

Handwritten: "X" and "2/10/2022"

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Private Bag X67, Pretoria 0001

2022 -11- 09

GD-PRET-018

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

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IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)

Case No: 2022-044171

In the *ex parte* application of:

The National Director of Public Prosecutions

Applicant

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In re:

- Property at Erf 847, No 2 Silver Lakes Extension 1, Pretoria, Gauteng
- Mercedes-Benz Viano with registration number CV89WLGP, Engine Number 64289041509017 and Chassis Number WDF63981323846039
- Chevrolet Utility 1.4 with registration number BS88MZGP, Engine number CR9002153 AND Chassis number ADMCF80MLC4584179

IN AN APPLICATION FOR A PRESERVATION OF PROPERTY ORDER IN TERMS
OF SECTION 38 OF PREVENTION OF ORGANISED ACT 121 OF 1998

~~DRAFT ORDER~~

Handwritten: "2/10/2022"

On 9 November 2022

Before the Honourable Justice Potterill, in chambers

Handwritten initials: "A", "A", "A"

Having read the notice of motion and its related affidavits and annexures, and having heard counsel for the applicant,

IT IS HEREBY ORDERED THAT:-

THE PROPERTY

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1 A preservation order is granted with immediate effect in terms of section 38(2) of the Prevention of Organised Crime Act 121 of 1998 (**the POCA**), preserving property (**the property**) identified as:

1.1 Erf 847, No 2 Silver Lakes Extension 1, Pretoria, Gauteng

1.2 Mercedes-Benz Viano with registration number CV89WLGP, Engine Number 64289041509017 and Chassis Number WDF63981323846039

1.3 Chevrolet Utility 1.4 with registration number BS88MZGP, Engine number CR9002153 AND Chassis number ADMCF80MLC4584179

2 The order in paragraph 3, 4, 5 and 6 hereunder is applicable to the property.

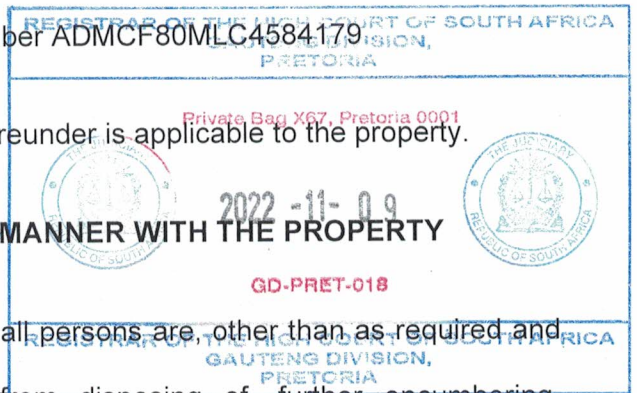
PROHIBITION AGAINST DEALING IN ANY MANNER WITH THE PROPERTY

3 In terms of section 38(2) of the POCA, all persons, other than as required and permitted by this order, prohibited from disposing of, further encumbering, dissipating, interfering with, attaching or selling in execution, diminishing the value of or dealing in any other manner with the property.

4 The Registrar of Deeds shall endorse the title deed of the property with the restriction that the property shall not, without the prior leave of this honourable court, be attached, sold in execution, further mortgaged or otherwise encumbered.

5 Payment of insurance premiums in respect of the property must be kept up to date.

6 Notwithstanding the provisions of this order, any person who has financial obligations in respect of any of the property is ordered to fulfil such obligations, including any obligations relating to rates, taxes, utilities such as water and electricity accounts, all interest accruing in respect of such obligations, pending the finalisation of the forfeiture proceedings unless such person signs a consent to judgment in favour of the applicant.



