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DupWest Inc.
DU PLESSIS & VAN DER WESTHUIZEN
ATTORNEYS | PROKUREURS

Du

Your **new breed** law firm

Firm Profile

DupWest Inc.
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member of
phatshoanehenney
GROUP OF ASSOCIATED LAW FIRMS



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The Phatshoane Henney Group is the largest association of independent law firms in South Africa. The group, currently comprising of 30 law firms with 43 offices in 9 provinces and nearly 323 professionals, continues to grow year-on-year and expand its presence to major centres across South Africa.

The group was founded by Bloemfontein firm Phatshoane Henney inc. in response to an identified need of law firms to strategically position themselves for the future and access the economies of scale of a national group with national visibility and brand awareness. Membership provides firms with a range of benefits ranging from vital support services, marketing infrastructure and strategic partnerships that create value, cost savings and business opportunities for firms.

Group firms are each dynamic and prominent law firms in their respective regions and subscribe to the group values of quality, service delivery, black economic empowerment and training and development. The group brand has also grown strongly since its establishment and has obtained recognition as a brand in the legal profession. The group brand is a complimentary brand to that of individual firms and strengthens the firm brand by adding differentiation and referencing the value and quality components of the group and the cascading benefits it holds for clients serviced by group firms.

For more information on the Phatshoane Henney Group, its values, membership structure, partnerships and more, please visit the group website at www.phfirms.co.za.

Who we are

Du Plessis & Van Der Westhuizen Inc. is a medium size law firm consisting of seven Attorneys and a total personnel of 25. The firm was founded by Mr. Willie Van Der Westhuizen in 1976. It is located in the city of Rustenburg on the R24 main road, 2 Edam Avenue, Waterval East ext 37, near the city centre and close to all important amenities.

The firm provides general legal services, with special departments established in the sectors of Conveyancing, Administration of Deceased Estates, Estate Planning, Commercial Law, High Court and Magistrate's Court Litigation, Criminal Law, Labour Law, Family Law and Debt Collection.

Du Plessis & Van Der Westhuizen Incorporated is on the Conveyancing Panel of Nedbank, Standard Bank, Investec and Absa Bank and was awarded ABSA Bank's Best Performing Practice in the North West Province for 2010. The firm is also on the Conveyancing and Litigation Panel of the Rustenburg Local Municipality.

Du Plessis & Van Der Westhuizen Incorporated is a proud member of the Phatshoane Henney Group of Associated Firms, South Africa's Largest Association of Law Firms.

The Phatshoane Henney Group is a national group of independent law firms practising in association, but not in partnership and with separate liability. This fast growing group comprises of 30 prominent law firms in all 9 Provinces across South Africa with more than 323 experienced professionals and a national service directory of specialist services.

Through the firm's membership of the Phatshoane Henney Group we have access to important legal and research support services, strategic and business development support, as well as training and development services which enable us to enhance our practice and improve our service offering to our clients.

The group and each member firm supports transformation and black economic empowerment and endorses the group initiatives to proactively implement black economic empowerment and skills development initiatives within each firm to ensure that firms meet black economic empowerment requirements and is recognized as a BEE supplier.

We believe that our association with this pre-eminent legal group will enable Du Plessis & Van Der Westhuizen to further distinguish itself as a leader in the provision of legal services and enable it to better serve and meet the needs of its clients with excellence and become the preferred law firm in the region.

Du Plessis & Van Der Westhuizen Inc. is dedicated, dynamic and diverse with young but experienced professionals and a growth of more than 20% per year over the last 10 years. We are driven by the motto of client satisfaction through service excellence. It is the undertaking of the firm to provide the finest, tailor-made solution to the unique problems experienced by individual clients.



Internal Structures of the Firm

In accordance with our "open-door", non-restrictive policy, Du Plessis & Van Der Westhuizen provides a wide array of legal services across all spectrums of the profession.

However, in order to regulate the demand of services in certain areas of law, the firm has established several departments that deal primarily with those matters.

The table below depicts the various departments that are in operation, and the respective attorneys that head them..

