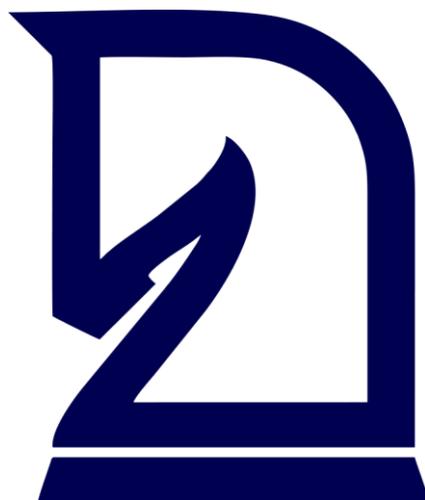


COMMERCIAL ADVISORY SERVICES



MAYBERY INC.  
ATTORNEYS

## ABOUT US

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Maybery Inc. provides comprehensive experience in all aspects of commercial law, to help commercial clients enforce their rights and grow their companies.

Our Attorneys have assisted our commercial clients with every legal challenge, from the smallest debt collection to litigation in the Supreme Court of Appeal.

## HOW WE HELP YOU AND YOUR BUSINESS

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### MINIMISE FINANCIAL LOSS

- Collect outstanding payments
- Avoid CCMA awards and other regulatory fines
- Defend your intellectual property rights

### MAKE MORE MONEY

- Negotiate more favourable contract terms
- Seek bigger clients

### DEMAND HIGHER STANDARDS

- From staff & contractors
- Better services to your business

### LESS STRESS

- Every business faces legal challenges. A commercial attorney in your corner helps manage these challenges.

### GROW YOUR BUSINESS

- Implement systems to scale your business
  - Operations
  - Labour processes
  - Procurement
  - Delegation
  - Branches & franchising

### RETURN ON INVESTMENT

- (Late stage) – capitalize on your business investment through
  - Succession planning
  - Acquisitions, sale of business
  - Shareholding and investment

## OUR EXPERIENCE

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### COMMERCIAL

- Contract drafting, review & negotiation
- Commercial Litigation
- Transactional Advisory Services
- Labour law
- Corporate law
  - Group & Holding Structures
  - Asset protection
  - Succession planning

### PROPERTY

- Property Developments
- Portfolio Transactions
- Conveyancing
- Property Litigation

### CONSTRUCTION

- JBCC contracts
- Subcontractor Management
- Construction disputes
  - Default
  - Breach
  - Completion
  - Pay-when-paid
- Regulations & Advisory

## NOTABLE WINS & TRANSACTIONS

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- Successfully defended against company hijacking and created case law on directorship appointment in *S.E. v Fisher* 2023
- Structured the sale of a large hotel involving capital raise and government investment
- Successfully defended the interests of a Developer in a land rights dispute
- Creation of a mixed-use development including 180 residential units
- Structuring of a \$50m solar farm project
- Successful negotiations in disputes against WBHO

## STATISTICS AT A GLANCE

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<b>Clients</b>	<ul style="list-style-type: none"><li>• &gt;300</li></ul>
<b>Notable Clients</b>	<ul style="list-style-type: none"><li>• Astrim Pharmaceutical</li><li>• Orion Group</li><li>• TSFG International</li><li>• Right Side Up Distribution</li><li>• Daming Aluminium Int.l</li><li>• Dr Reddy's</li></ul>
<b>Industries</b>	<ul style="list-style-type: none"><li>• Manufacturing</li><li>• Construction</li><li>• Property</li><li>• IT / tech</li><li>• Pharmaceutical</li><li>• Services</li></ul>
<b>Collections</b>	<ul style="list-style-type: none"><li>• &gt; R2 million per year</li></ul>
<b>Largest Transaction</b>	<ul style="list-style-type: none"><li>• R1 bn property portfolio transaction</li></ul>
<b>Largest client</b>	<ul style="list-style-type: none"><li>• R1 bn</li></ul>

Trust. Efficiency. Excellence. Fidelity.

These are the values that we live by.

We have protected our clients since 2019, and have earned an impeccable reputation for it. We're not the biggest law firm, but we don't need to be huge to be effective.

### **What you can expect when you work with Maybery Inc:**

#### **Respect**

All people, from all walks of life deserve respect. When you work with Maybery Inc, you can expect to be treated fairly. Your sensitive matters will be treated with the utmost care and fidelity.

