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**IN THE HIGH COURT OF SOUTH AFRICA
(CAPE OF GOOD HOPE PROVINCIAL DIVISION)**

Case No.: 19144/07

**Before the Honourable Mr Acting Justice Samela
Cape Town: 23 January 2008**

In the matter between:

FIRSTRAND BANK LIMITED trading as WESBANK

Applicant

and

CHARLES HENRY DELACOUR CORNWALL

Respondent

DRAFT ORDER

Having heard Counsel for the Applicant and having read the papers filed of record, it is **ORDERED AS FOLLOWS**:

1. The following agreements between the Applicant and the Respondent are declared to have been cancelled:

1.1 Instalment Sale Agreement no. CSA131-0002J dated 15 August 2005 in respect of a new Toyota Hilux 4.0 V6 D/C 4X4 A/T vehicle;

- 1.2 Instalment Sale Agreement no. CSA131-0003H dated 27 September 2005 in respect of a new Mini Mark II Cooper S vehicle;
 - 1.3 Lease Agreement no. 85021403627 dated 28 November 2006 in respect of a Porsche 911 Carrera vehicle; and
 - 1.4 Lease Agreement no. 85014699914 dated 9 June 2006 in respect of a 2006 Range Rover Sport 4.2 V6 SC vehicle.
2. The Respondent shall deliver up and return to the Applicant the subject-matter of the respective agreements referred to in paragraph 1 above, namely:
- 2.1 Toyota Hilux 4.0 V 6D/C 4X4 A/T with:
Engine No: 1GR0698101
Chassis No: AHTFU29G907000597
 - 2.2 Mini Mark II Cooper S with:
Engine No.: D4150525
Chassis No: WMWRE32010TK81373
 - 2.3 Porsche 911 Carrera with:
Engine No.: 68510539
Chassis No.: WPOZZZ99Z5S760700

2.4 2006 Land Rover Range Rover Sport 4.2 V6 SC with:

Engine No.: 2004 06B01581428P

Chassis No.: SALLSAA336A960070

3. In the event that the Respondent fails to return the articles referred to in paragraph 2 above to the Applicant, the Sheriff of this Court is authorised to attach and remove the said articles from the possession of the Respondent or wherever else same may be found, and to deliver same to the Applicant.
4. The claims contained in Part B of the Notice of Motion are postponed *sine die* pending the repossession of the articles referred to in paragraph 2 above by the Applicant and the determination of the value thereof.
5. The Respondent is ordered to pay the Applicant's costs in relation to this application on the following scales:
 - 5.1 In relation to the agreements referred to in paragraphs 1.1 and 1.2 above, on a scale as between attorney and own client; and
 - 5.2 In relation to the agreements referred to in paragraphs 1.3 and 1.4 above, on a scale as between attorney and client.

BY ORDER OF THE COURT

Court Registrar

252 Kritzinger & Co., CAPE TOWN

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