



MANGAUNG
METRO MUNICIPALITY
METRO MUNISIPALITEIT
LEKGOTLA LA MOTSE

DIRECTORATE ECONOMIC
& RURAL DEVELOPMENT

Our Ref: D Moletsane

Your Ref:

15 May 2023

Tel: 405 8233

ITEM 2

TEMPORARY RELOCATION OF Phase 4 COMMONAGE (BLOEMFONTEIN) TO RE/109 AND 175 LAKEVIEW MUNICIPAL PLOTS (BLOEMFONTEIN).

1. Purpose

To seek council approval to temporary, utilize RE/109 Bardenstraat plot, 175 Oranjestraat Lakeview Bloemfontein owned by the Mangaung Metropolitan Municipality for the translocation of Phase 4 Commonage.

2. Strategic intent

Poverty reduction, job creation, rural and economic development.

3. For decision/consideration by

Section 80 Committee on Rural Development/ Mayoral Committee/ Council.

4. Introduction and background

There is currently a court order (See Annexure 1) that compels Mangaung Metropolitan Municipality to institute appropriate legal proceedings alternatively take other appropriate action to demolish and remove all structures illegally constructed and/or erected at the municipal land, zoned to be residential area situated at Erf 8132 Phase 4, Bloemside, Bloemfontein. The Municipality is currently unable to commence with the appropriate legal proceedings for the eviction of the illegal occupiers to be relocated from Erf 8132 Phase 4, Bloemside, Bloemfontein because the Municipality still have, by law, the obligation of providing illegal occupiers with alternative place for accommodation.

There is a growing need and demand by community members across the seven geographic towns of the city for agricultural land to enable their entrance into the

agricultural sector and livelihoods protection. This growing trend has led to small scale farmers having their livestock within or near residential areas. This development poses serious traffic, health, and hygiene risks to members of the community and as a responsive municipality a permanent solution must be sought to avoid potential social conflict and litigation by community members.

It is therefore critical that the exercise referred to above be undertaken to identify the Municipal land to which the illegal occupiers could be relocated when they are moved from Erf 8132 Phase 4, Bloemside, Bloemfontein and more broadly to identify similar land in all seven mangangaung towns so that a comprehensive and long-term solution is sought for the whole of the city.

5. Proposed land for the relocation

In consideration of the conditions and administration of the current Phase 4 Commonage, the number and different livestock, it is proposed that the Phase 4 Commonage be relocated 109 Bardenstraat plot, 175 Oranjestraat Lakeview Bloemfontein. Lakeview plot RE/109 (4,2816) ha, plot 175 (4,2816) ha. In extent that will potentially accommodate the relocated livestock, also included is the locality map.

6. Current Conditions and Space Summaries

The current conditions justification for relocating intervention are:

- Structures in the commonage are derelict and not built to the standard.
- The animals will primarily be in pasture conditions.
- Utilization of appropriate land mass to accommodate relocated livestock.
- Improved livestock health.
- Improved livestock farming function and improved public perception.

7. Financial Implication

There will be no financial implication to the Municipality.



8. Recommendation

The Council approved the temporary relocation of Phase 4 Commonage in Bloemfontein to RE/109 Bardenstraat plot, 175 Oranjestraat Lakeview Bloemfontein. Consisting of approximately 11 owners with a total 182 small livestock, at no cost to the municipality.


1. That all livestock be relocated to Lakeview and SPCA determine if any livestock is not suffering from contagious disease or may prove dangerous to human life.
2. That any livestock found to be contagious disease or prove dangerous to human life be impounded by SPCA and dealt with in accordance with the provisions of the Keeping of Animals, Poultry and Bees By-Law (as promulgated by Local Government Notice No. 35 of 24 June 2016) and the Animal Diseases Act, (Act no. 35 of 1984).
3. That the identified municipal smallholdings be utilized for livestock farming and commonage purposes only.

SUBMITTED BY:



