



CONFLICT

In any area of the law it is essential that your attorney is your OWN and has no conflict of interest in representing you. Often interested parties will attempt to influence you and convince you to use an attorney they recommend. This should immediately raise a red flag with you.

LITIGATION AND CONVEYANCING

In conveyancing matters where you are the seller it is imperative that the attorney you chose to represent you IS NOT on the panel of the banking institution registering the bond for your transfer. This means that the transferring attorney and the bond registering attorney must be different in order for your interests to be represented adequately. If the bank takes action against you at a later stage and you did not avail yourself of this election, UNDERSTAND that these attorneys will represent the BANKS interests and NOT yours.

The enquiry for conveyancing matters does NOT end here. Often Sellers are influenced by Estate Agents to use the attorneys they recommend. One of the primary reason for this is to protect their commission should the transfer fail for any reason. It is also a conflict of interests for the transferring attorney to act in both the Sellers interests and that of the Estate Agents. Where matters run smoothly and there are no disputes between the parties, the parties are lucky and this point is moot. However where a dispute arises between the estate agent and the seller, the seller often gets the short end of the stick where they have been influenced to use an attorney with a longstanding relationship with the estate agent.

DEBT REVIEW, LEGAL RESCHEDULING AND ADMINISTRATION

It is important to realise that generally the attorney that your debt counsellor elects to use is HIS attorney and it is his right to use an attorney of his choice. It is also his right to represent himself in taking your matters forward to afford you, the consumer the protection of a court order. However, where the debt counsellor chooses to represent himself, it is essential for the consumer to understand that should they wish to have an attorney take forward their matter they can so insist, and the cost therefore are worked into the debt structure chosen. An attorney is better equipped to handle the matter should it become opposed by your credit providers and will be able to argue the matter with ease. This is a specialised area though, so be sure to call the Law Society or an attorney you trust so you are well assisted in making a choice. The choice of your OWN attorney becomes CRITICAL if any of your creditors (despite Debt Review, Legal Rescheduling & Administration) decides to SUMMONS you. Where they summons you in the high court, this attorney must be certified to act for you and it is ESSENTIAL that they are experienced Arguers specialising in consumer Law. Where your debt helper does not use the expertise of an experienced attorney, this jeopardises any structure you have chosen to employ to assist you in paying your debt. So act with hindsight and **PLEASE EXERSICE YOUR RIGHT TO CHOSE YOUR OWN ATTORNEY.**

LIFE isn't about waiting for the storm to pass, it's about learning to dance in the rain.