

M.C. MONTHLY



The newsletter with a difference

Nov / Dec 2014

OUR MESSAGE TO YOU

The end of the year is already with us. It's probably fitting that at the end of the year, just for a moment, we look back over the past year before we approach the New Year.

Every year brings its own things. We have seen this year, despite several interest rate increases, the market slightly lift its head. Most real estate agents' biggest headache is stock. Buyers are apparently in abundance. If you have stock, you have business. Moreover, if you have a sole mandate, you almost have a post-dated check. That's actually good news. Will any of us forget the years between 2007 and 2011, when we all sat and watched the phones and prayed for it to ring?

We notice that many developers are planning new developments and development land is once again in demand. The point is that there is a huge housing shortage in South Africa, specifically in Gauteng. This could improve the market even further.

The banks are increasingly competing for a greater market share. The percentage of mortgages approved are continually rising. The banks have also, over the last few years, gradually relaxed their lending criteria.

Yes we are not in the 2005/6 euphoria where we just sat and took orders and printed money, but let us be thankful. Business is on the up and up. Let's all stay positive, work hard and give our best.

We are grateful to each and every client who put their trust in us as a company during the course of this year.

Thank you for being part of our success!

We wish you all a merry Christmas and a wonderful 2015.

Regards
Tiaan and Sonja



ONS BOODSKAP AAN JOU

Die einde van die jaar is alweer met ons. Dis seker gepas om aan die einde van die jaar net vir 'n oomblik 'n terugblik te neem voor ons die nuwe jaar weer aanpak.

Elke jaar bring sy eie dinge. Ons het hierdie jaar gesien hoe, ten spyte van enkele rentekoers verhogings, die mark sy kop effens lig. Die meeste eiendomsagente se grootste kopseer is voorraad. Kopers is klaarblyklik in oorvloed. As jy voorraad het, het jy besigheid. Meer nog, as jy 'n alleenmandaat het, het jy amper 'n vooruitgedateerde tjek. Dis eintlik goeie nuus. Sal enige van ons die jare vergeet tussen 2007 en 2011 waar ons almal vir die telefone gesit en kyk het en gebid het dit moet lui?

Ons merk op dat baie ontwikkelaars weer besig is om te beplan aan ontwikkelings en dat ontwikkelingsgrond weer in aanvraag is. Die punt is dat daar 'n groot behuisingstekort in Suid-Afrika en spesifiek in Gauteng is. Dit kan die mark net verder laat verbeter.

Die banke is toenemend aan die kompeteer vir 'n groter marktaandeel. Die persentasie verbande wat goedgekeur word styg deurentyd. Die banke het ook oor die afgelope paar jaar hulle uitleningsbeleid stelselmatig verslap.

Ja ons is nie in die 2005/6 euforie waar ons net sit en bestellings neem en geld druk nie, maar laat ons dankbaar wees. Besigheid lyk al hoe beter. Kom ons almal bly positief, werk hard en gee ons beste.



Ons is dankbaar aan elke liewe kliënt wat deur die loop van die jaar hulle vertroue in ons as 'n maatskappy geplaas het. Dankie dat julle deel is van ons sukses.

Ons wens julle almal 'n geseënde Kerstyd en 'n wonderlike 2015 toe.

Groete
Tiaan and Sonja

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

Your Property Attorneys

WIE IS VERANTWOORDELIK VIR DIE BETALING VAN SPESIALE HEFFINGS AAN DIE BEHEERLIGGAAM?

Artikel 11(b) van die Wysigingswet op Deeltitels (11 van 2010) bepaal die volgende: Indien die Beheerliggaam 'n spesiale heffing hef sal die persoon wat ten tye van die neem van die spesiale besluit deur die Beheerliggaam die geregistreerde eienaar van sodanige eiendom is, vir die betaling van die spesiale heffings verantwoordelik wees, ongeag of die betaling van die spesiale heffing uitgestel is, al dan nie.

'n Voorbeeld hiervan sal wees waar 'n spesiale heffing vir 'n nuwe sekuriteitstelstel in Januarie gehef word, en die eienaars die opsie gegee word om R300.00 oor 'n tydperk van 10 maande af te betaal. In so 'n geval bly die verkoper aanspreeklik vir die volle R3000.00, alhoewel die eiendom in Maart verkoop word.

