



Annexure A

Privaatsak
Private Bag X241

Faks No
Fax No(012) 421-8108

Verwysing
Reference 3/1/5/1/174

**THE DIVISIONAL COMMISSIONER
DIVISION: VISIBLE POLICING
PRETORIA
0001**

Navrae
Enquiries Dir Chipu
Supt Day



(012) 421-8339

2008-01-28

- A. All Provincial Commissioners
- B. All Provincial Heads: Crime Prevention/Visible Policing

THE ROLE AND FUNCTION OF CRIME COMBATING UNITS (CCU) DURING EVICTIONS

- B
 - 1. In recent months a number of incidents, have occurred, where CCU members have assisted the Sheriff of the court in executing an eviction order.
 - 2. In many cases, the incident has become violent and CCU members have had to use high levels of force to normalize the situation. It has become clear during some of these incidents that the role and function of CCU during evictions, is not clear to all members.
 - 3. The following guidelines may be of assistance;
 - 3.1 An eviction order should only be carried out after first arranging protection from the relevant station commissioner, only then may the CCU's be approached for assistance.
 - 3.2 The SAPS have a legal obligation to protect the Sheriff and if suitable protection cannot be provided on the set date, a more suitable date must be agreed upon by all relevant role players so that suitable protection may be provided,
 - 3.3 No eviction order may be executed without the prior knowledge of the relevant station commissioner,
 - 3.4 The SAPS or specifically CCU members must never become physically involved with an eviction but should only safeguard the Sheriff and support the local station in attending to criminal complaints at the scene of the eviction and/or to manage the crowd,

- 3.5 It is imperative that sufficient prior warning be given for evictions in order to plan effectively, and
 - 3.6 In the event of the residence being re-occupied members should not be used to evict the trespassers without a court order directed to the SAPS.
 4. Your assistance and support in this regard is appreciated.
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- A. 1. For your attention and information.

DIVISIONAL COMMISSIONER: VISIBLE POLICING
A H LAMOER

Annexure B

**IN THE SOUTH GAUTENG HIGH COURT
(JOHANNESBURG)**

CASE NO: 44874/2012
P/HI NO: 444

JOHANNESBURG, 22 August 2014
BEFORE THE HONOURABLE

In the matter between:-

**THE SHERIFF OF THE HIGH COURT, JOHANNESBURG
WEST**

Applicant

and

GEORDIE GLEN RENDALL

Respondent

In re:

STANDARD BANK OF SOUTH AFRICA LIMITED

Plaintiff

and

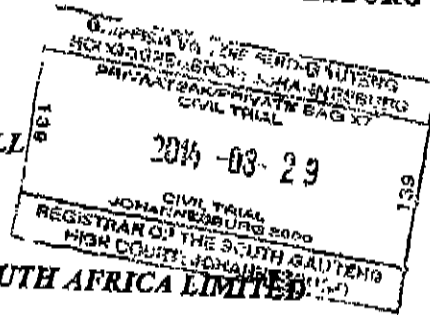
RAADIA KHAN

Defendant

HAVING read the documents filed of record and having considered the matter:-

IT IS ORDERED THAT:-

1. That the sale in execution held on the 15 May 2014, at the offices of the sheriff, 31 Henley Road, Auckland Park, be set aside.
2. Authorizing the applicant to again sell in execution the immovable property being ERF 452 BOSMONT TOWNSHIP, in terms of Rule 46(11) of the rules of the above Court.
3. That the deposit paid by the purchaser GEORDIE GLEN RENDALL shall remain in the TRUST ACCOUNT of the sheriff Johannesburg West and awarded by the Judge for any loss claimed in terms of High Court Rule 46(11), provided that if no claim for loss sustained has been lodged within a period of 120 calendar days from date of cancellation of the sale, such deposit shall be refunded to the purchaser.
4. That the respondent be held liable for all wasted costs including the costs of resale.
5. That the respondent pays the costs hereof.



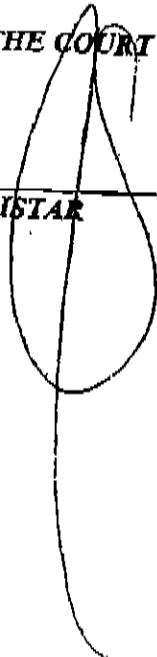
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6. That the purchaser **GEORDIE GLEN RENDALL** (ID NO: 751015 5066 088) of address **3A Palm Grove, Adamson Street, Weltevreden Park**, be barred from bidding of this property in any future sale in execution / be barred from the auctions of the sheriff for Johannesburg West for a period of twelve (12) months from date of this order.

BY THE COURT

REGISTRAR

/gpm



CIVIL TRIAL
 JOHANNESBURG 2000
 REGISTRAR OF THE SOUTH AFRICAN
 HIGH COURT: JOHANNESBURG
 2014-08-29
 CIVIL TRIAL
 JOHANNESBURG 2000
 REGISTRAR OF THE SOUTH AFRICAN
 HIGH COURT: JOHANNESBURG

Annexure C

List of Registrars Nationally

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Registrar: Labour Court Johannesburg

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Legal Admin officer: Writs of execution

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Legal Admin Officer: second in charge, case management section

