
GOVERNMENT NOTICE

DEPARTMENT JUSTICE AND CONSTITUTIONAL DEVELOPMENT

No. R. 507

27 June 2014

RULES BOARD FOR COURTS OF LAW ACT, 1985 (ACT NO. 107 OF 1985)

AMENDMENT OF RULES REGULATING THE CONDUCT OF THE PROCEEDINGS OF THE MAGISTRATES' COURTS OF SOUTH AFRICA

The Rules Board for Courts of Law has, under section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), with the approval of the Minister of Justice and Constitutional Development, made the rules in the Schedule.

SCHEDULE

GENERAL EXPLANATORY NOTE:

[] Words or expressions in bold typed in square brackets indicate omissions from existing rules.

— Words or expressions underlined with a solid line indicate insertions in existing rules.

Definition

1. In these rules “the Rules” means the Rules Regulating the Conduct of the Proceedings of the Magistrates’ Courts of South Africa published under Government Notice No. R. 740 of 23 August 2010, as amended by Government Notice Nos. R. 1222 of 24 December 2010, R. 611 of 29 July 2011, R. 1085 of 30 December 2011, R. 685 of 31 August 2012, R. 115 of 15 February 2013, R. 263 of 12 April 2013, R. 760 of 11 October 2013, R. 183 of 18 March 2014 and R. 215 of 28 March 2014.

Amendment of rule 3 of the Rules

2. Rule 3 of the Rules is hereby amended by the deletion of sub-rule (9).

Amendment of rule 4 of the Rules

3. Rule 4 of the Rules is hereby amended by the substitution for sub-rule (4) of the following sub-rule:

“(4) Rules 12(5), (6), (6A) and (7) apply to a request for judgment in terms of sections 57 and 58 of the Act.”

Amendment of rule 5 of the Rules

4. Rule 5 of the Rules is hereby amended by the substitution for sub-rules (2), (3) and (5) of the following sub-rules:

“(2) (a) In every case where the claim is not for a debt or liquidated demand the summons shall be a combined summons similar to Form 2B of Annexure 1, to which summons shall be annexed a statement of the material facts relied upon by the plaintiff in support of plaintiff’s claim, and which statement shall, amongst others, comply with rule 6, but in divorce matters a combined summons substantially compliant with Form 2C shall be used.

(3) (a) (i) Every summons shall be signed by an attorney acting for the plaintiff and shall bear the attorney’s physical address at which plaintiff will accept service of all subsequent documents and notices in the suit. In places where there are three or more attorneys or firms of attorneys practising independently of one another, the physical address shall be within 15 kilometres of the courthouse. The summons shall also bear the attorney’s postal address, and, where available, the attorney’s facsimile and electronic mail address. The State Attorney may appoint the office of the registrar or clerk of the civil court as its address for service.

(ii) If no attorney is acting for the plaintiff, the summons shall be signed by the plaintiff. The summons shall bear the plaintiff’s physical address at which the plaintiff will accept service of all subsequent documents and notices in the suit. In places where there are three or more attorneys or firms of attorneys practicing independently of one another, the physical address shall be within 15 kilometres of the courthouse. The summons shall also bear the plaintiff’s postal address, and, where available, the plaintiff’s facsimile and electronic mail address.

(5)(a) Every summons shall include a form for notice of intention to defend.

(b) Every summons, except a divorce summons, shall include:

- (i) a form for consent to judgment;
- (ii) a notice drawing the defendant’s attention to the provision of section 109 of the Act; and
- (iii) a notice in which the defendant’s attention is directed to the provisions of sections 57, 58, 65A and 65D of the Act in cases where the action is based on a debt referred to in section 55 of the Act.”

Amendment of rule 6 of the Rules

5. Rule 6 of the Rules is hereby amended by the substitution for sub-rule (11) of the following sub-rule:

“(11) If a claim is founded on any cause of action arising out of or regulated by legislation, the plaintiff shall state the nature and extent of plaintiff’s compliance with the relevant provisions of the legislation.”

Amendment of rule 9 of the Rules

6. Rule 9 of the Rules is hereby amended by the substitution for the second proviso of sub-rule (3) of the following proviso:

“Provided further that service of any process through which a divorce action or action for nullity of marriage is instituted shall only be effected by the sheriff on the defendant personally.”

Amendment of rule 12 of the Rules

7. Rule 12 of the Rules is hereby amended by the substitution for the proviso in paragraph (e) of sub-rule (1) of the following proviso:

“Provided that in divorce actions or actions for nullity of marriage rule 22(5) shall apply.”

Amendment of rule 13 of the Rules

8. Rule 13 of the Rules is hereby amended by the substitution for sub-rules (3) and (6) of the following sub-rules:

“(3) (a) When a defendant delivers notice of intention to defend-

- (i) the defendant shall therein give his or her full physical, residential or business address, postal address and where available, facsimile address and electronic mail address;
- (ii) the defendant shall also indicate and select therein the preferred address for service on the defendant thereof of all documents in such action, and service thereof at the address so given shall be valid and effectual, except where by an order or practice of the court personal service is required; and
- (iii) if a physical address is given by the defendant in the notice of intention to defend as the preferred address for the purpose of such service, in places where there are three or more attorneys or firms of attorneys practicing independently of one another, that address shall be situated within 15 kilometres of the courthouse.

(6) After receipt of a notice of intention to defend, the plaintiff shall lodge forthwith with the registrar or clerk of the court the original summons and the return of service.”

Amendment of rule 14 of the Rules

9. Rule 14 of the Rules is hereby amended by the substitution for sub-rule (2) of the following sub-rule:

“(2) (a) The plaintiff shall within 15 days after the date of delivery of notice of intention to defend, deliver notice of application for summary judgment, together

with an affidavit made by plaintiff or by any other person who can swear positively to the facts verifying the cause of action and the amount, if any, claimed and stating that in his or her opinion there is no *bona fide* defence to the action and that notice of intention to defend has been delivered solely for the purposes of delay.

(b) If the claim is founded on a liquid document a copy of the document shall be annexed to such affidavit.

(c) The notice of application for summary judgment shall state that the application will be set down for hearing on a stated day not being less than 10 days from the date of the delivery thereof.

Amendment of rule 18 of the Rules

10. Rule 18 of the Rules is hereby amended by the substitution for paragraph (b) of sub-rule (2) of the following paragraph:

“(2)(b) In the event of a tender contemplated in paragraph (a) the defendant shall, unless the act must be performed by him or her personally, execute an irrevocable power of attorney authorising the performance of such act which he or she shall deliver to the registrar or clerk of the court together with the tender.”

Insertion of rule 21B in the Rules

11. The following rule is hereby inserted in the Rules after rule 21A:

“Failure to deliver pleadings - barring

21B. Any party failing to deliver the pleading referred to in a notice within the time therein required or within such further period as may be agreed between the parties, shall be in default of filing such pleading, and *ipso facto* barred: For the purposes of this rule the days between 16 December and 15 January, both inclusive, shall not be counted in the time allowed for the delivery of any pleading.”

Amendment of rule 22 of the Rules

12. Rule 22 of the Rules is hereby amended by the substitution for sub-rule (5) of the following sub-rule:

“(5) In divorce actions or actions for nullity of marriage, notwithstanding anything in this rule contained, the registrar of the court shall at the written request of the plaintiff set the action down for hearing at the time and place and on a date to be fixed by the registrar of the court, if the defendant has-

(a) failed to deliver notice of intention to defend; or

(b) failed to deliver a plea after receiving a notice in terms of rule 12(1)(b) ; or

(c) given written notice to the plaintiff and the registrar or clerk of the court that he or she does not intend defending the action, but no notice of such request or set down need be served on the defendant.”

Amendment of rule 23 of the Rules

13. Rule 23 of the Rules is hereby amended by the substitution for sub-rule (3) of the following sub-rule:

“(3) If any party believes that there are, in addition to documents or tape, electronic, digital or other forms of recordings disclosed in terms of this rule, other documents, including copies thereof, or tape, electronic, digital or other forms of recordings which may be relevant to any matter in question in the possession of any party thereto, the former may give notice to the latter requiring him or her to make the same available for inspection in accordance with subrule (6), or to state **[an]** on oath within 10 days that such documents are not in his or her possession, in which event he or she shall state their whereabouts, if known to him or her.”

Amendment of rule 25 of the Rules

14. Rule 25 of the Rules is hereby amended by the substitution for sub-rule (3) of the following sub-rule:

“(3) The process for requiring the attendance of parties or their legal representatives at a pre-trial conference shall be by letter signed by the registrar or clerk of the court, together with a copy of the request, if any, referred to in subrule (1), which letter shall be delivered **[by hand or registered post]** in accordance with the provisions of subrule 9(9)(a) at least 10 days prior to the date fixed for the said conference.”

Amendment of rule 28 of the Rules

15. Rule 28 of the Rules is hereby amended by the substitution for sub-rule (4) of the following sub-rule:

“(4) Where there has been a joinder of causes of action or of parties, the court may on the application of **[any party]** a defendant at any time order that separate trials be held either in respect of some or all of the causes of action or some or all of the parties; and the court may on such application make such order as it deems **[fit]** just and expedient.”

Amendment of rule 28A of the Rules

16. Rule 28A of the Rules is hereby amended by the deletion of sub-rule (10).

Amendment of rule 48 of the Rules

17. Rule 48 of the Rules is hereby amended by the substitution for sub-rule (3) of the following sub-rule:

“(3) In a matter referred to in subrule (2) the administrator shall obtain from the **[registrar or]** clerk of the court a suitable day and time for the hearing of the objections by the court and thereupon, in writing, notify the creditor referred to in subrule (2), the debtor and any other involved creditors, of the said day and time.”

Amendment of rule 55 of the Rules

18. Rule 55 of the Rules is hereby amended by the substitution for paragraph (h) of sub-rule (1) of the following paragraph:

“(1)(h)(i) After receipt of a notice of intention to oppose, the applicant shall lodge forthwith with the registrar or clerk of the court the original notice of motion plus annexures thereto and, where applicable, the return of service.

(ii) Within 10 days of the service upon him or her of the affidavit and documents referred to in paragraph (g)(ii), the applicant may deliver a replying affidavit.”

Amendment of rule 55A of the Rules

19. Rule 55A of the Rules is hereby amended by the substitution for sub-rules (1) and (7) of the following sub-rules:

“(1) (a) Any party desiring to amend a pleading or document other than an affidavit, filed in connection with any proceedings, shall notify all other parties of his or her intention to amend and shall furnish the particulars of the amendment.

(b) Unless the court otherwise directs, in actions for divorce or nullity of marriage, where summons had been served personally on the defendant, who remains unrepresented, the notice of amendment in terms of sub-paragraph (a) shall be effected by way of personal service on such defendant by the sheriff.

(7)(a) Unless the court otherwise directs, a party who is entitled to amend shall effect the amendment by delivering each relevant page in its amended form.

(b) Unless the court otherwise directs, in actions for divorce or nullity of marriage, where summons had been served personally on the defendant, who remains unrepresented, the relevant page or pages in an amended form shall be served personally on such defendant by the sheriff.”

Amendment of rule 56 of the Rules

20. Rule 56 of the Rules is hereby amended by the substitution for sub-rule (5) of the following sub-rule:

“(5) The security contemplated in subrule [(6)] (4) may be given to abide the result of the action instituted or to be instituted; and may be assigned by the respondent to part only of the order and shall in that event operate to discharge the order as to that part only.”

Amendment of rule 58 of the Rules

21. Rule 58 of the Rules is hereby amended by the substitution for sub-rule (1) of the following sub-rule:

“(1) This rule shall apply whenever a spouse seeks relief from the court in respect of one or more of the following matters:

- (a) Maintenance *pendente lite*;
- (b) a contribution towards the costs of a pending matrimonial action;
- (c) interim [custody] care of any child; or

(d) interim **[access]** contact **[to]** with any child.”

Amendment of rule 60 of the Rules

22. Rule 60 of the Rules is hereby amended by the substitution for sub-rule (5) of the following sub-rule:

“(5) (a) Any time limit prescribed by these rules, except the period prescribed in rule 51(3) and (6), may at any time, whether before or after the expiry of the period limited, be extended-

- (i) by the written consent of the opposite party; and
- (ii) if such consent is refused, then by the court on application and on such terms as to costs and otherwise as it may deem fit.

(b) A court granting an extension of the time limit contemplated in subparagraph (a)(ii) after expiry of the time prescribed or fixed may make such order as to it seems appropriate as to the recalling, varying or cancelling of the results of the expiry of any time so prescribed or fixed, whether such results flow from the terms of any order or from these rules.”

Amendment of Annexure 1 of the Rules

23. Annexure 1 of the Rules, containing forms, is hereby amended by the substitution thereof of the following Annexure:

“ANNEXURE 1**FORMS****NUMERICAL LIST****Form No.**

1. Notice of Motion (Short Form).
- 1A. Notice of Motion (Long Form).
2. Simple Summons.
- 2A. Summons: Provisional Sentence.
- 2B. Combined Summons.
- 2C. Combined Summons: (Divorce Actions).
3. Summons **[commencing action]** (in which is included an automatic rent interdict).
4. Edictal citation/substituted service: short form of process.
5. Request for default judgment.
- 5A. Request for default judgment where the defendant has admitted liability and **[undertook]** undertaken to pay the debt in instalments or otherwise – Section 57 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944).
- 5B. Request for judgment where the defendant has consented to judgment – Section 58 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944).
6. Notice of withdrawal of action/application.
7. Notice of application for summary judgment.
8. Affidavit in support of application for summary judgment.
9. Affidavit under section 32 of the Act.
10. Security under section 32 of the Act.
11. Order under section 32 of the Act.
12. Consent to sale of goods attached under section 32 of the Act.
13. Discovery – form of affidavit.
14. Notice in terms of rule 23(5).
15. Discovery - notice to produce.
- 15A. Discovery – notice to inspect documents.
- 15B. Discovery – notice to produce documents in pleadings, etc.
16. Order for interdict obtained *ex parte*.
17. **[Order for arrest of person *suspectus de fuga*]**.
18. Order for attachment of property to found or confirm jurisdiction.
19. Direction to attend pre-trial conference.
20. Order - Pre-trial conference.

21. Application for trial with assessors.
22. Summons to assessor.
23. Commissions de *bene esse*.
24. Subpoena.
25. Warrant for payment of fine or arrest of witness in default.
26. Warrant for the arrest of a witness in default.
27. Security on [arrest,] attachment or interdict ex parte.
28. Security when execution is stayed pending appeal.
29. Security when execution is allowed pending appeal.
30. Warrant of ejectment.
31. Warrant for delivery of goods.
32. Warrant of execution against property.
33. Notice of attachment in execution.
34. Notice to preferent creditor [section 66(2) (a) of the Act].
35. Interpleader summons [section 69(1) of the Act].
36. Interpleader summons [section 69(2) of the Act].
37. Security under rule 38.
38. Emoluments attachment order.
39. Garnishee order.
40. Notice to appear in court in terms of section 65A(1) of the Act.
- 40A. Warrant of arrest in terms of section 65A(6) of the Act.
- 40B. Notice to appear in court in terms of section 65A(8) (b) of the Act.
41. Notice of set-down of postponed proceedings under section 65E(3) of the Act.
42. Notice in terms of rule 58(2)(a).
43. Notice to Third Party.
44. Application for an administration order under section 74(1) of the Act.
45. Statement of affairs of debtor in an application for an administration order in terms of section 65I(2) or 74A of the Act.
46. Certificate of service of foreign process.
47. Notice to debtor that an additional creditor has lodged a claim against him or her for a debt owing before the making of the administration order.
48. Notice to debtor that a creditor has lodged a claim for a debt owing after granting of the administration order.
49. Notice to add an additional creditor to the list of creditors of a person under administration.
50. Notice to creditor that his or her name has been added to the list of creditors of a

person under administration.

51. Administration order.
52. Distribution account in terms of section 74J(5) of the Act.
- 52A. Rescission of an administration order.
53. Notice of abandonment of specified claim, exception or defence.
54. Agreement not to appeal.
55. Request to inspect record.
56. Criminal record book.
57. Notice in terms of section 309B(2)(d) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

No. 1 – Notice of Motion (Short Form)*** For use in the District Court**

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF
HELD AT

CASE NO:

In the matter of:

.....

Applicant

TAKE NOTICE that application will be made on behalf of the above-named applicant on the day of at 9:00 or as soon thereafter as **[Counsel]** the parties may be heard for an order in the following terms:

- (a)
- (b)
- (c)

and that the affidavit of annexed hereto will be used in support thereof.

Kindly place the matter on the roll for hearing accordingly.

DATED at

.....

Applicant/Applicant's Attorney

(Physical address)

.....

To the Clerk of the above-named Court.

No. 1 – Notice of Motion (Short Form)*** For use in the Regional Court**

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF
HELD AT

CASE NO:

In the matter of:

.....

Applicant

TAKE NOTICE that application will be made on behalf of the above-named applicant on the day of at 9:00 or as soon thereafter as parties may be heard for an order in the following terms:

- (a)
- (b)
- (c)

and that the affidavit of annexed hereto will be used in support thereof.

Kindly place the matter on the roll for hearing accordingly.

DATED at

.....

Applicant/Applicant's Attorney

(Physical address)

.....

To the Registrar of the above-named Court.

No. 1A – Notice of Motion (Long Form)

*** For use in the District Court**

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF
HELD AT

CASE NO:

In the matter between:

Applicant

and

Respondent

TAKE NOTICE that (hereinafter called the applicant) intends to make application to this Court for an order (a) (b) (c) (here set forth the form of order prayed) and that the accompanying affidavit of will be used in support thereof.

TAKE NOTICE FURTHER that the applicant has appointed (here set forth an address referred to in rule 55(1)(e)) at which applicant will accept notice and service of all process in these proceedings.

TAKE NOTICE FURTHER that if you intend opposing this application you are required (a) to notify applicant or applicant's attorney in writing on or before the

(b) and within 10 days after you have so given notice of your intention to oppose the application, to file your answering affidavits, if any; and further that you are required to appoint in such notification an address referred to in rule 55(1)(g) at which you will accept notice and service of all documents in these proceedings.

If no such notice of intention to oppose be given, the application will be made on theat(time)

DATED atthisday of20.....

.....

Applicant or applicant's Attorney

(Physical address)

To:

(1) C.D.

(Physical address),

RESPONDENT.

(2) The Clerk of the above Court,

No. 1A – Notice of Motion (Long Form)

*** For use in the Regional Court**

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF

HELD AT

CASE NO:

In the matter between:

Applicant

and

Respondent

TAKE NOTICE that (hereinafter called the applicant) intends to make application to this Court for an order (a) (b) (c) (here set forth the form of order prayed) and that the accompanying affidavit of will be used in support thereof.

TAKE NOTICE FURTHER that the applicant has appointed (here set forth an address referred to in rule 55(1)(e)) at which applicant will accept notice and service of all process in these proceedings.

TAKE NOTICE FURTHER that if you intend opposing this application you are required (a) to notify applicant or applicant's attorney in writing on or before the (b) and within 10 days after you have so given notice of your intention to oppose the application, to file your answering affidavits, if any; and further that you are required to appoint in such notification an address referred to in rule 55(1)(g) at which you will accept notice and service of all documents in these proceedings.

If no such notice of intention to oppose be given, the application will be made on the at (time)

DATED at this day of 20.....

.....
Applicant or applicant's Attorney

(Physical address)

To:

_____ (1) C.D.

_____ (Physical address),

_____ RESPONDENT.

_____ (2) The Registrar of the above Court,

No. 2 – Simple Summons

(Claim in respect of debt or liquidated demand)

*** For use in the District Court**

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF

Held at

Case No.....

In the matter between:

.....

Plaintiff

and

.....

Defendant

To the sheriff or his/her deputy:

INFORM A.B., of **[(state sex and occupation)]**
 (state residence or place of business and if known, gender, occupation and place of
 employment)(hereinafter called the defendant), that C.D., **[of.....(state
 sex and occupation)]** (state gender and occupation), of (state
 residence or place of business) (hereinafter called the plaintiff), hereby
 institutes action against him or her in which action the plaintiff claims:

(Here set out in concise terms plaintiff's cause of action)

INFORM the defendant further that if defendant disputes the claim and wishes to
 defend the action he or she shall withindays of the service upon him or her of
 this summons file with the clerk of this court at(here set out the
 physical address of the clerk of the court's office) notice of his or her intention to defend
 and serve a copy thereof on the plaintiff or plaintiff's attorney, which notice shall give an
 address referred to in rule 13(3) for the service upon the defendant of all notices and
 documents in the action.