Indien die spesiale besluit dus voor die oordrag van die eiendom op die koper se naam geneem word, sal die verkoper vir die betaling van die spesiale heffing aanspreeklik wees. Sommige bestuursagente gebruik 'n sogenaamde drie-ledige ooreenkoms wat tussen die Beheerliggaam, verkoper en koper aangegaan word. So 'n ooreenkoms sal dan bepaal dat die koper vanaf datum van registrasie van die eiendom vir die heffings, sowel as enige spesiale heffings, verantwoordelik sal wees. Die wet maak nie hiervoor voorsiening nie en die afdwingbaarheid is onseker.



WHO IS RESPONSIBLE FOR PAYMENT OF SPECIAL LEVIES TO THE BODY CORPORATE?

Section 11(b) of the Sectional Title Amendment Act 11 of 2010 determines the following: If the Body Corporate decides to charge a special levy, the person who is the registered owner of the property at the time the special resolution is taken by the Body Corporate, will be liable for the payment of the special levies, whether the payment thereof has been postponed or not.

For example, when a special levy is raised for a new security system in January and the owners are given the option to pay R300.00 over 10 months, the seller remains liable for the total of R3000.00 even though the property is sold in March.

If the special resolution was taken before the property is transferred onto the name of the purchaser, the seller will be liable for the payment of the special levies. Some body corporates utilise a so called tri-partite agreement in which, the body corporate, seller and the purchaser enter into. Such an agreement will determine that the purchaser will be liable for payment of the levies, as well as any special levies, from date of registration. This is not provided for in the act and the enforceability thereof is doubtful.

Written by/Geskryf deur: Annelé Odendaal

TREURGROND

Groot opwinding het by die MC-kantore geheers op Vrydag 24 Oktober toe die filmspan van Phoenix Films van die laaste tonele vir die nuwe film Treurgrond by ons kantore kom verfilm het. Groot name soos Steve Hofmeyr, Shaleen Surtie Richards, Richard Lukunku, Andre Frauenstein (Jnr), Erica Wessels, Barbara-Marie Immelman, en Jana Strydom vertolk rolle in hierdie film. Die regisseur is Darrel Roodt wat ook die regie behartig het van die films Sarafina, Cry the Beloved Country en nog vele ander.

Reeds van 5:30 die oggend was hier 'n miernes van bedrywighede vir die voorbereiding hiervan. Ontbyt moes voorberei word vir die span van ongeveer 40 lede en ligte moes opgestel word in die kantore waar verfilming plaasgevind het.

Wie sou nou kon dink dat tonele wat in werklikheid ongeveer een tot twee minute elk op die silwerdoek sal verskyn, ongeveer een tot twee ure elk neem om te verfilm. Groot blydskap het geheers toe die laaste toneel uiteindelik perfek was en daarna kon almal rustig ontspan en 'n heerlike middagete, wat deur die filmspan se spysenier voorberei is, geniet. Sien gerus ons Facebook blad vir fotos wat op hierdie dag geneem is. Treurgrond is vanaf 29 Mei 2015 te sien in teaters landwyd.

Written by/Geskryf deur: Sarie van Lyleveld

treurgrond
IN CINEMAS 29 MAY 2015



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

KAN 'N VERBAND GEREGISTREER WORD OOR EIENDOM WAT IN 'N MINDERJARIGE SE NAAM GEREGISTREER IS?

Ja – Artikel 80 van die Boedelwet bepaal dat indien die bedrag van die verband meer as R100 000 is, moet die toestemming van die Hoë hof verkry word. Indien die verband bedrag egter minder as R100 000 is, moet die toestemming van die Meester van die Hooggeregshof verkry word om die verband te registreer.

CAN PROPERTY REGISTERED IN THE NAME OF A MINOR BE MORTGAGED?

Yes – in terms of section 80 of the Administration of Estates Act the property may only be mortgaged with the consent of the High court if the amount of the bond exceeds R100 000. If the amount of the bond is less than R100 000 the consent of the Master of the High Court will be required.

Written by/Geskryf deur: Vernée Roets



ESTATE AGENT MANDATES

When it comes to selling your property, sellers need to be aware of the different estate agent mandates.

