**IN THE HIGH COURT OF SOUTH AFRICA**
**(WESTERN CAPE DIVISION, CAPE TOWN)**

COPY

**CASE NO: 1250/24**

**In the ex parte application of:**

**JAN-HARM FOURIE**
**ID: 870813 5180 08 1** **APPLICANT:**

**Married out of community of property.**

for the voluntary surrender of her Estate

**INDEX**

**PARKERS ATTORNEYS**
**SALIEM PARKER**

**ATTORNEYS FOR THE APPLICANT**

CLARVIEW BUSSINESS PARK

BLOCK A 236 IMAAM HARON

ROAD CLAREMONT 7780

000001

**IN THE HIGH COURT OF SOUTH AFRICA**
**(WESTERN CAPE DIVISION) CAPE TOWN**



In the ex parte application: CASE NO: 1250/24

**JAN-HARM FOURIE** **APPLICANT:**
**ID: 870813 5180 081**

**Married out of community of property**

For the voluntary surrender of the Estate

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## NOTICE OF MOTION

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**KINDLY TAKE NOTICE** that application on behalf of the Applicant's will be to the above-mentioned Honourable Court on 24-5-2024 **at 10h00** or as soon thereafter as counsel for the Applicants can be heard, for an order in the following terms: -

a. That the applicant's estate is surrendered and that her estate under sequestration be placed in the hands of the Master of the High Court Cape Town.

b. Costs of the surrender of the estate be recovered from the applicant, 'estate.

c. Further and/or alternative relief

**TAKE FURTHER NOTICE** that the annexed founding affidavit of **Jan-Harm Fourie with** annexures thereto, will be used in support of this application.

**KINDLY** enrol the matter accordingly.

Dated and signed at Claremont on 18/1 day 2024.

PARKER ATTORNEYS

**(An attorney with right of admission in the High Court in terms of Section 4(2) and 4(4) of the Right of Appearance in Courts Act**

**PARKER ATTORNEYS**
**SALIEM PARKER**
**ATTORNEYS FOR THE APPLICANT**
CLAREVEIW BUSSINESS PARK
BLOCK A 236 IMAAM HARON
ROAD CLAREMONT 7780

**TO: THE REGISTRAR OF THE HIGH COURT**

**AND TO: THE MASTER OF THE HIGH COURT**

**AND TO: THE RECEIVER OF REVENUE**

MASTER OF THE WESTERN CAPE HIGH COURT
CAPE TOWN
2024 -03- 12
MEESTER ... HOF

SARS

000003

**aleroux@greendebt.co.za**

**From:** aleroux@greendebt.co.za
**Sent:** Tuesday, 19 March 2024 16:46
**To:** 'liquidations@sars.gov.za'
**Cc:** 'insolvent@fnb.co.za'; 'InsolvencySupport@Nedbank.co.za'; 'InsolventRecoveries@standardbank.co.za'; 'complaints@discovery.ban'; 'CEM Insolvencies (ceminsolvencies@absa.co.za)'
**Subject:** I/E JH Fourie
**Attachments:** FOURIE JAN-HARM- CRED.doc

Good day

Please see attached the creditors letter for my client

Thank you

000004

**IN THE HIGH COURT OF SOUTH AFRICA**

**(WESTERN CAPE DIVISION) CAPE TOWN**

In the ex parte application: CASE NO: 1250/24

**JAN-HARM FOURIE** **APPLICANT**

**ID: 870813 5180 08 1**

**Married out of community of property.**

for the voluntary surrender of the estate

## FOUNDING AFFIDAVIT

I, the undersigned

**JAN-HARM FOURIE**

**ID: 870813 5180 08 1**

do hereby declare under oath as follow: -

1.

I am the Applicant in this application, a salesman, residing at address, 13 Ongegund Street, Durbanville, Western Cape. The facts herein contained fall within my personal knowledge and belief and are true and correct.

2.

2.1 I am domiciled within the jurisdiction of the High Court of South Africa, West Cape High Court in Cape Town.

2.2 I confirm that this Honourable Court has jurisdiction to hear this application.

3.

3.1 I am Married out of community of property.

3.2 I confirm that I do not have my own business and do not have any employees in my service.

4.

4.1 I have, due to circumstances not in my control and without any deceit or fraud from my side, become insolvent and I am indeed currently insolvent.

4.2 The circumstances, which lead to my insolvency, are stated herein below.

5.

5.1 As proof of my insolvency, I enclose herewith a copy of my statement of debtors' affairs in terms of Section 4 (3) of the Insolvency Act nr 24 of 1936 (as amended) (hereinafter referred to as "the Act").

5.2 The above Honourable Court is respectfully referred to **Annexure "A"**, which has been signed in front of a Commissioner of Oaths, the contents which I confirm to be true and correct.

6.

6.1 It is my submission that it would be in the best interest of my creditors if my estate is sequestrated. I make this statement on the ground that, in my opinion, there are enough assets in my estate, after provision has been made for the sequestration costs, to allow a dividend to be paid the respective creditors.

6.2 It is in the best interest of my creditors if a trustee is appointed to manage my assets and divide the proceeds thereof between the creditors after deduction of the relevant sequestration costs.

6.3 Should my estate be accepted as insolvent; a substantial dividend would be available for division between my creditors.

6.4 Creditors have already submitted their accounts to legal departments for collection and will continue with legal action against myself. The acceptance of the surrender of my insolvent estate will prevent one creditor from being favoured above the other.

7.

7.1 I will comply with the provisions of Section 4(1) of the Act, in that an advertisement will be published in the Government Gazette, which gives notice of my intention to apply for the voluntary surrender of my estate. The tear sheet of the notice in the Government Gazette will be attached as **Annexure "B"**.

7.2 I will further comply with the provisions of Section 4(1) of the Act in that an advertisement will be published in Die Burger, which circulates in the district in which I reside. The tear sheet of the notice in Die Burger will be attached as **Annexure "C"**.

8.

8.1 There will be complied with the provisions of Section 4(2) of the Act in that within 7 days after publication of the said notice, an email will be sent to all my creditors whose address was known to me and/or established. The affidavit of my attorney of record Parker attorneys, together with proof of emails will be attached hereto as **Annexure "D", "E" and "F".**

8.2 There will be complied with the provisions of the Act in that a copy of the notice of intention of voluntary surrender of my estate will be sent to the South African Revenue Services (SARS). Such notice will be attached hereto as **Annexure "G"**.

9.

9.1 There will be complied with the provisions of the Act in that my statement of affairs will lie for inspection at the Master of the High Court Cape Town for 14 days as required. A certificate from the Master of the High Court Cape Town will be attached hereto as **Annexure "H".**

10.

10.1 I have not previously been declared insolvent and there is no legal action pending in respect of the voluntary surrender of my estate in any other Court in South Africa.

10.2 I am aware that the assets in my estate are part of basic amenities, but the protection afforded to me in terms of Section 82(6) of the Insolvency Act No 24 of 1936 are hereby waived and all these assets will be placed in the hands of the trustees.

11.

## REASONS FOR THE CAUSE OF INSOLVENCY:

I am married out of community of property. My wife cannot assist me financially because she also has her own obligations. She's also paid the children's school fees the groceries, water, and electricity.

I'm in the motor industry and the last year has been very bad, because people don't have any more money to buy cars.

In March 2022, I bought the house that is part of the sequestration. The house would have been finished building within 6 months. I am renting a house and when my house was finished building, I would have given notice and then moved into my own house before I would then start my instalments at the house I bought.

I contacted Absa and told them that the house was not finished yet, in other words I did not have the money to pay the rental house and the mortgage now. Absa advanced an instalment, and I contacted them again and explained that I could not pay double instalments. Absa put the instalment on hold for three months.

An instalment was made again in the fourth month, and I contacted Absa again to explain the situation, but they refused to understand reason. The house is still not finished, and Absa requires the money.

Between the house I rent and the mortgage there is a R4 000 difference that I would pay and now there is a shortfall of R26 000 per month.

I have no option but to go this route.

I had to take advantage of credit granted to me and apart from the shortage, the motor industry also did very badly.

I applied for debt counselling but was turned down because my income I earn is far too little to service the premium.

My wife has tried to carry us through this time and on top of that, we take care of my mother because she has no income.

I was hoping that I could own my own property at this age, but because of the developer and the builders, this was a big mess from the start.

I'm sorry for faulty decisions I made that I was indirectly unaware of.

I now must start from scratch and that is why I am asking the court to please grant my application. My expenses exceed my income. I'm insolvent.

**Budget:**

| DESCRIPTION | INCOME | EXPENSES |
|---|---|---|
| Monthly Income | 45,800.00 | |
| Rent | | 15,000.00 |
| Mother maintenance | | 5,500.00 |

| | | |
|---|---|---|
| Fuel | | 3,500.00 |
| Cell Phone | | 450.00 |
| Internet | | 1,200.00 |
| Medical Aid | | 6,706.00 |
| Kids Transport | | 2,000.00 |
| Life Insurance | | 2,600.00 |
| Bank Fees | | 990.00 |
| Short Term Insurance | | 4,900.00 |
| If I pay my debt home loan included | | 62,248.00 |
| **SUB TOTAL** | **45,800.00** | **105,094.00** |
| Shortfall | -59,294.00 | |

12.

I draw the Honourable Court's attention to the fact that a true copy of the application will be served on the Master of the High Court as well as SARS.

13.

13.1 I have been advised, to submit a proper explanation of the probable dividend to be divided between the creditors of my estate.