INFORM the defendant further that if he or she fails to file and serve notice as
 aforesaid, judgment as claimed may be given against him or her without further notice to
 him or her.

And immediately thereafter serve on the defendant a copy of this summons and
 return the same to the clerk of the court with whatsoever you have done thereupon.

DATED atthisday of20....

.....

Clerk of the Court

.....

Plaintiff/Plaintiff's Attorney

(15 km Physical Address)

.....

Postal Address

.....
Facsimile number

.....
Electronic Mail Address

.....
*The plaintiff is prepared to accept all subsequent documents and notices at the facsimile/electronic mail address stated herein.

Defendant must take notice that-

(a) in default of defendant paying the amount of the claim and costs within the said period, or of defendant delivering a notice of intention to defend, he or she will be held to have admitted the said claim and the plaintiff may proceed therein and judgment may be given against defendant in his or her absence;

(b) if defendant pays the said claim and costs within the said period judgment will not be given against defendant herein and he or she will save judgment charges. Defendant will also save judgment charges if, within the said period, he or she lodges with the clerk of the aforesaid Court a consent to judgment;

(c) if defendant admits the claim and wishes to consent to judgment or **[wish]** wishes to undertake to pay the claim in instalments or otherwise, defendant may approach the plaintiff or plaintiff's attorney.

Notice:

(i) Any person against whom a court has, in a civil case, given judgment or made any order who has not, within 10 days, satisfied in full such judgment or order may be called upon by notice in terms of section 65A(1) of the Act to appear on a specified date before the court in chambers to enable the court to **[inquire]** enquire into the financial position of the judgment debtor and to make such order as the court may deem just and equitable.

(ii) If the court is satisfied that-

(aa) the judgment debtor or, if the judgment debtor is a juristic person, a director or officer of the juristic person has knowledge of the abovementioned notice and that he or she has failed to appear before the court on the date and at the time specified in the notice; or

(bb) the judgment debtor, director or officer, where the proceedings were postponed in his or her presence to a date and time determined by the court, has failed to appear before the court on that date and at that time; or

(cc) the judgment debtor, director or officer has failed to remain in attendance at the proceedings or at the proceedings so postponed,

the court may, at the request of the judgment creditor or his or her attorney, authorise the issue of a warrant directing a sheriff to arrest the said judgment debtor, director or officer and to bring him or her before a competent court to enable that court to conduct a financial inquiry. [Section 65A(6) of the Act]

(iii) Any person who-

(aa) is called upon to appear before a court under a notice in terms of section 65A(1) or 65A(8)(b) of the Act (where the sheriff, in lieu of arresting a person, hands to that person a notice to appear in court) and who wilfully fails to appear before the court on the date and at the time specified in the notice; or

(bb) where the proceedings were postponed in his or her presence to a date and time determined by the court, wilfully fails to appear before the court on that date and at that time; or

(cc) wilfully fails to remain in attendance at the relevant proceedings or at the proceedings so postponed,

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three months. [Section 65A(9) of the Act]

(iv) On appearing before the court on the date determined in the notice in terms of section 65A(1) or (8)(b) of the Act in pursuance of the arrest of the judgment debtor, director or officer under a warrant referred to in section 65A(6) of the Act or on any date to which the proceedings have been postponed, such judgment debtor, director or officer shall be called upon to give evidence on his or her financial position or that of the juristic person and his or her or its ability to pay the judgment debt. [Section 65D of the Act]

(v) Any person against whom a court has, in a civil case, given any judgment or made any order who has not satisfied in full such judgment or order and paid all costs for which he or she is liable in connection therewith shall, if he or she has changed his or her place of residence, business or employment, within 14 days from the date of every such change notify the clerk of the court who gave such judgment or made such order and the judgment creditor or his or her attorney fully and correctly in writing of his or her new place of residence, business or employment, and by his or her failure to do so such judgment debtor shall be guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding three months. [Section 109 of the Act)]

[(2)] (1) Consent to judgment.

I admit that I am liable to the plaintiff as claimed in this summons (or in the amount of R..... and costs to date) and I consent to judgment accordingly.

Dated at this day of,
20.....,

.....

Defendant

WITNESSES:

1. (full names)....., (signature).....
(address).....
2. (full names)....., (signature).....
(address).....

OR

*[(3)] (2) Notice of intention to defend.

To the Clerk of the Court.

Kindly take notice that the defendant hereby notifies his or her intention to defend this action.

Dated at this day of,
20.....,

.....
Defendant/Defendant's attorney

Address

.....
.....

Postal address

.....

Facsimile (fax) number (where available).....

Electronic mail (e-mail) address (where available).....

(Give full address for acceptance of service of process or documents within 15 kilometres from the issuing Court-house and also the postal address.)

* The original notice must be filed with the clerk of the court and a copy thereof served on the plaintiff or plaintiff's attorney.

Costs if the action is undefended will be as follows:

Summons.....R

Judgment.....R

Attorney's charges.....R

Sheriff's fees.....R

Sheriff's fees on re-issue.....R

Total:.....R

No. 2 – Simple Summons

(Claim in respect of debt or liquidated demand)

*** For use in the Regional Court**

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF

Held at

Case No.....

In the matter between:

.....

Plaintiff

and

.....
Defendant

To the sheriff or his/her deputy:

INFORM A.B., of (state residence or place of business and if known, gender, occupation and place of employment)(hereinafter called the defendant), that C.D., (state gender and occupation), of (state residence or place of business) (hereinafter called the plaintiff), hereby institutes action against him or her in which action the plaintiff claims:

(Here set out in concise terms plaintiff's cause of action)

INFORM the defendant further that if defendant disputes the claim and wishes to defend the action he or she shall withindays of the service upon him or her of this summons file with the registrar of this court at(here set out the physical address of the registrar's office) notice of his or her intention to defend and serve a copy thereof on the plaintiff or plaintiff's attorney, which notice shall give an address referred to in rule 13(3) for the service upon the defendant of all notices and documents in the action.

INFORM the defendant further that if he or she fails to file and serve notice as aforesaid, judgment as claimed may be given against him or her without further notice to him or her.

And immediately thereafter serve on the defendant a copy of this summons and return the same to the registrar of the court with whatsoever you have done thereupon.

DATED atthisday of20....

.....
Registrar

.....
Plaintiff/Plaintiff's Attorney

(15 km Physical Address)

.....
Postal Address

.....
Facsimile number

.....
Electronic Mail Address

.....
*The plaintiff is prepared to accept all subsequent documents and notices at the facsimile/electronic mail address stated herein.

.....
.....
Defendant must take notice that-

(a) in default of defendant paying the amount of the claim and costs within the said period or of defendant delivering a notice of intention to defend he or she will be held to have admitted the said claim and the plaintiff may proceed therein and judgment may be given against defendant in his or her absence;

(b) if defendant pays the said claim and costs within the said period judgment will not be given against defendant herein and he or she will save judgment charges. Defendant will also save judgment charges if, within the said period, he or she lodges with the registrar of the aforesaid Court a consent to judgment;

(c) if defendant admits the claim and wishes to consent to judgment or wishes to undertake to pay the claim in instalments or otherwise, defendant may approach the plaintiff or plaintiff's attorney.

Notice:

(i) Any person against whom a court has, in a civil case, given judgment or made any order who has not, within 10 days, satisfied in full such judgment or order may be called upon by notice in terms of section 65A(1) of the Act to appear on a specified date before the court in chambers to enable the court to enquire into the financial position of the judgment debtor and to make such order as the court may deem just and equitable.

(ii) If the court is satisfied that-

(aa) the judgment debtor or, if the judgment debtor is a juristic person, a director or officer of the juristic person has knowledge of the abovementioned notice and that he or she has failed to appear before the court on the date and at the time specified in the notice; or

(bb) the judgment debtor, director or officer, where the proceedings were postponed in his or her presence to a date and time determined by the court, has failed to appear before the court on that date and at that time; or

(cc) the judgment debtor, director or officer has failed to remain in attendance at the proceedings or at the proceedings so postponed,

the court may, at the request of the judgment creditor or his or her attorney, authorise the issue of a warrant directing a sheriff to arrest the said judgment debtor, director or officer and to bring him or her before a competent court to enable that court to conduct a financial inquiry. [Section 65A(6) of the Act]

(iii) Any person who-

(aa) is called upon to appear before a court under a notice in terms of section 65A(1) or 65A(8)(b) of the Act (where the sheriff, in lieu of arresting a person, hands to that person a notice to appear in court) and who wilfully fails to appear before the court on the date and at the time specified in the notice; or

(bb) where the proceedings were postponed in his or her presence to a date and time determined by the court, wilfully fails to appear before the court on that date and at that time; or

(cc) wilfully fails to remain in attendance at the relevant proceedings or at the proceedings so postponed, shall be guilty of an offence and liable

on conviction to a fine or to imprisonment for a period not exceeding three months.
[Section 65A(9) of the Act]

(iv) On appearing before the court on the date determined in the
notice in terms of section 65A(1) or (8)(b) of the Act in pursuance of the arrest of the
judgment debtor, director or officer under a warrant referred to in section 65A(6) of the
Act or on any date to which the proceedings have been postponed, such judgment
debtor, director or officer shall be called upon to give evidence on his or her financial
position or that of the juristic person and his or her or its ability to pay the judgment debt.
[Section 65D of the Act]

(v) Any person against whom a court has, in a civil case, given any
judgment or made any order who has not satisfied in full such judgment or order and
paid all costs for which he or she is liable in connection therewith shall, if he or she has
changed his or her place of residence, business or employment, within 14 days from the
date of every such change notify the registrar of the court who gave such judgment or
made such order and the judgment creditor or his or her attorney fully and correctly in
writing of his or her new place of residence, business or employment, and by his or her
failure to do so such judgment debtor shall be guilty of an offence and liable upon
conviction to a fine or imprisonment for a period not exceeding three months. [Section
109 of the Act]

(1) Consent to judgment.

I admit that I am liable to the plaintiff as claimed in this summons (or in the
amount of R..... and costs to date) and I consent to judgment accordingly.

Dated at this day of, 20.....,

Defendant

WITNESSES:

1. (full names)....., (signature).....
(address).....
2. (full names)....., (signature).....
(address).....

OR

*(2) Notice of intention to defend.

To the Registrar.

Kindly take notice that the defendant hereby notifies his or her intention to defend
this action.

Dated at this day of, 20.....,

Defendant/Defendant's attorney

Address

Postal address

Facsimile (fax) number (where available).....

Electronic mail (e-mail) address (where available).....

(Give full address for acceptance of service of process or documents within 15 kilometres from the issuing Court-house and also the postal address.)

* The original notice must be filed with the registrar of the court and a copy thereof served on the plaintiff or plaintiff's attorney.

Costs if the action is undefended will be as follows:

Summons.....R

Judgment.....R

Attorney's charges.....R

Sheriff's fees..... R

Sheriff's fees on re-issue.....R

Total:.....R

No. 2A - Summons: Provisional Sentence

* For use in the District Court

In the Magistrate's Court for the District of

held at

Case No.....

In the matter between

.....Plaintiff

and

.....Defendant

To the sheriff or his/her deputy:

INFORM A.B., of (state residence or place of business and if known, gender, occupation and place of employment)(hereinafter called the defendant), that C.D. (state gender and occupation), of (residence or place of business) (hereinafter called the plaintiff), hereby institutes action against him or her in which action:

(1) Defendant is hereby summoned to pay to the plaintiff herein immediately after service of this summons an amount of together with interest thereon at the rate of% per annum as from

Plaintiff's claim against defendant for payment of the above-mentioned amount is for:
(set out the cause of action)

.....

and a copy of which document is annexed hereto;

(2) By failing such payment, defendant is hereby called upon to appear before this court personally or by a practitioner at (place and court if necessary) on the day of 20..... at (time) in the forenoon (or as soon thereafter as the matter can be heard) to admit or deny defendant's liability for the said claim and to state why the mortgaged property should not be declared executable;

(3) If defendant denies liability for the claim, defendant shall not later than the day of 20....., file an affidavit with the clerk of this court, and serve a copy thereof on the plaintiff or plaintiff's attorney at the address indicated for service on the summons, which affidavit shall set forth the grounds of defendant's defence to the said claim, and in particular state whether defendant admits or denies defendant's or defendant's agent's signature which appears on the said and if it is defendant's agent's signature whether defendant admits or denies the signature or authority of defendant's agent.

Defendant is further informed that in the event of defendant not paying the amount and interest above-mentioned to the plaintiff immediately and if defendant further fails to file an affidavit as aforesaid, and to appear before this court at the time above stated, provisional sentence may be granted against defendant with costs, but that against payment of the said amount, interest and costs, defendant will be entitled to demand security for the restitution thereof if the said sentence should thereafter be reversed.

DATED atthisday of20....

.....
Clerk of the Court

.....
Plaintiff/Plaintiff's Attorney

(15 km Physical Address)

.....
Postal Address

.....
Facsimile number

.....
Electronic Mail Address

*The plaintiff is prepared to accept all subsequent documents and notices at the electronic mail address stated herein.

Costs, if the action is undefended, will be as follows:

Attorney's charges

(i) Issue of summons

(Item 2 of Part II of Table A) R

(ii) Attending court

(Item 7 of Part II of Table A) R

(iii) Judgment fees

(Item 3 of Part II of Table A) R

Court fees R

Sheriff's fees R

Sheriff's fees on re-issue of summons R

Total R

And take notice that-

(a) if defendant pays the said claim and costs immediately judgment will not be given against defendant herein and defendant will save judgment charges;

(b) if defendant admits the claim and wishes to consent to judgment, defendant may file with the clerk of the court an admission of liability signed by defendant and witnessed by defendant's attorney, or otherwise verified by affidavit, and if defendant wishes to undertake to pay the claim in instalments or otherwise, defendant may approach the plaintiff or plaintiff's attorney.

Notice:

(i) Any person against whom a court has, in a civil case, given judgment or made any order who has not, within 10 days, satisfied in full such judgment or order may be called upon by notice in terms of section 65A(1) of the Act to appear on a specified date before the court in chambers to enable the court to **[inquire]** ~~enquire~~ into the financial position of the judgment debtor and to make such order as the court may deem just and equitable.

(ii) If the court is satisfied that-

(aa) the judgment debtor or, if the judgment debtor is a juristic person, a director or officer of the juristic person has knowledge of the abovementioned notice and that he or she has failed to appear before the court on the date and at the time specified in the notice; or

(bb) the judgment debtor, director or officer, where the proceedings were postponed in his or her presence to a date and time determined by the court, has failed to appear before the court on that date and at that time; or

(cc) the judgment debtor, director or officer has failed to remain in attendance at the proceedings or at the proceedings so postponed,

the court may, at the request of the judgment creditor or his or her attorney, authorise the issue of a warrant directing a sheriff to arrest the said judgment debtor, director or officer and to bring him or her before a competent court to enable that court to conduct a financial inquiry. [Section 65A(6) of the Act]

(iii) Any person who-

(aa) is called upon to appear before a court under a notice in terms of section 65A(1) or (8)(b) of the Act (where the sheriff, in lieu of arresting a person, hands to that person a notice to appear in court) and who wilfully fails to appear before the court on the date and at the time specified in the notice; or

(bb) where the proceedings were postponed in his or her presence to a date and time determined by the court, wilfully fails to appear before the court on that date and at that time; or

(cc) wilfully fails to remain in attendance at the proceedings or at the proceedings so postponed,

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three months. [Section 65A(9) of the Act]

(iv) On appearing before the court on the date determined in the notice in terms of section 65A(1) or (8)(b) of the Act in pursuance of the arrest of the judgment debtor, director or officer under a warrant referred to in section 65A(6) of the Act or on any date to which the proceedings have been postponed, such judgment debtor, director or officer shall be called upon to give evidence on his or her financial position or that of the juristic person and his or her or its ability to pay the judgment debt. [Section 65D of the Act]

[(iv)] (v) Any person against whom a court has, in a civil case, given any judgment or made any order who has not satisfied in full such judgment or order and paid all costs for which he or she is liable in connection therewith shall, if he or she has changed his or her place of residence, business or employment, within 14 days from the date of every such change notify the clerk of the court who gave such judgment or made such order and the judgment creditor or his or her attorney fully and correctly in writing of his or her new place of residence, business or employment, and by his or her failure to do so such judgment debtor shall be guilty of an offence and liable upon conviction to a fine or to imprisonment for a period not exceeding three months. [Section 109 of the Act.]

[2]1: Admission of liability

Kindly take notice that the defendant admits liability to the plaintiff as claimed in this summons.

Dated at this day of, 20.....,
.....

Defendant

(Must be witnessed by defendant's attorney or otherwise verified by affidavit)

OR

[3]2: Notice of intention to defend*

To: THE CLERK OF THE COURT

Kindly take notice that the defendant denies liability and that defendant's affidavit setting forth the grounds upon which defendant disputes liability is attached hereto.

Dated at this day of, 20.....,

.....

Defendant/Defendant's attorney

.....

.....

(15 km physical address where service of process and documents shall be accepted)

.....

.....

.....

(Postal address)

* The original notice and affidavit must be filed with the clerk of the court and a copy thereof served on the plaintiff or plaintiff's attorney.

No. 2A - Summons: Provisional Sentence*** For use in the Regional Court**

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF

Held at.

Case No.....

In the matter between

.....Plaintiff

and

.....Defendant

To the sheriff or his/her deputy:

INFORM A.B., of (state residence or place of business and if known, gender, occupation and place of employment)(hereinafter called the defendant), that C.D. (state gender and occupation), of (residence or place of business) (hereinafter called the plaintiff), hereby institutes action against him or her in which action the plaintiff claims:

(1) Defendant is hereby summoned to pay to the plaintiff herein immediately after service of this summons an amount of together with interest

thereon at the rate of% per annum as from

Plaintiff's claim against defendant for payment of the above-mentioned amount is for:
(set out the cause of action)

and a copy of which document is annexed hereto;

(2) By failing such payment, defendant is hereby called upon to appear before this court personally or by a practitioner at (place and court if necessary) on the day of 20..... at (time) in the forenoon (or as soon thereafter as the matter can be heard) to admit or deny defendant's liability for the said claim and to state why the mortgaged property should not be declared executable;

(3) If defendant denies liability for the claim, defendant shall not later than the day of 20....., file an affidavit with the registrar of this court, and serve a copy thereof on the plaintiff or plaintiff's attorney at the address indicated for service on the summons, which affidavit shall set forth the grounds of defendant's defence to the said claim, and in particular state whether defendant admits or denies defendant's or defendant's agent's signature which appears on the said and if it is defendant's agent's signature whether defendant admits or denies the signature or authority of defendant's agent.

Defendant is further informed that in the event of defendant not paying the amount and interest above-mentioned to the plaintiff immediately and if defendant further fails to file an affidavit as aforesaid, and to appear before this court at the time above stated, provisional sentence may be granted against defendant with costs, but that against payment of the said amount, interest and costs, defendant will be entitled to demand security for the restitution thereof if the said sentence should thereafter be reversed.

DATED atthisday of20....

Registrar of the Regional Court

Plaintiff/Plaintiff's Attorney

(15 km Physical Address)

Postal Address

Facsimile number

Electronic Mail Address

*The plaintiff is prepared to accept all subsequent documents and notices at the electronic mail address stated herein.

Costs, if the action is undefended, will be as follows:

Attorney's charges

(i) Issue of summons

(Item 2 of Part II of Table A) R

(ii) Attending court

(Item 7 of Part II of Table A) R

(iii) Judgment fees

(Item 3 of Part II of Table A) R

Court fees R

Sheriff's fees R

Sheriff's fees on re-issue of summons R

Total R

And take notice that-

(a) if defendant pays the said claim and costs immediately judgment will not be given against defendant herein and defendant will save judgment charges;

(b) if defendant admits the claim and wishes to consent to judgment, defendant may file with the registrar of the court an admission of liability signed by defendant and witnessed by defendant's attorney, or otherwise verified by affidavit, and if defendant wishes to undertake to pay the claim in instalments or otherwise, defendant may approach the plaintiff or plaintiff's attorney.

Notice:

(i) Any person against whom a court has, in a civil case, given judgment or made any order who has not, within 10 days, satisfied in full such judgment or order may be called upon by notice in terms of section 65A(1) of the Act to appear on a specified date before the court in chambers to enable the court to inquire into the financial position of the judgment debtor and to make such order as the court may deem just and equitable.

