

I, Tamzen L Le Roux, ID number 860706 0146 085, do hereby state and certify that:

At 11.35am on Wednesday 17<sup>th</sup> September 2014, I was approached by a man by name of Tashlin Pillay claiming to be a Sheriff of the Court. He had asked for me and asked to speak to me privately. He showed me a paper from attorneys Lenasch and asked if I had previously refused to sign for receipt of same. When I said no one had ever been to ask me to sign for them he said that he thought as much as it was easier for attorneys to pass it to the Durban High Court. He showed me a red dot on his copy of the papers and said this denoted the importance of the documents. He did not show me any identification and this being my first experience of such an event, I did not realize I was entitled to ask for same.

Mr. Pillay said he was in a hurry as he had another appointment at 12 noon and we were to resolve this quickly. He did not allow me time to even look at the letter from the attorneys and stated that I had only two options (a) to complete his documentation for a monthly R200 stop order on my bank account or (b) to allow a garnishee of R268 per month on my salary. He explained what a garnishee is and stated that I should try and avoid that at all costs. He further stated that if I did not sign one or other of these options, a garnishee would definitely be instituted without delay.

While he was polite and pretended to be helpful, I felt completely unnerved, out of my depth and intimidated. We were in my place of business where any co-worker or client could see what was going on and overhear our conversation. I thought I had no option but to complete the forms for my income and liabilities, where he actually increased the value of my liabilities so as to make the monthly payment lower. He told me to photograph this page as when the attorneys contacted me, I must give the same figures to them – even though they were incorrect. He requested a copy of my pays-slip and took down my banking details.

He told me what was on the forms I was signing but did not allow me to actually read them for myself. He said this was due to him being in a hurry. When I asked for copies of the documents I had signed he said I was not allowed these copies and the only paper given to me was the Notice of Default from the attorneys.

He gave me his number and said he will be in contact with me and that I will be seeing a lot of him until the account is paid. He further stated that I was to keep a copy of the notice of default with me at all times as anyone could come at anytime and ask to see it.

It was only once he had left and I had calmed down that I realized quite how badly he had intimidated, frightened and brow beaten me. He had forced me to sign documents I had not read and accept an amount of the debt I was not sure of. He threatened me with an immediate garnishee and told me how terrible this would be for me for years to come. He further

threatened me with ongoing regular visits to my place of business as well as constant phone calls to my work.

Later that day at 17.34, once I had received some advice on the matter, I sent him an SMS stating that I had been forced to sign the documents under duress and that he was aware this was the first I had heard of the legal matter and finally that he, as a Sheriff of the Court should have known better than to force me to sign under such circumstances.

I received no reply to this SMS..

As my signatures on the documents were procured by unlawful methods, impersonating a Sheriff of the Court, intimidation and he increasing my liabilities, those document are invalid and null and void. As this person has already shown himself to be unscrupulous in his dealings with me I have a great fear as to what he may do as he now has my ID number, banking details and pay-slip. Therefore I have requested the immediate return of the originals of the documents.

We have approached the controlling body that regulates Sheriffs of the Court to find out the legalities of the above Taslin Pillay impersonating a Sheriff of the Court. We have also discovered that this person is not even registered as a debt collector with the Debt Collector Council and therefore he was not entitled to approach me at all. All documents signed by me are then null and void. We have notified the Debt Collectors Council and NCR of his actions.

Signed this ..... day of September 2014 at .....

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T L Le Roux

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Witness

Hi Simone please can you assist us in the next step of action we can take against a person impersonating a sheriff of the court and using that power to obtain documentation including signed debit order

I will attach the statement and where the case is sitting currently please feel free to contact me.

Warren

Hi I am assisting a lady who has been threatened by a person impersonating a Sheriff of the court on an old debt of R1600.00. She was forced to sign under duress a debit order and lots of other documents. She gave him a pay slip as he demanded, he approached her at her work and also gave her 2 options 1 a garnishing order or the other pay the debt off. He told her he will be coming pass regularly so she must get used to seeing him.

On my investigation only to find out he is an unregistered debt collector working on behalf of an attorney and debt collection agency. I have all the facts I have been trying to speak to the owner of the debt collecting company but no luck at this point.

At first they refused to send her copies of what she signed under duress, even once I was involved they refused. Only after I had stated that we have been in contact with the sheriff of the court, the NCR has been contacted and they are breaking the law and under the act they face serious charges.

I was then contacted by the owner and upper management which ensured us this is not the way they operate and promised to make all documentation that was collected by this "so called sheriff of the court" null and void and that they would send copies of everything he made her sign under duress immediately. I requested the originals as well which we were refused. Up until now we have not received any documentation from them via email that they promised to send.

They acknowledged this man was acting on their behalf and all their debt collectors are registered with the debt collecting council. At this time I replied he is registered with them they assured me all their staff were and he is new to the company they said they would look into this.

I called back later in the day they confirmed that he was not registered due to a mix up of some sort and I again asked for the copies that they obtained under illegal circumstances and was told their emails are down but not to worry they will be sent by the morning. It's now 3 days later and no documentation as yet.

Attached is an email between myself and the owner of the debt collecting company and the parts of the act which was broken by themselves. Also a statement from Mrs T. Le Roux who was the one that was forced to sign under duress.

Please feel free to contact me for anything. Warren

T Le Roux is the lady who was victim to all this

Nico is the owner of the debt collection agency

Taslin Pillay is the person who impersonated being a sheriff of the court and is practicing debt collecting without being registered. The attorney details I have if you require them.

Hi Nico

I attach hereto a Statement of the events as requested.

As per our telephonic discussion of this morning: You confirmed that all documentation signed by Tamzen L Le Roux is null and void as Mr. Taslin Pillay is not a registered debt collector and obtained the signatures by subterfuge and duress. I further confirm that you will send copies of the same to Tamzen or to me.

I have highlighted just a few points that were carried out on behalf of Lanica and Lenasch attorneys that were carried out illegally and against the law by Taslin Pillay.

1. It is now clear that **Taslin Pillay** is not a sheriff of the court as he impersonated
2. Section 8 of the Act says an attorney, or his or her agent, or a registered debt collector may act as a debt collector. A **registered debt collector** is a person registered with the Council for Debt Collectors.
3. **Taslin Pillay** is not registered with the council for debt collectors
4. Section 15 of the Act tells us what conduct would be considered “improper” or unethical. **A debt collector is NOT allowed to ...**
  - Use force or threats against a debtor or any other person who has ties with the debtor;
  - Use intimidation against a debtor or any other person who has ties with the debtor;
  - Make fraudulent or misleading representations including:
  - Making or using fraudulent legal or official documents;
  - Represent themselves as a police official, sheriff, officer of the court or any person other than a debt collector.
  - Practice as a debt collector if he or she is convicted of an offence that has an element of violence, dishonesty, extortion or intimidation;
  - Spread or threaten to spread false information concerning the creditworthiness of a debtor;
  - Violate the provisions of the code of conduct.

As you will see in her statement he threatens Mrs Le Roux that she will be seeing alot of him until she pays in full!

**This is against the law**

**This being the case we are obligated to take this threat seriously enough as being heavy handed and if she does de fault she is in direct danger of being harmed by this out of control person (Taslin Pillay) who has shown numerous acts against the law already.**