# OFFICE OF THE JUDGE PRESIDENT

**GAUTENG DIVISION OF THE HIGH COURT OF SOUTH AFRICA**
P O Box 442, PRETORIA 0001 - Tel 012- 314-9003 - Fax 012-326-4940
Palace of Justice, Church Square, Room 13, First Floor, Pretoria
Private Bag X7, JOHANNESBURG 2001 - Tel 011- 335-0479 - Fax 086-207-1291
c/o Pritchard and Von Brandis Streets, Room 510, Fifth Floor, Johannesburg
E-mail: NWalkinshaw@judiciary.org.za

14 January 2020

To:-

1. Judges - Gauteng Division of the High Court, Pretoria and Johannesburg
2. Chief Registrar - Gauteng Division of the High Court, Pretoria and Johannesburg
3. Secretariat – Judicial Case Flow Management, Office of the Chief Justice
4. Secretary General, Office of the Chief Justice
5. The Rules Board for Courts of Law
6. Registrars - Gauteng Division of the High Court, Pretoria and Johannesburg
7. Legal Practice Council – Gauteng
8. Law Society of South Africa
9. Johannesburg Society of Advocates
10. Pan African Bar Association of South Africa
11. Gauteng Family Law Forum
12. Gauteng Attorneys Association
13. Pretoria Attorneys Association
14. Johannesburg Attorneys Association
15. West Rand Attorneys Association
16. General Council of the Bar of South Africa
17. National Bar Council of South Africa
18. National Forum of Advocates
19. Pretoria Society of Advocates
20. North Gauteng Association of Advocates
21. Church Square Association of Advocates
22. Advocates for Transformation
23. Black Lawyers Association
24. National Association of Democratic Lawyers
25. Office of the Director of Public Prosecutions, Pretoria and Johannesburg
26. Office of the State Attorneys, Pretoria and Johannesburg
27. Office of the Family Advocate, Pretoria and Johannesburg
28. Legal Aid South Africa

Re: RECALLING AND REPLACEMENT OF PRACTICE DIRECTIVE 2 OF 2020 "AMENDMENTS TO THE PRACTICE MANUALS OF THE GAUTENG DIVISION OF THE HIGH COURT, PRETORIA AND JOHANNESBURG"

This letter serves to inform Judges, the Registry and all Practitioners that the Practice Directive issued on 10 January 2020 is recalled and replaced with the Practice Directive issued today, 14 January 2020 and enclosed herewith.

Sincerely,



D MLAMBO
JUDGE PRESIDENT OF THE GAUTENG DIVISION OF THE
HIGH COURT OF SOUTH AFRICA

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# JUDGE PRESIDENT'S DIRECTIVE 2 of 2020

## RE: AMENDMENTS TO THE PRACTICE MANUALS OF THE GAUTENG DIVISION OF THE HIGH COURT, PRETORIA AND JOHANNESBURG

This Directive serves to inform Judges, the Registry and all Practitioners of amendments to the Practice Manuals of the Gauteng Division of the High Court in Pretoria and Johannesburg. The amendments (where applicable) are suitably marked and any new provisions set out in this Directive shall replace all previous Directives issued in respect thereof.

### 1. Unopposed Motions

1.1 With effect from 27 January, 2020 save for matters that were finally enrolled prior to the issuing of this Directive, chapter 9.9.2 of the Practice Manual of the Gauteng Division, Johannesburg and chapter 13.9 of the Practice Manual of the Gauteng Division, Pretoria dealing with the ENROLMENT OF UNOPPOSED MOTIONS shall be amended in respect of FINAL ENROLMENT as follows:

1.2 Paragraph 12 of chapter 9.9.2 (Gauteng Division, Johannesburg) and paragraph 11 of chapter 13.9 (Gauteng Division, Pretoria) shall now read as follows:

1.2.1 Unopposed motions may not be finally enrolled later that noon seven (7) clear Court days preceding the day on which the matter is to be heard. This requirement shall be strictly enforced and the Registrar is empowered to refuse the enrolment of matters that are not compliant with the provisions herein. Should a party(s) fail to finally enrol a matter in accordance with this provision, such party shall apply for a new provisional enrolment to the Registrar.