(ii) If the court is satisfied that-

(aa) the judgment debtor or, if the judgment debtor is a juristic person, a director or officer of the juristic person has knowledge of the abovementioned notice and that he or she has failed to appear before the court on the date and at the time specified in the notice; or

(bb) the judgment debtor, director or officer, where the proceedings were postponed in his or her presence to a date and time determined by the court, has failed to appear before the court on that date and at that time; or

(cc) the judgment debtor, director or officer has failed to remain in attendance at the proceedings or at the proceedings so postponed,

the court may, at the request of the judgment creditor or his or her attorney, authorise the issue of a warrant directing a sheriff to arrest the said judgment debtor, director or officer and to bring him or her before the court to enable that court to conduct a financial inquiry. [Section 65A(6) of the Act]

(iii) Any person who-

(aa) is called upon to appear before a court under a notice in terms of section 65A(1) or (8)(b) of the Act (where the sheriff, in lieu of arresting a person, hands to that person a notice to appear in court) and who wilfully fails to appear before the court on the date and at the time specified in the notice; or

(bb) where the proceedings were postponed in his or her presence to a date and time determined by the court, wilfully fails to appear before the court on that date and at that time; or

(cc) wilfully fails to remain in attendance at the proceedings or at the proceedings so postponed,

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three months. [Section 65A(9) of the Act]

(iv) On appearing before the court on the date determined in the notice in terms of section 65A(1) or (8)(b) of the Act in pursuance of the arrest of the judgment debtor, director or officer under a warrant referred to in section 65A(6) of the Act or on any date to which the proceedings have been postponed, such judgment debtor, director or officer shall be called upon to give evidence on his or her financial position or that of the juristic person and his or her or its ability to pay the judgment debt. [Section 65D of the Act]

(v) Any person against whom a court has, in a civil case, given any judgment or made any order who has not satisfied in full such judgment or order and paid all costs for which he or she is liable in connection therewith shall, if he or she has changed his or her place of residence, business or employment, within 14 days from the date of every such change notify the registrar of the court who gave such judgment or made such order and the judgment creditor or his or her attorney fully and correctly in writing of his or her new place of residence, business or employment, and by his or her failure to do so such judgment debtor shall be guilty of an offence and liable upon conviction to a fine or to imprisonment for a period not exceeding three months. [Section 109 of the Act.]

1: Admission of liability

Kindly take notice that the defendant admits liability to the plaintiff as claimed in this summons.

Dated at this day of, 20.....
.....

Defendant

(Must be witnessed by defendant's attorney or otherwise verified by affidavit)

OR

2: Notice of intention to defend*

To: THE REGISTRAR

Kindly take notice that the defendant denies liability and that defendant's affidavit setting forth the grounds upon which defendant disputes liability is attached hereto.

Dated at this day of, 20.....,

.....
Defendant/Defendant's attorney

.....
(15 km physical address where service of process and documents shall be accepted)

.....
(Postal address)

* The original notice and affidavit must be filed with the registrar of the court and a copy thereof served on the plaintiff or plaintiff's attorney.

No. 2B – Combined Summons

* For use in the District Court

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF
 HELD AT

Case No.....

In the matter between:

.....

Plaintiff

and

.....

Defendant

To the sheriff or his/her deputy:

INFORM A.B., of [(state sex and occupation)] (state residence or place of business and if known, gender, occupation and place of employment)(hereinafter called the defendant), that C.D., [of.....,(state sex and occupation)] (state gender and occupation), of (state residence or place of business) (hereinafter called the plaintiff), hereby institutes action against him or her in which action the plaintiff claims the relief and on the grounds set out in the particulars annexed hereto.

INFORM the defendant further that if he or she disputes the claim and wishes to defend the action he or she shall-

(i) within days of the service upon him or her of this summons file with the clerk of this court at(set out the physical address of the clerk of the court) notice of his or her intention to defend and serve a copy thereof on the plaintiff or plaintiff's attorney, which notice shall give an address referred to in rule 13(3) for the service upon the defendant of all notices and documents in the action;

(ii) thereafter, and within 20 days after filing and serving notice of intention to defend as aforesaid, file with the clerk of the court and serve upon the plaintiff or plaintiff's attorney a plea, exception, notice to strike out, with or without a counter-claim.

INFORM the defendant further that if defendant fails to file and serve notice as aforesaid judgment as claimed may be given against him or her without further notice to him or her, or if, having filed and served such notice, defendant fails to plead, except, make application to strike out or counter-claim, judgment may be given against him or her. And immediately thereafter serve on the defendant a copy of this summons and return the same to the clerk of the court with whatsoever you have done thereupon.

DATED atthisday of20.....

.....

Clerk of the Court

* Consent to judgment.

I admit that I am liable to the plaintiff as claimed in this summons (or in the amount of R..... and costs to date) and I consent to judgment accordingly.

Dated at this day of 20.....,

.....

Defendant

WITNESSES:

1. (full names)....., (signature).....

(address).....

2. (full names)....., (signature).....

(address).....

OR

* Notice of intention to defend.

To the Clerk of the Court.

Kindly take notice that the defendant hereby notifies his or her intention to defend this action.

Dated at this day of 20.....,

.....

Defendant/Defendant's attorney

[Address] 15 km physical address from the Court-house for acceptance of service of process or documents

.....

Postal address

.....

Facsimile (fax) number (where available).....

Electronic mail (e-mail) address (where available).....

(Give full address for acceptance of service of process or documents within fifteen kilometres from the Court-house and also the postal address.)

* The original notice must be filed with the clerk of the court and a copy thereof served on the plaintiff or plaintiff's attorney.

Costs if the action is undefended will be as follows:

Summons.....R

Judgment.....R

Attorney's charges.....R

Sheriff's fees.....R

Sheriff's fees on re-issue.....R

Total:.....R

ANNEXURE

Particulars of Plaintiff's Claim

.....

Dated at.....this....day of.....20.....

.....

Plaintiff/Plaintiff's Attorney

Address of Plaintiff/Plaintiff's Attorney

.....

.....

Plaintiff's Advocate (if any)

No. 2B – Combined Summons

*** For use in the Regional Court**

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF

HELD AT

Case No.....

In the matter between:

.....

Plaintiff

and

.....

Defendant

To the sheriff or his/her deputy:

INFORM A.B., of (state residence or place of business and if known, gender, occupation and place of employment)(hereinafter called the defendant), that C.D. (state gender and occupation), of (residence or place of business) (hereinafter called the plaintiff), hereby institutes action against him or her in which action the plaintiff claims the relief and on the grounds set out in the particulars annexed hereto

INFORM the defendant further that if he or she disputes the claim and wishes to defend the action he or she shall-

(i) within days of the service upon him or her of this summons file with the registrar of this court at(set out the physical address of the registrar of the court) notice of his or her intention to defend and serve a copy thereof on the plaintiff or plaintiff's attorney, which notice shall give an address referred to in rule 13(3) for the service upon the defendant of all notices and documents in the action;

(ii) thereafter, and within 20 days after filing and serving notice of intention to defend as aforesaid, file with the registrar of the court and serve upon the plaintiff or plaintiff's attorney a plea, exception, notice to strike out, with or without a counter-claim.

INFORM the defendant further that if defendant fails to file and serve notice as aforesaid judgment as claimed may be given against him or her without further notice to him or her, or if, having filed and served such notice, defendant fails to plead, except, make application to strike out or counter-claim, judgment may be given against him or her. And immediately thereafter serve on the defendant a copy of this summons and return the same to the registrar of the court with whatsoever you have done thereupon.

DATED atthisday of20.....

.....
Registrar

* Consent to judgment.

I admit that I am liable to the plaintiff as claimed in this summons (or in the amount of R..... and costs to date) and I consent to judgment accordingly.

Dated at this day of
20.....,

.....
Defendant

WITNESSES:

1. (full names)....., (signature).....
(address).....
2. (full names)....., (signature).....
(address).....

OR

* Notice of intention to defend.

To the Registrar.

Kindly take notice that the defendant hereby notifies his or her intention to defend this action.

Dated at this day of, 20.....,

.....

Defendant/Defendant's attorney

15 km physical address from the Court-house for acceptance of service of process or documents

.....

Postal address

.....

Facsimile (fax) number (where available).....

Electronic mail (e-mail) address (where available).....

(Give full address for acceptance of service of process or documents within fifteen kilometres from the Court-house and also the postal address.)

* The original notice must be filed with the registrar of the court and a copy thereof served on the plaintiff or plaintiff's attorney.

Costs if the action is undefended will be as follows:

Summons.....R

Judgment.....R

Attorney's charges.....R

Sheriff's fees.....R

Sheriff's fees on re-issue.....R

Total:.....R

ANNEXURE

Particulars of Plaintiff's Claim

.....

Dated at this day of 20.....

.....

Plaintiff/Plaintiff's Attorney

Address of Plaintiff/Plaintiff's Attorney

.....

.....

Plaintiff's Advocate (if any)

No. 2C – COMBINED SUMMONS (DIVORCE MATTERS)*** For use only in the Regional Court**

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF

HELD AT

CASE NUMBER:

IN THE MATTER BETWEEN:-

PLAINTIFF

Identity Number:

AND

DEFENDANT

Identity Number:

TO THE SHERIFF OR HIS/HER DEPUTY:

INFORM (Full names of the Defendant):

A MAJOR MALE/FEMALE BY OCCUPATION: OF

(Address):

(Hereinafter referred to as the defendant),

THAT (full names of the Plaintiff):

A MAJOR MALE/FEMALE BY OCCUPATION: OF

(Address):

(Hereinafter referred to as the Plaintiff),

HEREBY institutes action against him/her in which action the Plaintiff claims the relief on the grounds set out in the particulars of claim attached hereto;

INFORM the defendant further that if defendant disputes the claim and wishes to defend the action he/she

shall within 10 (Ten) days of the service upon him or her of this summons file with the registrar of this court at (here set out the address of the assistant registrar's office) notice of his/her intention to defend and serve a copy thereof on the plaintiff or plaintiff's attorney, which notice shall give an address referred to in rule 13(3) for the service upon the defendant of all notices and documents in the action;

thereafter, and within 20 (Twenty) days after filing and serving notice of intention to defend as aforesaid, file with the assistant registrar and serve upon the plaintiff or plaintiff's attorney a plea, exception, notice to strike out, with or without a counter-claim.

INFORM the defendant further that if he/she fails to file and serve notice as aforesaid, judgment as claimed may be given against him/her without further notice to him/her, or if, having filed and served such notice, he/she fails to plead, except or to counterclaim, judgment may be given against him/her.

INFORM the defendant also that if he/she does not intend to defend the action, he/she may give written notice to that effect to the plaintiff and the registrar and the action may then, at the written request of the plaintiff, be forthwith set down by the registrar for hearing without further notice to defendant.

And immediately thereafter serve on the defendant a copy of this summons and return the same to the registrar or assistant registrar with whatsoever you have done thereupon.

DATED AT _____ ON THIS _____ DAY OF _____
20 _____.

REGISTRAR/ASSISTANT REGISTRAR

REGIONAL COURT

REGIONAL DIVISION OF _____

PLAINTIFF/PLAINTIFF'S ATTORNEY

Address

Postal address

Facsimile (fax) number (where available)

.....

Electronic mail (e-mail) address (where available)

.....

(Give full address for acceptance of service of process or documents within 15 kilometres from the Court-house and also the postal address.)

The plaintiff is prepared to accept all subsequent documents and notices at the electronic mail address stated herein.**

(1) Notice of intention not to Defend

To the Registrar

Kindly take notice that the defendant hereby gives notice that he/she does not intend to defend the action.

Dated at this day of
..... 20,

Defendant/Defendant's attorney

OR

(2) Notice of intention to Defend*To the RegistrarKindly take notice that the defendant hereby notifies his or her intention to defend this action.Dated at this day of, 20,.....Defendant/Defendant's attorneyAddress.....Postal address.....Facsimile (fax) number (where available).....Electronic mail (e-mail) address (where available).....(Give full address for acceptance of service of process or documents within 15 kilometres from the Court-house and also the postal address.)Costs if the action is undefended will be as follows:Summons..... RJudgment..... RAttorney's charges..... RSheriff's fees..... RSheriff's fees on re-issue..... RTotal: R*The original notice must be filed with the registrar and a copy thereof served on the plaintiff or plaintiff's attorney.** Delete if not applicable**No. 3 – Summons [commencing action] (in which is included an automatic rent interdict)***** For use in the District Court****IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF****HELD AT****Case No.....****In the matter between:**.....

Plaintiff

and

.....

Defendant

To: of (state residence or place of business and if known, gender, occupation and place of employment)(hereinafter called the defendant).

You are hereby summoned that you do within days of the service of this summons deliver or cause to be delivered to the clerk of the aforesaid court and also the plaintiff or plaintiff's attorney, at the address specified herein, a notice in writing of your intention to defend this action and answer the claim of (state gender and occupation), of (residence or place of business) (hereinafter called the plaintiff), particulars whereof are endorsed hereunder.

And take notice that-

(a) in default of your paying the amount of the claim and costs within the said period or of your delivering a notice of intention to defend you will be held to have admitted the said claim and the plaintiff may proceed therein and judgment may be given against you in your absence;

(b) if you pay the said claim and costs within the said period judgment will not be given against you herein and you will save judgment charges. You will also save judgment charges if, within the said period, you lodge with the clerk of the aforesaid court a consent to judgment;

(c) if you admit the claim and wish to consent to judgment or wish to undertake to pay the claim in instalments or otherwise, you may approach the plaintiff or plaintiff's attorney.

And further take notice that you, the defendant, and all other persons are hereby interdicted from removing or causing or suffering to be removed any of the furniture or effects in or on the premises described in the particulars of claim endorsed hereon which are subject to the plaintiff's hypothec for rent until an order relative thereto shall have been made by the court.

Costs, if the action is undefended, will be as follows:

Summons.....R

Judgment.....R

Attorney's chargesR

Sheriff's feesR

Sheriff's fees on re-issueR

Totals R R

Total R

Notice:

(i) Any person against whom a court has, in a civil case, given judgment or made any order who has not, within 10 days, satisfied in full such judgment or order may be called upon by notice in terms of section 65A(1) of the Act to appear on

a specified date before the court in chambers to enable the court to **[inquire]** enquire into the financial position of the judgment debtor and to make such order as the court may deem just and equitable.

(ii) If the court is satisfied that-

(aa) the judgment debtor or, if the judgment debtor is a juristic person, a director or officer of the juristic person has knowledge of the abovementioned notice and that he or she has failed to appear before the court on the date and at the time specified in the notice; or

(bb) the judgment debtor, director or officer, where the proceedings were postponed in his or her presence to a date and time determined by the court, has failed to appear before the court on that date and at that time; or

(cc) the judgment debtor, director or officer has failed to remain in attendance at the proceedings or at the proceedings so postponed,

the court may, at the request of the judgment creditor or his or her attorney, authorise the issue of a warrant directing a sheriff to arrest the said judgment debtor, director or officer and to bring him or her before a competent court to enable that court to conduct a financial inquiry. [Section 65A(6) of the Act]

(iii) Any person who-

(aa) is called upon to appear before a court under a notice in terms of section 65A(1) or 65A(8)(b) of the Act (where the sheriff, in lieu of arresting a person, hands to that person a notice to appear in court) and who wilfully fails to appear before the court on the date and at the time specified in the notice; or

(bb) where the proceedings were postponed in his or her presence to a date and time determined by the court, wilfully fails to appear before the court on that date and at that time; or

(cc) wilfully fails to remain in attendance at the relevant proceedings or at the proceedings so postponed,

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three months. [Section 65A(9) of the Act]

(iv) On appearing before the court on the date determined in the notice in terms of section 65A(1) or (8)(b) of the Act in pursuance of the arrest of the judgment debtor, director or officer under a warrant referred to in section 65A(6) of the Act or on any date to which the proceedings have been postponed, such judgment debtor, director or officer shall be called upon to give evidence on his or her financial position or that of the juristic person and his or her or its ability to pay the judgment debt. [Section 65D of the Act]

(v) Any person against whom a court has, in a civil case, given any judgment or made any order who has not satisfied in full such judgment or order and paid all costs for which he or she is liable in connection therewith shall, if he or she has changed his or her place of residence, business or employment, within 14 days from the date of every such change notify the clerk of the court who gave such judgment or made such order and the judgment creditor or his or her attorney fully and correctly in writing of his or her new place of residence, business or employment, and by his or her failure to do so such judgment debtor shall be guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding three months. [Section 109 of the Act]

(1) Particulars of claim.

Plaintiff's claim is-

(i) for arrears of rent due in respect of the defendant's tenancy of and for confirmation of the interdict appearing in this summons.

Particulars:

.....

Date

Period

Amount

R

.....

.....

.....

.....

.....

and

(ii) for ejectment.

Particulars:

.....

(2) Consent to judgment.

I admit that I am liable to the plaintiff as claimed in this summons (or in the amount of R.....and costs to date) and I consent to judgment accordingly.

Dated at.....this.....day of....., 20.....,

.....

Defendant

WITNESSES:1. (full names)....., (signature).....(address).....2. (full names)....., (signature).....(address).....ALTERNATIVE TO (2)

* (3) Notice of intention to defend.

To the Clerk of the Court.

Kindly take notice that the defendant hereby gives notice of defendant's intention to defend this action.

Dated at this day of , 20.....,

.....
 Defendant/Defendant's Attorney.

Physical address where service of process or documents will be accepted (within 15 kilometres from the Court-house)

.....
 Postal address

.....
 * The original notice must be filed with the clerk of the court and a copy thereof served on the plaintiff or plaintiff's attorney.

No. 3 – Summons [commencing action] (in which is included an automatic rent interdict)

*** For use in the Regional Court**

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF _____

HELD AT _____

CASE NUMBER: _____

between _____

.....Plaintiff

and _____

.....Defendant

To: _____ of _____ (state residence or place of business and if known, gender, occupation and place of employment)(hereinafter called the defendant).

You are hereby summoned that you do within _____ days of the service of this summons deliver or cause to be delivered to the registrar of the aforesaid court and also the plaintiff or plaintiff's attorney, at the address specified herein, a notice in writing of your intention to defend this action and answer the claim of (state gender and occupation), of (residence or place of business) (hereinafter called the plaintiff), particulars whereof are endorsed hereunder.

Notice to Defendant:

And take notice that- _____

_____ (a) in default of your paying the amount of the claim and costs within the said period or of your delivering a notice of intention to defend you will be held to have admitted the said claim and the plaintiff may proceed therein and judgment may be given against you in your absence;

_____ (b) if you pay the said claim and costs within the said period judgment will not be given against you herein and you will save judgment charges. You will also save judgment charges if, within the said period, you lodge with the registrar of the aforesaid court a consent to judgment;

_____ (c) if you admit the claim and wish to consent to judgment or wish to undertake to pay the claim in instalments or otherwise, you may approach the plaintiff or plaintiff's attorney. _____

And further take notice that you, the defendant, and all other persons are hereby interdicted from removing or causing or suffering to be removed any of the furniture or effects in or on the premises described in the particulars of claim endorsed hereon which are subject to the plaintiff's hypothec for rent until an order relative thereto shall have been made by the court. _____

Costs, if the action is undefended, will be as follows: _____

Summons _____ R

Judgment _____ R

Attorney's chargesR

Sheriff's feesR

Sheriff's fees on re-issueR. _____

Totals R R

Total R

Notice: _____

(i) Any person against whom a court has, in a civil case, given

judgment or made any order who has not, within 10 days, satisfied in full such judgment or order may be called upon by notice in terms of section 65A(1) of the Act to appear on a specified date before the court in chambers to enable the court to enquire into the financial position of the judgment debtor and to make such order as the court may deem just and equitable. _____

(ii) If the court is satisfied that- _____

(aa) the judgment debtor or, if the judgment debtor is a juristic person, a director or officer of the juristic person has knowledge of the abovementioned notice and that he or she has failed to appear before the court on the date and at the time specified in the notice; or _____

(bb) the judgment debtor, director or officer, where the proceedings were postponed in his or her presence to a date and time determined by the court, has failed to appear before the court on that date and at that time; or _____

(cc) the judgment debtor, director or officer has failed to remain in attendance at the proceedings or at the proceedings so postponed, _____

the court may, at the request of the judgment creditor or his or her attorney, authorise the issue of a warrant directing a sheriff to arrest the said judgment debtor, director or officer and to bring him or her before a competent court to enable that court to conduct a financial inquiry. [Section 65A(6) of the Act] _____

(iii) Any person who- _____

(aa) is called upon to appear before a court under a notice in terms of section 65A(1) or 65A(8)(b) of the Act (where the sheriff, in lieu of arresting a person, hands to that person a notice to appear in court) and who wilfully fails to appear before the court on the date and at the time specified in the notice; or _____

(bb) where the proceedings were postponed in his or her presence to a date and time determined by the court, wilfully fails to appear before the court on that date and at that time; or

(cc) wilfully fails to remain in attendance at the relevant proceedings or at the proceedings so postponed,

shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three months. [Section 65A(9) of the Act]

(iv) On appearing before the court on the date determined in the notice in terms of section 65A(1) or (8)(b) of the Act in pursuance of the arrest of the judgment debtor, director or officer under a warrant referred to in section 65A(6) of the Act or on any date to which the proceedings have been postponed, such judgment debtor, director or officer shall be called upon to give evidence on his or her financial position or that of the juristic person and his or her or its ability to pay the judgment debt. [Section 65D of the Act]

(v) Any person against whom a court has, in a civil case, given any judgment or made any order who has not satisfied in full such judgment or order and paid all costs for which he or she is liable in connection therewith shall, if he or she has changed his or her place of residence, business or employment, within 14 days from the date of every such change notify the clerk of the court who gave such judgment or made such order and the judgment creditor or his or her attorney fully and correctly in writing of his or her new place of residence, business or employment, and by his or her failure to do so such judgment debtor shall be guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding three months. [Section 109 of the Act]

(1) Particulars of claim.

