

IN THE HIGH COURT OF SOUTH AFRICA**(WESTERN CAPE HIGH COURT, CAPE TOWN)****CASE NUMBER:** 12835/20085 **DATE:** 8 JUNE 2011

In the matter between:

THE LAW SOCIETY OF THE CAPE**OF GOOD HOPE**

Applicant

10 and

SIDNEY JOSEPH PETERSEN

Respondent

J U D G M E N T

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WEINKOVE, AJ:

In this matter there will be an order in respect of which paragraphs 1 and 2 is by consent.

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1. It is ordered that the respondent shall within 14 days of the granting of this order, ensure the submission by the auditor, Mr Barry Lockitch of Wilder Lockitch, of Unit B10, Century Square, Heron Square, Century City, of the following:

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/bw

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5 1.1 A final audit report complying with the
applicant's rules for the period commencing
from the first day after the final day of the last
audit report filed by the respondent and
ending with 14 February 2006.

10 1.2 A certificate by the aforesaid auditor, verifying
that all trust creditors had been paid full.

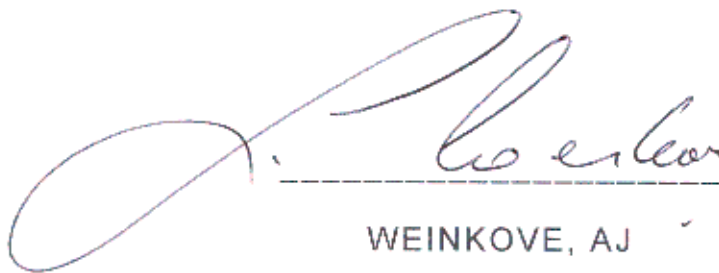
1.3 A certificate of nil balance from the
respondent's bank, confirming that the
TrustBank account has been closed.

15 2. In the event of the respondent not complying with any
one or all of the above paragraphs, the appellant is
authorised to approach this court on the same papers,
duly supplemented as may be required for an order
finding that the respondent is in wilful contempt of the
20 aforesaid order and committing him to prison for such
period as the court deems appropriate. This paragraph
is also by consent of the parties.

25 3. I am additionally ordering that the respondent pay the
cost of this application, as between party and party, but I

reserve to the applicant the right in the event of the respondent not complying with this order, to apply to court at its convenience for an order that this aspect of the cost order be amended to read that the respondent
5 pay these costs as between attorney and client. I do this because I consider that there has been an enormous waste of time in this matter and that there is a strong case to be made out for attorney/client costs, but those costs were not claimed in the original application.
10 However, if there is further any abuse of the process of this court by the respondent, then I am reserving to the applicant the right to ask for a punitive order for costs.

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WEINKOVE, AJ

8 JUNE 2011