



REPUBLIC OF SOUTH AFRICA

FORM 2
[Regulation 3]
APPLICATION FOR PROTECTION ORDER
SECTION 2(1) OF THE PROTECTION FROM HARASSMENT ACT, 2011 (ACT NO. 17 OF 2011)

In the Magistrate's Court for the District of KUILSRIVER

Application number:20.....

Name of complainant: RUBEN THEODOR FITCHAT**This form is to be lodged with the clerk of the court**

Is the complainant in possession of or in the process of applying for a protection order against harassment or stalking as provided for in the Domestic Violence Act, 1998 (Act No. 116 of 1998).

Yes No **PART A : APPLICATION**

(*Delete whichever is not applicable)

1. PARTICULARS OF COMPLAINANT

Surname:	FITCHAT
Full names:	RUBEN THEODOR
Identity number:	820 841228 5132 089
Date of birth:	28 DECEMBER 1984
Home or temporary address:	91 FRANGIPANI STREET KLEINBRON ESTATE BRACKENFELL 7560
Home/contact telephone number/s:	083 925 1545
Work address:	AS ABOVE
Work telephone number:	N/A
Occupation:	PROGRAMMER

***2. PARTICULARS OF PERSON MAKING THE APPLICATION ON BEHALF OF ABOVEMENTIONED COMPLAINANT (if applicable)**

Surname:	N/A
Full names:	
Identity number:	
Date of birth:	
Home or temporary address:	
Home/contact telephone number/s:	
Work address:	
Work telephone number:	
Occupation:	
Nature of relationship with the complainant:	
State reason(s) why application is made on behalf of the complainant:	
Indicate whether written consent of complainant has been obtained: (Delete whichever is not applicable)	<p>*(a) Written consent has been obtained and is attached.</p> <p>*(b) Written consent is not necessary since the complainant is a child (under the age of 18 years).</p> <p>*(c) The complainant is unable to provide written consent because:</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>

PARTICULARS OF RESPONDENT (PERSON RESPONSIBLE FOR HARASSMENT OF THE COMPLAINANT OR RELATED PERSON):

***5.1 To be completed where the respondent is known to the complainant:**

Surname:	N/A
Full names:	
Home address:	
Address where respondent can likely be found:	
Telephone number:	
Facsimile number:	
E-mail address:	
Cellular phone number:	
Work address:	
Work telephone number:	
Occupation:	

***5.2 To be completed where respondent is unknown to the complainant and uses electronic communications to harass complainant:**

The name of the service provider which provides a service to the complainant or related person over which the harassing communication was received (for example XYD Internet service provider which provides an internet service to the complainant/related person who is the owner/user of the computer which received a harassing e-mail):	N/A
The electronic communications identity number associated with the aforementioned service to which the harassing communication was sent (for example the Internet Protocol (IP) address assigned to the computer of the complainant/related person or cellular phone number or telephone number which received the harassing communication):	

<p>The electronic communications identity number from where the harassing communication originated, where available (for example the e-mail address and/or IP address accompanying the harassing electronic communication or a web-address which contains harassing content or cellular phone number from which the harassing communication originated):</p>	
<p>Date, time and duration of harassing communication, if applicable (for example the complainant received a harassing cellular phone call on 12 December 2012 at 12h00 which lasted 12 minutes):</p>	

***5.3 To be completed where respondent is unknown to the complainant and physically harasses the complainant:**

Will you be able to identify the respondent: Yes No

(a) Description of respondent:
 Adult white male approx between 30-40 years old
 Approx 1.8m
 Stocky
 Can't pronounce the letter "r" correctly (brei /rhotacism).
 Tanned skin
 No facial hair
 Short hair, possibly balding /poena

(b) Location where respondent can probably be found: He lives in the Klein Bron Estate Mews, Block C, top right hand flat.
 His door is to the right of # 35, so it is probably # 36. (Brackenfell)

(c) Any other information that might assist the South African Police Service in tracing the respondent:
 • Elmo and Mariné Franken, who live in 89 Frangipani street, Klein Bron Estate know his name and address.
 • SJC Security at the Klein Bron Estate office have an incident report and the guard took his name and wrote it in his report (on 19 October 2021).
 SJC Security = info@sjcgroup.co.za
 = 086 175 2911
 Alex van Niekerk = manager@kleinbronestate.co.za

(i) Did the complainant or related person make a statement under oath affirmation at a police station that he or she intends to apply for a protection order against harassment against a person whose name and address are unknown to the complainant: Yes No

(ii) If the answer under paragraph (d)(i) is yes, please state the following particulars:

At which police station was the statement made:	BRACKENFELL
Date and time of making the statement:	
Reference number:	

6. INFORMATION REGARDING URGENCY OF APPLICATION

Submit the reasons why the court has to consider the application as a matter of urgency:

The parties involved are neighbours and we are unable to avoid each other.

