

## Finance &amp; Lending

## 1. Lending

## 1.1 Types of loans

Guidance Note	Forms & Precedents	Checklists	Other Resources
1.1.1 Introduction to loans	Bilateral Loan Agreement		
1.1.2 Overdrafts, term facilities and revolving credit facilities			Example of an amortising loan
1.1.3 Secured and unsecured facilities			
1.1.4 Specialist financing			
1.1.5 Ranking of facilities			
1.1.6 Loan markets			
1.1.7 Debt capital markets			

## 1.2 Parties involved in lending transactions

Guidance Note	Forms & Precedents	Checklists	Other Resources
1.2.1 Finance parties			
1.2.2 Borrowers			

## 1.3 Loan Market Association

Guidance Note	Forms & Precedents	Checklists	Other Resources
1.3.1 Overview of the Loan Market Association			Loan Market Association

## 1.4 Term sheets

Guidance Note	Forms & Precedents	Checklists	Other Resources
1.4.1 Basic characteristics of a term sheet	Indicative long form term sheet Indicative short form term sheet		

## 1.5 Loan syndication

Guidance Note	Forms & Precedents	Checklists	Other Resources
1.5.1 Types of provisions for transferability of loans	Transfer Notice		

## 1.6 Amendments, waivers and consents

Guidance Note	Forms & Precedents	Checklists	Other Resources
1.6.1 Amendments	Addendum to agreement		
1.6.2 Waivers	Example of a waiver letter		
1.6.3 Consent requirements			

## 2. Security

## 2.1 Basic principles of security

Guidance Note	Forms & Precedents	Checklists	Other Resources
2.1.1 Distinction between real rights and personal rights			
2.1.2 Ranking of creditors			
2.1.3 Perfection of security			
2.1.4 Enforcement of security			

## 2.2 Real security

Guidance Note	Forms & Precedents	Checklists	Other Resources
2.2.1 Mortgage bonds	Continuing Covering Mortgage Bond Covering Mortgage Bond Collateral Mortgage Bond Sectional Mortgage Bond		
2.2.2 Notarial bonds	General Notarial Surety Bond General Notarial Indemnity Bond General Notarial Collateral Bond General Notarial Bond General Notarial Debenture Bond Special Notarial Bond		
2.2.3 Pledges	Pledge Agreement		
2.2.4 Cessions	Security Cession Agreement for Bank Accounts Security Cession Agreement for Book Debts Security Cession Agreement for a Claim or Right Security Cession Agreement for Insurance		

## Finance &amp; Lending

## 2. Security

## 2.3 Personal security

Guidance Note	Forms & Precedents	Checklists	Other Resources
2.3.1 Guarantees	Debt Guarantee		
2.3.2 Indemnities	Indemnity Agreement  Counter indemnity Agreement  Indemnity Agreement - debtor's liability on a promissory note		
2.3.3 Suretyships	Consent in terms of section 15 of the Matrimonial Property Act 88 of 1984  Notice by creditor to surety of intention to sue debtor  Sample clause – Maximum liability  Notice by surety to creditor claiming the benefit of division  Sample clause – Right to perform  Notice by surety to creditor claiming the benefit of excussion  Sample clause – Additional security by surety  Deed of Suretyship for multiple parties  Indemnity by debtor to surety  Deed of Surety for co-principal debtors  Deed of Suretyship for multiple debtors with a single surety  Deed of Suretyship for payment under certificates  Deed of Suretyship for a single obligation  Deed of Suretyship for multiple debtors with multiple sureties		

## 2. Security

## 2.3 Personal security

Guidance Note	Forms & Precedents	Checklists	Other Resources
2.3.3 Suretyships	Deed of Suretyship with multiple sureties  Deed of Suretyship for a Future Obligation  Deed of Suretyship  Consent for a minor to bind themselves as surety		
2.3.4 Comfort letters	Comfort letter		

2.4 Security SPV structure

Guidance Note	Forms & Precedents	Checklists	Other Resources
2.4.1 Security special purpose vehicle structure			

## 3. Leveraged finance

## 3.1 Introduction to leveraged finance

Guidance Note	Forms & Precedents	Checklists	Other Resources
3.1.1 Leveraged finance defined			

## 3.2 Forms and types of leveraged finance

Guidance Note	Forms & Precedents	Checklists	Other Resources
3.2.1 Leveraged acquisition financing			
3.2.2 Leveraged buy-outs			
3.2.3 Leveraged finance as a form of debt restructuring			

## Finance &amp; Lending

## 4. Asset finance

## 4.1 Introduction to asset finance

Guidance Note	Forms & Precedents	Checklists	Other Resources
4.1.1 Asset finance defined			
4.1.2 Asset finance structures			
4.1.3 Advantages and disadvantages of asset finance			
4.1.4 Financial covenants typical to asset financing			
4.1.5 Difference between asset finance and other methods of financing			

## 4.2 Forms and types of asset finance

Guidance Note	Forms & Precedents	Checklists	Other Resources
4.2.1 Aviation finance			
4.2.2 Rail finance			
4.2.3 Equipment finance			
4.2.4 Vehicle finance			
4.2.5 Real estate finance	Loan Agreement		
4.2.6 Trade and commodity financing			
4.2.7 Hire purchase			
4.2.8 Factoring			
4.2.9 Shipping finance			
4.2.10 Invoice and discounting			

## 5. Project finance

## 5.1 Introduction to project finance

Guidance Note	Forms & Precedents	Checklists	Other Resources
5.1.1 Project finance defined			
5.1.2 Parties to a project finance transaction			
5.1.3 Sources of financing			
5.1.5 Key documents in a project financing transaction			
5.1.6 Risk and risk allocation			

## 5.2 Public private partnerships

Guidance Note	Forms & Precedents	Checklists	Other Resources
5.2.1 Introduction to public private partnerships		Characteristics of a Public Private Partnership	
5.2.2 Public private partnerships under South African law			
5.2.3 Types of public private partnerships			
5.2.4 SPV structure for public private partnerships			
5.2.5 Regulatory framework of PPP's in South Africa			
5.2.6 The PPP project cycle			