

(A3952)

(Was B5577 and B4097)

APPLICATION TO TRANSFER MUNICIPAL RENTAL SCHEME HOUSE: ERF 2360, 17 WILHELM THYS AVENUE, MONTAGU FROM FRANCINA HOUTSAMER (PHILANDER) TO BERENICE LYZANNE PHILANDER (17/5/6/4/1) (SNR HOUSING CLERK: MONTAGU)

Purpose of report

To submit a report to Council for consideration of above-mentioned matter.

Background

The concerned house forms part of the Montagu, Ou Dorp, Scheme 1, Rental houses of which Francis Houtsamer (Phialnder) is the legal tenant. The house can be sold for the amount of R3 517.15 in terms of the Enhances Extended Discount Benefit Scheme (EEDBS). Registered owner of the property is Langeberg Municipality.

Comments

The legal tenant of the house, Francina Houtsamer (Philander) got married to Andries Houtsamer on 27th June 1998. Andries Houtsamer bought himself a Selfbuild house, Erf 3614, 2E Du Preez Street, Montagu and received a Discount Benefit of R7 500.00 and Francina moved to the above-mentioned house. Francina's two (2) brothers who also stayed with her in the rental house in 17 Wilhelm Thys Avenue, Montagu, qualified each for a State Financed Housing subsidy with their co-habiting partners for the following erven: Piet Philander qualified for a subsidy on erf 4160, Montagu and Gustav Philander on erf 6888, Montagu.

An application for transfer of the municipal rental house in 17 Wilhelm Thys Avenue, Montagu was received on 11th October 2012 from Francina Houtsamer's (Philander) daughter, Berenice Lyzanne Philander who still stay in the said house with her minor child. Berenice Lyzanne Philander complies with Council's Allocation – and the National Department of Human Settlements subsidy policy. Berenice is already responsible for the payment of the municipal services account. Francina Houtsamer (Phialnder) gave permission per affidavit for the transfer of the house into her daughter Berenice Philander's name.

***“Ek Francina Houtsamer, ID 570831 0137 081, ouderdom 55, woonagtig te Du Preezstraat 2E Montagu, verklaar onder eed in Afrikaans:
Hiermee verklaar ek dat my nooiensvan Philander is. Ek verklaar ook dat Berenice Lyzanne Philander my biologiese dogter is met ID 801229 0142 089. Ek verklaar dat ek my huis te Wilhelm Thyslaan 17 wil oordra aan my dogter Berenice L Philander. Dit is al wat ek kan verklaar.”***

Additional Comments

Outstanding money on erf 2360, 17 Wilhelm Thys Avenue, Montagu amounts to R1 697.01 and Francina Houtsamer (Philander) was not an indigent.

Comments: Ward Councillor (J Kriel)

“Ek beveel aan dat die huis op Francina se dogter, Berenice Philander se naam oorgedra word aangesien Francina, ma van die dogter ook haar toestemming per beëdigde verklaring gegee het.”

Recommendation / Aanbeveling

That the municipal rental scheme house situated on erf 2360, 17 Wilhelm Thys Avenue, Montagu be allocated to Berenice Lyzanne Philander on the following conditions.

Dat die Munisipale huurskemawoning geleë tde erf 2360, Wilhelm Thyslaan 17, Montagu op die volgende voorwaardes aan Berenice Lyzanne Philander oorgedra word.

1. That Berenice Lyzanne Philander pays a consumer deposit of R470.00 in advance. (There's no existing deposit)

Dat Bernice Lyzanne Philander 'n verbruikersdeposito van R470.00 vooruit betaal. (Daar is geen bestaande deposito nie)

2. That Berenice Lyzanne Philander be responsible for the payment of all outstanding as well as future municipal charges in respect of erf 2360, 17 Wilhelm Thys Avenue, Montagu.

Dat Berenice Lyzanne Philander aanspreeklik is vir die betaling van alle uitstaande sowel as toekomstige munisipale heffings met betrekking tot erf 2360, Wilhelm Thyslaan 17, Montagu.

3. That the property on erf 2360 Montagu be sold to Berenice Lyzanne Philander for the amount of R3 517.15 in terms of the Enhanced Extended Discount Benefit Scheme (EEDBS)

Dat die woing te erf 2360 Montagu vir die bedrag van R3 517.15 aan Berenice Lyzanne Philander vervreem word in terme van die Verbeterde Uitgebreide Afslag Voordeleskema (EEDBS)

4. That Berenice Lyzanne Philander be responsible for the payment of the transfer costs in respect of the registration of the property into her name.

Dat Berenice Lyzanne Philander aanspreeklik is vir die betaling van die oordragkoste met betrekking tot die registrasie van die eiendom in haar naam.

5. That Berenice Lyzanne Philander enter into a Lease Agreement with the municipality until her subsidy for discount (EEDBS) is approved by the Department of Human Settlements, whereafter she will enter into a Deed of Sale with the municipality.

Dat Berenice Lyzanne Philander 'n huurkontrak sluit met die munisipaliteit totdat haar subsidie vir die verbeterde afslag (EEDBS) deur die Departement Menslike Nedersettings goedgekeur is waarna 'n koopkontrak tussen haarself en die munisipaliteit gesluit sal word.

Due to the cancellation of all the Portfolio Committee Meetings of 13 November 2012, this report is being submitted to the Executive Mayoral Committee Meeting of 20 November 2012 for consideration.

Weens die kansellering van al die Portefeulje Komitee Vergaderings van 13 November 2012, word hierdie verslag voorgelê aan die Uitvoerende Burgemeesterskomitee Vergadering van 20 November 2012 vir oorweging.

This item served before the Mayoral Committee on 20 November 2012
Hierdie item het voor die Burgemeesterskomitee gedien op 20 November 2012
Eenparig Besluit / Unanimously Resolved

That the municipal rental scheme house situated on erf 2360, 17 Wilhelm Thys Avenue, Montagu be allocated to Berenice Lyzanne Philander on the following conditions.

Dat die Munisipale huurskema woning geleë tde erf 2360, Wilhelm Thyslaan 17, Montagu op die volgende voorwaardes aan Berenice Lyzanne Philander oorgedra word.

1. That Berenice Lyzanne Philander pays a consumer deposit of R470.00 in advance. (There's no existing deposit)

Dat Bernice Lyzanne Philander 'n verbruikersdeposito van R470.00 vooruit betaal. (Daar is geen bestaande deposito nie).

2. That Berenice Lyzanne Philander be responsible for the payment of all outstanding as well as future municipal charges in respect of erf 2360, 17 Wilhelm Thys Avenue, Montagu.

Dat Berenice Lyzanne Philander aanspreeklik is vir die betaling van alle uitstaande sowel as toekomstige munisipale heffings met betrekking tot erf 2360, Wilhelm Thyslaan 17, Montagu.

3. That the property on erf 2360 Montagu be sold to Berenice Lyzanne Philander for the amount of R3 517.15 in terms of the Enhanced Extended Discount Benefit Scheme (EEDBS)

Dat die woning te erf 2360 Montagu vir die bedrag van R3 517.15 aan Berenice Lyzanne Philander vervreem word in terme van die Verbeterde Uitgebreide Afslag Voordeelskema (EEDBS)

4. That Berenice Lyzanne Philander be responsible for the payment of the transfer costs in respect of the registration of the property into her name.

Dat Berenice Lyzanne Philander aanspreeklik is vir die betaling van die oordragkoste met betrekking tot die registrasie van die eiendom in haar naam.

5. That Berenice Lyzanne Philander enter into a Lease Agreement with the municipality until her subsidy for discount (EEDBS) is approved by the Department of Human Settlements, whereafter she will enter into a Deed of Sale with the municipality.

Dat Berenice Lyzanne Philander 'n huurkontrak sluit met die munisipaliteit totdat haar subsidie vir die verbeterde afslag (EEDBS) deur die Departement Menslike Nedersettings goedgekeur is waarna 'n koopkontrak tussen haarself en die munisipaliteit gesluit sal word.

RESUBMISSION: URGENT MOTION: OBJECTION TO THE TRANSFERENCE OF MUNICIPAL RENTAL SCHEME HOUSE: ERF 2360, 17 WILHELM THYS AVENUE, MONTAGU BY CLLR CB SWANEPOEL: FROM FRANCINA HOUTSAMER (PHILANDER) TO BERENICE LYZANNE PHILANDER (17/5/6/4/1) (HOUSING ADMINISTRATOR / MANAGER: HOUSING ADMINISTRATION)

Purpose of report

To submit a report to Council in the above-mentioned regard.

Background

The following motion was received from Cllr CB Swanepoel:

"I hereby move this motion to council on behalf of Mrs F Houtsamer (Nee' Philander), who due to information obtain by her want to stop the transfer of her house which see purchase already on the 22 July 1992 at attorneys Van Zyl and Hoffmeyer.

The main reason for this motion is that Mrs F Houtsamer never obtains her Deed from Van Zyl and Hoffmeyer after finalisation of her purchase agreement, which were signed by the attorney handling the case on the 22 July 1992. But unluckily for Mrs F Houtsamer (Nee' Philander) the original purchase of sale agreement, which have to be in the archives of the attorneys Van Zyl and Hoffmeyer could not be found and are not on their system anymore. Now my question is who are to blame for this mishap. My problem to this whole matter how it was handled was wrong due to the fact, that Mrs F Houtsamer was the victim of ignorance and the lack of knowledge surrounding title deeds and its working. If she knew that if you are the owner of an property, you don't have to transfer your property to your daughter see would not have done that, but through ignorance see did to keep the house of her deceased mother in the family. At that time in 2012 (dates are available in the memo) when she was informed that the house will be taken due to the fact that see was now married to Mr Houtsamer, which had his own house, the municipality was unaware that there was a sale of purchase agreement laying somewhere in the archives which never was finalised by the previous municipality of Montagu.

The point that I want to make is that nobody bothered to investigate at that time if the house was a rental unit or paid property. Due to negligence of the previous municipality and the attorneys, Mrs F Houtsamer (Nee' Philander) property was never registered that she are the sole owner there off.

Honourable Municipal Manager I do not want to go into the detail of the memo of the case (which we will discuss during the deliberation of the motion), but let me just touch on a few points.

- 1. On 22nd November 2012 the council decision was taken that Miss Berenice Lyzanne Philander must pay a consumer deposit of R 470.00 in advance, which sees never paid.*
- 2. That Berenice Philander be responsible for the payment of all outstanding as well as future municipal charges in respect of erf 2360, 17 Wilhelm Thys Avenue, Montagu.*
- 3. That the property on erf 2360 Montagu be sold to Berenice Philander for the amount of R3517.15 in terms of the Enhanced Extended Discount Benefit Scheme (EEDBS), which she never bout at that time.*
- 4. That Berenice Philander be responsible for the payment of the transfer costs in respect of the registration of the property into her name. which she also did not do.*
- 5. That Berenice Philander enter into a Lease Agreement with the municipality until her subsidy for discount (EEDBS) is approved by the Department of Human Settlements, where after she will enter into a Deed of Sale with the municipality.*

You are hereby requested to contact Ms Annelize Mohammed at the Montagu office within seven (7) days after receiving of this letter, to finalize abovementioned matter, by NOT responding the Municipality will accept that you are no longer interested in the house.

Miss Berenice Lyzanne Philander never adhere to the letter and just came forward last here in August 2015. What did the Municipality do during the last two and a half years? How is it know just ok for her to go on with the transference of the house unto her name like if nothing have happen, please give clarity. And her explanation on that she have come to pay the R470 at the time Mr M Pekeur was working and he wrongly allocated the money is a lie. I do not think that Mr M Pekeur will make such a blander.

Lastly to conclude, I find it very strange that Mr J Wiese could send Mrs Annelie Deetlefs an email asking her the Purchase of sale of Mrs F Houtsamer (Nee' Philander), but he had a copy of it already with a list of name of people where Mrs F houtsamer (Nee' Philander) name was on with the amount the same to that of which were on the purchase of sale agreement between herself and attorneys Van Zyl and Hoffmeyer, which were sign by the attorney that work with this case.

I was informed by Mrs A Deetlefs and attorney Esterhuizen that there are no file are purchase agreement at their promises so the only copy was that were found at the archives of Langeberg Municipal office Montagu. So how can there be a receipt of payment if the original file from the attorneys is nowhere to be found."

The concerned house forms part of the Montagu, Ou Dorp, Scheme 1, Rental houses of which Francis Houtsamer (Phialnder) is the legal tenant. The house can be sold for the amount of R3 517.15 in terms of the Enhances Extended Discount Benefit Scheme (EEDBS). The registered owner of the property is Langeberg Municipality.

Comments

The legal tenant of the house, Francina Houtsamer (Philander) got married to Andries Houtsamer on 27th June 1998. Andries Houtsamer bought himself a Selfbuild house, Erf 3614, 2E Du Preez Street, Montagu and received a Discount Benefit of R7 500.00 and Francina moved to the above-mentioned house. Francina's two (2) brothers who also stayed with her in the rental house in 17 Wilhelm Thys Avenue, Montagu, qualified each for a State Financed Housing subsidy with their co-habiting partners for the following erven: Piet Philander qualified for a subsidy on erf 4160, Montagu and Gustav Philander on erf 6888, Montagu.

An application for transfer of the municipal rental house in 17 Wilhelm Thys Avenue, Montagu was received on 11th October 2012 from Francina Houtsamer's (Philander) daughter, Berenice Lyzanne Philander who still stay in the said house with her minor child. Berenice Lyzanne Phialnder complies with Council's Allocation – and the National Department of Human Settlements subsidy policy. Berenice is already responsible for the payment of the municipal services account.

Francina Houtsamer (Phialnder) gave permission per affidavit for the transfer of the house into her daughter Berenice Philander's name.

"Ek Francina Houtsamer, ID 570831 0137 081, ouderdom 55, woonagtig te Du Preezstraat 2E Montagu, verklaar onder eed in Afrikaans: Hiermee verklaar ek dat my nooiensvan Philander is. Ek verklaar ook dat Berenice Lyzanne Philander my biologiese dogter is met ID 801229 0142 089. Ek verklaar dat ek my huis te Wilhelm Thyslaan 17 wil oordra aan my dogter Berenice L Philander. Dit is al wat ek kan verklaar."

Additional Comments

Outstanding money on erf 2360, 17 Wilhelm Thys Avenue, Montagu amounts to R1 697.01 and Francina Houtsamer (Philander) was not an indigent.

Further comments

An affidavit by Ms Berenice Philander was obtained, where she states how she was evicted from the property that was officially allocated to her and also states that she was still interested in the house, but her mother who is not the owner of the said property took out an interdict against her not to come closer to the house.

To show that Ms Berenice Philander was and is still interested to the house she originally paid her consumer deposit of R 477.85 on the 11th October 2012 which was wrongly allocated when an account was opened in the name of Ms Berenice Philander on the 07th December 2012.

According to Van Zyl and Hofmeyr Attorneys the property could have been registered in Ms Francina Houtsamer (nee' Philander) name if she did pay the purchase price which she did not according to records of the municipality and those of the Attorneys.

If she wants the property to be registered in her name she should produce proof of payment of the purchase price which she claims to have paid.

All relevant **documents are attached**

Comments: Ward Councillor (J Kriel)

"Ek beveel aan dat die huis op Francina se dogter, Berenice Philander se naam oorgedra word aangesien Francina, ma van die dogter ook haar toestemming per beëdigde verklaring gegee het."

New comments of Cllr. Kriel

The following is the recommendation of Cllr Kriel with regards to the memorandum submitted to the Municipal Manager on the 09th December 2015

" Ek voel die koopkontrak is in F Philander se naam nog geldig en registrasie moet voortgaan en dat Raadsbesluit van 2012 herroep moet word."

A memorandum in this regard with all the relevant documentation was submitted to the Municipal Manager on the 09th December 2015 for his comment and after considering all information advised that we stand by the Council decision of 20th November 2012 and that it be implemented as such.

Due to the cancellation of all the Portfolio Committee Meetings of 13 November 2012, this report is being submitted to the Executive Mayoral Committee Meeting of 20 November 2012 for consideration.

Weens die kansellering van al die Portefeulje Komitee Vergaderings van 13 November 2012, word hierdie verslag voorgelê aan die Uitvoerende Burgemeesterskomitee Vergadering van 20 November 2012 vir oorweging.

This item served before the Mayoral Committee on 20 November 2012
Hierdie item het voor die Burgemeesterskomitee gedien op 20 November 2012
Eenparig Besluit / Unanimously Resolved

That the municipal rental scheme house situated on erf 2360, 17 Wilhelm Thys Avenue, Montagu be allocated to Berenice Lyzanne Philander on the following conditions.

Dat die Munisipale huurskema woning geleë tde erf 2360, Wilhelm Thyslaan 17, Montagu op die volgende voorwaardes aan Berenice Lyzanne Philander oorgedra word.

1. That Berenice Lyzanne Philander pays a consumer deposit of R470.00 in advance. (There's no existing deposit)

Dat Bernice Lyzanne Philander 'n verbruikersdeposito van R470.00 vooruit betaal. (Daar is geen bestaande deposito nie).

2. That Berenice Lyzanne Philander be responsible for the payment of all outstanding as well as future municipal charges in respect of erf 2360, 17 Wilhelm Thys Avenue, Montagu.

Dat Berenice Lyzanne Philander aanspreeklik is vir die betaling van alle uitstaande sowel as toekomstige munisipale heffings met betrekking tot erf 2360, Wilhelm Thyslaan 17, Montagu.

3. That the property on erf 2360 Montagu be sold to Berenice Lyzanne Philander for the amount of R3 517.15 in terms of the Enhanced Extended Discount Benefit Scheme (EEDBS)

Dat die woning te erf 2360 Montagu vir die bedrag van R3 517.15 aan Berenice Lyzanne Philander vervreem word in terme van die Verbeterde Uitgebreide Afslag Voordeelskema (EEDBS)

4. That Berenice Lyzanne Philander be responsible for the payment of the transfer costs in respect of the registration of the property into her name.

Dat Berenice Lyzanne Philander aanspreeklik is vir die betaling van die oordragkoste met betrekking tot die registrasie van die eiendom in haar naam.

