

Poswa Incorporated

CREATING UNBOUNDED
POTENTIAL





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A progressive, wholly black-owned law firm, Poswa Incorporated (Poswa Inc.) focuses on delivering tailor made legal solutions designed to broaden its clients' business horizons

WORDS BY *John O'Hanlon*

Established in 2010, Poswa Incorporated (Poswa Inc.) is a progressive law firm, which specialises in providing services across all aspects of commercial law, including the structuring of transactions, negotiation and drafting of agreements, legal opinions and legal due diligences. Through specialist insight and personalised service, Poswa Inc. focuses on tailor made legal solutions that broaden business horizons. The firm also offers conveyancing and notarial expertise as well as general legal advice and litigation through commercial, civil and labour spheres.

Poswa Inc. prides itself in its ability to see beyond the obvious. A wholly black-owned firm committed to breaking new ground in commercial law, it successfully balances close attention to detail with a wider worldview in order to give its clients the full benefit of what it calls “unbounded potential”. The proven track record of the firm spans over 120 years of combined legal experience in the corporate, private and financial sectors.

Boasting a level 1 Contributor BBBEE Accreditation, Poswa Inc.’s mission is to be recognised as one of, if not the leading commercial law firm in Africa. In order to achieve this aim, the firm looks to leverage what it calls “legal solutions that go beyond the ordinary”. Its range of services cover a wide variety of areas including banking and finance, corporate and commercial, conveyancing and notarial, local government, litigation, labour, infrastructure development, maritime law and aviation.

Mr Luyolo Poswa is the Chief Executive Officer of the firm and its Director of Banking and Finance. Luyolo obtained his BA (Law) and LLB Degrees from the University of Kwa-Zulu Natal in 1994 and 1996 respectively. He served his Articles of Clerkship with Deneys Reitz Attorneys and was duly admitted as an Attorney in March 1999. During his term at Deneys Reitz, Luyolo was primarily focused on Maritime Law. He spent a year in the United Kingdom between 2000 and 2001 pursuing a



Luyolo Poswa,
Chief Executive Officer

Master of Laws Degree (LLM) (International Business Law) at the University of London. He also obtained a Diploma in Import and Export and a Certificate in Mechanics of Financial Markets from the Beaufort Institute.

In 2002, Luyolo joined Absa Corporate and Merchant Bank (Absa Capital) where he worked in the Debt Capital Markets division, specialising in securitization, Domestic Medium Term Notes and Corporate Bonds, loans and asset backed commercial paper conduits. He also managed a ZAR 15 billion commercial paper conduit vehicle.

In April 2007, Luyolo joined Investec Capital Markets as an in-house Legal Adviser, working in various areas of Banking and Finance law including Aircraft Finance, Acquisition Finance, Property Finance, Securitisation, Domestic Medium Term Note Programmes and Principal Finance.

Today, Luyolo is a Director for a number of companies within the Debt Capital Market space. Notably, he is a Director for ED Trust INL Investments (Pty) Ltd (Investment Bank Limited BEE Company), Commissioner Street No. 5 (RF) Limited, Commissioner Street No. 6 (RF) Limited, Commission Street No. 7 (RF) Limited, Commission Street No. 8 (RF) Limited, Autumn Storm Investments 359, DBX Trackers (Pty) Ltd, Protea Conduit (RF), HCL Axon (Pty) Ltd, Klipheuwel-Dassiefontein Wind Energy Facility (Pty) Ltd, Sevenstones 159 (RF) (Pty) Ltd and Winners-Circle 199 (Pty) Ltd.

A few of Luyolo’s recent transactions include, the PPC DMTN Programme (ZAR 6 billion), the Land Bank DMTN Programme (ZAR 10 billion), the Transnet GMTN Programme (USD 2 billion) and the Rea Vaya BRT Project.

The other individuals who comprise the leadership of the firm are Nima Gagjee, Director of Conveyancing and Notarial, Ivan de Fanti, Director of Litigation, and Goitse Pilane, Director of Banking and Finance and Corporate and Commercial.

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Nima Gagjee, Director of Conveyancing and Notarial

Nima Gagjee obtained her LLB Degree from the University of Pretoria in 2000 and attended the full time Practical Legal Training School in 2001. Nima served her Articles of Clerkship at Gildenhuis Van Der Merwe Inc., now Gildenhuis Malatji Attorneys, in Pretoria where she gained exposure to personal injury claims, insurance law and commercial law. Nima was admitted as an Attorney in March of 2003. Post admission, she worked as a Professional Assistant at Bhadrish Daya Attorneys from 2003 until 2005, where she specialised and practiced in various spheres of civil litigation. After successfully passing the conveyancing examination, she was duly admitted as a Conveyancer in October of 2004.

In order to pursue her passion and gain exposure in the field of conveyancing, Nima joined EY Stuart Attorneys in Pretoria in 2005 as a Conveyancer. She became a Director of EY Stuart Attorneys in 2006, where she practiced primarily in the area of conveyancing.

It was in April 2010 that Nima joined Poswa Inc. as a Director and head started the Conveyancing Department. In 2011 she was instrumental in obtaining the Bronze Top Supporting Source of Business Award from Absa Home Loans in Gauteng for Poswa Inc.