#### **Excellence**

You can trust that you have experts with deep experience in handling your case. We will not take on your case if we don't have the experience to handle that area of law. Yours will not be the only case we work on, but we will ensure that we have the time and capacity to give excellent service to your case.

#### **Your best interests**

From the day Maybery Inc. was founded, we have emphasised preventing legal problems rather than waiting for them to happen. Our clients know we have their best interests at heart. In fact, we often advise clients not to proceed with litigation where their evidence does not support a winning case.

#### **Ferocity**

You can expect us to defend your rights fiercely and ruthlessly.

We do not follow the law in blind obedience. We do not submit to authority where the authorities are unfair.

#### **Fairness**

You can trust us to be firm, but fair, as every advisor should be. Where your case is flawed, we will point it out. But you can also trust that we will help you find a solution.

#### **Fidelity**

You can trust that every single cent placed with us will be safe and will be used fairly. You can trust that we will try our best to help you minimise costs. With every case ever brought to us, we always explore settlement first. That means, when we tell you to go to court, you have a good chance of winning.

We look forward to assisting you.

Yours faithfully



WP MAYBERY  
DIRECTOR  
**MAYBERY INC.**

## THE TEAM

### **Warwick Maybery | Commercial** B.Sc (Hons) (UP) LLB

Warwick is an attorney admitted in the High Court of South Africa and holds degrees in Science and Law. He advises clients on a diverse range of legal issues, and specialises in corporate structuring, projects and compliance.



### **Mara Broodryk | Property** LLB (UP)

Mara practices in property law, assisting clients with land rights applications, property disputes, sectional titles, evictions and execution of immovable properties, as well as conveyancing functions including property transfers, subdivisions and consolidations.



### **Marli Kortenhoeven | Litigation** LLP (UP)

Marli heads up the firm's Litigation Department, defending clients' interests in commercial disputes. She is experienced in High Court and Supreme Court litigation, encompassing company law, insolvency, contract disputes, shareholder-director disputes and urgent applications.



### **Nieke Du Toit | Litigation** LLB (UP)

Nieke practices in general litigation and contract law and assists the firm's SME clients. Her efficiency and attention to detail contribute to the reputation of the firm's Business Protect® program.



## OUR CLIENTS

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We're proud to provide services to over 300 corporate clients across a wide range of industry, including property, energy, health, IT, finance and construction.



## PROUD MEMBERS OF:

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## AREAS OF LAW WE'VE ADVISED IN

*Evidence of all skills and work can be provided upon request – redacted to protect client confidentiality*

<b>CONTRACT</b>	<p>Drafted and negotiated all types of commercial contracts:</p> <ul style="list-style-type: none"> <li>• Sales Agreement</li> <li>• Construction: JBCC Standard contract</li> <li>• Joint Venture</li> <li>• Partnership</li> <li>• Memorandum of Incorporation / Articles of Association</li> <li>• Shareholder agreement</li> <li>• Business purchase / sale agreement</li> <li>• Terms of Service</li> <li>• NDA – Confidentiality</li> <li>• Surety Agreement</li> <li>• Credit Application</li> <li>• Service Level Agreement</li> <li>• Employment Agreement</li> <li>• All Employment policies</li> <li>• POPIA (Protection of Personal Information Act) compliance documents and consent forms</li> <li>• ICPO (Irrevocable Corporate Purchase Orders), LOI (Letters of Intent)</li> <li>• Loan agreements</li> </ul>
<b>FINANCIAL SKILLS</b>	<ul style="list-style-type: none"> <li>• Reading company Annual Financial Statements – assessing company, EBIDTA, suitability for investment, is company profitable? Are they running personal expenses through the business?</li> </ul>
<b>INSURANCE &amp; BANKING</b>	<p><b>MVA Litigation</b></p> <ul style="list-style-type: none"> <li>• Prosecuted more than 100 cases for an insurance company client</li> </ul> <p><b>Technical</b></p> <ul style="list-style-type: none"> <li>• Won a case on behalf of a registered Financial Services Representative who was subjected to an unfair disbaring application</li> </ul>
<b>National Credit Act (NCA)</b>	<ul style="list-style-type: none"> <li>• All successful debt collections require proving that the creditor did not need to be a registered credit provider, requiring knowledge of the NCA</li> <li>• <i>Amp2025</i>: Assisted client in registering as credit provider</li> </ul>
<b>CONSUMER PROTECTION ACT (CPA)</b>	<ul style="list-style-type: none"> <li>• Successfully helped a retail client avoid financial loss by helping them defend against a consumer demanding client accept returns</li> <li>• <i>MIL2</i>: Successfully assisted a client in negotiating an early exit from contract based on combination of NCA rights and Conventional Penalties Act</li> </ul>
<b>LITIGATION</b>	<p>Supreme Court – see <i>The Silverbirch Case</i> here:</p> <p><a href="https://www.saflii.org/cgi-bin/disp.pl?file=za/cases/ZAGPJHC/2022/773.html&amp;query=silver%20near%20birch">https://www.saflii.org/cgi-bin/disp.pl?file=za/cases/ZAGPJHC/2022/773.html&amp;query=silver%20near%20birch</a></p>
	<p>Insolvency:</p> <ul style="list-style-type: none"> <li>• 2018: Successfully defended a client in R20m sequestration application by major banks</li> <li>• 2020-2023: Represented several small clients, creditors caught in the liquidation process of their debtors (large companies)</li> <li>• 2024: Successfully defended a client in R1m urgent sequestration application</li> </ul>

