

# MEMORANDUM

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**TO:** Legal Counsel **FROM:** Daniel James Faucitt **DATE:** 2026-02-04 **SUBJECT:** Urgent Instructions: Setting Down of Matter to Set Aside Ex Parte Interdict (Case No: 2025-137857) Based on Proof of Perjury and Fraud on the Court

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## 1. Executive Summary

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This memorandum provides direct instructions to set the above matter down for an urgent hearing to challenge and set aside the *ex parte* interdict granted on 19 August 2025. The interdict was obtained *void ab initio* through material falsehoods, perjury, and a fundamental misrepresentation of the banking mandates governing the company accounts.

The Applicant (Peter Andrew Faucitt) fabricated an emergency to secure the order, which was then used as an instrument to facilitate the extraction of over **R10.6 million** from the company accounts within eight days. The evidence is conclusive and proves a criminal conspiracy involving fraud, perjury, and abuse of the court process.

## 2. The Core Argument: The Fatal Flaw in the Applicant's Case

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The entire premise of the urgent application rests on the Applicant's sworn statement that I, Daniel Faucitt, made "unauthorized" transactions. This claim is legally baseless and demonstrably false, as confirmed by FNB's own legal department.

### The Banking Mandate: "Administrator with Sole General Powers"

The FNB FICA/KYC documents for Strategic Logistics CC and Regima Worldwide Distribution (Pty) Ltd, dated 1 June 2021, appoint all directors (Peter, Jacqueline, and Daniel Faucitt) as "**Administrator with Sole General Powers.**"

This specific banking term means:

- **Sole:** Each administrator can act **alone, unilaterally, and independently.**
- **General:** Their powers are not restricted by transaction type or amount.

When an administrator with SOLE authority acts, their action **is** the authorization. The concept of an "unauthorized" transaction by a sole administrator is a legal and factual impossibility.

## FNB Legal Department Confirmation (18 June 2025)

After the Applicant attempted to block the re-issuance of my company cards, FNB’s legal department confirmed in writing:

*“The current mandate states that **any of the directors of the company may act independently of each other.** ... FNB cannot be held liable for acting in accordance with a validly signed mandate.”*

This confirms that my authority was absolute and independent. The Applicant was made aware of this legal reality by the bank two months before approaching the court.

### The Applicant’s Perjury vs. The Legal Reality

The Applicant’s Sworn Statement	The Legal Reality (Banking Mandate)
“...which I <b>did not</b> authorise...”	<b>Irrelevant.</b> The Applicant’s authorization was never required under a SOLE authority mandate. To state otherwise is a material misrepresentation.
“...and which <b>he was not</b> entitled to accept.”	<b>False.</b> As an Administrator with Sole General Powers, I was contractually and legally entitled to make any transfer. This is perjury.

**Conclusion:** The Applicant asked the court to interdict me for exercising powers I was legally entitled to exercise. The court was fundamentally misled.

## 3. Proof of Perjury: The R500,000 “Birthday Gift” Fabrication

The Applicant manufactured the “emergency” by fabricating a narrative around a R500,000 transfer on 16 July 2025.

### The Financial Sabotage Timeline

- 6 June 2025:** I expose extensive fraud to the company accountant, Danie Bantjies.
- 7 June 2025:** In retaliation, my company cards are secretly cancelled at the Applicant’s instruction.
- 7 June - 16 July 2025:** I am forced to pay for all business expenses (Shopify, Microsoft, etc.) from my personal savings, totaling **R520,000.00**.
- 16 July 2025:** My personal bank account balance hits **R864.45**. I am personally insolvent from funding the company.
- 16 July 2025:** Out of necessity, I use my SOLE authority to transfer R500,000 from the company to myself as a partial reimbursement.

## Deconstruction of the Applicant's Perjury

The Applicant's Sworn Statement	The Truth & The Crime
"She [Jacqueline] transferred it..."	<b>False.</b> I initiated the transfer. This was fabricated to create a narrative of collusion.
"...as a 'birthday gift'"	<b>False.</b> It was a reimbursement for R520,000+ in business expenses. Characterizing it as a "gift" is a deliberate misrepresentation to imply personal enrichment.

**Net Position:** Even after the R500,000 transfer, I was still **R20,000 out of pocket**. The Applicant framed a necessary reimbursement, caused by his own sabotage, as theft.

## 4. Instructions for Legal Counsel

You are instructed to take the following immediate steps:

- 1. Set the Matter Down:** Prepare and file the necessary documents to have the matter set down for an urgent hearing to reconsider and set aside the *ex parte* order of 19 August 2025.
- 2. Submit Affidavit with Conclusive Proof:** Draft a supplementary affidavit that clearly and simply presents the following conclusive evidence:
  - The FNB banking mandates for all relevant entities, highlighting the "SOLE General Powers" clause.
  - The FNB Legal Department's email of 18 June 2025, confirming my independent authority.
  - My personal bank statements from June-July 2025, proving the financial sabotage and the true nature of the R500,000 transfer as a reimbursement.
  - The Applicant's founding affidavit, with the perjured statements highlighted.
- 3. Argue *Void Ab Initio*:** Argue that the order is void from the beginning because it was obtained through a deliberate fraud on the court and material non-disclosure. The Applicant failed to disclose the SOLE authority mandate and the fact that he had been informed of it by FNB's legal team.
- 4. Request Relief:**
  - The immediate setting aside of the interdict.
  - A declaration that the order was obtained through perjury and abuse of process.
  - A punitive costs order, *de bonis propriis*, against the Applicant and his legal representatives for their role in misleading the court and facilitating this fraud.

## 5. Critical Evidence for Submission

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The following documents, located in the `ad-res-j7` repository, MUST be attached to the affidavit:

1. `evidence/bank_records/SLG_FNB_FICA_MANDATE_2021.pdf`
2. `evidence/emails/FNB_LEGAL_RESPONSE_18_JUNE_2025.jpg`
3. `evidence/interdicts/1.MAT4719-NOMandFoundingAffidavitandAnnexures.pdf`  
(Specifically paragraph 7.18)
4. `evidence/bank_records/daniel_personal/DANIEL_PERSONAL_BANK_5_MONTH_ANALYSIS.md`
5. `evidence/bank_records/slg_july_2025_statement.pdf`

This evidence is not a matter of interpretation; it is a matter of fact that proves the Applicant lied under oath to obtain an order he then used to extract millions.

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**END OF INSTRUCTIONS**