

RULES OF SALE IN EXECUTION
BY WAY OF PUBLIC AUCTION
CONDUCTED BY THE OFFICE OF THE SHERIFF OF LOWER
UMFOLOZI on Dates mentioned in advert 2020

1.

The envisaged auction sale will take place on (various date and various time) as per the Sales advertised on my website www.sheremp.co.za. The sale in execution will commence at the above mentioned time and will not be delayed to enable any specific person or none persons in general to take part in the sale in execution.

2.

The auction will be conducted by the Sheriff of Lower Umfolozi the first mentioned the duly appointed sheriff for Lower Umfolozi in terms of *section 2 of the Sheriff Act 90 of 1986*, as amended and the latter, duly appointed deputies for the Sheriff of Lower Umfolozi, with office address 37 Union Street, Empangeni

3.

Section 45(2) of the Consumer Protection Act states:

“...(2) When goods are put up for sale by auction in lots, each lot is, unless there is evidence to the contrary, regarded as the subject of a separate transaction.”

4.

4.1 A person attending an auction to bid, must register as a bidder and comply with the requirements of;

- (a) The **Consumer Protection Act 68 of 2008**, as amended
- (b) The **Financial Intelligence Centre Act 2001 (FICA)*** in respect of the establishment and verification of identity.
- (c) The further requirements for registration as a bidder.
- (d) Conditions of sale.

4.2 A person attending the auction to bid on behalf of another entity, must produce a letter of authority, expressly authorizing him/her to bid as such. If a person will be bidding on behalf of a company, the letter of authority must appear on the letterhead of the company and must be accompanied by a certified copy of the resolution authorizing him/her to do so. Both the bidder and the mandatory must comply with the requirements of the **Financial Intelligence Centre Act 2001 (FICA)**, in respect of the establishment and verification of identity.

5.

In accordance with the prescriptions of **Section 22 of the Sheriffs' act 90 of 1986**, as amended, I, Yvonne Martin, have a trust account into which all proceeds of the sale will be deposited. Commission as prescribed in the applicable court rule tariffs will be deducted there from.

6.

- 6.1 The reason for the auction will be announced at the commencement thereof.
- 6.2 The bidder's record (**Reg 26(2) of Act 68 of 2008**, as amended) and the vendor roll (**Reg 28(4) of Act 68 of 2008**, as amended) are available for inspection during normal hours.
- 6.3 A breakdown of the total costs of advertisement and conducting an auction together with a statement indicating additional costs and how such costs are computed will on request, be made available after the auction as soon as practically possible.
- 6.4 If these rules of auction are amended after their initial publication, such amendment will be expressly indicated by the auctioneer.
- 6.5 These rules will not be read out at the auction in order to validate it and will be made available for inspection at the above-mentioned address of the office of the Sheriff Lower Umfolozi/Empangeni at least 24 hours prior to the commencement of the auction.
- 6.6 Inspection of:
 - 6.6.1 movable goods offered for sale may be done at the address as advertised, 30 minutes prior to the commencement of the sale in execution.
 - 6.6.2 immovable property for sale, cannot be guaranteed due to the nature of the sale,

It is hereby certified that the rules of auction are drafted to the best of (**our**) knowledge in accordance with the requirements of Regulations 21 of the Consumer Protection Act 68 of 2008, as amended.(URL <http://www.info.gov.za/view/DownloadFileAction?id=99961>)

7.

Further conditions under Covid-19 regulations as published in the Government Gazette 43553

- 7.1. No persons other than a Sheriff or employees, and a bidder registered by a sheriff, shall be permitted to be present at a sale in execution
- 7.2. The number of persons permitted to be present shall not, at any time, before or during the sale in execution, exceed 50: Provided that the sheriff may-
 - (a) limit the number of persons entering to less than 50 persons, based on the floor space of the designated area to ensure compliance with the requirement relating to physical distancing of 1.5 metres between persons;
 - (b) direct that the number of persons be reduced to comply with safety measures and physical distancing requirements; and
 - (c) refuse entry to any person who, in the 14 days before the date of sale in execution, has been in contact with or exposed to another person who has tested positive for Covid-19, until such person seeking entry has tested negative.
- 7.3. In the event that the sale in execution is conducted indoors, the sheriff shall ensure that it is conducted in a well-ventilated space.

7.4. A sheriff who conducts the sale in execution must-

- (a) clearly display signage to inform attendees of the risks associated with COVID-19 and the compulsory measures required to mitigate such risks,
- (b) Ensure that the prescribed safety measures as per Government Gazette 43553 are put in place and are observed by attendees.
- (c) Screen all attendees and employees , including but not limited to, taking the person's temperature before permitting access and refer any person that shows any symptoms for testing by the relevant authorities;
- (d) deny entry to any attendee or employee who shows any symptoms of COVID-19;
- (e) keep a register of all attendees, including employees, which register shall include the identity number, physical address and telephone number of every person who enters;
- (f) ensure physical distancing of 1.5 metres between persons
- (g) ensure that the goods offered for sale are sanitized
- (h) ensure that attendees sanitize their hands before and after examining goods for sale, in instances where examination is necessary;
- (i) ensure compliance with health protocols by –
 - (i) providing hand sanitizers which must be strategically placed outside and within the designated area
 - (ii) ensuring all attendees and employees sanitize their hands at the entrance
 - (iii) ensuring that physical distancing of 1.5metres between all attendees is maintained
 - (iv) ensuring that all attendees and employees wear a cloth face mask, homemade item or another appropriate item that covers the nose and mouth; and
 - (v)ensuring that the designated area is cleaned before and after a sale in execution

7.5. Any person who refuses or fails to comply with these directions must be refused entry to the designated area, or must be removed from the premises

This is done and signed on this 07 day of September **2020**.

_____ (signature of sheriff) _____
(name of sheriff)

*** The Financial Intelligence Centre Act, 2001 (Act No 38 of 2001), as amended; published in Notice R.1595 in Gazette No 24176 of 20 December 2002.**

- URL 1 <https://www.fic.gov.za/SiteContent/ContentPage.aspx?id=14> ;
- 2 <https://www.fic.gov.za/DownloadContent/RESOURCES/GUIDELINES/regulations.pdf>
- 3 <http://www.absacapital.com/Absa%20Capital%20Documents/FIC%20Act.pdf>