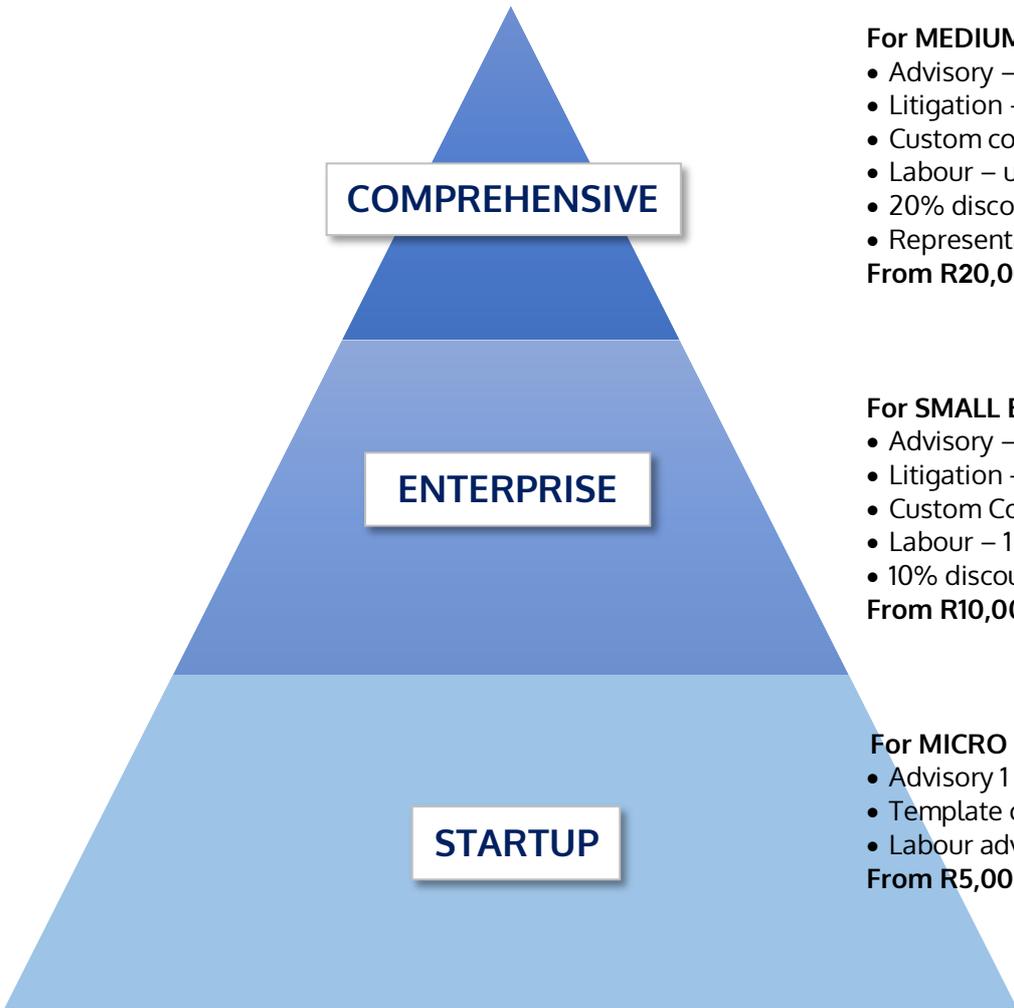
	<p>Breach of contract litigation</p> <ul style="list-style-type: none"> <li>• <i>MIL2 2025</i>: Negotiated early cancellation of a service provider's contract without exposing client to litigation</li> </ul>
<b>BRIBERY AND CORRUPTION</b>	<ul style="list-style-type: none"> <li>• Criminal defence case – advised client subjected to extortion by government officials, who then subsequently was accused of bribery and had contract cancelled – negotiated renewal of contract for client</li> </ul>
<b>DEBT COLLECTION</b>	<p>Standard debt collection – we have prosecuted and defended many debt collection files through the entire court process:</p> <ul style="list-style-type: none"> <li>• Demand, negotiation and settlement</li> <li>• Summons and pleadings</li> <li>• Discovery and pre-trial</li> <li>• Interlocutory applications – whether to create or minimise delay</li> <li>• Undefended motions: default judgment and summary judgments</li> <li>• Defended actions: Trial, judgment</li> <li>• Writs, attachment, execution and auctions</li> <li>• S65 “Financial means” enquiries</li> </ul> <p>We have collected on average ~R2 million per year for our clients.</p>
<b>COMPANY SECRETARIAL</b>	<ul style="list-style-type: none"> <li>• Beneficial ownership declarations</li> <li>• Director appointments and removals</li> <li>• Filing of annual returns</li> <li>• Chairing of Annual General Meetings of companies</li> </ul>
<b>PROPERTY</b>	<ul style="list-style-type: none"> <li>• The Silverbirch Case</li> <li>• Property sales agreements</li> <li>• Conveyancing (property transfers)</li> <li>• Residential and Commercial lease agreements, disputes and litigation thereon</li> <li>• Residential evictions – we have represented clients on both sides, both tenant and landlord – assisted tenants in avoiding or delaying evictions, assisting landlords in prosecuting them as quickly as possible</li> <li>• <i>Ann10</i>: Negotiated early cancellation for client in residential lease</li> <li>• <i>KAN1</i>: assisted tenant client in Rental Housing Tribunal case where client cancelled lease early due to property uninhabitable</li> </ul>
<b>LABOUR</b>	<ul style="list-style-type: none"> <li>• Helped client negotiate the termination of bad staff without resorting to technical labour processes</li> <li>• Disciplinary hearings</li> <li>• Advice on correct procedure to follow in dealing with problem employees (performance management plans / retrenchment / misconduct)</li> <li>• Negotiating and dealing with union representatives</li> <li>• Represented both companies and ex-employees in the CCMA (SA's labour tribunal)</li> <li>• Disputes relating to breach of restraint of trade and non-solicitation clauses</li> </ul>
<b>INTELLECTUAL PROPERTY</b>	<ul style="list-style-type: none"> <li>• Trademark: <ul style="list-style-type: none"> <li>○ Applications and registrations</li> <li>○ <i>SIG 2021</i>: Successfully represented client whose TM was infringed by another company trading under the same name.</li> </ul> </li> <li>• Copyright: <ul style="list-style-type: none"> <li>○ <i>Penq 2019</i>: Represented client accused of using copyrighted image, negotiated settlement</li> <li>○ <i>Phot 2025</i>: Represented client who accused Media group of using his photo without permission</li> </ul> </li> </ul>