Mr: C. Manyungwana
Acting HOD: Economic and Rural Dev

SUPPORTED / NOT SUPPORTED



Mr: P Twala
MMC: Rural Development

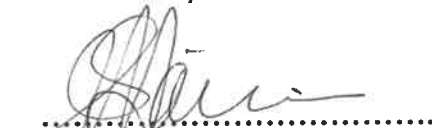
SUPPORTED / NOT SUPPORTED



Ms: Ngaka Dumalisile
Acting City Manager

22/05/23

APPROVED / NOT APPROVED

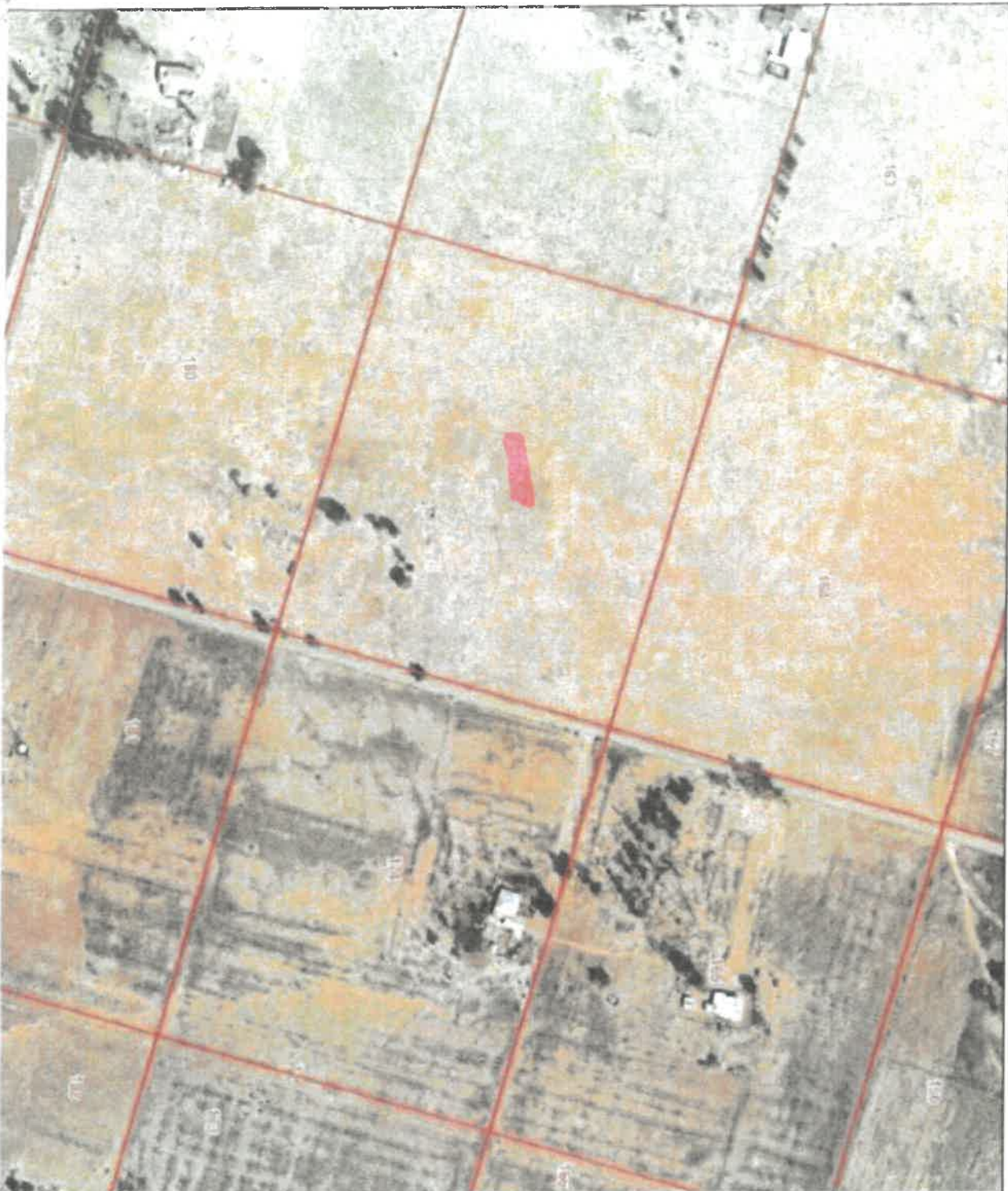


Mr: Gregory Nthatisi
Acting Executive Mayor

Malaza
Gugu Malaza
NCR
25/05/2023

PHASE 4 COMMONAGE

NAME	SURNAME	ID	CONTACT	SHEEP	COW	GOAT	PIGS
Ephraim	Moeketsi	660608577508 6	0718460587		6		
Samuel	Matsiedi	860829572208 8	0710007559	7			56
April	Mohale	750911534208 4	0717185870	14	7	25	
Mahlomola	Mohale	970213584208 8	0635521013	10			
Masunuku	Morapelo	890329040208 7	0789156068	10		5	
Tshidiso	Lebaka	950620581108 3	0631709620	12		3	
Sembonine	John	750125618508 3	0725885081			9	
Ndlebe	Phillip	720629544508 0	0733543599			9	
Songelwa	Mashibini	681018565708 3	0617798201	10			
Total (184) Livestock				63	13	52	56



Identify from
 ✓ View Properties

175
 20348 17 5017 1241 408 8127 W
 8127

Location 44 081 259 1 278 524 427 84878

Field	Value
OBJECTID	121177
SQ_CENT	760.20040000017500000
PARCEL_NBR	175
PARCEL_SIZ	42911.433344
SI_M_CODE	AGRICULTURAL RESERVE 2
FARM_NAME	
STUDENT_WOKE	
SHAR_LANDPT	01107983
SHAR_Area	42911.466358
FARM_TOWNSHIP	JARVIS 9-
PARCEL_NBR	175
2020_ZONE	SMALL HOLDING
TOWNSHIP	JARVIS 9-
OWNER_NAME	WARWICK METROPOLITAN MUNICIPALITY
ACCOUNT_NO	200054528
RIOP_CODE	NAAD01
TADFCODE	VA0481
PARCEL_A	1427878
STREET_NO	0
OWNER_TYP	OTHER
ZONE_CODE	RES1
ZONE_DESCR	RESIDENTIAL 1
USAGE_CODE	RES1
LEASERDESCR	RESIDENTIAL 1
EMPTY_STAT	
NETTA_BOOK	WHO17
POSTAL_ADR	
POSTAL_ADR1	
POSTAL_ADR2	
POSTAL_ADR3	
POSTAL_ADR4	
POSTAL_ADR5	
POSTAL_CODE	

