

COURT ONLINE COVER PAGE

IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg

CASE NO: **2022-036292**

In the matter between:

**The National Director of Public
Prosecutions**

Plaintiff / Applicant / Appellant

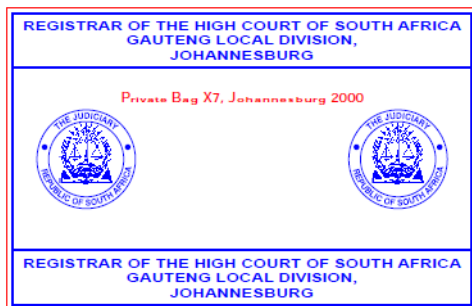
and

**Jacobus Stephanus Geldenhuys ,Jacoba
Magdalena Geldenhuys ,Classic
Financial Services (One) (Pty) Ltd,Marry
Pierce Kligour**

Defendant / Respondent

Notice (Other)

NOTE: This document was filed electronically by the Registrar on 24/10/2022 at 10:57:33 AM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



ELECTRONICALLY SIGNED BY:

**Registrar of High Court , Gauteng
Local Division,Johannesburg**

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

Case No:

In the urgent *ex parte* application of:

The National Director of Public Prosecutions

Applicant

In re: The amount of **R399 198.88** together with interest thereon held in ABSA account number 4097470165 held in the name of Classic Financial Services (One) (Pty) Ltd with registration number 2004/031624/07;



The amount of **R10 395 192.44** together with interest thereon held in Nedbank account number 1195277571 in the name of Classic Financial Services (One) (Pty) Ltd with registration number 2004/031624/07;

The amount of **R3 000 000** together with interest thereon held in FNB account number 62047917713 in the name of Jacoba Magdalena Geldenhuis with ID number 5410130145085;

The amount of **R5 750 000** together with interest thereon held in Nedbank account number 1009637290 in the name of Murry Pierce Kilgour with ID number 5905195084087.

NOTICE OF MOTION

KINDLY TAKE NOTICE THAT an application will be made to the above honourable court on behalf of the applicant in terms of section 38(1) read with section 74(1)(a) of the Prevention of

Organised Crime Act 121 of 1998, on an urgent *ex parte* basis and in chambers for an order in terms of the annexed draft and further or alternative relief or both.

TAKE FURTHER NOTICE that the affidavits of **S'khumbuzo Maphumulo, Ahzur Mohamed and Charlotte Breytenbach**, together with annexures thereto, will be used in support of this application.

TAKE FURTHER NOTICE that the applicant has appointed the office of the State Attorney, at the address below, as the address at which the applicant will accept notice and service of all process and documents in these proceedings.

Dated at **JOHANNESBURG** on this the **20th** day of **OCTOBER 2022**.



THE STATE ATTORNEY
Attorneys for the Applicant
10th Floor, North State Building
99 Albertina Sisulu Street
And corner Kruis Street
JOHANNESBURG

REF: P14/22/EMACHETHE(GELDENHUIS)

Refer to: Elia Machethe

Direct line: 011 220 4121

Email: EMachethe@justice.gov.za

To: The Registrar of the above Honourable Court
JOHANNESBURG

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

Case No:

In the urgent *ex parte* application of:

The National Director of Public Prosecutions

Applicant

In re: The amount of **R399 198.88** together with interest thereon held in ABSA account number 4097470165 held in the name of Classic Financial Services (One) (Pty) Ltd with registration number 2004/031624/07;



The amount of **R10 395 192.44** together with interest thereon held in Nedbank account number 1195277571 in the name of Classic Financial Services (One) (Pty) Ltd with registration number 2004/031624/07;

The amount of **R3 000 000** together with interest thereon held in FNB account number 62047917713 in the name of Jacoba Magdalena Geldenhuis with ID number 5410130145085;

The amount of **R5 750 000** together with interest thereon held in Nedbank account number 1009637290 in the name of Murry Pierce Kilgour with ID number 5905195084087.