5. That Berenice Lyzanne Philander enter into a Lease Agreement with the municipality until her subsidy for discount (EEDBS) is approved by the Department of Human Settlements, whereafter she will enter into a Deed of Sale with the municipality.

Dat Berenice Lyzanne Philander 'n huurkontrak sluit met die munisipaliteit totdat haar subsidie vir die verbeterde afslag (EEDBS) deur die Departement Menslike Nedersettings goedgekeur is waarna 'n koopkontrak tussen haarself en die munisipaliteit gesluit sal word.

Recommendation/Aanbeveling

That Council stand by its decision of 20th November 2012 that the said property be allocated to Berenice Lyzanne Philander as per the conditions as stated above.

Dat daar volstaan word by die Raadsbesluit van 20 November 2012 dat die gemelde eiendom aan Berenice Lyzanne Philander toegeken word op die voorwaardes soos bo gemeld.

This item served before the Executive Mayoral Committee on 10 June 2016

Hierdie item het gedien by die Uitvoerende Burgemeesterskomitee op 10 Junie 2016

Recommendation / Aanbeveling

That Council stand by its decision of 20th November 2012 that the said property be allocated to Berenice Lyzanne Philander as per the following conditions:

Dat daar volstaan word by die Raadsbesluit van 20 November 2012 dat die gemelde eiendom aan Berenice Lyzanne Philander toegeken word op die volgende voorwaardes:

1. That Berenice Lyzanne Philander pays a consumer deposit of R470.00 in advance. (There's no existing deposit)

Dat Bernice Lyzanne Philander 'n verbruikersdeposito van R470.00 vooruit betaal. (Daar is geen bestaande deposito nie).

2. That Berenice Lyzanne Philander be responsible for the payment of all outstanding as well as future municipal charges in respect of erf 2360, 17 Wilhelm Thys Avenue, Montagu.

Dat Berenice Lyzanne Philander aanspreeklik is vir die betaling van alle uitstaande sowel as toekomstige munisipale heffings met betrekking tot erf 2360, Wilhelm Thyslaan 17, Montagu.

3. That the property on erf 2360 Montagu be sold to Berenice Lyzanne Philander for the amount of R3 517.15 in terms of the Enhanced Extended Discount Benefit Scheme (EEDBS)

Dat die woning te erf 2360 Montagu vir die bedrag van R3 517.15 aan Berenice Lyzanne Philander vervreem word in terme van die Verbeterde Uitgebreide Afslag Voordeelskema (EEDBS)

4. That Berenice Lyzanne Philander be responsible for the payment of the transfer costs in respect of the registration of the property into her name.

Dat Berenice Lyzanne Philander aanspreeklik is vir die betaling van die oordragkoste met betrekking tot die registrasie van die eiendom in haar naam.

5. That Berenice Lyzanne Philander enter into a Lease Agreement with the municipality until her subsidy for discount (EEDBS) is approved by the Department of Human Settlements, whereafter she will enter into a Deed of Sale with the municipality.

Dat Berenice Lyzanne Philander 'n huurkontrak sluit met die munisipaliteit totdat haar subsidie vir die verbeterde afslag (EEDBS) deur die Departement Menslike Nedersettings goedgekeur is waarna 'n koopkontrak tussen haarself en die munisipaliteit gesluit sal word.

Hierdie verslag het voor die Raad gedien op 15 Junie 2016

This item served before Council on 15 June 2016

Eenparig Besluit / Unanimously Resolved

That a meeting be called with the involved families, the Ward Councillor and the Director Community Services to source additional corroborative documents, whereafter the report be submitted to the next meeting of the Community Services Portfolio Committee.

Dat 'n vergadering belê word met die betrokke families, die Wyksraadslid en die Direkteur Gemeenskapsdienste ten einde addisionele stawende dokumente te bekom, waarna die verslag voorgelê word by die volgende vergadering van die Gemeenskapsdienste Portefeulje Komitee.

Hierdie vorm moet voltooi word deur die aansoeker/s, alvorens die aansoek oorweeg sal word.

*** Merk gedeeltes van toepassing met ☒

1	Persoonlike Besonderhede van Aansoeker	Eggenoot(e)/Saamleefmaat
1.1	Van: <u>Philander</u>	
1.2	Naam: <u>Berenice Lyzanne</u>	
1.3	Identiteitsnommer: <u>801229 0142089</u>	
1.4	Huwelikstatus: <u>Ongetroud</u>	
1.5	Telefoonnommer: <u>082 488 3954</u>	
1.6	Huidige Woonadres: <u>Wilhelm Thyslaan 17 Montagu</u>	

1.7 Het u voorheen enige staatsgefinansierde behuising / erf ontvang? Ja ☐ Nee ☒

1.8 Indien JA watter woning/erf
(Verskaf adres)

2.1 Naam: Francina

2.2 Van: Houtsamer (Philander)

2.3 Adres: Wilhelm Thyslaan 17 Montagu

2.4 ID no.: 57083 0137 081

☐ Oorlede ☒ Skriftelik afstand gedoen

☐ Ander: Spesifiseer

.....

.....

3 Verwantskap met die wettige huurder/s

Seun	<input type="checkbox"/>	Dogter	<input checked="" type="checkbox"/>	Stiefkind	<input type="checkbox"/>	Kleinseun	<input type="checkbox"/>	Kleindogter	<input type="checkbox"/>
Eggenoot/e	<input type="checkbox"/>								

Ander, Spesifiseer

4	Werkstatus	Aansoeker	Eggenoot(e)/Saamleefmaat
4.1	Naam van Werkgewer	Edbel Agt Pty Ltd	
4.2	Telefoonnommer	023-6763125.	
4.3	Bruto Inkomste (Voor aftrekkings)	R 2500,00	
4.4	Weekliks / Maandeliks	Maandeliks.	
4.5	Tydelik / Permanent	permanent.	

5 Besonderhede van afhanklikes:

Naam	Van	Verwantskap	Ouderdom	ID Nr Geboortedatum
Charmin	Fulus	Dogter	12jr.	003130254083.

VERKLARING DEUR AANSOEKER/S

Hiemee verklaar ek/ons Berenice Lyzanne Philander dat bogenoemde besonderhede juis en korrek is. Ek/ons verklaar ook verder dat ek/ons bewus is dat indien enige van bogenoemde besonderhede onjuis of nie korrek is nie, daar wetlik teen my/ons opgetree kan word en ek myself/onself aan vervolging kan blootstel.

11/10/2012
Datum

B. Philander
Handtekening van aansoeker/s

GEREGISTREERDE WOON- EN POSADRES

1. Bewaar die bewys van u GEREGETREERDE WOON- EN POSADRES in hierdie sakke.

2. Indien u van adres verander het, of indien besonderhede van u huidige adres, by. straatnaam en/of -nommer, ens. verander het, moet die vorm KENNISGEWING VAN ADRESVERANDERING, wat in die sakke agter in die identiteitsdokument is, gebruik word om die verandering aan te meld en moet dit ingedien word by of gepos word aan die naaste streek-/distrikantoor van die DEPARTEMENT VAN BINNELANDSE SAKE.

REGISTERED RESIDENTIAL AND POSTAL ADDRESS

1. Keep the proof of your REGISTERED RESIDENTIAL AND POSTAL ADDRESS in this pocket.

2. If you have changed your address, or, if particulars of your present address, e.g. name of street and/or street number, etc., have been changed the NOTICE OF CHANGE OF ADDRESS form in the pocket at the back of the identity document must be used to report the change and it must be handed in at or posted to the nearest regional/district office of the DEPARTMENT OF HOME AFFAIRS.

I.D.No. 801229 0142 08 9



S.A. BURGER/S.A. CITIZEN

VAN/SURNAME

PHILANDER

VOORNAME/FORENAMES

BERENICE LYZANNE

GEBORTEDISTRIK OF LAND/
DISTRICT OR COUNTRY OF BIRTH

SUID-AFRIKA

GEBORTE DATUM/
DATE OF BIRTH

1980-12-29



DATUM UITGEREIK
DATE ISSUED

2006-01-12

UITGEREIK OF GEBOAG VAN DIE
DIRKTEUR-ONDERAAL:
BINNELANDSE SAKE

ISSUED BY AUTHORITY OF THE
DIRECTOR-GENERAL:
HOME AFFAIRS



DEPARTMENT OF HOME AFFAIRS
DEPARTEMENT VAN BINNELANDSE SAKE

PARTICULARS FROM THE POPULATION REGISTER I.R.O.
BESONDERHEDE UIT DIE BEVOLKINGSREGISTER T.O.V

BIRTH/GEBOORTE

BY: 000313 0254 08 3

FILED: 21 11 13

NAME: CH-EMIN LEMICIA

DATE OF BIRTH: 2000-03-13
REGISTRATION:

SEX: FEMALE

PLACE OF BIRTH: SOUTH AFRICA

ISSUED: 2000-04-11
REGISTRATION:

COMPANY NAME		PERIOD	DATE
Edbel Agt Ply Ltd		6	31/08/2012
EMPLOYEE CODE	EMPLOYEE NAME	COST CENTRE	
PHI01	Me B L Phillander		

EMPLOYEE CODE	PHI01	EMPLOYEE NAME	Me. B L Phllander	
DESIGNATION			COST CENTRE	
COMPANY NAME	Edbel Agt Ply Ltd		PERIOD	6
PO Box 338			DATE	31/08/2012
Montagu			RATE	12.82
6720				
INCOME				
DESCRIPTION		QUANTITY	RATE	AMOUNT
Basic Salary				2,500.00
Public Holiday		9.00	12.82	115.37
Sunday Time		13.75	4.90	67.38
GROSS EARNINGS 2,682.75				
BENEFITS		COMPANY CONTRIBUTIONS		
DEDUCTIONS				
DESCRIPTION		BALANCE	AMOUNT	
UIF Contribution		0.00	26.83	
Net Pay Round Up		0.00	-0.24	
Net Pay Round Down		0.00	0.66	
Staff Garnishee's		0.00	300.00	
Advance		0.00	800.00	
Telephone Deduction		0.00	36.50	
Solidarity		0.00	83.00	
Uniforms		0.00	90.00	
TOTAL DEDUCTIONS 1,336.75				
LEAVE DAYS DUE	17.00	NETT PAY	1,346.00	
3699 Gross Remuneration	4103 Total Employee's Tax	4005 Medical Aid Contributions	4001 Pension Fund - Current	
14,808.68	0.00	0.00	0.00	

148
2012
11

EK H. Francina Houtswamer MET

ID 570931017591 OUDERDOM 55

WOONAGTIG TE Du Preezstraat 2 E

TEL 0768 751939 WERKSAAM TE Werkloos

TEL

VERKLAAR ONDER EED IN AFRIKAANS :

148
2012
11

Hiermee verklaar ek dat my mags van Philander is. Ek verklaar ook dat ~~Borrico~~ Borrico my betrouwens dokter is met ID nr. 50129014309. Ek verklaar dat ek my huis te Wilhelmusstraat 17 het opdra aan my dokter Borrico. Philander. Dit is al wat ek kan verklaar.

Ek is vertrou met die inhoud van die verklaring en begryp dit.
Ek het geen beswaar teen die aflegging van die voorgeskrewe eed nie.
Ek beskou die voorgeskrewe eed as bindend vir my gewete.

PLEK : MONTAGU

DATUM : 2012 10/11

TYD : 14:40

HANDTEKENING VAN VERKLAARDER

148
2012
11

EK SERTIFISEER DAT BOSTAANDE VERKLARING DEUR MY AFGENEEM IS EN DAT DIE VERKLAARDER ERKEN DAT HYSY VERTRoud IS MET DIE INHOUD VAN HIERDIE VERKLARING EN DIT BEGRYP. HIERDIE VERKLARING IS VOOR MY BeëDIG/BEVESTIG EN VERKLAARDER SE HANDTEKENING/REK/DUMAFDRUK IS IN MY TEENWOORDIGHEID DAAROP AANGEBRING.

PLEK : MONTAGU

DATUM : 2012 10/11

TYD : 14:41

KOMMISSARIS VAN EDE

M. C. SCHEEPERS VOLLE NAME

BADSTRAAT 96, MONTAGU

RANG : CONSTABEL

S A POLISIEDIENS



lib06/Beëdigde Verklaring

27th November 2012

Ms Berenice L Philander
17 Wilhelm Thys Avenue
MONTAGU
6720

Dear Madam / Sir

APPLICATION TO TRANSFER MUNICIPAL RENTAL SCHEME HOUSE: ERF 2360, 17 WILHELM THYS AVENUE, MONTAGU FROM FRANCIS HOUTSAMER (PHILANDER) TO BERENICE LYZANNE PHILANDER

Your recent application in abovementioned matter served before Council's Mayoral Committee on 22nd November 2012 and it was unanimously resolved:

That the municipal rental scheme house situated on erf 2360, 17 Wilhelm Thys Avenue, Montagu be allocated to Berenice Lyzanne Philander on the following conditions:

Dat die munisipale huurskema-woning geleë te erf 2360, Wilhelm Thyslaan 17, Montagu op die volgende voorwaardes aan Berenice Lyzanne Philander toegeken word:

1. That Berenice Lyzanne Philander pays a consumer deposit of R470.00 in advance. (There's no existing deposit)
Dat Berenice Lyzanne Philander 'n verbruikersdeposito van R470.00 vooruit betaal. (Daar is geen bestaande deposito nie).
2. That Berenice Lyzanne Philander be responsible for the payment of all outstanding as well as future municipal charges in respect of erf 2360, 17 Wilhelm Thys Avenue, Montagu.
Dat Berenice Lyzanne Philander aanspreeklik is vir die betaling van alle uitstaande sowel as toekomstige munisipale heffings met betrekking tot erf 2360, Wilhelm Thyslaan 17, Montagu.
3. That the property on erf 2360 Montagu be sold to Berenice Lyzanne Philander for the amount of R3 517.15 in terms of the Enhanced Extended Discount Benefit Scheme (EEDBS)
Dat die woning te erf 2360 Montagu vir die bedrag van R3 517.15 aan Berenice Lyzanne Philander vervreem word in terme van die Verbeterde Uitgebreide Afslag Voordeelskema (EEDBS)
4. That Berenice Lyzanne Philander be responsible for the payment of the transfer costs in respect of the registration of the property into her name.

Dat Berenice Lyzanne Philander aanspreeklik is vir die betaling van die oordragkoste met betrekking tot die registrasie van die eiendom in haar naam.

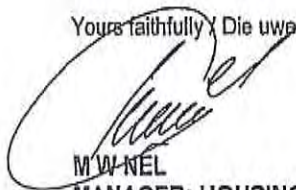
5. That Berenice Lyzanne Philander enter into a Lease Agreement with the municipality until her subsidy for discount (EEDBS) is approved by the Department of Human Settlements, whereafter she will enter into a Deed of Sale with the municipality.

Dat Berenice Lyzanne Philander 'n huurkontrak sluit met die munisipaliteit totdat haar subsidie vir die verbeterde afsleg (EEDBS) deur die Departement Menslike Nedersettings goedgekeur is waarna 'n koopkontrak tussen haarself en die munisipaliteit gesluit sal word.

You are hereby requested to contact Ms Annelize Mohammed at the Montagu office within seven (7) days after receiving of this letter, to finalize abovementioned matter, by not responding the Municipality will accept that you are no longer interested in the house.

U word hiermee versoek om binne sewe (7) dae na ontvangs van hierdie skrywe Me Annelize Mohammed by die Montagu-kantoor te besoek ten einde die aangeleentheid te finaliseer, by versuim daar aanvaar sal word dat u nie verder in die woning belangstel nie.

Yours faithfully / Die uwe



M. W. NEL
MANAGER: HOUSING
BESTUURDER: BEHUISING
JARM



Rig alle korrespondensie aan die Munisipale Bestuurder
Address all correspondence to the Municipal Manager
Thumelayonke imbelelwano kumphali Kamasipala

**AANSOEK OM OORDRAG VAN MUNISIPALE HUURWONING, ERF 2360, WILHELM THYSLAAN 17,
MONTAGU VAN FRANCINA HOUTSAMER (NEE PHILANDER) NA BERENICE LYZANNE PHILANDER**

1. 11 Oktober 2012 - Francina Houtsamer (nee Philander) le beedigde verklaring af by SAPD dat bogemelde huis op haar dogter Berenice L Philander se naam oorgedra mag word.
2. 12 Oktober 2012 - Aansoek om oordrag van woning ontvang vanaf Berenice L Philander.
3. 22 November 2012 - Verslag dien voor die Raad wie goedkeuring verleen dat die woning oorgedra word na Berenice L Philander.
4. 27 November 2012 - Berenice L Philander word per skrywe in kennis gestel van die Raadsbesluit
5. 31 Augustus 2015 - Berenice L Philander kom voltooi die EEDBS aansoek.
6. 14 September 2015 - Francina Houtsamer (nee Philander) versoek per beedigde verklaring dat die woning op haar ander dogter, Ilse Philander, wie ook in die huis woon se naam oorgedra word.
7. 29 Oktober 2015 - Myself voer 'n persoonlike gesprek met Berenice L Philander na aanleiding van haar ongedateerde skrywe.
8. 12 November 2015 – Myself en Wilson Nel voer 'n persoonlike gesprek met Francina Houtsamer(nee Philander) asook Rdl C Swanepoel.
9. 12 November 2015 – Rig skrywe aan Berenice L Philander en versoek haar om binne 7 dae skriftelik aan te dui of sy steeds in die oordrag van die woning belangstel.
10. 17 November 2015 – Berenice L Philander bevestig per beedigde verklaring dat sy steeds in die woning belangstel.
11. 18 November 2015 – Myself versoek Annelie Deetlefs van, Van Zyl & Hofmeyr Prokureurs om vas te stel wat die status van die oordrag transaksie tussen die Munisipaliteit en Francina Houtsamer (nee Philander) is. Hierdie versoek was na aanleiding van 'n afskrif van die koopkontrak wat Annelize Mohammed in ons kluis opgespoor het.
12. 25 November 2015 – Annelie Deetlefs bevestig dat hul nie rekords het van so 'n kooptransaksie of betaling nie.

