



CHIBA
Attorneys

COMPANYPROFILE

About **CHIBA ATTORNEYS**

Chiba Attorneys is one of South Africa's top boutique law firms. We are 100% black women owned and have been in existence for 15 years. We offer an extensive range of legal services to a diverse client base, including individuals and large corporates across various sectors. Our passion, knowledge and understanding within our service offering, as well as our ability to simplify complexities, ensures our clients receive the best personal service, support and solutions to their legal matters.

Taking advantage of our smaller size means that even though we offer a broad range of practice areas, we are more agile and dynamic, ensuring our clients receive the best service for their specific needs. We have developed strong and close relationships with our clients over the years. We try to ensure that clients understand everything we do and that they are happy with the way we do it.

Chiba Attorneys believes in an inclusive workplace where equal opportunity is of the utmost importance. We are committed to transferring knowledge and expertise through mentoring and skills development thereby retaining and rewarding talent, whilst ensuring that our principles and fundamental values are retained.

Our focus is on providing you with practical solutions in an efficient and straightforward manner. We always go the extra mile. We apply insights and bring a wealth of practical experience in our dealings with clients.

Chiba Attorneys is a prominent and successful law firm in the South African legal landscape. Our experienced, dynamic and committed attorneys will professionally and timeously assist through the intricate details of commercial transactions, litigation, construction and engineering and labour law.



Construction & ENGINEERING

Chiba Attorneys is a boutique legal practice, established in 2010, offering specialized services to the Construction and Engineering industries. It is one of a handful of black, woman-owned law firms in this field and holds a Level 1 BBBEE rating. The firm provides legal advice on various aspects in the built environment both front end and transactional.

SERVICES INCLUDE:

- Contract negotiation, drafting and finalization of construction contracts;
- Drafting bespoke EPC and EPCM Contracts in infrastructure, oil & gas, renewable energy and mining sector;
- Drafting of standard form qualifications and project-specific contracts;
- Consulting on and performing detailed evaluations of tender submissions and procurement contracts;
- Contract negotiations for complex construction works, OEM projects, renewable energy projects and material handling suppliers;
- Negotiation of the financial, technical, project management, engineering and legal components of commercial contracts;
- Drafting standard/template contracts for National Treasury, and large SOEs such as Eskom and Transnet;
- Drafting template documents and responses to FIDIC-based contract conditions and New Engineering Contracts (NEC) for large organisations;
- Managing the adjudication and arbitration of disputes;
- In-person and virtual training and explanatory sessions.



"We appreciate the importance of finalizing a project within budget, on time and with adherence to quality."

Construction & ENGINEERING LAW

With our in-depth understanding of the construction and engineering environment, we are fully equipped to draft, interpret, negotiate and deal with all your construction law requirements.

- Drafting of tender documentation
- Managing legislative compliance
- Providing detailed evaluations of tender submissions
- Negotiating and placing commercial contracts
- Drafting standard and project specific qualifications
- Drafting JV/Consortium agreements
- Drafting guarantees
- Managing contracts
- Commercial management
- Administering Standard Form Agreements
- Advising on various contracting methodologies (EPC, EPCM, O&M, D&B)
- Performing risk management based on various contracting methodologies

Claims MANAGEMENT

We pro-actively identify any potential claims and evaluate the merits of claims made. In this way potential claims can be avoided or be resolved quickly, and the project can continue without significant disruption and/or financial implications.

- Preparing claims
- Defending claims
- Mitigation strategies
- Representing clients in settlement of claims
- Drafting settlement agreements
- Claims avoidance strategies
- Claim prevention planning
- Assessing claim impacts
- Quantifying claims

“We are fully equipped to draft, interpret, negotiate and deal with all your construction law requirements”

Renewable ENERGY

OVERALL EXPERIENCE

Chiba Attorneys has experience in the energy sector for the past 8 years advising both public and private entities on major capital expansion projects including the procurement and placement of contracts, contract administration and management. The firm has worked for EPC Contractors, Clients and Consultants. The vast experience and exposure have enabled Chiba Attorneys to become a specialist within this sector including contract administration, commercial and contract management, claims avoidance and claims resolution.

