IN THE HIGH COURT OF SOUTH AFRICA
FREE STATE DIVISION, BLOEMFONTEIN

Reportable

Case no: 1186/2025

In the matter between

THE NATIONAL DIRECTOR OF PUBLIC PROSECUTIONS	**APPLICANT**
and	
McGINA PROPERTY TRUST	**FIRST RESPONDENT**
MICHELLE ANTIA MPAMBANI	**SECOND RESPONDENT**
ANTHONY MPAMBANI	**THIRD RESPONDENT**
EMELDA NONZAKALISO MABUYA	**FOURTH RESPONDENT**
THE VILLA CASTELLO RESIDENCE TRUST	**FIFTH RESPONDENT**
SELLO JOSEPH RADEBE	**SIXTH RESPONDENT**
SAB FAMILY TRUST	**SEVENTH RESPONDENT**

In Re: Fixed property situated at:

Erf 7[...] Castello River Estate, Beverley, Sandton.

Erf 2[...] Situated At 1[...] K[...] S[...], Kosmos, Hartbeespoort.

Erf 4[...] Portion 1[...] V[...], Wildebeesthoek SH, Wonderboom.

Erf 4[...] Portion 1[...] V[...], Wildebeesthoek SH, Wonderboom.

Erf 2[...], Ridge Lane, City of Johannesburg, Randburg.

Erf 2[...] Portion 9, Unit 1[...], C[...] d[...] V[...] R[...] L[...] E[...], Ngwathe, Free State.

Silver Mercedes Benz G63 Motor Vehicle With Registration Number DB 9[…]

Neutral citation: *National Director of Public Prosecutions v McGina Property Trust and Others* (1186/2025) [2026] ZAFSHC 105 (20 March 2026)

Coram: OPPERMAN J

Heard: 26 February 2026

Delivered: This judgment was handed down electronically by circulation to the parties' representatives by email and released to SAFLII. The date and time for hand-down is deemed to be 16h00 on 20 March 2026.

Summary: Prevention of Organised Crime Act 121 of 1998 – forfeiture of assets – whether assets constitute 'proceeds of unlawful activities' or 'instrumentalities of an offence' – innocent owner defence – principles restated.

ORDER

1 An order is granted in terms of the provisions of s 50(1) of the Prevention of Organised Crime Act 121 of 1998 (POCA) declaring forfeit to the State:

1.1 Erf 2[...], situated at 1[...] K[...] S[...], Kosmos, Hartbeespoort, with title deed number T52808/2016, registered at Pretoria deeds office, and held in the name of McGina Property Trust.

1.2 Erf 4[...], portion 1[...] V[...] JQ, Wildebeesthoek SH, Wonderboom, with title deed number T80620/2016, registered at Pretoria deeds office, and held in the name of McGina Property Trust.

1.3 Erf 4[...], portion 1[...] V[...] JQ, Wildebeesthoek SH, Wonderboom, with title deed number T45789/2016, registered at Pretoria deeds office, and held in the name of McGina Property Trust.

1.4 Erf 2[...], situated at 2[...] R[...] L[...], City of Johannesburg, Randburg, with title deed number T30858/2017, registered at Pretoria deeds office, and held in the name of McGina Property Trust (subject to the exclusion in para 3.2 below).

1.5 Erf 2[...], portion 9, Unit 1[...], C[...] d[...] V[...] R[...] L[...] E[...], Ngwathe, Parys, Free State, sectional scheme title deed number ST13791/2016, registered in Bloemfontein deeds office, and held in the name of McGina Property Trust.

1.6 Erf 7[...] Castello River Estate, Beverley, Sandton, with title deed number T28245/2015, registered at Pretoria deeds office, and held in the name of Villa Castello Residence Trust.

1.7 A silver Mercedes Benz G63 motor vehicle with registration number DB 9[…], with chassis number WDB[…], engine number 157[…] and registered in the name of the SAB Family Trust. (the property).