Plaintiff's claim is-

(i) for arrears of rent due in respect of the defendant's tenancy of and for confirmation of the interdict appearing in this summons.

Particulars:

.....

Date

Period

Amount

R

.....

.....

.....

.....

.....

.....

_____ and

 (ii) _____ for ejectment.

Particulars:

(2) Consent to judgment.

I admit that I am liable to the plaintiff as claimed in this summons (or in the amount of R.....and costs to date) and I consent to judgment accordingly.

Dated at.....this.....day of....., 20.....,

Defendant _____

WITNESSES:

1. (full names)....., (signature).....
 (address).....
2. (full names)....., (signature).....
 (address).....

ALTERNATIVE TO (2)

* (3) Notice of intention to defend.

To the Registrar of the Court.

Kindly take notice that the defendant hereby gives notice of defendant's intention to defend this action.

Dated at this day of , 20.....,

Defendant/Defendant's Attorney.

Address where service of process or documents will be accepted
 (within 15 kilometres from the Court-house)

Postal address

* The original notice must be filed with the registrar of the court and a copy thereof served on the plaintiff or plaintiff's attorney.

No. 4 - Edictal citation/substituted service: short form of process

*** For use in the District Court**

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF
 HELD AT

Case No.....

In the matter between:

.....

Plaintiff

and

.....

Defendant

To:

A B
 formerly residing at, but whose present
 whereabouts are unknown (defendant herein):

TAKE NOTICE that by summons sued out of this court, you have been called upon to give notice, within days after publication hereof, to the clerk of this court and to the plaintiff/plaintiff's attorney of your intention to defend (if any) in an action wherein

C D (plaintiff herein)
 claims:

(a)

(b)

(c)

TAKE NOTICE FURTHER that if you fail to give such notice, judgment may be granted against you without further reference to you.

DATED at this day of 20.....

Plaintiff/Plaintiff's Attorney

Address for service:

Physical address 15 km from court house

.....

.....

Clerk of the Court

No. 4 - Edictal citation/substituted service: short form of process

*** For use in the Regional Court**

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF

HELD AT

Case No.

In the matter between:

Plaintiff

and

.....

Defendant

To:

A B
 formerly residing at, but whose present
 whereabouts are unknown (defendant herein):

TAKE NOTICE that by summons sued out of this court, you have been called upon to
 give notice, within days after publication hereof, to the registrar of this court and
 to the plaintiff/plaintiff's attorney of your intention to defend (if any) in an action wherein

C D(plaintiff
 herein).....claims:

(a)

(b)

(c)

TAKE NOTICE FURTHER that if you fail to give such notice, judgment may be granted
 against you without further reference to you.

DATED at this day of20.....

Plaintiff/Plaintiff's Attorney

Address for service:

Physical address 15 km from court house

.....

.....

Registrar

No. 5 - Request for default judgment

***For use in the District Court**

In the Magistrate's Court for the District
 of.....

held at Case No. of 20

In the matter between

..... Plaintiff

and

..... Defendant

The plaintiff hereby applies that-

- (a) the defendant having been duly served on
- (b) the time for entering appearance to defend having expired; and
- (c) the defendant not having entered an appearance to defend,

judgment be given against the defendant, as claimed in the summons for R.....
 (state particulars if judgment is applied for something less than that claimed in the
 summons), together with interest at per cent.

Dated at this day of,
20.....,

.....

Plaintiff/Plaintiff's Attorney.

No. 5 - Request for default judgment

***For use in the Regional Court**

In the Regional Court for the Regional Division of.....

held at

Case No. of 20

In the matter between

..... Plaintiff

and

..... Defendant

The plaintiff hereby applies that-

(a) the defendant having been duly served on

(b) the time for entering appearance to defend having expired; and

(c) the defendant not having entered an appearance to defend,

judgment be given against the defendant, as claimed in the summons for R.....
(state particulars if judgment is applied for something less than that claimed in the
summons), together with interest at per cent.

Dated at this day of,
20.....,

.....

Plaintiff/Plaintiff's Attorney.

No. 5A – Request for Judgment where the defendant has admitted liability and [undertook] undertaken to pay the debt in instalments or otherwise - Section 57 of the Magistrates' [Court] Courts Act, 1944 (Act No. 32 of 1944)

***For use in the District Court**

In the Magistrate's Court for the District of

held at

Case No. of 20.....

In the matter between

..... Plaintiff

and

..... Defendant

Plaintiff requests that judgment in the above-mentioned matter in terms of section 57(2) of the Magistrates' Courts Act, 1944, be noted in his/her favour against the defendant as follows:

Judgment debt: R c

Costs: R c

Outstanding balance of the debt [Section 57(2)(c)(i)]

Interest atper cent per annum accounted from

Collection fees [section 57(1)(c)]

Summons, if any (attorney's charges, sheriff's fees and sheriff's fees on re-issue) [section 57(1)]

Cost of affidavit or affirmation by plaintiff/certificate by plaintiff's attorney [section 57(2)(c)]

Cost of registered letter [section 57(1)]

Cost of notice in terms of rule 54(1)

Letter of demand (section 56)

Request for judgment (section 57)

Admission of liability and undertaking to pay (section 57)

Totals R R

Total R

plus further interest at per cent per annum as from the date of judgment to the date of payment, and that payment thereof take place in accordance with defendant's offer.

The following documents are attached:

(a) A copy of the letter of demand sent to the defendant in terms of section 56 of the Magistrates' Courts Act, 1944.

(b) The defendant's written acknowledgment of liability towards the plaintiff for the amount of the debt and costs claimed (or for any other amount) and his/her offer.

(c) A copy of the plaintiff's or plaintiff's attorney's written acceptance of the offer.

(d) An affidavit (or affirmation) by the plaintiff/a certificate by the plaintiff's attorney in terms of section 57(2)(c) of the Magistrates' Courts Act, 1944.

Dated at this day of, 20.....,

Plaintiff/Plaintiff's attorney

.....

(Address)

.....

Judgment **[noted]** granted on the day of 20 in favour of the plaintiff for the amount of R..... and the amount of R..... costs. The defendant is further ordered to pay the said judgment and costs in monthly/weekly instalments of R..... The first instalment must be paid on or before and

thereafter on or before the day of every succeeding month/week until the outstanding balance of the judgment debt and costs has been paid in full.

.....

Clerk of the Court

No. 5A – Request for Judgment where the defendant has admitted liability and undertaken to pay the debt in instalments or otherwise - Section 57 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944)

***For use in the Regional Court**

In the Regional Court for the Regional Division of

held at

Case No. of 20.....

In the matter between

..... Plaintiff

and

..... Defendant

Plaintiff requests that judgment in the above-mentioned matter in terms of section 57(2) of the Magistrates' Courts Act, 1944, be noted in his/her favour against the defendant as follows:

Judgment debt: R c

Costs: R c

Outstanding balance of the debt [Section 57(2)(c)(i)]

Interest atper cent per annum accounted from

Collection fees [section 57(1)(c)]

Summons, if any (attorney's charges, sheriff's fees and sheriff's fees on re-issue) [section 57(1)]

Cost of affidavit or affirmation by plaintiff/certificate by plaintiff's attorney [section 57(2)(c)]

Cost of registered letter [section 57(1)]

Cost of notice in terms of rule 54(1)

Letter of demand (section 56)

Request for judgment (section 57)

Admission of liability and undertaking to pay (section 57)

Totals R R

Total R

plus further interest at per cent per annum as from the date of judgment to the date of payment, and that payment thereof take place in accordance with defendant's offer.

The following documents are attached:

(a) A copy of the letter of demand sent to the defendant in terms of section 56 of the Magistrates' Courts Act, 1944.

(b) The defendant's written acknowledgment of liability towards the plaintiff for the amount of the debt and costs claimed (or for any other amount) and his/her offer.

(c) A copy of the plaintiff's or plaintiff's attorney's written acceptance of the offer.

(d) An affidavit (or affirmation) by the plaintiff/a certificate by the plaintiff's attorney in terms of section 57(2)(c) of the Magistrates' Courts Act, 1944.

Dated at this day of, 20.....,

Plaintiff/Plaintiff's attorney

.....
(Address)

.....
Judgment granted on the day of 20 in favour of the plaintiff for the amount of R..... and the amount of R..... costs. The defendant is further ordered to pay the said judgment and costs in monthly/weekly instalments of R..... The first instalment must be paid on or before and thereafter on or before the day of every succeeding month/week until the outstanding balance of the judgment debt and costs has been paid in full.

.....
Registrar

No. 5B – Request for Judgment where the defendant has consented to judgment - Section 58 of the Magistrates' [Court] Courts Act, 1944 (Act No. 32 of 1944)

***For use in the District Court**

In the Magistrate's Court for the District of

held at

Case No. of 20.....

In the matter between

..... Plaintiff

and

..... Defendant

Plaintiff requests that judgment in the above-mentioned matter in terms of section 58(1) of the Magistrates' Courts Act, 1944, be noted in plaintiff's favour against the defendant as follows:

| | | |
|---|-------|---|
| Judgment debt: | R | c |
| Costs: | R | c |
| Amount of debt [section 58(1)(i)] | | |
| Interest at.....per cent per annum accounted from | | |
| Letter of demand (section 56) | | |
| Summons, if any (attorney's charges, sheriff's fees and sheriff's fees on re-issue) [section 58(1)] | | |
| Cost of notice in terms of rule 54(1) | | |
| Request for judgment (section 58) | | |
| Consent to judgment (section 58) | | |
| Totals..... | R | R |
| Total..... | | R |

and that payment thereof takes place in accordance with defendant's consent.

The following documents are attached:

(a) A copy of the letter of demand sent to the defendant in terms of section 56 of the Magistrates' Courts Act, 1944.

(b) The defendant's written consent to judgment and costs.

Dated at this day of, 20.....,
Plaintiff/Plaintiff's attorney:

.....

(Address)

.....

.....

Judgment [**noted**] granted on the day of 20 in favour of the plaintiff for the amount of R and the amount of R costs for which the defendant has consented to judgment.

The defendant is further ordered to pay the said judgment and costs in monthly/weekly instalments of R..... The first instalment must be paid on or before and thereafter on or before the day of every succeeding month/week until the outstanding balance of the judgment debt and costs has been paid in full.

.....

Clerk of the Court

**No. 5B – Request for Judgment where the defendant has consented to judgment -
Section 58 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944)**

***For use in the Regional Court**

In the Regional Court for the Regional Division of
..... held at
.....

Case No. of 20.....

In the matter between

..... Plaintiff

and

..... Defendant

Plaintiff requests that judgment in the above-mentioned matter in terms of section 58(1) of the Magistrates' Courts Act, 1944, be noted in plaintiff's favour against the defendant as follows:

Judgment debt: R c

Costs: R c

Amount of debt [section 58(1)(i)]

Interest at.....per cent per annum accounted from

Letter of demand (section 56)

Summons, if any (attorney's charges, sheriff's fees and sheriff's fees on re-issue) [section 58(1)]

Cost of notice in terms of rule 54(1)

Request for judgment (section 58)

Consent to judgment (section 58)

Totals..... R R

Total..... R

and that payment thereof takes place in accordance with defendant's consent.

The following documents are attached:

(a) A copy of the letter of demand sent to the defendant in terms of section 56 of the Magistrates' Courts Act, 1944.

(b) The defendant's written consent to judgment and costs.

Dated at this day of, 20.....

Plaintiff/Plaintiff's attorney:

.....

(Address)

.....

Judgment granted on the day of 20 in favour of the plaintiff for the amount of R and the amount of R costs for which the defendant has consented to judgment.

The defendant is further ordered to pay the said judgment and costs in monthly/weekly instalments of R..... The first instalment must be paid on or before and thereafter on or before the day of every succeeding month/week until the outstanding balance of the judgment debt and costs has been paid in full.

.....
Registrar

No. 6 - Notice of Withdrawal of action or application

***For use in the District Court**

In the Magistrate's Court for the District of

held at

Case No. of 20.....

In the matter between

.....
Plaintiff/Applicant

and

.....
Defendant/Respondent

The plaintiff/applicant hereby withdraws the above-mentioned action/application and consents to pay the defendant's/respondent's taxed costs.

Dated at this day of, 20.....,

.....
Plaintiff/Plaintiff's Attorney*

Applicant/Applicant's Attorney*

To:

and: The Clerk of the Court,

No. 6 - Notice of Withdrawal of action or application

***For use in the Regional Court**

In the Regional Court for the Regional Division of

held at

Case No. of 20.....

In the matter between

..... Plaintiff/Applicant

and _____

..... Defendant/Respondent

The plaintiff/applicant hereby withdraws the above-mentioned action/application and consents to pay the defendant's/respondent's taxed costs.

Dated at this day of, 20.....,

.....

Plaintiff/Plaintiff's Attorney*

Applicant/Applicant's Attorney*

To:

.....

and: The Registrar,

.....

No. 7 - Notice of Application for Summary Judgment

***For use in the District Court**

In the Magistrate's Court for the District of

.....

held at Case No. of 20.....

In the matter between

..... Applicant

and

..... Respondent

Take notice that application will be made to the above-mentioned court on the day of, 20..., at (time), for summary judgment against the respondent in this action for R.....and costs;

And further take notice that the document on which the claim is based or the affidavit of (copy served herewith) will be used in support of such application and that respondent may reply thereto by affidavit.

Dated at this day of, 20.....,

.....

Applicant/Applicant's Attorney

To:

.....

and: Clerk of the Court,

.....

No. 7 - Notice of Application for Summary Judgment***For use in the Regional Court**

In the Regional Court for the Regional Division of

held at

Case No. of 20.....

In the matter between

..... Applicant

and

..... Respondent

Take notice that application will be made to the above-mentioned court on the day of, 20..., at (time), for summary judgment against the respondent in this action for R.....and costs;

And further take notice that the document on which the claim is based or the affidavit of (copy served herewith) will be used in support of such application and that respondent may reply thereto by affidavit.

Dated at this day of, 20.....,

.....

Applicant/Applicant's Attorney

To:

.....

and: The Registrar

.....

No. 8 - Affidavit in support of Application for Summary Judgment***For use in the District Court**

In the Magistrate's Court for the District of

held at

Case No. of 20.....

In the matter between

..... Applicant

and

..... Respondent

I,, of

..... (address), declare on oath as follows:

(a) I am the plaintiff (or state the relationship on which the authority to represent the plaintiff is based) in this action [(or the facts herein stated are within my

own knowledge and I am duly authorised to make this affidavit)] and am duly authorised to make this affidavit, the contents of which are within my personal knowledge.

(b) I verify that the defendant is indebted to me/to the plaintiff in the amount of R..... and on the grounds stated in the summons.

(c) I believe that the defendant does not have a bona fide defence to the claim and that appearance has been entered solely for purposes of delay.

.....
Signature

The deponent has acknowledged that he/she knows and understands the contents of this affidavit.

Signed and sworn to before me at on this day of, 20.....

.....
Commissioner of Oaths

.....
Area

.....
Office held if appointment is held ex officio.

No. 8 - Affidavit in support of Application for Summary Judgment

***For use in the Regional Court**

In the Regional Court for the Regional Division of

held at

Case No. of 20.....

In the matter between

..... Applicant

and

..... Respondent

I,, of

..... (address), declare on oath as follows:

(a) I am the plaintiff (or state the relationship on which the authority to represent the plaintiff is based) in this action and am duly authorised to make this affidavit, the contents of which are within my personal knowledge.

(b) I verify that the defendant is indebted to me/to the plaintiff in the amount of R..... and on the grounds stated in the summons.

(c) I believe that the defendant does not have a bona fide defence to the claim and that appearance has been entered solely for purposes of delay.

.....
Signature _____

The deponent has acknowledged that he/she knows and understands the contents of this affidavit.

Signed and sworn to before me at on this day of 20.....

.....
Commissioner of Oaths _____

.....
Area _____

.....
Office held if appointment is held ex officio. _____

No. 9 - Affidavit under Section 32 of the Act

***For use in the District Court**

In the Magistrate's Court for the District of

held at

Case No. of 20....

In the matter between

..... Applicant

and

..... Respondent

I,, of

..... (address), make oath and say:

(a) I am the landlord (or the agent of the landlord.....) of premises situate (describe the premises).

(b)(tenant) is justly indebted to me (or to my said principal) in the sum of R.....for rent of the said premises from the.....day of , 20... to theday of....., 20...

(c) The said sum of R.....became due and recoverable upon theday of....., 20....

(d) The said rent was demanded from the said.....on theday of....., 20... but has not yet been paid.

or

(d) I believe that the said.....is about to remove certain movables, now upon the said premises, from such premises in order to avoid payment of the said rent.

.....(state basis for such belief)

Signature

The deponent has acknowledged that he or she knows and understands the contents of this affidavit.

Signed and sworn to before me at on this day of , 20.....

Commissioner of Oaths

Area

Office held if appointment is held ex officio.

No. 10 – Security under Section 32 of the Act

***For use in the District Court**

In the Magistrate's Court for the District of

held at

Case No. of 20.....

In the matter between

..... Applicant

and

..... Respondent

Whereas (landlord) has applied for the issue of an order to attach the movable property upon (describe the leased premises) for the sum of R..... for rent due by of (name tenant) and R..... for costs;

[Now, therefore,] Now therefore the said and of **[(name the surety)] hereby bind themselves jointly and severally as sureties and co-principal debtors together with the above-named Applicant to pay the above-named Respondent or whom else may lawfully claim against the Applicant as a consequence of this application all damages, costs and charges which he or she or they may sustain by reason of the attachment of the said movable property in case the said attachment is set aside.**

.

Signed and dated at this day of , 20.... in the presence of the undersigned witnesses.

Landlord.

Witnesses:

1.

Signature and address

.....

Surety and Co-principal Debtor

2.

Signature and address

.....

No.11 – Order under Section 32 of the Act

***For use in the District Court**

In the Magistrate's Court for the District of

.....

held at Case No. of 20.....

In the matter between

..... Applicant

and

..... Respondent

It is ordered:

That the sheriff of the court attaches so much of the

.....

..... (describe the movables) in the

.....

(house, store, as the case may be) situate at
(describe the premises) as shall be sufficient to satisfy the sum of R..... rent and
R..... costs.

Further, should the respondent wish to show cause why the order of attachment should not be confirmed, he shall appear before this court on the day of 20....., at (time) for that purpose.

The aforesaid date may be anticipated by the respondent upon 12 hours' notice to the applicant.

Upon security being given to the satisfaction of the sheriff of the aforesaid court for the amount of the applicant's claim and the costs of the application for attachment, the aforesaid property shall be released from attachment and upon such security being given the order for attachment shall *ipso facto* be discharged.

Dated at this day of
20.....,

.....

Clerk of the Court

.....

Applicant/Applicant's attorney

Address

No. 12 - Consent to sale of goods attached under Section 32 of the Act

***For use in the District Court**

In the Magistrate's Court for the District of

held at Case No. of 20.....

In the matter between

..... Applicant

and

..... Respondent

To the Clerk of the Court

I,, of, the above-mentioned respondent, hereby admit that the property attached in the above matter is subject to a hypothec to the above applicant to the extent of R..... and I consent to the sale of the said property in satisfaction of the said amount of R..... plus costs and sheriff's charges.

Dated at this day of, 20.....,

Respondent.

Witnesses:

1
Signature and address

2
Signature and address

No. 13 - Discovery – form of Affidavit

***For use in the District Court**

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF

HELD AT Case No.

In the matter between:

Plaintiff

A.B.

and

C.D.

.....

Defendant

I, C.D., the above-named defendant/plaintiff, make oath and say:

(1) I have in my possession or power the documents or recordings relating to the matters in question in this cause set forth in the first and second parts of the First Schedule hereto.

