

YOUR NEWLYWED LEGAL GUIDE

By Nunez Attorneys Inc

Helping you build your future
with clarity, confidence, and
ease.

072 042 0280

info@nunezattorneys.co.za

www.nunezattorneys.co.za



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WELCOME TO YOUR 03 NEWLYWED LEGAL GUIDE!

First off, congratulations! Whether you're planning your wedding, recently tied the knot, or building a life together, this exciting chapter comes with new dreams, shared goals, and a few important decisions. While love is the foundation of a marriage, legal clarity helps protect it.

This guide was created to empower couples like you with practical legal insight and tools for your journey ahead. From antenuptial contracts to buying your first home, drafting a will, or even navigating supplier contracts, these are all real-life decisions that deserve your attention and protection. You don't need to be a legal expert (that's what we're here for!) but being informed means you can plan with confidence.

I'm Elanie Nunez, the founder of Nunez Attorneys Inc, a boutique law firm based in Pretoria. I'm an admitted attorney, conveyancer, and notary with a strong background in property law, commercial law, and estate planning. After gaining valuable experience in a large firm environment, I started my own practice to offer clients a more personal, transparent, and relationship-driven legal service.

I work with individuals, couples, and businesses across South Africa, especially during key life transitions like getting married, buying or selling property, starting a company, or planning their estate. As a wife, mother, and business owner, I understand how overwhelming these milestones can feel and how powerful peace of mind can be.

Our firm takes a personal, modern, and transparent approach to legal services. We're not just here to hand over a contract; we're here to walk with you, simplify the process, and give you peace of mind at every stage of your new life together.

Let this be your go-to reference, your legal safety net, and your roadmap for building a secure future together.

If you need help with any of the topics in this guide, I'd love to hear from you. Let's make sure your future is protected and legally secure from the start.

Warm Regards,
Elanie Nunez
Nunez Attorneys Inc
Attorney | Conveyancer | Notary

Antenuptial Contract

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An Antenuptial Contract ("ANC") is signed in front of a Notary before you get married. It determines how your property and finances will be treated both during the marriage and upon dissolution of the marriage. It is not about doubting love, but rather about protecting it.

Why is it important?

In South Africa, if you marry without an ANC you're automatically married in community of property. This means all assets and liabilities, whether acquired before or during the marriage, are jointly owned. While this may seem equitable, it can lead to complications, especially if one spouse has significant debt or if the marriage ends in divorce. An ANC gives spouses the opportunity to get married out of community of property, ensuring financial independence thereby protecting assets, especially if you own property, run a business, or want to keep inheritances separate.



Top Tips:

- Must **sign** your ANC **before getting married**; once you're married, it's too late.
- **Avoid generic online templates** as it can be legally invalid or unsuitable for your situation.
- Make sure that you **choose a notary** that actually **consults** with you and your spouse in person (even if online), and who doesn't just require that you fill in an online form.
- Understand the **accrual system** fully before choosing it or rejecting it. We have had numerous couples walking into the consultation with one idea and walking out with another.
- ANC must be executed by a notary (a specialised attorney) and **registered within 3 months** from the date of signing.
- Both spouses must **fully disclose assets and liabilities** for an informed decision.

Antenuptial Contract *continued*

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FAQ'S:

- 01 What is the difference between 'in community' and 'out of community' of property?**
With 'in community of property' all assets and debts are shared equally, whereas with 'out of community of property' each spouse retains separate ownership of assets and debts. You further get a choice to choose 'with accrual' or 'without the accrual' if you get married out of community of property. The accrual regime provides that spouses can share equally in the growth of the value of the assets that the parties acquired during the marriage, whilst retaining creditor protection.
- 02 Can we change our marital regime after marriage?**
Technically yes, but it's expensive and requires a High Court application which can be complex and costly. It's best to get it right from the start.
- 03 Is it unromantic to sign an ANC?**
Not at all. It's a responsible, practical step, just like getting life insurance or planning a will.
- 04 Can we include specific clauses in our ANC?**
Yes, you can tailor the contract to suit your needs, including clauses about inheritances, business interests, and more, provided that it is legal.
- 05 Do we have to wait for registration of the ANC before we get married?**
No. On receipt of the signed ANC or power of attorney we will issue a certificate to hand to the marriage officer. The ANC will then be registered within 3 months from the date that it was signed before the Notary (not the date that you get married).
- 06 Can you assist us with our ANC if we are located in another province?**
Yes! Most definitely. Where an engaged couple is situated outside of Gauteng, everything is done online and we prepare a Special Power of Attorney. In this document the couple gives a nominated person the authority to sign in front of our Notary on their behalf.