2 This order shall be executed under the supervision and control of the curator *bonis* Gerhard Geldenhuys (Geldenhuys) appointed as such in terms of s 42 of POCA in the

preservation application. Representatives of the applicant and ABSA Bank may accompany the said Geldenhuys in order to represent the applicant's and ABSA Bank's interest in the execution of this order. The property is presently subject to a preservation of property order granted by this Court under the above case number dated 13 March 2025, which property is under the control of Geldenhuys.

3 The State may deal with the property as set hereunder:

3.1 Geldenhuys or a person authorised by him in writing shall sell the property listed in paras 1.1, 1.2, 1.3, 1.5, 1.6 and 1.7 above and pay the proceeds of the sale into the Criminal Asset Recovery Account established under s 63 of POCA, number 80303056 held at the South African Reserve Bank, Vermeulen Street, Pretoria.

3.2 Geldenhuys or a person authorised by him in writing shall sell the property listed in para 1.4 above in consultation with ABSA Bank and pay ABSA Bank the outstanding bond amount from the proceeds of the sale of the property listed in para 1.4 and any remaining amount from the sale of this property, if any, must be paid into the Criminal Asset Recovery Account established under s 63 of POCA, number 80303056 held at the South African Reserve Bank, Vermeulen Street, Pretoria. Should the proceeds from the sale of the property referred to in para 1.4 be insufficient to settle the full amount owing to ABSA Bank, neither the applicant nor the curator *bonis* shall be liable for any shortfall.

3.3 Any person holding property subject to the preservation of property order shall surrender forthwith such property into the custody of the curator *bonis*.

4 It is ordered that the forfeiture order be published in the *Government Gazette* within 90 (ninety) days of the date of this order.

5 Any person whose interest in the property concerned is affected by the forfeiture order, may within 20 (twenty) days after he or she has acquired knowledge of such order, set the matter down for variation or rescission by the Court.

6 The said Geldenhuys or person authorised by him shall as soon as possible, but not later than within a period of 90 (ninety) days of this order coming into effect, file a report with the applicant on the manner in which he:

6.1 Completed the administration of the property mentioned above; and

6.2 complied with the terms of this order.

7 In terms of s 42(2) of POCA it is ordered that the fees of the curator *bonis* and all disbursements be paid from the forfeited property.

8 No order is made as to costs.

JUDGMENT

Opperman J

Introduction

[1] This application is brought by the National Director of Public Prosecutions (NDPP) in terms of the Prevention of Organised Crime Act 121 of 1998 (POCA) for a forfeiture order in respect of six immovable properties and one motor vehicle (the property).

[2] The properties are registered in the names of the McGina Property Trust, the Villa Castello Residence Trust and the SAB Family Trust. The NDPP contends that the property constitutes the proceeds of unlawful activities, alternatively the instrumentality of money laundering offences and is accordingly liable to forfeiture to the State. The property was previously made subject to a preservation of property order granted by this Court on 13 March 2025. The order was published in the *Government Gazette* on 13 June 2025. The present application was issued on 22 August 2025, within 90 days of such publication. Service was effected on all the respondents.

[3] At this juncture, it warrants mentioning that this matter concerns, *inter alia*, money laundering. Kruger[1] explains that money laundering may be described as 'the manipulation of illegally acquired wealth in order to obscure its true nature.' It entails disguising the origins of money obtained through criminal activities so that the funds appear to have been lawfully acquired. This is usually achieved through a single transaction or a series of transactions designed to give the money a semblance of legitimacy. In this manner, funds acquired through unlawful means are rendered capable of being used in the legitimate economy.[2]

In Limine

[4] A point *in limine* was initially raised that the present application had been brought out of time. The contention that the application had to be brought within 90 days of the court order was agreed by counsel to be erroneous. At the commencement of the hearing, counsel for the respondents indicated that the point was withdrawn.