Town Planning and Commercial Law

Pieter van der Westhuizen
Palesa Motau

Trusts and Deceased Estates

Ruurd van der Wal
Hennie Terblanche

Conveyancing

Ruurd van der Wal

Labour Law

Nico Esterhuyse

Magistrate Court Litigation and Family Law

Chris Clemente
Sue-Mari Swanepoel

High Court Litigation

Nico Esterhuyse

Vision Statement

- To be recognised as a leading law firm in the fields of Conveyancing, Litigation, Commercial and Family Law, Deceased Estates and Collections.
- To be respected by our community and clients as experts in our chosen fields.
- To be the bench mark for legal ethics and professionalism.
- To be dedicated to client service and satisfaction.
- To be recognized as a pillar and active participant in our community.

Mission Statement

- We are a highly professional and dedicated firm of attorneys specializing in the fields of Conveyancing, Litigation, Commercial Law, Estates, Criminal Law, Collections and Family Law.
- We strive to ensure that we provide expert legal advice and services towards our clients and in so doing serve our community.
- In order to achieve our core goals we make use of highly skilled and trained professional staff members as well as making use of the latest in IT software and hardware systems.

Meet your new breed team of lawyers

John Mophethe Attorney BEEE Specialist

Education

LL.B, LL.M, Advanced, Certificate in Labour Law

Admission

Admission Attorney of the High Court of South Africa.



John obtained his LL.B degree from the former Vista University (now University of the Free State). He later obtained his LL.M and Advanced Certificate in Labour Law from the University of the Free State (UFS).

In addition to his LL.B, LL.M and Advanced Certificate in Labour Law, he completed an Assessor Course accredited by ETD-SETA. He recently completed a Divorce Mediation course with LEAD enabling him to be accredited as a divorce mediator.

John is a LEAD instructor at the Free State School of Law and is listed on the panel of liquidators at a number of Master's offices across the country.

He currently specializes in Insolvency Law and is a non-executive director of Du Plessis van der Westhuizen Inc.

Nico Esterhuyse Director, Litigation Department & Labour Law

Education

B.Proc
LL.B

Admission

Attorney of the High Court of South Africa



Nico studied at the University of the Free State and obtained his B.Proc and LL.B degree. He was awarded the Best Performing Student in the attorney's admittance examination in the Free State in 1998.

Nico has been specializing in High Court- and Magistrate's Court litigation for the past 20 years with an impressive success record and also possesses extensive experience in Labour Law matters. He has Right of Appearance in the High Courts of South Africa and regularly conducts High Court Applications, Trials and Appeals without employing the services of an advocate.

Pieter Van Der Westhuizen

Director, Litigation,
Conveyancing, Deceased
Estates & Commercial Law

Education

LL.B

Admission

Conveyancer and Attorney of the High Court of South Africa



Pieter obtained his LL.B degree in 1999 and was admitted as an Attorney in the High Court of South Africa in 2001 and as a Conveyancer in 2002

He has been the Managing Director of Du Plessis & Van Der Westhuizen Inc since 2003 and has experience in all aspects of law. He has extensive practical knowledge of Property Development and Township Establishment and also focus on Commercial Law. Pieter is well known to the Town Planning Department within the Rustenburg Local Municipality as well as to private Town Planning practices and property Developers.

Being a Rustenburg resident all his life, he has a wide client base and is very involved in the community in and around Rustenburg. Pieter served as Chairman of the Rustenburg Attorney's Association for a period of three years and was appointed as a Member of the Disciplinary Committee of the Law Society of the Northern Provinces during 2013.

Ruurd Van Der Wal

Director, Conveyancing,
Deceased Estates & Trusts

Education

B.Comm, LL.B, Dip. Tax Prac.

Admission

Conveyancer and Attorney of the High Court of South Africa



Ruurd studied B. Comm , LL.B. at the Potchestroom University and obtained his degree in 1995.

Since 1998 he has focused and specialized in Conveyancing, Contracts and Estate Planning, building up a substantial client base in the financial and property segments of business. Ruurd works closely with financial planners providing advice on risk, legal and estate planning for their clients.

He also served as a councillor of the Rustenburg Local Municipality until the end of December 2013 which provided him with in depth practical knowledge of the structures of the municipality as well as the application of Municipal Law.

