



REAL ESTATE

An overview of our practice



EVERYTHING MATTERS

REAL ESTATE

We take real estate seriously. For many of our clients, it is their business - a business which we understand and seek to develop with them.



Our goal is to give our clients commercial and innovative advice that adds value at all stages of the investment and development cycles.

We are one of the largest Real Estate practices in South Africa. Our specialised lawyers deal with the acquisition of commercial real estate, property finance, lease law, property management, property litigation, procurement law, (re)structuring and environmental and permitting issues.

Real Estate has been a mainstay of Cliffe Dekker Hofmeyr's practice for more than 150 years. Recognised as the most highly recommended corporate Real Estate practice in South Africa (*PLC Cross-Border Corporate Real Estate Handbook, 2009*). Because we work across a diverse range of sectors, we have a rounded view of the market that adds more insight to the advice we give you.

OUR SERVICES

Our clients include developers, banks and other financiers, government bodies and the public sector, construction companies, private equity and other investors, as well as corporate occupiers.

We advise these clients across a range of industries on all asset types including hotels, resorts, commercial, industrial, retail and residential as well as alternative assets such as eco-estates, game lodges, golf estates and retirement villages.

We also advise homeowners on the purchase or sale of property, and offer conveyancing services for the registration of mortgage bonds to secure all or part of the purchase price.

We have an in-depth knowledge and understanding of the business needs of mortgage financiers and the risk implications of the various forms of real security, including mortgage and notarial bonds. This extends to securitisation schemes, acquisition and leveraged finance, project finance, syndicated lending, infrastructure and development. We have expertise in asset finance and the hypothecation of assets such as ships, aircraft and trade marks.

We have advised banks and other financial institutions on the structuring of both commercial and home loan products, systems and related processes, as well as all security and related standard documentation. Our team has considerable expertise and experience in the application of the National Credit Act, 2005, in so far as it applies to mortgage lending and other credit transactions.

We are actively engaged in the provision of the legal services and conveyancing to service the low cost (also known as RDP) housing and affordable housing markets (land and buildings priced below R600,000).

The firm represents both land and top structure developers in the affordable housing market, including the Gauteng Provincial Government and the City of Johannesburg Metropolitan Municipality in the development of new townships for the RDP housing market.

During the recent past we have transferred in excess of 17,500 RDP houses to housing subsidy beneficiaries as well as some 4,800 houses in the affordable housing market.

Where necessary, we work together with our colleagues from other practice areas in order to offer our clients a comprehensive legal solution. Real Estate clients will benefit from our services offered in the following practice areas: -

- Black Economic Empowerment;
- Competition / Antitrust;
- Corporate and Commercial;
- Dispute Resolution: Litigation and Arbitration;
- Due Diligence Exercises;
- Employment;
- Environmental;
- Public Sector;
- Regulatory;
- Tax; and
- Trusts & Estates.

Investment

We work with a large number of South African and international (institutional) investors on acquisitions and disposals. Our advice covers the legal structure of vehicles most suited for the specific transaction, joint ventures and exit strategies. Our multi-disciplinary service, incorporating real estate, tax, corporate and financing expertise, provides a robust basis on which to achieve your investment aims.

Real Estate Investment Funds

We have extensive experience advising real estate funds, private equity real estate funds and infrastructure funds on fund structuring, promotion, management and administration. Our Tax lawyers help investment clients to establish real estate investments and create tax-efficient fund structures.

Real Estate Finance

Our Real Estate finance team combines the expertise of both our Finance and Banking and Real Estate practice areas. The team has a diverse client base of funders, investors and developers and its members have many years' experience acting for major lenders to the property industry, investors and developers raising finance.

Development

Whatever your interest in a development project, we have the experience to help maximise the value of your position. From land assembly to final sale, our experts in property, tax, planning, construction and environmental regulation apply cross-sector best practice to ensure optimal results. Our focus is on timely completion of projects, financial return on investment and the negotiation of robust but acceptable leasing terms.

Planning and Environmental

Our planning team anticipates and pre-empts planning problems, advising on the most pragmatic and commercial approach to realising your developments. We help our clients throughout the development process.

Our thorough approach to the planning application process ensures it has the greatest chance of success. We realise though that success is never a certainty, and our support can be invaluable when permission is refused or the application is called in and an inquiry held. In particular, we can offer you considerable experience in preparing and running public inquiries, particularly those which attract strong and significant objections.

We also advise on:

- Appraisals
- Land use rights
- Enforcement
- Appeals

Working with both public and private sector clients, we advise on the most pragmatic and commercial approach to realising your strategies as quickly and efficiently as possible.

Our Environmental team delivers specialist environmental law advice. The practice area covers a broad range of environmental and health and safety law and has particular experience in advising clients with property interests, particularly in redevelopment and regeneration projects. We advise you about potential liability regarding historical activities that occurred on land in which you intend investing, and how you might minimise that risk.

