In the Magistrate's Court for the District of Johannesburg Central
Held at Johannesburg Case no: _____

In the matter between:

_____ Plaintiff

And

_____ Defendant

AFFIDAVIT FOR A DUPLICATE FILE

THE ATTORNEY OF RECORD WITH PERSONAL KNOWLEDGE OR LITIGANT IN PERSON MUST COMPLETE THIS AFFIDAVIT. [NOT A MESSENGER OR SECRETARY OR ANY OTHER STAFF MEMBER OR ANY OTHER THIRD PARTY WHO IS PAID BY THE ATTORNEY TO PERFORM ANY TASK ON HIS OR HER BEHALF]

ONLY THE ATTORNEY OF RECORD OR THE LITIGANT IN PERSON CAN REQUEST A DUPLICATE FILE

I _____ in my capacity as the attorney of record for the

Plaintiff/Applicant, Defendant/Respondent hereby request the opening of a duplicate file.

1. Is the file an Off Site file? [Case files from 1999 to 2012]. Yes / No.

2. I confirm that the file was on a search list. Yes / No.

3. For how long was the file on the search list? _____ [Period]

4. What is the purpose for the request for the opening of a duplicate file? _____

   _____

5. The file was last used for the following purpose: _____

P**ART A – COURT DOCUMENTS**

6. Was a judgment granted in the matter? Please state date of judgment as well as by whom and in terms of what Rule/Section of the Act. (Copy of the judgment must be attached)(Attorney can obtain a copy of the judgment from ITC/EXPERIAN etc) **NO FILE WILL BE OPENED WHERE A COPY OF THE JUDGMENT IS NOT ATTACHED.**

Date of judgment: _____ Presiding Officer: _____

Type of judgment: _____

7. Was any other order granted in the matter? Please stated the full details including the date, magistrate and in terms of what Section or Rule the order was granted. (Copy of the Court order must be attached OR AND AFFIDAVIT OF THE ATTORNEY WHO ATTENDED AT COURT WHEN THE ORDER WAS GRANTED IF YOUR WISH TO RELY ON THE ORDER)

_____

_____

_____

_____

8. Was any request made for a judgment ito Section 57/ Sec 58 or Rule 12? _____

If yes, please give full details and also attach a copy of the magistrate's response or copy of judgment that was received.

_____

9. Please list any execution steps that were taken to date in the matter?

_____

_____

_____

_____

10. Is this the 1st request for a duplicate file. Please give details. _____

_____

_____

PART B – ALL PLEADINGS, NOTICES AND DOCUMENTS IN THE MATTER

11. Attached please find copies of all pleadings, notices and other documents in the matter. I confirm that these documents are copies of the original documents that were delivered at court.

Documents must contain the court date stamp when same was filed at court. This is specially applicable for documents that were issued by the court like the summons in the matter. Date stamped copies of the appearance to defend and plea are also required. Please list the unstamped documents and state the reason why stamped copies cannot be attached.

_____ - _____

_____ - _____

_____ - _____

_____
Signature of Attorney of record / Litigant

On behalf of: Plaintiff / Defendant / Applicant / Respondent

Initial & Surname: _____ Direct tel number: _____

Firm name and address: _____

COMMISSIONER OF OATHS

I _____ certify that this affidavit was signed and sworn to before

me at _____ on this the _____ th day of _____ 20_____, by the deponent who acknowledged that he knows and understands the contents of this affidavit, has no objection to taking the oath, considered the oath to be binding on his conscience and who uttered the following: "I swear that the contents of this affidavit is true, so help me God".

_____ _____
Commissioner of oath Date

Initials and surname: _____ Office held: _____

Address: _____
[The Commissioner may not be in the employ of the requester or client]

CLERK OF THE COURT

Date of this request received by Authorised Clerk of the Court _____ [Date]

I _____hereby confirm that:

1. The affidavit is property completed.
2. All the referred and required documents are attached.
3. That the affidavit is properly commissioned.
4. The file cannot be found after a thorough search by _____ [name]

On the following days _____ [list dates]

The opening of a duplicate file is authorised / NOT authorised. _____

_____ Date stamp:
Signature: Authorising Clerk of the Court