13.2 My financial position as reflected in my statement of affairs, attached hereto as **Annexure "A".**

My assets and debts are the following:

## A. Assets:

| **Description of property** | **Estimated Value** |
|---|---|
| 9 Bonterre Village Vierlander Durbanille Erf 20809 | 3,500,000.00 |

| | |
|---|---|
| **Movable assets** | |
| Cash Payment into Trust Account. Proof of payment is attached hereto as Annexure "I" | R50,000.00 |
| TOTAL EXPENSES | R3,550,000.00 |

## B. Creditors:

| NAME OF CREDITOR | NATURE OF CLAIM | AMOUNT OF CLAIM |
|---|---|---|
| FNB | Money borrowed | 18,398.00 |
| | Money borrowed | 174,982.00 |
| Nedbank | Money borrowed | 10,320.00 |
| Standard Bank | Money borrowed | 50,439.00 |
| Discovery Card | Money borrowed | 50,546.00 |
| Absa Home Loans | Money borrowed | 3,021,842.00 |
| Absa Vehicle Finance | Vehicle Finance | 37,707.00 |
| | Vehicle Finance | 26,494.00 |
| Absa | Money borrowed | 10,065.00 |
| Marie Swanepoel | Money borrowed | 6,796.00 |
| Celeste Fourie | Money borrowed | 5,000.00 |
| Audrey Fourie | Money borrowed | 6,000.00 |
| | **Subtotal secured debt** | **R3 021,842.00** |
| | **Subtotal unsecured debt** | **R396,747.00** |
| | **TOTAL CREDITORS** | **R3 418,589.00** |

## C. Administration Fees:

| | |
|---|---|
| **Trustee's fee** | |
| Immovable Property 3% | R105 000.00 |
| Vat @ 15% on Immovable Property | R15 750.00 |
| Movable property | R5,000.00 |

| | |
|---|---|
| VAT @ 15 % movable Property | R 750.00 |
| Bond of security (assets x 0.57% x 3 years on a minimum of R228.00 x 3 years if assets under R40,000.00) | R60,705.00 |
| Postage & Petties and storage of books, records, Valuation fees of Curator | R3 100.00 |
| Advertisement Government Gazette, Die Burger and other Publications | R1,396.98 |
| Auctioneers Fee: | |
| Immovable Property 6% | R210 000.00 |
| VAT @ 15% on Immovable Property | R31 500.00 |
| Movable Property 6% | R3000.00 |
| VAT @15% on Movable Property | R450.00 |
| Attorney's fees | R40,000.00 |
| Master fees (VAT incl) | R1,000.00 |
| *Total sequestration costs* | R474,201.98 |

**D. Insured claims:**

| | |
|---|---|
| Insured Claim | R 2 964 101.00 |

| | |
|---|---|
| **Summary:** | |
| Total assets (A) | R3550,000.00 |
| Min: Total sequestration cost (C) | R474,201.98 |
| Min: Insured claim (D) | R2 964 101.00 |
| Free remainder available for distribution | R111,697,02 |

**DIVIDEND AVAILABLE FOR DISTRIBUTION BETWEEN CREDITORS:**

| | |
|---|---|
| Free remainder available | R111,697.02 |

| | |
|---|---|
| Min insured creditors | R454,488.00 |
| Free remainder R111,697.02 divided between R454,488.00 **R 0.24(58) c** benefit to creditors. | |

13.3 The indebted amount's to be paid to creditors are as set out on the day of signature of the statement of debtors' affairs.

13.4 Should interest on the amounts as stated in the statement of debtors' affairs be calculated, it would include:

| | | |
|---|---|---|
| Amount of creditors | R3 418,589.00 | |
| 15.5% interest per year (1.292% per month) | R44,168.17 | |
| Sub total | R498,656.17 | |
| Free remainder of R111,697.02 dividend by R498,656.17 | | **R 0.22(40)**c benefit |

14.

Based on the above I respectfully submit that there will be sufficient benefit to the creditors, after the sequestration's costs have been covered.

14.1 I have been advised that a net dividend of approximately R 0.22(40) c in rand for division between creditors will be sufficient to be to the advantage of creditors.

14.2 The sequestration of my estate, and the estate to be placed under the control of the Master of the High Court, will be to the benefit of my creditors. My financial position is deteriorating rapidly and there is no hope of a quick solution.

In the premise I pray that the Honourable Court grants the application for sequestration with an order to that effect and it be ordered that the costs of the application form part of the administration of the sequestrated estate.

**JAN-HARM FOURIE**

Thus signed and sworn at Cape Town on this the 30 day of April, 2024, the deponent having acknowledged that he knows and understands the content of this affidavit, that he has no objection to taking the prescribed oath and that he regards the oath as binding upon his conscience.

**COMMISSIONER OF OATH**

**Commissioner of Oaths (RSA)**
**Rynhardt Bertrandt de Lange (LLB)**
**Practising at**
**DL Attorneys**
**3E Bella Mare Street,**
**Sunningdale, 7441**
**Tel: 083 951 4778**

# 'ANNEXURE A'

## STATEMENT OF DEBTOR'S AFFAIRS

Insolvency Act, 1936, Section 4(3) and 16

OF

**JAN-HARM FOURIE**

**ID: 870813 5180 08 1**

**Married out of community of property.**

With address: 13 Ongegund Street, Durbanville, Wester Cape

# BALANCE SHEET OF: JAN-HARM FOURIE

| | | |
|---|---|---|
| | Debt payable according to Annexure IV | 3,418 589.00 |
| | Total | 3,418 589.00 |

The foregoing balance sheet and statements shall be verified by an affidavit in the accompanying form made by the debtor or by the person whom on behalf of the debtor presented the petition tendering the surrender of the debtor's estate, or who is the representative of the debtor or the estate.

# ASSETS

| | |
|---|---|
| Immovable property as per *Annexure I* | |
| Movable Property, Furniture, Stock-in Trade as per *Annexure II / Cash Payment* | 50,000.00 |
| Outstanding Claims, as per *Annexure III* | 00.00 |
| Debt as per Annexure IV | 3,418 589.00 |
| Total | |

## ANNEXURE I

### Immovable Property

| Description of property | Bank institution where bond is kept | Mortgages thereon | Estimated value |
|---|---|---|---|
| | | | |
| 9 Bonterre Crescent Village Durbanville | Absa Home Loans | 3,021 842.00 | 3,500 000.00 |

# ANNEXURE II

## Any movable property whatsoever which is not included in Annexure III of Annexure V

| Description of Property | Estimated value |
|---|---|
| As per valuation | |
| Total | R50,000.00 |

Note: Any merchandise mentioned in the foregoing statement shall be valued at its cost price or at its market value at the time of making of the affidavit verifying this statement, whichever is the lower, and the statement shall be supported by detailed stock sheets relating to such merchandise.

# ANNEXURE III

## Outstanding Claims, Bills, Bonds, and other Securities

| Name and address of the debtor | Particulars of clam | Estimated amount good | Estimated amount bad of doubtful |
|---|---|---|---|
| | | | |
| In the Republic | | | None |
| | | | |
| Elsewhere | | | None |
| Total | | | R 0.00 |

# ANNEXURE IV

## List of Creditors

| Name of creditor | Account Number / Reference | Nature of claim | Amount of claim | Insured? |
|---|---|---|---|---|
| FNB | 4000500786146 | Money borrowed | 18,398.00 | No |
| | 4483810032317000 | Money borrowed | 174,982.00 | No |
| Nedbank | 3768000003680804 | Money borrowed | 10,320.00 | No |
| Standard Bank | 0208485535701373 | Money borrowed | 50,439.00 | No |
| Discovery Card | 200000221033 | Money borrowed | 50,546.00 | No |
| Absa Home Loans | 8092058417 | Money borrowed | 3,021 842.00 | Yes |
| Absa Vehicle Finance | 96057763 | Vehicle Finance | 37,707.00 | No |
| | 96737950 | Vehicle Finance | 26,494.00 | |
| Absa | 3055432914 | Money Borrowed | 10,065.00 | |
| Marie Swanepoel | | Money Borrowed | 6,796.00 | |
| Celeste Fourie | | Money Borrowed | 5,000.00 | |
| Audrey Fourie | | Money Borrowed | 6,000.00 | |
| | Subtotal secured debt | | | 3,418 589.00 |

# ANNEXURE V

## Movable Assets pledged, hypothecated, subject to a right of retention or under attachment in execution of a judgment

| Description of asset | Estimated value and nature of charge | Amount of debt to which charge relates | Name in whose favour charge is |
|---|---|---|---|
| | | | |
| None | | | |
| | | | |
| Total | | | R 0.00 |

# ANNEXURE VI

## Enumeration and Description of every book in use by the Debtor at time of Notice of Surrender of Sequestration or at the time when he ceased carrying on business.

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Not applicable

# ANNEXURE VII

## Detailed Statement of Causes of Debtor's Insolvency

I am married out of community of property. My wife cannot assist me financially because she also has her own obligations. She's also paid the children's school fees the groceries, water and electricity.

I'm in the motor industry and the last year has been very bad, because people don't have any more money to buy cars.

In March 2022, I bought the house that is part of the sequestration. The house would have been finished building within 6 months. I am renting a house and when my house was finished building, I would have given notice and then moved into my own house before I would then start my instalments at the house I bought.

I contacted Absa and told them that the house was not finished yet, in other words I did not have the money to pay the rental house and the mortgage now. Absa advanced an instalment, and I contacted them again and explained that I could not pay double instalments. Absa put the instalment on hold for three months.

An instalment was made again in the fourth month, and I contacted Absa again to explain the situation, but they refused to understand reason. The house is still not finished, and Absa requires the money.

