

"Sisters" are doing it for themselves...

Well, actually, mothers and daughters are doing it for themselves. Bernie Isaacs, a secretary in our litigation team, and her daughter, Janine, both start their LLB degrees this year.

Bernie has been with Venn Nemeth & Hart Inc for six years and is no stranger to adult education, having recently completed her conveyancing diploma. Janine, on the other hand, has just matriculated from Pietermaritzburg Girls High and is looking forward to her first taste of the law.



Bernie and daughter Janine Isaacs

We are confident that the ladies will enjoy their studies and will soon take flight as "legal eagles".

Education is an admirable thing, but it well to remember from time to time that nothing that is worth knowing can be taught. Oscar Wilde

New Conveyancing Examiner

We are delighted to announce that the Judge President of KwaZulu-Natal has appointed Nosipo Mgojo, one of the directors in our Property Department, as an examiner for the Law Society's conveyancing exams.

All attorneys are required to pass a grueling 6 hours conveyancing exam before



practicing as conveyancers. The exam is notoriously difficult, as indicated by last year's pass rate of 17%.

The exams are held twice a year. As examiner, Nosie will be marking papers and conducting oral examinations.

We congratulate Nosie on her appointment. We are sure that she will serve the profession with great distinction as examiner.

In an examination those who do not wish to know ask questions of those who cannot tell. Sir Walter

Going Eastern...

Venn Nemeth and Hart's Property Division recently held an Eastern day at our office.



From left to right: Yolande Vezasie, Sue Smith, Ashlay Pillay, Michelle Ramcharan and Andrea Pillay

Conveyancing attorneys, para legals and secretaries dressed in colourful eastern costume and enjoyed a lunch together. The lunch was held in the boardroom, which had been tastefully decorated with vegetable colour print, brass ornaments and candles.

The ladies of the Property Division prepared a gourmet eastern meal including samosas, fish cakes, chilli bites, chicken and potato curry, paneer and kebabs with chutney. Home made ice cream with cheese cake rounded off the day.

Our Property Division is one of our busiest departments and great fun was had by all.



From left to right: Reshma Devdath, Raymond Kista-Naicker and director, Nosie Mgojo.

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buying property from non-resident sellers

Biltong, sunny skies and endless beaches. Add to that significant capital gains from the recent growth in our property market and it's no surprise that South African property is attractive to foreign investors.

Non-residents are liable to pay capital gains tax on the sale of a property. The problem is that, in many cases, the non-resident and the capital gain quickly disappear after the sale is concluded. Once a non-resident leaves the country, the South African Revenue Services have found that recovery of the capital gains tax becomes almost impossible.

SARS is planning amendments to the revenue laws which are intended to firmly catch non-residents in the tax net. The amendments, which will come into effect in September 2007, will have serious ramifications for those who buy property in South Africa from non-residents.

We will provide further comment once the amendments have been effected, but the gist of the proposed new law is as follows:

The purchaser, conveyancer and estate agent are responsible for investigating the seller's residential status where the purchase price of the property exceeds



by Redvers Lee
Property Department

R2 000 000.00. If the seller is non-resident (or does not have a residence permit), a withholding tax on the proceeds of the sale must be retained. The withholding tax is essentially an advance payment on the capital gains tax which will ultimately be due by the non-resident seller. 5% of the purchase price must be retained in respect of individuals, 7.5% in respect of companies and 10% in respect of trusts. This withholding tax must then be paid over to SARS within 14 days if the purchaser is a resident.

If the purchaser knows, or should have known, that the seller is non-resident and fails to withhold the required tax, the purchaser becomes personally liable for payment of the withholding tax. Estate agents and conveyancers involved in the transaction will bear this liability if they knew, or should have known, that the seller was a non-resident and failed to inform the purchaser of the seller's status.

Estate agents and conveyancers will now have to be careful to investigate and document the seller's residential status.

“ A person doesn't know how much he has to be thankful for until he has to pay taxes on it. Anonymous ”

Purchasers, on the other hand, would be wise to obtain written confirmation from their estate agent and conveyancer

regarding the residential status of the seller.

staff news

A new CEO

Venn Nemeth and Hart's board of directors recently appointed Deon Schaup as Chief Executive Officer. Deon takes over the position from John Wallace, who recently handed the chairmanship of the firm to Matthew Francis, will continue to serve the firm as a senior director.

Deon served articles with the firm from 1987 and heads our Litigation Team, a



position that he will retain while assuming his new leadership responsibilities.

Deon is a skilful and accomplished litigator who has over the years gained the respect of friend and foe alike.

Deon is appreciated for his work ethic, and the discipline and organisation that he brings to his own work. We are

confident that, with these attributes, Deon will make a significant contribution to Venn Nemeth's and Hart's continued success.

“ Far and away the best prize that life offers is the chance to work hard at work worth doing. Theodore Roosevelt ”

In the dark

Two Venn Nemeth & Hart teams participated in the recent Energiser Night Race held at Hilton College. Runners disappeared into the brooding Hilton forest with nothing but a headlamp and some reflective tape. In the forest, the only sounds were the distant barking of dogs and heavy breathing from competitors as they made their way over

rocks, under tree branches and through fences. The Venn Nemeth & Hart team attributes most of its relevant success on the night, to a team member who was surprised to find a rogue cow snorting in his ear and, thinking it was an angry, territorial bull, took off at speed. All the Venn Nemeth & Hart team members survived, although with only one pre-race training session.

“ The only reason I would take up jogging is so that I could hear heavy breathing again. Erma Bombeck ”