How Nunez Attorneys Inc can help:

We don't just hand you a standard template. We walk you through every option, whether it's with accrual or without accrual, help you choose the one that best suits your circumstances, and make sure you understand exactly how it will affect your life now and in the future.

Because we are attorneys and notaries you deal with the specialists directly, and no need for a referral from an attorney to a notary (which can sometimes make the process more expensive and time-consuming). We also ensure your contract is properly signed, notarised, and registered with the Deeds Office.



Buying a Home

Buying a home is a milestone that comes with great responsibility. It is a big step that should not be taken lightly or overnight, and a couple that is buying a house should do so with a sound mind, and knowing that they are entering the process prepared and equipped with the necessary knowledge. Understanding the legal processes involved ensures a smooth transaction and protects your investment.

Why is it important?

For many couples, purchasing a home together is one of the most significant financial decisions they'll make. It's not just about the property, it's about how your assets are structured, the responsibilities each partner will have, and protecting your investment. Understanding the legal aspects of buying a home helps prevent disputes and ensures that both of your interests are safeguarded.

Top Tips:

- **Title Deeds:** ensure the seller has a clear title to the property. Ensure all terms are clear and understood before signing.
- **Offer to Purchase:** make sure you understand all the terms and conditions before signing.
- **Property Condition:** conduct a thorough inspection to identify any issues, and ensure the property is free of any legal disputes, unpaid levies, or unregistered improvements.
- **Transfer Costs:** prepare and budget for costs like transfer duty, attorney fees, and registration fees.
- **Financing:** understand the terms of your mortgage loan and ensure affordability.
- **Legal Compliance:** verify that the property complies with zoning laws and building regulations.
- **Joint Ownership vs. Sole Ownership:** clarify how you will own the property; jointly or in specific shares.
- **Estate Planning:** consider what happens if one of you passes away. A life insurance policy or will can provide financial protection.



Buying a Home *continued*

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FAQ'S:

01 **What is conveyancing?**

It's the legal process of transferring property ownership from the seller to the buyer.

02 **Who appoints the conveyancer?**

Typically, the seller appoints the conveyancer, but the buyer can request a specific attorney through negotiation.

03 **What is transfer duty?**

A tax payable to SARS when purchasing property, calculated based on the property's value.

04 **How long does the transfer process take?**

On average, 8 to 12 weeks, depending on various factors.

05 **Can I cancel the OTP after signing?**

Yes, but it may involve penalties or forfeiture of the deposit, depending on the contract terms.

06 **Do we need a lawyer to buy a house?**

Yes. While you don't need an attorney for every step, a conveyancer (specialist lawyer) is required to manage the legalities of the property transfer.

07 **Can we buy a home before getting married?**

Absolutely. But it's important to decide how the home will be registered—whether in both names or just one.

08 **What's the difference between joint ownership and co-ownership?**

Joint ownership means you both have an equal share in the property. Co-ownership can involve unequal shares, depending on your agreement.

09 **What if one of us passes away? Will the property automatically go to the other?**

Not necessarily. If you're not married in community of property, you may need to plan through a will or a life insurance policy.

10 **Do we need a home inspection?**

Yes! It's crucial to check for any structural or legal issues before buying. You don't want unexpected expenses after moving in.

How Nunez Attorneys Inc can help:

We provide legal assistance throughout the home-buying process, including reviewing sale agreements, conducting property searches, and facilitating the transfer of ownership.

We'll guide you through the entire property transaction process, ensuring that the contract is clear and your rights are protected from the start. We also assist with transfer duty, bond registrations, and any necessary property checks. Our goal is to make your purchase as smooth and stress-free as possible.



Selling a Property

Now that you're married, it may be that you are moving to another city for work, or you are looking for a bigger home for your growing family, and this necessarily involves selling your loved home. Depending on how you are married, if the property is in one spouse's name, you may need your partner's consent to sell. If the property is jointly owned, both must sign the sale agreement.

Why is it important?