Identified 2 features
 Identify Search Results Create Feature

Identify frame

Visible layers

WML Cadastre
RE/109
2023AB_17_2017_1251R_00_REC.tif
AGE

Location: 45 042.301 3 227 917.369 Meters

OBJECTID	1419
SG_CODE	0002004000001090002
PARCEL_NO	RE/109
PARCEL_SIZE	22847.0115
1054_ZONING	AGRICULTURAL RESIDENCE 1
CADN_NAME	STUDENT HOUSE
OWNER_NAME	054614287
OWNER_CODE	22847.0115
PARCEL_TOWNSHIP	LAKEVIEW SH
PARCEL_NO	RE/109
2021_ZONING	SMALL HOLDING
2020_ZONING	SMALL HOLDING
TOWNSHIP	LAKEVIEW
CADN_NAME	MANUALING METROPOLITAN MUNICIPALITY
ACCOUNT_NO	200344675
PROP_CATEG	MUNICI
TARIFFCODE	AMUL
TWESCA_A	SARICENWEG LAKEVIEW
STREET_NO	109
OWNER_TYPE	OTHER
ZONE_CODE	RES1
ZONE_DESC	RESIDENTIAL
USAGE_CODE	RES1
USAGE_DESC	RESIDENTIAL 1
PROPERTY	RESIDENTIAL 1
PROPERTY_CODE	RES1
PROPERTY_DESC	RESIDENTIAL 1
POSTAL_ADR	200344675
POSTAL_ADR1	
POSTAL_ADR2	
POSTAL_ADR3	
POSTAL_ADR4	
POSTAL_ADR5	
POSTAL_CODE	



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

CASE NO: 1325/2022

In the matter between:

KEGILE FORTUNE RANCHO

Applicant

and

MANGAUNG METROPOLITAN MUNICIPALITY

1st Respondent

THE MUNICIPAL MANAGER

MANGAUNG METROPOLITAN MUNICIPALITY

2nd Respondent

In re:

KEGILE FORTUNE RANCHO

Applicant

and

MANGAUNG METROPOLITAN MUNICIPALITY

1st Respondent

MOEKETSI MOSEOU

2nd Respondent

UNIDENTIFIED OCCUPIERS

3rd Respondent

THE MUNICIPAL MANAGER

MANGAUNG METROPOLITAN MUNICIPAL MANAGER

4th Respondent

NOTICE OF MOTION

KINDLY TAKE NOTICE that Application will be made on behalf of the above mentioned Applicant in the above Honourable Court for an Order in the following terms:

1. That the 1st and 2nd Respondents be found to be in Contempt of the Court Order of this Honourable Court granted by the Honourable Judge JJ Mhlambi under the above case number on the 28th of April 2022;
2. That the 1st and 2nd Respondents be ordered to comply with the aforementioned Order of Court;
3. That the 2nd Respondents be convicted of Contempt of Court and sentenced accordingly and as the Honourable Court may deem appropriate;
4. That the 1st and 2nd Respondents be ordered to pay the costs of this Application;
5. That such further and/or alternative relief be granted to the Applicant as this Honourable Court may deem fit.

KINDLY TAKE FURTHER NOTICE that the Affidavit of **KEGILE FORTUNE RANCHO** with Annexures thereto will be used in support of this Application.

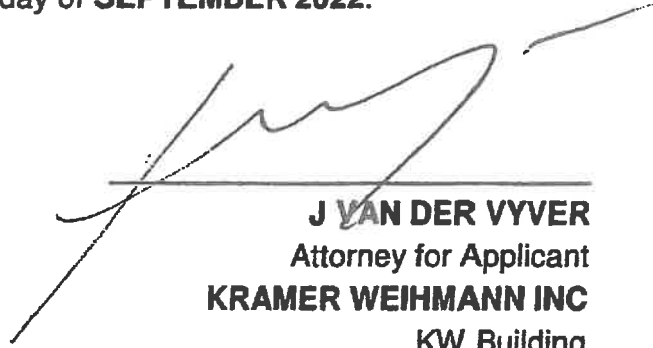
TAKE NOTICE FURTHER that the Applicant has appointed the offices of **Kramer Weihmann Incorporated, Kramer Weihmann Building, 24 Barnes Street, Westdene, Bloemfontein** at which it will accept, by hand, notice and service of all process in these proceedings.

TAKE NOTICE FURTHER that if you intend opposing this application you are required to:

- (a) give Applicant's attorney notice of your intention to oppose this application, in writing, within ten (10) days of receipt of this Notice of Motion; and
- (b) deliver an answering affidavit, within fifteen (15) days from the date on which you have given notice of your intention to oppose this application, and further that you are required to appoint in such notification an address for, and manner of delivery of all process and documents, which, if the address is a physical address and delivery is requested by hand, shall be within fifteen (15) kilometres from the Court.

(c) If no such notice of intention to oppose be given the Applicant will apply to the above Honourable Court on the 29th day of **SEPTEMBER 2022** at 09h30, or as soon thereafter as counsel for the Applicant may be heard, for a determination in terms of the above prayers.

SIGNED at **BLOEMFONTEIN** on this 5th day of **SEPTEMBER 2022**.