<b>COMPANY STRUCTURING</b>	<ul style="list-style-type: none"> <li>• <b>Asset Protection:</b> <ul style="list-style-type: none"> <li>○ <i>TS1 2024:</i> Assisted client in creating trust structure, three mgmt. companies with 30 subsidiary companies. Structuring helped client to successfully defend against &gt; 10 lawsuits. Their structure wasn't <u>completely unassailable</u>, but it was strong enough to make litigation extremely complex and expensive for its opponents.</li> </ul> </li> <li>• <b>BEE compliance:</b> <ul style="list-style-type: none"> <li>○ Assisted companies in strategic structuring of companies and trusts for BEE compliance</li> <li>○ Appointed on watching brief to ensure SERR's suggested BEE implementation mechanism was lawful</li> </ul> </li> </ul>
<b>POLITICAL INTERFERENCE</b>	<ul style="list-style-type: none"> <li>• <i>TS1 2024:</i> Assisted a client in an application for interdict where an aggressive political party threatened to attack its offices.</li> </ul>
<b>FRANCHISING</b>	<p>All forms of franchise law experience, including:</p> <ul style="list-style-type: none"> <li>• Creation of franchise agreements and disclosure documents</li> <li>• Disputes between franchisees and franchisor</li> <li>• Negotiated exit of franchisees where they were unhappy with franchisor client</li> <li>• Related complications arising from lease agreements</li> <li>• Helped 3 clients exit from fraudulent car wash franchise</li> </ul>
<b>MINISTERIAL IMPRISONMENT</b>	<ul style="list-style-type: none"> <li>• <i>TS2024:</i> Obtained a court order against the Minister of Home Affairs compelling the Department of Home Affairs to finalise a visa application it had dragged its heels on for more than a year. When the Minister failed to comply with the order, we proceeded to institute an application to imprison the Minister for contempt of court. Naturally, politics is above the law and that sort of thing will not succeed.</li> </ul>

