

"A"

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

CASE NO: 2023-014683

In the urgent *ex parte* application of:

THE NATIONAL DIRECTOR OF
PUBLIC PROSECUTIONS

2023 02 22

GD-PRET-000

APPLICANT

In re:

OF THE HIGH COURT OF SA

1. Holding 34 Beverley Agricultural Holdings, Registration Division JR, Province of Gauteng, measuring 2,0325 hectares, original Deed of Transfer T10792/1943, with current Deed of Transfer being T5688/2022 ("Erf 34 Beverley");
2. Portion 296 (a portion of portion 259) of the Farm Zuurfontein 33, Registration Division IR, Province of Gauteng, measuring 8,2842 hectares, original Deed of Transfer T53055/1989, and current Deed of Transfer T21579/2020, ("Farm 33 Zuurfontein");

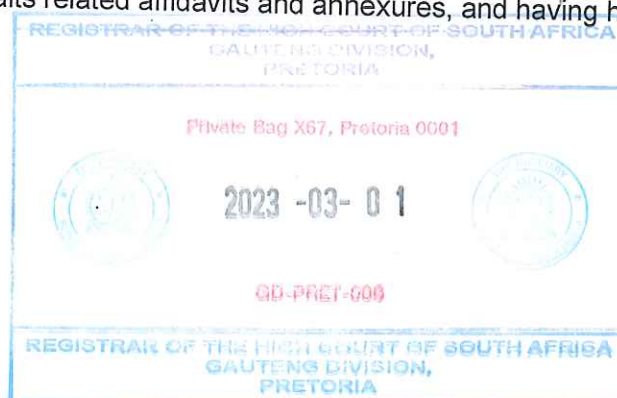
IN THE APPLICATION FOR A PRESERVATION ORDER IN TERMS OF SECTION 38 OF ACT 121 OF 1998

DRAFT ORDER

On 22 February 2023.

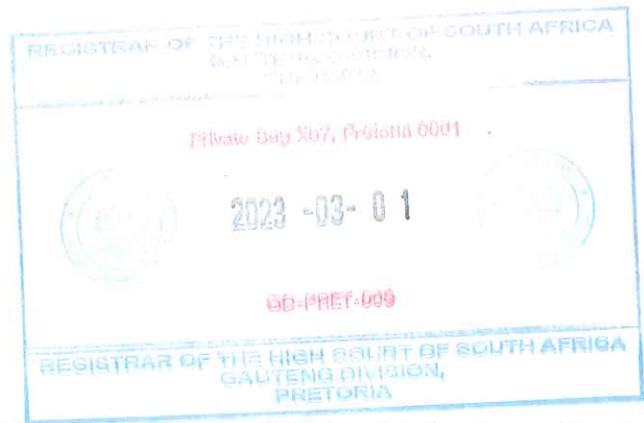
Before the Honourable Justice Van Niekerk AJ, in chambers.

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



IT IS HEREBY ORDERED THAT:

The Property



- 1 Holding 34 Beverley Agricultural Holdings, Registration Division JR, Province of Gauteng, measuring 2,0325 hectares, original Deed of Transfer T10792/1943, with current Deed of Transfer being T5688/2022 ("Erf 34 Beverley");
2. Portion 296 (a portion of portion 259) of the Farm Zuurfontein 33, Registration Division IR, Province of Gauteng, measuring 8,2842 hectares, original Deed of Transfer T53055/1989, and current Deed of Transfer T21579/2020, ("Farm 33 Zuurfontein");
3. The Department of Public Works in Gauteng is authorised to take custody and control and do any and all things necessary to preserve the property while the order is in place of the following;
 - 3.1. Holding 34 Beverley Agricultural Holdings, Registration Division JR, Province of Gauteng, measuring 2,0325 hectares, original Deed of Transfer T10792/1943, with current Deed of Transfer being T5688/2022 ("Erf 34 Beverley");
 - 3.2. Portion 296 (a portion of portion 259) of the Farm Zuurfontein 33, Registration Division IR, Province of Gauteng, measuring 8,2842 hectares, original Deed of Transfer T53055/1989, and current Deed of Transfer T21579/2020, ("Farm 33 Zuurfontein");
4. The Register of the Pretoria and Johannesburg Deeds Office is directed to endorse the title deed of the immovable property specified in paragraphs 1 and 2 with the following restrictions, namely that the property shall not without the consent of this Court:

4.1 be mortgaged or otherwise encumbered or;

4.2 be attached or sold in execution.