Chiba Attorneys has advised on major capital expansion projects within the infrastructure, power (coal-fired, and renewable energy) and oil and gas (multi-product pipeline) industry. Other project exposure includes mining projects, pipeline projects, housing developments, sewerage and water treatment and material handling works.



RECENT PROJECT EXPERIENCE

- Due diligence for the bankability and viability of a 20MW (AC) solar photovoltaics power plant.
- Modified project documents: EPC, Subcontract Agreement, O&M, Guarantees, Bonds, PPA, IA and Direct Agreement.
- Assisting a Contractor in the negotiation of the EPC contract with the Employer.
- Negotiated Commercial Terms, Time for Completion, Delay Liquidated Damages, Limit of Liability on behalf of a Developer.
- Liaising with the technical team in relation to the review and amendments of the EPC Schedules.
- Drafting and negotiating subcontract agreements on a renewable energy project on behalf of the main EPC Contractor.
- Providing commercial and legal advice in various project fields.

Experience IN RENEWABLE ENERGY

128 MW POWER GENERATION FACILITY COMPRISING OF WIND GENERATION ASSET, SOLAR GENERATION ASSET AND A BATTERY ENERGY STORAGE SYSTEM
Advised on content of Power Purchase Agreement, Implementation Agreement and EPC Agreement.

Drafted, negotiated and placed various subcontract agreements including Civil Balance of Plant, Electrical Balance of Plant (132 kV Line and Substation), PV Solar and Installation on Turbine Generators.

CLEAN ENERGY - DESULPHURISATION PROJECT

Drafting EPC contract, Advising on amendments to Employer's Specification / Functional Specification and Testing and Commissioning Specification.

300 MW PHOTOVOLTAIC SOLAR ENERGY GENERATING FACILITY

Advised solar energy company, drafted and amended EPC contracts (PV Plant, Main transmission and subcontracts), negotiated amendments with Lenders and Developers, alignment of PPA, Direct Agreement and Implementation Agreement with EPC Agreement.

TAILINGS STORAGE FACILITY

Advised mining client, including drafting and amending EPC contract, liaising with legal, technical and project teams to finalise commercial and technical schedules.

115 MW AND 63 MW PHOTOVOLTAIC POWER GENERATION

Drafting and placement of various contracts including EPC, PV EPC, PPA, Equipment Supply Agreement, Implementation Agreement and Operation and Maintenance Agreement.

SOLAR PV PROJECT

Advised client on EPC and O&M Contracts, amended contracts based on negotiation.

FIVE (140 MW) WIND FARMS

Advising lender in respect of a Wind Energy Facility, including the development and construction of five wind farms of 140 MW each. Advising on EPC contract, Power Purchase Agreement, Implementation Agreement, Direct Agreement and the Independent Engineer Agreement.



ALTERNATIVE DISPUTE RESOLUTION

Adjudication

ABOUT ADJUDICATION

- Adjudication is an alternative to resolving a dispute in a court of law.
- It is a quick, inexpensive and effective process intended to ensure that the progress of a project itself is not delayed or impacted by a dispute.
- An independent third party, called an adjudicator, who usually has expertise in the subject matter of the dispute, is appointed to consider the claim at the centre of the dispute.
- The adjudicator makes an impartial decision which is immediately binding on the parties and can only be overturned through litigation or arbitration.
- Adjudication is agreed to by the parties to a contract and the contractual provisions dictate the adjudication process, including the timeline for referring a dispute and filing of submissions by the parties.



HOW WE CAN HELP YOU WITH ADJUDICATION

Adjudication proceedings are fast-tracked processes with truncated timelines requiring rapid turnaround times and Chiba Attorneys has the necessary skill and expertise to respond persuasively, comprehensively and promptly to such demands.