VERDERE INLIGTING

1. 07 Desember 2012 - Michael Pekeur wie werksaam was by Montagu Kantoor open 'n munisipale diensterekening vir Berenice L Philander.
2. Die volgende bedrae is gedurende Oktober 2012 tot Desember 2012 deur Berenice L Philander by die Montagu Kantoor inbetaal.
 - 11 Oktober 2012 - R477.85
 - 20 November 2012 - R500.00
 - 28 Desember 2012 - R1130.00
3. Volgens wetlike prosedure moet Francina Houtsamer (nee Philander) die Raad op 'n oorwig van waarskynlikheid oortuig dat sy wel die koopsom van R2 849.65 inbetaal het.
4. Volgens Schalk Esterhuijse by Van Zyl & Hofmeyr Prokureurs sou die eiendom reeds in Francina Houtsamer (nee Philander) se naam getranspoteer gewees het, indien sy die koopsom tenvolle betaal het.
5. Indien die koopsom by Van Zyl & Hofmeyr Prokureurs inbetaal was en oordrag het nie plaasvind sou die geld (Koopsom) steeds teen haar naam in 'n trustrekening by hul kantoor gele het

Ref 2360, MONTAGU

DATE	REFERENCE	PROGRAM	DESCRIPTION	VAT AMOUNT	AMOUNT	BALANCE
01/09/15	100733c	mun116.p	RECEIPT (12)	-36.23	-300	0
01/09/15	100733c	mun116.p	RECEIPT (13)	-12.23	-100	0
01/09/15	100733c	mun116.p	RECEIPT (14)	-12.27	-100	0
06/10/15	102361c	mun116.p	RECEIPT (12)	-24.07	-200	0
06/10/15	102361c	mun116.p	RECEIPT (12)	-3.61	-30	0
06/10/15	102361c	mun116.p	RECEIPT (13)	-12.19	-100	0
06/10/15	102361c	mun116.p	RECEIPT (14)	-15.75	-150	0
06/10/15	102361c	mun116.p	RECEIPT (5)	-1.3	-20	0
29/10/15	103266c	mun116.p	RECEIPT (12)	-35.99	-300	0
29/10/15	103266c	mun116.p	RECEIPT (13)	-12.17	-100	0
29/10/15	103266c	mun116.p	RECEIPT (14)	-12.27	-100	0
04/12/15	104321c	mun116.p	RECEIPT (12)	-35.9	-300	0
04/12/15	104321c	mun116.p	RECEIPT (13)	-12.14	-100	0
04/12/15	104321c	mun116.p	RECEIPT (14)	-12.27	-100	0
04/01/16	105092c	mun116.p	RECEIPT (12)	-35.83	-300	0
04/01/16	105092c	mun116.p	RECEIPT (13)	-12.11	-100	0
04/01/16	105092c	mun116.p	RECEIPT (14)	-12.25	-100	0
22/03/16	109445c	mun116.p	RECEIPT (12)	-23.73	-200	0
22/03/16	109445c	mun116.p	RECEIPT (13)	-12.02	-100	0
22/03/16	109445c	mun116.p	RECEIPT (14)	-12.14	-100	0
22/03/16	109445c	mun116.p	RECEIPT (2)	0	-100	0
12/04/16	110586c	mun116.p	RECEIPT (12)	-44.98	-372.59	0
12/04/16	110586c	mun116.p	RECEIPT (13)	-17.82	-145.57	0
12/04/16	110586c	mun116.p	RECEIPT (14)	-13.97	-114.15	0
12/04/16	110586c	mun116.p	RECEIPT (2)	0	-67.69	0
04/07/15	282584c	mun116.p	RECEIPT (12)	-60.94	-500	0
26/06/14	4554c	mun116.p	RECEIPT (12)	-35.31	-287.46	0
26/06/14	4554c	mun116.p	RECEIPT (2)	0	-32.57	0
26/06/14	4554c	mun116.p	RECEIPT (5)	-0.32	-2.62	0
11/10/12	54810c	mun116.p	RECEIPT (12)	-20.66	-168.94	0
11/10/12	54810c	mun116.p	RECEIPT (13)	-18.13	-147.68	0
11/10/12	54810c	mun116.p	RECEIPT (14)	-14.68	-111.59	0
11/10/12	54810c	mun116.p	RECEIPT (2)	0	-44.29	0
11/10/12	54810c	mun116.p	RECEIPT (5)	-0.52	-5.35	0
20/11/12	66908c	mun116.p	RECEIPT (12)	-12.21	-100	0
20/11/12	66908c	mun116.p	RECEIPT (13)	-14.51	-200	0
20/11/12	66908c	mun116.p	RECEIPT (14)	-26.32	-200	0
12/05/14	77606c	mun116.p	RECEIPT (12)	-12.1	-100	0
28/12/12	79042c	mun116.p	RECEIPT (12)	-38.96	-320	0
28/12/12	79042c	mun116.p	RECEIPT (12)	-17.04	-140	0
28/12/12	79042c	mun116.p	RECEIPT (13)	-36.97	-300	0
28/12/12	79042c	mun116.p	RECEIPT (14)	-43.74	-350	0
28/12/12	79042c	mun116.p	RECEIPT (5)	-1.62	-20	0
14/11/14	87653b	mun116.p	RECEIPT (12)	-158.6	-1326.52	0
14/11/14	87653b	mun116.p	RECEIPT (2)	0	-458.35	0
14/11/14	87653b	mun116.p	RECEIPT (5)	-1.8	-15.13	0
10/02/15	91180c	mun116.p	RECEIPT (12)	-41	-338	0
10/02/15	91180c	mun116.p	RECEIPT (2)	0	-40	0
10/02/15	91180c	mun116.p	RECEIPT (5)	-0.48	-4	0

16477.85

16477.85

16477.85

18/03/15 92824c	mun116.p	RECEIPT (12)	-90.72	-749.57	0
18/03/15 92824c	mun116.p	RECEIPT (2)	0	-233.67	0
18/03/15 92824c	mun116.p	RECEIPT (5)	-0.82	-6.76	0
07/04/15 93790c	mun116.p	RECEIPT (12)	-61.27	-500	0
29/04/15 94406c	mun116.p	RECEIPT (12)	-36.52	-300	0
30/04/15 94473c	mun116.p	RECEIPT (12)	-44.77	-367.7	0
30/04/15 94473c	mun116.p	RECEIPT (2)	0	-41.44	0
30/04/15 94473c	mun116.p	RECEIPT (5)	-0.32	-2.66	0
29/05/15 95744c	mun116.p	RECEIPT (12)	-50.69	-419.12	0
29/05/15 95744c	mun116.p	RECEIPT (2)	0	-76.88	0
29/05/15 95744c	mun116.p	RECEIPT (5)	-0.33	-4	0
05/08/15 99560c	mun116.p	RECEIPT (12)	-36.34	-300	0
05/08/15 99560c	mun116.p	RECEIPT (14)	-12.27	-100	0
05/08/15 99560c	mun116.p	RECEIPT (14)	-1.74	-100	0
09/02/16 z/57078B	mun116.p	RECEIPT (12)	-37.35	-312.84	0
09/02/16 z/57078B	mun116.p	RECEIPT (13)	-10.49	-86.78	0
09/02/16 z/57078B	mun116.p	RECEIPT (2)	0	-197.72	0
09/02/16 z/57078B	mun116.p	RECEIPT (5)	-0.32	-2.66	0
06/02/13 z/58693c	mun116.p	RECEIPT (12)	0	-493.86	0
06/02/13 z/58693c	mun116.p	RECEIPT (2)	0	-6.14	0

Annexure A

INDIVIDUAL REGISTRATION NUMBER		INDIVIDUAL PHDB RESOLUTION NUMBER	
APPLICATION FOR THE DISCOUNT BENEFIT BY DEBTOR			
SECTION A: PERSONAL DETAILS (To be completed by applicant)			
A "Spouse" is defined as a husband, wife or long term partner			
Marital status (Complete applicable block)			
Married*		Habitually Co-Habiting*	
Single*		Divorced*	
	APPLICANT		SPOUSE (or deceased partner)
Surname	PHILANDER		
Maiden or former surname			
Full names (First three only)	BERENICE LYZANNE		
Identity number	8012290142089		
Gender	Male*	Female*	Male* Female*
Race	African*	White*	African* White*
	Coloured*	Indian*	Coloured* Indian*
	Other*		Other*
If "other" specify:			
Residential address:			
17 WILHELM THYS AVENUE			
MONTAGU 6720			
Erf No:			
2360 MONTAGU.			

APPLICATION FOR ENHANCED EXTENDED STATE DISCOUNT BENEFITS

1. Berenice Lyzanne Philander Identity No 801229 0142 089 and

- Write-off of all debts and arrears using the full prevailing individual subsidy.
(Only applicable to applicants in the income group between R0 – R1 500)
- The lesser of the full prevailing individual housing subsidy amount or the outstanding balance and the writing off of any further outstanding balance on the purchase price and arrears, if such exist.
(Only applicable to applicants in the income group between R1 501 – R3 500)
- The lesser of R7 500.00, or the outstanding balance; writing off of 50% of the remaining arrears and the remaining outstanding balance must then be financed by other means available to the beneficiary and may include a personal bank loan.
(Only applicable to applicants in the income group between R3 501 – R7 000.00)
- The lesser of R7 500.00 or the balance owing and the remaining outstanding balance, if such exist, being financed by other means available to the beneficiary, including a personal bank loan.
(Only applicable to applicants in the income group over R7 000.00)

JOINT HOUSEHOLD INCOME PER MONTH: R 2916.00

I hereby also declare that all information contained in this document and provided by me is correct and understand that the Enhanced Extended Discount Benefit awarded to me will be declared null and void on discovery of any false information provided, resulting in me being liable for all outstanding monies due to the Department of Local Government and Housing.

BEGNICE LYZANNE PHILANDER
APPLICANT/MASTER'S REPRESENTATIVE

SIGNED: Polcomaker

SIGNED: _____

DATE: 31/08/2015

GEREGISTREERDE WOON- EN POSADRES

1. Bewaar die bewys van u GEREGETREERDE WOON- EN POSADRES in hierdie sakkie.

2. Indien u van adres verander het, of indien besonderhede van u huidige adres, bv. straatnaam en/of -nommer, ens. verander het, moet die vorm KENNISGEWING VAN ADRESVERANDERING, wat in die sakkie agter in die identiteitsdokument is, gebruik word om die verandering aan te meld en moet dit ingedien word by of gepos word aan die nasle streek-/distrikantoor van die DEPARTEMENT VAN BINNELANDSE SAKE.

REGISTERED RESIDENTIAL AND POSTAL ADDRESS

1. Keep the proof of your REGISTERED RESIDENTIAL AND POSTAL ADDRESS in this pocket.

2. If you have changed your address, or, if particulars of your present address, e.g. name of street and/or street number, etc., have been changed, the NOTICE OF CHANGE OF ADDRESS form in the pocket at the back of the identity document must be used to report the change and it must be handed in at or posted to the nearest regional/district office of the DEPARTMENT OF HOME AFFAIRS.

I.D.No. 801229 0142 08 9



S.A. BURGER/S.A. CITIZEN

VAN/SURNAME

PHILANDER

VOORNAME/FORENAMES

BERENICE LYZANNE

GEBORTEDISTRIK OF LAND/
DISTRICT OR COUNTRY OF BIRTH

SUID-AFRIKA

GEBORTE DATUM/
DATE OF BIRTH

1980-12-29

DATUM UITGEREIK
DATE ISSUED

2006-01-12



UITGEREIK OP OUBAD VAN DIE
DIRKTEUR-GENERAAL
BINNELANDSE SAKE

ISSUED BY AUTHORITY OF THE
DIRECTOR-GENERAL
HOME AFFAIRS

COMPANY NAME		PERIOD	DATE
Edbel Agt Pty Ltd		4	30/06/2015
EMPLOYEE CODE	EMPLOYEE NAME		COST CENTRE
PHI01	Me. B L Philander		

EMPLOYEE CODE	PHI01	EMPLOYEE NAME	Me. B L Phlander	
DESIGNATION			COST CENTRE	
COMPANY NAME	Edbel Agt Ply Ltd		PERIOD	4
PO Box 338			DATE	30/06/2015
Montagu			RATE	14.95
6720				
INCOME				
DESCRIPTION		QUANTITY	RATE	AMOUNT
Basic Salary				2,916.00
GROSS EARNINGS				2,916.00
BENEFITS		COMPANY CONTRIBUTIONS		
DEDUCTIONS				
DESCRIPTION		BALANCE	AMOUNT	
UIF Contribution		0.00	29.16	
Net Pay Round Up		0.00	-0.61	
Net Pay Round Down		0.00	0.44	
Staff Gamishee's		0.00	300.00	
Sanlam Futura		0.00	189.54	
Telephone Deduction		0.00	85.47	
Solidarity		0.00	101.00	
TOTAL DEDUCTIONS				705.00
LEAVE DAYS DUE	0.50	NETT PAY	2,211.00	
3699 Gross Remuneration	4103 Total Employee's Tax	4005 Medical Aid Contributions	4001 Pension Fund - Current	
12,482.08	0.00	0.00	0.00	

1. PRAENA PILANDER
ID: 5708310137001 AGE: 58
RESIDING AT: 17 Kliffen Tjys Lahn, Montagu.
TEL: 0768751939 WORK AT: /
TEL: /

STATES UNDER OATH IN ENGLISH:

Ek wil verklaar dat die woorde
by bogenemde adres se heur van
Alse Plander oorendig word.
Die heur van Berearte Plander
verlaar ek natiq, want Alse Plander
gaan die heur ooreen.



I know and understand the contents of this statement,
I have no objection to taking the prescribed oath.
I consider the prescribed oath to be binding on my conscience.

PLACE: MONTAGU

DATE: 2015-09-14

TIME: 18:40

SIGNATURE OF DEPONENT

I CERTIFY THAT THE ABOVE STATEMENT WAS TAKEN BY ME AND THAT THE DEPONENT HAS
ACKNOWLEDGED THAT HE/SHE KNOWS AND UNDERSTAND THE CONTENTS OF THIS
STATEMENT. THIS STATEMENT WAS AFFIRMED/SWORN TO BEFORE ME AND THE
DEPONENT'S SIGNATURE WAS PLACED THEREON IN MY PRESENCE AT MONTAGU ON

DATE: 2015-09-14

TIME: 18:40

COMMISSIONER OF OATHS

I. J. (P. J. J. J.) FULL NAMES

BATH STREET 96, MONTAGU

RANK: CONSTABLE

S A POLICE SERVICE

lib06/Beëdigde Verklaring

Geagte Minr. Wiese

In verband met die woning

North Wilhelmtheyslaan Montagu.

Ek Berenice Philander is al een wat op hierdie oomblik elke maand huishuur (R500) by die kantoor kom betaal. My bewyse het ek. Voor het almal (shuuders) ons geld aan Mev Frances Houtzinger betaal ek het toe agter gekom sy betaal nie die geld in nie. Op meer as een keer was alie klag gestrek ek moet dan ingryp en met in skand gesig dinge kom regmaak en betaal om die klag weer aante ky. dan ver wag my ma in elke maand se huur geb. waari na sy nooit kom betaal nie. Op en stadium was die klag weer gestrek toe betaal my suster se kêrel wat ook daar bly dan het hulle nie nodig om huur te betaal vir en paar maande nie. Daarna het my oom ook die huur betaal en hy het dit ook laat agter raak, daar moet ek ook dinge kom regmaak het. Daar was n tyd toe die agterstallige weggeval het maar my ma en suster het gemaak dat ek die geld vir mummie moet gee. Na al hierdie dinge het ek net besluit ek gee nie meer vir mummie geld nie ek kom elke maand my R500 hier betaal. In die begin was dit groot probleme want sy wil die geld hê. Die 4 persone wat in die huis bly bly het nie permanente werk nie.

so hulle sal nie die huis kan dra
nie. Ek Berenice is die enigste werker
persoon En as hulle werk weer hulle
om my te help met die huur
har pa het my ma ingestem sy sit die
huur op my naam want ons beide ge-
teken het. Ma verstaan ek sy wil die
huur op my suster se naam oordra sonder
om my te raadpleeg. Ma soos u self
kan sien het my ma of my suster nie
in sent bygedra tot die huurged nre. Ek
is die enigste een wat hierdie huur se
huurged elke maand betaal. Selfs nou
sukkel ek om die agterstallige op datum
te bring. terwyl my suster in julle kantore
in kortklawerk het, help sy my nie dal-
mee nie, maar sy verwag die huur wat
sy nie betaal nie moet op haar afgeteken
word.

Hiermee verwag ek dat u hulle'n
regverdige ondersoek en besluite sal neem
wie ook al aanspraak op die woning
het. En elkeen hulle saak sal stel
Dis my begeerte die besluite wat opneem word
sal ek aanvaar.

baie dankie.

De ure

Berenice Phubder.

cell: 0745596776

Wilhelm Thylson
Montbrun
6720

Enag wil ek byreg daal was in stadium
wat ek die oordrakoste moes betaal.
Vir dit moes ek in lening gaan by my
werkplek. Milke Pheiser het toe die geld op
die agterstallige rekening gesit, en nie
op die oordrakoste nie, toe die rekening
skoon is, het my ma aangekling dat ek
weer die huurgeld vir haar moet gee, en
nooit het sy die huishuur kom betaal nie
weereens was die huishuur agter en Ek
moes weereens reelings hef en geld kom
betaal. Dis die rede waarom ek nooit
by die oordrakoste se geld kon uit
kom nie. Op hierdie huidige oomblik is
ek alleen wat die huishuur kom betaal
terwyl my ma die huurders se geld elke
maand ontvang.

Berice Phelander.

M. Wilhelm Thylers

Montages

b-20

2015-11-12

Me Berenice L. Philander
Wilhelm Thyslaan 17
Montagu
6720

Me

Aansoek om oordrag van Munisipale huurskema woning: Erf 2360, Wilhelm Thyslaan 17, Montagu vanaf Francis Houtsamer (nee Philander na uself)


U gesprek met Mnr Jurian Wiese van hierdie kantoor op 29 Oktober 2015 asook u ongedateerde skrywe daarna in bogemelde verband, verwys.