1.2.2 Once a matter has been successfully enrolled on the final Unopposed Motion Roll, the Registrar shall create such case on the CaseLines digital litigation platform and invite all parties thereto to upload their case documents on the CaseLines system in accordance with the Caselines sectional index.

1.3 The following applications in the **Gauteng Division, Pretoria** will henceforth be enrolled on a Friday roll:

1.3.1 Applications to compel;

1.3.2 Applications for appointment of Curator;

1.3.3 Rule 46A and Rule 46(11) applications;

1.3.4 Applications for guardianship;

1.3.5 Variation of Orders; and

1.3.6 Transfer of matters.

1.4 The roll of the applications referred to in paragraph 1.3 may not exceed a total of 50 (fifty) matters per day and the provisions set out in paragraphs 1.2.1 and 1.2.2 will apply.

2. Opposed Motions

2.1 With effect from 27 January, 2020, the Practice Manual of the Gauteng Division, Pretoria and the Practice Manual of the Gauteng Division, Johannesburg dealing with the enrolment of Opposed Motions shall be amended as follows:

2.1.1 A party to an opposed motion may apply to the Registrar to allocate a date for the hearing of that application in terms of Rule 6(5)*(f)* of the Uniform Rules of Court only if:

- the papers have been properly secured, indexed and paginated provided that this shall not be necessary if the matter has been created and is handled through the Caselines Digital Litigation Platform; and

- heads of argument accompanied by a practice note from each party have been delivered and/or digitally uploaded on the Caselines Digital Litigation Platform.

2.2 The procedure to enrol an opposed application commences when a consolidated index is delivered and/or uploaded on then CaseLines Digital Litigation Platform.



2.3 The applicant shall deliver a consolidated index within five (5) days from the date of service of the applicant's replying affidavit or last affidavit that can permissibly be filed and/or uploaded on the Caselines Digital Litigation Platform.

2.4 Should the applicant not timeously deliver and/or upload the consolidated index, the respondent may do so.

2.5 The consolidated index must prominently indicate on the front page the date when and in what manner it was served on the opposing party.

2.6 The applicant shall deliver and/or upload heads of argument and a practice note within ten (10) days from the date of service and/or upload of the consolidated index.

2.7 The respondent shall deliver and/or upload heads of argument and a practice note within 10 days from the date of receipt of the applicant's heads of argument.

2.8 If the applicant fails to deliver and/or upload the heads of argument and practice note within the prescribed period, the respondent shall deliver and/or upload its heads of argument and practice note, within 10 days of the expiration of the period referred to in paragraph 6 above.

2.9 When a party fails to deliver and/or upload heads of argument on the prescribed date, the complying party may apply to the registrar for a provisional enrolment date and simultaneously such party shall initiate the application referred to in paragraph 4.1.12 below.



2.10 The heads of argument and practice notes may be served in accordance with Rule 4A of the Uniform Rules but uploading on the Caselines system shall be regarded as compliance with the Rule. This directive applies to the service and filing of any pleading and/or notice contemplated in this directive.

2.11 Where a party fails to deliver and/or upload heads of argument and/or a practice note within the stipulated period the complying party may provisionally enrol the application for hearing. Such party shall, upon provisional enrolment, simultaneously initiate and/or upload an interlocutory application on notice to the defaulting party that on the date set out therein, (which shall be at least 5 days from such notice), he or she will apply for an order that the defaulting party delivers and/or uploads his or her heads of argument and practice note within 3 days of such order, failing which the defaulting party's claim or defence will be struck out. Such application shall be enrolled in line with the provisions set out in Practice Directive 2 of 2019 dealing with interlocutory applications.