[1] A Kruger *Organised Crime and Proceeds of Crime Law in South Africa* 3 ed (2024).
[2] Ibid 55.

[5] To conclude this issue, the Supreme Court of Appeal in *National Director of Public Prosecutions v Gcaba*[3] (*Gcaba*) confirmed that the statutory regime requires the NDPP merely to issue a forfeiture application out of court in respect of the property concerned within 90 days. It is not required that the application be served on interested parties within that period. This is principally because forfeiture proceedings are *in rem*, directed at the property itself, rather than *in personam*, against a particular respondent. Accordingly, such proceedings commence upon the issuing of the application and not upon service. Secondly the commencement of the 90-day period is not tied to the service referred to in s 39(1)*(a)*, but to the publication referred to in s 39(1)*(b)*. The preliminary objection is therefore without merit. The preservation order remains in force, and the application is properly before this Court. In *Gcaba*, Henney AJA ruled that:

'[32] In my view, mere issue and not service of the application within the 90 days would not unduly infringe upon an individual's rights. The person's property rights, if any, are at best, only limited, for the period of the duration of the preservation order, after judicial sanction, at the time when the preservation order was granted. I therefore disagree with the finding in *Levy* that the term 'pending' should be interpreted to include the *issue* and *service* of a forfeiture application on account that '. . . a statute makes serious inroads on the rights of an individual . . . '. There are sufficient safeguards in POCA to prevent an abuse of process and to protect the rights of affected persons, after the issue of the application, whilst the proceedings are pending and unduly delayed, and the preservation order is still in force.'

The Defences

[6] The defence advanced by the opposing respondents is that the criminal proceedings presently pending against some respondents render this application incompetent. There is also a general denial of wrongdoing.

Parties and Service

[7] Only the first, second, fifth, sixth and seventh respondents filed affidavits opposing the forfeiture order sought. The first respondent, the McGina Property Trust, acts through its trustees: Michelle Anita Mpambani N.O. (second respondent), Anthony Mpambani N.O. (third respondent), and Willem Pieter Esterhuizen N.O., the latter acting on behalf of DLR Fiduciary SA (Pty) Ltd.

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[3] *National Director of Public Prosecutions v Gcaba* (488/2024) [2026] ZASCA 4 (14 January 2026) paras 28-39.

[8] Service of the preservation application and supporting papers was effected on the trustees and other interested parties at the addresses reflected in the founding papers. Anthony Mpambani N.O. and Emelda Nonzaliseko Mabuya (fourth respondent), the executor in the estate of Mpambani, filed affidavits in which they dissociated themselves from the property.

[9] In terms of para 12.1 of the preservation order, service was also required on the Villa Castello Residence Trust (fifth respondent), represented by Roberto Jorge Mendonca Velosa (representing iProtect Trustees (Pty) Ltd) and Sello Joseph Radebe (sixth respondent). Service was effected on both representatives.

[10] Service was further required on the SAB Family Trust (seventh respondent), likewise represented by Roberto Jorge Mendonca Velosa and Sello Joseph Radebe. It was effected in the same manner.

[11] Service was also effected on ABSA Bank Ltd, which holds a mortgage bond over the property. The bank's interest in the property is therefore safeguarded. Counsel holding a watching brief attended the hearing on 26 February 2026 on behalf of ABSA Bank Ltd.

The Property

[12] The property sought to be forfeited comprises:

a. Erf 2[...], 1[...] K[...] S[...], Kosmos, Hartbeespoort held in the name of McGina Property Trust.
b. Erf 4[...], Portion 1[...] V[...] JQ, Wildebeesthoek SH, Wonderboom held in the name of McGina Property Trust.
c. Erf 4[...], Portion 1[...] V[...] JQ, Wildebeesthoek SH, Wonderboom McGina, held in the name of McGina Property Trust.
d. Erf 2[...], 2[...] R[...] L[...], Randburg, held in the name of McGina Property Trust.
e. Erf 2[...], Portion 9, Unit 1[...], C[...] d[...] V[...] R[...] L[...] E[...], Ngwathe, Free State held in the name of McGina Property Trust.

f. Erf 7[...] Castello River Estate, Beverley, Sandton held in the name of Villa Castello Residence Trust.

g. A silver Mercedes Benz G63 motor vehicle, registration number DB 9[…] registered in the name of the SAB Family Trust.