Selling your property can feel straightforward, until it isn't. It involves legal obligations and potential risks. Proper legal guidance ensures compliance and protects your interests.

From legal compliance to hidden costs, there's a lot that can delay or derail a sale. Whether you're upsizing, relocating, or consolidating assets as a couple, knowing your rights and responsibilities as a seller is essential to avoid delays, penalties, or disputes.

Top Tips:

- **Compliance Certificates:** keep compliance certificates up to date.
- Get clarity on who's responsible for **costs**
- **Capital Gains Tax:** Understand the tax implications of the sale.
- **Occupational Rent:** Clarify terms if the buyer occupies the property before transfer.
- **Bond cancellation costs:** you will be liable for any costs associated with cancelling the current bond registered over the property.
- **Bank cancellation notice:** give notice to the bank that you will be selling the property, to ensure that the penalty fee is as low as possible.
- **Mandatory Disclosures:** you must disclose any known defects, or risk liability.
- **Spousal Consent:** if the property is jointly owned, or you're married in community of property, both parties must agree to the sale.
- **Outstanding Levies or Rates:** these must be paid in full before transfer.
- **Timing:** transfer can take 6–12 weeks. Plan your finances and move accordingly.



Selling a Property *continued*

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FAQ'S:

01 Do I need to disclose defects?

Yes, sellers are legally obligated to disclose known defects.

02 Who pays the agent's commission?

Typically, the seller pays the estate agent's commission

03 What if the buyer defaults?

The sale agreement should outline remedies, including retaining the deposit or legal action.

04 Can I sell a property with a bond?

Yes, but the bond must be settled upon transfer.

05 What is the role of the conveyancer in selling?

They handle the legal aspects of the transfer, ensuring all documents are in order and the transaction complies with the law.

06 Can I sell my property without my spouse's consent?

If you're married in community of property, or if your spouse co-owns the house, you will need their formal consent.

07 Who chooses the transferring attorney?

Usually the seller. This means you can appoint a trusted conveyancer – like us – to act in your best interest.

08 How long does the transfer process take?

It typically takes 6 to 12 weeks depending on the banks, municipalities, and Deeds Office. We follow up consistently to reduce delays.

How Nunez Attorneys Inc can help:

We provide upfront guidance on what you'll need legally before listing, help you assess and review the offer to purchase, and draft any custom clauses needed to protect your interests. If you're still married in community of property or co-own the house, we'll ensure proper consent and procedure. We also handle compliance certificates and transfer timelines to speed things up.

We also assist in drafting and reviewing sale agreements, ensuring all legal requirements are met, and facilitating the transfer process



Starting a Business

If you're launching a side hustle, service business, or online store, registering a company can protect you legally and financially. Starting a business involves legal considerations that, if overlooked, can lead to complications or penalties.

Why is it important?

Starting a business (whether together as a couple or individually) is exciting, but it comes with legal risks that can affect your personal finances, marriage, and long-term wealth. Without the right structure, agreements, or boundaries, business complications can spill over into your personal life and even affect your estate planning.

Starting a business can be rewarding but involves legal and financial complexities. Proper planning ensures compliance and protects your interests.



Top Tips:

- **Business Structure:** choose the right legal structure (e.g., sole proprietorship, partnership, company). A registered company offers more legal protection than a sole proprietorship.
- **Personal Risk:** if your business is not properly structured, your personal assets could be exposed to business debts.
- **Registration:** Ensure the business is properly registered with relevant authorities, including CIPC, SARS, UIF, and COIDA.
- **Employment Laws:** understand obligations if hiring employees, including contracts and labour laws and regulations.
- **Succession Planning:** What happens to the business if one of you passes away or if you divorce?
- **Agreements:** draft clear agreements outlining roles, responsibilities, and profit-sharing.
- **Separate Finances:** mixing personal and business finances can lead to conflict and tax issues.