2.12 No opposed motion will be enrolled on the final roll without the requisite heads of argument being filed and/or uploaded. For all opposed motions to be enrolled, the enrolling party shall send a suitably worded email requesting the creation of cases, where necessary, on CaseLines and enrolment of the matter to JHBOEnrolment@judiciary.org.za for Johannesburg cases and PTAOEnrolment@judiciary.org.za for Pretoria cases. Upon receipt the Registrar will supply the next available date(s) which the party will have to confirm with the Registrar within one day, failing which, the matter will not be finally enrolled.

2.13 Additional or supplementary heads of argument may only be filed and/or uploaded by a party with the leave of the Court.

2.14 When preparing heads of argument practitioners are reminded of the dicta in *Caterham Car Sales & Coachworks Limited v Birkin Cars (Pty) Ltd and Another* 1998 (3) SA 938 (SCA) at 955B-G and *Ensign-Bickford (SA) (Pty) Ltd and Others v AECI Explosives & Chemicals Ltd* 1999 (1) SA 70 (SCA) 84H-85B.

2.15 The heads of argument shall include a list of the authorities to be quoted in support of the argument. The parties do NOT need to provide copies of authorities or any statutory enactment relied with the heads of argument, unless requested by the presiding Judge. However, if counsel is to refer to an authority, or statutory enactment or part thereof, copies must be made available to the court and the opposing party at the hearing provided that this may be uploaded on the CaseLines system under the appropriate section.

2.16 The heads of argument of the applicant shall be accompanied by a chronology table, duly cross-referenced, without argument, but including a succinct description of the events/facts. If the respondent disputes the correctness of the chronology table in a material respect, the respondent's heads of argument shall be accompanied by the respondent's version of the chronology table. The chronology must include dates relevant to the material facts of the dispute, as well as the dates on which documents were filed/served.

2.17 Regarding matters that are not on the Caselines Digital Litigation Platform, the Registrar will make available a secure location (the location) under the supervision of a person (the supervisor) where a register of matters enrolled on the opposed motion roll will be kept. For matters initiated on the CaseLines Digital Litigation system, the Registrar shall create a portal



containing the Opposed Motion Rolls which shall specify the details of all matters enrolled for each Opposed Motion week.

2.18 No more than sixty (60) applications may be enrolled for any court week.

2.19 Once a matter is enrolled:

2.19.1 no party may, without the leave of the Court, file any further documents other than a notice of removal, a notice of withdrawal, a notice of postponement or an official document or report.

2.19.2 where an application is required to be brought in terms of ss 4 and 5 of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 (PIE) the Registrar shall afford access to the court file, for matters not on the Caselines system, and permit the filing of documents.

2.20 It shall be the responsibility of the Registrar to prepare a court roll from the register and/or portal for the opposed motions for each week.

2.21 Where an opposed application is to be set down for hearing during the first or second week of any term, the parties shall comply with the requirements set out in paragraphs 2.1.1 to 2.17 and 2.19 by not later than the first day of the last week of the preceding term.



2.22 In all opposed applications that are to be heard during the first and second weeks of any term the Registrar shall invite the senior Judge or Judges concerned and their Secretaries to the case, for allocation on the first day of the last week of the preceding term.

2.23 Save for applications that are of an urgent nature, no opposed applications must be set down for hearing during the last week of term.

2.24 If an application is not to proceed on the date allocated, the parties must immediately notify the Registrar via the relevant email.

## 3. Rule 43 applications

### RULE 43 APPLICATIONS DURING TERM

3.1 All Rule 43 Applications issued from 27 January 2020 shall be initiated on the Caselines Digital Litigation Platform. Parties shall issue their applications in person through the Registrar who shall create the case on the CaseLines Digital Litigation Platform and invite the parties. Upon issue and creation, the applicant must serve the application and upload it on the Caselines system. The applicant must provide the details of the respondent to the Registrar who will invite the Respondent or his/her legal representatives, to the case, to register and upload his/her answering affidavit on the system. All pleadings thereafter shall be uploaded on the CaseLines system by the relevant party responsible for filing it.