(2) I object to produce the said documents or recordings set forth in the second part of the said schedule hereto.

(3) I do so for the reason that (here state upon what grounds the objection is made, and verify the fact as far as may be).

(4) I have had, but no longer have in my possession or power, the documents or recordings relating to the matters in question in this action, set forth in the Second Schedule hereto.

(5) The last-mentioned documents or recordings were last in my possession or power.....(state when).

(6) The(here state what has become of the last-mentioned documents and recordings, and in whose possession they are now).

(7) According to the best of my knowledge and belief, I do not now have, and never have had in my possession, custody, or power, or in the possession, custody or power of my attorney, or agent, or any other person on my behalf, any document or recording, or copy of, or extract from any document or recording, relating to any matters in question in this cause, other than the documents or recordings set forth in the First and Second Schedules hereto.

DATED atthisday of20.....

.....

Defendant/Plaintiff

No. 13 - Discovery – form of Affidavit

***For use in the Regional Court**

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF

HELD AT Case No......

In the matter between:

.....

Plaintiff

A.B.

and

C.D.

.....

Defendant

I, C.D., the above-named defendant/plaintiff, make oath and say:

(1) I have in my possession or power the documents or recordings relating to the matters in question in this cause set forth in the first and second parts of the First Schedule hereto.

(2) I object to produce the said documents or recordings set forth in the second part of the said schedule hereto.

(3) I do so for the reason that (here state upon what grounds the objection is made, and verify the fact as far as may be).

(4) I have had, but no longer have in my possession or power, the documents or recordings relating to the matters in question in this action, set forth in the Second Schedule hereto.

(5) The last-mentioned documents or recordings were last in my possession or power.....(state when).

(6) The(here state what has become of the last-mentioned documents and recordings, and in whose possession they are now).

(7) According to the best of my knowledge and belief, I do not now have, and never have had in my possession, custody, or power, or in the possession, custody or power of my attorney, or agent, or any other person on my behalf, any document or recording, or copy of, or extract from any document or recording, relating to any matters in question in this cause, other than the documents or recordings set forth in the First and Second Schedules hereto.

DATED atthisday of20.....

.....
Defendant/Plaintiff

No. 14 - Notice in terms of Rule 23(5)

***For use in the District Court**

IN THE MAGISTRATE'S COURT FOR THE DISTRICT/ OF

HELD AT

Case No.....

In the matter between:

AB Plaintiff

and

CD Defendant

To:

Please take notice that the abovenamed plaintiff/defendant requires you to deliver within 15 days to the under-mentioned address a written statement setting out what documents or recordings of the following nature you have presently or had previously in your possession:

- (a)
- (b)

(c)

(d)

In such statement you must specify in detail which documents or recordings are still in your possession. If you no longer have any such documents or recordings which were previously in your possession you must state in whose possession they now are.

If you fail to deliver the statement within the time aforesaid, application will be made to court for an order compelling you to do so and directing you to pay the costs of such application.

.....

Plaintiff/Defendant/Plaintiff's/Defendant's Attorney

(Address)

No. 14 - Notice in terms of Rule 23(5)

***For use in the Regional Court**

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF

HELD AT Case No......

In the matter between:

AB Plaintiff

and

CD Defendant

To:

Please take notice that the abovenamed plaintiff/defendant requires you to deliver within 15 days to the under-mentioned address a written statement setting out what documents or recordings of the following nature you have presently or had previously in your possession:

(a)

(b)

(c)

(d)

In such statement you must specify in detail which documents or recordings are still in your possession. If you no longer have any such documents or recordings which were previously in your possession you must state in whose possession they now are.

If you fail to deliver the statement within the time aforesaid, application will be made to court for an order compelling you to do so and directing you to pay the costs of such application.

.....

Plaintiff/Defendant/Plaintiff's/Defendant's Attorney

(Address)

No. 15 - Discovery - Notice to Produce - Rule 23(6)***For use in the District Court**

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF

HELD AT

Case No.....

In the matter between:

.....

Plaintiff

.....

Defendant

TAKE NOTICE that the(plaintiff or defendant) requires you to produce within five days for his or her inspection the following documents or recordings referred to in your affidavit, dated the day of 20

(Describe documents or recordings required)

DATED at thisday of20.....

.....

Attorney for

(Address)

To:

.....

Attorney for the

(Address)

No. 15 - Discovery - Notice to Produce - Rule 23(6)***For use in the Regional Court**

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF

HELD AT

Case No.....

In the matter between:

.....

Plaintiff

.....

Defendant

TAKE NOTICE that the(plaintiff or defendant) requires you to produce within five days for his or her inspection the following documents or recordings referred to in your affidavit, dated the day of 20

(Describe documents or recordings required)

DATED at this day of20....

.....

Attorney for

(Address)

To:

.....

Attorney for the

(Address)

No. 15A - Discovery - Notice to Inspect Documents

***For use in the District Court**

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF

HELD AT

Case No.....

In the matter between:

.....

Plaintiff

.....

Defendant

TAKE NOTICE that you may inspect the documents or recordings mentioned in your notice of the day of20, at my office, or at and between the hours of and on the following days.

(or)

That the (plaintiff or defendant) objects to giving you inspection of the documents or recordings mentioned in your notice of the day of 20....., on the grounds that

(State the grounds)

DATED at this day of20....

.....

Attorney for

(Address)

To:

.....

Attorney for the

(Address)

No. 15A - Discovery - Notice to Inspect Documents***For use in the Regional Court**

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF

HELD AT

Case No.....

In the matter between:

.....

Plaintiff

.....

Defendant

TAKE NOTICE that you may inspect the documents or recordings mentioned in your notice of the day of20, at my office, or at and between the hours of and on the following days.

(or)

That the (plaintiff or defendant) objects to giving you inspection of the documents or recordings mentioned in your notice of the day of 20....., on the grounds that

(State the grounds)

DATED at this day of20....

.....

Attorney for

(Address)

To:

.....

Attorney for the

(Address)

No. 15B - Discovery – Notice to Produce Documents in Pleadings, etc – Rule 23(13)(a)***For use in the District Court**

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF

HELD AT

Case No.....

In the matter between:

.....

Plaintiff

.....

Defendant

TAKE NOTICE that the plaintiff (or defendant) requires you to produce for his or her inspection the following documents or recordings referred to in your
(declaration or plea, or affidavit).

(Describe documents or recordings required)

To:

.....

Attorney for the

(Address)

.....

Attorney for

(Address)

No. 15B - Discovery – Notice to Produce Documents in Pleadings, etc – Rule 23(13)(a)

***For use in the Regional Court**

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF

HELD AT

Case No.....

In the matter between:

.....

Plaintiff

.....

Defendant

TAKE NOTICE that the plaintiff (or defendant) requires you to produce for his or her inspection the following documents or recordings referred to in your
(declaration or plea, or affidavit).

(Describe documents or recordings required)

To:

.....

Attorney for the

(Address)

.....

Attorney for

(Address)

No. 16 - Order for Interdict Obtained *ex parte****For use in the District Court**

In the Magistrate's Court for the District of

held at Case No. of 20.....

In the matter between

..... Applicant

and

..... Respondent

It is ordered:

- (1) That a rule nisi be and is hereby granted calling upon
 (respondent) of
 (address) to show cause to this court on the day of
, 20..... at (time), or so soon thereafter as
 the matter can be heard, why shall not be
 interdicted from (set out the acts from
 which respondent or any other person is restrained) pending the decision of
 an action by the applicant against the said
 (respondent) for (set out the nature of the claim).

- (2) That this rule nisi operates as an interim interdict.

The aforesaid date may be anticipated by the respondent upon 12 hours' notice to the applicant.

By Order of the Court,

.....

Clerk of the Court

.....

Applicant/Applicant's Attorney

Address:

.....

No. 16 - Order for Interdict Obtained *ex parte****For use in the Regional Court**

In the Regional Court for the Regional Division of

held at Case No. of 20.....

In the matter between

..... Applicant

and

..... Respondent

It is ordered: _____

(1) That a rule nisi be and is hereby granted calling upon _____ (respondent) of _____ (address) to show cause to this court on the _____ day of _____, 20..... at _____ (time), or so soon thereafter as the matter can be heard, why _____ shall not be interdicted from _____ (set out the acts from which respondent or any other person is restrained) pending the decision of an action by the applicant against the said _____ (respondent) for _____ (set out the nature of the claim). _____

(2) That this rule nisi operates as an interim interdict.

The aforesaid date may be anticipated by the respondent upon 12 hours' notice to the applicant. _____

By Order of the Court,

Registrar _____

Applicant/Applicant's Attorney _____

Address: _____

No.17 – [Order for Arrest of Person *suspectus de fuga*]

No. 18 - Warrant for Attachment of Property to Found or Confirm

Jurisdiction

***For use in the District Court**

In the Magistrate's Court for the District of _____

held at _____ Case No. _____ of 20.....

In the matter between

_____ Applicant

and

_____ Respondent

To: The Sheriff,

You are hereby directed pursuant to an order of the above-mentioned court made on the _____ day of _____, 20....., forthwith to attach _____

_____ (state full particulars of property and where situate) to found or confirm jurisdiction of the said court

in _____ an _____ action _____ by _____ against _____ of _____

 _____ (address of respondent) for _____
 _____ (set out particulars of claim);

And for so doing this shall be your warrant.

Further, should the respondent wish to show cause why the order of attachment should not be confirmed, respondent shall appear before this court on the _____ day of _____, 20_____, at _____ (time), for that purpose.

The aforesaid date may be anticipated by the respondent upon 12 hours' notice to the applicant.

Upon security being given to the satisfaction of the sheriff of the aforesaid court for the amount of the applicant's claim and the costs of the application for attachment, the aforesaid property shall be released from attachment and upon such security being given the order for attachment shall *ipso facto* be discharged.

Dated at _____ this _____ day of _____, 20_____,

Clerk of the Court

Applicant/Applicant's Attorney

Address: _____

Dated at _____ this _____ day of _____, 20_____,

Sheriff

No. 18 - Warrant for Attachment of Property to Found or Confirm

Jurisdiction

***For use in the Regional Court**

In the Regional Court for the Regional Division of _____

held at _____ Case No. _____ of 20_____

In the matter between

_____ Applicant

and _____

_____ Respondent

To: The Sheriff, _____

You are hereby directed pursuant to an order of the above-mentioned court made on the day of, 20....., forthwith to attach

.....
(state full particulars of property and where situate) to found or confirm jurisdiction of the said court

in an action by against

..... of (address of respondent) for (set out particulars of claim);

And for so doing this shall be your warrant.

Further, should the respondent wish to show cause why the order of attachment should not be confirmed, respondent shall appear before this court on the day of, 20....., at (time), for that purpose.

The aforesaid date may be anticipated by the respondent upon 12 hours' notice to the applicant.

Upon security being given to the satisfaction of the sheriff of the aforesaid court for the amount of the applicant's claim and the costs of the application for attachment, the aforesaid property shall be released from attachment and upon such security being given the order for attachment shall *ipso facto* be discharged.

Dated at this day of 20.....,

.....
Registrar

.....
Applicant/Applicant's Attorney

Address:

.....
Dated at this day of 20.....,

.....
Sheriff

No. 19 – Direction to Attend Pre-Trial Conference

*For use in the District Court

In the Magistrate's Court for the District of

held at Case No. of 20.....

In the matter between

..... Plaintiff

and

..... Defendant

[Direction in terms of section 54(1) of the Magistrates' Courts Act, 1944 (Act 32 of 1944.)].

To the Plaintiff's Attorney/the Defendant's Attorney.

You are hereby directed to attend a conference to be held before the magistrate in court on the day of, [19] 20...., at (time) to consider-

- (a) the simplification of the issues;
- (b) the necessity or desirability of amendments to the pleadings;
- (c) the possibility of obtaining admissions of fact and of documents with a view to avoiding unnecessary proof;
- (d) the limitation of the number of expert witnesses;
- (e)

Dated at this day of, 20.....,

By Order of the Court,

.....
Clerk of the Court.

No. 19 – Direction to Attend Pre-Trial Conference

***For use in the Regional Court**

In the Regional Court for the Regional Division of

held at Case No. of 20.....

In the matter between

..... Plaintiff

and

..... Defendant

[Direction in terms of section 54(1) of the Magistrates' Courts Act, 1944 (Act 32 of 1944.)].

To the Plaintiff's Attorney/the Defendant's Attorney.

You are hereby directed to attend a conference to be held before the magistrate in court on the day of, 20...., at (time) to consider-

- (a) the simplification of the issues;
- (b) the necessity or desirability of amendments to the pleadings;

(c) the possibility of obtaining admissions of fact and of documents with a view to avoiding unnecessary proof;

(d) the limitation of the number of expert witnesses;

(e)

Dated at this day of
20.....,

By Order of the Court,

.....

Registrar.

No. 20 Order – Pre-Trial Conference

***For use in the District Court**

In the Magistrate's Court for the District of
.....

held at Case No. of 20.....

In the matter between

..... Plaintiff

and

..... Defendant

Order in terms of section 54(2) of the Magistrates' Courts Act, 1944 (Act 32 of 1944).

To the Plaintiff's Attorney and the Defendant's Attorney.

At the pre-trial conference held in chambers/court..... at.....on the.....day of....., 20....between the parties and/or their representatives, the following was agreed upon:

- (1)
- (2)
- (3)
- (4)
- (5)

As a result the court gave the following orders:

- (1)
- (2)
- (3)
- (4)
- (5)

Dated at this day of
20.....,

By Order of the Court,

.....

Clerk of the Court.

To: Plaintiff's Attorney.

To: Defendant's Attorney.

No. 20 Order – Pre-Trial Conference

***For use in the Regional Court**

In the Regional Court for the Regional Division of

held at Case No. of 20.....

In the matter between

..... Plaintiff

and

..... Defendant

Order in terms of section 54(2) of the Magistrates' Courts Act, 1944 (Act 32 of 1944).

To the Plaintiff's Attorney and the Defendant's Attorney.

At the pre-trial conference held in court..... at.....on the.....day of.....
20.... between the parties and/or their representatives, the following was agreed upon:

- (1)
- (2)
- (3)
- (4)
- (5)

As a result the court gave the following orders:

- (1)
- (2)
- (3)
- (4)
- (5)

Dated at this day of, 20.....,

By Order of the Court,

.....

Registrar.

To: Plaintiff's Attorney.

To: Defendant's Attorney.

No. 21 - Application for Trial with Assessors***For use in the District Court**

In the Magistrate's Court for the District of

held at Case No. of 20.....

In the matter between

..... Plaintiff

and

..... Defendant

The plaintiff/defendant hereby applies to have the above action tried with assessors.

(1) The defendant/plaintiff consents to such application and to the appointment of the following assessor:

.....
of(address)
.....

Plaintiff/Plaintiff's Attorney

.....

Defendant/Defendant's Attorney

or

(2) The defendant/plaintiff consents to such application, but the parties are unable to agree upon the names of assessors.

Wherefore the parties pray the court to appoint an assessor (or two assessors) excluding the following assessors (set out the names of those assessors whom one or other of the parties objects to):

.....

Plaintiff/Plaintiff's Attorney

.....

Defendant/Defendant's Attorney

or

(3) The defendant/plaintiff objects to such application.

Wherefore the plaintiff/defendant has set down this application for hearing on the

..... day of, 20..... at (time)

.....

Plaintiff/Defendant or Plaintiff's/Defendant's Attorney

To: The Clerk of the Court.

And:

Application granted/refused this day of, 20.....

Assessors appointed:

.....

Clerk of the Court

No. 21 - Application for Trial with Assessors

***For use in the Regional Court**

In the Regional Court for the Regional Division of

held at

Case No. of 20.....

In the matter between

..... Plaintiff

and

..... Defendant

The plaintiff/defendant hereby applies to have the above action tried with assessors.

(1) The defendant/plaintiff consents to such application and to the appointment of the following assessor:

.....
of(address)

.....

Plaintiff/Plaintiff's Attorney

.....

Defendant/Defendant's Attorney

or

(2) The defendant/plaintiff consents to such application, but the parties are unable to agree upon the names of assessors.

Wherefore the parties pray the court to appoint an assessor (or two assessors) excluding the following assessors (set out the names of those assessors whom one or other of the parties objects to):

.....

Plaintiff/Plaintiff's Attorney

.....

Defendant/Defendant's Attorney

or _____

(3) The defendant/plaintiff objects to such application.

Wherefore the plaintiff/defendant has set down this application for hearing on the

..... day of, 20..... at (time)

.....

Plaintiff/Defendant or Plaintiff's/Defendant's Attorney _____

To: _____ Registrar.

And: _____

Application granted/refused this day of, 20.....

Assessors appointed:

.....

Registrar

No. 22 – Summons to Assessor

***For use in the District Court**

In the Magistrate's Court for the District of

.....

held at

Case No. of 20.....

In the matter between

..... Plaintiff

and

..... Defendant

Sir/Madam,

You are hereby summoned to attend and serve as an assessor in this court on the day of, 20..... at (time), to assist the court in the above action in accordance with the provisions of section 34 of the Magistrates' Courts Act, 1944 (Act 32 of 1944).

Yours faithfully

.....

Clerk of the Court

To: _____

No. 22 – Summons to Assessor***For use in the Regional Court**

In the Regional Court for the Regional Division of

held at

Case No. of 20.....

In the matter between

..... Plaintiff

and

..... Defendant

Sir/Madam,

You are hereby summoned to attend and serve as an assessor in this court on the day of, 20..... at (time), to assist the court in the above action in accordance with the provisions of section 34 of the Magistrates' Courts Act, 1944 (Act 32 of 1944).

Yours faithfully

.....

Registrar

To:

No. 23 - Commissions de bene esse***For use in the District Court**

In the Magistrate's Court for the District of

held at Case No. of 20.....

In the matter between

..... Plaintiff

and

..... Defendant

To:

.....

Greeting:

Under and by virtue of the authority vested in me by section 53 of the Magistrates' Courts Act, 1944 (Act 32 of 1944), I do hereby commit to you full power and authority as a Commissioner of this court to examine of (and such other witnesses as either of the parties to this suit may desire to call) and to take the evidence on oath of the said witness(es) in the above suit now pending in this court.

Given under my hand at this day of
, 20....

.....

Magistrate

No. 23 - Commissions de bene esse

***For use in the Regional Court**

In the Regional Court for the Regional Division of

held at

Case No. of 20.....

In the matter between

..... Plaintiff

and

..... Defendant

To:

Greeting:

Under and by virtue of the authority vested in me by section 53 of the Magistrates' Courts Act, 1944 (Act 32 of 1944), I do hereby commit to you full power and authority as a Commissioner of this court to examine of (and such other witnesses as either of the parties to this suit may desire to call) and to take the evidence on oath of the said witness(es) in the above suit now pending in this court.

Given under my hand at this day of
, 20....

.....

Regional Magistrate

No. 24 – Subpoena

***For use in the District Court**

In the Magistrate's Court for the District of

held at Case No. of
 20.....

In the matter between

..... Plaintiff

and

..... Defendant

To: the Sheriff/Deputy Sheriff:

INFORM:

- (1) of
- (2) of
- (3) of
- (4) of

that each of them is hereby required to appear in person before this court at court on the day of, 20....., at (time) in the above-mentioned action to give evidence or to produce books, papers or documents on behalf of the (Where documents are required to be produced, add:) and to bring with each one of them and then produce to the court the several books, papers or documents specified in the list hereunder.

Payment of the witness fees for the witnesses as provided and allowed under section 51bis of the Magistrates' Courts Act, 1944 (Act 32 of 1944), as amended, is hereby tendered by the Plaintiff.

If any person, being duly subpoenaed to give evidence or to produce any books, papers or documents in his or her possession or under his or her control, which the party requiring the witness(es)' attendance desires to show in evidence, fails, without lawful excuse, to attend or to give evidence or to produce those books, papers or documents according to the subpoena or, unless duly excused, fails to remain in attendance throughout the trial, the court may, upon being satisfied on oath or by the return of the messenger that such person has been duly subpoenaed and that such person's reasonable expenses, calculated in accordance with the tariff prescribed under section 51bis, have been paid or offered to such person, impose upon the said person a fine not exceeding R300, 00, and in default of payment, imprisonment for a period not exceeding three months, whether or not such person is otherwise subject to the jurisdiction of the court.

Dated at this day of 20.....,

.....

Clerk of the Court

LIST OF BOOKS, PAPERS OR DOCUMENTS TO BE PRODUCED

| Date | Description | Original or Copy |
|-------|-------------|------------------|
| | | |
| | | |
| | | |
| | | |

(See back.)