Kennis is geneem van die inhoud van u skrywe en is daar ook vandag 'n gesprek met u moeder, Francis Houtsamer (nee Philander) in hierdie verband gevoer.

Ten einde finaliteit aan hierdie aangeleentheid te verleen versoek ons u hiermee om binne sewe (7) dae vanaf datum van hierdie skrywe per be-edigde verklaring aan te dui of u nog steeds in die oordrag van bogemelde woning belangstel soos op 22 November 2012 per Raadsbesluit aan u toegeken is.

Sodra voormelde verklaring ontvang is, sal ons vir u finaal kan aandui wat die pad vorentoe is in hierdie verband.

Die uwe



MW NEL
BESTUURDER: BEHUISINGSADMINISTRASIE
JGMW/ngmg

STASIE: ASHTON

MAS:

BEËDIGDE VERKLARINGEk, Benerice L. Philonole

Verklaar in Afrikaans onder eed,

Ek is 'n volwasse man / vrou met ID. Nr. 8012290142089woonagtig te 17 Weltevreden van AfrikaMontage met telefoon Nr. 77en werksaam as 'n Kelnerte Montage City Hotel, Montagemet telefoon Nr. 77Ek stel nog steeds belang in
die oopstelling van die woorde
te en 2560 Montage

(Vervolg op keersy)

Die inhoud van die verklaring is na die beste van my wete en oortuiging waar. Ek is ook bewus daarvan dat as dit as getuienis voorgelê word en dit daarin voorkom dat ek weet of glo dat dit waar is, of weet of glo dat dit nie waar is nie, ek vervolg kan word.

Ek is vertrouwd met die inhoud van hierdie verklaring en begryp dit.

Ek het geen beswaar teen die aflegging van die voorgeskrewe eed nie.

Ek beskou die voorgeskrewe eed as bindend vir my gewete.

R. A. A. A.
HANDTEKENING VAN VERKLAARDER

Ek sertifiseer dat die bostaande verklaring deur my afgeneem is en dat die verklaarder erken dat hy/sy vertrouwd is met die inhoud van hierdie verklaring en dit begryp. Hierdie verklaring is voor my beëdig en verklaarder se handtekening / merk / duimafdruk is in my teenwoordigheid daarop aangebring te ASHTON op _____

om _____

[Handtekening]
HANDTEKENING VAN LID

KOMMISSARIS VAN EDE
VOLLE NAME EN VAN: G. M. Nicolson
SUID-AFRIKAANSE POLISIEDIENS
STASIEWEG ASHTON
RANG: W.B.
LIB04/VERKLA

SUID-AFRIKAANSE POLISIEDIENS
17 NOV 2015
SOUTH AFRICAN POLICE SERVICE



LANGEBERG
MUNISIPALITEIT MUNICIPALITY MASIPALA

~ MEMORANDUM ~			
AAN / TO	Mnr SA Mokweni Munisipale Bestuurder	VAN / FROM	Mnr JGM Wiesse Behuisingsadministrateur
VERW / REF	17/5/6/4/1	DATUM / DATE	9 Desember 2015
ONDERWERP SUBJECT	AANSOEK OM OORDRAG VAN MUNISIPALE HUURWONING, ERF 2360, WILHELM THYSLAAN 17, MONTAGU VANAF FRANCINA HOUTSAMER (NÉE PHILANDER) NA BERENICE LYZANNE PHILANDER		

Meneer

Doel

Om 'n verslag rakende die toekenning van bogemelde woning aan u voor te lê vir oorweging.

Agtergrond

Betrokke woning is 'n munisipale huurwoning wat destyds aan Francina Houtsamer (née Philander) se moeder verhuur is en na haar sterfte het sy die huurderskap by die Raad oorgeneem.

Francina Houtsamer (née Philander) het egter op 11 Oktober 2012 per beëdigde verklaring versoek dat bogemelde munisipale huurwoning op haar dogter, Berenice Lyzanne Philander se naam oorgedra word waarna die Burgemeesterskomitee dit op 22 November 2010 op die volgende voorwaardes goedgekeur het.

"That the municipal rental scheme house situated on erf 2360, 17 Wilhelm Thys Avenue, Montagu be allocated to Berenice Lyzanne Philander on the following conditions:

Dat die munisipale huurskema-woning geleë te erf 2360, Wilhelm Thyslaan 17, Montagu op die volgende voorwaardes aan Berenice Lyzanne Philander toegeken word:

1. *That Berenice Lyzanne Philander pays a consumer deposit of R470.00 in advance. (There's no existing deposit).*
Dat Berenice Lyzanne Philander 'n verbruikersdeposito van R470.00 vooruit betaal (Daar is geen bestaande deposito).

2. *That Berenice Lyzanne Philander be responsible for the payment of all outstanding as well as future municipal charges in respect of erf 2360, 17 Wilhelm Thys Avenue, Montagu.*

Dat Berenice Lyzanne Philander aanspreeklik is vir die betaling van alle uitstaande sowel as toekomstige munisipale heffings met betrekking tot erf 2360, Wilhelm Thyslaan 17, Montagu.

3. *That the property on erf 2360 Montagu be sold to Berenice Lyzanne Philander for the amount of R3 517.15 in terms of the Enhanced Extended Discount Benefit Scheme (EEDBS)*

Dat die woning te erf 2360 Montagu vir die bedrag van R3 517.15 aan Berenice Lyzanne Philander vervreem word in terme van die Verbeterde Uitgebreide Afslag Voordeelskema (EEDBS).

4. That Berenice Lyzanne Philander be responsible for the payment of the transfer costs of the registration of the property into her name,

Dat Berenice Lyzanne Philander aanspreeklik is vir die betaling van die oordragkoste met betrekking tot die registrasie van die eiendom in haar naam.

5. That Berenice Lyzanne Philander enter into a Lease Agreement with the municipality until her subsidy for discount (EEDBS) is approved by the Department of Human Settlements, whereafter she will enter into a Deed of Sale with the municipality.

Dat Berenice Lyzanne Philander 'n huurkontrak sluit met die munisipaliteit totdat haar subsidie vir die verbeterde afslag (EEDBS) deur die Departement Menslike Nedersettings goedgekeur is waarna 'n koopkontrak tussen haarself en die munisipaliteit gesluit sal word."

Kommentaar

Volgens Berenice Philander was sy op 'n stadium by Michael Pekeur wie by Kredietbeheer, Montagu Kantoor werksaam was, om die verbruikersdeposito van R470.00 te betaal maar is die geld foutiewelik teen die uitstaande dienstegelede geallokeer. Sy het daarna op 31 Augustus 2015 'n EEDBS aansoekvorm by ons kantoor voltooi wat na die Departement Menslike Nedersettings afgestuur is vir oorweging maar tot op hierdie stadium nog nie goedgekeur is nie.

Op 14 September 2015 is die volgende beëdigde verklaring vanaf Francina Houtsamer (née Philander) ontvang.

"I, Francina Filander, ID: 5708310138081 Age: 58 residing at 17 Wilhelm Thys Laan, Montagu.
Tel 076 875 1939 work at Tel.

STATE UNDER OATH IN ENGLISH

*Ek wil verklaar dat die woning by bogenoemde adres se huur aan Ilse Filander oorhandig word,
Die huur van Berenice Filander verklaar ek nuttig, want Ilse Filander gaan die huur oorneem."*

Na aanleiding van voormelde situasie het skrywer op 29 Oktober 2015 'n gesprek met Berenice Philander gevoer waarna sy versoek is om per beëdigde verklaring aan te dui of sy nog steeds in die oordrag van die woning belangstel wat sy op 17 November 2015 bevestig het. Berenice Philander het ook rapporteer dat sy die munisipale dienstegelede van die woning betaal en het bewyse van betalings voorsien.

'n Gesprek is op 12 November 2015 met Francina Houtsamer (née Philander) gevoer in teenwoordigheid van Rdl Swanepoel, waartydens sy die volgende bevestig het,

- ✚ Dat sy met Andries Houtsamer getroud is en dat hy die wettige huurder is van die selfbou woning te erf 3614, Du Preezstraat 2E, Montagu.
- ✚ Dat sy gedurende 1992 'n koopkontrak met die Munisipaliteit onderteken het teneinde die munisipale huurwoning, erf 2360, Wilhelm Thyslaan 17, Montagu in haar naam te laat registreer.
- ✚ Dat haar bedoeling nie was om die woning in haar dogter, Berenice Philander se naam te laat registreer nie, maar om slegs die munisipale diensterekening op haar naam oor te laat dra.

Verdere Kommentaar

Dit is egter baie vreemd dat nadat Francina Houtsamer (née Philander) per beëdigde verklaring afstand gedoen het van haar huurderskap ten opsigte van die munisipale huurwoning te erf 2360, Montagu sy nou sonder enige gemotiveerde rede, die woning op haar jonger dogter, Ilse Philander se naam wil laat oordra.

Wat egter duidelik tydens die onderskeie gesprekke met ma en dogter na vore gekom het, is dat daar persoonlike probleme tussen hulle ontstaan het rakende die toekenning van die woning.

Nieteenstaande voormelde situasie is ons standpunt soos volg:

1. Francina Houtsamer (née Philander) het op 11 Oktober 2012 formeel haar huurderskap ten opsigte van die munisipale huurwoning, erf 2360, Wilhelm Thyslaan 17, Montagu beëindig nadat sy die Raad per beëdigde verklaring versoek om die woning op haar dogter, Berenice Philander se naam oor te dra.
2. Die Burgemeesterskomitee na aanleiding van haar versoek in punt 1, die woning op 22 November 2012 aan Berenice Philander toegeken.
3. Francina Houtsamer (née Philander) is intussen getroud met die huurder van 'n ander Staatsfinansierde woning te erf 3614, Du Preezstraat 2E, Montagu en kan gevolglik nie vir twee Staatsfinansierde wonings kwalifiseer nie.
4. Die Munisipaliteit allokeer huurwoningen Interne van 'n behuisingsbeleid en nie op grond van huurders se persoonlike probleme nie.

Ter ondersteuning van die aansoek vind asseblief hierby aangeheg die volgende dokumentasie.

1. Aansoekvorm om oordrag van munisipale huurwoning, erf 2360, Montagu – Berenice Philander
2. Raadsverslag
3. Skrywe aan Berenice Philander waarin sy van die Raadsbesluit in kennis gestel is.
4. Afskrifte van kwitansies van betalings
5. Aansoek om EEDBS afslag
6. Koopkontrak tussen die Munisipaliteit en Francina Houtsamer (nee Philander)
7. Epos korrespondensie tussen ons kantoor en Van Zyl & Hofmeyr Prokureurs i.v.m voormelde koopkontrak.
8. Skrywe van Berenice Philander
9. Skrywe van ons kantoor aan Berenice Philander
10. Beëdigde verklaring van Francina Houtsamer (nee Philander)
11. Beëdigde verklaring van Berenice Philander

Kommentaar: Wyksraadj J Kriel

in F Philander se
Ek voel die koopkontrak is (nog geldig
en registrasie moet voortgaan en dat
Raadsbesluit van 2012 herroep moet word.

Aanbeveling

1. Dat op grond van voormelde standpunte daar volstaan word by die Burgemeesterskomitee se besluit van 22 November 2012 en dat die besluit uitgevoer word.
2. Dat die betrokke partye van die besluit in kennis gestel word.

Die uwe



MW NEL

BESTUURDER: BEHUISINGSADMINISTRASIE

JGMW/sn

Verwysing/Reference
Navraag/Enquiries
Telefoon/Telephone
Tel. Adres/Address

Mnr/Mev/Mej.

Sir/Madam,

AANBOD OM EIENDOM TE VERKOOP TEGEN BETALING
VAN DIE KOOPSON.

OFFER TO SELL PROPERTY AGAINST PAYMENT OF
THE PURCHASE PRICE.

VERKOPER
SELL

Munisipaliteit Montagu

KOPER
PURCHASER

FRANCIS Philander ID. 5708310137016

EIENDOM: SEKERE
PROPERTY: CERTAIN

ERF 2360 geleë te Wilhelm Thyslaan 17
Montagu

GROOT
MEASURING

201 m²

Die KOPER se aanbod om bovermelde eiendom voetstoots met
alle vaste verbeterings daarop, indien enige, van die VERKOPER
te koop word aanvaar op die hieronder vermelde voorwaardes.
Die KOPER moet aansluit op die oorspronklike kopie aandui of
hy die voorwaardes aanvaar en die binne

The offer of the PURCHASER to purchase the abovementioned
property voetstoots with all fixed improvements thereon, if any,
from the SELLER, is accepted on the undermentioned conditions.
The PURCHASER must please indicate, on the original copy whether
he accepts the conditions and return it to this office within

dae vanaf die datum hiervan aan hierdie kantoor terug besorg.
Die aanvaarding van die KOPER se aanbod vervat indien die KO-
PER i. vaarding van die hieronder vermelde voorwaardes nie
binne die nagegeelde tydperk ontvang word nie.

days from the date hereof. The acceptance of the PURCHASER'S
offer lapses if the PURCHASER'S acceptance of the undermentioned
conditions does not reach this office within the prescribed period.

VOORWAARDES

CONDITIONS

1. Besit en okkupasie van die eiendom sal deur VERKOPER aan
die KOPER gegee en deur die KOPER geneem word op

Datum van Registrasie

2. Vanaf welke datum die KOPER aanspreeklik sal wees vir
die betaling van alle eiendomsbelasting en diensgelde ten
opsig van die eiendom. Die KOPER moet 'n proporsionele
deel van enige eiendomsbelasting en diensgelde wat die
VERKOPER betaal en wat betrekking het op 'n tydperk
na die datum van wanneer die KOPER vir die betaling van
eiendomsbelasting en diensgelde aanspreeklik is aan die
VERKOPER terug betaal.

1. Possession and occupation of the property shall be given by the
SELLER to the PURCHASER and taken by the PURCHASER on

2. As from which date the PURCHASER will be liable for the pay-
ment of all rates and taxes and service charges in respect of the
property. The PURCHASER must repay to the SELLER a pro-
portional share of such rates and taxes and service charges paid
by the SELLER and which may be applicable to a period after the
date from which the PURCHASER becomes liable for the pay-
ment of rates and taxes and service charges.

3. Die koopsom, beloop

R 2,849-65^c (Twee duisend agt honderd nege en veertig Rand, vyf en

en is betaalbaar

Kontant

3. The purchase price amounts to

and is payable

Indien die koopprys nie by ondertekening van hierdie oorkonde deur die KOPER in kontant betaal word nie moet die betaling daarvan te

4. If the purchase price is not paid in cash against signature of this agreement by the PURCHASER the payment thereof at

deur 'n erkende finansiële instelling gewaarborg word, welke waarborg aan hierdie kantoor gelewer moet word binne

must be guaranteed by a recognised financial institution and such guarantee must be delivered to this office within

dae vanaf die datum hiervan.

days from the date hereof.

Die waarborg moet voorsiening maak vir saamgestelde rente op die koopprys, maandeliks bereken, teen

5. The guarantee must make provision for compound interest on the purchase price calculated monthly at

per jaar vanaf die datum van okkupasie tot op die datum waarop betaling deur die VERKOPER ontvang word, indien die datum van okkupasie 'n vroeër datum is as die datum van registrasie van ondrag.

% () per annum as from the date of occupation to the date payment is received by the SELLER if the date of occupation is an earlier date than the date of registration of transfer.

Die PER sal gebind wees deur die voorwaardes geneem in of verwys na in die transaksie waaronder die VERKOPER die eiendom hou. Die VERKOPER sal nie aanspreeklik wees vir enige verskil of tekort in grootte wat by heropmeting van die eiendom aan die lig kom nie en doen afstand van enige oorskot.

6. The PURCHASER will be bound by the conditions mentioned or referred to in the deed of transfer under which the property is held by the SELLER. The SELLER shall not be liable for any difference or deficiency in extent which may appear upon resurvey of the property and renounces any excess.

Die eiendom mag nie binne 'n tydperk van 10 (tien) jaar vanaf die datum van beslissing deur die KOPER of sy regsopvolgers verkoop of andersins verveem word nie behalwe aan 'n persoon deur die VERKOPER goedgekeur en dan slegs nadat die KOPER of sy regsopvolgers dit eers aan die VERKOPER te koop aangebied het nieveenswonde die feit dat die koopsum teensinnig met rente daartoe betaal is.

7. The property may not be sold or otherwise alienated by the PURCHASER or his successors in title within a period of 10 (ten) years from the date of possession except to a person approved by the SELLER and then only after the PURCHASER or his successors in title has first offered it for sale to the SELLER notwithstanding the fact that the selling price with interest thereon has been paid.

Die KOPER of sy regsopvolgers moet binne 'n tydperk van

8. The PURCHASER or his successors in title must within a period of

jaar vanaf die datum van beslissing 'n

year as from the date of possession erect a

tot 'n rediging van die VERKOPER op die eiendom oprig. Indi. die geboue nie aldus opgerig word nie, moet die KOPER, wanneer die VERKOPER hom daartoe versoek die eiendom op die KOPER se koste op die naam van die VERKOPER terug transporteer. Die KOPER sal dan geregtig wees op vergoeding gelykstaande aan die bedrag wat reeds as kapitaal op die verkoopprys aan die VERKOPER betaal is, plus die VERKOPER se waarde van enige goedgekeurde verbeterings wat deur die KOPER aangebied is. Die aanplant van bome en gras, die oprigting van draadheininge en die konstruksie van rylane en padjies sal nie in aanmerking geneem word nie.

to the satisfaction of the SELLER on the property. Should buildings not be thus erected the PURCHASER must at his own cost, when so required by the SELLER transfer the property back to the name of the SELLER. The PURCHASER will then be entitled to compensation equal to the amount paid as capital on the purchase price to the SELLER, plus the SELLER'S valuation of any approved improvements effected by the PURCHASER. The planting of trees and grass, the erection of wire fences and the construction of drive- and footways will not be taken into consideration.