We act as party representatives, providing the following services:

- The appointment of adjudicator/s;
- The drafting and arguing of preliminary arguments including jurisdictional and time bar challenges;
- The management of proceedings from start to finish, including assisting the client with how to comply with an adjudicator's award;
- The preparation of written submissions for adjudication and the drafting of responses to defend such an action;
- The assessment of the prospects of success, settlement proposals and drafting of settlement agreements;
- The appointment of delay and quantum experts as required and collation of reports.



ALTERNATIVE DISPUTE RESOLUTION

Arbitration

ABOUT ARBITRATION

- Arbitration is another form of resolving disputes without resorting to court action.
- The parties to a dispute agree to submit their case to a neutral third party, known as the arbitrator, who acts independently to resolve the matter.
- An arbitration agreement gives the arbitrator the power to issue a decision as to the parties' rights and obligations. Such decision is legally binding on the parties.
- Parties generally have a dispute resolution provision in their contract that will require the parties to submit any disputes that may arise between them to arbitration.

HOW WE CAN HELP YOU WITH ARBITRATION

- The selection of arbitrators.
- The filing of and defence of applications for interim measures.
- The filing and conduct of arbitration proceedings.
- Early case assessment and definition of arbitration strategies.
- Management of the discovery process
- Appointment of counsel at arbitration hearings.
- Litigation support services, on an as-needed basis.
- We work closely with counsel, witnesses and industry experts (delay and quantum).
- The confirmation, challenge and enforcement of arbitral awards.



Contract & COMMERCIAL LAW

Chiba Attorneys has extensive experience in pre and post contract award phases. We provide advice on and management of tasks during all stages of the project life cycle:

- **Project delivery methods:** We assist in the planning, design, construction and hand over of a completed project to an owner. We manage the entire process and coordinate with stakeholders such as designers, engineers, architects, consultants, contractors and subcontractors.
- **Contract creation:** We ensure quality documentation which covers payment provisions, notice provisions, change/ variation orders and dispute mechanisms.
- **Reporting and feedback:** Our progress and contemporaneous reporting incorporate planned delivery dates, daily progress records, cost/labour reports, correspondence registers, claims registers, inspection reports, change orders, health and safety notifications and updates, site meeting minutes and commercial meeting updates.
- **Early warnings:** We are proactive in advising clients and employers on how to implement measures to avoid time and cost delays in their projects.
- **Contractor's risk and mitigation tools:** We handle pre-contract compliance, manage sub contractors, assist with site investigations, draft bonds and guarantees and assist with programme/schedule updates.
- **Employer risks and mitigation methods:** We manage designers, specification, project variations as well as all communication and project timelines.

Commercial **LAW**

We understand that agreements are vital to regulating commercial transactions and relationships and that a well-executed agreement would prevent unnecessary contractual disputes and avoid litigation. Our experienced attorneys are able to assist in providing creative and tailor-made commercial solutions drafted to your specific needs. In this regard our team provides the following commercial law services:

- Interpretation, negotiation, implementation of agreements across various business fields or industries;
- Drafting and reviewing of various types of agreements including but not limited to memorandum of incorporations, company resolutions, shareholders agreements, sale of business agreements, sale of assets agreements, partnership agreements, service agreements, non-disclosure agreements, joint venture agreements, buy & sell agreements, lease agreements (commercial and residential), consultancy agreements and supply, install and deliver agreements;
- Business advice, corporate governance, company secretarial services, incorporation and management of various legal entities, joint ventures, business restructuring, and B-BBEE transactions and compliance;
- Should parties to a contract fail to govern their relationship giving rise to a contractual dispute without any solutions or settlement, our commercial litigation team is best suited to assist in resolving the contractual dispute.

Commercial **LITIGATION**

Commercial litigation and dispute resolution is one of our corporate attorneys' core practice areas. Litigation can adversely impact your business objectives or even the continued feasibility of your business. As a result, it's critical that our clients receive practical legal advice and focused representation.