## ARTICLES WE'VE WRITTEN

See more at our website here: <https://www.mayberyinc.co.za/blog>

# Commercial Retainer Service Options



## COMPREHENSIVE

### For MEDIUM ENTERPRISES R50m+ turnover

- Advisory – unlimited
- Litigation – up to 5 cases per month
- Custom contracts – including negotiation
- Labour – up to 5 CCMA per month
- 20% discount on other services
- Representation and attendance

**From R20,000 per month excl. VAT**

## ENTERPRISE

### For SMALL ENTERPRISES R1m - 50m turnover

- Advisory – up to 5 hours per month
- Litigation - 1 case per month
- Custom Contracts – draft/ review 1 per month
- Labour – 1 hearing/ CCMA per month
- 10% discount on other services

**From R10,000 per month excl. VAT**

## STARTUP

### For MICRO ENTERPRISES – R0 - 1m turnover

- Advisory 1 hr / month
- Template contracts
- Labour advisory (excludes appearance e.g. CCMA)

**From R5,000 per month excl. VAT**

## RETAINER INCLUSIONS & EXCLUSIONS

SERVICES	STARTUP	ENTERPRISE	COMPREHENSIVE
<b>ADVISORY</b>			
Advisory	1 hr / month	Up to 5 hrs / month	Unlimited
<b>CONTRACTS AND DOCUMENTS</b>			
Contracts	✓ Template contracts	✓ Custom contracts Draft/review 1 per month	✓ Custom contracts – including negotiation meetings
<b>LABOUR LAW</b>			
Labour law advisory and representation	✓ Advisory - Excludes court appearances and disciplinary hearings	✓ 1 labour matter / month incl. disciplinary / CCMA	✓ Up to 5 labour matter / month incl. disciplinary / CCMA
Labour contracts and policies		✓	✓
<b>LITIGATION</b>			
Litigation		✓ 1 case per month	✓ Up to 5 cases per month
Debt collections	✓ Letters of demand	✓ Full service	✓ Full service
Litigation against insurer			✓
<b>INTELLECTUAL PROPERTY</b>			
Domestic Trademark registration		✓ 1 per year	✓ Up to 5 per year
Domestic Trademark maintenance and renewals			✓ Up to 5 per year
<b>MEETINGS AND NEGOTIATIONS</b>			
Attendance at meetings / tribunals / hearings / ombud / negotiations			✓
<b>REGULATORY COMPLIANCE</b>			
Advisory on SDL, COIDA, UIF, BEE		✓	✓
POPIA compliance documents		✓	✓
Specific industry regulations			✓
<b>COMPANY SECRETARIAL FUNCTIONS</b>			
CIPC Annual Turnover filings			✓
CIPC Annual Beneficial Ownership Declarations			✓
Other CIPC functions (directorship appointments etc.)			✓
Shareholding matters			✓
Company Secretarial – AGMs, Notices, Resolutions, Minutes etc.			✓
<b>STRUCTURING AND ASSET PROTECTION</b>			
Company structuring and BEE			✓
Franchise creation and franchisee disputes			✓ Covers 1 franchise
<b>MISCELLANEOUS</b>			
Priority service			✓
Discount on excluded services		10%	20%