SOLE AND EXCLUSIVE MANDATE

A sole and exclusive mandate is a mandate given by the Seller to the agency whereby an agency undertakes to actively market and sell a property to the exclusion of other agencies for a certain period of time. The owner may not market the property himself. Should anyone other than the agent sell the property, the seller will still have to pay commission to the agent who holds the sole mandate. The agency must provide the seller with a marketing plan.



SOLE MANDATE

A sole mandate is exactly the same as the above with one exception. The seller can sell or let the property himself without being liable towards the agent for payment of commission should the seller successfully sell the property.

OPEN MANDATE

Various estate agencies have a mandate to market your property. Agents will compete against each other to sell your property. It quite often happens that the different agencies introduce the same purchaser to the property giving rise to commission claims from both agencies. It is important that the agents ask prospective purchasers if they have seen the property through another agency before they take the clients to see the property.

Written by/Geskryf deur: Nicole Rokebrand

EIENDOMSAGENT SE MANDATE

Wanneer 'n verkoper sy eiendom wil verkoop, is dit belangrik dat die verkoper bewus moet wees van die verskillende mandate wat aan 'n eiendomsagent gegee kan word.

ALLEEN – EN - EKSKLUSIEWE MANDAAT:

'n Alleen en eksklusiewe mandaat is 'n mandaat waar die verkoper aan 'n spesifieke agentskap die uitsluitlike reg gee om sy eiendom aktief te bemark met uitsluiting van enige ander agentskap vir 'n bepaalde tydperk. Die eienaar kan nie die eiendom self bemark nie. Indien die eiendom deur enige iemand anders as die ooreengekome agentskap verkoop word, sal die verkoper aanspreeklik wees om aan die agentskap sy kommissie te betaal. Die agentskap moet aan die verkoper 'n bemarkings-plan voorsien.

ALLEENMANDAAT:

'n Alleenmandaat is presies soos hierbo maar met een uitsondering. Die verkoper mag sy eie eiendom self verkoop of verhuur sonder om aanspreeklik te wees teenoor enige agentskap vir betaling van kommissie sou die eienaar self die eiendom verkoop.

OOP MANDAAT:

Verskeie agentskappe het die mandaat om die eiendom te bemark. Agentskappe kompeteer met mekaar om die eiendom te verkoop. Dit gebeur soms dat verskeie agentskappe dieselfde koper voorstel aan die eiendom wat aanleiding kan gee tot kommissie eise van die agentskappe. Dit is belangrik dat die agente voornemende kopers vra of hul die eiendom deur 'n ander agentskap bevestig het alvorens die agentskap kliënte neem na die eiendom.

ONS PERSONEEL



Dalena Byleveldt is sedert 2 Julie 2012 by ons firma werksaam as 'n senior aktetkster in ons Transport afdeling. Groot opwinding heers in die Byleveldt huishouding omdat haar kinders van Engeland eersdaags kom kuier vir 'n lekker lang kuier van 3 weke. Dalena het 4 kinders en is ouma van 6!

WHO IS RESPONSIBLE FOR HISTORICAL MUNICIPAL DEBT



Conveyancers must (in terms of Section 118(1) of the Municipal Systems Act) lodge documentary proof (a clearance certificate), issued by the Local Municipality, at the Deeds Office when a property is transferred, which verifies that outstanding rates and taxes as well as utilities are paid.

During September 2014 Carte Blanche aired a documentary where they discussed a recent High Court case (Mathabathe vs Municipality of Tshwane), in which the said Section 118 was discussed.

Section 118(1) stipulates that the Local Municipality must certify that the outstanding debt for the 2 years immediately preceding the date of application of the clearance certificate is paid in full.

The court's interpretation of this section was that if the debt includes a debt older than 2 years (historical debt) but the two years immediately preceding the application is paid, the municipality must issue the clearance certificate. The property can then be transferred to the purchaser although the seller is still indebted to the Municipality for historical debt older than 2 years.

The court ruled that the Municipality therefore has a lien over the property which lien is not extinguished on transfer. The effect is seemingly that the municipality can perfect this lien, attach the purchaser's property and sell it on auction to settle the seller's historical debt. Some municipalities have decided to make use of this back door to collect historical debt.