Prohibition against dealing in any manner with the property

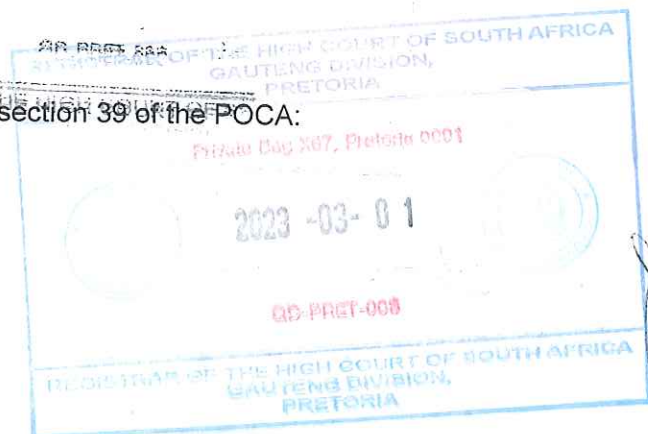
21. In terms of section 38(2) of the Prevention of Organised Crime Act 121 of 1998 (the **POCA**), all persons with knowledge of this order, are, other than as required and permitted by this order, prohibited from removing, taking possession of or control over or dissipating or interfering with or dealing in any other manner with any of the property to which this order relates.

Curator bonis

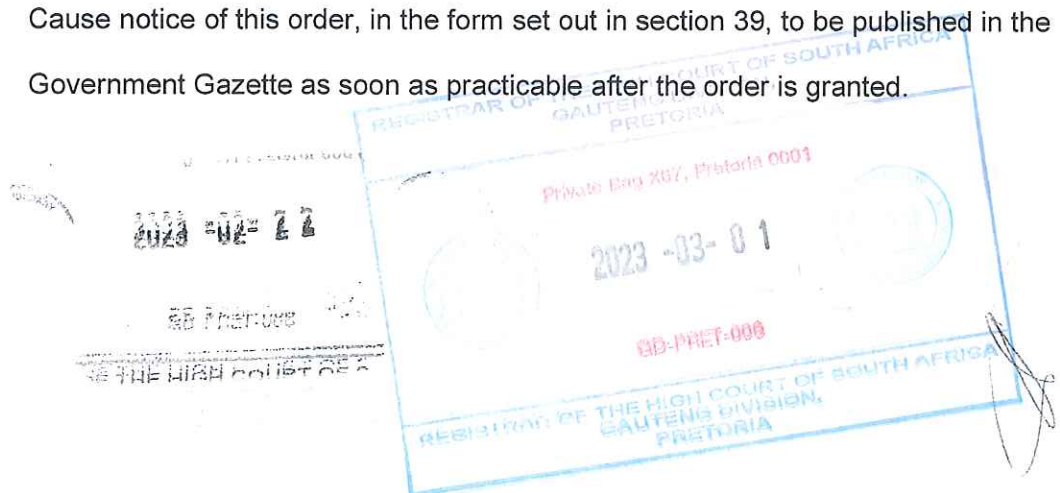
22. In terms of section 42 of the POCA, the requirement to appoint a *curator bonis* is dispensed with.
23. The property is to remain in the custody of the Department of Public Works, the Register of the Pretoria and Johannesburg Deeds Office and the respective banks until finalisation of the forfeiture application.
24. Applicant therefore seeks an order directing that the Department of Public Works should continue to exercise control over the property pending the finalisation of the envisaged forfeiture application.

