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Nexia Levitt Kirson

Newsletter | February 2017



### Barking Dogs Driving You Batty? Noisy Neighbours and the Interdict Option

If the dog-next-door's incessant barking or its owner's all-night parties are destroying your quality of life, read on.

A recent High Court case involving a rustic township, wild animals and a chihuahua illustrates our law's approach to protecting you from noisy neighbours generally .....

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**NOTE FOR ATTORNEYS:** The judgment in *Kranspoort Elienaars Komitee v D J and Another (41310/2015) [2016] ZAGPPHC 887* is on [SAFLII](#).

### Creditors: When Can You Use a Liquidation Application to Collect Debt?

When you are struggling to recover your money from a recalcitrant debtor company, applying for its liquidation can be a very powerful collection tool.

But be warned – this only works with undisputed debt. A recent SCA (Supreme Court of Appeal) case involving a R9.2m claim illustrates .....

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**NOTE FOR ATTORNEYS:** The judgment in *Freshvest Investments (Pty) Ltd v Maraberg (Pty) Ltd (1030/2015) [2016] ZASCA 168* is on [SAFLII](#). In the interests of brevity and simplicity the article does not deal with the unusual circumstance of the High Court having referred the dispute to oral evidence, nor with the SCA's decision arising therefrom to postpone the liquidation application *sine die* rather than to dismiss it outright.

Articles  
Arbitrage

### Buying and Selling Property: Who Pays the Taxman?

Whether you are the buyer or the seller of property, one of you is going to be paying SARS for the privilege, and you risk a very unpleasant and unbudgeted surprise if you don't clarify before you enter into the sale exactly who is liable for what.....

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**NOTE FOR ATTORNEYS:** See the SARS webpages "[VAT](#)" and "[Transfer Duty](#)", and download the "VAT 409 Guide for Fixed Property and Construction" here and the "Transfer Duty Guide" [here](#).

For a recent High Court decision on the position in sales in execution see the judgment in *Sheriff of the High Court Piketberg and Another v Lourens; In re: Standard Bank of South Africa Ltd v Trustees for the Time Being of the Eila Trust and Others (3467/2014) [2016] ZAWCHC 93* on [SAFLII](#).

## Submit Your 2017 Budget Tips!

Minister of Finance Pravin Gordhan makes his Budget Speech on 22 February and would like to hear your thoughts and ideas for the 2017 National Budget.

Go to "[Budget Tips](#)" to submit your suggestions, and to the National Treasury [website](#) for more.



**NOTE FOR ATTORNEYS:** There are no Notes for this article.



### Your February Website: Small Business Ideas For 2017

The most successful small businesses are always going to be those that best adapt to change by seizing the new opportunities that it always brings.

So what's in store for us in 2017?

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**NOTE FOR ATTORNEYS:** There are no Notes for this article.

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