[Print on back, paragraphs (a) and (b) of section 51(2) of the Act]

No. 24 – Subpoena***For use in the Regional Court**

In the Regional Court for the Regional Division of

held at

Case No. of 20.....

In the matter between

..... Plaintiff

and

..... Defendant

To: the Sheriff/Deputy Sheriff:

INFORM:

(1) of

(2) of

(3) of

(4) of

that each of them is hereby required to appear in person before this court at court
..... on the day of, 20....., at..... (time) in the above-mentioned action to give evidence or to produce
books, papers or documents on behalf of the (Where documents
are required to be produced, add:) and to bring with each one of them and then produce
to the court the several books, papers or documents specified in the list hereunder.Payment of the witness fees for the witnesses as provided and allowed under section
51bis of the Magistrates' Courts Act, 1944 (Act 32 of 1944), as amended, is hereby
tendered by the Plaintiff.

If any person, being duly subpoenaed to give evidence or to produce any books, papers or documents in his or her possession or under his or her control, which the party requiring the witness(es)' attendance desires to show in evidence, fails, without lawful excuse, to attend or to give evidence or to produce those books, papers or documents according to the subpoena or, unless duly excused, fails to remain in attendance throughout the trial, the court may, upon being satisfied on oath or by the return of the messenger that such person has been duly subpoenaed and that such person's reasonable expenses, calculated in accordance with the tariff prescribed under section 51bis, have been paid or offered to such person, impose upon the said person a fine not exceeding R300, 00, and in default of payment, imprisonment for a period not exceeding three months, whether or not such person is otherwise subject to the jurisdiction of the court.

Dated at this day of
....., 20.....,

.....

Registrar

LIST OF BOOKS, PAPERS OR DOCUMENTS TO BE PRODUCED

| Date | Description | Original or Copy |
|-------|-------------|------------------|
| | | |
| | | |
| | | |
| | | |

(See back.)

[Print on back, paragraphs (a) and (b) of section 51(2) of the Act]**No. 25 – Warrant for Payment of Fine or Arrest of Witness in Default*****For use in the District Court**

In the Magistrate's Court for the District of

held at Case No. of 20.....

In the matter between

..... Plaintiff

and

..... Defendant

To the sheriff and to the officer in charge of the.....Prison.

Whereas of has been duly subpoenaed to give evidence (or to produce certain books, papers or documents, as the case may be) in the above matter before this court at (time) on the day of, 20.... and has made default;

And whereas this court has imposed upon the said for his_ or her said default a fine of rand and for non-payment has committed him or her to the above-mentioned prison for a period of

This is therefore to authorise and require you, the said sheriff of the court, to arrest the said and, unless he or she shall pay to you the said sum of.....rand, to deliver him or her to the officer in charge of the Prison together with this warrant to be safely kept there until he or she shall have paid the said sum of rand or until the expiration of the said period of from the day on which the said shall be received into or retained in the said prison by virtue of this warrant whichever of the two shall first happen or until the said shall be otherwise legally discharged;

And this is to command you, the said officer in charge of the Prison, to receive and safely keep the said as aforesaid.

Dated at this day of 20.....,

.....

Clerk of the Court

No. 25 – Warrant for Payment of Fine or Arrest of Witness in Default***For use in the Regional Court**

In the Regional Court for the Regional Division of.....Held at

Case No. of 20.....

In the matter between

..... Plaintiff

and

..... Defendant

To the sheriff and to the officer in charge of the.....Prison.

Whereas of has been duly subpoenaed to give evidence (or to produce certain books, papers or documents, as the case may be) in the above matter before this court at (time) on the day of, 20.... and has made default;

And whereas this court has imposed upon the said for his or her said default a fine of rand and for non-payment has committed him or her to the above-mentioned prison for a period of

This is therefore to authorise and require you, the said sheriff of the court, to arrest the said and, unless he or she shall pay to you the said sum of.....rand, to deliver him or her to the officer in charge of the Prison together with this warrant to be safely kept there until he or she shall have paid the said sum of rand or until the expiration of the said period of from the day on which the said shall be received into or retained in the said prison by virtue of this warrant whichever of the two shall first happen or until the said shall be otherwise legally discharged;

And this is to command you, the said officer in charge of the Prison, to receive and safely keep the said as aforesaid.

Dated at this day of 20.....

.....
Registrar

No. 26 – Warrant for the Arrest of a Witness in Default***For use in the District Court**

In the Magistrate's Court for the District of

held at Case No. of 20.....

In the matter between

..... Plaintiff

and

..... Defendant

(1) To the Sheriff:

Whereas of has been duly subpoenaed to give evidence (or to produce certain books, papers or documents, as the case may be) in the above matter before this court on the day of 20..... at (time), and has made default;

This is therefore to authorise and require you to arrest the said and bring him or her before this court on the day of20..... at (time), then and there to give evidence and to be otherwise dealt with according to law.

(2) To the Officer-in-Charge of the Prison:

You are hereby commanded to receive the said and to keep him or her safely until such time as he or she shall be removed to have him or her before the court in accordance with the first part of this warrant or until he or she shall be otherwise lawfully discharged.

Dated at this day of, 20.....,

.....

Clerk of the Court

No. 26 – Warrant for the Arrest of a Witness in Default

***For use in the Regional Court**

In the Regional Court for the Regional Division of

held at

Case No. of 20.....

In the matter between

..... Plaintiff

and

..... Defendant

(1) To the Sheriff:

Whereas of has been duly subpoenaed to give evidence (or to produce certain books, papers or documents, as the case may be) in the above matter before this court on the day of 20..... at (time), and has made default;

This is therefore to authorise and require you to arrest the said and bring him or her before this court on the day of20..... at (time), then and there to give evidence and to be otherwise dealt with according to law.

(2) To the Officer-in-Charge of the Prison:

You are hereby commanded to receive the said and to keep him or her safely until such time as he or she shall be removed to have him

or her before the court in accordance with the first part of this warrant or until he or she shall be otherwise lawfully discharged.

Dated at this day of
20.....,

.....

Registrar

No. 27 – Security on Attachment or Interdict *ex parte*

***For use in the District Court**

In the Magistrate's Court for the District of
.....

held at Case No. of 20.....

In the matter between

..... Applicant

and

..... Respondent

Whereas of has applied for the issue of an order for the attachment of or interdict against the goods of at and the court has fixed the security to be given by the said in the sum of R.....;

[Now, therefore] Now therefore, the said binds himself or herself to satisfy any lawful claim by the said against the said for damages which the said may suffer by reason of the said attachment or interdict in case the said attachment or interdict be hereafter set aside;

[And of hereby binds himself or herself as surety for and co-principal debtor with the said in a sum not exceeding the said sum of R.....for the due fulfilment by the said of the obligation hereby undertaken by him or her.]

And (name the surety(ies)) of hereby bind(s) himself/herself/themselves jointly and severally as sureties and co-principal debtors together with the above-named Applicant to pay the above-named Respondent or whom else may lawfully claim against the Applicant as a consequence of this application all damages, costs and charges which he or she or they may sustain by reason of the attachment or interdict being set aside.

Signed at this day of, 20....

.....

Applicant.

Witnesses:

1.

Signature and address

.....

 Surety and co-principal debtor

2.

Signature and address

No. 27 – Security on Attachment or Interdict *ex parte*

***For use in the Regional Court**

In the Regional Court for the Regional Division of

held at

Case No. of 20.....

In the matter between

..... Applicant

and

..... Respondent

Whereas of has applied for the issue of an order for the attachment of or interdict against the goods of at and the court has fixed the security to be given by the said in the sum of R.....;

Now therefore, the said binds himself or herself to satisfy any lawful claim by the said against the said for damages which the said may suffer by reason of the said attachment or interdict in case the said attachment or interdict be hereafter set aside;

And (name the surety(ies)) of hereby bind(s) himself/herself/themselves jointly and severally as sureties and co-principal debtors together with the above-named Applicant to pay the above-named Respondent or whom else may lawfully claim against the Applicant as a consequence of this application all damages, costs and charges which he or she or they may sustain by reason of the attachment or interdict being set aside.

Signed at this day of, 20....

.....
 Applicant.

Witnesses:

1.

.....
 Signature and address

.....

.....

Surety and co-principal debtor _____

2. _____

Signature and address

No. 28 - Security when Execution is Stayed Pending Appeal

***For use in the District Court**

In the Magistrate's Court for the District of

held at _____ Case No. _____ of 20.....

In the matter between

.....Judgment

Creditor

and

..... Judgment
Debtor

Whereas the said on the day of
....., 20..... obtained judgment in this court against the said
..... for the sum of R..... together with a sum of R..... for costs;

And whereas the said has applied to the court for a stay of
execution pending appeal/review proceedings and the court has directed that execution
be stayed accordingly subject to the said giving security within
..... days;

Now, therefore, the said and of
..... as surety and co-principal debtor for the said hereby bind
themselves jointly and severally to satisfy the said judgment and any further liability
which may arise by way of damages or otherwise by reason of such suspension, so far
as such judgment may not be reversed or varied on appeal/review; and further severally
..... (insert any further terms required).

Signed at this day of,
20.....,

Judgment Debtor

Witnesses:

1. _____

Signature and address

Surety and co-principal debtor

2. _____

Signature and address

.....

No. 28 - Security when Execution is Stayed Pending Appeal

***For use in the Regional Court**

In the Regional Court for the Regional Division of

held at

Case No. of 20.....

In the matter between

.....Judgment Creditor

and

..... Judgment Debtor

Whereas the said on the day of
, 20..... obtained judgment in this court against the said
 for the sum of R..... together with a sum of R..... for costs;

And whereas the said has applied to the court for a stay of
execution pending appeal/review proceedings and the court has directed that execution
be stayed accordingly subject to the said giving security within
..... days;

Now, therefore, the said and of
 as surety and co-principal debtor for the said hereby bind
themselves jointly and severally to satisfy the said judgment and any further liability
which may arise by way of damages or otherwise by reason of such suspension, so far
as such judgment may not be reversed or varied on appeal/review; and further severally
..... (insert any further terms required).

Signed at this day of
 20.....,

.....
Judgment Debtor

Witnesses:

1.

.....
Signature and address

.....

.....
Surety and co-principal debtor

2.

.....
Signature and address

.....

No. 29 - Security when Execution is Allowed Pending Appeal***For use in the District Court**

In the Magistrate's Court for the District of

held at Case No. of 20.....

In the matter between

..... Judgment
Creditor

and

..... Judgment
Debtor

Whereas the said on the day of, 20..... obtained judgment in this court against the said for the sum of R..... together with a sum of R..... for costs;

And whereas the said court, notwithstanding that the said has noted an appeal against the judgment, has directed the judgment to be carried into execution upon security being given for restitution;

Now, therefore, the said and of as surety and co-principal debtor for the said hereby bind themselves jointly and severally to refund the above sums of R..... and R..... should the judgment of the said court be reversed and further severally (insert any further terms required).

Signed at this day of, 20.....,

.....
Judgment Debtor

Witnesses:

1.

Signature and address

.....
.....

Surety and co-principal debtor

2.

Signature and address

.....
.....

No. 29 - Security when Execution is Allowed Pending Appeal***For use in the Regional Court**

In the Regional Court for the Regional Division of

held at

Case No. of 20.....

In the matter between

..... Judgment Creditor

and

..... Judgment Debtor

Whereas the said on the day of
, 20..... obtained judgment in this court against the said
 for the sum of R..... together with a sum of R..... for costs;

And whereas the said court, notwithstanding that the said
 has noted an appeal against the judgment, has directed the judgment to be carried into
 execution upon security being given for restitution;

Now, therefore, the said and of
 as surety and co-principal debtor for the said
 hereby bind themselves jointly and severally to refund the above sums of R..... and
 R..... should the judgment of the said court be reversed and further severally
 (insert any further terms required).

Signed at this day of
 20.....,

.....

Judgment Debtor

Witnesses:

1.

Signature and address

.....

.....

Surety and co-principal debtor

2.

Signature and address

.....

No. 30 – Warrant of Ejectment***For use in the District Court**

In the Magistrate's Court for the District of

held at Case No. of 20.....

In the matter between

..... Plaintiff

and

..... Defendant

To the Sheriff.

Whereas in this action the said plaintiff on the day of, 20..... obtained judgment for the ejectment of the said defendant from the premises or land known as

This is to authorise and require you to put the said plaintiff into possession of the said premises or land by removing therefrom the said defendant for which this shall be your warrant;

And return to this court what you have done by virtue hereof.

Dated this day of, 20.....,

By Order of the Court.

.....

Clerk of the Court.

.....

Plaintiff/Plaintiff's Attorney.

Address:

.....

No. 30 – Warrant of Ejectment***For use in the Regional Court**

In the Regional Court for the Regional Division of

held at

Case No. of 20.....

In the matter between

..... Plaintiff

and

..... Defendant

To the Sheriff.

Whereas in this action the said plaintiff on the day of
, 20..... obtained judgment for the ejectment of the said defendant from the
 premises or land known as

This is to authorise and require you to put the said plaintiff into possession of the
 said premises or land by removing therefrom the said defendant for which this shall be
 your warrant;

And return to this court what you have done by virtue hereof. _____

Dated this day of, 20.....,

By Order of the Court.

Registrar

Plaintiff/Plaintiff's Attorney.

Address: _____

No. 31 – Warrant for Delivery of Goods

***For use in the District Court**

In the Magistrate's Court for the District of

held at Case No. of 20.....

In the matter between

..... Plaintiff

and

..... Defendant

To the Sheriff.

Whereas in this action the court ordered that the defendant should deliver to the
 plaintiff a certain (describe the thing to be
 delivered);

This is to authorise and require you to take the said
 (describe the thing) from the defendant and place the
 plaintiff in possession thereof, for which this shall be your warrant;

And return to this court what you have done by virtue hereof.

Dated this day of, 20.....,

By Order of the Court.

Clerk of the Court.

Plaintiff/Plaintiff's Attorney.

Address:

.....

No. 31 – Warrant for Delivery of Goods

***For use in the Regional Court**

In the Regional Court for the Regional Division of

held at

Case No. of 20.....

In the matter between

..... Plaintiff

and

..... Defendant

To the Sheriff.

Whereas in this action the court ordered that the defendant should deliver to the plaintiff a certain (describe the thing to be delivered);

This is to authorise and require you to take the said (describe the thing) from the defendant and place the plaintiff in possession thereof, for which this shall be your warrant;

And return to this court what you have done by virtue hereof.

Dated this day of, 20.....,

By Order of the Court.

.....

Registrar

.....

Plaintiff/Plaintiff's Attorney.

Address:

.....

No. 32 – Warrant for Execution Against Property

***For use in the District Court**

In the Magistrate's Court for the District of

.....

held at Case No. of 20.....

In the matter between

..... Execution
Creditor

and

..... Execution
Debtor

To the Sheriff.

Amounts to be levied (with costs execution) Whereas in this action the said
..... of on the day of, 20.....
obtained judgment in the abovementioned court against the said
..... of for the several sums
set out in the margin hereof amounting in all to the sum of R....., of which
R..... has since been paid;

This is therefore to authorize and require you to raise on the property of the said
.....

the sum of R..... together with your costs of this execution and pay to the said
.....

the aforesaid sum of R..... and return to this court what you have done by virtue
hereof.

R c

Judgment Debt

.....

Judgment debt Costs

.....

Cost of issuing warrant

.....

Costs of appeal

.....

SUBTOTAL

Less amount paid since judgment

TOTAL DUE

Dated at, this day of
.....20....

By Order of the Court.

.....

Clerk of the Court.

.....

Attorney for Execution Creditor

Address:

.....

NOTE: (1) If the execution debtor pays the amounts specified in the margin hereof with sheriff's charges of R..... within half an hour of the entry of the sheriff he or she will not be required to pay any further costs of execution. The amount of any payment made by the execution debtor and the date thereof shall be endorsed on the original and copy hereof, which endorsement shall be signed by the sheriff and countersigned by the execution debtor or execution debtor's representative.

(2) This execution may be paid out before sale, subject to the payment of the sheriff's fees and charges of execution, which may be required to be taxed.

(3) The only immovable property upon which this warrant may be executed is(set out its situation and nature sufficiently to enable it to be identified).

(4) In case of reissue the fact and date of reissue and any increase or reduction in the amounts to be levied shown on the face hereof shall be set out in a note endorsed hereon and signed by the execution creditor or execution creditor's attorney and by the clerk of the court.

(5) Any alterations made herein shall be initialled by the clerk of the court before the warrant is issued or reissued by him or her.

No. 32 – Warrant for Execution Against Property

***For use in the Regional Court**

In the Regional Court for the Regional Division of

held at

Case No. of 20.....

In the matter between

..... Execution Creditor

and

..... Execution Debtor

To the Sheriff.

Amounts to be levied (with costs execution) Whereas in this action the said
..... of on the day of, 20.....
obtained judgment in the abovementioned court against the said
..... of for the several sums
set out in the margin hereof amounting in all to the sum of R....., of which
R..... has since been paid;

This is therefore to authorize and require you to raise on the property of the said
.....

the sum of R..... together with your costs of this execution and pay to the said
.....

the aforesaid sum of R..... and return to this court what you have done by virtue
hereof.

..... R c

Judgment Debt

Judgment debt Costs
Cost of issuing warrant
Costs of appeal
SUBTOTAL
Less amount paid since judgment
TOTAL DUE

Dated at, this day of
20....

By Order of the Court.

.....

Registrar

.....

Attorney for Execution Creditor

Address:.....

.....

NOTE: (1) If the execution debtor pays the amounts specified in the margin hereof with sheriff's charges of R..... within half an hour of the entry of the sheriff he or she will not be required to pay any further costs of execution. The amount of any payment made by the execution debtor and the date thereof shall be endorsed on the original and copy hereof, which endorsement shall be signed by the sheriff and countersigned by the execution debtor or execution debtor's representative.

(2) This execution may be paid out before sale, subject to the payment of the sheriff's fees and charges of execution, which may be required to be taxed.

(3) The only immovable property upon which this warrant may be executed is (set out its situation and nature sufficiently to enable it to be identified).

(4) In case of reissue the fact and date of reissue and any increase or reduction in the amounts to be levied shown on the face hereof shall be set out in a note endorsed hereon and signed by the execution creditor or execution creditor's attorney and by the registrar.

(5) Any alterations made herein shall be initialled by the registrar before the warrant is issued or reissued by him or her.

No. 33 - Notice of Attachment in Execution

***For use in the District Court**

In the Magistrate's Court for the District of

held at Case No. of
 20.....

In the matter between

..... Execution
Creditor

and

..... Execution
Debtor

To:
Execution Debtor.

Take notice that I have this day laid under judicial attachment the property comprised in the above inventory in pursuance of a warrant directed to me under the hand of the clerk of the court for the district of, whereby I am required to cause to be raised of your property in this district or region the sum of R..... and R..... costs recovered against you by the judgment of the said court in this action and my charges in respect of the said warrant.

Dated at this day of,
20.....

.....

Sheriff.

No. 33 - Notice of Attachment in Execution

***For use in the Regional Court**

In the Regional Court for the Regional Division of

held at

Case No. of 20.....

In the matter between

..... Execution
Creditor

and

..... Execution
Debtor

To:
Execution Debtor.

Take notice that I have this day laid under judicial attachment the property comprised in the above inventory in pursuance of a warrant directed to me under the hand of the registrar for the regional division of, whereby I am required to cause to be raised of your property in this district or region the sum of R..... and R..... costs recovered against you by the judgment of the said court in this action and my charges in respect of the said warrant.

Dated at this day of
20.....

.....

Sheriff.

No. 34 – Notice to Preferent Creditor***For use in the District Court**

[Section 66(2)(a) of Act 32 of 1944]

In the Magistrate's Court for the District of

held at Case No. of 20.....

In the matter between

..... Judgment
Creditor

and

..... Judgment
DebtorTo:
(Preferent Creditor)

Whereas the undermentioned immovable property was laid under judicial attachment by the Sheriff on the day of, 20..... you are hereby notified that it will be sold in execution **[in front of the Court-house]** at (place) on the day of, 20..... at (time)

Short description of property and its situation:

.....

Dated at this day of, 20.....

.....
 Judgment creditor/Attorney for judgment
 creditor

Address:

No. 34 – Notice to Preferent Creditor***For use in the Regional Court**

[Section 66(2)(a) of Act 32 of 1944]

In the Regional Court for the Regional Division of

held at

Case No. of 20.....

In the matter between

..... Judgment Creditor
 and

..... Judgment Debtor

To:
(Preferent Creditor)

Whereas the undermentioned immovable property was laid under judicial attachment by the Sheriff on the day of, 20..... you are hereby notified that it will be sold in execution at (place) on the day of, 20..... at (time)

Short description of property and its situation:

Dated at this day of, 20.....