OUR LEADING CONTRACT LAW SERVICES INCLUDE:

- Acknowledgments of debt
- Confidentiality and non-disclosure
- Consultancy
- Demand guarantees
- Joint ventures
- Leases
- Loan Agreements
- National Credit Act
- Partnership agreement
- Purchase and sale of movable property
- Service level agreements
- Services contracts
- Standard terms and conditions
- Subcontracts
- Suretyship

COMMERCIAL DISPUTES

COMMERCIAL LITIGATION ATTORNEYS

Commercial litigation deals with a commercial dispute between two or more parties, where one or more of the parties is a business entity. Chiba Attorneys offers logical, and results driven commercial litigation strategies & solutions that take into account your needs and your best interests.

Our savvy and experienced commercial litigation attorneys are specifically educated, trained and experienced in litigation disputes with a particular emphasis on disputes that involve businesses and business-related matters.

Litigation PROFILE

Litigation is the term used to describe the process of going to court in order to assist a private party or legal entity with a claim that one party may have against the other. Litigation is a stressful process but having the right litigation lawyer by your side can make the process as easy as possible. At Chiba Attorneys we do our best to get our clients a favourable outcome.

COURT REPRESENTATION

Our team of litigators will do our very best to represent you in the court of law.

DESIRED OUTCOMES

Going to court is often painful and expensive, we do our best to get our clients the best outcome possible.

NEGOTIATING DONE FOR YOU

No matter the situation you find yourself in we will help you settle all disputes in a timely and inexpensive manner. possible.

WHAT LITIGATION ISSUES DO WE ASSIST WITH?

LANDLORD AND TENANT DISPUTES

Have a tenant who hasn't paid? Or maybe a landlord that is not honouring their agreement? Then let us help you settle all disputes between landlords and tenants.

CONTRACTUAL DISPUTES

Contractual disputes can often destroy relationships and are very stressful for both parties. Let us guide you through the process in the least painful way.

RESCISSION APPLICATIONS

Looking to apply for a rescission of judgment? This can be a very complicated process and will require an in-depth audit into your financials.

PROPERTY DISPUTES OR DAMAGES

Has your property been damaged by unruly tenants or by other means? Then let us help you protect your assets. We also attend to other property disputes such as eviction and rental payments.

BUSINESS DISPUTES

Business disputes can often arise when two parties have a disagreement over a binding contract and wish to rescind or add conditions to the contract. Commercial disputes can be a lengthy process, especially when both parties do not see eye to eye, however, with Chiba Attorneys you can be assured that we will look to get the dispute resolved as quickly and efficiently as possible.

MEDIATION AND SETTLEMENTS

Our Directors are trained mediators with international accreditation by The Centre for Effective Dispute Resolution (CEDR) in the United Kingdom. We are trained to mediate conflicts and disputes in many different settings, whether the mediation is voluntary, court annexed or court directed in terms of the mediation rules for the Magistrates Courts and for the High Courts.

Our exceptional corporate litigation attorneys will succinctly explain to you all the options that are available and the practical and legal advantages and disadvantages of the different courses of actions and other matters relevant to your decision.

FAMILY LAW *Divorces*

At Chiba Attorneys, we are committed to ensuring that while you go through this journey of divorce or separation, your family ties are kept intact and that the best interests of your children are at the forefront. We have qualified mediators who hold international accreditation to give you the compassionate experience that you deserve, during this time. We understand that everyone needs peace of mind, especially when going through a divorce.



We focus on unopposed divorces, opposed divorces, parental agreements, care and contact facilitation, mediation, and conscious coaching.

MEDIATED DIVORCE

Divorce mediation is a co-operative negotiation process where a third party assists you in negotiating your divorce settlement. The goal is to reach a mutually satisfying agreement that recognises the needs and rights of all parties. Divorce mediation is a lot more time and cost effective than divorce litigation.

At Chiba Attorneys we are here to comfort you and guide you through every step of the way. We care about our community and people and explore Alternative Dispute Resolution for divorces in the form of Divorce Mediation.