The History and the Money Flow

[13] The application arises from the well-publicised asbestos roofing tender awarded by the Free State Department of Human Settlements (FSDHS) to a joint venture styled Diamond Hill Trading 71 / Blackhead Consulting JV (the JV). It is common cause that approximately R230 million was paid by FSDHS to the JV between December 2014 and August 2016. The NDPP alleges that the award of the contract was irregular and unlawful, that the JV had neither the capacity nor the intention to perform the work, and that the payments constituted the proceeds of fraud, corruption, contraventions of procurement legislation, and money laundering.

[14] The unlawful procurement and payment process has been the subject of findings by both the Auditor-General and the Public Protector. The evidence placed before this Court demonstrates that substantial portions of the R230 million were transferred, almost immediately after receipt, to entities controlled by or associated with the principals of the JV and their subcontractors, including 605 Consulting (Pty) Ltd and Mastertrade 232 (Pty) Ltd. From those entities, funds were further channeled through a series of transactions into trusts connected to the role players, which in turn acquired the properties now sought to be forfeited.

[15] The evidence demonstrates that funds originating from FSDHS were used, directly or indirectly, to purchase the Vissershoek properties, the Kosmos property, the Randburg property, the Cote de Val property, the Castello River Estate property, and the Mercedes Benz G63.

[16] The acquisitions occurred within a relatively short period, largely on a cash basis, and are not supported by evidence of legitimate commercial income sufficient to explain them. The respondents have not provided documentary proof or any other proof demonstrating an independent lawful source for the funds used to acquire the property.

The Legal Framework

[17] This is an application in terms of ss 48 and 50 of POCA. The law comprehensively reflected in the case of *The National Director of Public Prosecutions v Maphosa*[4] (*Maphosa*) finds application here.

[18] In proceedings under Chapter VI of the POCA, the focus of the enquiry is the property itself rather than the culpability of the owner or possessor. Forfeiture proceedings are civil in nature and are determined in accordance with the rules of evidence applicable to civil proceedings.

[19] A forfeiture order may be granted even in the absence of a criminal prosecution, and the outcome of any related criminal proceedings is generally not decisive. As confirmed by the Constitutional Court in *Prophet v National Director of Public Prosecutions*,[5] a criminal conviction is not a prerequisite for forfeiture under Chapter VI of POCA.[6]

[20] In terms of ss 48(1) and 50(1) of POCA, this Court must grant a forfeiture order if it is satisfied, on a balance of probabilities, that the property concerned is either an instrumentality of a Schedule 1 offence or the proceeds of unlawful activities. The State is therefore required to establish, on a civil standard of proof, that unlawful activities occurred and that the property was derived, received or retained in connection with such activities.

[21] POCA defines 'proceeds of unlawful activities' as property derived, directly or indirectly, from unlawful conduct. In *National Director of Public Prosecutions v RO Cook Properties (Pty) Ltd*,[7] the Supreme Court of Appeal held that the definition requires a consequential relationship between unlawful activity and the property.

