

IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CAPE LOCAL DIVISION, PORT ELIZABETH)

PORT ELIZABETH, Wednesday, the 17th day of JUNE 2020

BEFORE The Honourable Mr Justice **MULLINS (AJ)**

Case No.: 1179/2020

In the matter between:

SIMON NEIL DIX

Applicant

and

WILLEM JOHANNES BREEDT

First Respondent

WILLEM JOHANNES BREEDT N.O.

Second Respondent

ANNA CHRISTINA BREEDT

Third Respondent

PETER MARTINUS BREEDT

Fourth Respondent

FIRSTRAND BANK LIMITED t/a FIRST NATIONAL BANK

Fifth Respondent

MASTER OF THE SOUTH GAUTENG HIGH COURT

Sixth Respondent

REGISTAR OF DEEDS KING WILLIAMS TOWN

Seventh Respondent

Having heard Advocate Hunt SC, and read the documents filed of record;

IT IS ORDERED THAT:

1. That it is recorded that the notice of opposition and intervention delivered in this matter by Annette Veldsman is withdrawn by consent.
2. That this application is heard as one of urgency, *ex parte* and *in camera* and that the Applicant's failure to comply with the usual requirements of the Rules of Court, be and is hereby condoned in terms of Rule 6(12);
3. That the details of this application shall not be published on any court roll, and the court file shall be secured in the office of the Registrar of this court and no information shall be disseminated about this application or this order until after it has been served upon the Respondents by the relevant Sheriffs of the High Court;
4. That a *rule nisi* be and is hereby issued calling upon the abovenamed Respondents to show cause before this honourable court on the **28TH day of JULY 2020 at 09h30** or so soon thereafter as counsel may be heard, why, pending the final determination of case number 2424/2020P, and case number 1102/2020 in this Division, alternatively the appointment of a Trustee in insolvency pursuant to a final order of sequestration under case no. 188/2020 in this division, an order should not be granted as follows:
 - 4.1 Interdicting the First Respondent from directly or indirectly, whether himself or through anyone else, transacting upon, drawing against, transferring funds from, reducing, liquidating, expatriating, pledging

or in any other fashion dealing with the undermentioned assets, without an order of this court authorising such transaction:

4.1.1 The First Respondent's First National Bank cheque account number 62720163443, and the funds standing to the credit thereof;

4.1.2 The First National Bank Gold business account held in the name of "WJ Breedts t/a Thrive Pay Exchange", and the funds standing to the credit thereof;

4.2 Interdicting the Fifth Respondent from permitting or giving effect to any withdrawal, transfer or other transaction upon the aforementioned First National Bank accounts without an order of this court;

4.3 Interdicting the Second, Third and Fourth Respondents from alienating or hypothecating the immovable property described as Erf 1421 Aston Bay, Kouga Local Municipality, Eastern Cape Province without an order of this court;

4.4 That the First to Fourth Respondents, jointly and severally, the one paying, the others to be absolved, be and are hereby directed to pay the costs of this application on the scale as between attorney and own client;

5. That pending the return day of the abovementioned *rule nisi*, the provisions of paragraphs 4.1, 4.2 and 4.3 *supra* shall operate as interim interdicts having immediate effect, and the Seventh Respondent is directed to register a *caveat* in his records, recording the terms of paragraph 4.3 *supra*;

6. That in the event that the applicant seeks to discharge or amend the above



order, he shall give not less than 48 hours written notice of such intention to the attorney of record of the applicant in case no. 1198/2020, in this division.

Greyvensteins

BY ORDER OF COURT


A ERASMUS (Ms)

pp REGISTRAR

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA EASTERN CAPE LOCAL DIVISION, PORT ELIZABETH		
Private Bag X1, Port Elizabeth 6000		
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ECLD-PE-003		
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA EASTERN CAPE LOCAL DIVISION, PORT ELIZABETH		