IT IS IN YOUR BEST INTEREST THAT WE:

- Save you time.
- Save you from expenses of further litigation.
- Allow both spouses to be directly involved in reaching a settlement that is specifically tailored to their needs.
- Reduce the burden on the court system.
- Increased control on the divorce process: Allows the parties to maintain control of the divorce settlement in terms of the process and the outcome.
- Improved Communication: Promotes a collaborative decision-making process, which can benefit post-divorce interactions.
- Decision making power remains with both spouses – Conflict is reduced by parties working together.
- Both spouses mutually would like their differences to be resolved as soon as possible.
- Both spouses agree that they can negotiate in a fair and equitable manner.
- If children are involved we can draft a parenting plan.
- The proceedings are conducted in private and you are in control of your own position – Emotional stress of divorce is minimized.

MAIN AREAS OF INTEREST ARE:

- Maintenance
- Division of Assets
- Life insurance
- Health insurance/ Medical Aid
- Spousal Support: amount, method, time
- Parenting plans (how each parent is going to exercise their respective responsibilities and rights in respect of minor children.
- Pension plans
- Educational expenses
- Housing Expenses
- Legal expense

What gets discussed in mediation:

In our consultation with both parties being present we will discuss all matters pertaining to a divorce.

OPPOSED AND UNOPPOSED DIVORCES

An opposed divorce and an unopposed divorce refer to two different scenarios in the process of legally ending a marriage. Let's explore the differences between these two types of divorces:

Opposed Divorce:

In an opposed divorce, the spouses do not agree on one or more key issues related to the divorce, such as access to children, division of property, maintenance, or any other matters that need resolution. As a result, the divorce becomes a contested legal process that requires court intervention to reach a decision on the disputed issues. Here are the key features of an opposed divorce:

- **Conflict and Disagreement:** In an opposed divorce, there is disagreement between the spouses regarding important aspects of the divorce settlement.
- **Legal Process:** The divorce proceedings can be lengthy and complex due to the need for legal arguments, evidence, and court appearances to present the opposing positions.
- **Court Involvement:** The court may need to make decisions on various issues if the spouses cannot reach an agreement through negotiation or mediation.
- **Legal Representation:** In most cases, both parties will need their own legal representation to advocate for their interests in court.
- **Emotional Strain:** An opposed divorce can be emotionally challenging for all parties involved, as it involves legal battles and potentially adversarial interactions.



Unopposed divorce

An unopposed divorce, also known as an uncontested divorce, occurs when both spouses agree on all major issues related to the divorce settlement. This type of divorce tends to be smoother and more efficient since there is no need for extensive court proceedings or legal battles. Here are the key features of an unopposed divorce:

- **Mutual Agreement:** In an unopposed divorce, both spouses are in agreement on important matters such as child custody, property division, support, and more.
- **Simplified Process:** Since there is agreement on all issues, the divorce process tends to be simpler, faster, and less expensive.
- **Limited Court Involvement:** An unopposed divorce may require minimal court involvement.
- **Fewer Legal Costs:** Legal fees and court costs are generally lower in unopposed divorces compared to opposed divorces.
- **Reduced Emotional Strain:** Unopposed divorces typically involve less conflict and emotional stress, allowing both parties to move forward more smoothly.
- **Legal separation and parenting plans:** Legal separation and parenting plans are important aspects to consider when a couple decides to live apart while still legally married.