[22] An 'instrumentality of an offence' refers to property concerned in the commission of an offence. The courts have held that the link between the property and the offence

[4] *The National Director of Public Prosecutions v Simba David Maphosa* (619/2024) [2026] ZAFSHC 49 (9 February 2026) (*Maphosa)* paras 25-34.
[5] *Prophet v National Director of Public Prosecutions* (CCT56/05) [2006] ZACC 17; 2007 (2) BCLR 140 (CC); 2006 (2) SACR 525 (CC) ; 2007 (6) SA 169 (CC) (29 September 2006).
[6] Ibid para 58.
[7] *National Director of Public Prosecutions v R O Cook Properties (Pty) Ltd* (260/03) [2004] ZASCA 36 (13 May 2004).

must be functional and reasonably direct, meaning that the property must facilitate or make possible the commission of the offence, and must be instrumental rather than merely incidental to it.[8]

[23] As indicated, in the present matter, the applicant contends that the property was acquired using funds unlawfully diverted from the FSDHS through a scheme involving fraud, theft, contraventions of the Public Finance Management Act 1 of 1999, corruption and money laundering. The funds were allegedly laundered and utilised to purchase the property.

[24] The courts have further recognised that proceeds of crime may be laundered and converted into other assets. As it was held by the Supreme Court of Appeal in *Bobroff v National Director of Public Prosecutions*,[9] property representing such converted proceeds may still constitute proceeds of unlawful activities for purposes of POCA.

[25] On the applicant's version, the property was acquired and utilised in a manner that facilitated the alleged money-laundering scheme and is therefore liable to forfeiture as both the proceeds of unlawful activities and an instrumentality of an offence. The NDPP contends that, when the applicable case law is applied to the facts, a case for forfeiture has been established. However, this does not conclude the enquiry. In *National Director of Public Prosecutions v Mohamed, NO and Others*[10] the Constitutional Court confirmed that Chapter 6 of POCA focuses primarily on the property concerned, rather than on the wrongdoing of the owner or possessor. The Court further recognised that, at the forfeiture stage, an owner may raise the 'innocent owner' defence by demonstrating that the property was acquired lawfully and for value, and that he or she neither knew nor had reasonable grounds to suspect that the property constituted the proceeds of crime or was an instrumentality of an offence.[11]

[26] A respondent bears an evidentiary burden to show that the proceeds used to

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[8] *National Director of Public Prosecutions v Hausiku*, unreported judgment of the Northern Cape Provincial Division, case number 2330/2021, delivered 10 February 2023, paras 12 and 13.
[9] *Bobroff and Another v National Director of Public Prosecutions* (194/20) [2021] ZASCA 56; [2021] 3 All SA 1 (SCA); 2021 (2) SACR 53 (SCA) (3 May 2021).
[10] *National Director of Public Prosecutions and Another v Mohamed NO and Others* (CCT13/02) [2002] ZACC 9; 2002 (9) BCLR 970 (CC); 2002 (4) SA 843 (CC); 2002 (2) SACR 196 (CC) (12 June 2002) para 18.
[11] Ibid para 19.

acquire the property were derived from a legitimate source. Section 52 of POCA places an evidentiary burden on a party seeking to exclude an interest from forfeiture to prove that such interest was lawfully acquired. Accordingly, respondents must support their allegations with evidence if their version is to be accepted as tenable. This is what the legislation decrees:

'(1)The High Court may, on application-
(a) under section 48(3); or
(b) by a person referred to in section 49(1), and when it makes a forfeiture order, make an order excluding certain interests in property which is subject to the order, from the operation thereof.
(2) The High Court may make an order under subsection (1), in relation to the forfeiture of the proceeds of unlawful activities, if it finds on a balance of probabilities that the applicant for the order-
(a) had acquired the interest concerned legally and for a consideration, the value of which is not significantly less than the value of that interest; and
(b) . . .'[12]

[27] In the present matter, the opposing respondents largely rely on technical objections and bald denials of any unlawfulness in relation to the asbestos tender. Assertions are made that the contractual work was performed, but no supporting documentation has been produced. In *National Director of Public Prosecutions v Moyane*[13] the Supreme Court of Appeal held that where a respondent fails to raise a real, genuine and bona fide dispute of fact regarding the source of funds used to acquire property, and where no documentary proof such as invoices, contracts or financial records is produced to demonstrate a legitimate source of funds, the 'innocent owner' defence cannot succeed.