Die firma

Van Zyl & Hofmeyer

The firm

sal benoem word om die transfer van die eiendom aan die KOPER te passeer en oordragkoste, asook hereregte sal deur die KOPER betaal word.

shall be nominated to pass transfer of the property to the PURCHASER and transfer costs as well as transfer duty shall be paid by the PURCHASER.

Die uwe / Yours faithfully

VERKOPER / SELLER

AANVAARDING

ACCEPTANCE

Die bostaande voorwaardes, word deur my aanvaar.
The above-mentioned conditions are accepted by me.

Volle naam
Full name FRANCIS PHILANDER

Persoonsno.
Identity No. 51708310134016

Gebourtedatum
Date of Birth 31-Aug 19 57

Handtekening
Signature [Signature]

Plek/Place MONTAGU Datum/Date 22-7-1992

Alleen van toepassing op eiendom wat in die Provinsie van Natal geleë is/Only applicable to property situate in the Province of Natal.

Ek verkies dat die firma
I the firm

die registrasie van oordrag van die eiendom in my naam behartig. Oordragkoste en heffing sal deur myself betaal word.
to undertake the registration of transfer of the property into my name. Transfer costs and transfer duty will be paid by myself.

2

Jurian Wiese

From: Jurian Wiese
Sent: 25 November 2015 09:19 AM
To: 'Annelie'
Cc: Wilson Nel
Subject: RE: KOOPKONTRAK ERF 2360 MONTAGU / F PHILANDER

Goeie More Annelie

Daar bestaan tans 'n dispuut rakende die oordrag van die woning en moet u nie aangaan met hierdie transaksie nie tot ons kantoor u verdere instruksies daartoe verleen.

Dankie

Regards 

Jurian GM Wiese
Housing Administrator / Behuisingsadministrateur
Department: Housing Administration / Departement: Behuisingsadministrasie
Langeberg Municipality / Munisipaliteit
Private Bag X2 Privaatsak - Ashton 6715
28 Main Road / Hoofweg 28 - Ashton 6715
Phone / Tel (023) 6158021 Mobile 0715994255
Fax / Faks (023) 6151563
Email / Epos – jwiese@langeberg.gov.za



"People at the centre of Development"

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From: Annelie [<mailto:annelie@vanzylhofmeyr.co.za>]
Sent: 25 November 2015 08:56 AM
To: Jurian Wiese
Subject: KOOPKONTRAK ERF 2360 MONTAGU / F PHILANDER

More Jurian

Ons het ongelukkig nie enige rekord van hierdie transaksie op ons stelsel nie. Indien daar betalings gemaak was, sou daar 'n rekord gewees het.

Ons verneem graag of ons nou moet voortgaan om die eiendom in haar naam oor te dra.

ERF	ADRES	KOPER	KOOPSOM	DATUM
2335	GOETHAMSTRAAT 19	A J ROBYN T12191/1994	(5.476.09) (28.02.94)	02-03-1992
2337	GOETHAMSTRAAT 15	M BAARTMAN T24469/1996	(5.4.92) (15.02.96)	26-02-1993
2338	GOETHAMSTRAAT 13	S JOSEPH T108830/1998	(19.11.98) (15.07.98)	01-02-1994
2343	SIMONSTRAAT 4	M GERTSE T59285/2002	(15.7.2002) (15.07.98)	28-05-1993
2345	SIMONSTRAAT 8	J DE BRUIN T12239/1995	(21.02.95) (21.02.95)	09-02-1994
2346	SIMONSTRAAT 10	R STEFOOR T10103/1995	(06.06.95) (06.06.95)	08-02-1994
2347	SIMONSTRAAT 12	H SEBABA T63290/1996	(23.05.96) (23.05.96)	15-02-1994
2348	WILHELM THYSLAAN 2	E FLUKS T8179/2010	(22.2.2010) (22.2.2010)	15-02-1994
2349	WILHELM THYSLAAN 2	G SMIT T24480/2009	(01.06.2009) (01.06.2009)	01-03-1994
2350	WILHELM THYSLAAN 25	M J PEKEUR T13390/1991	(17.07.91) (17.07.91)	19-03-1991
2351	WILHELM THYSLAAN 2	A FLUKS T16202/1996	(10.3.96) (10.3.96)	23-02-1993
2354	VAN TURHASTRAAT 2	K ABRAHAMS T59873/1993	(04.8.93) (04.8.93)	11-03-1993
2355	VAN TURHASTRAAT 4	S FILANDER T50489/2010	(22.9.2010) (22.9.2010)	11-03-1993
2356	VAN TURHASTRAAT 6	F MACLEAN T21989/2007	(12.06.2007) (12.06.2007)	11-03-1993
2359	VAN TURHASTRAAT 12	S CONRADIE T5801/1994	(09.05.94) (09.05.94)	10-02-1994
2360	WILHELM THYSLAAN 1	F PHILANDER	2 849.65	22-07-1992
2363	WILHELM THYSLAAN 1	L MAURICE T52968/1992	(18.07.92) (18.07.92)	08-02-1994
2364	WILHELM THYSLAAN 9	F BAARTMAN T71474/2015	(9.12.2015) (9.12.2015)	10-02-1994
2365	WILHELM THYSLAAN 7	J P SMART T11475/2015	(9.12.2015) (9.12.2015)	24-02-1994
2367	VAN TURHASTRAAT 3	K FLUKS T30118/1995	(28.11.95) (28.11.95)	01-03-1993
2370	VAN TURHASTRAAT 9	K WARRIES T12202/1997	(19.12.97) (19.12.97)	17-02-1994
2372	MOHAMMEDTSTRAAT 1	K KOKER T44626/2002	(31.5.2002) (31.5.2002)	01-03-1993
2373	MOHAMMEDTSTRAAT 3	W RAYNERS T16186/2008	(14.3.2008) (14.3.2008)	24-02-1993
2375	MOHAMMEDTSTRAAT 7	A PLAATJIES T40389/2005	(29.5.2005) (29.5.2005)	08-06-1993
2376	MOHAMMEDTSTRAAT 9	S PEKEUR T128099/1993	(22.6.93) (22.6.93)	04-03-1993
2377	MOHAMMEDTSTRAAT 11	E MATHYS T52951/1996	(16.7.96) (16.7.96)	22-03-1994
2378	STUARTSTRAAT 1	A B S STAAL T33783/1996	(1.11.96) (1.11.96)	09-02-1994
2379	STUARTSTRAAT 3	I CONRADIE T5771/1996	(30.1.96) (30.1.96)	24-02-1994
2380	STUARTSTRAAT 5	A M JANSEN T68445/1994	(12.7.94) (12.7.94)	16-06-1993

STASIE : ASHTON

MAS :

BEËDIGDE VERKLARING

Ek, BERENICE LYZANNE PHILLANDER

Verklaar in Afrikaans onder eed,

Ek is 'n volwasse man / vrou met ID. Nr. 8012290142089

woonagtig te MAGNOLIA STRAAT 10 BERSIG MONTAGU

met telefoon Nr. 0745596776

en werksaam as 'n MONTAGU COUNTRY HOTEL (KELNERIN)

te COUNTRY HOTEL

met telefoon Nr. 023 611 3125

DIE REDE VIR HUIS VERLAAT MY MA HET GESE
EK MOET HAAR HUIS VERLAAT DIT WAS IN
JANUARIE 2016 DAAR WAS MOELIKHEID A.G.V
CONTRAG VAN HUIS WAT SY SELF GEDOEN
HET ONTENT DIE HUIS HET HAAR NIE
GEDWING OM HUIS TE KRY NIE SY HET =
(Vervolg op keersy)

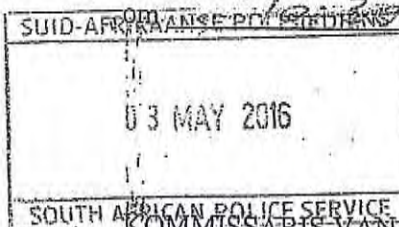
Die inhoud van die verklaring is na die beste van my wete en oortuiging waar. Ek is ook bewus daarvan dat as dit as getuienis voorgelê word en dit daarin voorkom dat ek weet of glo dat dit waar is, of weet of glo dat dit nie waar is nie, ek vervolg kan word.

Ek is vertrouwd met die inhoud van hierdie verklaring en begryp dit.
Ek het geen beswaar teen die aflegging van die voorgeskrewe eed nie.
Ek beskou die voorgeskrewe eed as bindend vir my gewete.

BERENICE PHILLANDER

HANDTEKENING VAN VERKLAARDER

Ek sertifiseer dat die bostaande verklaring deur my afgeneem is en dat die verklaarder erken dat hy/sy vertrouwd is met die inhoud van hierdie verklaring en dit begryp. Hierdie verklaring is voor my beëdig en verklaarder se handtekening / merk / duimafdruk is in my teenwoordigheid daarop aangebring te ASHTON op 2016.05.03



SHIRAZ KHAN
HANDTEKENING VAN LID

KOMMISSARIS VAN EDE

VOLLE NAME EN VAN :

SIVILLE MONTAGU

SUID-AFRIKAANSE POLISIEDIENS

STASIEWEG ASHTON

RANG: CSF

LIB04/VERKLA

SELF. DIT. GETEKEN. EK. STEG. NOG
 STEEDS. BELANG. AAN. DIE. KONING.
 DE. WILHELM. THYSLAAN. 17. MONTAGU.
 EK. HET. N. BEKREFTIGING. BEVEL.

GEELY. OM. WEG. TE. BLY. TE
 WILHELM. THYSLAAN. 17. MONTAGU.

Ek is vertrouwd met die inhoud van hierdie verklaring en begryp dit.
 Ek het geen beswaar teen die aflegging van die voorgeskrewe eed nie.
 Ek beskou die voorgeskrewe eed as bindend vir my gewete.



HANDTEKENING VAN VERKLAARDER

RESUBMISSION : APPLICATION TO TRANSFER MUNICIPAL RENTAL SCHEME HOUSE, ERF 2360, 17 WILHELM THYS AVENUE, MONTAGU FROM FRANCINA HOUTSAMER (PHILANDER) TO BERENICE LYZANNE PHILANDER (17/5/6/4/1) (HOUSING ADMINISTRATOR / MANAGER: HOUSING ADMINISTRATION)

Purpose of report

To resubmit a report to Council for consideration of the above-mentioned matter.

Background

This item served as A 3260 before Council on 15 June 2016, when the following resolution was taken:

That a meeting be called with the involved families, the Ward Councillor and the Director Community Services to source additional corroborative documents, where after the report be submitted to the next meeting of the Community Services Portfolio Committee.

Dat 'n vergadering belê word met die betrokke families, die Wyksraadslid en die Direkteur Gemeenskapsdienste ten einde addisionele stawende dokumente te bekom, waarna die verslag voorgelê word by die volgende vergadering van die Gemeenskapsdienste Portefeulje Komitee.

The above resolution is based on the following motion that was submitted by ex-Councillor CB Swanepoel:

"I hereby move this motion to council on behalf of Mrs F Houtsamer (Nee' Philander), who due to information obtain by her want to stop the transfer of her house which see purchase already on the 22 July 1992 at attorneys Van Zyl and Hoffmeyer.

The main reason for this motion is that Mrs F Houtsamer never obtains her Deed from Van Zyl and Hoffmeyer after finalisation of her purchase agreement, which were signed by the attorney handling the case on the 22 July 1992. But unluckily for Mrs F Houtsamer (Nee' Philander) the original purchase of sale agreement, which have to be in the archives of the attorneys Van Zyl and Hoffmeyer could not be found and are not on their system anymore. Now my question is who are to blame for this mishap. My problem to this whole matter how it was handled was wrong due to the fact, that Mrs F Houtsamer was the victim of ignorance and the lack of knowledge surrounding title deeds and its working. If she knew that if you are the owner of an property, you don't have to transfer your property to your daughter see would not have done that, but through ignorance see did to keep the house of her deceased mother in the family. At that time in 2012 (dates are available in the memo) when she was informed that the house will be taken due to the fact that see was now married to Mr Houtsamer, which had his own house, the municipality was unaware that there was a sale of purchase agreement laying somewhere in the archives which never was finalised by the previous municipality of Montagu.

The point that I want to make is that nobody bothered to investigate at that time if the house was a rental unit or paid property. Due to negligence of the previous municipality and the attorneys, Mrs F Houtsamer (Nee' Philander) property was never registered that she are the sole owner there off.

Honourable Municipal Manager I do not want to go into the detail of the memo of the case (which we will discuss during the deliberation of the motion), but let me just touch on a few points.

- 1. On 22nd November 2012 the council decision was taken that Miss Berenice Lyzanne Philander must pay a consumer deposit of R 470.00 in advance, which sees never paid.*
- 2. That Berenice Philander be responsible for the payment of all outstanding as well as future municipal charges in respect of erf 2360, 17 Wilhelm Thys Avenue, Montagu.*
- 3. That the property on erf 2360 Montagu be sold to Berenice Philander for the amount of R3517.15 in terms of the Enhanced Extended Discount Benefit Scheme (EEDBS), which she never bout at that time.*
- 4. That Berenice Philander be responsible for the payment of the transfer costs in respect of the registration of the property into her name. which she also did not do.*

5. That Berenice Philander enter into a Lease Agreement with the municipality until her subsidy for discount (EEDBS) is approved by the Department of Human Settlements, where after she will enter into a Deed of Sale with the municipality.

You are hereby requested to contact Ms Annelize Mohammed at the Montagu office within seven (7) days after receiving of this letter, to finalize abovementioned matter, by NOT responding the Municipality will accept that you are no longer interested in the house.

Miss Berenice Lyzanne Philander never adhere to the letter and just came forward last here in August 2015. What did the Municipality do during the last two and a half years? How is it know just ok for her to go on with the transference of the house unto her name like if nothing have happen, please give clarity. And her explanation on that she have come to pay the R470 at the time Mr M Pekeur was working and he wrongly allocated the money is a lie. I do not think that Mr M Pekeur will make such a blander.

Lastly to conclude, I find it very strange that Mr J Wiese could send Mrs Annelie Deetlefs an email asking her the Purchase of sale of Mrs F Houtsamer (Nee' Philander), but he had a copy of it already with a list of name of people where Mrs F houtsamer (Nee' Philander) name was on with the amount the same to that of which were on the purchase of sale agreement between herself and attorneys Van Zyl and Hoffmeyer, which were sign by the attorney that work with this case.

I was informed by Mrs A Deetlefs and attorney Esterhuizen that there are no file are purchase agreement at their promises so the only copy was that were found at the archives of Langeberg Municipal office Montagu. So how can there be a receipt of payment if the original file from the attorneys is nowhere to be found."

The concerned house forms part of the Montagu, Ou Dorp, Scheme 1, Rental houses of which Francis Houtsamer (Phialnder) is the legal tenant. The house can be sold for the amount of R3 517.15 in terms of the Enhances Extended Discount Benefit Scheme (EEDBS). The registered owner of the property is Langeberg Municipality.

Comments

The legal tenant of the house, Francina Houtsamer (Philander) got married to Andries Houtsamer on 27th June 1998. Andries Houtsamer bought himself a Selfbuild house, Erf 3614, 2E Du Preez Street, Montagu and received a Discount Benefit of R7 500.00 and Francina moved to the above-mentioned house. Francina's two (2) brothers who also stayed with her in the rental house in 17 Wilhelm Thys Avenue, Montagu, qualified each for a State Financed Housing subsidy with their co-habiting partners for the following erven: Piet Philander qualified for a subsidy on erf 4160, Montagu and Gustav Philander on erf 6888, Montagu.

An application for transfer of the municipal rental house in 17 Wilhelm Thys Avenue, Montagu was received on 11th October 2012 from Francina Houtsamer's (Philander) daughter, Berenice Lyzanne Philander who still stays in the said house with her minor child. Berenice Lyzanne Phialnder complies with Council's Allocation and the National Department of Human Settlements subsidy policy. Berenice is already responsible for the payment of the municipal services account.

Francina Houtsamer (Phialnder) gave permission per affidavit for the transfer of the house into her daughter Berenice Philander's name.

"Ek Francina Houtsamer, ID 570831 0137 081, ouderdom 55, woonagtig te Du Preezstraat 2E Montagu, verklaar onder eed in Afrikaans:

Hiermee verklaar ek dat my nooiensvan Philander is. Ek verklaar ook dat Berenice Lyzanne Philander my biologiese dogter is met ID 801229 0142 089. Ek verklaar dat ek my huis te Wilhelm Thyslaan 17 wil oordra aan my dogter Berenice L Philander. Dit is al wat ek kan verklaar."

Additional Comments

Outstanding money on erf 2360, 17 Wilhelm Thys Avenue, Montagu amounts to R1 697.01 and Francina Houtsamer (Philander) was not an indigent.

Further comments

An affidavit by Ms Berenice Philander was obtained, where she states how she was evicted from the property that was officially allocated to her and also states that she was still interested in the house, but her mother who is not the owner of the said property took out an interdict against her not to come closer to the house.

To show that Ms Berenice Philander was and is still interested to the house she originally paid her consumer deposit of R 477.85 on the 11th October 2012 which was wrongly allocated when an account was opened in the name of Ms Berenice Philander on the 07th December 2012.

According to Van Zyl & Hofmeyr Attorneys the property could have been registered in Ms Francina Houtsamer's (nee' Philander) name if she did pay the purchase price which she did not, according to records of the municipality and those of the Attorneys.

If she wants the property to be registered in her name she should produce proof of payment of the purchase price which she claims to have paid.

All relevant documents are attached

Comments: Ward Councillor (J Kriel)

"Ek beveel aan dat die huis op Francina se dogter, Berenice Philander se naam oorgedra word aangesien Francina, ma van die dogter ook haar toestemming per beëdigde verklaring gegee het."

New Comments : Cllr J Kriel

The following is the recommendation of Cllr Kriel with regards to the memorandum submitted to the Municipal Manager on the 09th December 2015

"Ek voel die koopkontrak is in F Philander se naam nog geldig en registrasie moet voortgaan en dat Raadsbesluit van 2012 herroep moet word."

A memorandum in this regard with all the relevant documentation was submitted to the Municipal Manager on the 09th December 2015 for his comment and after considering all information advised that we stand by the Council decision of 20th November 2012 and that it be implemented as such.