Between the house I rent and the mortgage there is a R4 000 difference that I would pay and now there is a shortfall of R26 000 per month.

I have no option but to go this route.

I had to take advantage of credit granted to me and apart from the shortage, the motor industry also did very badly.

I applied for debt counselling but was turned down because my income I earn is far too little to service the premium.

My wife has tried to carry us through this time and on top of that, we take care of my mother because she has no income.

I was hoping that I could own my own property at this age, but because of the developer and the builders, this was a big mess from the start.

I'm sorry for faulty decisions I made that I was indirectly unaware of.

I now must start from scratch and that is why I am asking the court to please grant my application. My expenses exceed my income. I'm insolvent.

# ANNEXURE VIII

## Personal Information

| | |
|---|---|
| State whether the debtor is married, widowed, or divorced. | Married out of community of property |
| If the debtor is or was married, state: | Married out of community of property |
| Name or names of spouse or spouses (a 'spouse' means not only a wife or husband in the legal sense, but also a wife or husband by virtue of a marriage according to any law of custom, and a woman living with a man as his wife or a man living with a woman as her husband, although not married to one another.) | Jan-Harm Fourie<br>ID: 870813 5180 08 1 |
| State whether the debtor is or was married in or without community of property and whether the accrual system applies. | Married out of community of property |
| Was the debtor's estate or the estate of a partnership in which the debtor is or was a partner previously sequestrated or placed in bankruptcy, whether in the Republic or elsewhere? | No |
| State the debtor's nationality. | South African Citizen |
| State the debtor's place of birth, date of birth and id number. | Pretoria<br>1987-08-13<br>ID: 870813 5180 08 1 |
| Was the debtor's estate part of a partnership in which the debtor is or was a partner previously sequestrated of placed in bankruptcy, whether in RSA of elsewhere? | No |

# AFFIDAVIT – STATEMENT OF AFFAIRS

I, Solemnly and sincerely declare that to the best of my knowledge and belief the statements contained in the foregoing balance sheet and the Annexure thereto are true and complete, and that every estimated amount therein contained is fairly and correctly estimated.

**JAN-HARM FOURIE**

**ID: 870813 5180 08 1**

**Married out of community of property.**

Thus signed and sworn at Cape Town on this the 26 day of April 2024, the deponent having acknowledged that he/she knows and understands the content of this affidavit, that he/she has no objection to taking the prescribed oath and that he/she regards the oath as binding upon his conscience.

COMMISSIONER OATH

**Commissioner of Oaths (RSA)**
**Rynhardt Bertrandt de Lange (LLB)**
**Practising at**
**DL Attorneys**
**3E Bella Mare Street,**
**Sunningdale, 7441**
**Tel: 083 951 4778**

DL

000028



**Suhail Ayob Rassool**, 801026 5022 08 8, Sales Representative, 16 Sky View Street, Eldoglen, Centurion, Married out of community of property; (2) Application: Pretoria Division Gauteng, 2024-05-23, 10:00; (3) 2024-04-29, Pretoria, —; (4) Michael Senekal Attorney, 12 Kolgans Street, Ninapark, Pretoria.

**Jacobus Nicolaas Pretorius Zwarts**, 810108 5105 08 6, Store Manager, 4 Mont Acres Estate, 429 Dr Van Der Merwe Road, Montana Park, Divorced; (2) Application: Pretoria Division Gauteng, Pretoria Division Gauteng, 10:00; (3) 2024-04-29, Pretoria, Pretoria North; (4) Michael Senekal Attorney, 12 Kolgans Street, Ninapark, Pretoria.

**Louie Philip Van Der Westhuizen**, Louie Philip Van Der Westhuizen, Teacher, 1191 Breyer Avenue, Waverly, Pretoria, Divorced; (2) Application: Pretoria Division Gauteng, 2024-05-23, 10:00; (3) 2024-04-29, Pretoria, —; (4) Michael Senekal Attorney, 12 Kolgans Street, Ninapark, Pretoria.

**RENE JONKER (PREVIOUSLY KRUGER)**, 660829 0171 08 5, ADMINISTRATIVE ASSISTANT, 14 JOHANNES STREET, KILNER PARK, PRETORIA, GAUTENG, MARRIED OUT OF COMMUNITY OF PROPERTY; (2) Application: NORTH GAUTENG HIGH COURT, PRETORIA, 2024-05-20, 10:00; (3) 2024-04-29, PRETORIA, —; (4) MW NOTHNAGEL ATTORNEYS INC, 1 LARCH NOOK, BENCHMARK OFFICE PARK, CENTURION, GAUTENG, 2024-04-15.

**MARIA ELIZABETH DICKS**, 590128 0063 08 6, RECEPTIONIST, 35 VAN LILL STREET, WITPOORTJIE, ROODEPOORT, GAUTENG, DIVORCED; (2) Application: NORTH GAUTENG HIGH COURT, PRETORIA, 2024-05-20, 10:00; (3) 2024-04-29, PRETORIA, ROODEPOORT; (4) MW NOTHNAGEL ATTORNEYS INC, 1 LARCH NOOK, BENCHMARK OFFICE PARK, CENTURION, GAUTENG, 2024-04-15.

**DYLAN SMIT**, 800826 5062 08 8, SALES MANAGER, 32ND AVENUE 485, VILLIERIA, PRETORIA, GAUTENG, MARRIED OUT OF COMMUNITY OF PROPERTY; (2) Application: NORTH GAUTENG HIGH COURT, PRETORIA, 2024-05-20, 10:00; (3) 2024-04-29, PRETORIA, —; (4) MW NOTHNAGEL ATTORNEYS INC, 1 LARCH NOOK, BENCHMARK OFFICE PARK, CENTURION, GAUTENG, 2024-04-15.

**PIETER RIEKERD GROENEWALD**, 891013 5238 08 9, BOILERMAKER, 31 CASA BELLA, 247 SULLIVAN STREET, CENTURION, PRETORIA, GAUTENG, UNMARRIED; (2) Application: NORTH GAUTENG HIGH COURT, PRETORIA, 2024-05-20, 10:00; (3) 2024-04-29, PRETORIA, —; (4) MW NOTHNAGEL ATTORNEYS INC, 1 LARCH NOOK, BENCHMARK OFFICE PARK, CENTURION, GAUTENG, 2024-04-15.

**DYLAN SMIT**, 800826 5062 08 8, SALES MANAGER, 32ND AVENUE 485, VILLIERIA, PRETORIA, GAUTENG, MARRIED OUT OF COMMUNITY OF PROPERTY; (2) Application: NORTH GAUTENG HIGH COURT, PRETORIA, 2024-05-20, 10:00; (3) 2024-04-29, PRETORIA, —; (4) MW NOTHNAGEL ATTORNEYS INC, 1 LARCH NOOK, BENCHMARK OFFICE PARK, CENTURION, GAUTENG, 2024-04-15.

**JAN-HARM FOURIE**, ID: 8708135180081, DIREKTEUR, 13 ORGEGUND STREET DURBANVILLE, MARRIED OU OF COMMUNITY OF PROPERTY; (2) Application: Weskaapse Afdeling, Kaapstad, 2024-05-24, 10:00; (3) 2024-04-26, Meester Kaapstad, —; (4) PAKER INC, CLAREVEIW BUSSINESS PARK BLOCK A 236 IMAAM HARON ROAD CLAREMONT 7780, 2024-04-18.

**Sharon Smit**, 6311260092080, Bookkeeper at PE Hotels (Pty) Ltd, 7 River Oaks, 35 Oak Road, Overbaakens, Gqeberha; (2) Application: Eastern Cape, 2024-05-21, 09:30; (3) 2024-04-27, Gqeberha, Magistrates Court Gqeberha; (4) Aukett Attorneys, 40 Worraker Street, Newton Park, Port Elizabeth.

**PANICHI GUNDO**, 7001027686188, UNEMPLOYED, UNIT 13, CORFU , 1ST ROAD, KEW, JOHANNESBURG, PAULINA MAMOTSELISI GUNDO, 8011210305081, UNEMPLOYED; (2) Application: —, 2024-05-23, 10:00; (3) 2024-05-03, IN THE HIGH COURT OF SOUTH AFRICA(GAUTENG DIVISION, JOHANNESBURG), SHERIFF HALFWAY HOUSE; (4) —.

**SANDRA MATILAMANJA PHIRI**, 8906020784088, UNEMPLOYED, 4 NORTHWAY , KELVIN, SANDTON; (2) Application: —, 2024-05-23, 10:00; (3) 2024-05-03, IN THE HIGH COURT OF SOUTH AFRICA (GAUTENG DIVISION, JOHANNESBURG), SHERIFF HALFWAY HOUSE; (4) —.

**LAKENI MHAGA**, 8501025777086, UNEMPLOYED, DOOR 17, SUMMERFIELDS, 45 ROAD 3, HALFWAY HOUSE, MIDRAND; (2) Application: —, 2024-05-23, 10:00; (3) 2024-05-03, IN THE HIGH COURT OF SOUTH AFRICA (GAUTENG DIVISION, JOHANNESBURG), SHERIFF HALFWAY HOUSE; (4) —.

**SONICA BURGER AND HOWARD LUCAS BURGER**, 781111 0023 085 AND 750213 5304 085, SELF-EMPLOYED AND OPS MANAGER, 6 ST. JAMES CRESCENT, BRYANSTON; (2) Application: In the High Court of South Africa, Gauteng Division, Johannesburg, 2024-05-23, 10:00; (3) 2024-04-26, JOHANNESBURG, RANDBURG; (4) G.D. FICQ ATTORNEY'S, 11 DIEPERINK STREET, ROODEPOORT, 2024-04-15.