3.2 All Rule 43 applications are to be enrolled on a separate roll on Tuesdays and Thursdays of each week during term. **All matters are to be set down seven (7) court days prior to the hearing date.** Save as provided in 3.5.6 below, the roll comprises of a maximum of five (5) opposed Rule 43 applications and five (5) unopposed Rule 43 applications. An application in terms of 3.5.6 below, is allocated as either an opposed Rule 43 application or unopposed Rule 43 application in terms hereof, depending on its nature. Matters are to be set down firstly, on a Tuesday and only once the maximum number per day has been reached, may matters be set down on a Thursday of that week.



3.3 Every Rule 43 application set down for hearing shall be duly paginated and be accompanied by a practice note. The opposing party's legal representative shall upload onto the CaseLines system, by no later than 13h00 five (5) court days preceding the hearing of the application, his/her practice note.

3.4 That practice note must set out the following information:

3.4.1 Whether the matter is opposed or unopposed;

3.4.2 Expected duration of the matter;

3.4.3 The name, telephone number (including cell-phone number) and email address of the legal practitioner for each party, if known;

3.4.4 A comparative table of no more than 2 pages detailing the relief sought by each party in respect of maintenance and/or the regime to regulate care and contact with minor children, clearly distinguishing –

3.4.4.1 items of relief which are agreed or common cause and

3.4.4.2 items of relief that are in dispute.

3.4.5 The information shall be set out so that the disputed issues are immediately in juxtaposition to facilitate proper and swift comparison, and to enable the Judge to identify exactly what is in dispute and what is common cause.

**3.5. FINANCIAL DISCLOSURE FORMS IN DIVORCE ACTIONS AND RULE 43 APPLICATIONS**

3.5.1 A financial disclosure form ("FDF") annexed to this Directive as "FDF1" must be completed under oath, together with the supporting documentation referred to in the FDF, to be exchanged between the parties as set out in the FDF, by each party in an opposed divorce action in which maintenance or proprietary relief is in dispute and/or in every opposed Rule 43 application in which maintenance is in dispute. Each party must index and paginate his/her duly completed FDF with supporting documents, prior to the exchange and delivery thereof referred to below.



3.5.2 In any opposed divorce action in which maintenance or proprietary relief is in dispute, both parties must exchange (inter partes), their respective FDFs no later than 10 court days after the Defendant delivers his/her Plea.

3.5.3 In any opposed Rule 43 Application in which maintenance is in dispute:

3.5.3.1 the Applicant and Respondent must exchange (inter partes), their respective FDFs with supporting documents no later than 5 days after the Respondent has delivered his/her sworn reply;

3.5.3.2 each party must place his/her FDF (without supporting documents) in the court file simultaneously with the filing of his/her Practice Note and comparative table referred to in paragraph 3.4 hereof;

3.5.3.3 the FDF supporting documents must be paginated and incorporated in a separate bundle to be exchanged between the parties as indicated in the FDF;

3.5.4 The Judge hearing the Rule 43 application will determine whether or not further affidavits in terms of Rule 43(5) are necessary.

3.5.5 In any matter where a divorce Summons and a Rule 43 application are issued simultaneously, the FDFs must be exchanged in accordance with the time periods relating to Rule 43 applications.

3.5.6 In a opposed divorce action in which maintenance or proprietary relief is in dispute and/or a rule 43 application in which maintenance is in dispute and where a party fails to deliver his/her FDF within the stipulated period, the complying party may bring an application, on notice, to the defaulting party that on the date set out therein, (which shall be at least 5 days from such notice) he/she will apply for an order that the defaulting party deliver his/her FDF within 5 days of such order, failing which the complying party may, on the same papers duly supplemented apply for the defaulting party's claim or defence to be struck out. These applications will be set down in the court dealing with the rule 43 applications contemplated in paragraph 3.1 hereof and be regarded as either an opposed or unopposed Rule 43 matter.