[28] Similarly, the respondents in this matter rely on bare assertions in the face of extensive evidence presented by the NDPP. In *Maphosa* it was emphasised that the failure to produce proof, considered against the totality of the evidence, justifies the drawing of a negative inference against the respondent.

'[34] This being opposed motion procedure, the trite principles applicable to the adjudication of

[12] *Maphosa* fn 4 para 28.
[13] *National Director of Public Prosecutions v Moyane* (474/2021) [2022] ZASCA 79 (31 May 2022) paras 29-30.

factual disputes has been set out in *Plascon-Evans Paints Ltd v Van Riebeeck Paints (Pty) Ltd*. In order to establish whether a real, genuine and bona fide dispute of fact exists, the following dictum in *Wightman t/a JW Construction v Headfour (Pty) Ltd and Another* (*Wightman*) must be adhered to by respondents:

"A real, genuine and bona fide dispute of fact can exist only where the court is satisfied that the party who purports to raise the dispute has in his affidavit seriously and unambiguously addressed the fact said to be disputed. There will of course be instances where a bare denial meets the requirement because there is no other way open to the disputing party and nothing more can therefore be expected of him. But even that may not be sufficient if the fact averred lies purely within the knowledge of the averring party and no basis is laid for disputing the veracity or accuracy of the averment. When the facts averred are such that the disputing party must necessarily possess knowledge of them and be able to provide an answer (or countervailing evidence) if they be not true or accurate but, instead of doing so, rests his case on a bare or ambiguous denial the court will generally have difficulty in finding that the test is satisfied. I say "generally" because factual averments seldom stand apart from a broader matrix of circumstances, all of which needs to be borne in mind when arriving at a decision. A litigant may not necessarily recognise or understand the nuances of a bare or general denial as against a real attempt to grapple with all relevant factual allegations made by the other party. But when he signs the answering affidavit, he commits himself to its contents, inadequate as they may be, and will only be permitted in exceptional circumstances to disavow them. There is thus a serious duty imposed upon a legal adviser who settles an answering affidavit to ascertain and engage with facta which his client disputes and to reflect such disputes fully and accurately in the answering affidavit. If that does not happen it should come as no surprise that the court takes a robust view of the matter."'

[29] The affidavits filed by Emelda Mbuya and Anthony Mpambani do not advance the 'innocent owner' defence. Ms Mbuya's statement that she previously purchased separate property with the late Mr Mpambani is irrelevant to the present proceedings, as that property is not the subject of this application. Importantly, she confirms that she holds no interest in the McGina Property Trust or in the property sought to be forfeited, although she acts as executrix of the estate of the late Mr Mpambani. Mr Anthony Mpambani, in turn, states that he has no knowledge of the dealings of the McGina Property Trust and was appointed as a trustee by his son without involvement in the management of the property.

Conclusion

[30] The opposing respondents rely primarily on:

a. Technical objections relating to the preservation order.[14]
b. A general denial of wrongdoing; and
c. the existence of pending criminal proceedings.

[31] It is settled law that civil forfeiture proceedings may proceed independently of criminal prosecution. The outcome of criminal proceedings is not a prerequisite to forfeiture. The respondents have not meaningfully engaged with the detailed financial evidence presented by the NDPP. Bald denials in the face of comprehensive banking analyses do not create genuine disputes of fact.

[32] The so-called 'innocent owner' defence requires proof that the property was acquired legally and for value, and that the owner neither knew nor had reasonable grounds to suspect that it constituted the proceeds of crime. No such case has been made out on the evidence.

[33] On a conspectus of the evidence, this Court is satisfied that:

a. Unlawful activities, including fraud, corruption and money laundering, were committed in relation to the asbestos tender.
b. Substantial funds paid by FSDHS were unlawfully siphoned and laundered.
c. The property was derived, directly or indirectly, from those funds.
d. The trusts functioned as conduits to hold and disguise the proceeds.
e. The property represents the proceeds of unlawful activities as defined in POCA.