## Services and costs not covered by Commercial Retainer

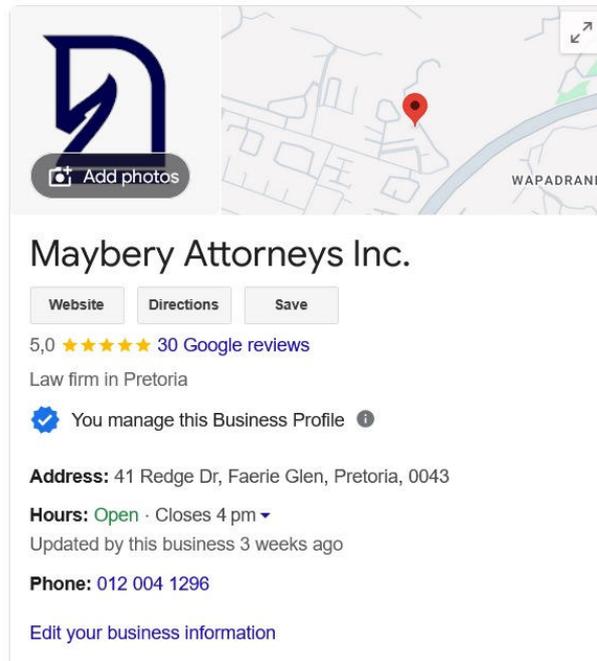
- Non-commercial law work or work for other entities owned/operated by client
- Conveyancing and other property law functions
- Prosecuting and defending urgent applications
- Sequestrations, Business rescue and Liquidations
- Supreme Court and Constitutional Court litigation
- International Trademarks
- Tax matters
- Large-scale commercial transactions e.g. mergers and acquisitions
- Tenders
- Trusts
- Patent law services
- Criminal law services
- POPIA compliance implementation
- Legal services in foreign jurisdictions
- Matters where there is a conflict of interest e.g. litigation against the firm, or conflicting instructions between directors of client, or between two clients of the firm
- Disbursements to third party service providers like:
  - Correspondent attorneys (where a matter must be litigated in another province)
  - Sheriffs costs and costs of executing judgments, attaching assets, auctions
  - Court
  - Counsel (Advocates), expert witnesses, and other experts
  - Search and trace
  - BEE certification
  - Private Investigations
  - Repo agents
- Legal costs of opponents and their attorneys, counsel and experts
- Family law, medical malpractice, personal injury, RAF and other individual law services
- All other matters not specifically included in scope

**Please contact us for a bespoke quotation for these services.**

## REVIEWS

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We're proud of our track record of service. Our success comes from our pragmatic approach to law, and it shows in our client satisfaction.



**Ramano Meth**

Local Guide · 33 reviews · 6 photos

★★★★★ 4 hours ago

NEW

I recently sought advice from Maybery Attorneys about a contract issue with a trading company. I was impressed with the professionalism and efficiency of their service. Warwick and the team showed a thorough understanding of the matter and my legal rights, and helped me navigate the situation.

Their attention to detail and prompt communication were appreciated, and I'm pleased with the outcome. I would recommend Maybery Attorneys to anyone seeking solid legal counsel.



**Shane Prinsloo**

1 review

★★★★★ a day ago

NEW



**Dale Tiley**

1 review

★★★★★ 2 days ago

NEW

Very professional staff and a personal touch from the directors. All our dealings have been handled professionally and quickly. We would highly recommend.



**Chrisjan van Heerden**

Local Guide · 203 reviews · 2,048 photos

★★★★★ 2 months ago

Thanks for good advice with our estate agency's trademarks and franchise agreements. Fast, efficient and reasonably priced legal services when it comes to growing and protecting your brand and business.



**John Craig**

1 review



★★★★★ a year ago

**Positive:** Professionalism, Quality

Warwick Maybery has handled a complicated High Court matter for our Homeowners Association with dedication and total professionalism. I can recommend his services wholeheartedly



**Martin Human**

4 reviews



★★★★★ 10 months ago

I have received good service and peace of mind. Thank you Warwick for friendly and caring advice, more than I could ask for.



**Lindiwe Majaja**

2 reviews



★★★★★ 4 weeks ago

Exceptional Law Firm, I have had the privilege of working here and it has been nothing short of amazing... The team is like a second family and the work environment is always positive and inclusive.

**MAYBERY INC.**  
ATTORNEYS

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