Legal Separation:

Legal separation is a formal arrangement in which a married couple decides to live separately and formalize their separation through legal means. It's different from divorce in that the marriage is not dissolved, but the couple lives apart and their legal responsibilities are defined. Here's what you should know about legal separation:

- **Purpose:** Legal separation is often chosen by couples who need time apart to assess their relationship or to address specific issues, such as financial matters or personal differences.
- **Legal Agreement:** A legal separation agreement outlines the terms and conditions of the separation, including child custody, support, property division, and spousal support. This agreement is legally binding.
- **Parenting Plan:** If the couple has children, a comprehensive parenting plan is typically part of the legal separation agreement. The plan outlines each parent's rights and responsibilities regarding access, visitation, decision-making, and more.
- **Financial Arrangements:** The legal separation agreement can address financial matters, including how expenses will be divided, maintenance, and the distribution of assets and debts.
- **Effect on Marital Status:** The couple remains legally married during a legal separation.
- **Reconciliation:** Legal separation allows for the possibility of reconciliation, as the marriage is not terminated. If the couple decides to reconcile, they can do so without needing to remarry.


Parenting Plans During Legal Separation:

Parenting plans are crucial when there are children involved in a legal separation. These plans outline how the parents will share access, make decisions for the children, and address various aspects of parenting. Here's what parenting plans typically include:

- **Custody Arrangements:** Parenting plans define the type of custody each parent will have, whether its sole custody, joint custody, or another arrangement.
- **Visitation Schedule:** The plan includes a detailed schedule outlining when the children will spend time with each parent, including weekdays, weekends, holidays, and vacations.
- **Decision-Making:** Parenting plans address how major decisions regarding the children's education, healthcare, religion, and extracurricular activities will be made.
- **Communication:** The plan may include guidelines for communication between parents, such as how they will share information and make important decisions together.
- **Maintenance:** If applicable, the plan will outline how child support will be determined and paid by the non-custodial parent.
- **Co-Parenting Guidelines:** Parenting plans often include guidelines for how parents will work together to ensure the children's well-being and smooth transitions between households.

Legal separation and well-structured parenting plans provide a framework for couples to navigate their separation while safeguarding their children's best interests. These arrangements can help minimize conflict and create a more stable environment for both spouses and their children during a challenging time. It's advisable to consult legal professionals experienced in family law to ensure that your legal separation and parenting plans are well-documented and legally sound.

We offer invaluable support, equipping our clients with professional litigation services, understanding of family matters and the tools to help them face life after divorce. Our clients are promised legal professionals who uphold the belief of promoting healthier relationships, personal growth and the well-being of all family members involved.



In essence, we aim to serve our clients by being compassionate, unshakeable and knowledgeable companions for those traversing the complex terrain of family matters.

Deceased ESTATES

Chiba Attorneys is a law firm in Johannesburg whose directors have over 20 years' experience in the legal profession, specializing in the administration of deceased estates and the drafting of Wills.

We ensure that the administration of your deceased estate is handled personally, effectively, and professionally by our qualified attorneys. We understand how difficult it is to lose a loved one and how important it is for the family that the estate is finalised in an expeditious manner.

We also understand that while going through emotional trauma during this time you need professionals who are personally available to you, to answer all your questions. During this time of grief, let our experienced team guide you through the process.

OUR SERVICE OFFERING

- We come to you at your home or office. Alternatively, you may consult with us online or at our office.
- There are no charges to draft your Will. Thereafter it is R 700.00 (seven hundred rand) per addendum. We keep your Will in safe-keeping, free of charge.
- We allocate a legal representative from our office to each family. This ensures that your family gets one-on-one, personal attention in dealing with the administration of your loved one's estate.
- We administer your loved one's estate, end-to-end including aspects relating to conveyancing.
- We aim to finalise the winding up process of the estate within 12 months which is significantly shorter than industry standards.

DRAFTING OF WILLS

We create custom Wills that cater for the individual and unique testamentary needs of our clients. From the standard Last Will and Testaments, Joint Wills, Trust Wills, Codicils, Addendums, and the creation of Trusts, it is our priority that you have certainty about how our estate will devolve, that your last wishes are clearly known and that your loved ones receive what is intended for them.

CREATION OF TRUST

Protect the ones you love by using powerful, purpose-driven Trusts. Whilst drafting your Will, we provide consultations and advice on the creation of Children's Trusts, Provider and Special needs Trusts to Widow Trusts, to ensure that your legacy is protected.