Due to the cancellation of all the Portfolio Committee Meetings of 13 November 2012, this report is being submitted to the Executive Mayoral Committee Meeting of 20 November 2012 for consideration.

Weens die kansellering van al die Portefeulje Komitee Vergaderings van 13 November 2012, word hierdie verslag voorgelê aan die Uitvoerende Burgemeesterskomitee Vergadering van 20 November 2012 vir oorweging.

This item served before the Mayoral Committee on 20 November 2012
Hierdie item het voor die Burgemeesterskomitee gedien op 20 November 2012
Eenparig Besluit / Unanimously Resolved

That the municipal rental scheme house situated on erf 2360, 17 Wilhelm Thys Avenue, Montagu be allocated to Berenice Lyzanne Philander on the following conditions.

Dat die Munisipale huurskema woning geleë tde erf 2360, Wilhelm Thyslaan 17, Montagu op die volgende voorwaardes aan Berenice Lyzanne Philander oorgedra word.

1. That Berenice Lyzanne Philander pays a consumer deposit of R470.00 in advance. (There's no existing deposit)

Dat Bernice Lyzanne Philander 'n verbruikersdeposito van R470.00 vooruit betaal. (Daar is geen bestaande deposito nie).

2. That Berenice Lyzanne Philander be responsible for the payment of all outstanding as well as future municipal charges in respect of erf 2360, 17 Wilhelm Thys Avenue, Montagu.

Dat Berenice Lyzanne Philander aanspreeklik is vir die betaling van alle uitstaande sowel as toekomstige munisipale heffings met betrekking tot erf 2360, Wilhelm Thyslaan 17, Montagu.
3. That the property on erf 2360 Montagu be sold to Berenice Lyzanne Philander for the amount of R3 517.15 in terms of the Enhanced Extended Discount Benefit Scheme (EEDBS)

Dat die woing te erf 2360 Montagu vir die bedrag van R3 517.15 aan Berenice Lyzanne Philander vervreem word in terme van die Verbeterde Uitgebreide Afslag Voordeelskema (EEDBS)
4. That Berenice Lyzanne Philander be responsible for the payment of the transfer costs in respect of the registration of the property into her name.

Dat Berenice Lyzanne Philander aanspreeklik is vir die betaling van die oordragkoste met betrekking tot die registrasie van die eiendom in haar naam.
5. That Berenice Lyzanne Philander enter into a Lease Agreement with the municipality until her subsidy for discount (EEDBS) is approved by the Department of Human Settlements, whereafter she will enter into a Deed of Sale with the municipality.

Dat Berenice Lyzanne Philander 'n huurkontrak sluit met die munisipaliteit totdat haar subsidie vir die verbeterde afslag (EEDBS) deur die Departement Menslike Nedersettings goedgekeur is waarna 'n koopkontrak tussen haarself en die munisipaliteit gesluit sal word.

All relevant documents are attached

This item served before the Executive Mayoral Committee on 10 June 2016

Hierdie item het gedien by die Uitvoerende Burgemeesterskomitee op 10 Junie 2016

Recommendation / Aanbeveling

That Council stand by its decision of 20th November 2012 that the said property be allocated to Berenice Lyzanne Philander as per the following conditions:

Dat daar volstaan word by die Raadsbesluit van 20 November 2012 dat die gemelde eiendom aan Berenice Lyzanne Philander toegeken word op die volgende voorwaardes:

1. That Berenice Lyzanne Philander pays a consumer deposit of R470.00 in advance. (There's no existing deposit)

Dat Bernice Lyzanne Philander 'n verbruikersdeposito van R470.00 vooruit betaal. (Daar is geen bestaande deposito nie).
2. That Berenice Lyzanne Philander be responsible for the payment of all outstanding as well as future municipal charges in respect of erf 2360, 17 Wilhelm Thys Avenue, Montagu.

Dat Berenice Lyzanne Philander aanspreeklik is vir die betaling van alle uitstaande sowel as toekomstige munisipale heffings met betrekking tot erf 2360, Wilhelm Thyslaan 17, Montagu.
3. That the property on erf 2360 Montagu be sold to Berenice Lyzanne Philander for the amount of R3 517.15 in terms of the Enhanced Extended Discount Benefit Scheme (EEDBS)

Dat die woing te erf 2360 Montagu vir die bedrag van R3 517.15 aan Berenice Lyzanne Philander vervreem word in terme van die Verbeterde Uitgebreide Afslag Voordeelskema (EEDBS)

4. That Berenice Lyzanne Philander be responsible for the payment of the transfer costs in respect of the registration of the property into her name.

Dat Berenice Lyzanne Philander aanspreeklik is vir die betaling van die oordragkoste met betrekking tot die registrasie van die eiendom in haar naam.

5. That Berenice Lyzanne Philander enter into a Lease Agreement with the municipality until her subsidy for discount (EEDBS) is approved by the Department of Human Settlements, whereafter she will enter into a Deed of Sale with the municipality.

Dat Berenice Lyzanne Philander 'n huurkontrak sluit met die munisipaliteit totdat haar subsidie vir die verbeterde afslag (EEDBS) deur die Departement Menslike Nedersettings goedgekeur is waarna 'n koopkontrak tussen haarself en die munisipaliteit gesluit sal word.

COMMENTS : MANAGER HOUSING ADMINISTRATION

On Monday 05th September 2016 Mr Houtsamer phoned my office and requested an urgent meeting with the Manager: Housing Administration where they, as the family wanted to discuss the issue of the house that it cannot be allocated to Berenice Philander and that the council decision be rescinded. I met with the family excluding Berenice Philander on Tuesday, the 06th September 2016 at the municipal offices in Ashton and Mr Houtsamer was very rude and wouldn't listen to my explanation and informed me that they will be taking the matter up with their lawyers if I don't reverse the council decision.

In the meantime a meeting was arranged for the 20th September 2016 with the Ward Councillor, the Director Community Services, Manager: Housing Administration and housing officials Mr Wiese and Ms Mohammed to discuss the matter firstly with the Councillor before we involved the family so that he could have full knowledge of what was happening.

The meeting with the Councillor was cancelled on Monday, the 19th September 2016 after we received a letter of demand from the attorneys, De Vries De Wet & Krouwkam on Friday 16th September 2016 because we felt that we will be in discussion with more than one party over the same issue and that the attorneys can report to their client regarding progress in this matter.

FURTHER COMMENTS : MANAGER HOUSING ADMINISTRATION

A meeting could not be arranged with the concerned people because before we could do so we received correspondence from the complainant's attorneys where said attorneys informed us that they were representing her in this matter.

Meetings were held on 19th October and 31st October 2016 respectively with the Ward councillor Mr Kriel where the complaint of Ms Houtsamer (nee' Philander) was discussed and after discussing the matter with the Councillor and the Director Community Services I was requested to gather all documented information regarding the allocation of the house to Ms Philander and draw up a chronological list of events regarding this matter starting from the day when the request was made by the complainant that the house be allocated to her daughter Berenice Philander and these documents are attached hereto for ease of reference.

It was also brought to the attention of the Councillor that there is an outstanding case similar to this one where the applicant Mr Jan Arrie Binston Rhodes applied to have the house of his late spouse, Soline Williams, erf 553, 25 Willie Meyersingel, McGregor, transferred in his name and due to the fact that the deceased never paid the transfer fees or costs but had a signed contract to purchase. His request to have the house transferred in his name was denied by Council and instead the house was allocated to the brother of the deceased and if we look at both cases the scenario is the same. Ms Houtsamer (nee' Philander) also never paid the transfer costs and as a result cannot claim ownership of the property and the rightful legal owner of the said house is the municipality.

Mr Rhodes has instituted legal proceedings regarding erf 553 in McGregor and submitted his claim to the High Court in Cape Town and are awaiting a date when the case will be heard.

COMMENTS WARD COUNCILLOR

Councillor Kriel requested that we obtain a legal opinion regarding the validity of a signed purchase contract with no payment made and this request was declined by the Municipal Manager (see attached comment). The Councillor further commented as follows;

"Ek het bietjie huiswerk gaan doen. Enige van die partye kan die koop kanselleer. Ek lei af ons moet net 'n dokument optrek waarin ons amptelik die koop kanselleer. Verder voel ek kan jul voortgaan."

RECOMMENDATION / AANBEVELING

That Council stand by its decision of 20 November 2012 that said property be allocated to Berenice Lyzanne Philander as per the conditions stated above.

Dat daar volstaan word by die Raadsbesluit van 20 November 2012 dat die gemelde eiendom aan Berenice Lyzanne Philander toegeken word op die voorwaardes soos bo gemeld.

This item served before the Community Services Portfolio Committee Meeting on 08 May 2017
Hierdie item het gedien voor die Gemeenskapsdienste Portefeuljekomitee Vergadering op 08 Mei 2017
Aanbeveling / Recommendation

That the family be requested to appear at a special sitting of the Community Services Portfolio Committee to state their case, consult about all the problems and for an in-depth discussion of the allocation of the house, where after the report be resubmitted to Council for an informed decision.

This item served before the Executive Mayoral Committee on 06 June 2017
Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 06 Junie 2017
Eenparig Besluit / Unanimously Resolved

That the family be requested to appear at a special sitting of the Community Services Portfolio Committee to state their case, consult about all the problems and for an in-depth discussion of the allocation of the house, where after the report be resubmitted to Council for an informed decision.

RESUBMISSION : APPLICATION TO TRANSFER MUNICIPAL RENTAL SCHEME HOUSE, ERF 2360, 17 WILHELM THYS AVENUE, MONTAGU FROM FRANCINA HOUTSAMER (PHILANDER) TO BERENICE LYZANNE PHILANDER (17/5/6/4/1) (HOUSING ADMINISTRATOR / MANAGER: HOUSING ADMINISTRATION)

Purpose of report

To resubmit a report to Council for consideration of the above-mentioned matter.

This item served as B 5191 before the Community Services Portfolio Committee Meeting on 08 May 2017 and the Executive Mayoral Committee on 06 June 2017

Hierdie item het gedien as B 5191 voor die Gemeenskapsdienste Portefeuljekomitee Vergadering op 08 Mei 2017 en voor die Uitvoerende Burgemeesterskomitee op 06 Junie 2017

That the family be requested to appear at a special sitting of the Community Services Portfolio Committee to state their case, consult about all the problems and for an in-depth discussion of the allocation of the house, where after the report be resubmitted to Council for an informed decision.

Background

This item served as A 3260 before Council on 15 June 2016, when the following resolution was taken:

That a meeting be called with the involved families, the Ward Councillor and the Director Community Services to source additional corroborative documents, where after the report be submitted to the next meeting of the Community Services Portfolio Committee.

Dat 'n vergadering belê word met die betrokke families, die Wyksraads lid en die Direkteur Gemeenskapsdienste ten einde addisionele stawende dokumente te bekom, waarna die verslag voorgelê word by die volgende vergadering van die Gemeenskapsdienste Portefeulje Komitee.

The above resolution is based on the following motion that was submitted by ex-Councillor CB Swanepoel:

"I hereby move this motion to council on behalf of Mrs F Houtsamer (Nee' Philander), who due to information obtain by her want to stop the transfer of her house which see purchase already on the 22 July 1992 at attorneys Van Zyl and Hoffmeyer.

The main reason for this motion is that Mrs F Houtsamer never obtains her Deed from Van Zyl and Hoffmeyer after finalisation of her purchase agreement, which were signed by the attorney handling the case on the 22 July 1992. But unluckily for Mrs F Houtsamer (Nee' Philander) the original purchase of sale agreement, which have to be in the archives of the attorneys Van Zyl and Hoffmeyer could not be found and are not on their system anymore. Now my question is who are to blame for this mishap. My problem to this whole matter how it was handled was wrong due to the fact, that Mrs F Houtsamer was the victim of ignorance and the lack of knowledge surrounding title deeds and its working. If she knew that if you are the owner of an property, you don't have to transfer your property to your daughter see would not have done that, but through ignorance see did to keep the house of her deceased mother in the family. At that time in 2012 (dates are available in the memo) when she was informed that the house will be taken due to the fact that see was now married to Mr Houtsamer, which had his own house, the municipality was unaware that there was a sale of purchase agreement laying somewhere in the archives which never was finalised by the previous municipality of Montagu.

The point that I want to make is that nobody bothered to investigate at that time if the house was a rental unit or paid property. Due to negligence of the previous municipality and the attorneys, Mrs F Houtsamer (Nee' Philander) property was never registered that she are the sole owner there off.

Honourable Municipal Manager I do not want to go into the detail of the memo of the case (which we will discuss during the deliberation of the motion), but let me just touch on a few points.

- 1. On 22nd November 2012 the council decision was taken that Miss Berenice Lyzanne Philander must pay a consumer deposit of R 470.00 in advance, which she never paid.*
- 2. That Berenice Philander be responsible for the payment of all outstanding as well as future municipal charges in respect of erf 2360, 17 Wilhelm Thys Avenue, Montagu.*
- 3. That the property on erf 2360 Montagu be sold to Berenice Philander for the amount of R3517.15 in terms of the Enhanced Extended Discount Benefit Scheme (EEDBS), which she never bought at that time.*
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You are hereby requested to contact Ms Annelize Mohammed at the Montagu office within seven (7) days after receiving of this letter, to finalize above-mentioned matter, by NOT responding the Municipality will accept that you are no longer interested in the house.

Miss Berenice Lyzanne Philander never adhered to the letter and just came forward last here in August 2015. What did the Municipality do during the last two and a half years? How is it known just ok for her to go on with the transference of the house unto her name like if nothing had happened, please give clarity. And her explanation on that she had come to pay the R470 at the time Mr M Pekeur was working and he wrongly allocated the money is a lie. I do not think that Mr M Pekeur will make such a blunder.

Lastly to conclude, I find it very strange that Mr J Wiese could send Mrs Annelie Deetlefs an email asking her the Purchase of sale of Mrs F Houtsamer (Nee' Philander), but he had a copy of it already with a list of name of people where Mrs F Houtsamer (Nee' Philander) name was on with the amount the same to that of which were on the purchase of sale agreement between herself and attorneys Van Zyl and Hoffmeyer, which were signed by the attorney that work with this case.

I was informed by Mrs A Deetlefs and attorney Esterhuizen that there are no files of purchase agreement at their premises so the only copy was that were found at the archives of Langeberg Municipal office Montagu. So how can there be a receipt of payment if the original file from the attorneys is nowhere to be found."

The concerned house forms part of the Montagu, Ou Dorp, Scheme 1, Rental houses of which Francis Houtsamer (Philander) is the legal tenant. The house can be sold for the amount of R3 517.15 in terms of the Enhanced Extended Discount Benefit Scheme (EEDBS). The registered owner of the property is Langeberg Municipality.

Comments

The legal tenant of the house, Francina Houtsamer (Philander) got married to Andries Houtsamer on 27th June 1998. Andries Houtsamer bought himself a Selfbuild house, Erf 3614, 2E Du Preez Street, Montagu and received a Discount Benefit of R7 500.00 and Francina moved to the above-mentioned house. Francina's two (2) brothers who also stayed with her in the rental house in 17 Wilhelm Thys Avenue, Montagu, qualified each for a State Financed Housing subsidy with their co-habiting partners for the following erven: Piet Philander qualified for a subsidy on erf 4160, Montagu and Gustav Philander on erf 6888, Montagu.

An application for transfer of the municipal rental house in 17 Wilhelm Thys Avenue, Montagu was received on 11th October 2012 from Francina Houtsamer's (Philander) daughter, Berenice Lyzanne Philander who still stays in the said house with her minor child. Berenice Lyzanne Philander complies with Council's Allocation and the National Department of Human Settlements subsidy policy. Berenice is already responsible for the payment of the municipal services account.

Francina Houtsamer (Philander) gave permission per affidavit for the transfer of the house into her daughter Berenice Philander's name.

*"Ek Francina Houtsamer, ID 570831 0137 081, ouderdom 55, woonagtig te Du Preezstraat 2E Montagu, verklaar onder eed in Afrikaans:
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Additional Comments

Outstanding money on erf 2360, 17 Wilhelm Thys Avenue, Montagu amounts to R1 697.01 and Francina Houtsamer (Philander) was not an indigent.

Further comments

An affidavit by Ms Berenice Philander was obtained, where she states how she was evicted from the property that was officially allocated to her and also states that she was still interested in the house, but her mother who is not the owner of the said property took out an interdict against her not to come closer to the house.

To show that Ms Berenice Philander was and is still interested to the house she originally paid her consumer deposit of R 477.85 on the 11th October 2012 which was wrongly allocated when an account was opened in the name of Ms Berenice Philander on the 07th December 2012.

According to Van Zyl & Hofmeyr Attorneys the property could have been registered in Ms Francina Houtsamer's (nee Philander) name if she did pay the purchase price which she did not, according to records of the municipality and those of the Attorneys.

If she wants the property to be registered in her name she should produce proof of payment of the purchase price which she claims to have paid.

All relevant documents are attached

Comments: Ward Councillor (J Kriel)

"Ek beveel aan dat die huis op Francina se dogter, Berenice Philander se naam oorgedra word aangesien Francina, ma van die dogter ook haar toestemming per beëdigde verklaring gegee het."

New Comments : Cllr J Kriel

The following is the recommendation of Cllr Kriel with regards to the memorandum submitted to the Municipal Manager on the 09th December 2015

"Ek voel die koopkontrak is in F Philander se naam nog geldig en registrasie moet voortgaan en dat Raadsbesluit van 2012 herroep moet word."

A memorandum in this regard with all the relevant documentation was submitted to the Municipal Manager on the 09th December 2015 for his comment and after considering all information advised that we stand by the Council decision of 20th November 2012 and that it be implemented as such.

Due to the cancellation of all the Portfolio Committee Meetings of 13 November 2012, this report is being submitted to the Executive Mayoral Committee Meeting of 20 November 2012 for consideration.

Weens die kansellering van al die Portefeulje Komitee Vergaderings van 13 November 2012, word hierdie verslag voorgelê aan die Uitvoerende Burgemeesterskomitee Vergadering van 20 November 2012 vir oorweging.

