



FSG FORENSIC INVESTIGATORS & AUDITORS | TRACERS | RISK MANAGERS | GUARDS

Corporate branches in Durban, Cape Town & Johannesburg – Satellite branches elsewhere – Tracer Field Agents in all Magisterial Districts

FSG is the founder member of the CSS Network | FSG is a LEVEL 4 BEE contributor

Members: M Nxumalo (Chairperson); Director: Corporate Business | W Jardine (CEO); Director: National Operations | S Deghaye (Company Secretary); Director: Admin & Finance

SERVICE PROFILE - THIRD PARTY TRACING

1. FSG has developed a Third Party Tracing service product for short-term insurers, especially the insurers of vehicle-related risks, to service the requirements of insurers in the event of the following:
 - a. Mr A owns a vehicle and buys insurance for his vehicle in case it is damaged in an accident, (or is stolen). If Mr A is involved in a motor vehicle accident (“MVA”) with another vehicle, Mr A’s insurance company (“insurer”) refers to the other vehicle involved in the MVA as the “Third Party” vehicle, and the driver of the other vehicle in the MVA as the “Third Party vehicle driver”. Mr A’s insurer will always adopt the attitude that TP vehicle/driver (“TP”) **was responsible for the MVA that caused the damage to Mr A’s vehicle**. While Mr A’s insurer will pay for the damages to Mr A’s vehicle, they will also demand from TP that TP pays them the cost of repairing Mr A’s vehicle.
 - b. Mr A’s insurer will write a **Letter of Demand** (“LOD”) to TP, demanding from TP payment of the cost to repair Mr A’s vehicle. If TP does not respond to the LOD, the insurer will then instruct a service provider like FSG to trace TP. Mr A’s insurer then becomes FSG’s client (“client”).
 - c. Sometimes, the only information client has for TP is the registration number of the TP vehicle. This is another instance in which client will instruct FSG to trace TP, and in this instance FSG will first trace the registered owner of the TP vehicle (as per the records of eNATIS), and then establish from the registered owner of the TP vehicle the details of the person who was driving the TP vehicle at the time of the MVA. (Client may also refer to the MVA as “the loss incident”).
2. The instruction to FSG from client may be several things:
 - a. To trace the TP and establish if the TP was also insured. If TP was insured, then all FSG must do is obtain from TP the name of TP’s insurer and TP’s vehicle insurance policy number. If TP also made a claim against his insurer for damages to his vehicle as a result of the MVA, then FSG must also obtain from TP (if TP is willing to reveal this information, or by contacting TP’s insurer, quoting the policy number of TP’s insurance policy), the “claim number” given to TP when TP made a claim against his insurer for damages to the TP vehicle. If, after tracing TP, TP informs FSG that he was not insured for the loss incident, client requires that FSG establishes “the attitude of the TP” towards the claim of client. In other words, FSG must ask TP if he was **totally responsible** for the MVA, or if he was **totally not responsible** for the MVA, or if he was **only partly responsible** for the MVA. If TP believes he was only partly responsible, FSG must ask TP to what extent he accepts responsibility for the MVA (ie. the **percentage of client’s claim that TP is prepared to pay**). Once FSG has traced TP and has either confirmed that TP was insured against the loss incident (and obtained the details of TP’s insurer), or if TP was not insured and FSG has traced TP and has established TP’s attitude is towards client’s claim, FSG will produce a TP Trace Report to client and **raise a TP trace fee to client**.
 - b. If TP attitude to client’s claim is that believes he was only partly responsible – or entirely not responsible for the MVA, client may then instruct FSG to a **Basic Financial Assessment Investigation** (“BFAI”) of TP so that client can make an assessment whether it is worth suing TP to recover the cost of repairing Mr A’s vehicle or make a determination of what monthly installment to demand from TP to settle client’s claim in monthly installments. The scope of work of a BFAI is as follows:
 - i. Perform a multiple credit bureau search for TP if TP is a natural person, or if TP is an entity, perform a company credit bureau search to establish TP’s **credit history** and **credit-worthiness**.
 - ii. Regardless of whether TP is a natural or an entity (a company or a Trust), perform a search of all 10 Deed’s Offices to establish whether TP owns fixed property (and also to note if TP is married ANC). Calculate the equity in fixed property identified by comparing the value of bonds registered over such fixed properties with the current market value of fixed properties (using the “Lightstone” tool used by estate agency industry to establish the market value of fixed property).
 - iii. If TP is a natural person, perform a CIPC search to identify all companies of which TP is a member/director. If TP is an entity that is a company, perform a CIPC search to obtain the statutory details for the company and to identify its members/ directors. If TP is a Trust, telephonically communicate with all 10 offices of the Master of the High Court to establish with which Office the Trust is registered (and obtain the Master’s Trust registration number), to obtain the statutory details for the Trust and the contact details for the Trustees of the Trust.
 - iv. Regardless of whether TP is a natural person or an entity, perform an eNATIS search to establish the number of vehicular assets of which TP is the registered owner.
 - v. If TP is a natural person, establish whether TP is employed, and if employed, the nature of his employment and his income (even if only an approximation). If TP is an entity, make enquiries of

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Fohla Security CC (2003/050972/23) t/a FSG Forensic Investigators & Auditors | Tracers | Risk Managers | Guards