4. **Summary Judgments**

4.1 Unopposed and Opposed Summary Judgment applications with a duration of not more than one hour will be enrolled on the Unopposed Motion Roll. A maximum of 5 opposed Summary Judgment applications are to be enrolled per day.

4.2 Summary Judgement applications of a duration longer than one hour may not be heard in the unopposed motion Court and should be enrolled on the Opposed Motion Roll.

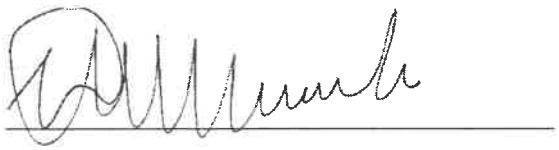
4.3 The Summary Judgment applications referred to paragraph 4.1 above are set down for Tuesdays and Thursdays of each week of term. Matters for Tuesday must be set down by the previous Thursday and matters for a Thursday by the previous Friday. The presiding Judge will on each Tuesday and Thursday at roll call indicate when the respective matters will be hear.

5. **Limitation on number of process issued**

With immediate effect, the number of Summonses/Applications that each Law Firm shall be permitted to issue per day at the Gauteng Division of the High Court, Pretoria and Johannesburg, shall be fifteen (15). The effect of this provision is that each Law Firm can issue a maximum of fifteen (15) case initiating documents per day excluding Rule 6 (12) urgent applications.

This Directive is of force and effect immediately.

Sincerely,



**D MLAMBO**
**JUDGE PRESIDENT OF THE GAUTENG DIVISION OF THE**
**HIGH COURT OF SOUTH AFRICA**

**ANNEXURE – FINANCIAL DISCLOSURE FORM ("FDF1")**

# FINANCIAL DISCLOSURE FORM

**Case no:**

**THE PARTIES**

| | |
|---|---|
| _____<br>The applicant / plaintiff | _____<br>The respondent / defendant |

**TO THE JUDGE:**

- **A SUMMARY OF ASSETS AND LIABILITIES APPEARS ON PAGE 19**
- **A SUMMARY OF INCOME APPEARS ON PAGE 19**
- **A SUMMARY OF MONTHLY EXPENDITURE APPEARS ON PAGES 20 TO 23**

Party making financial disclosure: _____

- Please fill in this form fully and accurately. Where any box is not applicable, write "N/A".

- You have a duty to the court to give a full, frank and clear disclosure of all your financial and other relevant circumstances.

- A failure to give full and accurate disclosure may result in an adverse court order.

***If you are found to have been deliberately untruthful, criminal proceedings may be brought against you for perjury and/ or fraud.***

- The information given in this form must be confirmed under oath or affirmation. Proceedings for contempt of court may be brought against a person who makes or causes to be made, a false statement in a document verified under oath or affirmation.

- When the form is delivered to other parties to the application or action, it must be accompanied by all supporting documents mentioned in the body of the form, and any others you wish to attach. NO supporting documents must be filed in court.

- If there is not enough room on the form for any particular piece of information, you may continue on an attached sheet of paper.

***If you are in doubt about how to complete any part of this form you should seek legal advice.***

# 1 GENERAL INFORMATION

1.1 Full name _____

1.2 Date of birth (DD/MM/YYY): _____

1.3 Residential Address: _____

1.4 Identity and/or passport number: _____

1.5 Date of marriage (DD/MM/YYY): _____

1.6 Type of Marriage (Civil/Civil Union/Customary): _____

1.7 Matrimonial Property Regime (tick appropriate):

| In community of property | Out of community of property (**excluding** accrual system) | Out of community of property (**including** accrual system | Other (Specify) |
|---|---|---|---|
| | | | |