J VAN DER VYVER
Attorney for Applicant
KRAMER WEIHMANN INC
KW Building
24 Barnes Street
Westdene
BLOEMFONTEIN
Ref: J VAN DER VYVER/tc/CW1088
Tel: 051 411 4000
Email: tanya@kwinc.co.za

TO:

The Registrar
Free State High Court
BLOEMFONTEIN

AND TO:

1st Respondent
MANGAUNG METRO MUNICIPALITY
c/o The Municipal Manager
Bram Fischer Building
5 De Villiers Street
BLOEMFONTEIN

SERVICE BY SHERIFF

AND TO:

2nd Respondent

THE MUNICIPAL MANAGER

MANGAUNG METROPOLITAN MUNICIPAL MANAGER

Bram Fischer Building

5 De Villiers Street

BLOEMFONTEIN

SERVICE BY SHERIFF

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

CASE NO: 1325/2022

In the matter between:

KEGILE FORTUNE RANCHO

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and

MANGAUNG METROPOLITAN MUNICIPALITY

1st Respondent

THE MUNICIPAL MANAGER

MANGAUNG METROPOLITAN MUNICIPALITY

2nd Respondent

In re:

KEGILE FORTUNE RANCHO

Applicant

and

MANGAUNG METROPOLITAN MUNICIPALITY

1st Respondent

MOEKETSI MOSEOU

2nd Respondent

UNIDENTIFIED OCCUPIERS

3rd Respondent

THE MUNICIPAL MANAGER

MANGAUNG METROPOLITAN MUNICIPAL MANAGER

4th Respondent

FOUNDING AFFIDAVIT

I, the undersigned,

KEAGILE FORTUNE RANCHO,


K.F

hereby state under oath as follows:

1.

- 1.1 I am an adult male currently residing at **Erf 8134, Heidedal, Phase 4, Bloemside, Bloemfontein, Free State Province.**
- 1.2 I am the Applicant in the application and the facts contained herein falls within my own personal knowledge which I confirm as true and correct unless otherwise indicated.
- 1.3 Where I make legal submissions I do so on the advice of my legal representatives which advice is accepted.

RESPONDENTS:

2.

- 2.1 The 1st Respondent is the **Mangaung Metropolitan Municipality**, a Metropolitan Municipality with legal personality duly established in terms of the Statutes of the Republic of South Africa with offices situated at **Bram Fischer Building, 5 De Villiers Street, Bloemfontein, Free State Province.**
- 2.2 The 2nd Respondent is the Municipal Manager of the Municipality in his capacity as the head of administration of the 1st Respondent at **Bram Fischer Building, 2nd Floor, 5 De Villiers Street, Bloemfontein, Free State Province** and as such the accountable Officer tasked with overseeing and implementation of Court Orders against the 1st Respondent.

JURISDICTION:

3.

The Honourable Court has jurisdiction to entertain this Application as the relevant Court Order was granted by this Honourable Court and the Respondents permanently reside / carries on


K.P

business within the area of jurisdiction of the Honourable Court.

PURPOSE OF APPLICATION:

4.

The purpose of this application is to find the 1st and 2nd Respondents in Contempt of Court as a consequence of non-compliance with **Annexure "A"** hereto and to be sentenced accordingly. In terms of Annexure "A"

- "1. The First Respondent is compelled to institute appropriate legal proceedings alternatively take other appropriate action to demolish and remove any and all structures illegally constructed and or erected at the municipal grounds directly opposite the Applicant's property situated as **Erf 8134 Heidedal, Phase 4, Bloemside, Bloemfontein**, within **30 days** of this order.
2. The First Respondent is compelled to institute appropriate legal proceedings alternatively take other appropriate action in order to remove any and all livestock kept at the municipal grounds directly opposite the Applicant's property situated at **Erf 8134 Heidedal, Phase 4, Bloemside, Bloemfontein**, within **30 days** of this order.
3. The First Respondent is to pay the costs of this application."

The Court Order Annexure "A" was duly and properly served upon the 1st and 2nd Respondents by the Sheriff of the Honourable Court, which service was effected on the 16th of May 2022 upon Ms S Brown, Legal Services, at the offices of the 1st Respondent. True copies of the Notices of Service aforementioned are annexed hereto as **Annexures "B1"** and **"B2"**.

5.

After the 1st and 2nd Respondents failed to comply with the Court Order, Annexure "A" hereto, my Attorneys of record addressed a letter to the Legal Department of the 1st Respondent and



KuP

which was delivered to them by hand on the 8th of July 2022, a true copy of which is attached herewith as **Annexure "C"**.

6.

In terms of the contents of Annexure "C" the 1st Respondent was requested to confirm as to whether or not they started with the necessary legal proceedings alternatively as to inform my Attorneys of record as to when they will start with the legal proceedings in which their reply was expected within 7 (seven) days of date of the letter by default of which the Court would be approached for an Application of Contempt of Court. No reply was received by my Attorneys of record on the aforementioned letter, Annexure "C".

7.

In a further attempt to request the 1st Respondent to comply with the Court Order, Mr Henco Erasmus, who is a Candidate Attorney at the office of my Attorneys of record personally attended the 1st Respondent's Legal Department and he was informed by the Receptionist to send an email to Mr Paul Monama at paul.monama@mangaung.co.za who will then reply to the enquiries. Consequently my Attorneys of record addressed an email to Mr Monama in terms of which the courtesy of a response is required and further in terms of which it is confirmed that the Applicant intends to approach the Court for an Application of Contempt of Court. A true copy of this email is attached herewith as **Annexure "D"**. No reply was however received by either Mr Monama or any other official of the 1st Respondent.

8.

In the meantime the bill of cost was taxed in terms of the Cost Order granted in terms of Annexure "A" and failing payment the Sheriff of the Honourable Court on the 17th of August 2022 attached the bank account of the 1st Respondent and supplied the 1st Respondent with a copy of the Notice of Service. A true copy of the Notice of Service is attached hereto as **Annexure "E"**.



K.F.

9.

