

NOTICE TO OCCUPIER OF INTENTION TO APPLY FOR EVICTION ORDER

NOTICE IN TERMS OF SECTION 9(2)(d)(i) 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:

[fill in the name and address of the occupier]

Children under the age of 18:

- 1. _____
- 2. _____
- 3. _____
- _____
- _____
- _____

[use more space if necessary]

[Note to sheriff serving 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, 1997.

This notice means that the owner or person in charge plans going to court in two month's time or at some time thereafter to ask an eviction order be issued against you. The owner or person in charge must ensure that you are told when and where the case will be heard. The grounds on which the eviction order will be sought are as follows:

[Give a summary of all the grounds on which the eviction order will be sought. Additional pages may be attached if necessary.]

The land to which this notice relates is 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.]

The land is officially described as: _____

[Give the full Deeds Office description (if any) of the land on which the occupier is residing. In the case of a farm, this must include the portion, name and number of the farm, and the name of the district in which the farm is situated.]

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

Signed at _____ on this the _____ 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 in what capacity 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 the _____ 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 other person receiving the notice to sign here.]

I certify that this notice was served at _____ on this the _____ day of _____
_____ at _____ h _____

[Fill in name of district or closest town or city, today's date and the time when the notice was served.]

[Signature and stamp of sheriff serving this notice.]

Full name of sheriff serving this notice: _____

Designation: _____

Contact tel./fax no.: _____

Contact address: _____

More information

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 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. The first step that the owner or person in charge must take is to end your right of residence after which you must be given this notice. This notice means that the owner or person in charge of the land plans going to court in two months' time or sometime thereafter to ask that an eviction order be issued against you. The court hearing the matter will be either the magistrate's court in your area, or the Land Claims Court in Randburg (Gauteng) or, if you agree, the provincial division of the High Court responsible for the area in which you are staying. The owner or person in charge must ensure that you are told when and where the case will be heard.