

# Media Statement



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**TO: ALL MEDIA**

**DATE: 19 OCTOBER 2018**

**RE: CAPE TOWN LAWYER SENTENCED TO DIRECT IMPRISONMENT FOR FRAUD**

Today, the Bellville Specialised Commercial Crimes Court sentenced Cape Town lawyer, Ignatius Marthinus Potgieter, to seven years direct imprisonment after convicting him on two counts of fraud. The court ordered that three years is suspended for five years on condition that the accused is not convicted of fraud or theft, or an attempt to commit any of these offences, committed during the period of suspension. He was declared unfit to possess a firearm.

Potgieter abused trust funds totalling R 720 963, 84 after two families entrusted him with the monies. In the first count, Cara Bloem and Sheena Bloem were appointed as executrices in the estate of their late father, Keith Ellsworth Bloem, who died on 6 December 2011. On 11 January 2012, the accused unlawfully, falsely and with the intent to defraud, misrepresented to the two sisters that upon being appointed by them to administer and finalise the Bloem Estate, he would act in the best interest of the Bloem Estate. He further promised to pay the home loan account of the deceased, hold in trust all monies received into and refrain from making unauthorised withdrawals from the bank account to be opened in the name of the Bloem Estate, according to the requirements of the Administration of Estates Act. He also promised to administer and finalise the Bloem Estate within 8 months.

Induced by the promises, the two sisters appointed him to administer and finalise the Bloem Estate according to the applicable legislation at a fixed fee of R35 000 plus expenses. He was expected to complete, sign and submit all documents, forms, receipts, estate returns, liquidation-and-distribution accounts, estate duty returns, and any amendments thereto. It was also anticipated that he would act in their capacity as executrices in all matters relating to the Bloem Estate. He was also expected to open in the name of the estate according to the requirements of the Administration of Estates

Act, deposit and withdraw funds and to transact on this account. He did open it. On 24 January 2012 and 14 September 2012, R280 676.84 and R300 000.00 were deposited into the Bloem Estate account. Between 30 January 2012 and 15 December 2012, the accused withdrew R580 676 84 held or received by him on account of the Bloem Estate and/or the complainants.

In the second count of fraud, the accused used exactly the same modus operandi defrauding the Bester Estate. On this occasion, Leighwyn Mervin Bester passed away and his father Mervin Bester was the executor of his estate. The accused was appointed as an administer of the Bester Estate. Around 1 October 2013, R315 000 and R52 500 were deposited into the Bester Estate account as proceeds of an Old Mutual policy. Only R315 000 reflected on the liquidation and distribution account of the estate. The R52 500 did not reflect. He only distributed the amount of R150 000.00 (and not the total amount reflected in the liquidation and distribution account due for distribution of R237 789.00). He used the balance of R140 289 held or received by him on account of the Bester estate and/or the complainant.

Arguing in aggravation of sentence, Advocate Jannie Knipe, said: "The accused abused his position of trust with his clients in order to commit the above offences. As a result of the offences perpetrated by the accused, the complainants suffered actual financial losses in the total amount of R720 965 84." As a result of his shenanigans the accused, who holds an MBA and BProc Degrees, and a Diploma in Investment Management was struck off the roll of attorneys two years ago.

Kind Regards,

**Eric Ntabazalila**

**Regional Spokesperson: DPP Western Cape**

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