On 8 September 2014 in the case of PJ Mitchell v City of Tshwane Metropolitan Authority some sanity prevailed. In this matter the relevant property was sold in execution. The court contended that the municipality's lien is extinguished by the sale and the new owner is granted a clean title. The issue at hand (i.e. the municipality's right to perfect its lien against the new owner) has thus not yet been resolved in full as most transactions take place in terms of an agreement not in terms of a court order.

We are certain that the matter will be taken on appeal to the Constitutional court to be tested against sec 25 of the Constitution, which protects private property rights.

It is a step in the right direction in that the court ruled that the Municipality cannot refuse to provide services (for example electricity) to the new owner on the grounds of an existing historical debt.

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

WAT ONSE KLIENTE SÊ

- Dealing with M.C. VAN DER BERG Inc has been an absolute pleasure . It is extremely rare to deal with an organization as professional and well-rounded .
- Your services have been phenomenal from start to finish... Your continuous communication is definitely your differentiator to your competition and makes you stand out .
- M.C. VAN DER BERG Inc have my vote of confidence and I will definitely recommend your organization to all my family and friends.
- Baie dankie vir jul flinke diens. Ons doen al sedert 2004 besigheid met julle – om 'n rede!
- Ons kry altyd goeie diens en goeie advies.
- Thank you so much for your assistance and patience it meant a lot. I will definitely refer clients to you.
- Again I am passing my vote of thanks to M.C. van der Berg Attorneys for the professionalism, support and patience throughout the transferring process, appreciated.
- Julle diens was puik en het ek regtig besef dat julle deeglik is in alles wat julle doen.
- Thanks a lot for making us smarter in our dealings. Your assistance is always greatly appreciated.
- Waardeer jul uitstekende diens!
- Thank you once again for the great service and for also supporting me through this entire journey!!
- Ek waardeer opreg wat julle vir ons gedoen het, julle was te alle tye so professioneel en altyd behulpsaam met alles en nog wat.

SUDOKU

QUICK SUDOKU...

MORE TIME FOR CHRISTMAS SHOPPING

3	5	7	9	6	4	2	8	1
4	6	8	1	2	3	5	7	9
9	1	2	5	8	7	4	6	3
6	3	1	7		5	8	4	2
7	2	4	3		8	6	9	5
8	9	5	2		6	1	3	7
1	7	6	4	5	9	3	2	8
5	8	3	6	7	2	9	1	4
2	4	9	8	3	1	7	5	6

ADVERTENSIE



RICH'S REVIEW:



Silly season has started and the buzz for getting those Christmas stockings filled is upon us. 13th Street, Menlopark, Pretoria can be considered as "the destination".

I started by browsing at Bits & Pieces Antiques – a small shop boasting with collectors pieces of well-kept Art Nouveau era-finds. Alan is a passionate, experienced antiques collector and dealer that will answer your questions with the passion he has for collectables. Next door is the ladies of Women+. When I fished out about the name, they explained that it's a Danish word meaning 'house' and the plus sign is for everything associated with it. They specialize in home decorating with a difference and I ended up buying salad forks made of wood in the shape of hands. Quite a feat as I don't even like salad...

Next door is The Gallery on 13th Street. They probably stock the biggest range of Yankee Candles I've ever seen. If you have not experienced the aromas of a Yankee Candle, you must try it. Everyone's home should have them, as there is a fragrance for every taste. From subtle linen fragrances to cinnamon. Look beyond the Yankee Candles and you will find a treasure trove of things in which you could get lost for hours.

Nataniël's Kaalkop Studio nestled in the middle of this gem of a street sells the best shaving cream anyone can buy. Browsing around, you may find anything from a jar of foot lotion to paper butterflies.

End your experience with a coffee and something delicious to eat at Carlton Café Delicious – an eatery with a cosmopolitan take on everything they present.

Should you need inspiration for festive gifts, this is a one-stop street where you will definitely find something different for everyone on your list!

Boereraat

Doringstroper:

As jy blare en dorings van rose se stingels wil afstroop, gebruik 'n wasgoed pennetjie. Glip die gaatjie oor die stingel en stroop van bo na onder.



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