I humbly submit that following the aforementioned it is very clear that the 1st and 2nd Respondents received more than sufficient notice and request to comply with the Court Order. No reply of any sort is however communicated to my Attorneys of record. The 1st Respondent has to date hereof not complied or even attempted to comply with the Court Order, Annexure "A".

10.

The main application was brought by myself mainly as the actions of the 2nd and 3rd Respondents in the main application posed a serious health risk which is still the case. The purpose of that Application further was to stop the 2nd and 3rd Respondents in the main application to act illegally, their illegal actions still continue uninterrupted. I am being terribly prejudiced by the non-compliance by the 1st and 2nd Respondents in this Application for not complying with the Court Order.

11.

I have been advised that once the Applicant has proved the order, service or notice of the said Order, and non-compliance, the Respondents bear an evidentiary burden in relation to wilfulness and *mala fides*.

12.

I respectfully submit that all the requisites of contempt have been proven. The Court Order exists and was served and came to the intention of the 1st and 2nd Respondents.

13.

Wherefore I humbly request the Honourable Court to grant an Order in terms of the Notice of Motion duly annexed hereto.



K.F

SIGNED and SWORN at BLOEMFONTEIN on this 02 day of SEPTEMBER 2022



KEAGILE FORTUNE RANCHO

SWORN TO and SIGNED before on this 02 day of September 2022 by the above-mentioned Deponent who acknowledges that he knows and understands the contents of this Affidavit and the he has no objection to taking the prescribed oath as follows: "I swear the contents of the Affidavit are true, so help me God", and further that he acknowledges that he regards the said prescribed oath as binding on his conscience, which oath was duly administered by me as required by Law.



COMMISSIONER OF OATHS

CLEOPATRA MUKHARI
PRAKTISERENDE PROKUREUR RSA
PRACTISING ATTORNEY RSA
Kommissaris van Edel/Commissioner of Oaths
H/V MARKGRAAFF & KELLNERSTRAAT, BFN
C/O MARKGRAAFF & KELLNER STREET, BFN



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

Case No: 1325/2022

Before the Honourable Judge **JJ MHLAMBI**

On the 28th day of **APRIL 2022**

In the matter between:

KEGILE FORTUNE RANCHO
[Identity Number: 770208 5528 08 4]

Applicant

and

MANGAUNG METROPOLITAN MUNICIPALITY

1st Respondent

MOEKETSI MOSEOU

2nd Respondent

UNIDENTIFIED OCCUPIERS

3rd Respondent

**THE MUNICIPALITY MANAGER: MANGAUNG
METROPOLITAN MUNICIPALITY**

4th Respondent

Having considered the documents filed of record and having heard the legal practitioners,

IT IS ORDERED THAT:

1. The First Respondent is compelled to institute appropriate legal proceedings alternatively take other appropriate action to demolish and remove any and all structures illegally constructed and or erected at the municipal grounds directly opposite the Applicant's property situated as **Erf 8134 Heidedal, Phase 4, Bloemside, Bloemfontein**, within **30 days** of this order.
2. The First Respondent is compelled to institute appropriate legal proceedings alternatively take other appropriate action in order to remove any and all livestock kept at the municipal grounds directly opposite the Applicant's property situated at **Erf 8134 Heidedal, Phase 4, Bloemside, Bloemfontein**, within **30 days** of this order.

K.F

3. The First Respondent is to pay the costs of this application.

BY ORDER OF THIS COURT



COURT REGISTRAR

KRAMER WEIHMANN INC.

Form 530 (2021) (Legal Costs) 0000

2022-04-28

Form 530 (2021)



"B1"

HIGH COURT OF SOUTH AFRICA
FREE STATE DIVISION, BLOEMFONTEIN

Case No - Saak No

1325/22

In the matter between:

PANCHO K F

Applicant

against:

MANGAUNG METROPOLITAN MUNICIPALITY

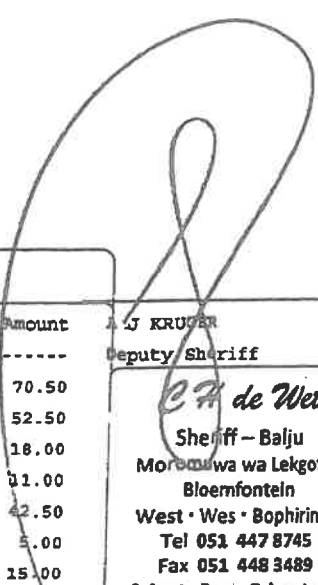


1st Respondent

Return in accordance with the provisions of the Supreme Court Act 10 of 2013, as amended

On this 16th day of May 2022 at 15:10 I served this ORDER OF COURT DATED 28 APRIL 2022 upon MS S BROWN, LEGAL SERVICES, ostensibly a responsible employee and not less than 16 years of age, of and in control of and at the office of MANGAUNG METROPOLITAN MUNICIPALITY at BRAM FISCHER BUILDING, DE VILLIERS STREET, BLOEMFONTEIN who accepted service on behalf of MANGAUNG METROPOLITAN MUNICIPALITY by handing the abovementioned a copy thereof after exhibiting the original and explaining the nature and exigency of the said process. RULE 4(1)(a)(viii).

Attempt: 16.05.22 at 09:09 - Office locked (P.E.P Strike)

The original return is dispatched to the mandator.