.....
Judgment creditor/Attorney for judgment creditor

Address:
.....

No. 35 - Interpleader Summons

[Section 69(1) of Act 32 of 1944]

*For use in the District Court

In the Magistrate's Court for the District of

held at Case No. of
20.....

In the matter between

..... Execution
Creditor

and

..... Execution
Debtor

To: (Execution Creditor.)

and: (Claimant.)
.....

You are hereby summoned to appear before this court on the day of, 20....., at (time), to have it determined and declared whether certain movable property, namely, attached on the day of, 20..... by the sheriff by virtue of a warrant of execution issued by this court on the day of, 20....., in the action in which you, the said execution creditor [.....], obtained judgment for the sum of R..... against of (execution debtor) and which said property is claimed by you, the said claimant [.....], as being your property, is or is not your property or to appear to

have the claim by you, the said claimant, [.....
(claimant)] to the proceeds of property, namely attached on the
 day of, 20.....

by the sheriff by virtue of a warrant of execution issued out of this court on the
 day of, 20....., in the action in which the execution creditor
 obtained judgment for the sum of R..... against

of (execution debtor) and which property was sold in execution on
 the day of, 20....., adjudicated upon.

Dated at this day of,
 20.....

.....

Clerk of the Court.

No. 35 - Interpleader Summons

[Section 69(1) of Act 32 of 1944]

***For use in the Regional Court**

In the Regional Court for the Regional Division of

held at

Case No. of 20.....

In the matter between

..... Execution Creditor

and

..... Execution Debtor

To: (Execution Creditor.)

.....

and: (Claimant.)

.....

You are hereby summoned to appear before this court on the day
 of, 20....., at (time), to have it determined and declared
 whether certain movable property, namely, attached on the
 day of, 20..... by the sheriff by virtue of a warrant of execution issued by this
 court on the day of, 20....., in the action in which you,
 the said execution creditor, obtained judgment for the sum of R.....
 against of (execution debtor) and
 which said property is claimed by you, the said claimant, as being your
 property, is or is not your property or to appear to have the claim by you, the
 said claimant, to the proceeds of property, namely attached on the
 day of, 20.....

by the sheriff by virtue of a warrant of execution issued out of this court on the day of, 20....., in the action in which the execution creditor obtained judgment for the sum of R..... against

of (execution debtor) and which property was sold in execution on the day of, 20....., adjudicated upon.

Dated at this day of, 20.....

.....

Registrar

No. 36 – Interpleader Summons

[Section 69(2) of Act 32 of 1944]

***For use in the District Court**

In the Magistrate's Court for the District of

held at Case No. of 20.....

To the Sheriff of the Court.

Whereas of has interpleaded in this court as to (state subject matter) which is adversely claimed by of and of hereinafter called the claimants;

Summon the said claimants that they appear before the above-mentioned court on the day of 20..., at (time), and that they do then severally state the nature and particulars of their several claims and whether they will maintain or relinquish the same.

Dated at this day of, 20.....

.....

Clerk of the Court.

No. 36 – Interpleader Summons

[Section 69(2) of Act 32 of 1944]

***For use in the Regional Court**

In the Regional Court for the Regional Division of

held at

Case No. of 20.....

To the Sheriff of the Court.

Whereas of has interpleaded in this court as to (state subject matter)

which is adversely claimed by of and
 of hereinafter called the claimants;

Summon the said claimants that they appear before the above-mentioned court
 on the day of 20..., at (time), and that
 they do then severally state the nature and particulars of their several claims and
 whether they will maintain or relinquish the same.

Dated at this day of, 20.....

.....

Registrar

No. 37 – Security under Rule 38

***For use in the District Court**

In the Magistrate's Court for the District of

held at

Case No. of 20.....

In the matter between

..... Execution
 Creditor

and

..... Execution
 Debtor

Whereas the said execution creditor obtained judgment in this court against the
 said execution debtor on the day of, 20..... in
 the sum of R..... together with the sum of R..... for costs;

And whereas under the said judgment execution has been issued and property/a
 debt/emoluments has/have been attached;

Now therefore the said execution creditor binds himself or herself to the sheriff of
 the aforesaid court that if the attachment be hereafter set aside, he or she will satisfy any
 lawful claim against him or her by the said execution debtor for damages suffered by the
 said execution debtor by reason of the said attachment;

And of binds himself or herself as
 surety and co-principal debtor in a sum not exceeding R..... for the due fulfilment by the
 said execution creditor of the obligation undertaken by him or her.

Signed and dated at this..... day of
, 20.....

.....

Execution Creditor

Witnesses:

1.

Signature and address

.....

Surety and co-principal debtor

2.

Signature and address

.....

NOTE: Where the security is for the repayment of moneys attached by a garnishee order, a similar form should be used, the words 'refund the gross amount paid by the garnishee' being substituted for the words 'satisfy any lawful claim against him or her by the said execution debtor for damages suffered by the said execution debtor by reason of the said attachment'.

No. 37 – Security under Rule 38

***For use in the Regional Court**

In the Regional Court for the Regional Division of
held at

Case No. of 20.....

In the matter between

..... Execution Creditor

and

..... Execution Debtor

Whereas the said execution creditor obtained judgment in this court against the said execution debtor on the day of, 20..... in the sum of R..... together with the sum of R..... for costs;

And whereas under the said judgment execution has been issued and property/a debt/emoluments has/have been attached;

Now therefore the said execution creditor binds himself or herself to the sheriff of the aforesaid court that if the attachment be hereafter set aside, he or she will satisfy any lawful claim against him or her by the said execution debtor for damages suffered by the said execution debtor by reason of the said attachment;

And of binds himself or herself as surety and co-principal debtor in a sum not exceeding R..... for the due fulfilment by the said execution creditor of the obligation undertaken by him or her.

Signed and dated at this..... day of 20.....

.....

Execution Creditor

Witnesses:

1.

Signature and address

.....
 Surety and co-principal debtor

2.

Signature and address

.....
 NOTE: Where the security is for the repayment of moneys attached by a garnishee order, a similar form should be used, the words 'refund the gross amount paid by the garnishee' being substituted for the words 'satisfy any lawful claim against him or her by the said execution debtor for damages suffered by the said execution debtor by reason of the said attachment'.

No. 38 - Emoluments Attachment Order - Section 65J of the Magistrates' Courts Act 1944 (Act 32 of 1944)

***Only for use in the District Court**

IMPORTANT NOTICE:

YOUR ATTENTION IS DIRECTED to section 65J(3) of the Magistrates' Courts Act, 1944 (read with section 3(1) of the Sheriffs Act, 1986), which provides that only a sheriff may serve this order on a garnishee in the manner prescribed by rule 9 of the Magistrates' Courts Rules. Service of this order by a person who is not a sheriff appointed in terms of section 2 of the Sheriffs Act, 1986, constitutes a criminal offence in terms of section 60(1)(gA) of the Sheriffs Act, 1986, and renders such service invalid and of no effect. A person who is convicted of an offence in terms of section 60(1)(gA) of the Sheriffs Act, 1986, shall be liable to a fine or to imprisonment for a period not exceeding three years or both such fine and such imprisonment.

YOUR ATTENTION IS FURTHER DIRECTED to section 65J(6) of the Magistrates' Courts Act, 1944, which provides as follows:

"If, after the service of such an emoluments attachment order on the garnishee, it is shown that the judgment debtor, after satisfaction of the emoluments attachment order, will not have sufficient means for his or her own and his or her dependants' maintenance, the court shall rescind the emoluments attachment order or amend it in such a way that it will affect only the balance of the emoluments of the judgment debtor over and above such sufficient means."

In the Magistrate's Court for the District of

held at Case No. of 20.....

In the matter between

.....
 Judgment Creditor

and

.....
 Judgment Debtor

Particulars for the identification of the judgment debtor inclusive of his or her identity or work number or date of birth and address.

.....
Garnishee.

..... Address of
garnishee.

Whereas it has been made to appear to the above-mentioned Court that emoluments are at present or in future owing or accruing to the judgment debtor by or from the garnishee and that after satisfaction of the following order sufficient means will be left to the judgment debtor to maintain himself or herself and those dependent upon him or her;

It is ordered:

(1) That the said emoluments are attached;

(2) That the garnishee pay to the judgment creditor or his or her attorney on the day of each and every month/week after this order has been granted the sum of R..... of the emoluments of the said judgment debtor until a sufficient amount has been paid to satisfy a judgment or order obtained against the judgment debtor by the judgment creditor in the Court at on the day of for the amount of R (on which judgment or order the amount of R remains unpaid) with costs

amounting to R and the costs of attachment amounting to R as well as R sheriff's fees.

Dated at this day of, 20.....

By Order of the Court,

.....
Clerk of the Court.

.....
Judgment Creditor/Attorney for Judgment Creditor.

Address of Judgment Creditor/Attorney for Judgment Creditor.

.....

Attention is directed to the provisions of section 65J (10) of the Magistrates' Courts Act, 1944, which reads as follows:

"Any garnishee may, in respect of the services rendered by him or her in terms of an emoluments attachment order, recover from the judgment creditor a commission of up to 5 per cent of all amounts deducted by him or her from the judgment debtor's emoluments by deducting such commission from the amount payable to the judgment creditor."

No. 39 – Garnishee Order – Section 72 of the Magistrates' Courts Act 1944 (Act 32 of 1944)***Only for use in the District Court**

In the Magistrate's Court for the District of

held atCase No. of 20.....

In the matter between

..... Judgment Creditor

and

..... Judgment Debtor

..... Particulars for the
identification of the judgment debtor inclusive of his/her identity or work number or date
of birth and address

..... Garnishee.

..... Address of garnishee.

Whereas it has been made to appear to the above-mentioned Court that a debt is
at present or in future owing or accruing to the judgment debtor by or from the
garnishee;

It is ordered-

(1) that the said debt be attached;

(2) that the garnishee pay to the judgment creditor or judgment creditor's attorney
so much of the debt as may be sufficient to satisfy a judgment or order obtained against
the judgment debtor by the judgment creditor in the Court at
..... on the day of20.... for the amount of
R..... (on which judgment or order the amount of R..... remains due and unpaid) and
the costs of the proceedings of attachment amounting to R..... as well as R.....
sheriff's fees.

If the garnishee fails to pay the judgment creditor or his or her attorney as
aforesaid, he shall appear before this Court on the day of
20.... at (time) to show cause why he or she should not pay the
same.

Dated at this day of, 20.....

By Order of the Court,

.....

Clerk of the Court

.....

Judgment Creditor/Attorney for Judgment Creditor

.....

..... (Address)

No. 40 – Notice to Appear in court in terms of section 65A(1) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944)

***Only for use in the District Court**

In the Magistrate's Court for the District of

held at Case No. of 20.....

In the matter between

..... Judgment Creditor

and

..... Judgment Debtor

To:

..... (If the judgment debtor is a juristic person it must be indicated that the responsible person is summoned in his or her personal capacity and in his or her capacity as the representative of the juristic person.)

You are hereby required to appear before abovementioned court on 20 at (time) to enable the court to inquire into your/the juristic person's financial position and to make such order as the court may deem just and equitable, as you/the juristic person failed to satisfy-

(a) the judgment of the said court of given against you/the juristic person on 20 for the payment of the amount of R and R costs; or

(b) the order of the said court of 20 that you/the juristic person shall pay in instalments the amount of R and R costs within 10 days of the date on which the judgment was given or

The balance of the debt at present amounts to R and the balance of the costs to R

You are further required to submit a full statement to the said court-

(a) of your/the juristic person's assets and liabilities;

(b) of your monthly/weekly income and expenditure, supported by documentary proof inclusive of a statement by your employer giving full particulars of your emoluments and, in the case of a juristic person, the latest financial statements;

(c) and the following:

.....

Notice:

(1) If the court is satisfied on the ground of sufficient proof or otherwise-

(a) that you have knowledge of a notice referred to in section 65A (1) of the Act and that you have failed to appear before the court on the date and at the time specified in the notice; or

(b) that you, where the proceedings were postponed in your presence to a date and time determined by the court, have failed to appear before the court on that date and at that time; or

(c) that you have failed to remain in attendance at the proceedings or at the proceedings so postponed,

the court may, at the request of the judgment creditor or his or her attorney, authorise the issue of a warrant directing a sheriff to arrest you and to bring you before a competent court to enable that court to conduct a financial inquiry. [Section 65A (6) of the Act]

(2) Any person who-

(a) is called upon to appear before a court under a notice in terms of section 65A (1) or (8)(b) of the Act (where the sheriff, in lieu of arresting a person, hands to that person a notice in writing to appear before the court) and who wilfully fails to appear before the court on the date and at the time specified in the notice;

(b) where the proceedings were postponed in his or her presence to a date and time determined by a court, wilfully fails to appear before the court on that date and at that time; or

(c) wilfully fails to remain in attendance at the proceedings or at the proceedings so postponed,

is guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three months. [Section 65A (9) of the Act]

Dated at this day of 20

.....

Judgment Creditor/Attorney

for Judgment Creditor

.....

Clerk of the Court

No. 40A – Warrant of Arrest in terms of section 65A(6) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944)

***Only for use in the District Court**

In the Magistrate's Court for the District of

held at Case No. of 20.....

In the matter between

..... Judgment Creditor

and

..... Judgment Debtor

Warrant of Arrest

To the Sheriff,

.....

You are hereby commanded to arrest (the above-named judgment debtor/the director or officer of the above-named judgment debtor) who-

(a) failed to appear before the court at (place) on 20 (date) in compliance with a notice in terms of section 65A (1) of the Act *;

(b) failed to, after proceedings were postponed in his or her presence in the court at on to 20 at (time), appear on the latter date and time*;

(c) failed to remain present at proceedings in the court at on 20 /postponed proceedings held in the court at on 20 *;

and to bring him or her as soon as is reasonably possible before the court within the district in which he or she was arrested. If it is not possible to bring him or her before the said court, he or she may be detained at any police station pending his or her appearance before that court. [Section 65A (8)(a) of the Act]

Dated at on this day of 20

.....
Judgment Creditor/Attorney for

Judgment Creditor

Address:

Telephone Number:

Fax Number:

Clerk of the Court

Telephone Number:

Fax Number:

* Delete that which is not applicable.

No. 40B – Notice to Appear in Court in terms of section 65A(8)(b) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944)

***Only for use in the District Court**

In the Magistrate's Court for the District of

held at Case No. of 20.....

In the matter between

..... Judgment Creditor

and

..... Judgment Debtor

To: (Name)

..... (Residential address)

..... (Occupation/Status)

You are hereby required to appear before the court at (place) on (date) at (time) to enable the court to inquire into your/the juristic person's financial position in terms of section 65D of the Act.

Notice:

Should you wilfully fail to appear before the said court on the said date and at the said time, or fail to remain present at the proceedings concerned, you will be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three months. [Section 65A(9) of the Act]

Dated at this day of
20

.....
Sheriff of

CERTIFICATE

I, Sheriff/Deputy Sheriff of
hereby certify that I have handed the original of this notice to
and that I have explained to him or her the import hereof.

.....
Sheriff of

Duplicate original to the
Clerk of the Court

No. 41 – Notice of Set-down of Postponed Proceedings under Section 65E(3) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944)

***Only for use in the District Court**

In the Magistrate's Court for the District of
.....

held at Case No. of 20.....

In the matter between

..... Judgment Creditor

and

..... Judgment Debtor

By hand/By registered post

To: (1) (Judgment Debtor)

.....

(2) Clerk of the Court.....

Take notice that the proceedings against you, the above-mentioned Judgment Debtor, which were postponed on the day of 20....., in terms of section 65E(1) of the Magistrates' Courts Act, 1944, have again been placed on the roll of the above-mentioned Court. You are, therefore, hereby, in terms of section 65E(3) of the said Act, directed to appear before the above-mentioned Court on the day of 20..... at (time).

Notice:

(1) If the court is satisfied on the ground of sufficient proof or otherwise-

(a) that you have knowledge of a notice referred to in section 65E (3) of the Act and that you have failed to appear before the court on the date and at the time specified in the notice; or

(b) that you, where the proceedings were postponed in your presence to a date and time determined by the court, have failed to appear before the court on that date and at that time; or

(c) that you have failed to remain in attendance at the proceedings or at the proceedings so postponed,

The provisions of section 65A(6) of the Act shall *mutatis mutandis* apply, and the court may, at the request of the judgment creditor or his or her attorney, authorise the issue of a warrant directing a sheriff to arrest you and to bring you before a competent court to enable that court to conduct a financial inquiry.

Dated at this day of 20

.....

Judgment Creditor/Attorney for Judgment Creditor

Address of Judgment Creditor/Attorney for Judgment Creditor

.....

No. 42 – Notice in terms of Rule 58(2)(a)

***Only for use in the Regional Court**

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF.....

HELD AT.....

CASE NO:.....

In the matter between

.....Applicant

and

.....Respondent

To the above-mentioned respondent:

TAKE NOTICE that if you intend to defend this claim you must within 10 court days file a reply with the registrar of this court, giving an address for service referred to in Rule 55(1)(g)(i) and serve a copy thereof on the applicant or his or her legal practitioner. Should you not comply with the above, you will then be automatically barred from defending and judgment may be given against you as claimed. Your reply must indicate what allegations in the applicant's statement you admit or deny, and must concisely set out your defence.

DATED atthis.....day of.....20.....

.....

Applicant/Applicant's legal practitioner

Address for service:

.....

No. 43 - Notice to Third Party

***For use in the District Court**

IN THE MAGISTRATE'S COURT FOR THE DISTRICT OF
HELD AT

CASE NO:.....

In the matter between:

Plaintiff

and

Defendant

and

.....

Third Party

TO THE ABOVE-NAMED THIRD PARTY:

TAKE NOTICE that the above-named plaintiff has commenced proceedings against the above-named defendant for the relief set forth in the summons, a copy of which is herewith served upon you.

The above-named defendant claims a contribution or indemnification (or such other grounds as may be sufficient to justify a third-party notice) on the grounds set forth in the annexure hereto.

If you dispute those grounds or if you dispute the claim of the plaintiff against the defendant you must give notice of your intention to defend [,] withindays. Such notice must be in writing and filed with the clerk of the court and a copy thereof served on the above-named defendant at the address set out at the foot of this notice. It must give an address referred to in rule 13(3) for the service upon you of notices and documents in the action. Within 20 days of your giving such notice you must file a plea to the plaintiff's claim against the defendant or a plea to the defendant's claim against you, or both such pleas.

DATED atthisday of20

.....

Defendant's Attorney

(Address)

To

and to Plaintiff's Attorney,

(Address)

No. 43 - Notice to Third Party

***For use in the Regional Court**

IN THE REGIONAL COURT FOR THE REGIONAL DIVISION OF

HELD AT

CASE NO:.....

In the matter between:

Plaintiff

and

Defendant

and

.....

Third Party

TO THE ABOVE-NAMED THIRD PARTY:

TAKE NOTICE that the above-named plaintiff has commenced proceedings against the above-named defendant for the relief set forth in the summons, a copy of which is herewith served upon you.

The above-named defendant claims a contribution or indemnification (or such other grounds as may be sufficient to justify a third-party notice) on the grounds set forth in the annexure hereto.

If you dispute those grounds or if you dispute the claim of the plaintiff against the defendant you must give notice of your intention to defend withindays. Such notice must be in writing and filed with the registrar and a copy thereof served on the above-named defendant at the address set out at the foot of this notice.

It must give an address referred to in rule 13(3) for the service upon you of notices and documents in the action. Within 20 days of your giving such notice you must file a plea to the plaintiff's claim against the defendant or a plea to the defendant's claim against you, or both such pleas.

DATED atthisday of20

.....

Defendant's Attorney

(Address) _____

To _____

and to Plaintiff's Attorney,

(Address) _____

No. 44 – Application for an Administration Order - Section 74(1) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944)

***Only for use in the District Court**

In the Magistrate's Court for the District of _____

held at _____ Case No. _____ of 20.....

APPLICATION FOR AN ADMINISTRATION ORDER BY

_____ (Full names and surname)

To 1. The Clerk of the Court at _____

2. _____

Take notice that I shall apply to the above-mentioned Court on the _____ day of _____ 20....., at _____ (time) _____, to make an order providing for the administration of my estate under the provisions of section 74 of the Magistrates' Courts Act, 1944.

A full statement of my affairs confirmed by an affidavit in support of this application is attached.

Dated at _____ this _____ day of _____ 20

Applicant.

