

SOUTH AFRICA / JUDGMENT

Ex parte:Bacsy NO (21389/10)

[2010] ZAGPPHC 266 (4 June 2010)

[2010] ZAGPPHC 266**COURT**

North Gauteng High Court, Pretoria

BEFORE

S W Sapire

CASE / FILE NUMBER

21389/10

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Source record**NOT****REPORTABLE****THE****NORTH GAUTENG HIGH COURT.****PRETORIA****(REPUBLIC OF SOUTH AFRICA)****CASE****NUMBER: 21389/10****DATE:04/06/2010****In**the ex-parte application
of:

LASZLO

MIKE BACSY

N.O.....Applicant

In

his capacity as trustee of the L G BACSY TRUST IT 4217/96

(for

the surrender of the Estate of the L G BACSY TRUST, IT 4217/96 as
insolvent)

JUDGMENT**SAPIRE. A J:**

This is an application for the surrender of the estate of the L G Bacsy Trust. The application is made by the sole trustee who has attached to the Founding Affidavit his Letter of Appointment. He has set out facts that indicate that the Trust has become insolvent and cannot pay its debts. It is clear that if a creditor applied for the sequestration of the Trust such an application would probably be successful. The question which arises however, is whether a Trustee has locus standi to apply for the surrender of the estate.

The Deed constituting the Trust has not been placed before the court and it is accordingly not possible to ascertain the powers of the Trustee. Furthermore no authority has been advanced supporting the locus standi of a Trustee or Trustees to surrender the estate and I am not satisfied that such authority does in fact exist.

I am now making no order on the application. The Applicant may renew the application in order to advance factual and legal basis for such locus standi.

No order is made on the application.

Leave is granted to renew the application and to supplement the Founding Affidavit to the extent that the Applicant may see fit.

SAPIRE, S W**ACTING JUDGE****ATTORNEYS FOR THE APPLICANT:****DU PLESSIS LESSING BRITS INC****c/o NIEMANN & SWART****804 TERREBLANCHE STREET****RIETFontein****PRETORIA****TEL: (012)807 4025****Verw: P C LESSING/eo/B391**

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Prepared on 10 October 2026 · Esheria