Starting a Business *continued*

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FAQ'S:

- 01 **What is the difference between a sole proprietorship and a company?**
A sole proprietorship is owned by one person in his personal capacity, while a company is a separate legal entity
- 02 **What taxes will my business be subject to?**
Common taxes include income tax, VAT, and PAYE if you have employees.
- 03 **Can I operate from home?**
Yes, but check zoning laws and any restrictions in your area.
- 04 **Do I need a separate bank account for my business?**
It's advisable to separate personal and business finances for clarity and compliance.
- 05 **Should we register a company or just start trading?**
Registering a company offers more legal protection and credibility, and separates your personal and business finances.
- 06 **Can we be equal partners in our business?**
Yes, but you still need a written agreement that spells out roles, ownership, and what happens if one of you exits the business.
- 07 **Is it risky to start a business with my spouse?**
Not if it's well planned. We help couples draw up boundaries and agreements to ensure their business supports, and not strains, their relationship.
- 08 **What documents do we need to get started?**
You'll need a CIPC registration, a company bank account, a shareholders' or partnership agreement, and possibly tax and BEE registrations.
- 09 **What if only one of us owns the business, does the other spouse have any rights?**
Depending on your marital regime (especially in community of property), the spouse may have a financial interest. This is why clear planning and proper contracts are essential.
- 10 **Can we change our business structure later?**
Yes, but it involves legal processes and potential tax implications.

How Nunez Attorneys Inc can help:

We help you choose the right business structure (like a private company, partnership, or sole proprietorship), register it with the CIPC, draft a shareholders' or partnership agreement, and advise on tax, ownership, compliance with legislation and regulations, and succession planning. If you go into business together, we also help define responsibilities and decision-making power to avoid misunderstandings later.



Last Will & Testament

A last will and testament is a formal legal document in which a person (called a testator) specifies how their property, money, and personal belongings should be distributed after their death. It can also include important decisions such as the appointment of an executor, guardians for minor children, testamentary trusts, and instructions for funeral arrangements. The will only takes effect upon the testator's death and must meet certain legal requirements to be valid.



Why is it important?

Marriage changes your legal status and affects how your estate is handled. A valid will ensures that your assets are distributed according to your wishes after your death and also helps protect your spouse (and future children). Without one, the Intestate Succession Act determines the distribution, which may not align with your preferences, or your spouse and children may be left in financial uncertainty, or minor children's inheritance may be at the mercy of the government's Guardian Fund. As newlyweds, it's especially important to protect one another and to provide for your future family.

Top Tips:

- **Don't DIY** your will or fall prey to "free testaments" that are short, inadequate or has hidden T's & C's
- **Appoint guardians** in your will if you plan to have children.
- **Review and update** your will after significant life events like marriage, birth of a child, or acquiring substantial assets, or at least once a year.
- Choose a **trustworthy and capable executor** to administer your estate. We may be a bit biased here but we always recommend appointing an attorney (like us) because of the specialised skill required and the legal implications.
- Be **specific** in your **bequests** to avoid ambiguities that could lead to disputes.
- Always provide for **alternative beneficiaries** to cater for circumstances where your desired heirs may predecease you.

Last Will & Testament *Continued*

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FAQ'S:

01 What happens if I die without a will?

Your estate will be distributed according to the Intestate Succession Act, which may not reflect your wishes.

02 Can I appoint anyone as an executor ?

Yes, but it's advisable to choose someone trustworthy and capable of handling the responsibilities.

03 Do I need a lawyer to draft my will?

While not mandatory, a lawyer ensures that your will is legally sound and reflects your intentions accurately.

04 Can I include funeral wishes in my will?

Yes, but it's also advisable to communicate these wishes to your family directly.

05 Is a handwritten will valid?

Yes, if it meets the legal requirements, including being signed by the testator and witnessed appropriately.

06 We're young, do we really need a will?

Yes. Tragedy doesn't wait for retirement age. Having a will now protects your spouse and any future children.

07 Can we draft a joint will?

You can, but we usually recommend separate wills that mirror each other for flexibility and individual control.

08 How often should we update our wills?

At least once a year or whenever your circumstances change (buying property, starting a business, having children, or divorce).

09 Where should the original will be kept?

Safe and accessible. We always recommend signing the will in duplicate; you keep a signed original and we keep the duplicate original at no additional cost.

How Nunez Attorneys Inc can help:

As with everything we do, we guide you through every decision; choosing an executor, naming guardians, providing for testamentary trusts, interim spousal maintenance, provision for your pets, and structuring your estate in a way that reduces administrative delays.

We craft practical, legally sound, and completely personalised wills that reflect your unique circumstances and wishes. We further ensure that your will meets all legal requirements to be valid and enforceable, and we take a lot of contingencies into consideration. We also store your will safely and can review it with you annually or after major life changes.



