

FINANCIAL SERVICES BOARD

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ENQUIRIES:	Gerry Anderson	D. DIALLING NO.:	012 428 8114
OUR REF:		FAX:	012 346 1901
DATE:	12 November 2012	E-MAIL:	Gerry.Anderson@fsb.co.za

Paul O' Sullivan & Associates
P O Box 78200
Sandton
2146

Dear Sir

FIDENTIA ASSET MANAGEMENT – CURATORSHIP

Your letter dated 07 November 2012 refers.

The matters raised in your letter under reply have been considered. Having done so, the FSB finds no reason to alter its earlier response to you as set out in my letter of 17 October 2012.

The quotation in the second paragraph of your letter is not taken from the statute, but from a number of sub-paragraphs of the provisional order of curatorship, not the final order. Your attention is directed to the provisions of paragraph 2 of the final curatorship order issued on 27 March 2007 as well as the provisions of section 5(4)(f) of the Financial Institutions (Protection of Funds) Act.

The court record is a public document. Should you require a copy, this may be obtained, at your cost, from the attorneys representing the FSB, Messrs Bisset Boehmke McBlain – Reference, Mr Stephen Koen, (021) 441 9800.

I reject your most improper innuendo that the FSB has a “lack of interest” or a “possible lack of ownership” in respect the exercise of its duties and functions with regard to the curators. You are invited to read the Court record inclusive of all the reports by the Curators to Court.

Your letter fails to address the point made in my earlier response, namely that there appears to be no basis for any interest that your client may have in the matters on which he seeks to interrogate the FSB.

Lastly, and in so far as your letter of 12 October 2012 addressed to one of the court appointed curators, Mr Gihwala, is concerned, you have also failed to lay any foundation for the interest that your client claims to have in the matters raised. Some of the matters referred to may concern the Sante Winelands Estate as a whole. To the extent that they do, perhaps your client would be better advised to take these up with the homeowners' association.

The FSB now considers this correspondence closed.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'G E Anderson', written in a cursive style. The signature is enclosed within a hand-drawn circle.

G E Anderson
Deputy Registrar of Financial Services Providers