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9/11/22

CURATOR BONIS

7 The appointment of a *curator bonis* is dispensed with.

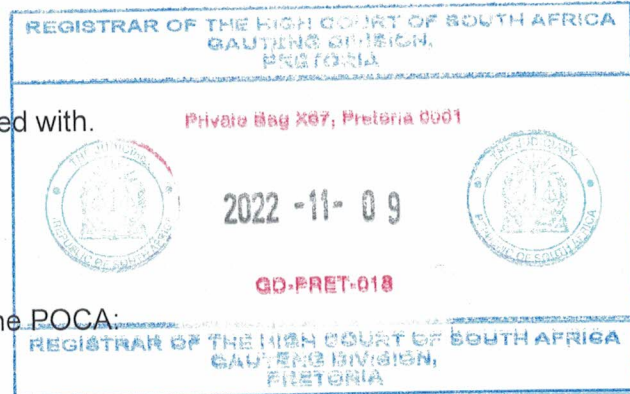
SERVICE AND PUBLICATION

8 The applicant must in terms of section 39 of the POCA:

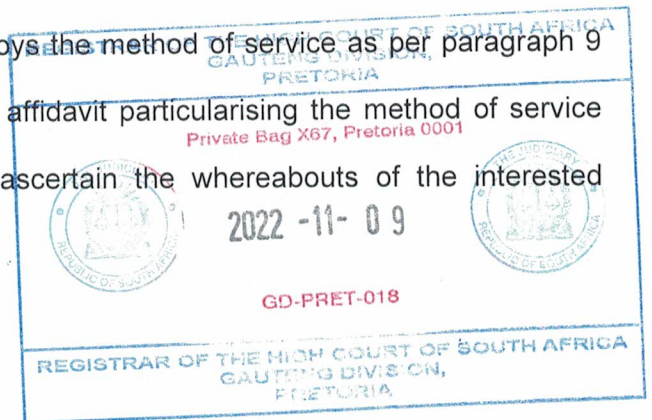
10.1 cause a copy of this order and annexure A thereto, together with copies of the documents filed in support of the application for this order, to be served on:

- 8.1 D Moyo, with ID number 7804180499087,
- 8.2 M Moyo with ID number 7207095565085,
- 8.3 Onalerona Trust with trust number IT575/2012.
- 8.4 Leema Onalerona Moyo with ID number 1005075271088,
- 8.5 Tshimologo Trading and Projects with registration number CC 2010/176549/23
- 8.6 Leabona Tshimologo Moyo with ID number 0804035259089,
- 8.7 Anani Sanelisiwe Dlamini 8904035736086 who is a Trustee of the Onalerona Trust and the sole Member of Tshimologo,
- 8.8 Tandiwe Gloria Nzama with ID number 7806290410086 a Trustee of Onalerona,

9 The applicant must in terms of section 39(1)(b) of the POCA cause notice of this order, in the form set out in in POCA, to be published in the Government Gazette as soon as practicable after the order is granted.



- 10 In the event that it appears to the applicant that any of the individuals identified for service frustrate service attempts on any of them, the applicant is authorised to enlist the assistance of members of the SAPS or Financial Investigators from the Asset Forfeiture Unit to effect service on such individuals.
- 11 In the event that the interested parties cannot be traced, despite a diligent attempt to ascertain their whereabouts, the applicant is authorised to effect service on them by publication of notice of the order, in the Government Gazette. Such publication shall be deemed to be in full compliance with section 39(1)(a) of the POCA.
- 12 In the event that the applicant employs the method of service as per paragraph 9 above, the applicant will deliver an affidavit particularising the method of service and detail the attempts made to ascertain the whereabouts of the interested parties.



ENFORCEMENT OF THE ORDER

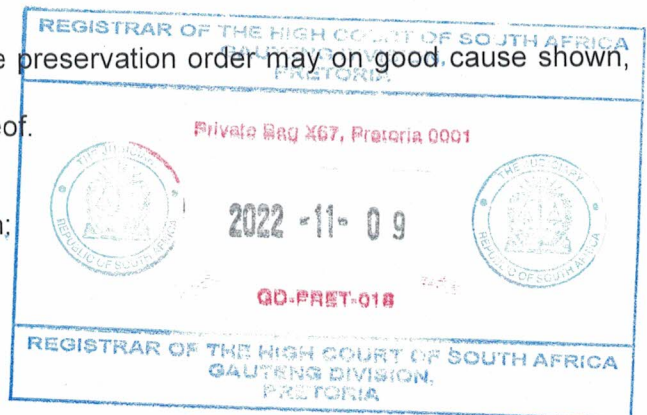
- 13 The applicant is to provide an original of this order, or a copy thereof certified by the Registrar as a true copy, to the appropriate official at the Registrar of Deeds who upon receipt is to enforce the order. The said original or copy may be provided to the said official in electronic scanned form via a nominated email address.
- 14 Any person who has an interest in the property and who intends opposing the application for an order forfeiting the property to the State or applying for an order excluding his or her interest from a forfeiture order in respect of the property, must enter an appearance giving notice of his or her intention in terms of section 39(3) of the POCA.

ENTRY OF APPEARANCE TO OPPOSE FORFEITURE ORDER

- 15 As stipulated in section 39(4)(b) of the POCA, such notice shall be delivered to the applicant within 14 days after the date when notice of the order is published in the Government Gazette.
- 16 As stipulated in section 39(5) of the POCA, a notice in terms of section 39 must contain full particulars of the chosen address for the delivery of documents concerning further proceedings in this matter and must be accompanied by an affidavit setting out:
- 16.1 the full particulars of the identity of the person giving the notice;
 - 16.2 the nature and extent of his or her interest in the property concerned;
 - 16.3 whether he or she intends opposing the making of the forfeiture order, or whether he or she intends applying for an order excluding his or her interest in that property from the operation of the order; and
 - 16.4 the basis of the defence upon which he or she intends to rely in opposing a forfeiture order or the basis for applying for the exclusion of his or her interests from the operation thereof.