Meet your new breed team of lawyers

Chris Clemente

Director, Litigation, Litigation Department, Family Law, Labour Law & Criminal Law

Education

LL.B

Admission

Attorney of the High Court of South Africa



Chris obtained his LL.B in 2007. Whilst completing his degree he attended the L.E.A.D. through the L.S.S.A. where he was awarded the certificate for the Best Performer in Trial Advocacy by the B.L.A. Chris was admitted as an Attorney in 2008.

Chris joined Du Plessis & Van der Westhuizen Attorneys in 2010 as a professional assistant and became a Director on 1 April 2014.

He specialises in Litigation where he attends to the firms' Magistrate Court litigation and where he presently heads the firm's Criminal and Family Law Departments.

Chris has a keen interest in Labour Law and has good experience in divorce matters as well as Children's Court appearances

Hennie Terblanche

Professional Assistant, Deceased Estates Department

Education

Blur
LL.B

Admission

Attorney and Conveyancer



Hennie obtained his B.Iuris and LL.B. degrees from the University of Potchefstroom. He was admitted as an Attorney in 2002.

Hennie joined the Deceased Estate Department of Du Plessis & Van der Westhuizen Inc. as a Professional Assistant in 2012 and currently specializes in the field of Estate Planning and Administration of Deceased Estates.

Palesa Motau

Director Commercial, Commercial Department

Education

LL.B

Admission

Conveyancer and Attorney of the High Court of South Africa



Palesa, a professional assistant to the managing director of the firm, specialises in the Commercial Department at Du Plessis & Van der Westhuizen Inc. Her core focus areas are general commercial contracting, information and data protection, policies and procedures as well as corporate governance.

Palesa obtained her LL.B degree from the University of Pretoria in 2015. While studying towards her LL.B degree, her devotion and zeal towards law was fostered through her continuous work for the University of Pretoria's law clinic as part of the university's practical law student division. Following her studies in 2015, Palesa joined Phatshoane Henney Attorneys as a candidate attorney in their Commercial Department, where she gained valuable experience and exposure in consumer law, wealth management, corporate structuring and restructuring, general commercial contracting and deceased estates, while completing her articles. She joined the Du Plessis & Van der Westhuizen Inc. team in January 2017.

Sue-Mari Swanepoel

Professional Assistant, Collections & Family Law Departments

Education

LL.B

Admission

Attorney



Sue-Mari van Sittert obtained her LL.B degree with distinction in 2012 at the North West University.

Sue-Mari joined Du Plessis van Der Westhuizen Inc. in 2012 as a Candidate Attorney and was admitted as an Attorney in May 2014. She presently attends to Collections, Civil Litigation and Family Law and also oversees the firm's Correspondent Department.



Contact Us

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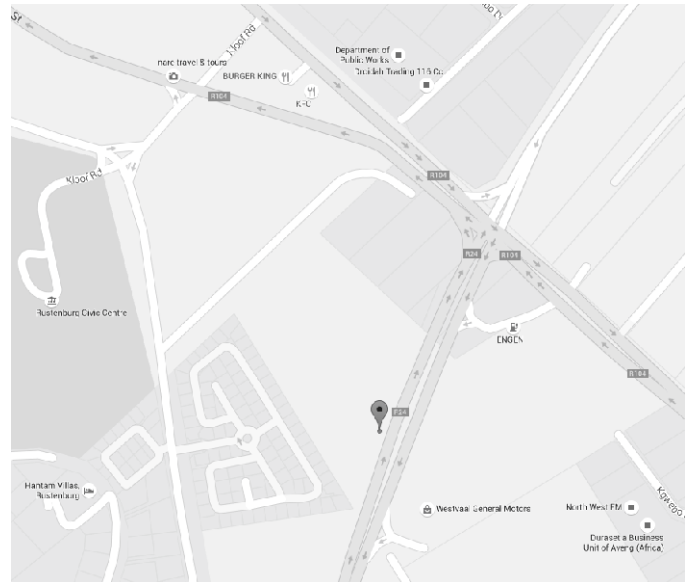
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Services

Estate Planning

Estate planning involves the process by which a person arranges and manages his estate so that he, his family and other beneficiaries, may obtain the maximum benefits from his estate during his lifetime and after his death. The goal is for the owner of the estate to obtain the maximum benefits from his property while at the same time enabling him to pass it to his beneficiaries with a minimum of shrinkage caused by income tax, estate duty and other obligations. Therefore it is necessary for the owner of the estate to carefully evaluate his current position, his expected position in the future and his position as at the time of his death and it is recommended that professional advice is sought.