DRAFT ORDER

On ____ October 2022

Before the Honourable Justice _____, in chambers

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

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, being:

- 1.1 The amount of **R399 198.88** together with interest thereon held in ABSA account number 4097470165 held in the name of Classic Financial Services (One) (Pty) Ltd with registration number 2004/031624/07;



- 1.2 The amount of **R10 395 192.44** together with interest thereon held in Nedbank account number 1195277571 in the name of Classic Financial Services (One) (Pty) Ltd with registration number 2004/031624/07;
- 1.3 The amount of **R3 000 000** together with interest thereon held in First National Bank (**FNB**) account number 62047917713 in the name of Jacoba Magdalena Geldenhuis with ID number 5410130145085; and
- 1.4 The amount of **R5 750 000** together with interest thereon held in Nedbank account number 1009637290 in the name of Murry Pierce Kilgour with ID number 5905195084087

(hereinafter referred to as **the property**).

PROHIBITION AGAINST DEALING IN ANY MANNER WITH THE PROPERTY

2. In terms of section 38(2) of the POCA, all persons are, other than as required and permitted by this order, prohibited from removing, taking possession of or control over,

dissipating, interfering with, diminishing the value of, pledging or otherwise hypothecating, attaching or dealing in any other manner with the property.

CURATOR BONIS

3. The appointment of a *curator bonis* is dispensed with.
4. ABSA, Nedbank and FNB are directed to preserve the property under their respective control by way of holding the property in interest bearing accounts, pending the finalisation of the forfeiture proceedings to be instituted as regards the property in terms of section 48 of the POCA.

SERVICE AND PUBLICATION



5. The applicant must in terms of section 39 of the POCA 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:
 - 5.1 Classic Financial Services (One) (Pty) Ltd with registration number 2004/031624/07 and registered address situated at 18 Montagu, Fiskaal Street, Glen Marais, Kempton Park;
 - 5.2 Jacobus Stefanus Geldenhuis with ID number 6003315080083 and residing at 18 Montagu, Fiskaal Street, Glen Marais, Kempton Park;
 - 5.3 Jacoba Magdalena Geldenhuis with ID number 5410130145085 and residing at 18 Montagu, Fiskaal Street, Glen Marais, Kempton Park;
 - 5.4 Murry Pierce Kilgour with ID number 5905195084087 and believed to be residing at 63 Herschel Road, Fish Hoek, Cape Town; and
 - 5.5 Any other known person who may possibly have an interest in the property.

6. The applicant must in terms of section 39(1)(b) of the POCA cause notice of this order, in the form set out in Annexure A thereto, to be published in the Government Gazette as soon as practicable after the order is granted.
7. In the event that it appears to the applicant that any of the entities or individuals identified for service frustrate attempts of service on any of them, the applicant and/or the Sheriff is authorised to enlist the assistance of members of the SAPS to effect service on such entities or individuals.
8. In the event of a return of non-service by the Sheriff or members of the SAPS, as the case may be, on any of the entities or individuals identified for service, the applicant is authorised to effect service on such entities or individuals by publication of notice of the order, in the form as set out in annexure A to the draft order, in one edition of *The Star* newspaper, which publication enjoys widespread circulation within South Africa. Such publication or service by members of the SAPS in terms of this order shall at the same time constitute proper service on any person who may have an interest in the property and shall constitute full compliance with section 39(2) of the POCA and shall further constitute a valid factual and legal basis for the applicant to launch subsequent forfeiture proceedings, notwithstanding that service may not have been effected by the Sheriff as prescribed by section 48(3) of the POCA.
9. At forfeiture stage an affidavit shall be delivered by the applicant particularising the method of service and setting forth reasons why such other form of service constitutes full compliance with section 39 (2) and/or section 48(3), as the case may be.



ENFORCEMENT OF THE ORDER

10. 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 officials at ABSA, Nedbank and FNB

respectively 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.

11. 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

12. 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.



13. 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:
 - 13.1. the full particulars of the identity of the person giving the notice;
 - 13.2. the nature and extent of his or her interest in the property concerned;
 - 13.3. 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
 - 13.4. 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

14. Any person who is affected by the preservation order may on good cause shown, apply for the reconsideration thereof.

15. Such application shall be set down:

15.1. 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

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

16. Such an application must be delivered within 14 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

REGISTRAR OF THE HIGH COURT

Counsel for the Applicant: Mbongeni Mbatha

Tel: 011 220 4189