This item served before the Mayoral Committee on 20 November 2012
Hierdie item het voor die Burgemeesterskomitee gedien op 20 November 2012
Eenparig Besluit / Unanimously Resolved

That the municipal rental scheme house situated on erf 2360, 17 Wilhelm Thys Avenue, Montagu be allocated to Berenice Lyzanne Philander on the following conditions.

Dat die Munisipale huurskemawoning geleë tde erf 2360, Wilhelm Thyslaan 17, Montagu op die volgende voorwaardes aan Berenice Lyzanne Philander oorgedra word.

1. That Berenice Lyzanne Philander pays a consumer deposit of R470.00 in advance. (There's no existing deposit)

Dat Bernice Lyzanne Philander 'n verbruikersdeposito van R470.00 vooruit betaal. (Daar is geen bestaande deposito nie).

2. That Berenice Lyzanne Philander be responsible for the payment of all outstanding as well as future municipal charges in respect of erf 2360, 17 Wilhelm Thys Avenue, Montagu.

Dat Berenice Lyzanne Philander aanspreeklik is vir die betaling van alle uitstaande sowel as toekomstige munisipale heffings met betrekking tot erf 2360, Wilhelm Thyslaan 17, Montagu.

3. That the property on erf 2360 Montagu be sold to Berenice Lyzanne Philander for the amount of R3 517.15 in terms of the Enhanced Extended Discount Benefit Scheme (EEDBS)

Dat die woing te erf 2360 Montagu vir die bedrag van R3 517.15 aan Berenice Lyzanne Philander vervreem word in terme van die Verbeterde Uitgebreide Afslag Voordeleskema (EEDBS)

4. That Berenice Lyzanne Philander be responsible for the payment of the transfer costs in respect of the registration of the property into her name.

Dat Berenice Lyzanne Philander aanspreeklik is vir die betaling van die oordragkoste met betrekking tot die registrasie van die eiendom in haar naam.

5. That Berenice Lyzanne Philander enter into a Lease Agreement with the municipality until her subsidy for discount (EEDBS) is approved by the Department of Human Settlements, whereafter she will enter into a Deed of Sale with the municipality.

Dat Berenice Lyzanne Philander 'n huurkontrak sluit met die munisipaliteit totdat haar subsidie vir die verbeterde afslag (EEDBS) deur die Departement Menslike Nedersettings goedgekeur is waarna 'n koopkontrak tussen haarself en die munisipaliteit gesluit sal word.

All relevant documents are attached

This item served before the Executive Mayoral Committee on 10 June 2016
Hierdie item het gedien by die Uitvoerende Burgemeesterskomitee op 10 Junie 2016
Recommendation / Aanbeveling

That Council stand by its decision of 20th November 2012 that the said property be allocated to Berenice Lyzanne Philander as per the following conditions:

Dat daar volstaan word by die Raadsbesluit van 20 November 2012 dat die gemelde eiendom aan Berenice Lyzanne Philander toegeken word op die volgende voorwaardes:

1. That Berenice Lyzanne Philander pays a consumer deposit of R470.00 in advance. (There's no existing deposit)

Dat Bernice Lyzanne Philander 'n verbruikersdeposito van R470.00 vooruit betaal. (Daar is geen bestaande deposito nie).

2. That Berenice Lyzanne Philander be responsible for the payment of all outstanding as well as future municipal charges in respect of erf 2360, 17 Wilhelm Thys Avenue, Montagu.

Dat Berenice Lyzanne Philander aanspreeklik is vir die betaling van alle uitstaande sowel as toekomstige munisipale heffings met betrekking tot erf 2360, Wilhelm Thyslaan 17, Montagu.

3. That the property on erf 2360 Montagu be sold to Berenice Lyzanne Philander for the amount of R3 517.15 in terms of the Enhanced Extended Discount Benefit Scheme (EEDBS)

Dat die woing te erf 2360 Montagu vir die bedrag van R3 517.15 aan Berenice Lyzanne Philander vervreem word in terme van die Verbeterde Uitgebreide Afslag Voordeleskema (EEDBS)

4. That Berenice Lyzanne Philander be responsible for the payment of the transfer costs in respect of the registration of the property into her name.

Dat Berenice Lyzanne Philander aanspreeklik is vir die betaling van die oordragkoste met betrekking tot die registrasie van die eiendom in haar naam.

5. That Berenice Lyzanne Philander enter into a Lease Agreement with the municipality until her subsidy for discount (EEDBS) is approved by the Department of Human Settlements, whereafter she will enter into a Deed of Sale with the municipality.

Dat Berenice Lyzanne Philander 'n huurkontrak sluit met die munisipaliteit totdat haar subsidie vir die verbeterde afslag (EEDBS) deur die Departement Menslike Nedersettings goedgekeur is waarna 'n koopkontrak tussen haarself en die munisipaliteit gesluit sal word.

COMMENTS : MANAGER HOUSING ADMINISTRATION

On Monday 05th September 2016 Mr Houtsamer phoned my office and requested an urgent meeting with the Manager: Housing Administration where they, as the family wanted to discuss the issue of the house that it cannot be allocated to Berenice Philander and that the council decision be rescinded. I met with the family excluding Berenice Philander on Tuesday, the 06th September 2016 at the municipal offices in Ashton and Mr Houtsamer was very rude and wouldn't listen to my explanation and informed me that they will be taking the matter up with their lawyers if I don't reverse the council decision.

In the meantime a meeting was arranged for the 20th September 2016 with the Ward Councillor, the Director Community Services, Manager: Housing Administration and housing officials Mr Wiese and Ms Mohammed to discuss the matter firstly with the Councillor before we involved the family so that he could have full knowledge of what was happening.

The meeting with the Councillor was cancelled on Monday, the 19th September 2016 after we received a letter of demand from the attorneys, De Vries De Wet & Krouwkam on Friday 16th September 2016 because we felt that we will be in discussion with more than one party over the same issue and that the attorneys can report to their client regarding progress in this matter.

FURTHER COMMENTS : MANAGER HOUSING ADMINISTRATION

A meeting could not be arranged with the concerned people because before we could do so we received correspondence from the complainant's attorneys where said attorneys informed us that they were representing her in this matter.

Meetings were held on 19th October and 31st October 2016 respectively with the Ward councillor Mr Kriel where the complaint of Ms Houtsamer (nee' Philander) was discussed and after discussing the matter with the Councillor and the Director Community Services I was requested to gather all documented information regarding the allocation of the house to Ms Philander and draw up a chronological list of events regarding this matter starting from the day when the request was made by the complainant that the house be allocated to her daughter Berenice Philander and these documents are attached hereto for ease of reference.

It was also brought to the attention of the Councillor that there is an outstanding case similar to this one where the applicant Mr Jan Arrie Binston Rhodes applied to have the house of his late spouse, Soline Williams, erf 553, 25 Willie Meyersingel, McGregor, transferred in his name and due to the fact that the deceased never paid the transfer fees or costs but had a signed contract to purchase. His request to have the house transferred in his name was denied by Council and instead the house was allocated to the brother of the deceased and if we look at both cases the scenario is the same. Ms Houtsamer (nee' Philander) also never paid the transfer costs and as a result cannot claim ownership of the property and the rightful legal owner of the said house is the municipality.

Mr Rhodes has instituted legal proceedings regarding erf 553 in McGregor and submitted his claim to the High Court in Cape Town and are awaiting a date when the case will be heard.

COMMENTS WARD COUNCILLOR

Councillor Kriel requested that we obtain a legal opinion regarding the validity of a signed purchase contract with no payment made and this request was declined by the Municipal Manager (see attached comment). The Councillor further commented as follows;

"Ek het bietjie huiswerk gaan doen. Enige van die partye kan die koop kanselleer. Ek lei af ons moet net 'n dokument optrek waarin ons amptelik die koop kanselleer. Verder voel ek kan jul voortgaan."

RECOMMENDATION / AANBEVELING

That Council stand by its decision of 20 November 2012 that said property be allocated to Berenice Lyzanne Philander as per the conditions stated above.

Dat daar volstaan word by die Raadsbesluit van 20 November 2012 dat die gemelde eiendom aan Berenice Lyzanne Philander toegeken word op die voorwaardes soos bo gemeld.

This item served before the Community Services Portfolio Committee Meeting on 08 May 2017
Hierdie item het gedien voor die Gemeenskapsdienste Portefeuljekomitee Vergadering op 08 Mei 2017
Aanbeveling / Recommendation

That the family be requested to appear at a special sitting of the Community Services Portfolio Committee to state their case, consult about all the problems and for an in-depth discussion of the allocation of the house, where after the report be resubmitted to Council for an informed decision.

This item served before the Executive Mayoral Committee on 06 June 2017
Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 06 Junie 2017
Eenparig Besluit / Unanimously Resolved

That the family be requested to appear at a special sitting of the Community Services Portfolio Committee to state their case, consult about all the problems and for an in-depth discussion of the allocation of the house, where after the report be resubmitted to Council for an informed decision.

Submitted for Consideration

RESUBMISSION : APPLICATION TO TRANSFER MUNICIPAL RENTAL SCHEME HOUSE, ERF 2360, 17 WILHELM THYS AVENUE, MONTAGU FROM FRANCINA HOUTSAMER (PHILANDER) TO BERENICE LYZANNE PHILANDER (17/5/6/4/1) (HOUSING ADMINISTRATOR / MANAGER: HOUSING ADMINISTRATION)

Purpose of report

To resubmit a report to Council for consideration of the above-mentioned matter.

This item served as B 5191 before the Community Services Portfolio Committee Meeting on 08 May 2017 and the Executive Mayoral Committee on 06 June 2017

Hierdie item het gedien as B 5191 voor die Gemeenskapsdienste Portefeuljekomitee Vergadering op 08 Mei 2017 en voor die Uitvoerende Burgemeesterskomitee op 06 Junie 2017

That the family be requested to appear at a special sitting of the Community Services Portfolio Committee to state their case, consult about all the problems and for an in-depth discussion of the allocation of the house, where after the report be resubmitted to Council for an informed decision.

Background

This item served as A 3260 before Council on 15 June 2016, when the following resolution was taken:

That a meeting be called with the involved families, the Ward Councillor and the Director Community Services to source additional corroborative documents, where after the report be submitted to the next meeting of the Community Services Portfolio Committee.

Dat 'n vergadering belê word met die betrokke families, die Wyksraads lid en die Direkteur Gemeenskapsdienste ten einde addisionele stawende dokumente te bekom, waarna die verslag voorgelê word by die volgende vergadering van die Gemeenskapsdienste Portefeulje Komitee.

The above resolution is based on the following motion that was submitted by ex-Councillor CB Swanepoel:

"I hereby move this motion to council on behalf of Mrs F Houtsamer (Nee' Philander), who due to information obtain by her want to stop the transfer of her house which see purchase already on the 22 July 1992 at attorneys Van Zyl and Hoffmeyer.

The main reason for this motion is that Mrs F Houtsamer never obtains her Deed from Van Zyl and Hoffmeyer after finalisation of her purchase agreement, which were signed by the attorney handling the case on the 22 July 1992. But unluckily for Mrs F Houtsamer (Nee' Philander) the original purchase of sale agreement, which have to be in the archives of the attorneys Van Zyl and Hoffmeyer could not be found and are not on their system anymore. Now my question is who are to blame for this mishap. My problem to this whole matter how it was handled was wrong due to the fact, that Mrs F Houtsamer was the victim of ignorance and the lack of knowledge surrounding title deeds and its working. If she knew that if you are the owner of an property, you don't have to transfer your property to your daughter see would not have done that, but through ignorance see did to keep the house of her deceased mother in the family. At that time in 2012 (dates are available in the memo) when she was informed that the house will be taken due to the fact that see was now married to Mr Houtsamer, which had his own house, the municipality was unaware that there was a sale of purchase agreement laying somewhere in the archives which never was finalised by the previous municipality of Montagu.

The point that I want to make is that nobody bothered to investigate at that time if the house was a rental unit or paid property. Due to negligence of the previous municipality and the attorneys, Mrs F Houtsamer (Nèè Philander) property was never registered that she are the sole owner there off.

Honourable Municipal Manager I do not want to go into the detail of the memo of the case (which we will discuss during the deliberation of the motion), but let me just touch on a few points.

- 1. On 22nd November 2012 the council decision was taken that Miss Berenice Lyzanne Philander must pay a consumer deposit of R 470.00 in advance, which sees never paid.*
- 2. That Berenice Philander be responsible for the payment of all outstanding as well as future municipal charges in respect of erf 2360, 17 Wilhelm Thys Avenue, Montagu.*
- 3. That the property on erf 2360 Montagu be sold to Berenice Philander for the amount of R3517.15 in terms of the Enhanced Extended Discount Benefit Scheme (EEDBS), which she never bout at that time.*
- 4. That Berenice Philander be responsible for the payment of the transfer costs in respect of the registration of the property into her name. which she also did not do.*
- 5. That Berenice Philander enter into a Lease Agreement with the municipality until her subsidy for discount (EEDBS) is approved by the Department of Human Settlements, where after she will enter into a Deed of Sale with the municipality.*

You are hereby requested to contact Ms Annelize Mohammed at the Montagu office within seven (7) days after receiving of this letter, to finalize above mentioned matter, by NOT responding the Municipality will accept that you are no longer interested in the house.

Miss Berenice Lyzanne Philander never adhere to the letter and just came forward last here in August 2015. What did the Municipality do during the last two and a half years? How is it know just ok for her to go on with the transference of the house unto her name like if nothing have happen, please give clarity. And her explanation on that she have come to pay the R470 at the time Mr M Pekeur was working and he wrongly allocated the money is a lie. I do not think that Mr M Pekeur will make such a blander.

Lastly to conclude, I find it very strange that Mr J Wiese could send Mrs Annelie Deetlefs an email asking her the Purchase of sale of Mrs F Houtsamer (Nee' Philander), but he had a copy of it already with a list of name of people where Mrs F houtsamer (Nee' Philander) name was on with the amount the same to that of which were on the purchase of sale agreement between herself and attorneys Van Zyl and Hoffmeyer, which were sign by the attorney that work with this case.

I was informed by Mrs A Deetlefs and attorney Esterhuizen that there are no file are purchase agreement at their promises so the only copy was that were found at the archives of Langeberg Municipal office Montagu. So how can there be a receipt of payment if the original file from the attorneys is nowhere to be found."

The concerned house forms part of the Montagu, Ou Dorp, Scheme 1, Rental houses of which Francis Houtsamer (Phialnder) is the legal tenant. The house can be sold for the amount of R3 517.15 in terms of the Enhances Extended Discount Benefit Scheme (EEDBS). The registered owner of the property is Langeberg Municipality.

Comments

The legal tenant of the house, Francina Houtsamer (Philander) got married to Andries Houtsamer on 27th June 1998. Andries Houtsamer bought himself a Selfbuild house, Erf 3614, 2E Du Preez Street, Montagu and received a Discount Benefit of R7 500.00 and Francina moved to the above-mentioned house. Francina's two (2) brothers who also stayed with her in the rental house in 17 Wilhelm Thys Avenue, Montagu, qualified each for a State Financed Housing subsidy with their co-habiting partners for the following erven: Piet Philander qualified for a subsidy on erf 4160, Montagu and Gustav Philander on erf 6888, Montagu.

An application for transfer of the municipal rental house in 17 Wilhelm Thys Avenue, Montagu was received on 11th October 2012 from Francina Houtsamer's (Philander) daughter, Berenice Lyzanne Philander who still stays in the said house with her minor child. Berenice Lyzanne Philander complies with Council's Allocation and the National Department of Human Settlements subsidy policy. Berenice is already responsible for the payment of the municipal services account.

Francina Houtsamer (Phialnder) gave permission per affidavit for the transfer of the house into her daughter Berenice Philander's name.

*“Ek Francina Houtsamer, ID 570831 0137 081, ouderdom 55, woonagtig te Du Preezstraat 2E Montagu, verklaar onder eed in Afrikaans:
Hiermee verklaar ek dat my nooiensvan Philander is. Ek verklaar ook dat Berenice Lyzanne Philander my biologiese dogter is met ID 801229 0142 089. Ek verklaar dat ek my huis te Wilhelm Thyslaan 17 wil oordra aan my dogter Berenice L Philander. Dit is al wat ek kan verklaar.”*

Additional Comments

Outstanding money on erf 2360, 17 Wilhelm Thys Avenue, Montagu amounts to R1 697.01 and Francina Houtsamer (Philander) was not an indigent.

Further comments

An affidavit by Ms Berenice Philander was obtained, where she states how she was evicted from the property that was officially allocated to her and also states that she was still interested in the house, but her mother who is not the owner of the said property took out an interdict against her not to come closer to the house.

To show that Ms Berenice Philander was and is still interested to the house she originally paid her consumer deposit of R 477.85 on the 11th October 2012 which was wrongly allocated when an account was opened in the name of Ms Berenice Philander on the 07th December 2012.

According to Van Zyl & Hofmeyr Attorneys the property could have been registered in Ms Francina Houtsamer's (nee' Philander) name if she did pay the purchase price which she did not, according to records of the municipality and those of the Attorneys.

If she wants the property to be registered in her name she should produce proof of payment of the purchase price which she claims to have paid.

All relevant documents are attached

Comments: Ward Councillor (J Kriel)

“Ek beveel aan dat die huis op Francina se dogter, Berenice Philander se naam oorgedra word aangesien Francina, ma van die dogter ook haar toestemming per beëdigde verklaring gegee het.”

New Comments : Cllr J Kriel

The following is the recommendation of Cllr Kriel with regards to the memorandum submitted to the Municipal Manager on the 09th December 2015

“Ek voel die koopkontrak is in F Philander se naam nog geldig en registrasie moet voortgaan en dat Raadsbesluit van 2012 herroep moet word.”

A memorandum in this regard with all the relevant documentation was submitted to the Municipal Manager on the 09th December 2015 for his comment and after considering all information advised that we stand by the Council decision of 20th November 2012 and that it be implemented as such.

Due to the cancellation of all the Portfolio Committee Meetings of 13 November 2012, this report is being submitted to the Executive Mayoral Committee Meeting of 20 November 2012 for consideration.