Will

In drawing up your will, we will consider the following:

- Personal needs of your family and beneficiaries.
- Risk areas for your children and your spouse.
- Your financial risks and business risks.
- Tax implications, capital gains tax, donation tax, estate duty tax, transfer duty.
- Liquidity in the estate.
- Policies and investments.
- The utilization of Trusts, companies or close corporations

Family law is a personal and sensitive area that must be addressed by skilled and proficient experts. Group professionals provide advice relating to all aspects of the law of family, including the enforcement and protection of rights in familial and personal relations as well future planning. Group services in this area include:

- Antenuptial contracts are pre-marital agreements
- Matrimonial property rights
- Divorce law and mediation
- Maintenance and support
- Children's rights, adoption and custody
- Domestic violence
- Wills and estate planning

Franchising continues to garner success as a successful business model for new business venture as well as a model for expanding a successful business concept. Franchising is a form of licensing in terms of which a licence is awarded to a franchisee to use certain intellectual property of the franchisor such as its trademarks, trade dress, copyright in manuals and know-how, the franchise concept, patents and more. With the advent of the new Consumer Protection Act (2008), further emphasis is placed on this business model with the inclusion of detailed requirements and protection mechanisms for franchisors and franchisees in this act. Group professionals provide franchising services which include:

- General advice on franchising and licensing
- Franchise and licence agreements

To view our service profile or find a related professional, please see the Annexure A hereto.

- Administration of Estates
- Black Economic Empowerment
- Business Rescue and Insolvency
- Commercial Contracting
- Constitutional
- Construction
- Consumer
- Corporate and Commercial
- Criminal Law
- Curatorship Estates
- Debt Collection
- Dispute Resolution
- Employment
- Estate Planning
- Family
- Insurance
- Litigation
- Nuptial Services
- Personal Injury
- Property
- Supreme Court of Appeal



Nuptial Services

Nuptial services provided by our professionals are specifically aimed at providing couples contemplating marriage with the necessary legal advice relating to this important step and assist them to prepare appropriately for their futures.

From marriage arises legal consequences as well as considerations relating to property and financial planning. Our services can provide certainty and support to couples in a friendly and cost-effective manner.

Our Nuptial Services include:

1. Antenuptial Agreements

Under South African law three options for matrimonial property regimes exist, namely:

- Marriage in community of property
- Marriage out of community of property
- Marriage out of community of property with the accrual system

Each matrimonial property regime has different legal consequences, and one must obtain advice as to which system would best suit your needs. Importantly, your choice of property regime must be made in a formal document titled an "Antenuptial Contract" or ANC which should be concluded before a legal notary and before you get married.

2. Estate Planning

When getting married, it is important to execute a proper and valid will or have any existing wills reviewed. Often a pre-marriage will exists which bequeaths your estate to heirs other than your new spouse or future children. Estate planning through a properly drafted will can also help provide financial security for loved ones for the future. In a sense it can be rightly stated, that a will may probably be the most important document a person will ever execute, and a good time for reviewing an existing will or having a new one executed is at the step of marriage when future planning is highly relevant. details.

