

Simóne Franks

Director



Simóne Franks is a Director in our Real Estate Law practice. Her key specialisations are property related transfers, bonds, notarial agreements and due diligences. Her property spectrum experience includes residential and commercial development agreements and ensuing transfers, commercial bonds, residential bonds, notarial contracts (servitudes, notarial bonds and antenuptial contracts), town planning and land use matters.

About Simóne

Simóne has been a Director in our Real Estate practice since 2002. She has been a Notary Public Examiner at the Legal Practice Council since 2003 and was the joint regional notarial examinations facilitator from 2009 to 2019.

Credentials

Education

- Registered with the Legal Practice Council
- BA, University of the Western Cape
- LLB, University of the Western Cape
- LLM, University of Cape Town
- PGDip (Tax), University of Cape Town
- Year of admission as an attorney: 1996
- Year of admission as Conveyancer and Notary Public: 1998

Experience

Contact Simóne

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[Simóne on LinkedIn](#)

Expertise

[Real Estate Law](#)

[Commercial Real Estate](#)

[Agriculture, Aquaculture & Fishing](#)

[Consumer Goods, Services & Retail](#)

Location

Cape Town

Language

English

- **Extensive experience in conducting due diligences in respect of all properties for developers and advisory clients**

Extensive experience in conducting due diligences in respect of all properties for developers and advisory clients to determine if there are any restrictive conditions that affect the properties in question. Our in-depth review of the properties would include confirmation of ownership, deeds office searches and behind the pivot searches to assess and determine all conditions, servitudes, limited real rights, encumbrances and endorsements against the property. We would also in the process consider leases and any other notarial contract registered against the property. Our mandate includes assessing surveyor general diagrams and the identity of the property, confirming its extent and whether deduction have been properly made against the property. We also advise on the zoning and whether any land claims or expropriations are applicable. Our searches include property in South Africa located across all deeds office jurisdictions.

- **Acting on behalf of developers in respect of township planning, servitude agreements and residential and commercial property transactions**

Acting on behalf of developers in respect of township planning, bulk and phased housing developments (one of which hails from inception in 2010 wherein over 2000 end transfers have been registered), servitude agreements and residential and commercial property transfers.

- **Extensive experience in preparing due diligence reports**

Extensive experience in preparing due diligence reports in relation to Public Law, Compliance and Regulatory law, Admin Law, and Public Law in relation to property transactions.

- **Advising clients on agreements and legislation affecting their property portfolios.**

Acting on behalf of a corporate to develop land by means of a 99 year leasehold structure as opposed to freehold, which is not commonplace in South Africa.

- **Registration of residential, commercial, industrial and notarial bonds for various banks and lending companies.**

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- **Advising clients on agreements and legislation affecting their property portfolios.**

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- **Drafting Homeowners Constitutions for developments.**

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- **Drafting newsletters and presenting seminars on property-related issues.**

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- **Major corporate clients**

Major corporate clients include: the TUHF Limited, Business Partners Limited, Business Partners Properties 002, The Standard Bank of South Africa Limited Commercial Property Finance, Investec Bank, Atterbury Property Developments, Commercial Dynamics, City of Cape Town, Alderwood Trading 53, Meshco, Model Homenet, Pam Golding, Communicare, Blue Dot Properties 69 and Oceana.

News

Whose commission is it anyway?

In *City and Atlantic Real Estate CC t/a Remax Living v Smith and Others* (7118/2023) ZAWCHC 426 (13 December 2024), the court was called upon to determine which estate agency, City and Atlantic Real Estate CC t/a RE/MAX Living (RE/MAX) or Kapstadt International Properties CC (Kapstadt Properties), was the "effective cause of the sale", entitling it to the agent's commission in the matter before it. Notably, the court held that there were two requirements that estate agents, sellers and purchasers should be mindful of when determining whether an agent is entitled to commission in a property sale.

Transparency and co-operation should be the first steps in resolving real estate disputes

On 9 December 2024, the Supreme Court of Appeal (SCA) handed down judgment in *The Body Corporate of San Sydney v Shivani Singh and Others* (779/2023) ZASCA 169 (9 December 2024) in terms of which the order of the KwaZulu-Natal Division of the High Court, Durban was set aside and substituted with an order directing the respondents to sign whatever consent was required for the body corporate to obtain a certificate of real right in respect of the extension of the San Sydney Sectional Title scheme by the addition of three buildings that had been erected on the common property of the scheme, and to it exercising that right itself. Furthermore, should the respondents fail to sign such consent in whatever format required by the Registrar of Deeds, the Sheriff of the High Court was authorised and directed to sign the written consents on behalf of the respondents

The Preservation and Development of Agricultural Land Bill: Where to next?

For decades, the primary piece of legislation influencing agricultural land development has been the Subdivision of Agricultural Land Act 70 of 1970 (Act). The Act was repealed by the Subdivision of Agricultural Land Act Repeal Act 64 of 1998 (Repeal Act), however, more than 25 years later, the Repeal Act is yet to have come into full effect, and we remain primarily bound to the provisions of the Act. The aim of the Act is to prevent the fragmentation of agricultural land for the preservation of sustainable and economically viable farming activities by imposing regulations and procedures for the subdivision, control and development of such land.

Alternatives to purchasing immovable property in South Africa

Despite the failure by Parliament to successfully pass the Constitution Eighteenth Amendment Bill, 2021 (the Bill), aimed specifically at making provision for land expropriation without compensation, the Justice and Correctional Services Minister, Ronald Lamola, stated during the debate before voting on the Bill that several other bills are already before Parliament or yet to be introduced which will be used to give practical effect to the issue of accelerated land reform.

A look at some practical implications of POPI on the Real Estate industry

Each person has a constitutional right to privacy. This includes the right to have personal information safeguarded by a person entrusted with such information. On 1 July 2020 substantive provisions of the Protection of Personal Information Act 4 of 2013 (POPI) will come into operation and this article discusses some practical implications that POPI requires of service providers in the real estate industry.

Podcasts

WOZA Podcast Three - Turning the tide

Join CDH Conversations for the third and final episode of the CDH and WOZA Women in Law podcast series, hosted by Senior Associate, Muwanwa Ramanyimi.

[All news by Simóne Franks →](#)

Recognition

- The Legal 500 EMEA 2021 - 2025 recommended Simone in real estate.