



ATTORNEYS
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Legal Expertise for South African HOAs & Body Corporate

At VDM Attorneys, we provide specialised legal services to support the effective governance, compliance, and management of Homeowners Associations (HOAs) and Body Corporates (BCs) in South Africa.

What do we offer?

Governance Documentation Drafting

- Drafting and amending Memoranda of Incorporation (MOIs), constitutions, management and conduct rules to ensure compliance with the Sectional Titles Act, Sectional Titles Schemes Management Act (STSMA), Community Schemes Ombud Service (CSOS) Act, and other relevant legislation.
- Tailoring rules to promote harmony and meet the specific needs of your community scheme.

Solar & Sustainability Legal Solutions

- Drafting and Reviewing Solar Lease Agreements
- Assisting Body Corporates and HOAs with Power Purchase Agreements (PPAs), rooftop leases, and embedded generation contracts.

Compliance and Regulatory Support

- Advising on trustee or director duties and fiduciary responsibilities.
- Ensuring compliance with the STSMA, Sectional Titles Act, Companies Act, PFMA, PAIA, and POPIA.
- Preparing and reviewing governance structures, policies, and procedures for CSOS compliance.
- Assisting with Annual General Meeting (AGM) requirements, chairing of meetings, including notices, minutes, and adherence to statutory timelines.

Dispute Resolution and Mediation

- Providing accredited mediation services to resolve conflicts within HOAs and BCs, such as disputes over rules, maintenance, or exclusive use areas.
- Representing schemes in CSOS adjudications and ensuring compliance with dispute resolution processes.
- Offering expert legal opinions to prevent the escalation of disputes.

Servitude and Shared Facility Management

- Drafting agreements for servitudes, such as rights of way or shared facilities (e.g., clubhouses, swimming pools).
- Advising on maintenance cost-sharing and administration protocols for shared amenities.
- Ensuring legal clarity and fairness in servitude agreements between body corporates.

Company Secretariat Services

- Maintaining statutory records, preparing filings, and coordinating stakeholder communications.
- Chairing meetings, taking minutes, and providing governance support for HOAs and BCs.
- Drafting resolutions to enable legally valid electronic voting and virtual AGMs/SGMs
- Registering community schemes at the CSOS.
- Assisting Property Practitioners with their FFCs at the PPRA.

Legal Advisory and Risk Assessment

- Providing expert legal opinions on property law, governance, and compliance issues.
- Conducting risk assessments to identify and mitigate potential legal or operational challenges.
- Advising on complex issues, such as mixed and layered phased developments and/or real rights of extension.

Training and Education

- Offering trustees, directors, and managing agents training on scheme governance, compliance, and dispute resolution.
- Providing workshops and presentations to empower stakeholders with knowledge of legal requirements.
- Developing tailored training materials based on industry best practices.

Property Development Support & Developer Compliance & Scheme Establishment

- Assisting with legal aspects of phased developments, including sectional title plans and participation quota schedules.
- Developer Transition Management.
- Coordinating with surveyors, valuers, and local authorities for approvals and registrations.
- Advising on establishing HOAs to unify management across multiple schemes.

Bespoke Case Law Summaries

- VDM Attorneys provides concise, one-page case law insights tailored for HOAs, BCs, and property practitioners, available exclusively on our website, empowering clients with actionable legal knowledge.