**IVAN VAN HEERDEN**, 7908315155082, an unemployed man, 665 Borzoi Street, Garsfontein, Pretoria, Single; (2) Application: Pretoria, Gauteng, 2024-05-23, 10:00; (3) 2024-04-29, Master Pretoria, —; (4) Riaan de Kock, 26 Commille Road 26, Melkbosstrand, 2024-04-17.

**JAYSHREE NAIDU**, 7009110026089, SAFETY OFFICER, 10 GRASKOP STREET, BARDENE, BOKSBURG, UNMARRIED; (2) Application: Pretoria, 2024-06-04, 10:00; (3) 2024-02-05, Pretoria, Magistrate Boksburg; (4) Francois Uys Incorporated, 259 HAMERKOP CRESCENT, MONTANA ESTATES, DOORNPOORT.

**FOTENE MARIA GALATHIANAKIS**, 7906070253084, an unemployed lady, 345 Brooks Street, Lynnwood, Pretoria, Single; (2) Application: Pretoria, Gauteng, 2024-05-22, 10:00; (3) 2024-04-29, Master Pretoria, —; (4) Riaan de Kock, 26 Commille Road 26, Melkbosstrand, 2024-04-17.

**Eduard Rupert van Jaarsveld**, 710224 5070 08 8, Self employed technition, Bombardie Farm, Ogies, Mpumalanga, Married in community of property, **Catherina Engela Cornelia van Jaarveld**, 731011 0055 08 0, Admin

Kaapstad en Landdroshof Goodwood vir veertien (14) dae vanaf 26 April 2024.
Geteken te Kaapstad op 19 April 2024.
285253 Apr. 19-(4220)V

J. Fourie
**AANSOEK OM BOEDELOORGAWE**

Aansoek om boedeloorgawe: JAN-HARM FOURIE, 'n Verkoopsman, ID-nr. 870813 5180 08 1, getroud buite gemeenskap van goed. Adres: Ongegundstraat 13, Durbanville, Wes-Kaap, in die Hooggeregshof van SA (Wes-Kaapse Afdeling Kaapstad) op 24 Mei 2024 om 10h00 of so spoedig daarna as wat die Advokaat vir die Applikant aangehoor kan word.
Vermoënstaat lê ter insae by Meester Kaapstad vir 14 dae vanaf 26 April 2024 en by Parker Attorneys, Hoofweg 226, Hoofweg, Claremont, Kaapstad, 7780.
852679 Apr. 26-(4220)V

T. S. Bam
**BOEDELOORGAWE**

Kennis geskied hiermee ingevolge art. 4(1) van die Insolvensiewet nr. 24 van 1936, soos gewysig, dat aansoek gedoen sal word in die Wes-Kaapse Hooggeregshof, Kaapstad op 21/05/2024 om 10:00 vir die aanvaarding van die boedeloorgawe van TROY SEAN BAM (ID-nr. 760901 5247 08 4), Passer, getroud binne gemeenskap van goedere met LISA TRACEY SAN GIORGIO (nou Bam), ID-nr. 740507 0277 08 6, werkloos, van Eugeniasingel 7, De Oude Spruit, Brackenfell, en dat 'n vermoënstaat ter insae sal lê in die kantoor van die Meester van die Hooggeregshof, Kaapstad en die kantoor van die Landdros, Kuilsrivier vir 'n tydperk van 14 dae vanaf 26/04/2024.
ALERS VAN AARDT BESTER INGELYF p.a. ENGLAND SLABBERT PROKUREURS, 10de Vloer 10AB, The Pinnacle-gebou, h.v. Strand-, Burg- en Kasteelstraat (ingang by Burgstraat), Kaapstad.
841793 Apr. 26 - (4220)

**ONTVANGS VAN AANSOEKE VIR DIE VERKRYGING VAN 'N FINANSIËLE BELANG**

**INGEVOLGE DIE BEPALINGS VAN ARTIKELS 58 EN 32 VAN DIE WES-KAAPSE WET OP DOBBELARY EN WEDRENNE, 1996 (WET 4 VAN 1996) ("WET"), SOOS GEWYSIG, GEE DIE WES-KAAPSE RAAD OP DOBBELARY EN WEDRENNE HIERMEE KENNIS DAT AANSOEKE VIR DIE VERKRYGING VAN 'N FINANSIËLE BELANG VAN VYF PERSENT OF MEER IN 'N PERSEELLISENSIEHOUER VIR UITBETALINGSMASJIENE (LPM'S) IN DIE WES-KAAP ONTVANG IS:**

1. **Die aansoek is ten opsigte van:** George 1814 (Edms) Bpk, h/a Club Galaxy, Winkel 12 en 13B, York Sentrum, Yorkstraat 101, George. Erf: 9495
   ***Opsomming van transaksie:***
   *Senta Heleen Gericke (Alleeneienaar) het 100% eienaarskap van Club Galaxy verkry.*

2. **Die aansoek is ten opsigte van:** George 1814 (Edms) Bpk, h/a Shenanigans, Yorkstraat 62, George. Erf: 13063
   ***Opsomming van transaksie:***
   *Steven Grill (Edms) Bpk, 2021/989934/07, het 100% eienaarskap van Shenanigans verkry. Nuwe handelsnaam is Texas Saloon.*
   *Hermanus Stephanus Pawson – Direkteur en 100% aandeelhouer.*

Belangstellende partye word na Artikel 32 van die Wet verwys, wat partye toelaat om kommentaar op die aansoeke te lewe. In die geval van besware teen die aansoek, moet die redes vir sodanige besware verstrek word. In gevalle waar kommentaar op die aansoek gelewer word, moet volledige besonderhede en feite ter stawing van sodanige kommentaar, verskaf word. Die persoon wat die beswaar of kommentaar indien se naam, adres en telefoonnommer moet ook verstrek word. Kommentaar of besware moet die Raad bereik teen nie later nie as **Vrydag, 17 Mei 2024.**

**Besware of kommentaar moet gestuur word aan die Hoof- Uitvoerende Beampte, Wes-Kaapse Raad op Dobbelary en Wedrenne, Posbus 8175, Roggebaai 8012, of ingehandig word by die Hoof- Uitvoerende Beampte, Wes-Kaapse Raad op Dobbelary en Wedrenne, Fairway Singel 24, Fairway Terraces, Parow 7500, of e-pos: Objections.Licensing@wcgrb.co.za**

**AMPTELIKE KENNISGEWING • AMPTELIKE KENNISGEWING**
150542 BURGER www.ayandambanga.co.za

**ANNEXURE "D"**

**IN THE HIGH COURT OF SOUTH AFRICA,**
**GAUTENG DIVISION, PRETORIA**

In the ex parte Applications: CASE NO:

**JAN-HARM FOURIE** **APPLICANT**
**ID: 870813 5180 081**

**Married out of community of property**

for the voluntary surrender of the Estate

---

# CONFIRMATORY AFFIDAVIT

---

I, the undersigned,

**TASNEEM SHAIK MOHAMED**

do hereby declare under oath as follow: -

1.

I am an adult female attorney employed by Parker Attorneys & Conveyancers, with registered offices situated at Clearview Business Park block A 236 Imaan Haron Road Claremont 7780. I am duly authorised to depose to this affidavit, the contents of which are within my personal knowledge except where otherwise stated or the contrary appears from the context.

2.

I wish to confirm that on instruction from above-mentioned Applicant I have taken care of the following:

**PUBLICATIONS**

2.1.1 The publication of the notice in the prescribed form in the Government Gazette (proof of the publication from the Government Gazette is attached to the application marked Annexure **"B"**) and in Die Burger (proof of the publication in Die Burger is attached to the application marked Annexure **"C"**), as per the newsletter circulated in the district where the Applicant resides as prescribed in Section 4(1) of the Insolvency Act, 1936

**NOTICE OF SURRENDER OF THE ESTATE**

2.2 The sending of the above-mentioned notice of voluntary surrender of the estate, as per Annexure **"E"** enclosed herewith, per email to each creditor of the applicant, within a period of 7 (seven) days from date of publication of the aforementioned notice in the Government

Gazette as prescribed in Section 4(2) of the Insolvency Act, 1936. Proof of email is attached hereto as Annexure **"F"** and **"G"**.

**CERTIFICATE**

2.1.2 The lodgement of the Applicant's statement of debtor's affairs at the Master of the High Court in Cape Town for purpose of inspection for a period of 14 (fourteen) days as prescribed by Section 4(3) and 4(6) of the Insolvency Act, 1936. See attached Annexure **"H"**.

3.

To my knowledge, no objections were made at both the Master of the High Court for the period of which the statement of affairs was lodged for inspection.

**TASNEEM SHAIK MOHAMED**

Thus signed and sworn at BOTHASIG on this the 19 day of MARCH 2024, the deponent having acknowledged that he knows and understands the content of this affidavit, that he has no objection to taking the prescribed oath and that he regards the oath as binding upon his conscience.

**COMMISSIONER OF OATH**

COMMUNITY SERVICE CENTRE
BOTHASIG
2024 -03- 19
COMMUNITY SERVICE CENTRE
BOTHASIG
SOUTH AFRICAN POLICE SERVICE

000033

# PARKER
ATTORNEYS

CLAREVEIW BUSSINESS PARK BLOCK A 236
IMAAM HARON ROAD CLAREMONT 7780

P.O.BOX 23324 CLAREMONT 7735

CELL: 061 4872122
e-mail:admin@greendebt.co.za

Date:2024-04-29
Our ref: L Venter
Your Ref: FOURIE

DEAR SIR / MADAM

**THE CREDITOR**

**BY EMAIL**

Dear Sir/Madam

**IN RE: APPLICATION FOR VOLUNTARY SURRENDER OF THE ESTATE OF JAN-HARM FOURIE**

We confirm that we act herein on behalf of our client J.H. FOURIE.

