morale-boosting work for the people of Russia.

The author's ability to string history and musical interpretation in a story is remarkable.

The Conductor – Sarah Quigley; ISBN 978-1908-8000-39.

ADVERTENSIE



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ETHICAL CODE

In terms of the estate agents' general duty to members of the public and other persons or bodies, an estate agent-

2.3 shall not in his capacity as an estate agent wilfully or negligently fail to perform any work or duties with such degree of care and skill as might reasonably be expected of an estate agent;

2.4 shall comply with both the Act and the regulations promulgated thereunder.

WHAT MAKES US UNIQUE?

There is a very real and pressing obligation resting on agents to ensure that the pro forma agreements they use are complete, correct, user friendly, compliant and protective.

We believe that the old popular approach of "the shorter the better" is now outlived and obsolete.

Agents have to ensure that their purchasers and sellers are properly protected. Purchaser and sellers have the right to assume that the estate agency's pro-forma agreement will protect them, inform them and addresses all the necessary issues and legalities.

We have drafted an agreement, which we endorse and which we believe is fine tuned to the T. More than 50 estate Agencies in our area are already making use of the MC-Contract with positive results.

If you would like to make use of the MC-Contract, you are welcome to contact our office.

Written by/Geskryf deur: Tiaan (M.C.) van der Berg

Charity Blood Drive

You may have noticed that MC van der Berg has committed itself to donating blood on a regular basis. With the help of our clients we have hosted 3 blood drives and donated 58 units of blood.

Here's some interesting facts:

- One unit of blood can help save as many as 3 people's lives.
- If all donors gave blood 2 to 4 times a year, it would help eliminate blood shortages.
- Donating blood will not decrease your strength.

We will keep you posted on when our next blood drive will be and look forward to seeing you there!

Looney Law

ATTORNEY: How old is your son, the one living with you?
WITNESS: Thirty-eight or thirty-five, I can't remember which.
ATTORNEY: How long has he lived with you?
WITNESS: Forty-five years.

Boereraat:

Glasgids

Moenie daardie ou telefoongidse weg-gooi nie. Die bladsye vryf ruite pragtig blink nadat jy dit gewas het.

SUDOKU

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