Sheriff Fees Baljugeelde	Date Datum	17.05.2022	Tax Invoice Number Belastingfaktuur Nr.	I 1098676					
			Description.....	Qty	Vat	Amount	J KRUGER Deputy Sheriff		
			SERVICE	1	10.58	70.50	 C. de Wet Sheriff - Balju Morija wa wa Lekgotla Bloemfontein West - Wes - Bophirima Tel 051 447 8745 Fax 051 448 3489 Private Bag - Privaatsak 30002 Danhof 9310 bfwest@sheriffnet.co.za http://bfwest.sassoc.co.za Payments - Betalings Sheriff Bloemfontein West Absa BrNo 632005 AccNo: 01009641561		
			ATTEMPT	1	7.88	52.50			
			TRAVELLING	3	2.70	18.00			
			REGISTRATION	1	1.65	11.00			
			RETURN	1	6.38	42.50			
			COPIES	1	0.75	5.00			
			POSTAGE & SUNDRIES	1	2.25	15.00			
			Email Correspondence	1	2.85	19.00			
			VAT / BTW 15%			35.03			
VAT Reg No. BTW Reg Nr.	4140115611		Excludes errors and omissions. Further costs may be charged. You may require this account to be taxed and vouched. Foute en weglatings uitgesluit. Verdere kostes mag gehef word. U kan vereis dat hierdie rekening getekenaar en nastelaf word.			Total Totaal	268.53		
KRAMER WEIHMANN PROKUREURS POSBUS 12322 BRANDHOF 9324			Account No. ♦ Rekening Nr. Your Reference ♦ U Verwysing My Reference ♦ My Verwysing Ret: 915076/Amorie/1		2619 VatReg 4420172845 CW1088/J VAN DER VYV		 		
Registrar: FREE STATE DIVISION, BLO									

K.F

"B2"

HIGH COURT OF SOUTH AFRICA
FREE STATE DIVISION, BLOEMFONTEIN

Case No - Saak No 1325/22

In the matter between:

RANCHO K F

Applicant

vs:

THE MUNICIPAL MANAGER: MANGAUNG METROPOLITAN MUNICIPALITY


4th Respondent

Return in accordance with the provisions of the Supreme Court Act 10 of 2013, as amended

On this 16th day of May 2022 at 15:10 I served this ORDER OF COURT DATED 28 APRIL 2022 upon MS S BROWN, LEGAL SERVICES, ostensibly a responsible employee and not less than 16 years of age, of and in control of and at the office of THE MUNICIPAL MANAGER: MANGAUNG METROPOLITAN MUNICIPALITY at BRAM FISCHER BUILDING, DE VILLIERS STREET, BLOEMFONTEIN who accepted service on behalf of THE MUNICIPAL MANAGER: MANGAUNG METROPOLITAN MUNICIPALITY by handing the abovementioned a copy thereof after exhibiting the original and explaining the nature and exigency of the said process. RULE 4(1)(a)(viii).

Attempt: 16.05.22 at 09:09 - Office closed (P.E.P Strike)

The original return is dispatched to the mandator.

Sheriff Fees Baljugeelde	Date Datum	Tax Invoice Number Belastingfaktuur Nr.				
	17.05.2022	I 1098677				
Description.....			Qty	Vat	Amount	J KRUGER Deputy Sheriff
SERVICE			1	10.58	70.50	C de Wet Sheriff - Balju Morija wa Lekgotla Bloemfontein West - Wes Bophirima Tel 051 447 8745 Fax 051 448 3489 Private 082 - Privaatsak 30002 Danhof 9310 bfnwest@sheriffnet.co.za http://bfnwest.sassoc.co.za Payments - Betalings Sheriff Bloemfontein West Absa BrNo 632005 AccNo: 01009641561
ATTEMPT			1	7.88	52.50	
REGISTRATION			1	1.65	11.00	
RETURN			1	6.38	42.50	
COPIES			1	0.75	5.00	
POSTAGE & SUNDRIES			1	2.25	15.00	
Email Correspondence			1	2.85	19.00	
VAT / BTW 15%					32.33	
VAT Reg No. BTW Reg Nr.	4140115611	Excludes errors and omissions. Further costs may be charged. You may require this account to be taxed and vouched. Fouite en weglatings uitgesluit. Verdere kostes mag behalve word. U kan vereis dat hierdie rekening getakskeer en oestarf word.		Total Totaal	247.83	
KRAMER WEIHMANN PROKUREURS POSBUS 12322 BRANDHOF 9324			Account No. ♦ Rekening Nr. Your Reference ♦ U Verwysing My Reference ♦ My Verwysing Ret: 915077/Amorie/1		2619 VatReg 4420172845 CW1088/J VAN DER VVY 	
			Registrar: FREE STATE DIVISION, BLO			

Form Design © SheriffNet Information Gateway (Pty) Ltd

K₂F

KRAMER WEIHMANN

Prokureurs • Attorneys • Babueledi

Our Ref. **J VAN DER VYVER/tc/CW1088**
Ons Verw.

Your Ref.
U Verw.

Date **07/07/2022**
Datum

Legal Department
Mangaung Metropolitan Municipality
BLOEMFONTEIN

BY HAND

Dear Sir / Madam

KF RANCHO // MANGAUNG METROPOLITAN MUNICIPALITY // M MOSEOU // UNIDENTIFIED OCCUPIERS // THE MUNICIPALITY MANAGER, MANGAUNG METROPOLITAN MUNICIPALITY
CASE NUMBER: 1325/2022

The above mentioned matter refers.