Weens die kansellering van al die Portefeulje Komitee Vergaderings van 13 November 2012, word hierdie verslag voorgelê aan die Uitvoerende Burgemeesterskomitee Vergadering van 20 November 2012 vir oorweging.

This item served before the Mayoral Committee on 20 November 2012
Hierdie item het voor die Burgemeesterskomitee gedien op 20 November 2012
Eenparig Besluit / Unanimously Resolved

That the municipal rental scheme house situated on erf 2360, 17 Wilhelm Thys Avenue, Montagu be allocated to Berenice Lyzanne Philander on the following conditions.

Dat die Munisipale huurskema woning geleë te erf 2360, Wilhelm Thyslaan 17, Montagu op die volgende voorwaardes aan Berenice Lyzanne Philander oorgedra word.

1. That Berenice Lyzanne Philander pays a consumer deposit of R470.00 in advance. (There's no existing deposit)

Dat Bernice Lyzanne Philander 'n verbruikersdeposito van R470.00 vooruit betaal. (Daar is geen bestaande deposito nie).

2. That Berenice Lyzanne Philander be responsible for the payment of all outstanding as well as future municipal charges in respect of erf 2360, 17 Wilhelm Thys Avenue, Montagu.

Dat Berenice Lyzanne Philander aanspreeklik is vir die betaling van alle uitstaande sowel as toekomstige munisipale heffings met betrekking tot erf 2360, Wilhelm Thyslaan 17, Montagu.

3. That the property on erf 2360 Montagu be sold to Berenice Lyzanne Philander for the amount of R3 517.15 in terms of the Enhanced Extended Discount Benefit Scheme (EEDBS)

Dat die woning te erf 2360 Montagu vir die bedrag van R3 517.15 aan Berenice Lyzanne Philander vervreem word in terme van die Verbeterde Uitgebreide Afslag Voordeelskema (EEDBS)

4. That Berenice Lyzanne Philander be responsible for the payment of the transfer costs in respect of the registration of the property into her name.

Dat Berenice Lyzanne Philander aanspreeklik is vir die betaling van die oordragkoste met betrekking tot die registrasie van die eiendom in haar naam.

5. That Berenice Lyzanne Philander enter into a Lease Agreement with the municipality until her subsidy for discount (EEDBS) is approved by the Department of Human Settlements, whereafter she will enter into a Deed of Sale with the municipality.

Dat Berenice Lyzanne Philander 'n huurkontrak sluit met die munisipaliteit totdat haar subsidie vir die verbeterde afslag (EEDBS) deur die Departement Menslike Nedersettings goedgekeur is waarna 'n koopkontrak tussen haarself en die munisipaliteit gesluit sal word.

All relevant documents are attached

This item served before the Executive Mayoral Committee on 10 June 2016

Hierdie item het gedien by die Uitvoerende Burgemeesterskomitee op 10 Junie 2016

Recommendation / Aanbeveling

That Council stand by its decision of 20th November 2012 that the said property be allocated to Berenice Lyzanne Philander as per the following conditions:

Dat daar volstaan word by die Raadsbesluit van 20 November 2012 dat die gemelde eiendom aan Berenice Lyzanne Philander toegeken word op die volgende voorwaardes:

1. That Berenice Lyzanne Philander pays a consumer deposit of R470.00 in advance. (There's no existing deposit)

Dat Bernice Lyzanne Philander 'n verbruikersdeposito van R470.00 vooruit betaal. (Daar is geen bestaande deposito nie).

2. That Berenice Lyzanne Philander be responsible for the payment of all outstanding as well as future municipal charges in respect of erf 2360, 17 Wilhelm Thys Avenue, Montagu.

Dat Berenice Lyzanne Philander aanspreeklik is vir die betaling van alle uitstaande sowel as toekomstige munisipale heffings met betrekking tot erf 2360, Wilhelm Thyslaan 17, Montagu.

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Dat die wnoing te erf 2360 Montagu vir die bedrag van R3 517.15 aan Berenice Lyzanne Philander vervreem word in terme van die Verbeterde Uitgebreide Afslag Voordeelskema (EEDBS)

4. That Berenice Lyzanne Philander be responsible for the payment of the transfer costs in respect of the registration of the property into her name.

Dat Berenice Lyzanne Philander aanspreeklik is vir die betaling van die oordragkoste met betrekking tot die registrasie van die eiendom in haar naam.

5. That Berenice Lyzanne Philander enter into a Lease Agreement with the municipality until her subsidy for discount (EEDBS) is approved by the Department of Human Settlements, whereafter she will enter into a Deed of Sale with the municipality.

Dat Berenice Lyzanne Philander 'n huurkontrak sluit met die munisipaliteit totdat haar subsidie vir die verbeterde afslag (EEDBS) deur die Departement Menslike Nedersettings goedgekeur is waarna 'n koopkontrak tussen haarself en die munisipaliteit gesluit sal word.

COMMENTS : MANAGER HOUSING ADMINISTRATION

On Monday 05th September 2016 Mr Houtsamer phoned my office and requested an urgent meeting with the Manager: Housing Administration where they, as the family wanted to discuss the issue of the house that it cannot be allocated to Berenice Philander and that the council decision be rescinded. I met with the family excluding Berenice Philander on Tuesday, the 06th September 2016 at the municipal offices in Ashton and Mr Houtsamer was very rude and wouldn't listen to my explanation and informed me that they will be taking the matter up with their lawyers if I don't reverse the council decision.

In the meantime a meeting was arranged for the 20th September 2016 with the Ward Councillor, the Director Community Services, Manager: Housing Administration and housing officials Mr Wiese and Ms Mohammed to discuss the matter firstly with the Councillor before we involved the family so that he could have full knowledge of what was happening.

The meeting with the Councillor was cancelled on Monday, the 19th September 2016 after we received a letter of demand from the attorneys, De Vries De Wet & Krouwkam on Friday 16th September 2016 because we felt that we will be in discussion with more than one party over the same issue and that the attorneys can report to their client regarding progress in this matter.

FURTHER COMMENTS : MANAGER HOUSING ADMINISTRATION

A meeting could not be arranged with the concerned people because before we could do so we received correspondence from the complainant's attorneys where said attorneys informed us that they were representing her in this matter.

Meetings were held on 19th October and 31st October 2016 respectively with the Ward councillor Mr Kriel where the complaint of Ms Houtsamer (nee' Philander) was discussed and after discussing the matter with the Councillor and the Director Community Services I was requested to gather all documented information regarding the allocation of the house to Ms Philander and draw up a chronological list of events regarding this matter starting from the day when the request was made by the complainant that the house be allocated to her daughter Berenice Philander and these documents are attached hereto for ease of reference.

It was also brought to the attention of the Councillor that there is an outstanding case similar to this one where the applicant Mr Jan Arrie Binston Rhodes applied to have the house of his late spouse, Soline Williams, erf 553, 25 Willie Meyersingel, McGregor, transferred in his name and due to the fact that the deceased never paid the transfer fees or costs but had a signed contract to purchase. His request to have the house transferred in his name was denied by Council and instead the house was allocated to the brother of the deceased and if we look at both cases the scenario is the same. Ms Houtsamer (nee' Philander) also never paid the transfer costs and as a result cannot claim ownership of the property and the rightful legal owner of the said house is the municipality. Mr Rhodes has instituted legal proceedings regarding erf 553 in McGregor and submitted his claim to the High Court in Cape Town and is awaiting a date when the case will be heard.

COMMENTS WARD COUNCILLOR

Councillor Kriel requested that we obtain a legal opinion regarding the validity of a signed purchase contract with no payment made and this request was declined by the Municipal Manager (see attached comment). The Councillor further commented as follows;

"Ek het bietjie huiswerk gaan doen. Enige van die partye kan die koop kanselleer. Ek lei af ons moet net 'n dokument optrek waarin ons amptelik die koop kanselleer. Verder voel ek kan jul voortgaan."

RECOMMENDATION / AANBEVELING

That Council stand by its decision of 20 November 2012 that said property be allocated to Berenice Lyzanne Philander as per the conditions stated above.

Dat daar volstaan word by die Raadsbesluit van 20 November 2012 dat die gemelde eiendom aan Berenice Lyzanne Philander toegeken word op die voorwaardes soos bo gemeld.

This item served before the Community Services Portfolio Committee Meeting on 08 May 2017 Hierdie item het gedien voor die Gemeenskapsdienste Portefeuljekomitee Vergadering op 08 Mei 2017 Aanbeveling / Recommendation

That the family be requested to appear at a special sitting of the Community Services Portfolio Committee to state their case, consult about all the problems and for an in-depth discussion of the allocation of the house, where after the report be resubmitted to Council for an informed decision.

This item served before the Executive Mayoral Committee on 06 June 2017 Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 06 Junie 2017 Eenparig Besluit / Unanimously Resolved

That the family be requested to appear at a special sitting of the Community Services Portfolio Committee to state their case, consult about all the problems and for an in-depth discussion of the allocation of the house, where after the report be resubmitted to Council for an informed decision.

NOTE:

Relevant documentation was distributed as part of the agenda for the Special Community Services Portfolio Committee Meetings of 25 August 2017 (pg 01 - 106) and 20 September 2017 (pg 01 - 106).

This item served before the Community Services Portfolio Committee Meeting on 13 November 2017
Hierdie item het gedien voor die Gemeenskapsdienste Portefeulje Komitee Vergadering op 13 November 2017
Aanbeveling / Recommendation

That the report be submitted to the Council meeting for consideration

Dat die verslag na die Raadsvergadering verwys word vir oorweging.

NOTE: Relevant annexures for this report were distributed as part of the index as ADDITIONAL INFORMATION for the Continuance Community Services Portfolio Committee Meeting of 13 November 2017 (pg 05). For ease of reference it is reproduced below.

ADDITIONAL INFORMATION

The item was discussed by the two members of the Community Services Portfolio Committee and other Councillors present on 06 November 2017. No decision was taken as there was no quorum.

Committee Members present at the meeting:

Cllr Bosjan, E
Cllr Hess, P

Other Councillors

Cllr Du Plessis, S
Cllr Grootboom, CJ
Cllr Janse,
Cllr Januarie, JJ
Cllr Nyamana, WZ
Cllr Scheffers, EMJ
Cllr Shibili, AJ
Cllr Strauss, SW

Officials

Ms Liebenberg, EC (Director Community Services)
Mr Nel, MW (Manager Housing)
Ms Burger, E
Mr Qhanqisa, ST

Involved Parties

Ms Houtsamer, Francina
Ms Philander, Berenice Lyzanne (from 11h45)
Ms Filander, Ilse

Mr Nel gave a short background to the current situation (*as detailed in the report submitted to Councillors*).

Mrs Francina Houtsamer was requested to state her case: she bought the house on 22 July 1992 from the Municipality. She said that she does have proof. Every time she asked for her title deed, she was told to wait. Later on she was told that she was not on the system. A long time later they found her and she has the documentary evidence (*bewysstukke*). Maar daar was nie kwotasies (*sic*) vir haar gegee nie. She then went to the attorney but nothing could be found. But suddenly they found everything. She then wanted to know why she was not registered and they said no, Wiese Nel said they must hold it back. She gave a sworn statement at the Police when Bernice was the only one who had a job. She (Berenice) was supposed to pay for services, not the transfer of the house. The lady at the Police Station wrote incorrectly and I went back and asked her and she said she was willing to rewrite the statement and to make it right, which she then did.

Discussion ensued about the documentary evidence of the ownership of Mrs Houtsamer and whether she has submitted it to the Housing Department. She said the Department does have a copy, as they gave her a copy. But not the transfer of the house, as Mr Wiese said it must be stopped. Manager Housing said that Mrs Houtsamer signed a deed of sale, but she did not pay the purchase price. Furthermore, after transferring the house to Berenice Philander by means of a sworn statement, she married Mr Houtsamer. She cannot now tell Council what to do with the house as she gave her right away when she made the sworn statement.

Cllr Grootboom said that legally the owner of a house has right to the house until the entire purchase price has been paid by the prospective buyer. The house therefore stays the property of the Municipality, who has the right to decide what to do with the house. He also expressed concern about the legality of the extensions that were added to the house as the Town Planning Department has to approve such building plans. Cllr Grootboom said that Mrs Houtsamer should be given a final chance (before 13 November 2017) to provide proper documentary evidence of her payment of the purchase price. Should it transpire that she is the legal owner of the house, the item should be removed from Council's agenda as it will then be a private matter. However, if it comes to light that the Municipality is the owner of the house, the Municipality must decide what to do with the house.

Cllr Du Plessis said that if Mrs Houtsamer does not have a receipt to show that she did indeed pay for the house, she is not the owner of the house. So, why did the Municipality ask her who she wanted to transfer the house to? That is not logical. The Manager Housing said that the Municipality has always followed this way of transferring a house, if there are family members already in the house. The alternative would be to evict everyone from the house and to put the number 1 applicant from the housing waiting list into the house. The entire family of Mrs Houtsamer will then be on the street.

Cllr Grootboom said that the Committee must make a recommendation in line with the facts and which will be legally sound. The Manager Housing said it must be noted that it was not Mr Wiese who stopped Mrs Houtsamer's contract. Mr Wiese said that Ms Berenice Philander's contract must be held back at the attorney's until this matter is resolved.

Ms Berenice Philander joined the meeting at 11h45.

Cllr Shibili was of the opinion that the original purchase of the house dates to the apartheid era when the administration of the Housing Department was very poor. Some of the those houses do not have title deeds and the Municipality should not be so prescriptive in exactly what format Mrs Houtsamer's documentary proof should be. He also queried Mrs Houtsamer in depth about the origins of the original house and she said that it was her parents' house which was given to her with the consent of her brothers. She then decided that she wanted to pay for the house and her previous employer paid the Municipality for the house. Upon further questioning it emerged that Ms Berenice Philander was evicted from the house (*as detailed in the report submitted to Councillors*).

Ms Philander said that in 2012 it was her mother's wish to transfer the house into her (Berenice's) name and she lived in the house from 2012 to 2016 when her sister (Ilse) started working at the Municipality. She (Berenice) made enquiries at the Municipality about available land as she was getting married. "The municipal official, Annelize, said I should rather apply at the State for "my mother's" house as I have a legal right. She went ahead with the application and I said to her that this will upset the family. Details of my application got to my mother's ears immediately after I visited the municipal office. Things in the family got ugly and later my mother felt she wanted to transfer the house to Ilse. Eventually there was a physical fight, the Police was involved and my mother told me to leave the house. The next week I received a letter from Court. My mother went to court where she stated her case. My case was never heard. The court's letter instructed the two of us to appear in court on a specific date. I was there with all my paperwork but my mother never showed. What I want to know is that for all these years the Municipality has transferred houses in this way, by means of a sworn statement. Why does my case get treated differently? Has it ever happened that a family has been made to appear before a committee of Council in this way to explain and talk about such unpleasant and personal things? My mother felt because I had a permanent job at that time that I could take responsibility for the house. I paid the house rent, if it was in arrears I went to the Municipality to make arrangements, I have had to take a loan on my salary to pay for the house and I still had to pay her a monthly rental. I am not the only person involved in this matter. What about the official's involvement? What is her role and right to give the attorneys an instruction to stop the transfer?

Ms Ilse Filander said that her mother never put Berenice out of the house, but that Berenice did not want to obey her mother's rules. She decided by herself to leave the house and Constable Kleynhans was at the house on that day and can confirm it. Berenice is a good actress and you should not just believe her tears. It is unfair that the house be given to her. My mother feels she made a mistake to give the house to her and all she is trying to do, is put it right.

The involved parties were excused from the meeting at 12h29. The acting Chairperson said that no recommendation can be made and that a record of the discussion be submitted at the Continuance meeting of 13 November 2017 at 11h00.

This item served before the Executive Mayoral Committee on 21 November 2017
Hierdie item het voor die Uitvoerende Burgemeesterskomitee gedien op 21 November 2017
Eenparig Besluit / Unanimously Resolved

That Council stands by its decision taken under item B4097 of 20 November 2012 that the said property be allocated to Berenice Lyzanne Philander, as per the following conditions:

Dat daar volstaan word by Raadsbesluit B4097 van 20 November 2012 dat die gemelde eiendom aan Berenice Lyzanne Philander toegeken word, op die volgende voorwaardes:

1. That Berenice Lyzanne Philander pays a consumer deposit of R470.00 in advance. (There's no existing deposit)

Dat Bernice Lyzanne Philander 'n verbruikersdeposito van R470.00 vooruit betaal. (Daar is geen bestaande deposito nie).

2. That Berenice Lyzanne Philander be responsible for the payment of all outstanding as well as future municipal charges in respect of erf 2360, 17 Wilhelm Thys Avenue, Montagu.

Dat Berenice Lyzanne Philander aanspreeklik is vir die betaling van alle uitstaande sowel as toekomstige munisipale heffings met betrekking tot erf 2360, Wilhelm Thyslaan 17, Montagu.

3. That the property on erf 2360 Montagu be sold to Berenice Lyzanne Philander for the amount of R3 517.15 in terms of the Enhanced Extended Discount Benefit Scheme (EEDBS)

Dat die woning te erf 2360 Montagu vir die bedrag van R3 517.15 aan Berenice Lyzanne Philander vervreem word in terme van die Verbeterde Uitgebreide Afslag Voordeelskema (EEDBS)

4. That Berenice Lyzanne Philander be responsible for the payment of the transfer costs in respect of the registration of the property into her name.

Dat Berenice Lyzanne Philander aanspreeklik is vir die betaling van die oordragkoste met betrekking tot die registrasie van die eiendom in haar naam.

5. That Berenice Lyzanne Philander enter into a Lease Agreement with the municipality until her subsidy for discount (EEDBS) is approved by the Department of Human Settlements, whereafter she will enter into a Deed of Sale with the municipality.

Dat Berenice Lyzanne Philander 'n huurkontrak sluit met die munisipaliteit totdat haar subsidie vir die verbeterde afslag (EEDBS) deur die Departement Menslike Nedersettings goedgekeur is waarna 'n koopkontrak tussen haarself en die munisipaliteit gesluit sal word.