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**IN THE SOUTH GAUTENG HIGH COURT, JOHANNESBURG  
(REPUBLIC OF SOUTH AFRICA)**

**CASE NO: 10945/2012**

JOHANNESBURG, 26 MARCH 2013

BEFORE THE HONOURABLE JUDGE SHOKOANE

In the matter between:

<b>VAN TONDER, ANALIZE</b>	First Applicant
<b>WEMA BELEGGINGS (PTY) LTD</b>	Second Applicant
<b>PEGMA MINERALE (PTY) LTD</b>	Third Applicant

and

<b>FNB TRUST SERVICES (PROPRIETARY) LIMITED (Registration No. 1986/003488/07)</b>	First Respondent
<b>FIRSTRAND BANK LIMITED (Registration No. 1929/001225/06)</b>	Second Respondent

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**DRAFT ORDER**

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Having considered the matter and by agreement between the parties,

IT IS HEREBY ORDERED THAT:

1. On a date and time to be arranged between respondents and the applicants, the respondents agree to provide access to the applicants or their nominee, including specifically their auditor, in Pretoria, to all the originals and/or system

print outs that the respondents contend that they have already provided to the applicants;

2. If there are further documents of the kind referred to in the notice of motion which have not been made available in accordance with paragraph 1 above, the respondents undertake to provide such documents, if they still exist and can be clearly specified by the applicants, and if they do not exist, confirmation that they do not exist;

3. If the applicants wish to gain access to the general trust bank account of the first respondent into which the various payments of all of the first respondent's various clients are made, which account is held at the second respondent in the name of the first respondent, subject to such records still being in existence, the respondents agree to grant access to information relating to specific transactions for specific periods on the following basis:

3.1. the applicants must specify the day(s) and the amount(s) and/or the nature of the transaction such as the payee and/or payer and/or such other detail as may adequately identify the transaction to the respondents;

3.2. <sup>the respondents</sup> will provide the detail of the transaction if the transaction exists, subject to ~~redacting~~ <sup>deleting</sup> the information pertaining to other clients' of the first respondent, and if the transaction does not exist, confirmation that it does not exist in such account;

4. The applicants will be entitled to a copy of any document made available in terms of the foregoing upon request and the payment of any reasonable copying charge;

- Should the applicants not be satisfied with failure<sup>3</sup> to
5. ~~The application is postponed sine die,~~ furnish specific information sought in the application, by the respondents, the applicants are granted leave to approach the court for relief, on the same papers and file supplement any papers, if necessary.
  6. ~~All the costs relating to the application are reserved.~~ The Respondents are to pay the costs of the application.

BY THE COURT

REGISTRAR