Nima is also a member of the Black Conveyancers Association. Key features of Nima’s practice include (but are not limited to) registration of servitudes, mortgage bond registrations for commercial property loans/facilities, residential and commercial property transfers, divorce, insolvent and deceased estate transfers, mortgage bond registrations and cancellations for private banks and home loans, general notarial bond registrations and cancellations and subdivisions and consolidations of immovable property.



Ivan de Fanti, Director of Litigation

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Ivan de Fanti obtained his BA and LLB Degrees from the University of Kwa-Zulu Natal in 1994 and 1997 respectively. He served his Articles of Clerkship at Woodroffe & Kleyn Attorneys in Durban from 1999 to 2000 and was duly admitted as an Attorney on 18 July 2000. Following his admission, Ivan worked as a Professional Assistant at Woodroffe & Kleyn Attorneys until June 2001 when he relocated to Johannesburg. Between June 2001 and March 2012, Ivan worked as

Professional Assistant, Assistant, Junior Associate, Associate and Partner at Moodie and Robertson Attorneys, specialising in Local Government Law, focusing on Property Law and in particular Town Planning Law, Building Law and Outdoor Advertising Law.

Ivan joined Poswa Inc. on 1 April 2012 as a Director in the Litigation and Alternate Resolution Department. Key features of Ivan’s practice include civil and commercial litigation as well as maritime law.

Goitse Pilane obtained his LLB Degree from the University of Limpopo in 2000. He commenced his practical legal training in January 2001. He joined a medium-sized law firm in Pretoria during April 2001 and in May 2002 he joined the Road Accident Fund as a Claims Handler at the Pretoria branch.

In January 2006, Goitse joined Routledge Modise Incorporated as a Candidate Attorney, he obtained his Higher Diploma (Tax) from the University of Johannesburg in the same year and was duly admitted as an Attorney on 9 June 2008. He was appointed as a Senior Associate in 2010 and obtained a Certificate in Advanced Company Law I and II from the University of the Witwatersrand the same year. In April 2011, Goitse was promoted to Director in the Corporate and Commercial Department of Routledge Modise. Some of the transactions that Goitse worked on during his stay there included advising Transnet on



Goitse Pilane, Director of Banking and Finance and Corporate and Commercial

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the Credit Facility Agreement concluded with Agence Francaise de Development for the advancement of a credit facility of ZAR 2 billion to part-fund Transnet’s ZAR 4,6 billion programme to expand the Cape Town Container Terminal.

Goitse joined Cliffe Dekker Hofmeyr Inc as a Director in the Projects and Infrastructure Practice during December 2011 and his experience there included having advised various clients in the public and private sector on aspects of Corporate and Commercial law.

Goitse joined Poswa Inc. as a Director in the Banking and Finance / Corporate and Commercial Department during August 2013. His clients include the Public Investment Corporation, the Institute of Municipal Finance Officers and the Gauteng Department of Finance. Some of his notable transactions include advising the Public Investment Corporation SOC Limited in a transaction that involved a mining asset (ZAR 161 million), advising the Public Investment Corporation SOC Limited in respect of the design, development, engineering, procurement, construction, financing, insuring and start-up of the 100 MW parabolic trough plant in the third round of the Department of Energy’s IPP Procurement Programme and advising the Gauteng Finance Department in the tender awarded to Altech to build a fibre-optic broadband network within the Gauteng Province (ZAR 1,2 billion).



The Poswa Inc. team

Major clients of Poswa Inc. to date include Absa Bank Ltd, Airports Company South Africa SOC Ltd, City of Johannesburg, Ekurhuleni Metropolitan Municipality, Fraser Alexander, Gauteng Department of Education, Johannesburg Development Agency, JDG Trading (Pty) Ltd, Kapela Holdings (Pty) Ltd, Kunene Healthcare Holdings, Mangaung Metropolitan Municipality, merSETA, Midvaal Local Municipality, Mmela Financial Services, Nexus SA Connexion (Pty) Ltd, Nthwese Investment Group, PetroSA, Public Investment Corporation SOC Ltd, PPC Ltd, SA Homeloans, SAPPI, South African Airways, South African Revenue Services, The Housing Development Agency, The Land and Agricultural Development Bank of SA, Transnet SOC Ltd, Ulwazi Protection Services (Pty) Ltd and uMhlathuze Municipality.

Key commercial transactions spearheaded by Poswa Inc. on behalf of some of these clients include, The Land Bank’s ZAR10 billion Domestic Medium Term Note (DMTN) Programme, Mmela Financial Services’ ZAR2 billion Transportation Transaction,

BDO South Africa Incorporated’s Corporate Finance Advice/BEE Subscription of Shares Transaction, Transnet’s US\$6 billion Global Medium Term Note (GTMN) Programme, PPC Ltd.’s ZAR6 billion Domestic Medium Term Note (DMTN) Programme and the National Treasury’s US\$2 billion Bond Issuance.

When it comes to working with its clients, Poswa Inc. continuously strives to go beyond being mere service providers. In addition to being specialists in commercial law, the firm actively embraces the wider business context and makes it their responsibility to be fully in touch with the frameworks and implications of developments in all key South African markets. In doing so, it ensures that it remains a valuable intellectual partner to every one of its clients. **BE**

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