Service and publication

25. The applicant must in terms of section 39 of the POCA:



- 25.1 cause notice of this order, in the form set out in Annexure A, together with documents supporting the application, to be served by the sheriff on the following individuals/entities:
- 25.2 The Department of Public Works with registered office address at AVN Building, 251 Nana Sita Street, Pretoria Central, Pretoria;
- 25.5 The Registrar of Deeds with registered office address at Cnr Von Weilligh and Rahina Moosa Streets, Johannesburg;
- 25.6 Christopher Petersen whose last known address is 19 Begona Street Fouche Park Welkom9459.
- 25.7 Segwapa Inc. with registered office address at Thandani Office Park, 16 Invicta Road, Carlswald, Midrand;
- 25.8 Nicolaas Marthinus Roets whose last known address is 321 Wynandskraal street Erasmus Rand 0181
- 25.9 B and B Media (Pty) Ltd, with Reg No: 1998/003133/07 with registered address at 02 Federation Road, Park town Johannesburg.
- 25.10 RCI Development whose last known address is 1 Casino Rd, Modderfontein Edenvale, Modderfontein, Edenvale, Gauteng.
- 25.23 Cause notice of this order, in the form set out in section 39, to be published in the Government Gazette as soon as practicable after the order is granted.



Entry of appearance to oppose forfeiture order

26. 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.

27. Such notice must be delivered to the applicant:

27.1 in the case of any person specifically identified for service in terms of this order, within 14 calendar days of service; and

27.1 in the case of any other person, 14 calendar days after the date when a notice of the order was published in the Government Gazette.

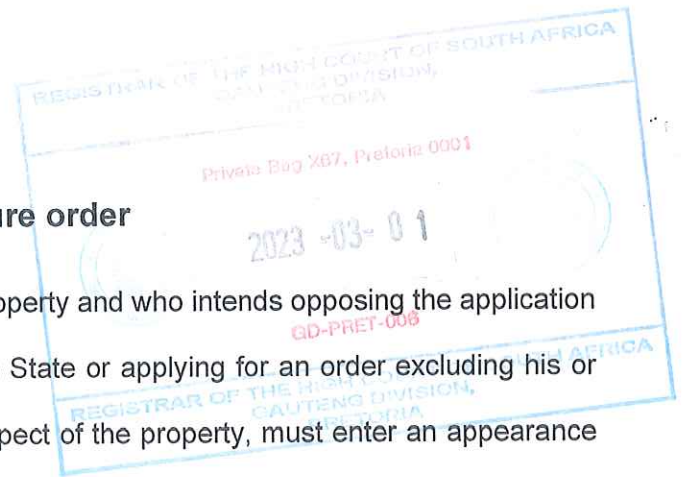
28. A notice in terms of section 39 must contain full particulars of the chosen address for the delivery of documents concerning further proceedings in this matter and must be accompanied by an affidavit setting out:

28.1 the full particulars of the identity of the person giving the notice;

28.2 the nature and extent of his or her interest in the property concerned;

28.3 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;

28.4 whether he or she admits or denies that the property concerned is an instrumentality of an offence referred to in schedule 1 of the POCA, or is the proceeds of unlawful activities and the basis for such defence;



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28.5 if he or she intends applying for the exclusion of his or her interests from the operation of the forfeiture order, the basis for such an application.

29. Any person who is affected by the order may on good cause shown, apply for reconsideration. Such application shall be made:

29.1 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).

29.2 in other instances, upon at least 7 days' notice to the applicant and all other persons identified in this order as being persons who may have an interest in the property.

29. Such an application must be made not later than 8 days after the person applying for reconsideration becomes aware of the existence of the order, or within such further period as the court may consider reasonable, bearing in mind the underlying objectives of

Chapter 6 of the POCA.


BY ORDER OF COURT

2023-02-22

REGISTRAR OF THE HIGH COURT

GD-PRET-000

DATE

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