RECONSIDERATION OF THE PRESERVATION ORDER

- 17 Any person who is affected by the preservation order may, on good cause shown, apply for the reconsideration thereof.
- 18 Such application shall be set down;



18.1 in instances where the person is able to justify the application on grounds of urgency, upon 3 days notice (or such shorter period as the court may determine on good cause shown), and

18.2 in other instances, upon at least 7 days notice to the applicant.

19 Pursuant to Uniform Rule 6 (8), any party affected by this order may upon delivery of not less than 24 hours' notice to the applicant and all other persons identified in this order as being persons who may have an interest in the property, after service of this order as contemplated above was effected, set the matter down for reconsideration.



BY ORDER OF COURT

REGISTRAR OF THE HIGH COURT



**NOTICE IN TERMS OF SECTION 39 OF THE PREVENTION OF ORGANISED CRIME
ACT 121 OF 1998 (POCA)**

NOTICE IN TERMS OF SECTION 39 OF THE PREVENTION OF ORGANISED CRIME ACT 121 OF 1998

(POCA)The National Director of Public Prosecutions applied for and was granted a preservation of property order in terms of section 38 of the Prevention of Organised Crime Act, No. 121 of 1998 in the High Court of South Africa (Gauteng Division, Pretoria) on 9/11/22 in case number 2022-044171 in relation to: Property at Erf 847, No 2 Silver Lakes Extension 1, Pretoria, Gauteng-Mercedes-Benz Viano with registration number CV89WLGP, Engine Number 64289041509017 and Chassis Number WDF639813238460390-Chevrolet Utility 1.4 with registration number BS88MZGP, Engine number CR9002153 AND Chassis number ADMCF80MLC4584179

(a copy of the application and order can be obtained from the person mentioned in par 9 hereunder).

This notice is addressed to D Moyo, with ID number 7804180499087,

M Moyo with ID number 7207095565085,

Onalerona Trust with trust number IT575/2012.- Leema Onalerona Moyo with ID number 1005075271088-Tshimologo Trading and Projects with registration number CC 2010/176549/23-Leabona Tshimologo Moyo with ID number 0804035259089-Anani Sanelisiwe Dlamini 8904035736086 who is a Trustee of the Onalerona Trust and the sole Member of Tshimologo-Tandiwe Gloria Nzama with ID number 7806290410086 a Trustee of Onalerona

Take notice that:

- 1 If you have an interest in the property, you should understand that it is now at risk. You are advised to obtain legal advice on whether your interest can be protected and, if so, on how to protect it.
- 2 You are notified that the National Director will, within 90 days of publication of this notice, apply to the High Court under section 48 of the POCA for a forfeiture order. The preservation order will remain in force until the application for a forfeiture order is finalised, and until any forfeiture order that is made is satisfied.
- 3 If you intend to oppose the application for a forfeiture order, or you intend to apply for an order excluding your interest from a forfeiture order in respect of the property, you must enter an appearance in terms of the order. The requirements for such an appearance are set out in the order and are also dealt with in sections 39(3), (4) and (5) of the POCA. An appearance must comply with these requirements and must be delivered to the office of the State Attorney at the address mentioned in paragraph 9, below.
- 4 Your attention is specifically drawn to the 14-day time limit prescribed in section 39(4) for the entry of an appearance referred to in paragraph 3 above.
- 5 If you enter an appearance in terms of the order you will be entitled to be given 14 days' notice of the application by the applicant for a forfeiture order in respect of the property.
- 6 If you fail to enter an appearance in terms of the order or to comply with the above requirements, you will not be given notice of the application for a forfeiture order and you will not be entitled to appear at the hearing of the application. In such a case, the court may grant a default order forfeiting the property to the state under section 53 of the POCA.
- 7 You may, on good cause shown (including the non-availability of any other suitable remedy to protect your legitimate rights or interests), on 3 days notice in urgent instances and at least 7 days' notice in other instances to the applicant, and within 8 days of becoming aware of the order, apply for reconsideration of the order.
- 8 You are specifically advised that even if you intend to apply for reconsideration of the preservation order in this case, you must, in addition, comply with paragraphs 4 and 5 above if you intend to oppose the forfeiture application at a later date. Failure to do so can result in a forfeiture order being granted against the property by default and without further notice to you.
- 9 Whenever this order states that you must deliver or serve any notice, affidavit or other process document on the applicant, you must deliver or serve them on the applicant at the following address:

The State Attorney: Mr. Mr. Kgaphola, Salu Building 316 Thabo Sehume Street Pretoria. Tel 012 309 1677, Fax 012 309 1649/50



9/11/22