- Confidentiality agreements
- Royalty agreements
- Trademarks
- Copyright protection
- Patents
- Employment matters

Insurance

Group professionals provide a variety of services to leading insurers. Insurance services provided include:

- Opinions on liability and coverage
- Alternative dispute resolution
- Insurance litigation
- Advice on policy wordings

Litigation

With the high cost of litigation, an important aspect of the services of group professionals is to evaluate whether litigation can be avoided by solving or advising in respect of litigious issues early and pre-emptively. However where litigation cannot be avoided, group professionals pursue litigation across all areas of the law tenaciously and efficiently for resolution of the dispute, and where required involve specialists from other service areas to assist with litigation. Group professionals are geared to provide extensive general and specialist litigation services to clients. Such services include:

- Case management services to clients in litigious matters for Magistrate Court, High Court, Supreme Court of Appeal and Constitutional Court, as well as support for other formal tribunals and forums
- All aspects of commercial litigation
- Settlement negotiations
- Insolvency and rehabilitation applications
- Urgent applications
- Legal opinions
- Alternative dispute resolution (mediation and arbitration)
- Tax related litigation
- Intellectual property related litigation
- Matrimonial litigation
- Medical malpractice
- Property
- Banking and finance litigation
- Contract litigation
- Construction litigation
- Constitutional, public and administrative law advice and litigation
- General litigation
- All aspects of defended litigation arising from debt recovery



Supreme Court of Appeal

Group Professionals provide specialised Supreme Court of Appeal (SCA) services due to their location in Bloemfontein at the seat of the SCA division of the High Court of South Africa. These specialised services include:

- Serving and lodging appeal documents including applications, heads of argument and appeal records.
- Perusal and inspection of appeal records and other documents to ensure that they comply with the Rules and Practice directions of the SCA.
- Liaison with the Office of the Registrar regarding urgent enquiries and requests for urgent enrolments or deferred enrolments of appeal matters.
- Obtaining a final Court roll and establishing the composition of the SCA bench to preside over correspondent appeal matters.
- A complete correspondent service for applications for leave to appeal to the SCA.
- Advice and guidance on the Rules and Practice directions of the SCA regarding lodging of documents, computation of days etc.
- Drafting and taxation of bills of costs by our in-house Cost Consultant and obtaining taxation dates for correspondent firms.
- Attending to note judgments and obtaining copies of the SCA judgments for correspondent firms.

Transfer of property in South Africa: The process

Most property transfers involve at least one or two further conveyancing transactions relating to the cancellation of existing mortgage bonds and the registration of a new mortgage bond (where purchaser has utilized loan finance).

The following parties are involved in the Registration Process:-

Transferring Attorney (Register the title deed in the new owner's name), Bond Registration Attorney (Register the bond on behalf of the purchaser's bank), Bond Cancellation Attorney (Cancels the seller's bond), **(Note: If the Transferring Attorney is also on the Bank panels, The Transferring Attorney could be instructed to do the role of the Bond Registration Attorney and the Bond Cancellation Attorney.)**

Existing Bondholder

Local Municipality

Receiver of Revenue

In simple terms, the actual processes associated with a typical transfer are as follows:

1. Transferring conveyancer receives purchase agreement and instruction from agent/seller:-

- communicates with seller, purchaser and agent;