Kindly take notice that an application on behalf of our client will be made to the High Court of Cape Town Division, Cape town South Africa, for the Voluntary Surrender of our clients' estate on 24 May 2024 or as soon thereafter as council on behalf of our client can be heard.

Kindly further take notice that our clients Statement of Debtors Affairs will lie for inspection at the Master of the High Court Pretoria on 26 April 2024 for a period of 14 days.

We trust you find the above in order.

Kind regards.

Yours faithfully
PARKER ATTORNEYS
Per:Saliem Parker

Kredietaire 000034

**aleroux@greendebt.co.za**

| | |
|---|---|
| **From:** | aleroux@greendebt.co.za |
| **Sent:** | Tuesday, 19 March 2024 16:46 |
| **To:** | 'liquidations@sars.gov.za' |
| **Cc:** | 'insolvent@fnb.co.za'; 'InsolvencySupport@Nedbank.co.za'; 'InsolventRecoveries@standardbank.co.za'; 'complaints@discovery.ban'; 'CEM Insolvencies (ceminsolvencies@absa.co.za)' |
| **Subject:** | I/E JH Fourie |
| **Attachments:** | FOURIE JAN-HARM- CRED.doc |

Good day

Please see attached the creditors letter for my client

Thank you

**aleroux@greendebt.co.za**

| | |
|---|---|
| **From:** | aleroux@greendebt.co.za |
| **Sent:** | Thursday, 16 May 2024 08:54 |
| **To:** | 'liquidations@sars.gov.za' |
| **Cc:** | 'insolvent@fnb.co.za'; 'InsolvencySupport@Nedbank.co.za'; 'InsolventRecoveries@standardbank.co.za'; 'complaints@discovery.ban'; 'CEM Insolvencies (ceminsolvencies@absa.co.za)' |
| **Subject:** | I/E JH Fourie |
| **Attachments:** | FOURIE JAN-HARM- CRED.doc |

Good day

Please see attached the creditors letter for my client

Thank you

SARS

G000035

**aleroux@greendebt.co.za**

| | |
|---|---|
| **From:** | aleroux@greendebt.co.za |
| **Sent:** | Tuesday, 19 March 2024 16:46 |
| **To:** | 'liquidations@sars.gov.za' |
| **Cc:** | 'insolvent@fnb.co.za'; 'InsolvencySupport@Nedbank.co.za'; 'InsolventRecoveries@standardbank.co.za'; 'complaints@discovery.ban'; 'CEM Insolvencies (ceminsolvencies@absa.co.za)' |
| **Subject:** | I/E JH Fourie |
| **Attachments:** | FOURIE JAN-HARM- CRED.doc |

Good day

Please see attached the creditors letter for my client

Thank you

000035

**aleroux@greendebt.co.za**

| | |
|---|---|
| **From:** | aleroux@greendebt.co.za |
| **Sent:** | Thursday, 16 May 2024 08:54 |
| **To:** | 'liquidations@sars.gov.za' |
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| **Subject:** | I/E JH Fourie |
| **Attachments:** | FOURIE JAN-HARM- CRED.doc |

Good day

Please see attached the creditors letter for my client

Thank you

**IN THE HIGH COURT OF SOUTH AFRICA**
**(WESTERN CAPE DIVISION, CAPE TOWN)**

Case No: 1250/2024

In the ex parte application of:

**JAN-HARM FOURIE** Applicant
**(IDENTITY NUMBER: 870813 5180 081)**

**(MARRIED OUT OF COMMUNITY OF PROPERTY)**

For the voluntary surrender of the estate

Master's Reference No: C 190/2024

---

## MASTER'S REPORT

---

1. Copies of the Notice of Motion, Founding Affidavit and supporting annexures have been lodged with me

2. I certify that a Statement of Affairs in the matter was lodged in duplicate on 26 April 2024 as required by Section 4(3) of the Insolvency Act No 24/1936 as amended.

3. I received proof that the notice of intention to surrender was published in the Government Gazette No 50568 on 26 April 2024 as required by Section 4(1) of the Act, as well as "Die Burger" dated 26 April 2024.

4. The following assets were reflected in the Statement of Affairs:

   (a) Cash R 50 000.00
   (b) Immovable Assets R 3 500 000.00

5. According to Statement of Affairs the liabilities amount to R 3 418 589.00 and assets to R 3 550 000.00.

6. The said Statement of Affairs was to lie open for inspection from 26 April 2024 in this office for 14 days. No objections have been received by the Master's Office.

7. I did received proof that all known creditors, including SARS were informed of this application via registered mail.

8. Each creditor will received a dividend of R0.22c in the Rand.

9. I will abide by the decision of the Honourable Court.

Asst. Master of the Western Cape High Court, Cape Town
(Western Cape Division, Cape Town)

Master's Office
CAPE TOWN
8000
RL

MASTER OF THE WESTERN CAPE HIGH COURT
CAPE TOWN
2024 -05- 17
A/M: INSOLVENT ESTATES 1
MEESTER VAN DIE WES KAAP HOË HOF

I1A
000038

# Clive Francis

## Professional Associated Valuer

PO Box 4018
Old Oak
7537

Tel: 083 663 2633
Fax: 086 563 9597
Email: valuerclive@outlook.com

## VALUATION REPORT:

**of**

**Jan-Harm FOURIE**
ID No. 870813 5180 081

## MOVABLES

**Date of Inspection (identified by the client, in their presence):**
1 March 2024 at 15H00

**Inspection Address:** 13 Ongegund Street, Durbanville

**Valuation:** Ref. No. MAR2024FOU

**Client:** JH Fourie

**Requestor:** Parker Attorneys

| Item Description | Condition | | | Forced Sale Value |
|---|---|---|---|---|
| | Average | Fair | Good | |
| **Movables** | | | | |
| | | | | |
| 2 x Apple iPhone 14 Pro cell phones | | | x | R 42 000,00 |
| Electric drill with set of drill bits; complete set of spanners; complete set of sockets & wrenches and general DIY tools | | | x | R 8 000,00 |
| **Total** | | | | **R 50 000,00** |

# AFFIDAVIT

I the undersigned

*CLIVE ERROL FRANCIS*

PROFESSIONAL ASSOCIATED VALUER, (Reg No. 5181/3)

I declare under oath the following:

1.

I am a male person practicing as Professional Associated Valuer at 5 Vista Park, Sauvignon Street, Protea Village, Brackenfell. I have been residing in the Cape Town area for the past 54 years and I am registered as a property valuer since June 2001, Registration number, 5181/3.

2.

2.1 In terms of Section 20 (2) (a) of the Property Valuers Profession Act, 2000 I am registered with the South African Council for the Property Valuers Profession (SACPVP) as a Professional Associated Property Valuer (Reg. No. 5181/3).
Date of registration: 17 September 2008.

2.2 In terms of the requirements as laid down by this governing body I have successfully completed a National Diploma: Real Estate Property Valuation and have obtained my diploma from the University of South Africa (UNISA).
Date of Certification: 19 May 2008.

3.

I am qualified and have experience in valuations of the following:

1. Residential, Commercial and Industrial Property
2. Farms and Smallholdings
3. Specialized Properties
4. Vacant Land
5. Movable Assets
6. Building Loan Progress Inspections

Clients include commercial banks, financial institutions, attorneys, auditors, investors, executors and property owners. The reasons for valuations include the following:

1. Granting of bonds
2. Insurance purposes
3. Capital Gains
4. Deceased Estates
5. Insolvent Estates
6. Property sales / purchases

Daily I perform valuations for one or more of the abovementioned reasons.

I have attended numerous auctions of movable and immovable property.

4.

**Parker Attorneys** requested a valuation on the movable assets of the applicant, and that such valuation is to be done on a forced sale value basis.

5.

I confirm the correctness of the valuation content, and respectfully present the following to the Honorable Court:

I have visually inspected the assets of the applicant, in his / her presence and based on my experience in the valuation of movables on a regular basis, I value the abovementioned movables at:

**R 50 000 (Fifty Thousand Rand)**

**Valuation: Ref. No. MAR2024FOU**

6.

In terms of the Property Valuers Profession Act, I have been appointed as a Professional Associated Valuer and this valuation complies with Article 69(1) of the Insolvency Act.

7.

I confirm that the information of this affidavit is true and correct to the best of my knowledge.

**CLIVE ERROL FRANCIS**

I certify that the deponent has acknowledged that he has no objection to taking the prescribed oath, that he considers the prescribed oath to be binding on his conscience and that he knows and understands the contents of this affidavit which was signed and sworn by me at **Brackenfell** on this 25th **of March 2024** and that the provisions of the regulations contained in the Government Notice R2477 at 16 November 1984 have been complied with.