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- creditors indicated by the company credit bureau search to obtain an indication of the type and extent of the trading activities of TP.
- vi. If TP is a natural person, establish whether TP is married in or out of Community of Property (COP). Deeds Registry searches will usually indicate this because, if TP is married OUT of COP (ie. by anti-nuptial agreement {"ANC"}), **the ANC must be registered** on one of the ten Deeds' Registries.
 - c. If TP accepts partial responsibility for the MVA, and client accepts the degree of liability for which TP will accept responsibility, or if TP accepts full responsibility for the MVA, client **may instruct FSG** to meet with TP to serve on TP a LOD and a Notice in terms of Section 129 of the National Credit Act, and to get TP to sign an Acknowledgement of Debt ("AOD") in terms of Sections 57/58 and 65(J) of the Magistrate's Court Act, in which TP agrees to pay for the damages to Mr A's car in monthly installments. To assess the installment that TP will pay client, FSG will perform a **Means Affordability Test** ("MAT"). If TP is married COP, the income and expenditure and assets and liabilities of the COP spouse will be **included** in the MAT. FSG uniquely labels **this** service described in **this** paragraph as its **Consent Signing Service** ("CSS Services"), for which FSG has a separate, detailed SERVICE PROFILE (that must be read in conjunction with this Third Party Tracing SERVICE PROFILE). The CSS Services SERVICE PROFILE also provides a detailed explanation of FSG's MAT.
 - d. Client may also instruct FSG to:
 - i. Obtain copies of SAPS Accident Reports or the contents of Investigation Dockets related to the MVA.
 - ii. Inspect the scene of the MVA in an effort to reconstruct what happened and who was responsible to the MVA.
 - iii. Interview and take statements from witnesses to the MVA or to attempt to identify new witnesses to the MVA, interview them and take statements from them, in an effort to reconstruct what happened and who was responsible to the MVA.
3. When client instructs FSG, client must instruct FSG to perform:
- a. 2.a and/or
 - b. 2.b and/or
 - c. 2.c and
 - d. Any of the components of 2.d.i to 2.d.iii.
4. If FSG successfully traces TP and establishes TP's insurance particulars or TP's attitude to client's claim (ie. successfully attends to 2.a), FSG's TP Trace Fee is (currently) R 275.00 plus VAT. If it is also necessary to conduct an eNATIS search to identify and locate TP, an additional fee of R 185.00 plus VAT shall be applicable.
5. If client instructs FSG to attend to the work described in paragraph 2.b, our fee for the various components of the scope of work is as follows:
- a. 2.b.i – R 275.00 plus VAT if TP is a natural person or R 375.00 plus VAT if TP is an entity.
 - b. 2.b.ii – R 37.50 plus VAT per Deed's Registry searched plus R 37.50 plus VAT per fixed property identified, plus R 85.00 plus VAT per Lightstone property valuation.
 - c. 2.b.iii – R 129.00 plus VAT to perform a name/identity number search against the CIPC database to establish whether TP is a member/director of any entities and get a list of the entities of which TP is a member/director, plus R 129.00 plus VAT per company identified to obtain the statutory details for each company identified.
 - d. 2.b.iv – R 185.00 plus VAT to perform a name/identity number search on the eNATIS database plus R 185.00 plus VAT to obtain the details of each vehicular asset identified.
 - e. 2.b.v – an apportionment of our base investigation tariff of R 600.00/hour plus VAT; client is required to budget for five minutes of our time; FSG's anticipated fee is R 50.00 plus VAT.
 - f. 2.b.vi - an apportionment of our base investigation tariff of R 600.00/hour plus VAT; client is required to budget for five minutes of our time; FSG's anticipated fee is R 50.00 plus VAT.
 - g. 2.c – R 285.00 plus VAT.
 - h. 2.d.i - an apportionment of our base investigation tariff of R 600.00/hour plus VAT; client is required to budget for 1 hour; FSG anticipates a fee of R 600.00 plus VAT.
 - i. 2.d.ii - an apportionment of our base investigation tariff of R 600.00/hour plus VAT; client is required to budget 1.5 hours of our time; FSG anticipates a fee of R 900.00 plus VAT.
 - j. 2.d.iii - an apportionment of our base investigation tariff of R 600.00/hour plus VAT; client is required to budget 1.5 hours of our time; FSG anticipates a fee of R 900.00 plus VAT.
6. **Client is to kindly note:**
- a. If FSG cannot trace TP (ie. the service detailed in paragraph 2.a above), FSG will produce a "no trace" report, close its file, and **not** raise any fee to client unless FSG had to perform an eNATIS search to identify TP, in which case only the eNATIS search fee will apply.

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- b. If FSG attempts to perform a CSS Service and the TP refuses to sign an AOD, **no fee** is raised to client for the CSS Service.
 - c. If TP is a natural person who is married IN COMMUNITY OF PROPERTY, the BFAI will also be performed for the COMMUNAL PROPERTY SPOUSE unless specifically instructed **to the contrary** by client.
 - d. When FSG requests that client budgets an apportionment of our time against our base investigation tariff, we undertake to not do any work in excess of what that budget permits without first reverting to client for a further mandate in the event that the requested budget proves to be insufficient to complete the work indicated.
 - e. When identifying the **liable TP**, FSG will take into consideration **whether** the driver of the TP vehicle, **if he is not the registered owner of the TP vehicle**:
 - i. Was driving in the course and scope of employment, and whether the TP vehicle was insured against the loss incident by the employer of the driver of the TP vehicle.
 - ii. Was driving at the insistence of the registered owner, and if so, whether the registered owner was insured against the loss incident.
 - f. If TP is a liquidated or deceased natural person or a liquidated entity, FSG will always **automatically** identify the Trustee/Executor (in the case of a natural person) or the Liquidator (in the case of a company) and this shall count as a successful Third Party Trace.
 - g. If TP is a deregistered close corporation, FSG will automatically trace the members of the deregistered close corporation and this shall count as a successful Third Party Trace.
7. As for Standard Debtor Tracing services, FSG maintains abundant Third Party Tracing services capacity nationally to attend to as many such instructions as clients care to send to FSG.

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