It is important to create a Trust if you have minor children to facilitate the dispensation of monies in light of their well-being and their needs until they reach the age of majority. If you did not make provision for the creation of a Trust and your heirs are minors at the time of your death, monies from your estate will be placed in a Guardian's Fund. Your heirs have 30 years to claim the proceeds of your estate failing which the monies will be forfeited to the State.

APPOINTMENT OF AN EXECUTOR

We will assist with formally appointing an executor to administer your loved one's estate. The appointment of an executor is usually stipulated in the Last Will and Testament, in terms of which we will provide guidance on the appointment of your chosen Executor/Executrix.

If your loved one has not prepared a Last Will and Testament, and the estate is to devolve intestate, we provide guidance to the family members to select a nominated executor/executrix. We assist you to obtain the consent and signature of all heirs to the estate, confirming the appointment of the nominated executor, to ensure that all requirements by the Master's Office are complied with prior to requesting the Letter of Executorship.



ADMINISTRATION OF THE DECEASED ESTATE

The administration of an estate is a legally complex process. We ensure that all time frames are adhered to as prescribed by legislation and according to the requirements of the Master of the High Court.

THE PROCESS INCLUDES THE FOLLOWING

- We report the deceased estate to the Master's Office within 14 days from the date of death or so soon thereafter. This entails the compilation of the lodgement documents as required by the Master's Office.
- We request a Letter of Authority if the estate is worth less than R 250 000.00 or a Letter of Executorship if the estate is worth more than R 250 000.00. Should the deceased estate be one that is to devolve intestate, we assist the family members to appoint an executor / executrix.
- We prepare the Notice to creditors of the estate in terms of Section 29 of the Act and facilitate the advertising of the Notice in order for creditors to institute their claims against the deceased estate within 30 (thirty) days from the date of publication.
- The Liquidation and Distribution Account is prepared. A detailed list of the assets and liabilities of the estate, together with an account of any sale, devolution of property and monies, records of the estate late bank account, usufructuary, fiduciary and estate duty accounts are submitted to the Master for approval.
- We assist by submitting the income tax returns of the deceased estate to SARS to ensure that the estate is compliant with the requirements of SARS prior to being wound up. Should there be immovable property that is to be transferred to a surviving spouse, we will make application for the endorsement of same in terms of Section 45 of the Act.
- When the Master has approved the Liquidation and Distribution account, we prepare for the advertisement of the account. We advertise the account in terms of Section 35 of the Act, for its inspection by all interested parties for a period of 21 (twenty-one) days. Any interested party may object to the Liquidation Account should they take issue with any of the recordings in the account. We assist by addressing these objections on your behalf directly with the Master in order for the Master to make a decision concerning the objections that may be received. Should there be no objection to the account, the Master will approve the final step of winding up the estate, which is for the distribution of the proceeds of the estate in accordance with the Will and the Liquidation and Distribution account.
- We will proceed to distribute all the assets of the estate and to settle all the debts of the estate. Thereafter, we will close the estate late bank account and submit proof of the closure of the estate late bank account and the distribution of the proceeds of the estate to the Master to conclude the process.



WHY CHOOSE US

- Winding up a deceased estate is a legal process that involves specialized knowledge of several areas of legislation.
- There are numerous aspects to consider when drafting a Will such as estate duty, donation tax, minor children, the creation of a Trust, usufructuary rights and responsibilities and Power of Attorney.
- The administration of a deceased estate is time-consuming and even 'simple' estates may be fraught with various unforeseen complexities.
- Whilst the point of contact between the heirs and the Master's Office is the Executor/Executrix, we take responsibility of maintaining contact and correspondence between the Master's Office, the executor and the beneficiaries.
- We administer the estate on a level that is personal, professional, and effective with your peace of mind as our priority.

Labour **LAW**

South African Labour Law is multifaceted due to our political past. Knowledge and compliance with labour law is imperative for the employer in order to ensure the smooth running of business. As labour lawyers we ensure that there is compliance with all the relevant regulations (regulatory compliance).