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Mr Thulani Vilakazi

Registrar: Labour Court Durban

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Ms Sandra Gerber

Registrar: Labour Court, Port Elizabeth

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Fax: (041) 585 9860

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Ms Farzaana Ismail

Acting Registrar: Labour Court, Cape Town

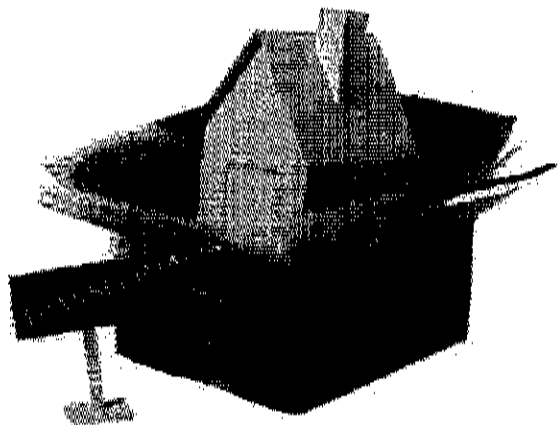
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Good news for homeowners regarding municipal debt....

05:36 (GMT+2), Tue, 14 October 2014



Top property lawyers say you should now have peace of mind that you cannot be held liable for municipal debts racked up by a previous owner of your home.

Some municipalities have seized on a May 2013 judgment by the Supreme Court of Appeal to hold purchasers and current owners liable for arrear rates, taxes and service charges owed by previous owners. In some cases, new owners have had their electricity cut off, or have been unable to open a municipal account, because they have been held responsible for debts – sometimes running into hundreds of thousands of rands – they did not even know existed.

What some lawyers have called a "misinterpretation" of the judgment in the City of Tshwane v Mathabathe has created massive uncertainty in the property market, with purchasers fearful that municipalities will sue them for a previous owner's debts, or their properties will be repossessed.

But attorneys at Edward Nathan Sonnenberg (ENS) say that a judgment – also involving the City of Tshwane – in September has corrected the "misperception" that municipalities can take action against a homeowner for a previous owner's unpaid debt.

Andrew Bembridge, a director at ENS, said that, as a result of last month's judgment, "any person who has been forced to pay a debt incurred by a previous owner should immediately be refunded by the municipality concerned".

Both the Mathabathe judgment and last month's judgment in the North Gauteng High Court turn, in the main, on the interpretation and application of a sub-section of the Local Government: Municipal Systems Act. The relevant sub-section states: "An amount due for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties is a charge upon the property in connection with which the amount is owing and enjoys preference over any mortgage bond registered against the property."

In the case that came before the North Gauteng High Court, the City of Tshwane contended that this sub-section granted it a lien over the property for debts that have not prescribed, and that this lien survived the transfer of the property from one owner to another. (A lien is claim over an asset or property belonging to another person until he or she discharges a debt.)

But, in a judgment handed down on 8 September this year, Justice DS Fourie found that the lien held by the municipality was "extinguished" by the transfer of the property into the name of a new owner, who cannot be held liable for debts incurred by previous owners.

Judge Fourie also found that the City of Tshwane had no right to refuse to supply municipal services to a subsequent owner on the grounds that "historical debt" was owed on a property.

Another sub-section of the Local Government: Municipal Systems Act requires a municipality to issue a clearance certificate if all amounts due on a property have been paid for the two years that precede the date of transfer. "Historical debt" means debt that is older than these two years.

Last month's judgment was handed down in case concerning Perregine Joseph Mitchell, who bought his property in Wonderboom, at a sale in execution in February 2013. The City of Tshwane claimed it was owed a total of R232 828. Mitchell paid R126 608, which was the debt that had accumulated over the two years until the date of transfer, but the historical debt of R106 219 remained unpaid.

Mitchell then sold the property to a woman with the surname of Prinsloo, who tried to open an account with the municipality in July 2013. But the City of Tshwane said it would not supply services to the property unless the R106 219 was paid in full. Prinsloo declined to take transfer of the property until the issue of the historical debt had been resolved.

As a result, Mitchell applied to the North Gauteng High Court for an order that:

- * The lien over the property did not, on transfer, pass to him or his successor in title;
- * Neither he nor his successor in title is liable for the historical municipal debts of previous owners; and
- * The City of Tshwane must open an account for the supply of services to the property.

Judge Fourie granted Mitchell an order on all three points.

He said there is nothing in the Municipal Systems Act or the City of Tshwane's electricity, water and credit control by-laws that make the successor in title of a property on which historical debts are owed liable for these debts as a co-debtor, jointly and severally with the

principal debtor, or that give the municipality the right to refuse to supply municipal services to a new owner of the property.

"The right to discontinue the supply of municipal services relates to the customer, occupier or owner of the property when the historical debt was incurred."

Bembridge said that, in the Mathabathe judgment, the Supreme Court of Appeal held, correctly, that municipalities have a lien against a property for debts due to them. Some municipalities have interpreted the court's finding to mean that, because the lien is tied to the property, it can be enforced against any subsequent owners of that property. But Bembridge said the court never went so far as to suggest that successors in title were liable for the debts of previous owners.

Fritz Schulz, also a director at ENS, said although the case involved a property that was sold in execution, there is no reason for the judgment not to apply to all property sales, because it draws a clear distinction between a municipality's lien over a property and the cause of a debt on that property.

Bobby Bertrand, a director at Bowman Giffilan, said although the judgment in the Mitchell case was significant, it was unclear how it will play out in practical terms. He said that the way in which some municipalities have interpreted the Mathabathe judgment was "far-fetched".

(Source: IOL Business)