

# NOTICE TO TERMINATE RESIDENCE RIGHT OF SPOUSE OR DEPENDANT OF LONG-TERM, PROTECTED CCUPIER

NOTICE IN TERMS OF SECTION 8(5) OF THE EXTENSION OF SECURITY OF TENURE ACT, 1997

[Note: a separate notice must be served on every occupier in the household, excluding children under the age of 18. Children under the age of 18 can be cited in a notice served on an adult member of the household in which they are ordinarily resident.]

To:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Children under the age of 18:

1. \_\_\_\_\_  
2. \_\_\_\_\_  
3. \_\_\_\_\_

\_\_\_\_\_ [fill in the name and address of the occupier]

\_\_\_\_\_ [use more space if necessary]

[Note to person delivering this notice: You must read out the highlighted part in an official language which the occupier understands. If you yourself are not fluent in that language, you must use an interpreter. A copy of this notice must then be given to the occupier in that language, and in another official language. If possible the copy given to the occupier should be signed and dated by him or her and returned to the owner or person in charge as proof of service.]

**This is an important notice. It is being given to you in terms of the Extension of Security of Tenure Act, which was passed by Parliament in 1997.**

The notice is the first step in the procedure which the owner or person in charge has to follow in order to go to court to get an eviction order. It concerns the land commonly known as:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Give a full description of the land as it is commonly known, including residential and grazing land, and any land which is being used for cultivation.]

**If you do not leave the land within \_\_\_\_\_ of receiving this notice, the owner or person in charge may ask the court for an order saying that you can be evicted.**

[Note: The period of notice given must not be less than 12 months.]

The summary contained in this notice of your legal position is incomplete. If you want any further information you should immediately contact a lawyer, a non-government organisation or the Department of Land Affairs.

Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ [Fill in the name of the district or closest town or city and today's date.]

\_\_\_\_\_  
[Sign here and state whether acting as owner or person in charge. If person in charge, state capacity in which he or she is acting.]

Full name of owner or person in charge of the land: \_\_\_\_\_

Contact tel. no.: \_\_\_\_\_

Contact address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Received by me at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ h \_\_\_\_\_  
[Fill in the name of the district or closest town or city, today's date and the time when the notice was received.]

\_\_\_\_\_  
[It is advisable for the occupier or person accepting service on his or behalf to sign here.]

I certify that this notice was served at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_ at \_\_\_\_\_ h \_\_\_\_\_  
[Fill in the name of the district or closest town or city, today's date and the time when the notice was served.]

\_\_\_\_\_  
[Signature of person serving this notice.]

Full name of person serving this notice: \_\_\_\_\_

Capacity: \_\_\_\_\_

Contact tel/fax no: \_\_\_\_\_

Contact address: \_\_\_\_\_

### More information

The Extension of Security of Tenure Act gives you the right to live on the land where you were staying on 4 February 1997 or at any time thereafter, provided you had the permission of the owner or person in charge. It also gives you the right to carry on using any other land which the owner or person in charge gave you permission to use on or after that date.

The Act makes it possible, in certain circumstances, for these rights to be brought to an end. The owner or person in charge must act fairly, and follow the procedures set out in the Act.

In this case, because your right to live on the land was dependent on an aged or disabled person who had been living on the land for more than 10 years, the Act gives you special protection. Just because that person has died does not mean that you have to leave the land immediately. The owner or person in charge of the land must first give you at least one year's written notice. When the notice period comes to an end, you may remain on the land until the owner or person in charge gets a court order to evict you. Before this happens, you must be given at least two further months' written notice of the date on which the owner or person in charge intends going to court.