At Chiba Attorneys, we advise on all health and safety, pension fund and employment issues. We specialize in dispute resolution in the employment environment. Depending on our clients needs, our team may assist in drafting employment contracts and agreements or help to advise on and draft commercially viable policies and procedures.

We have extensive experience in the area of dispute resolution across a variety of private and statutory forums. These forums include the various bargaining council's including The Council for Conciliation, Mediation and Arbitration (CCMA), the High Courts, Labour Courts, Labour Appeal Court as well as the Pension Funds Adjudicator.

OUR SERVICES INCLUDE:

- Employment Agreements
- Drafting of policies and procedures.
- Legal advice and guidance on health and safety regulations and agreements.
- Dispute resolution through mediation and arbitration

Our experienced attorneys are able to assist and advise on the following aspects of Labour Law:

- Commercial transactions such as sale of businesses as a going concern in terms of Section 197 of the Labour Relations Act, assistance in respect of restructuring and retrenchment proceedings.
- Drafting and reviewing of employment contracts, policies, procedures, retrenchment agreements, severance and settlement agreements and restraint of trade agreements.
- Dispute resolution, disciplinary proceedings, CCMA, Bargaining Council, Labour Court, Labour Appeal Court and High Court appearances.

Labour **LAW** SERVICES

DISCIPLINARY PROCEEDINGS

We assist employers with the preparation, chairing and representation during internal disciplinary hearings and private arbitrations.

We attend to the chairing of disciplinary hearings on behalf of employers, thereby ensuring that all legal requirements are adhered to. We assist employers by ensuring that they are acting within the parameters of legislation when conducting a disciplinary hearing.

FOR THE EMPLOYER, WE OFFER:

- Assistance in the proceedings of disciplinary actions.
- Consulting on the legal procedures required.
- Guidance during disciplinary hearings.
- Chairing of disciplinary hearings.
- Assistance and guidance to ensure compliance with Labour Legislation.

EMPLOYMENT CONTRACTS

We assist companies with the drafting of different types of employment contracts such as fixed term contracts, temporary employment services contracts and permanent employment contracts. We offer assistance to corporations with the drafting, vetting and implementation of contracts of employment.

Section 29 of the Basic Conditions of Employment Act stipulates that an employer must supply an employee, when the employee commences employment, with certain particulars in writing. We assist employers to ensure that they comply with statutory obligations.

HR POLICIES AND PROCEDURES

We assist companies with the drafting of its human resources policies and procedures and disciplinary codes to ensure a motivated and goal aligned workforce. Human resource management forms an integral part of any business. It is of utmost importance that a business ensures that its policies and procedures are in place to regulate and enforce the rules of the company.

Our legal services allow us to assist with the drafting of HR policies and procedures. A motivated workforce is a productive workforce. This is one of the aspects that we keep in mind during the drafting of these policies and procedures.



DISMISSALS

We represent employers at the CCMA, Bargaining Council and Labour Court in any unfair dismissal, constructive dismissal, unfair labour practice or retrenchment dispute.

UNFAIR DISMISSALS

We assist with all aspects of an unfair dismissal case including the following.

- Settlement negotiations.
- Advising on prospects of success.
- Assistance during the legal proceedings.
- Legal representation at the CCMA and Bargaining Council.
- Constructive dismissal disputes.

UNFAIR LABOUR PRACTICE

We assist with all aspects of an unfair labour practice dispute on behalf of the employer including unfair conduct relating to promotions, demotions, benefits and unilateral changes to terms and conditions of employment.

RETRENCHMENT

We represent employers during section 189 and section 189A retrenchment procedures.

WE OFFER:

- Assistance with the legal proceedings of a retrenchment.
- Minimizing the impact of a retrenchment.
- Compliance with section 189 and section 189A of the LRA.
- Representation during and facilitation of retrenchment proceedings.



Our VALUED CLIENTS



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