We confirm that an Order was granted on the 28th of April 2022, where the Judge ordered the 1st Respondent, Mangaung Metropolitan Municipality, to institute appropriate legal proceedings alternatively take other appropriate action in order to remove any and all livestock kept at the municipal grounds directly opposite the Applicant's property, within 30 days of the Order. Attached hereto please find a copy of said Order as well as the Sheriff's Return of Service, confirming that the Order was served on your offices.

Kindly confirm within **7 (seven) days** if your offices' have started with the legal proceedings, alternatively when you will start with the legal proceedings.

If confirmation is not received within the next **7 (seven) days** we will have no other option but to approach Court with an Application of Contempt of Court, which costs will also be for your account.

We trust you find the above in order and await your urgent response herein.

Yours faithfully


KRAMER WEIHMANN
Per: J VAN DER VYVER
E-mail: janva@kwinc.co.za



KW Building, 24 Barnes St, Westdene, Bloemfontein, 9301 | T: 051 411 4000 | F: 051 411 4070 | PO Box 12322, Brandhof, Bloemfontein, 9324
Doxex 85, Bloemfontein
Directors: JA KRAMER, B.Juris LL.B | JL WEIHMANN, B.Proc LL.B | J NORTJÉ, B.Proc A.Dip Lebour Law
J VAN DER VYVER, B.Proc LL.B | CL DICKENS, B.Juris LL.B | AL VISSER, LL.B | F VAN PLETZEN, B.Proc
Prof. Assistants: B VORSTER, LL.B | M TLADI, LL.B | D COETZEE, LL.B | Z DU TOIT, LL.B | H WEIHMANN, LL.B | C VAN DER LINDE, B.Com LLB CFP
Reg No: 98/005599/21 | VAT No: 442 017 2645 | Practice No: 283


K.F

"D"

Tanya

From: Tanya
Sent: 29 July 2022 08:04
To: 'paul.monama@mangaung.co.za'
Subject: KF Rancho // Mangaung Metropolitan Municipality // M Moseou // Unidentified Occupiers // The Municipality Manager, Mangaung Metropolitan Municipality
Attachments: 20220729080144865.pdf
Importance: High

Good day,

We refer to the above mentioned matter as well as our letter dated 7 July 2022, which was delivered by hand at your offices on the 8th of July 2022, which is attached hereto for your convenience.

We note that we have not yet had the courtesy of a response herein, and confirm that if confirmation is not received from your offices within the next 7 days we will have no other option but to approach the Court with an Application of Contempt of Court, which costs will also be for your account.

We await your urgent response herein.

Regards

KRAMER WEIHMANN
 Prokurators • Attorneys • Esboudists

Trust
 Confirmed

f
 kwinc.co.za

LAWA CLOETI
 Secretary to J VAN DER VYVER
 and D COETZEE
 T: 051 411 4000
 F: 051 411 4070
 tanya@kwinc.co.za
 24 Borneo Street, Westdene, Bloemfontein
 Postex 85, Bloemfontein

K.F. 

Tanya

From: bfnwest@sheriffnet.co.za
Sent: 17 August 2022 10:54
To: Tanya; Lynette van Niekerk
Subject: Ref: CW1088/J VAN DER VYVER/tc - KEGILE FORTUNE RANCHO - MANGAUNG METROPOLITAN MUNICIPALITY

HIGH COURT OF SOUTH AFRICA

Held at **FREE STATE DIVISION, BLOEMFONTEIN.**

In the Matter between:

Case
Number **1325/22**

KEGILE FORTUNE RANCHO	Applicant
and	
MANGAUNG METROPOLITAN MUNICIPALITY	1st Respondent
and	
NEDBANK	Garnishee

NOTICE IN TERMS OF RULE 45(12)(a) & 45(8)

(Supreme Court Act 10 of 2013, as amended)

WHEREAS under and by virtue of a certain Writ issued in the above Court against the 1st RESPONDENT, on the 11th August 2022 for payment of the sum of R26 408.46 plus costs to be taxed as well as all sheriff's costs;

AND WHEREAS it appears that certain funds are kept by you, or accruing to you, the Garnishee, in favour of the 1st RESPONDENT;

NOW THEREFORE, I, the Sheriff for Bloemfontein-West, give notice that acting i.t.o. Supreme Court Rule 45(12)(a), in conjunction with Rule 45(8), I do hereby judicially attach the 1st RESPONDENT's right, title and interest in and to a legal claim on monies held or accruing in account 10114 999 242 which are owing or accruing to the 1st RESPONDENT sufficiently to cover the amount and costs due and thus satisfy the Writ.

TAKE NOTICE that you are required to produce in writing a document evidencing such right title and interest in and to the abovementioned account (Rule 45(8)(a)(ii)).

TAKE NOTICE that you are hereby required to make payment of so much of the debt as may be sufficient to satisfy this writ and costs.

TAKE FURTHER NOTICE that in event you, the garnishee, refuse or neglect to comply with this Notice, the Applicant may call upon you to appear in court, to show cause why such funds should not be paid to the Sheriff (Rule 45(12)(b)).

Payments should be made to the SHERIFF, BLOEMFONTEIN-WEST, 6(A) THIRD STREET, BLOEMFONTEIN (PRIVATE BAG X30002, DANHOF, 9310), with banking details:

Bank: ABSA

Branch code: 334134

Acc. name: Sheriff, Bloemfontein-West Trust Account

Acc. no.: 01011711568

Type of acc.: Cheque account

Payment advice: tanya@sheriff-bfn.co.za

Signed at BLOEMFONTEIN on this 17th day of AUGUST 2022

K.F. 

