

## ANNEXURE A

## IN THE HIGH COURT OF SOUTH AFRICA

## GAUTENG DIVISION, PRETORIA

In the application of:

The National Director of Public Prosecutions

Applicant

In re:

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"); and
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 AN APPLICATION FOR A FORFEITURE ORDER IN TERMS OF SECTION  
48 OF THE PREVENTION OF ORGANISED CRIME ACT 121 OF 1998

This order is made an Order of Court by the Judge whose name is reflected hereon, duly stamped by the Registrar of the Court and is submitted electronically to the parties or their legal representatives by email. This Order is further uploaded to the electronic file of this matter on Case Lines by the Judge or his Secretary/Registrar. The date of this Order is deemed to be 18 April 2024.

2024-04-18

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~~AMENDED DRAFT ORDER~~

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Before the Honourable Justice Vorster AJ on 18 April 2024,

Having read the documents filed of record and having heard counsel for the parties, it is hereby ordered:

- 1 An order is granted in terms of the provisions of section 50 of the Prevention of Organised Crime Act 121 of 1998 (the POCA) declaring forfeit to the State the following property which is presently subject to a preservation of property order granted by this Honourable Court under the above case number on 22 February 2023 (the property):
  - 1.1 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");
  - 1.2 R12 000 000 (twelve million Rand), currently held through a Bank guarantee as property representing the property known as 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 In terms of sections 52 (1) and 52(2) and 52(4) of POCA, the interest of RIC Development (Pty) Ltd in the property known as 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"), is

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excluded from the operation of the forfeiture order subject to RIC Development (Pty) Ltd making a payment of R12 000 000 (twelve million Rand), currently held through a Bank guarantee as property representing the property.

- 3 In terms of section 56(2) of the Act, the property shall vest in the State upon granting of this order.
- 4 Upon the expiration of a 45 day period after a notice of this order is published in the Government Gazette, the Registrar of Deeds shall cause the property described as 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") to be transferred to the Gauteng Department of Infrastructure Development on being presented with this order by the applicant.
- 5 RIC Development (Pty) Ltd shall on the coming into effect of this order cause the amount R12 000 000 to be paid to the nominated account of the Gauteng Department of infrastructure Development being Standard Bank Business Current account number 302284451.
- 6 The Gauteng Department of Infrastructure Development is hereby ordered to assume control of 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") on behalf of the Gauteng Provincial Government and take all steps necessary to have it transferred to the Gauteng Provincial Government.

- 7 Any person whose interest in the property concerned is affected by the forfeiture order, may within 20 days after he or she has acquired knowledge of such order, set the matter down for variation or rescission by the court.
- 8 Any person affected by the forfeiture order, and who was entitled to receive notice of the application under section 48(2) of POCA but who did not receive such notice, may within 45 days after the publication of the notice of the forfeiture order in the Gazette, apply for an order under section 54 of POCA, excluding his or her interest in the property, or varying the operation of the order in respect of the property.
- 9 No order as to costs

BY ORDER OF THE COURT

REGISTRAR OF THE ABOVE HIGH COURT

DATE