PIETER C. STEYN

**Commissioner of Oaths**

SUID-AFRIKAANSE POLISIEDIENS
SAPS BRACKENFELL
2024 -03- 25
SAPS BRACKENFELL
SOUTH AFRICAN POLICE SERVICE

000043 I, 8

# Clive Francis

# Property Valuer

PO Box 4018
Old Oak
7537

Tel: 083 663 2633
Fax: 086 563 9597
Email: valuerclive@outlook.com

***VALUATION REPORT:***

of

Jan-Harm **FOURIE**
ID No. 870813 5180 081

***FIXED PROPERTY***

***Compiled By:***

Clive Francis
Professional Associated Valuer
Reg. No. 5181/3

*Date: 04 March 2024*

000044

# Clive Francis
# Property Valuer

PO Box 4018
Old Oak
7537

Tel: 083 663 2633
Fax: 086 563 9597
Email: valuerclive@outlook.com

## VALUATION CERTIFICATE:

***Ref. No. MAR2024FOU***

I, ***Clive Errol Francis***, hereby declare that the valuation has been conducted in accordance with the ethics and code of conduct of The SA Council for the Property Valuers Profession (SACPVP) and The SA Institute of Valuers and to the best of my ability and knowledge with the necessary information at my disposal on the inspection of the premises as at *01 March 2024*.

Considering good marketing exposure and advertising the property has been valued with a,

***Present Market Value being R3 950 000*** *and*
***Forced Sale Value being R3 500 000***

To the best of my knowledge this information is true and correct.

The valuation was carried out as at this 4th day of March, 2024.

..................................
Clive Francis

Professional Associated Valuer
Reg. No. 5181/3
ND: Real Estate: Property Valuation

## Property Description:

**Erf 20809 Durbanville, Western Cape Province, RSA**
9 Bonterre Village, Vierlanden, Durbanville, City of Cape Town Municipality (4)

**CONTENTS:**

# 1. Instruction and terminology

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I am instructed by ***Adams Attorneys*** to determine the Forced Sale Value, by firstly determining the Market Value of:

*"the subject property"* as the date of this valuation taking into account that the property may be sold by means of a forced sale. The forced sale value is determined after market value has been established.

*"market value"* The International Valuation Standards Committee defined "market value" as follows:

*The estimated amount for which a property should exchange on the date of the valuation between a willing buyer and willing seller in an arm's length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion.*

*"forced sale"* can be described as a method to dispose of property by offering it for sale by public auction or tender or by auction through a Sherriff. The main difference between an ordinary auction sale and a forced sale is that with a forces sale the Seller does not have an input regarding the price as he is either Insolvent or his property is sold in execution. In normal auctions sellers may determine a reserve price or choose not to accept the price obtained.

**Leveson 3 sold in Nel v Lubbe 1999(3) SA 109 on page 110.**

*"A forced sale.... Is a sale where the owner of the property sold, is in distress, usually having no funds to pay his debt. The sale is conducted by the Sherriff. There is no reserve price. Advertisement of the sale is invariably inadequate. In the case of a sale not in execution but by public auction on the direction of the trustee of an insolvent estate, I consider that the sale is no less a forced one."*

The method followed by me in arriving at the valuation of the property as instructed is therefore to determine the market value of the subject property and then to adjust the market value to determine the forced sale value.

I have obtained information from the major banks, ABSA, STANDARD, FNB and NEDBANK who deals with forced sales, mainly sales in execution, but also auction sales in Insolvent Estates, on a daily basis. The approach by these financial institutions, based on their experience of a multitude of such transactions is that an average reduction of 10% (ten) to 20% (twenty) persent on the market value should represent the forced sale value.

Different circumstances such as the demand for a specific property, special features of a property, condition of the improvements, etc. are factors that have to be taken into account when applying this approach. In the case of the subject property I am of the opinion that it will be reasonable to differentiate between market value and forced sale value by approximately 15 %.

**Leveson 3** said in the matter referred to above:

*"The proper approach is for the expert to furnish in evidence the detailed fact upon; which the opinion is based and the reasons for forming the opinion expressed. It is not for me to lay down every facet of the evidence which must be necessarily be adduced.*

*Always relevant will be the prices for comparable properties in the same area at similar forced sale held at or about the same time. Also material is the fact that the valuator has attended such sales and has personal knowledge of the process fetched. If not able to do that, he should at least be in position to depose of the fact he has made an inspection of relevant title deeds in the Deeds Office and has recorded there from the prices fetched for similar properties under similar circumstances.*

*Naturally, appropriate descriptions of the improvements will have to be furnished so that the value can be assessed on a comparable basis. All that material should be recorded in the affidavit."*

## VALUATION METHOD

The method of valuation used to compile this valuation is based on the market information and comparable sale transactions for properties in the area.

Although the comparable sales method would constitute the most acceptable method in determining the value of land sufficient and acceptable comparable sales are not often available. In such instances the well-known court case of **Pietermaritzburg Corporation v SA Breweries Ltd 1911**, provides a guideline for the determination of the value of the expropriated land. Jude Innes said on page 516:

*"It may not be always possible to fix the market value by reference to concrete examples. There may be cases where, owning to the nature of the property or to the absence of transaction suitable for comparison, to the valuators difficulties are much increased. His duty then would be to taken into consideration every circumstance likely to influence the mind of the Purchased, the present cost of erecting the property, the use to which it is capable of being put, its business facilities are affording an opportunity for profit, its situation and surroundings, and so on. There being no concrete illustration ready to hand to the operation of all these considerations upon the mind of an actual buyer, he would have to employ his skill and experience in deciding what a purchaser, if one were to appear would be likely to give and in that way he would to the best of his ability be fixing the exchange value of the property."*

The comparable sales method can be described as:

- An examination of the market to identify similar properties in respect whereof information of previous sale transactions are available.
- Compare the prices with relation to the features of the property such as location, improvements, size etc, with the features of the subject property.
- Compare all the characteristics of the comparable property transactions with those of the subject property with respect to location, physical characteristics, situation and all other relevant criteria.
- Determine the value of the subject property by considering all comparable transactions and their potential influences on the sale price.

In order to establish the market value of the subject property, I have researched the market for the sales of comparable properties in the immediate vicinity. To this end, I did a Deeds Office search into sales on surrounding properties, with a view to establishing actual market evidence on directly comparable property sales. Furthermore, I have spoken to estate agents in an effort to obtain information on the latest sales and market information.

ZA

**PROVISIONS**

- All the information contained in this document is based on information obtained from external sources. As far as possible, this was verified.
- I did not take into account any possible contamination of the subject property as a result of an environmental incident, nor did I examine the costs of any remedial measures involved.
- The property is valued as if wholly owned, with no account being taken of any monies due in respect of mortgage bonds, liens, loans or other charges.
- While taxation can have a considerable influence on a property's value, I did not take account of the tax consequences that could arise due to the past actions of the present owner, or the intended or future actions of a prospective purchaser. The current rates and taxes liability has however been taken into account.
- I did not undertake structural survey of the improvements, nor did I arrange for test or inspections to be carried out on any of the services installations.
- I have not inspected the woodwork or other parts of the structure that are covered, unexposed or inaccessible and I am therefore unable to report that such parts of the property are free of defects.
- I inspected the property and the comparable sales and confirm that I performed an independent valuation. I confirm that I was not influenced in any way whilst performing the valuation.

**MARKET INFORMATION**

The economic indicators such as the inflation rate, Reserve Bank repo rate, interest rates charged by financial institutions on mortgage bonds, availability of loans to prospective buyers, employment opportunities, the rate of unemployment, the demand for residential properties, etc., have all been taken into account as the residential property market has shown a negative growth in the past 18 months. Legislation such as the Capital Gains Act and the National Credit Act also contributed to lower demand for residential properties.

**SUMMARY**

After comparing the sales of the properties discussed above and all the factors that may have an influence on such prices, bearing in mind the differences in size, improvements, situation and standard of improvements and the similarities of the properties, I developed a yardstick to determine the value of the subject property.

(21)

## 2. Valuation Details

| | |
|---|---|
| **Inspection Date:** | 01 March 2024 |
| **Valuation Date:** | 04 March 2024 |
| **Zoning:** | Single Residential |
| **Ownership:** | Separate Title |
| **Valuation Method:** | Comparable Sales |

## 3. Property Description

**Property:**
**Erf 20809 Durbanville, Western Cape Province, RSA**

**Address / Situated at:**
9 Bonterre Village, Vierlanden, Durbanville, City of Cape Town Municipality

**Owners (per deeds):** **Jan Harm FOURIE**

| | |
|---|---|
| **Property Extent:** | 222 $m^2$ |
| **Previous Purchase Price:** | R3 069 000 |
| **Purchase Date:** | 21 / 01 / 2022 |
| **Title Deed:** | T 29265 / 2022 |
| **Endorsements:** | ABSA Home Loans - R3 069 000 (B15919/2022) |

**Accommodation:**

**Dwelling (124 m²)**
Lounge
Dining Room
Kitchen
3 Bedrooms
2 Bathrooms
Guest Toilet

**Outbuilding (35 m²)**
Double Garage

**Description:**

The subject property is a newly built double-storey dwelling offering good 3 bedroom, 2 bathroom accommodation good modern interior finishes and appeal. The property includes a covered patio and an attached double garage.

The property is in a good state of repair.

This stand is of a level gradient and receives all municipal services. The property is suitably located in close proximity to most amenities.

## 4. Valuation

The comparable sales method has been applied.

The property is located in an access controlled estate / village of good modern dwellings, a well established middle to high income earning area which consists of smaller / inferior, similar and larger superior type properties.

