

# Simone Immelman

Director



Simone Immelman is a Director in our Real Estate Law practice. She focuses on commercial property mortgage finance including the finance of commercial and sectional title property developments and the acquisition of commercial property

## About Simone

Simone began her career as a Candidate Attorney with Hofmeyr Herbststein and Gihwala (now Cliffe Dekker Hofmeyr) whereafter she was appointed as an Associate in the Litigation practice. Simone commenced practicing in our Real Estate practice in 2007 and became a Director in 2014.

## Credentials

### Education

- BCom Law LLB, University of Stellenbosch, Dean's Merit List
- Year of admission: 2004 as an attorney; 2006 as a conveyancer; 2007 as a notary public
- Registered with the Legal Practice Council

## Experience

- Commercial property mortgage finance including the finance of commercial and sectional title property developments, hotels and the acquisition of commercial property as well as the drafting of related security documentation.
- Registration of property related transactions including commercial and residential property transfers and residential mortgage bonds.
- Notarial transactions including notarial bonds and notarial deeds of servitude.
- Advising clients on property related agreements and legislation.

## News

## Contact Simone

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## Expertise

[Real Estate Law](#)

## Location

Cape Town

## Language

English

#### [Court orders removal of livestock from South African farm](#)

In a recent judgment from the Land Claims Court in *Moladora Trust v Mereki and Others* (189/2023) ZASCA 37 (3 April 2024), the Moladora Trust's (Trust) appeal was upheld, resulting in a significant ruling regarding the presence of grazing animals on a farm in the North West Province. The Trust, as the owner of the property, had sought relief against the Mereki children, who were occupying the land and grazing livestock without explicit consent.

#### [Have you been released from your personal suretyship or guarantee?](#)

When applying for commercial property mortgage finance, the financial institution may also require additional security in the form of a personal suretyship or guarantee for the obligations of the main debtor.

#### [How to check the title conditions applicable to your sectional title property](#)

In terms of section 11 of the Sectional Titles Act 95 of 1986 (Sectional Titles Act), an application lodged in the relevant Deeds Office for the opening of a sectional title register and for the registration of a sectional plan must be accompanied by a schedule certified by a conveyancer setting out the servitudes and conditions of title burdening or benefiting the land and the other registrable conditions imposed by the developer.

#### [Commercial property loan finance: Using a long-term lease as security](#)

In terms of the Deeds Registries Act, a registered long-term lease agreement constitutes immovable property which is capable of being mortgaged as security for a loan or other debt.

#### [The relevance of a company's memorandum of incorporation for a real estate transaction](#)

In terms of the Companies Act 71 of 2008, as amended (Act), the memorandum of incorporation (MOI) of a company means the document that sets out rights, duties and responsibilities of shareholders, directors and others within and in relation to a company and all companies are therefore required to have a MOI.

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