Full address _____

NOTE: Section 74A (5) of the Magistrates' Courts Act, 1944, provides that the applicant shall deliver to each of his or her creditors at least 3 days before the date appointed for the hearing, personally or by registered post a copy of this application and statement of affairs (Form 45) on which shall appear the case number under which this application was filed.

No. 45 – Statement of Affairs of Debtor in an Application for an Administration Order - Section 65l(2) or 74A of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944)

***Only for use in the District Court**

Case No. of 20.....

In the application for an Administration Order of

(hereinafter referred to as the Applicant)

1. Surname of Applicant

First names.....

Date of birth.....Identity number

2. Residential address

3. Marital status If married, state whether in or out of community of property

Full names of spouse.....

Date of birth Identity number

If Applicant and spouse are living apart, state from what date

4. Dependants:

Full names Age Relationship

5. Name and business address of employer:

Applicant:

6. If not employed furnish reasons:

Applicant:

Spouse:

7. Occupation:

Applicant:

Spouse:

.....
8. Gross income:

Applicant: per week/month

.....
Spouse: per week/month

.....
9. Full particulars of all deductions from income (by way of stop order or otherwise) supported as far as possible by written statements of employer:

Applicant: Spouse:

Particulars

R Amount Particulars

R Amount

.....
.....

Total Total

10. Detailed particulars of essential weekly or monthly expenses, including transport expenses:

Applicant (including his or her dependants): Spouse:

Particulars Amount

R Particulars Amount

R

.....
.....

Total Total

11. Full particulars, supported by statements and copies of the agreements, of goods purchased under hire-purchase agreements in terms of the Hire-Purchase Act, 1942 (Act No. 36 of 1942), or credit agreements in terms of the Credit Agreements Act, 1980 (Act No. 75 of 1980) or the National Credit Act, 2005 (Act No. 34 of 2005), and not paid for in full:

| | | | |
|---|------------------------------------|-----------------------------|---------|
| Particulars (purchase price must be stated) | Balance | Instalment | Payable |
| weekly/monthly | Date when will be paid for in full | Reason why provision should | |
| be made for remaining instalments | | | |

R R

.....
.....

12. Full particulars of assets purchased under a written agreement (excluding an agreement referred to in item 11) which are not paid for in full.

| Particulars | Balance | Instalment | Payable weekly/monthly | Date when will |
|---------------------|----------------|----------------|------------------------|-----------------|
| be paid for in full | Reason why the | Administration | Order should | provide for the |
| payment thereof | | | | |

| R | R |
|---|---|
|---|---|

| | | | | |
|-------|-------|-------|-------|-------|
| | | | | |
| | | | | |

13. Full particulars and estimated value of security which creditors have in respect of debt which the Applicant or applicant's spouse is liable for (the name and address of any other person who, in addition to the debtor, is liable for the debt must also be stated):

| |
|-------|
| |
| |

14. Full particulars of immovable property of the Applicant or spouse which is mortgaged:

Mortgage

| |
|---------|
| |
| Address |
| |

| Description | Market Value | Balance of the bond(s) thereon | Date when will be |
|---------------------------------|---------------------|--------------------------------|-----------------------------|
| paid for in full | Instalments payable | Reason why the | Administration Order should |
| provide for the payment thereof | | | |

| R | R |
|---|---|
|---|---|

| | | | | |
|-------|-------|-------|-------|-------|
| | | | | |
| | | | | |

15. Full particulars of movable property of applicant or spouse:

| Description | Estimated value |
|-------------|-----------------|
|-------------|-----------------|

R

| |
|-------|
| |
| |

16. Full particulars of outstanding claims, bills, investments, bonds or other securities in favour of Applicant investing moneys in a savings or other account with a bank or elsewhere:

| Name and address of debtor or institution | Particulars | Amount |
|---|-------------|--------|
|---|-------------|--------|

R

| | |
|-------|-------|
| | |
| | |

17. All movable property not already stated, including goods pawned, mortgaged, subject to retention or attached for the execution of a judgment:

| Description | Estimated Value | Nature of encumbrance if any | Amount | of |
|---------------------|---|------------------------------|--------|----|
| debt encumbered for | Name and address of creditor in favour of whom encumbered | | | |

R

R

.....

18. If an Administration Order was at any time granted in respect of Applicant's estate, state:

Date of expiry Date set aside

.....

Reasons.....

.....

19. If an Administration Order is granted, state the amount of the weekly, monthly or other instalments which the Applicant offers to pay towards settlement of the debts mentioned in the list of creditors in the annexure to this statement:

R..... with effect from and weekly/monthly thereafter, or

....., from.....,

I
 from.....,

declare under oath:

(1) I am the applicant.

(2) A judgment/judgments has/have been obtained against me and I am unable forthwith to pay the amount(s), or to meet my financial obligations.

(3) I have no sufficient assets capable of attachment to satisfy such judgment(s) or obligations.

(4) The total amount of all my debts due does not exceed R50 000.

(5) All particulars contained in this statement and in the list of creditors in the Annexure to this statement, as well as the amounts due to them separately, are, to the best of my knowledge, true and correct and that the statement contains all particulars, assets, income and debts of me and my spouse, including my obligations.

.....

Signature

1. I certify that before administering the prescribed oath I asked the Deponent the following questions and wrote down his/her answers in his/her presence:

(a) Do you know and understand the contents of the above declaration?

.....

(b) Do you have any objection to taking the prescribed oath?.....

(c) Do you consider the prescribed oath to be binding on your conscience?

.....

2. I certify that the Deponent has acknowledged that he/she knows and understands the contents of this declaration which was sworn to before me and the Deponent's signature was placed thereon in my presence.

.....

Commissioner of Oaths

.....

Area

.....

Designation if appointment is held ex officio.

ANNEXURE TO STATEMENT OF AFFAIRS (FORM 45)-LIST OF CREDITORS

| Full name and address of creditor | Nature of claim and balance due | Date payable |
|---|---------------------------------|-------------------|
| Amount payable in instalments | Weekly/ monthly | Court Case number |
| If court order is granted in respect of claim, full particulars about. order, including particulars of emoluments attachment order or garnishee order | | |
| Balance | Date | |
| on which obligations terminate | | |

R

| | | | | | |
|-------|-------|-------|-------|-------|-------|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

Attention is directed to the provisions of section 74A (2)(e) of the Magistrates' Courts Act, 1944. All the Applicant's creditors and their addresses must be stated in the list in which a clear distinction shall be made between-

(i) debts, the whole amount of which is owing, including judgment debts payable in instalments in terms of a Court Order, an Emoluments Attachment Order or a Garnishee Order; and

(ii) obligations which are payable in future in periodical payments or otherwise or which will become payable under a maintenance order, agreement, stop order or otherwise, and in which the nature of such periodical payments is specified in each case or when the obligations will be payable and how they are then to be paid, the balance owing in each case and when, in each case, the obligation will terminate.

No. 46 – Certificate of Service of Foreign Process***For use in the District Court**

I,, clerk of the magistrate's court for the district of hereby certify that the following documents are annexed:

- (1) the original request for service of process or citation received from(state, territory or court) in the matter betweenand
- (2) the process received with such request;
- (3) the proof of service upon, the person named in such request for service, together with the certificate of verification of

I also certify that the service so proved and the proof thereof are such as are required by the practice and rules of the magistrates' courts.

I further certify that the cost of effecting such service, duly certified by the taxing officer of this court, amounts to the sum of R.....

GIVEN UNDER MY HAND and stamp, at thisday of20

.....
Clerk of the Court

Stamp
.....

No. 46 – Certificate of Service of Foreign Process***For use in the Regional Court**

I,, registrar/assistant registrar of the Regional Division of at hereby certify that the following documents are annexed:

- (1) the original request for service of process or citation received from(state, territory or court) in the matter betweenand
- (2) the process received with such request;
- (3) the proof of service upon, the person named in such request for service, together with the certificate of verification of

I also certify that the service so proved and the proof thereof are such as are required by the practice and rules of the magistrates' courts.

I further certify that the cost of effecting such service, duly certified by the taxing officer of this court, amounts to the sum of R.....

GIVEN UNDER MY HAND and stamp, at thisday of20

.....
Registrar/Assistant Registrar

Stamp
.....

No. 47 – Notice to Debtor that an Additional Creditor has lodged a claim against him or her for a debt owing before the making of the Administration Order - Section 74G(2) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944)

***Only for use in the District Court**

In the Magistrate's Court for the District of

held at Case No. of 20.....

To: (Debtor)

..... (Address)

Take notice that-

.....
(name and address of creditor) lodged a claim in terms of section 74G(2) of the Magistrates' Courts Act, 1944, for the amount of R..... in respect of (particulars of claim) which is not listed in the administration order made against you on the day of 20..... in the Magistrate's Court at

Kindly notify me in writing whether you admit or dispute this claim on or before the day of 20..... Please note that if you admit the claim or no reply is received from you on or before the said date, this claim shall be deemed to be proved, subject to the right of any other creditor who has not received notice of the claim to object to the debt, and shall be added to the list of names of your creditors who share pro rata in the payments made by you in terms of the Administration Order.

Dated at this day of, 20.....

.....
Administrator

No. 48 – Notice to Debtor that a Creditor has lodged a claim for a debt [owing] accruing after granting of the Administration Order - Section 74H(1) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944)

***Only for use in the District Court**

In the Magistrate's Court for the District of

held at Case No. of 20.....

To: (Debtor)

..... (Address)

.....
Take notice that-

.....
(name and address of Creditor) lodged a claim for the amount of R..... in respect of (particulars of claim) as a result of which he or she allegedly

became your creditor after the Administration Order was issued against you on the day of20..... in the Magistrate's Court at

Kindly notify me in writing on or before the day of 20..... whether you admit or dispute this claim. Please note that if you admit the claim or no reply is received from you on or before the said date, this claim shall be deemed to be proved, subject to the right of any other creditor who has not received notice of the claim to object to the debt, and shall be added to the list of names of your creditors who share pro rata in the payments made by you in terms of the Administration Order.

Dated at this day of, 20.....

.....

Administrator

No. 49 – Notice to add an Additional Creditor to the list of Creditors of a Person Under Administration - Section 74G(3) and 74H(2) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944)

***Only for use in the District Court**

In the Magistrate's Court for the District of

held at Case No. of 20.....

To: The Clerk of the Court

.....

Administration Order against

.....

Kindly add the name of from as a creditor to the list of creditors sharing pro rata in the payments in terms of the Administration Order for the amount of R..... in respect of

Dated at this day of, 20.....

.....

Administrator

No. 50 – Notice to Creditor that his or her name has been added to the List of Creditors of a Person Under Administration - Section 74G(3) and 74H(2) of the Magistrates' [Court] Courts Act, 1944 (Act No. 32 of 1944)

***Only for use in the District Court**

In the Magistrate's Court for the District of

held at Case No. of 20.....

To:

.....

Administration Order against

The above-mentioned Debtor admitted or did not dispute your claim against him/her for the amount of R..... and your name and the amount due to you have been added to the list of creditors sharing pro rata in payments in terms of the Administration Order. Kindly note that other creditors may still object against the debt so listed. In this event, you will be notified.

A copy of the Administration Order issued against the debtor on the day of 20..... in the Magistrate's Court at is attached/has already been received by you.

Dated at this day of, 20.....

.....
 Administrator

No. 51 – Administration Order – Section 74(1) of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944)

***Only for use in the District Court**

In the Magistrate's Court for the District of

held atthis day of 20.....

Case No. of 20....

In the application of

..... (hereinafter referred to as the applicant):

1. It is ordered-

(a) that the estate of the applicant be placed under administration in terms of section 74 of the Magistrates' Courts Act, 1944;

(b) that from be appointed Administrator of the Applicant's estate in terms of section 74E on condition that he or she gives the following security for the due and prompt payment by him or her to all the parties entitled thereto of all the moneys which come into his or her possession by virtue of this appointment

(c) that the Applicant pays the amount of R..... weekly/monthly to the Administrator for distribution among the creditors. **[First]** The first payment is to be made on or before the day of 20.... and weekly/monthly thereafter on or before every/theof each month;

(d)

(e)

2. Authority is granted-

(a) for the issue of an Emoluments Attachment Order under section 65J of the Magistrates' Courts Act, 1944, against the Applicant's employer for payment to the Administrator of the said amount on or before the said times until the costs of administration and the creditors have been paid in full. This authority is suspended on condition that

(b) for the issue of a garnishee order under section 72 of the Magistrates' Courts Act, 1944, against from
This authority is suspended on condition that;

(c) for the realization and distribution of the proceeds of the following assets among the creditors:

(i)

.....

(ii)

.....

(iii)

.....

(iv) of the following assets that are the subject of an agreement in terms of the Hire-Purchase Act, 1942 (Act 36 of 1942) or the Credit Agreements Act, 1980 (Act 75 of 1980) or the National Credit Act 2005, (Act 34 of 2005), with the written permission of the seller:

(aa)

.....

(bb)

.....;

(d) for the return of the following assets to the seller in terms of the Hire-Purchase Act, 1942 or section 17 of the Credit Agreements Act, 1980 or provisions of the National Credit Act, 2005:

(i)

(ii)

(e) other (give details)

.....;

Dated at this day of 20.....

.....

Magistrate

NOTE: In terms of section 74F (1) of the Magistrates' Courts Act, 1944, the Clerk of the Court shall hand or send by registered post a copy of this order to the debtor and in terms of section 74F (2) the Administrator shall forward a copy hereof by registered post to each creditor whose name is mentioned in the Debtor's statement of affairs (Form 45) or who has given proof of a debt.

No. 52 - Distribution Account in terms of Section 74J(5) of the Magistrates' Courts Act, 1944***Only for use in the District Court**

Distribution Account No.

To: The Clerk of the Court

.....

Case No. of 20.....

Administration Order against

.....

Distribution account for the period to

.....

A B C

A. (1) Amount payable to creditors in terms of the Administration Order/outstanding amount carried forward from previous statement -

- (2) Total amount due to additional creditors listed after granting of Administration Order/since lodging of previous statement. - -

(3) Interest - -

B. (1) Administration costs paid for the said period in terms of section 74L - -

(2) Claims paid during the said period that enjoy preference in terms of section 74J(3) - -

(3) Urgent or extraordinary medical, dental or hospital expenses paid during the said period - -

(4) Other payments during the said period (supply details) - -

Total

A B C

Totals carried forward from previous page

C. Total amount received by the Administrator during the said period - -

Total of C minus total of B - -

Disposal for pro rata distribution

Pro rata distribution:

..... *

-

..... *

-

..... *

Total amount paid during the said period - -

Total of A minus total of B

Outstanding amount carried forward to next statement

Dated at this day of
....., 20.....

.....

Administrator

* The names of creditors to whom *pro rata* amounts were paid by the Administrator during the said period to be inserted here. (The relevant amounts to be completed in column B.)

No. 52A – Rescission of Administration Order - Section 74Q of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944)

***Only for use in the District Court**

In the Magistrate's Court for the District of
.....

held at this day of 20.....

Case No. of 20.....

Administration Order against (hereinafter referred to as the Debtor).

Whereas, after consideration of an application by the Debtor*/an interested party, i.e.*, it appears that good cause exists for the rescission of the Administration Order granted on the day of

20..... in above-mentioned Court, the said Administration Order is rescinded with effect from the day of 20.....

Dated at this day of, 20.....

.....

Magistrate

NOTE: (1) The Clerk of the Court must send a copy of this order by registered post to the Administrator.

(2) The Administrator must deliver personally or send by post a copy of this order to the Debtor and to each creditor and inform the latter of the Debtor's last known address.

* Delete which is not applicable.

No. 53 – Notice of Abandonment of Specified Claim, Exception or Defence***For use in the District Court**

In the Magistrate's Court for the District of

held at Case No. of 20....

In the matter between

..... Plaintiff

and

..... Defendant.

Take notice that the plaintiff/defendant hereby abandons the undermentioned claim/exception/defence (as the case may be) set up by him or her in his or her summons/plea/reply (as the case may be).

Particulars:

.....
Dated at this day of,
20.....

.....

Plaintiff/Plaintiff's Attorney or Defendant/Defendant's Attorney.

To:

No. 53 – Notice of Abandonment of Specified Claim, Exception or Defence***For use in the Regional Court**

In the Regional Court for the Regional Division of

held at

Case No. of 20....

In the matter between

..... Plaintiff

and

..... Defendant.

Take notice that the plaintiff/defendant hereby abandons the undermentioned claim/exception/defence (as the case may be) set up by him or her in his or her summons/plea/reply (as the case may be).

Particulars:

.....
Dated at this day of,
20.....

.....

Plaintiff/Plaintiff's Attorney or Defendant/Defendant's Attorney.

To:

No. 54 – Agreement Not to Appeal***For use in the District Court**

In the Magistrate's Court for the District of

held at Case No. of 20....

In the matter between

..... Plaintiff

and

..... Defendant.

We,, of, and, of, the above named plaintiff and defendant, respectively, do hereby agree, in terms of section 82 of the Magistrates' Courts Act, 1944 (Act 32 of 1944), that the decision of the Court in the abovementioned action shall be final.

Signed and dated at this day of, 20....

Plaintiff

Witnesses:

1.

Signature and address.

Defendant.

2.

Signature and address.

No. 54 – Agreement Not to Appeal***For use in the Regional Court**

In the Regional Court for the Regional Division of

held at Case No. of 20....

In the matter between

..... Plaintiff

and

..... Defendant.

We,, of, and, of, the above named plaintiff and defendant, respectively, do hereby agree, in terms of section 82 of the

Magistrates' Courts Act, 1944 (Act 32 of 1944), that the decision of the Court in the abovementioned action shall be final.

Signed and dated at this day of 20.....

.....

Plaintiff

Witnesses:

1.

Signature and address.

.....

Defendant.

2.

Signature and address.

.....

No. 55 – Request to Inspect Record

***For use in the District Court**

In the Magistrate's Court for the District of

held at

I,, of, hereby apply to inspect the record of Case No. of 20.....

(If number of record is not known, then as follows:)

I,, of, hereby apply to inspect the record of the case between (plaintiff) and (defendant).

Search to begin with the month of 20.....

.....

Signature

(If the applicant is a party to the case or the attorney of such party, his or her capacity should be stated after his or her signature.)

No. 55 – Request to Inspect Record***For use in the Regional Court**

In the Regional Court for the Regional Division of

held at

I,, of, hereby apply to inspect the record of Case No. of 20.....

(If number of record is not known, then as follows:)

I,, of, hereby apply to inspect the record of the case between (plaintiff) and (defendant).

Search to begin with the month of 20.....

Signature

(If the applicant is a party to the case or the attorney of such party, his or her capacity should be stated after his or her signature.)

No. 56 - Criminal Record Book

| <u>Date of Hearing and Case No.</u> | <u>Name and Description of Accused.</u> | <u>Crime or Offence Charged.</u> | <u>Verdict and Sentence.</u> | <u>Remarks.</u> |
|---|---|--|----------------------------------|-----------------|
| | | | | |
| | | | | |

No. 57 - Notice in terms of Section 309B(2)(d) of the Criminal Procedure Act, 1977 (Act No. 51 of 1977)

IN THE REGIONAL/DISTRICT COURT FOR THE REGIONAL DIVISION/DISTRICT OF.....

HELD AT

Case

No.....

THE STATE

vs.....

TO THE DIRECTOR OF PUBLIC PROSECUTIONS OR PERSON DESIGNATED BY HIM OR HER (OR OTHER PROSECUTOR*)

AND TO THE APPELLANT,

TAKE NOTICE THAT the application by the appellant for leave to appeal in terms of section 309B of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), has been set down for hearing on (date), at(time) or so soon thereafter as the matter may be heard, in Court No.

....., Magistrate's Office

REGISTRAR/CLERK OF THE COURT,

TO THE DIRECTOR OF PUBLIC PROSECUTIONS OR PERSON DESIGNATED BY HIM OR HER,.....

(Address)

TO THE PROSECUTOR*,

(Address)

TO THE APPELLANT,

(Address)

OR TO,

(Address of appellant's legal representative, if any)

ACKNOWLEDGEMENT OF RECEIPT OF NOTICE IN TERMS OF SECTION 309B
(2)(d) OF THE CRIMINAL PROCEDURE ACT, 1977

Receipt of the above-mentioned notice is hereby acknowledged.

.....(Signature)

FOR DIRECTOR OF PUBLIC PROSECUTIONS OR PERSON DESIGNATED BY HIM
OR HER

.....(Name in print)

..... (Signature)*

FOR OTHER PROSECUTOR

.....(Name in print)

.....(Signature)

FOR APPELLANT

.....(Name in print)

* Only to be completed in a case in which the prosecution was not at the public
instance."

Commencement

24. These rules shall come into operation on **28 July 2014**.