**Sale 1:** *Erf 7582 Durbanville, Sold 24 / 01 / 2023 for R3 000 000*
Erf size 401 sqm, Selling Rate being R7 481 per Square Metre

**Sale 2:** *Erf 20822 Durbanville, Sold 21 / 02 / 2023 for R4 000 000*
Erf size 239 sqm, Selling Rate being R16 736 per Square Metre

**Sale 3:** *Erf 7575 Durbanville, Sold 06 / 06 / 2023 for R2 490 000*
Erf size 386 sqm, Selling Rate being R6 450 per Square Metre

**Sale 4:** *Erf 18843 Durbanville, Sold 22 / 09 / 2023 for R4 399 000*
Erf size 362 sqm, Selling Rate being R12 151 per Square Metre

**Sources for Market Information:**

1. Property Intellect
2. Lightstone
3. Windeed – Deeds Office Searches & Title Deed Information
4. Surveyor General Information
5. Estate Agents & Auctioneers
6. Planet GIS
7. Google Earth Pro

## 5. Conclusion and Declaration

The property market is stable in this suburb / area.
Market research has been conducted and after taking all the relevant factors of the subject property (i.e. the accommodation, the finishes, the features, etc.) and that of the comparable sales into account;

I conclude:

**Present Market Value** of the subject property to be:
**R 3 950 000 (Three Million Nine Hundred and Fifty Thousand Rand)**

**Forced Sale Value** of the subject property to be:
**R 3 500 000 (Three Million Five Hundred Thousand Rand)**

***As at 4 March 2024***

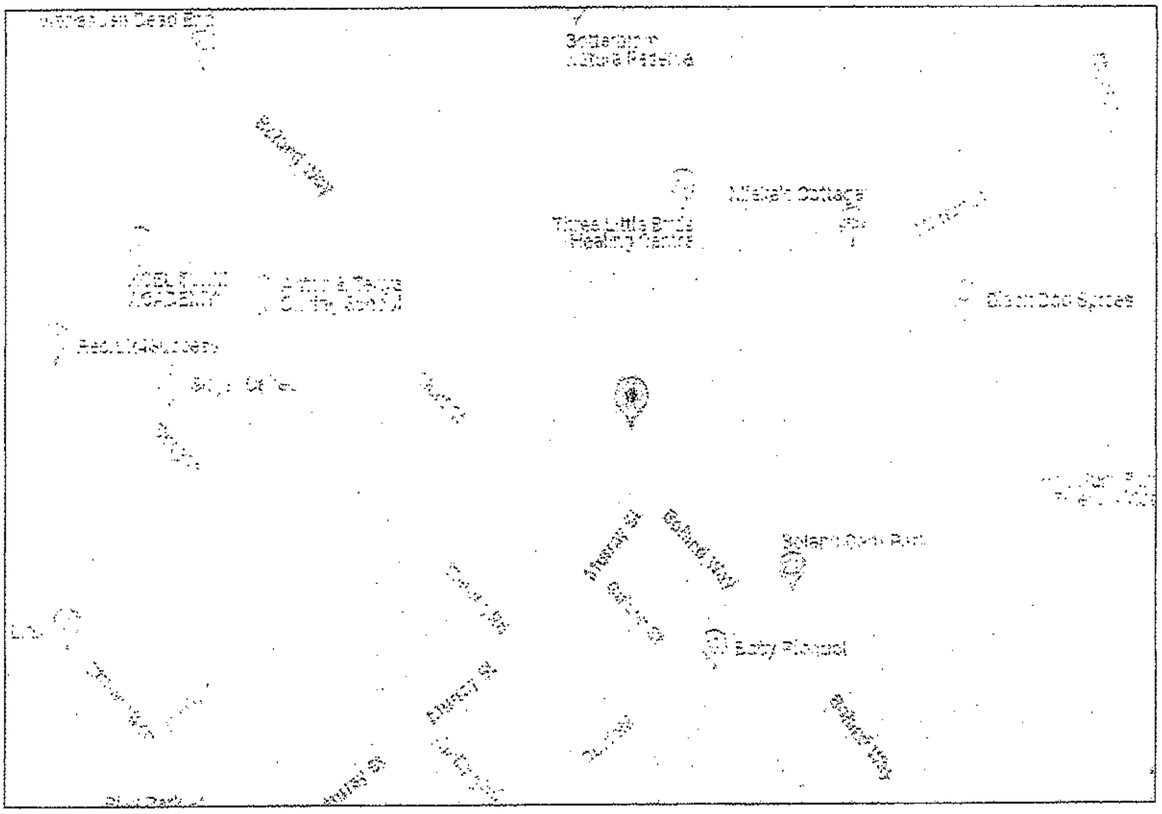
..................................
Clive Francis

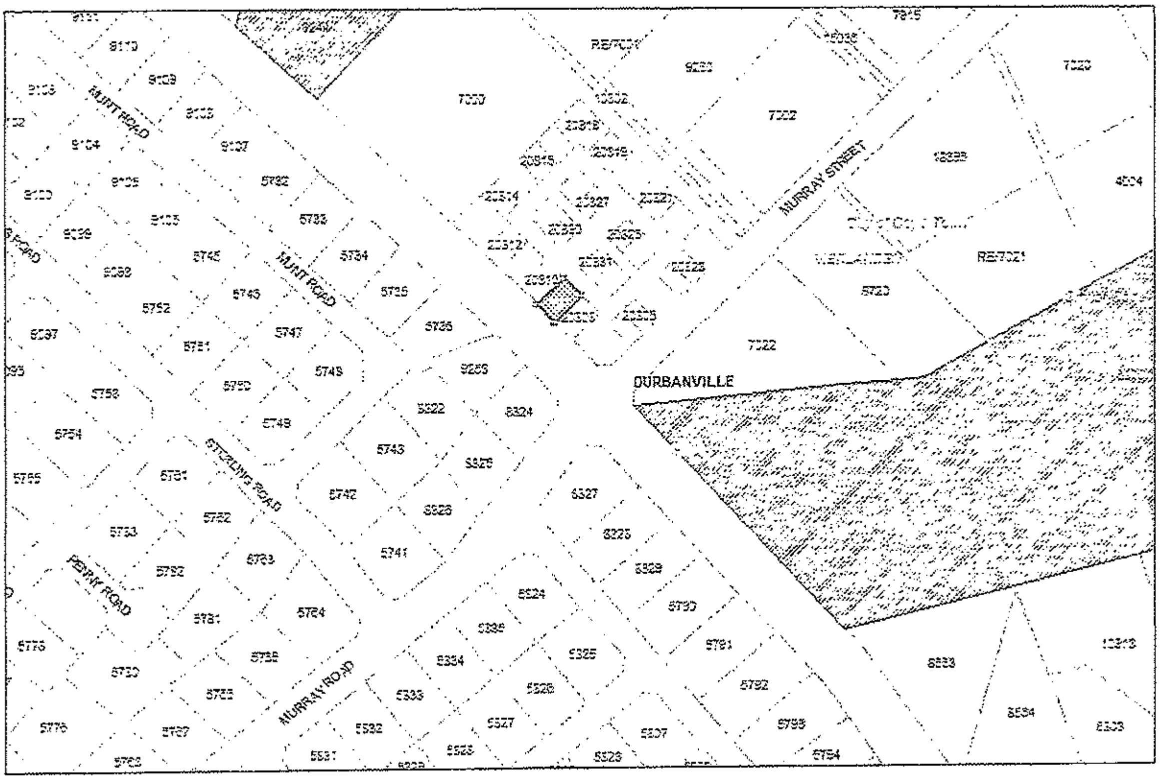
Professional Associated Valuer
Reg. No. 5181/3
ND: Real Estate: Property Valuation

000053

## 6. Map, Diagram, Photos & Attachments

### Locality Map & Diagram



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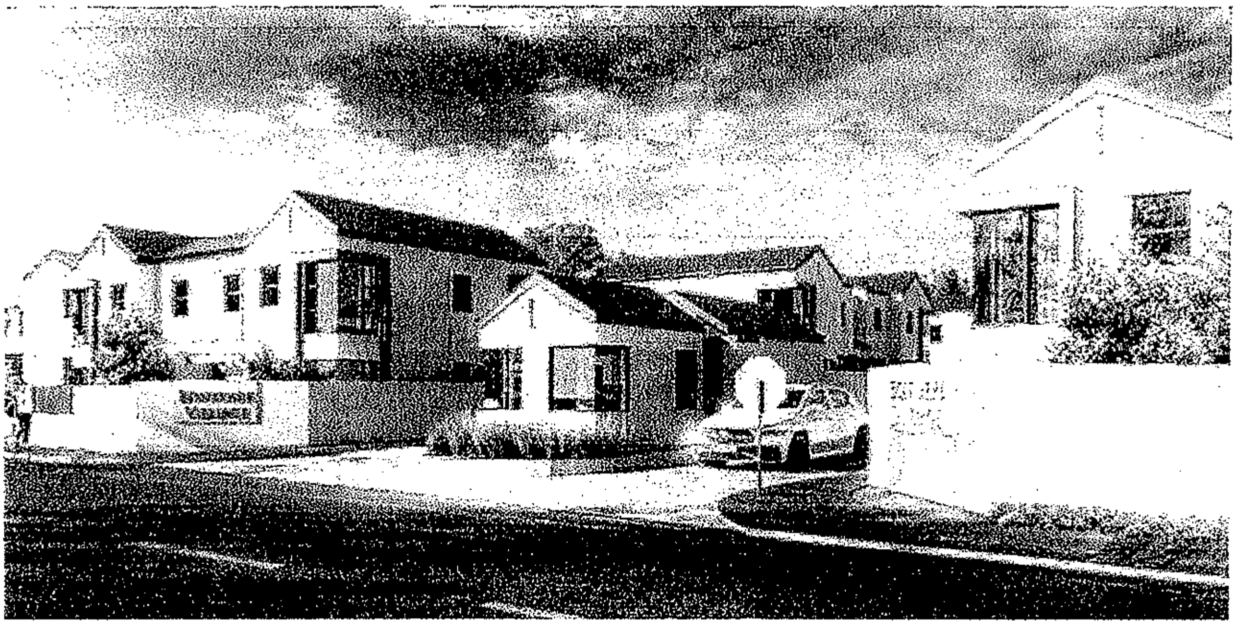
## Photos - Property