We are afraid that another physical altercation will occur and that the situation will escalate before we are able to call security or law enforcement next time.

The noise has already started again, only a few days after the incident on 19 October 2021.

The complainant's wife is scared to take their children to the public area across from their house (or just to play in the front yard) without her husband being present because she anticipates the respondents will target her.

The one respondent, Mrs Mariné Franken, has indicated that the children have the right to make a noise and that the complainant must accept it. She claims it is beyond her control.

7. TERMS OF PROTECTION ORDER

The court is requested to —

7.1 prohibit the respondent from —

- *7.1.1 engaging in or attempting to engage in harassment of the complainant;
- *7.1.2 engaging in or attempting to engage in harassment of the related persons whose particulars are provided in paragraph 3, above;
- *7.1.2 enlisting the help of another person to engage in harassment of the *complainant/*related person;
- *7.1.3 committing any of the following act/s:

- (a) preventing the complainant and related persons from telling anyone making or causing a noise within hearing distance of the complainant's house to be quiet.
- (b) entering any part of the complainant's property or causing or encouraging anyone else to do so. Any object on the property will be confiscated.
- (c) taking and publishing photographs ^{and videos} of any part of the complainant's house, property, belongings, the complainant and his family.

***7.2 impose the following additional conditions that are necessary to protect and to provide for the safety and well-being of the *complainant/* related person:** Please remove any already published.

- (a) The items in 7.1 apply to the respondent's family members as well.
- (b)
- (c)

***7.3 order (mark appropriate space and complete where necessary):**

*(a)	That a member of the South African Police Service is to seize the following weapon(s)	N/A
*(b)	That a member of the South African Police Service is to accompany the complainant or related person to the following residence:, to supervise the collection of the complainant's or related person's personal property set out in paragraph 8, below.	N/A
*(c)	That the station commander of the police station must investigate the matter with the view to instituting a criminal prosecution against the respondent.	N/A

PERSONAL PROPERTY

Property description:	Grounds on which property is considered to be personal property:	Address where property is kept:
N/A		

9. POLICE STATION WHERE BREACH OF PROTECTION ORDER WILL LIKELY BE REPORTED

I am likely to report a breach of the protection order at the ...BRACKENFELL..... Police Station.

10. INDEX OF ANNEXURES TO THIS FORM

Mark each Annexure alphabetically, starting with "Annexure A", and attach it to this form.	Give short description of Annexure, for example "statement of witness X", "CD with photographs".
Annexure A	Incidents of harassment
Annexure B	Affidavit - Theo Fitchat
Annexure C	Affidavit - Sonet Fitchat
Annexure D	Security guard report (
Annexure E	Whatsapps - Marine Franken
Annexure F	Photos and map
Annexure G	CD with video of 19 October 2021 incident
Annexure H	Email with SJC Security
Annexure I	Email with Klein Bron Estate

WARNING: * It is a criminal offence to make a false statement in an affidavit for the application for a protection order.

* The court may make an order as to costs against a party if it is satisfied that the party in question has acted frivolously, vexatiously or unreasonably.

Fitchat
 *Signature/*thumb print /*mark of *complainant* person who applies for a protection order on behalf of the complainant

...25 OCTOBER 2021.....
 Date

PART B : CERTIFICATION

I certify that before administering the *oath /* taking the affirmation I asked the Deponent the following questions and noted *her/his answers in *her/*his presence as indicated below:-

- (a) Do you know and understand the contents of the above declaration? Answer:
- (b) Do you have any objection to taking the prescribed oath? Answer:
- (c) Do you consider the prescribed oath to be binding on your conscience? Answer:

I certify that the Deponent has acknowledged that *she/*he knows and understands the contents of this declaration which was *sworn to / *affirmed before me, and the Deponent's *signature / *thumb print / *mark was placed thereon in my presence.

Dated at this day of 20.....

Justice of the Peace / Commissioner of Oaths

Full Names:
Designation:
Area for which appointed:
Business Address:
.....

To be completed by the clerk of the court

PART C:
1. I,, the clerk of the above-mentioned court, received the application for a protection order on (date): (time):
2. I have completed the attached acknowledgement of receipt and handed it to the person who lodged this application for a protection order.

PART D:
The application for a protection order was submitted to (name and surname of magistrate):
..... on (date):..... (time):

Signature of clerk of the court:



Acknowledgement of receipt of application for a protection order by clerk of the court

(Take note: This acknowledgement of receipt must be handed to the person who lodges the application with the clerk of the court)

Application number:20.....

Name of complainant:

I,, the clerk of the Magistrate's Court for the District of, hereby acknowledges receipt of the application for a protection order against harassment.

.....
Signature of clerk of the court:

Date:

Time:

