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**WESTERN CAPE / WES-KAAP**

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**Case No: 18534/20**

IN THE HIGH COURT OF SOUTH AFRICA

(WESTERN CAPE DIVISION)

CAPE TOWN, 14 December 2020, Before the Honourable Ms Justice Baartman

**In the matter between: The National Director of Public Prosecutions Applicant and South African Residents Civic Organisation (SARCO) Respondent****In re: In re: application for a preservation of property order in terms of section 38 of The Prevention of Crime Act 121 of 1998 in relation to R141 606.47 and all interest thereon as held in First National Bank account number 62793862501 under Atlantis CAS 392/11/2020**

## NOTICE IN TERMS OF SECTION 39 OF THE PREVENTION OF ORGANISED CRIME ACT 121 OF 1998 (POCA)

The National Director of Public Prosecutions applied for and was granted a preservation of property order in terms of section 38 of the Prevention of Organised Crime Act, 1998 in the High Court of South Africa (Western Cape Local Division, Cape Town) on 14 December 2020 under case number 18534/2020 in relation to R141 606.47 and all interest thereon as held in First National Bank account number 62793862501 under Atlantis CAS 392/11/2020 (a copy of the application and order can be obtained from the person mentioned in par 9 hereunder).

This notice is addressed to all persons who may have an interest in the property described above.

Take notice that:

1 If you have an interest in the property, you should understand that it is now at risk. You are advised to obtain legal advice on whether your interest can be protected and, if so, on how to protect it.

2 You are notified that the National Director will, within 90 days of publication of this notice, apply to the High Court under section 48 of the POCA for a forfeiture order. The preservation order will remain in force until the application for a forfeiture order is finalised, and until any forfeiture order that is made is satisfied.

3 If you intend to oppose the application for a forfeiture order, or you intend to apply for an order excluding your interest from a forfeiture order in respect of the property, you must enter an appearance in terms of the order. The requirements for such an appearance are set out in the order and are also dealt with in sections 39(3), (4) and (5) of the POCA. An appearance must comply with these requirements and must be delivered to the office of the State Attorney at the address mentioned in paragraph 9, below.

4 Your attention is specifically drawn to the 14-day time limit prescribed in section 39(4) for the entry of an appearance referred to in paragraph 3 above.

5 If you enter an appearance in terms of the order you will be entitled to be given 14 days notice of the application by the applicant for a forfeiture order in respect of the property.

6 If you fail to enter an appearance in terms of the order or to comply with the above requirements, you will not be given notice of the application for a forfeiture order and you will not be entitled to appear at the hearing of the application. In such a case, the court may grant a default order forfeiting the property to the state under section 53 of the POCA.

7 You may, on good cause shown (including the non-availability of any other suitable remedy to protect your legitimate rights or interests), on 3 days notice in urgent instances and at least 7 days notice in other instances to the applicant, and within 8 days of becoming aware of the order, apply for reconsideration of the order.

8 You are specifically advised that even if you intend to apply for reconsideration of the preservation order in this case, you must, in addition, comply with paragraphs 4 and 5 above if you intend to oppose the forfeiture application at a later date. Failure to do so can result in a forfeiture order being granted against the property by default and without further notice to you.

9 Whenever this order states that you must deliver or serve any notice, affidavit or other process document on the applicant, you must deliver or serve them on the applicant at the following address:

The State Attorney: Mr Z Karjiker, 4th Floor, 22 Long Street, Cape Town.

His contact details are as follows: Private Bag X9001, Cape Town, 8000. Tel: (021) 441 9200/ 021 441 9284 and Fax: (021) 421 9364. Email: zkarjiker@justice.gov.za