Deeds Office Enquiry

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# WinDeed Database D/O Property

DURBANVILLE, 20809, 0, CAPE TOWN

Lexis® WinDeed

| | | | |
|---|---|---|---|
| Search Date | 2024/03/23 19:07 | Erf Number | 20809 |
| Reference | - | Portion Number | - |
| Report Print Date | 2024/03/23 19:07 | Deeds Office | Cape Town |
| Township | DURBANVILLE | Search Source | WinDeed Database |

| | | | |
|---|---|---|---|
| Property Type | ERF | Diagram Deed Number | T29265/2022 |
| Township | DURBANVILLE | Local Authority | CITY OF CAPE TOWN |
| Erf Number | 20809 | Province | WESTERN CAPE |
| Portion Number | 0 | Extent | 222.0000SQM |
| Registration Division | CAPE RD | LPI Code | C01600120002080900000 |
| Previous Description | - | | |
| | | | |

| FOURIE JAN HARM | | | Owner 1 of 1 |
|---|---|---|---|
| Person Type | PRIVATE PERSON | Document | T29265/2022 |
| ID Number | 8708135180081 | Microfilm / Scanned Date | - |
| Name | FOURIE JAN HARM | Purchase Price (R) | 3 069 000 |
| Multiple Owners | NO | Purchase Date | 2022/01/21 |
| Multiple Properties | NO | Registration Date | 2022/06/23 |
| Share (%) | - | | |

| # | Document | Institution | Amount (R) | Microfilm / Scanned Date |
|---|---|---|---|---|
| 1 | SUBDIVISION FROM | TOWN DURBANVILLE ,ERF 20804 ,PRTN 0 | - | 0000000000 00 * |
| 2 | B15919/2022 | A B S A HOME LOANS GUARANTEE CO R F PTY LTD | 3 069 000 | - |



LexisNexis®



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# SWORN AFFIDAVIT



I the undersigned

***CLIVE ERROL FRANCIS***

*PROFESSIONAL ASSOCIATED VALUER, (Reg No. 5181/3)*

I declare under oath the following:

1.

I am a male person practicing as Professional Associated Valuer and I am registered as a property valuer since June 2001, Registration number, 5181/3.

2.

2.1 In terms of Section 20 (2) (a) of the Property Valuers Profession Act, 2000 I am registered with the South African Council for the Property Valuers Profession (SACPVP)as a Professional Associated Property Valuer (Reg. No. 5181/3).
*Date of registration: 17 September 2008.*

2.2 In terms of the requirements as laid down by this governing body I have successfully completed a National Diploma: Real Estate Property Valuation and have obtained my diploma from the University of South Africa (UNISA).
*Date of Certification: 19 May 2008.*

3.

I am qualified and have experience in valuations of the following:

1. Residential, Commercial and Industrial Property
2. Farms and Smallholdings
3. Specialized Properties
4. Vacant Land
5. Movable Assets
6. Building Loan Progress Inspections

Clients include commercial banks, financial institutions, attorneys, auditors, investors, executors and property owners. The reasons for valuations include the following:

1. Granting of bonds
2. Insurance purposes
3. Capital Gains
4. Deceased Estates
5. Insolvent Estates
6. Property sales / purchases

Daily I perform valuations for one or more of the abovementioned reasons.

I have attended numerous auctions of distressed sale properties.

4.

**Parker Attorneys** requested a valuation on the immovable assets of the applicant, and that such valuation is to be done on a forced sale value basis.

5.

I confirm the correctness of the valuation content, and respectfully present the following to the Honourable Court:

I have visually inspected the property, 000058

**Erf 20809 Durbanville, Western Cape Province, RSA**
9 Bonterre Village, Vierlanden, Durbanville, City of Cape Town Municipality

of the applicant and based on my experience in the valuation of immovable assets, I value the abovementioned property at,

***R 3 500 000 (Three Million Five Hundred Thousand Rand)*** *– Forced Sale Value*

6.

In terms of the Property Valuers Profession Act I have been appointed as a Professional Associated Valuer and this valuation complies with Article 69(1) of the Insolvency Act.

7.

I confirm that the information of this affidavit is true and correct to the best of my knowledge.

***CLIVE ERROL FRANCIS***

I certify that the deponent has acknowledged that he has no objection to taking the prescribed oath, that he considers the prescribed oath to be binding on his conscience and that he knows and understands the contents of this affidavit which was signed and sworn by me at ***Brackenfell*** *on this* 25th...... ***day of March 2024*** and that the provisions of the regulations contained in the Government Notice R2477 at 16 November 1984 have been complied with.

PIETER C. STEYN.
Commissioner of Oaths

SUID-AFRIKAANSE POLISIEDIENS
SAPS BRACKENFELL
2024 -03- 25
SAPS BRACKENFELL
SOUTH AFRICAN POLICE SERVICE

000059 11-I-29

# NOTIFICATION OF PAYMENT

Dear: To Whom It May Concern

First National Bank hereby confirms that the following payment instruction has been received:

| | | |
|---|---|---|
| Date Actioned | : | 2024/02/01 |
| Time Actioned | : | 10:02:20 |
| Trace ID | : | C812VVQL |

**Payer Details**

| | |
|---|---|
| Payment From | MARIZANNE VAN DER MERWE |
| Cur/Amount | ZAR25000.00 |

**Payee Details**

| | | |
|---|---|---|
| Recipient/Account no | : | ..298973 |
| Name | : | Parker Att |
| Bank | : | FIRST NATIONAL BANK |
| Branch Code | : | 250655 |
| Reference | : | INV#00071-23 JH FOUR |

*END OF NOTIFICATION*

To authenticate this Payment Notification, please visit the First National Bank website at fnb.co.za, select the "Verify Payments" link and follow the on-screen instructions.

Our customer (the payer) has requested First National Bank Limited to send this notification of payment to you. Should you have any queries regarding the contents of this notice, please contact the payer. First National Bank Limited does not guarantee or warrant the accuracy and integrity of the information and data transmitted electronically and we accept no liability whatsoever for any loss, expense, claim or damage, whether direct, indirect or consequential, arising from the transmission of the information and data.

I2B

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# NOTIFICATION OF PAYMENT

Dear: To Whom It May Concern

First National Bank hereby confirms that the following payment instruction has been received:

| | | |
|---|---|---|
| Date Actioned | : | 2024/03/02 |
| Time Actioned | : | 16:51:38 |
| Trace ID | : | ZKJR9FVL |

**Payer Details**

| | |
|---|---|
| Payment From | MARIZANNE VAN DER MERWE |
| Cur/Amount | ZAR25000.00 |

**Payee Details**

| | | |
|---|---|---|
| Recipient/Account no | : | ..298973 |
| Name | : | Parker Att |
| Bank | : | FIRST NATIONAL BANK |
| Branch Code | : | 250655 |
| Reference | : | INV#00074-24JHFOURIE |

*END OF NOTIFICATION*

To authenticate this Payment Notification, please visit the First National Bank website at fnb.co.za, select the "Verify Payments" link and follow the on-screen instructions.

Our customer (the payer) has requested First National Bank Limited to send this notification of payment to you. Should you have any queries regarding the contents of this notice, please contact the payer. First National Bank Limited does not guarantee or warrant the accuracy and integrity of the information and data transmitted electronically and we accept no liability whatsoever for any loss, expense, claim or damage, whether direct, indirect or consequential, arising from the transmission of the information and data.

eStamp
20/03/2024
General Enquiries
08600 08600
Absa Bank Ltd

060061

**Return address:**
Private Bag X13, Johannesburg, 2000

MR J FOURIE
13 ONGEGUND STREET
DURBANVILLE
7550

*Write to:*
Heerengracht, Cape Town
Absa Centre
Cnr Riebeeck & Adderley Street
Cape Town
8001

Tel: 0860 111 007

Web: www.absa.co.za

# Annual Mortgage Loan Statement

for the period 1 Mar 2023 to 29 Feb 2024

**Account number** 80-9205-8417 **Issued on** 29 Feb 2024

## Account Summary as at 29 Feb 2024

| | |
|---|---|
| Total loan amount | R3 069 000,00 |
| Interest rate (Mortgage Lending Rate 11.75 % - 0.15 %) | 11,60 % |
| Repayment frequency | Monthly |
| Repayment Due day | 03 |
| **Total Repayment** | **R26 016,20** |

Use digital banking to securely manage your home loan 24/7. Register for Absa Online to get started and remember to use your Home Loan Account number to register if you don't have an Absa Transactional Account. **Step 1:** Visit absa.co.za. **Step 2:** Click Login. **Step 3:** Select Register for Absa Online and follow the steps. Once you have registered for online banking, simply download the Absa Banking App to get access to your Home Loan account. If you have a joint home loan, please call 0860 111 007 to assist with a power of attorney and access to your digital profile once successfully registered.

## Property Description

Stand 20809
Durbanville

**Our Privacy Notice has been updated. Visit www.absa.co.za for the latest version.**


ABSA Bank Limited
Authorised Financial Services Provider
Registered Credit Provider, Reg. No. NCRCP7
Registration number (1986/004794/06)

**Tax Invoice**
VAT Registration number 4940112230