

Do the homework before committing yourself

Sayed Iqbal Mohamed

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IMAGINE owning a dwelling but being unable to live in it because the occupant threatens to kill you. A young woman who invested her life's savings in a flat bought at an auction a year ago is coming to terms with the reality of being denied occupancy of her own flat. She cannot explain the Sheriff's failure to eject the occupants of her flat. She has not yet absorbed the impact of the wasted legal costs.

To add to her nightmare, Maggie Singh has also paid her monthly levy diligently so that she does not lose her flat for non-payment. Part of her levy includes monthly water charges, water she does not consume, cannot use because of a flat she has not been able to set foot in.

A year ago, a friend informed Maggie of an auction of a two bedroom flat in a sectional title block that was, according to her, well managed, that had a no-nonsense policy and was in an excellent condition.

However, Maggie did not view the flat she intended to buy and occupy; neither did she investigate if levies were paid up. She also neglected to examine the financial statements and expense vouchers of the body corporate to find out if the block itself was well managed and all expenditure (including rates) attended to in full and timeously.

Management and house rules sometimes place restrictions-often for very good reason and intention- but these were also not scrutinised by Maggie.

In fact, what her friend did not know was that a city shark, known as Big T Osman, who refused to pay rentals to the previous owner, Ms Pretty-Rose Ntuli, occupied the flat.

Pretty-Rose rented out the flat, hoping to use the rental income to pay off the bond, but ended up losing the flat and whatever money she had spent. The bank foreclosed, took possession of the flat and auctioned it.

Maggie became the new owner and she subsequently approached the bank to intervene. She was informed that one of the conditions of the seller (the bank) was that ownership would take place upon transfer. The bank was therefore not in a position to "interfere", since ownership now vested with her.

Her attorney clarified the sheriff's inability to remove Mr T from her flat. She acted on Maggie's instruction to have Pretty-Rose ejected from the flat and the court was asked to grant an order for that reason only.

The order prayed for did not petition the court to eject Pretty-Rose and all those who occupied the property through her. Maggie is presently under medical treatment and psychological counselling, desperately seeking a solution.

She is not sure whether to contact the police to help her identify the occupants of her flat and thereafter to approach the High Court for relief.

The bank needs to provide her with information about the conditions of sale so that Maggie can ascertain if the flat was sold with or without a lease. Once she has all the information she will need to decide on a course of action, preferably with her attorney.

In the meantime, Maggie continues to pay the monthly levy to avoid losing her flat with a scallywag occupant whose reputation is well known in the city.

Names used in this article are fictional and for purposes of illustration only.