Nuptial Services

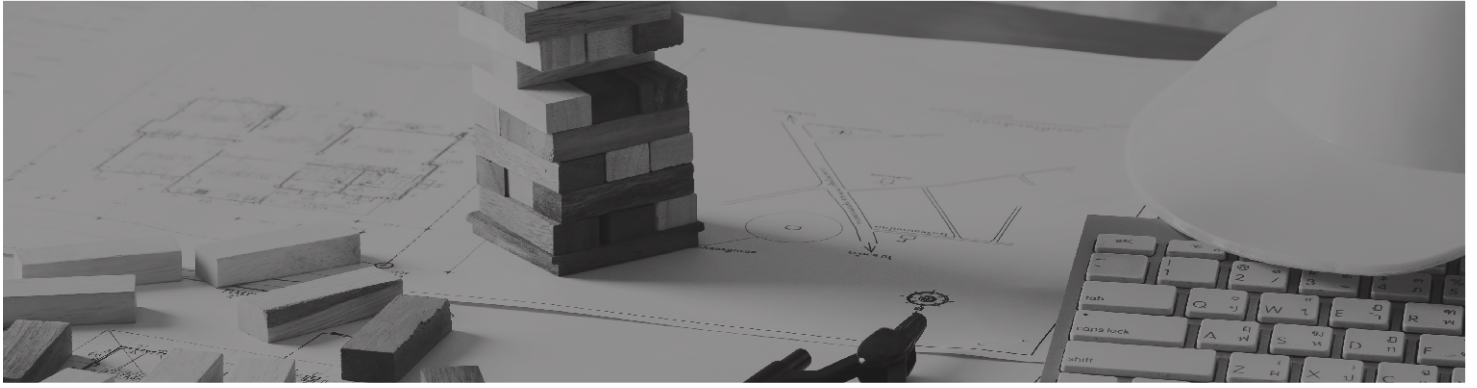
3. Property

Getting married, and looking at selling or renting an existing house or flat as you consolidate your properties? We provide a broad variety of property services including assistance with contracts of lease or sale, transferring your properties and general property advice.

4. Contracts

Weddings are expensive events and surrounded by a large industry of suppliers and service providers. There are wedding coordinator costs, deposits to pay, instalments due.... and everything is costing more than you were told. Yet, you have no contract with anyone and have a wedding that must go on, so you just pay. We can assist to protect you against these unplanned escalations by putting in place proper contracts or reviewing proposed contracts of service providers.

For more information on our Nuptial Services contact us for an appointment.



Personal Injury

Group professionals provide support services in respect of personal injury services, including medical malpractice, third party claims (Road Accident Fund) and personal injury claims.

Property

Real estate and the ability to own and transfer property remains a cornerstone of our economic system and an integral part of personal and financial planning. However, continuing legislative change affects planning, development, land use, subdivision, taxation, registration etc. in respect of property and requires specialist support in respect of commercial property services and conveyancing transactions. Group professionals are placed on the panels of most major banks and provide a variety of property services, which include:

- Deeds of sale (residential and commercial)
- Property transfers and registrations
- Property valuations
- Property finance, registration of mortgage bonds and other securities
- Property development structures
- Mineral rights
- Property due diligences
- Drafting and registration of servitudes, certificates of registered title, certificates of consolidated titles, general plans etc.
- Registration of townships and sectional title schemes
- Deeds office searches
- Sectional Title and Share block schemes
- Property subdivisions and consolidations
- Property syndications
- Commercial, retail and cluster development schemes
- Legislative and regulatory advice
- Property joint ventures
- Construction agreements
- Land rights
- Rezoning
- Lease agreements

- undertakes to keep agent covered for commission;
- conducts Deeds Search to check status and ownership of property;
- checks financial requirements of transaction and ascertains when the purchaser must pay / obtain bond finance / deliver guarantees;
- applies for clearance figures from Municipality / Local Authority;
- requests cancellation figures and title deed from existing bondholder;
- requests/monitors confirmation of grant of loan to purchaser and details of bond attorneys.

In the mean Time the Bond Registration Attorney will receive instructions from the Bank to register the bond on behalf of the bank. Bond Registration Attorney will request information from the Transferring Attorney to enable him to draw up the bond documentation for the purchaser to sign.

At the same time the seller's bondholder will instruct the Bond Cancellation Attorney to cancel the bond. The Bond Cancellation Attorney will request information from the Transferring Attorney.

2. Transferring conveyancer received clearance figures from Municipality/Local Authority, cancellation figures from existing bondholder, details of cancellation attorney, confirmation of bond grant to purchaser and details of bond attorneys:

- requests guarantees from bond attorneys;
- collects costs and balance of price from purchaser;
- sends guarantee/s to cancellation attorney;
- pays transfer duty and receives transfer duty receipt;
- pays clearance amount to Municipality and receives clearance certificate.

3. Transferring attorney arranges simultaneous lodgment of documents with bond and cancellation attorneys:

- registration documents lodged in Deeds Registry;
- await examination and approval by Deeds Examiners of documents;
- attend to minor queries / rectifications once examination is completed;
- arrange simultaneous registration with bond and cancellation attorneys;

4. Following registration, transferring attorney:

- collects payment on guarantees;
- prepares final reconciliation for purchaser and seller;
- pays estate agent's commission;
- pays final proceeds to seller;
- awaits receipt of rates refund and passes same on to seller/purchaser;
- awaits return of title deed / documents from Deeds Registry and returns same to new owner/new bondholder.