Property Management and Leasing

Our Real Estate and commercial teams deal efficiently and proactively with all aspects of property management work, including leases, in conjunction with our Dispute Resolution team.

We handle all types of properties from industrial units to commercial property, from residential and mixed-use properties to office and retail space.

Real Estate Dispute Resolution and Litigation

We offer our clients practical and innovative solutions to avoid disputes.

However, when disputes do arise, our Dispute Resolution team provides specialist advice on a wide range of topics. We work to protect and enhance the value of the real estate interests of your enterprise.

Our expertise enables us to ensure that, in the absence of a negotiated solution, the appropriate dispute resolution mechanism is employed to achieve a successful outcome.

Tax, Trust & Estates

We offer advice on how to structure an acquisition or disposal from a tax point of view so as to minimise or limit any adverse tax effects.

As real estate is often the most valuable asset that people acquire, it is vital from an individual's perspective that the acquisition be housed in the correct and most suitable vehicle, taking all the circumstances into account.

The time prior to an acquisition of property, is the most appropriate time to do some estate planning as the incorrect structure may be costly and can only be undone with great difficulty. This is where our Trust and Estates Department can and are able to assist our clients.

WHY CHOOSE CLIFFE DEKKER HOFMEYR?

With more than 130 directors and 300 lawyers, Cliffe Dekker Hofmeyr is one of the largest business law firms in South Africa, combining a strong national presence with global reach.

Our legal teams are fairly evenly split between our Johannesburg (Sandton) and Cape Town offices, giving us a sizeable footprint in both key financial centres in South Africa.

Our exclusive relationship with DLA Piper, one of the largest legal services organisations in the world, extends our reach on behalf of our clients to all the major business centres globally.

Africa is a key growth area. As a member of DLA Piper Group with its network of firms across the African continent, we offer our clients an unparalleled pan-African service that combines international expertise with an excellent knowledge of local legal and cultural frameworks.

OUR SERVICES

We offer a full complement of business legal services in ten core Practice Areas:

Competition; Corporate and Commercial, including Intellectual Property; Competition; Dispute Resolution: Litigation and Arbitration; Employment; Finance, Projects and Banking; Environmental; Real Estate; Trusts and Estates Tax; and Technology, Media and Telecommunications.

The scale of the firm gives our lawyers the capacity to narrow their area of expertise, allowing them to specialise in a particular field of law and broaden their level of knowledge in that specialist area. Our capacity brings the depth of skills and specialisation needed to meet the full service

business needs of our clients, no matter the size of the transaction - large or small - anywhere in the world.

Empowerment and transformation

We aspire to be a firm that cherishes diversity and equal opportunity by contributing actively towards attaining the objectives of Black Economic Empowerment.

Cliffe Dekker Hofmeyr has achieved a Level 3 Contributor Empowerdex BEE rating. Some 30% of the firm's shares are controlled by black directors while 26% are held by women.

What others say

Selected recent awards based on client reviews from independent surveys:

- Rated the No 1 law firm in South Africa in 2009 and over four years in the *PMR.africa* annual survey in which clients rank the top legal firms across a range of service criteria. The firm has remained in the top two legal firm ratings for the last six years
- *Client Focused Law Firm of the Year 2009* (ACQ Finance Magazine Country Awards for Achievement).
- *Full Service Law Firm of the Year 2009* (ACQ Finance Magazine Country Awards for Achievement).
- *M&A Law Firm of the Year 2009*; *Public Procurement Law Firm of the Year 2009*; *Commercial Litigation Law*

Firm of the Year 2009 and *Management Labour and Employment Law Firm of the Year 2009* (ACQ Finance Magazine Law Awards).

- *Best Corporate M&A Practice Africa, 2008* (The New Economy Legal Awards)
- *Client Focused Law Firm of the Year, 2009* (ACQ Finance Country Awards for Achievement)

The Real Estate practice has earned a number of accolades:

- **Practical Law Company^{PLC} Which Lawyer 2009 Yearbook** has ranked **Hugh Jackson** and **Attie Pretorius** as highly recommended in Corporate Real Estate and also recommends **John Gomes** in Corporate Real Estate.
- **Practical Law Company^{PLC} Cross-border Corporate Real Estate Handbook, 2009:**

Cliffe Dekker Hofmeyr's Real Estate practice is ranked as the leader in South Africa.

- **Best Lawyers International 2009** lists **Hugh Jackson**, **Attie Pretorius**, **Lucia Erasmus** and **John Gomes** in Real Estate.
- **Expert Guides 2009** names **Hugh Jackson** and **Attie Pretorius** in the top four Real Estate lawyers in South Africa.

Our philosophy is that if it matters to our clients, it matters to us

CONTACT US

For legal advice, please contact any member of our Real Estate team listed below.



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