SHERIFF, BFN-WEST

6(a) THIRD STREET

BLOEMFONTEIN

9301

Telephone number: 051-4478745

E-mail address: ch@sheriff-bfn.co.za

TO THE GARNISHEE: NEDBANK, CAMPUS CORNER, HENRY STREET, WESTDENE, BLOEMFONTEIN

TO THE 1st RESPONDENT: MANGAUNG METROPOLITAN MUNICIPALITY, BRAM FISCHER BUILDING, DE VILLIERS STREET, BLOEMFONTEIN

Date- Datum	17 AUG 22
OurRef - Ons Verw	920457 450
YourRef - U Verw	CW1088/J VAN DER VYVER/tc
Attorney	KRAMER WEIHMANN PROKUREURS

Sheriff - Balju
Bloemfontein Wes - West
Tel: 0514478745
6a Derdestraat, Bloemfontein



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

CASE NO: 1325/2022

In the matter between:

KEGILE FORTUNE RANCHO

Applicant

and

MANGAUNG METROPOLITAN MUNICIPALITY

1st Respondent

**THE MUNICIPAL MANAGER
MANGAUNG METROPOLITAN MUNICIPALITY**

2nd Respondent

In re:

KEGILE FORTUNE RANCHO

Applicant

and

MANGAUNG METROPOLITAN MUNICIPALITY

1st Respondent

MOEKETSI MOSEOU

2nd Respondent

UNIDENTIFIED OCCUPIERS

3rd Respondent

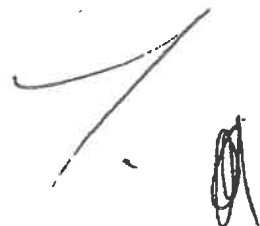
**THE MUNICIPAL MANAGER
MANGAUNG METROPOLITAN MUNICIPAL MANAGER**

4th Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned,

JACQUES VAN DER VYVER



hereby state under oath as follows:

1.

I am an adult male Attorney and Director of the firm Kramer Weihmann Attorneys, 24 Barnes Street, Westdene, Bloemfontein.

2.

The facts contained herein fall within my personal knowledge and are true and correct, unless the context indicates otherwise.

3.

I am the duly appointed Attorney on behalf of the Applicant in both the main Application as well as this Application under the above case number.

4.

I confirm that I have read through the Affidavit of Kegile Fortune Rancho, and confirm the correctness thereof as far as it pertains to me and Kramer Weihmann Attorneys.

SIGNED and **SWORN** at **BLOEMFONTEIN** on this 26 day of **AUGUST 2022**



JACQUES VAN DER VYVER



1


MA

SWORN TO and SIGNED before on this 26 day of August 2022 by the above-mentioned Deponent who acknowledges that ~~she~~^{he} knows and understands the contents of this Affidavit and ~~she~~^{he} has no objection to taking the prescribed oath as follows: "I swear the contents of the Affidavit are true, so help me God", and further that ~~she~~^{he} acknowledges that ~~she~~^{he} regards the said prescribed oath as binding on ~~her~~^{his} conscience, which oath was duly administered by me as required by Law.



COMMISSIONER OF OATHS

CLEOPATRA MUKHARI
 PRAKTISERENDE PROKUREUR RS
 PRACTISING ATTORNEY RS
 Kommissaris v.in Ede/Commissioner of Oath
 11/11 MARKGRAAFF & KELLNERSTRAAT, BF.
 010 MARKGRAAFF & KELLNER STREET, BF



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

CASE NO: 1325/2022

In the matter between:

KEGILE FORTUNE RANCHO

Applicant

and

MANGAUNG METROPOLITAN MUNICIPALITY

1st Respondent

**THE MUNICIPAL MANAGER
MANGAUNG METROPOLITAN MUNICIPALITY**

2nd Respondent

In re:

KEGILE FORTUNE RANCHO

Applicant

and

MANGAUNG METROPOLITAN MUNICIPALITY

1st Respondent

MOEKETSI MOSEOU

2nd Respondent

UNIDENTIFIED OCCUPIERS

3rd Respondent

**THE MUNICIPAL MANAGER
MANGAUNG METROPOLITAN MUNICIPAL MANAGER**

4th Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned,

HENCO ERASMUS


H.E.

hereby state under oath as follows:

1.

I am an adult male person and a Candidate Attorney in the service of Kramer Weihmann Attorneys, 24 Barnes Street, Westdene, Bloemfontein.

2.

The facts contained herein fall within my personal knowledge and are true and correct, unless the context indicates otherwise.

3.

I confirm that I have read through the Affidavit of Kegile Fortune Rancho, and confirm the correctness thereof as far as it pertains to me.

SIGNED and **SWORN** at **BLOEMFONTEIN** on this 2nd day of **SEPTEMBER 2022**


HENCO ERASMUS

SWORN TO and **SIGNED** before on this 02 day of September 2022 by the above-mentioned Deponent who acknowledges that he knows and understands the contents of this Affidavit and that he has no objection to taking the prescribed oath as follows: "I swear the contents of the Affidavit are true, so help me God", and further that he acknowledges that he regards the said prescribed oath as binding on his conscience, which oath was duly administered by me as required by Law.


COMMISSIONER OF OATHS

CLEOPATRA MUKHARI
PRAKTISERENDE PROKUREUR RS.
PRACTISING ATTORNEY RSA
 Kommissaris van Ede/Commissioner of Oath
 V MARKGRAAFF & KELLNERSTRAAT, BF.
 O MARKGRAAFF & KELLNER STREET, BF.