[34] The NDPP has discharged the onus resting upon it on a balance of probabilities. In terms of s 50(1) of POCA, once the court is so satisfied, it must grant the forfeiture order, subject to s 52. No basis for exclusion has been established.

Order

[35] The application succeeds. It is ordered that:

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[14] See paras 4-5 above.

1 An order is granted in terms of the provisions of s 50(1) of the Prevention of Organised Crime Act 121 of 1998 (POCA) declaring forfeit to the State:

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1.2 Erf 4[...], portion 1[...] V[...] JQ, Wildebeesthoek SH, Wonderboom, with title deed number T80620/2016, registered at Pretoria deeds office, and held in the name of McGina Property Trust.

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1.4 Erf 2[...], situated at 2[...] R[...] L[...], City of Johannesburg, Randburg, with title deed number T30858/2017, registered at Pretoria deeds office, and held in the name of McGina Property Trust (subject to the exclusion in para 3.2 below).

1.5 Erf 2[...], portion 9, Unit 1[...], C[...] d[...] V[...] R[...] L[...] E[...], Ngwathe, Parys, Free State, sectional scheme title deed number ST13791/2016, registered in Bloemfontein deeds office, and held in the name of McGina Property Trust.

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2 This order shall be executed under the supervision and control of the curator *bonis* Gerhard Geldenhuys (Geldenhuys) appointed as such in terms of s 42 of POCA in the preservation application. Representatives of the applicant and ABSA Bank may accompany the said Geldenhuys in order to represent the applicant’s and ABSA Bank’s interest in the execution of this order. The property is presently subject to a preservation of property order granted by this Court under the above case number dated 13 March 2025, which property is under the control of Geldenhuys.

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Criminal Asset Recovery Account established under s 63 of POCA, number 80303056 held at the South African Reserve Bank, Vermeulen Street, Pretoria.

3.2 Geldenhuys or a person authorised by him in writing shall sell the property listed in para 1.4 above in consultation with ABSA Bank and pay ABSA Bank the outstanding bond amount from the proceeds of the sale of the property listed in para 1.4 and any remaining amount from the sale of this property, if any, must be paid into the Criminal Asset Recovery Account established under s 63 of POCA, number 80303056 held at the South African Reserve Bank, Vermeulen Street, Pretoria. Should the proceeds from the sale of the property referred to in para 1.4 be insufficient to settle the full amount owing to ABSA Bank, neither the applicant nor the curator *bonis* shall be liable for any shortfall.

3.3 Any person holding property subject to the preservation of property order shall surrender forthwith such property into the custody of the curator *bonis*.

4 It is ordered that the forfeiture order be published in the *Government Gazette* within 90 (ninety) days of the date of this order.

5 Any person whose interest in the property concerned is affected by the forfeiture order, may within 20 (twenty) days after he or she has acquired knowledge of such order, set the matter down for variation or rescission by the Court.

6 The said Geldenhuys or person authorised by him shall as soon as possible, but not later than within a period of 90 (ninety) days of this order coming into effect, file a report with the applicant on the manner in which he:

6.1 Completed the administration of the property mentioned above; and

6.2 complied with the terms of this order.

7 In terms of s 42(2) of POCA it is ordered that the fees of the curator *bonis* and all disbursements be paid from the forfeited property.

8 No order is made as to costs**.**

M OPPERMAN

JUDGE OF THE HIGH COURT

Appearances

For the applicant:	NA Cassim SC
	S Freese
Instructed by:	The State Attorney, Free State,
	Bloemfontein
For the 1st, 2nd, 5th, 6th and 7th respondents:	WT Rambau
Instructed by:	Rambau, Madzwara and Chauke Inc.
	Kempton Park
	c/o Mamello Makhetha/OMM Attorneys
	Bloemfontein