Wedding Supplier Contracts & Due Diligence

Choosing the right suppliers for your wedding is crucial to ensuring that your day goes as planned. Doing thorough research on your suppliers can help you avoid last-minute surprises, ensure quality service, and protect you legally. It's vital to understand who you're working with, what their terms are, and how to hold them accountable in case of any issues.

Why is it important?

Many couples invest thousands into vendors for their wedding, including venues, photographers, florists, caterers, without understanding their rights or the fine print in supplier contracts. A signed quote is a legal contract. If something goes wrong, you'll want to know your legal recourse.

Planning your wedding involves hiring multiple suppliers for everything from catering to photography to décor. Unfortunately, not all suppliers are as reliable or trustworthy as they seem. Doing your due diligence can save you from financial loss, disappointment, or even legal disputes on your big day. As newlyweds, protecting your wedding investments and ensuring peace of mind is essential.

Top Tips:

- **Contracts:** always request a detailed contract from each supplier, outlining services, costs, and deadlines.
- **Reviews:** check reviews and ask for references to ensure the vendor has a solid reputation.
- **Deposits and Payment Terms:** understand the payment structure and ensure that the vendor's cancellation or refund policies are fair and clear.
- **Insurance and Liability:** confirm that your suppliers are insured, particularly for services like catering, transport, and equipment.
- **Delivery and Timeliness:** make sure there are clear terms for what happens if a supplier fails to meet their obligations or deliver on time.
- **Contract Clarity:** ensure all terms are clear – prices, services, deadlines, and deliverables.
- **Cancellation Policies:** know your rights in case you need to cancel or reschedule due to unforeseen circumstances.



Wedding Supplier Contracts & Due Diligence *continued*

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FAQ'S:

01 What should be in a supplier contract?

Clear scope of service, timelines, costs, payment schedule, cancellation and refund terms, and liability clauses.

02 Can I get out of a contract if I change my mind?

Only if the contract allows cancellation or "cooling-off" periods apply (like the 5-day CPA window for direct marketing sales).

03 Is a quote a legal contract?

Yes, if accepted in writing or through conduct (like paying a deposit), it forms a binding agreement.

04 What if a supplier doesn't deliver on the day?

You may have grounds for breach of contract and can claim damages or request a refund.

05 Can I ask for a contract review before booking a vendor?

Absolutely – and it's highly recommended for major expenses.

06 How do I know if a wedding supplier is reliable?

Look for reviews, ask for references, and ensure they have a business license. Also, check their social media presence and website for credibility.

07 Should we pay the full amount upfront?

No, paying a large deposit (e.g., 30–50%) is standard. Never pay the full amount in advance. Rather arrange payments based on milestones.

08 Do we need to have a written contract with every supplier?

Absolutely. Verbal agreements are not legally binding, so always have a written contract that outlines the full scope of services, payment terms, and cancellation policies.

09 Can I get a refund if a supplier doesn't meet my expectations?

It depends on the supplier's cancellation and refund policy. Always review these terms before signing a contract. However, a supplier's terms and conditions can never override consumer legislation.

How Nunez Attorneys Inc can help:

We provide legal assistance in drafting contracts with wedding vendors and ensuring that both parties are clear on their expectations. If issues arise with a supplier, we can help resolve disputes and protect your interests. Our firm also offers guidance on your rights as consumers and ensures that you understand the cancellation or refund policies of your wedding service providers.

We also advise on supplier liability, cancellation policies, and what to do if a supplier fails to meet their obligations. If a vendor breaches their agreement, we can assist you with recovery of losses or legal remedies.



A final word from us:

Thank you for taking the time to explore this guide. We know legal matters can feel overwhelming, especially when you're juggling the excitement and pressures of a new season in life. But it doesn't have to be that way.

With the right legal guidance, you can protect what matters most: your relationship, your assets, your legacy, and your peace of mind. Whether you're planning for today or preparing for tomorrow, we're here to support you with honest advice, clear processes, and personal service that fits your life.

If you're ready to take the next step, whether it's signing your antenuptial contract, drafting a will, buying your first home, or simply asking a few questions, get in touch. We'd be honoured to walk this journey with you.

**With appreciation and care,
Elanie Nunez | Nunez Attorneys Inc**