



AUCTION RULES

Immovable Assets

1. The sale is held in terms of the applicable legislation rules and regulations of the Supreme Court Act, Act 59 of 1959 as amended the Magistrate's Court Act, Act 32 of 1944 as amended the Consumer Protection Act, Act 68 of 2008 as amended and the Financial Intelligence Centre Act, Act 38 of 2001 as amended.
2. The **"Rules of the Auction"** are deemed to form part of the special conditions of sale and the registration conditions are incorporated herein. The following provisions are brought to your attention: Section 45 subsection (1) and (3) of the Act provides that:

2.1. In this section "auction" includes a sale in execution of or pursuant to a court order to the extent that the order contemplates that the sale is to be conducted by an auctioneer.
2.3. A sale by auction is complete when the auctioneer announces its completion by the fall of the hammer or in any other customary manner and until that announcement is made a bid may be retracted.
3. By virtue of the Consumer Protection Act, Act 68 of 2008 as amended every prospective bidder is required to register as a buyer prior to the commencement of the auction. Reg 26(2). The auction will commence at the published time and will not be delayed allowing any specific person or more persons to take part in the auction.
4. Every bidder is required to comply with the Financial Intelligence Centre Act, Act 38 of 2001 (FICA) Reg 26(2). **Registration must be attended to and completed by 16H00 the day prior to the Auction. No registrations will be attended to on the day of the auction.** A person who attends the auction to bid on behalf of another person (i.e. on behalf of a company or third party) must produce a written letter of authority (power of attorney and/or resolution from members) that expressly authorizes him or her to bid on behalf of that person or company. When the person is bidding on behalf of a company the letter of authority must appear on the letterhead of the company and must be accompanied by a certified copy of the resolution authorising him or her to bid on behalf of the company. Both proxy and interested party must both comply to the registration process. Proxy documents must be provided to the Sheriff upon registration the day prior to the auction. No proxy letters will be accepted after conclusion of the sale or on the day of the sale.
5. The auction shall be under the control of the Sheriff or his/her deputy. The Sheriff of the court or his/her duly authorised employee in his/her sole and absolute discretion shall conduct regulate and record (mechanically or otherwise) the auction proceedings.
6. By registration as a buyer the prospective buyer confirms that he/she has familiarised himself/herself with the rules of auction and applicable conditions of sale of the relevant property on auction. Conditions of sale may be inspected at the Sheriff's office.
7. A registration fee is payable which is conditionally refundable after conclusion of the auction or after complying with all the conditions of sale in the event of the buyer having been the successful purchaser of a property whichever is applicable. **A registration amount of R 25 000.00 for Immovable Property is required. The sale by auction may be subject to a reserve price.**
8. Upon acceptance of a bid and thereafter non-compliance with the registration conditions and/or the conditions of the sale by the prospective bidder the registration fee shall be forfeited due to the purchaser's default.
9. If a bid has not been awarded to a prospective bidder the registration fee is refundable.
10. Every bid shall constitute an offer to purchase the asset for the amount bid which the auctioneer/Sheriff may accept or reject in his absolute discretion in accordance to the Conditions of Sale. The auctioneer/Sheriff are entitled in their absolute discretion to withdraw the asset from the sale upon instructions from the Execution Creditor but prior to the fall of the hammer.
11. The highest bidder shall be the purchaser for the respective Property offered for sale at the auction Reg 25(6) CPA
12. The conduct of the auction is subject to the control of the auctioneer/Sheriff who has the sole right to regulate the bidding procedure.
13. The sale shall be by the rise of the bidder's card and the asset shall be sold to the highest bidder subject to the Auction Rules and Conditions of Sale.
14. No person(s) may interfere intimidate and/or harass a buyer or bidder in any way. Any person(s) found to interfere with and/or disrupt the proceedings may be required by the Sheriff to leave the premises. The effected bidder may report the matter to the SAPS if victimised by any other bidder.
15. If the Sheriff makes any mistake in selling such a mistake shall not be binding on any of the parties but may be rectified according to the discretion of the Sheriff and/or his/her representative.
16. The prospective bidder shall be deemed to have inspected and familiarize himself/herself with all aspects pertaining to the property being offered for sale. The Sheriff or his/her representative give no warranties or guarantees or makes any representations regarding to the condition or the state of the property to be sold.
17. Vat is payable on costs and commission.
18. Upon the conclusion of the Immovable Sale and by the property being declared sold or by fall of the hammer on the successful bidder the sale shall be finally and irrevocably completed subject only to any suppressive terms and conditions that may apply to the property. **Immoveable property will not be declared sold to a successful bidder prior to the honouring of payment required as per the Condition of Sale. Upon receipt of mentioned payment property will be declared sold. Conditions of Sale will be completed immediately after finalisation of the Auction or upon the Sheriffs request. Should the payment of costs by the successful bidder as per the Condition of Sale not be honoured by the time limits set the property will be re-Auctioned and the registration deposit forfeited.**
19. **No property will be put up for auction again after the fall of the hammer or the property being declared sold. (Rule 46(11) to apply) (Farra, Standard Bank, Sheriff Palm Ridge – Case No: 15361/2018)**
20. **No bids of less than R1000.00 (Immovable Property) will be accepted.**
21. Payment shall be made in cash/Eft or in terms of the condition of sale and be payable in full by the successful bidder immediately upon demand by the Sheriff whereafter the property will be declared sold.
22. Right of admission to the auction/sales venue is reserved. Reg 28(3) and 28(5).
23. Only Registered bidders Permitted in Venue.

SHERIFF/AUCTIONEER'S COMMISSION AND 10% REQUIRED DEPOSIT AS PER CONDITIONS OF SALE

The purchaser shall be liable for and pay in addition to the 10% deposit of the purchase price payable in terms of the conditions of sale Sheriffs / auctioneers commission of 6% of the first R100 000.00 3.5% on R101 000.00 – R400 000.00 and 15% on the balance of the purchase price (bid amount) with a minimum of R3 000.00 and a maximum of R40 000.00 plus VAT thereon which commission shall be payable immediately upon conclusion of the sale by way of cash or electronic transfer.

The Sheriff for Palm Ridge does have a trust bank account in terms of Section 22(1) of the Sheriffs Act 90 of 1986 into which all monies will be deposited minus any commission payable to the Sheriff in terms of the signed conditions of sale that applies to the auction sale ("the conditions of sale").