1.8 Occupation:_____

1.9 Date of separation: _____

1.10 Date of issue of summons: _____

1.11 **Details of any children of the family**

| | **FULL NAMES AND SURNAME** | **DATE OF BIRTH (DD/MM/YY)** | | | **WITH WHOM DOES THE CHILD LIVE?** |
|---|---|---|---|---|---|
| 1 | | | | | |
| 2 | | | | | |
| 3 | | | | | |
| 4 | | | | | |
| 5 | | | | | |
| 6 | | | | | |

1.12 Details of any other pending or finalised court cases between you and your spouse, whether in relation to money, property, children, domestic violence, or anything else.

| | CASE NO | COURT | TYPE OF PROCEEDINGS |
|---|---|---|---|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |

# 2 FINANCIAL DETAILS

## CAPITAL – ASSETS

**2.1 FAMILY HOME: Complete this section in respect of the last family home occupied by you and your spouse, if it remains unsold.**

Documentation required for attachment to this section:

a) A copy of any valuation of the property obtained within the last six months (e.g. Estate agent, municipal or online Lightstone valuation)

b) A recent home loan statement confirming the sum outstanding on each mortgage registered over the property

Property address (including Erf no:)

_____

Registered owner/s of property

_____

Current market value of the property

_____

Mortgage company/Bank name(s) and account number(s)

_____

Balance(s) outstanding on any mortgage(s)

_____

Who pays the mortgage bond instalments, and in what proportions?

_____

Total equity in the property

_____

**TOTAL value of your interest in the family home:**

**TOTAL A: R_____**

**2.2. OTHER PROPERTIES: Details of your interest in any other immovable property, land or buildings, in South Africa or offshore. Complete one page for each property you have an interest in, repeating the details listed below for each property.**

| Documentation required for attachment to this section: |
|---|
| a) A copy of any valuation of the property obtained within the last six months (e.g. Estate agent, municipal or online Lightstone valuation) |
| b) A recent home loan/bond statement confirming the sum outstanding on each mortgage |

Property address (including Erf no:)

_____

Registered owner/s of property

_____

Current market value of the property

_____

Mortgage company/Bank name(s) and account number(s)

_____

Balance(s) outstanding on any mortgage(s)

_____

Who pays the mortgage bond instalments, and in what proportions?

_____

Total equity in the property

_____

**TOTAL value of your interest in other immovable property:**

**TOTAL B: R_____**

## 2.3. BANK ACCOUNTS

**Details of all personal bank accounts that you hold or have held at any time in the last twelve months and which are or were either in your own name or in which you have or have had any interest, in South Africa or offshore. This applies whether the account is in credit or in debit. For overdrawn accounts, show a minus figure.**

| Documents required for this section: |
|---|
| For each account listed, bank statements for the past 6 (six) months |

| | NAME OF BANK | TYPE OF ACCOUNT (E.G. CURRENT) | ACCOUNT NUMBER | BALANCE AT THE DATE OF THIS STATEMENT |
|---|---|---|---|---|
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |
| 5 | | | | |
| 6 | | | | |

**Total value of your interest in ALL accounts (C1): R_____**

## 2.4. INVESTMENTS

**Details of all investments, including shares, investments (other than already shown above) bonds, unit trusts, other investments, and other quoted securities that you hold or have an interest in, in South Africa or offshore. (Do not include dividend income as this will be dealt with separately later on.)**

| Documentation required for attachment to this section:<br>Latest statement relating to each investment. |
|---|

| | NAME | TYPE OF INVESTMENT | SIZE OF HOLDING/NR OF SHARES | INVESTMENT NUMBER | CURRENT VALUE |
|---|---|---|---|---|---|
| 1 | | | | | |
| 2 | | | | | |
| 3 | | | | | |
| 4 | | | | | |
| 5 | | | | | |
| 6 | | | | | |

**TOTAL value of your interest in ALL investments (C2): R _____**

## 2.5. POLICIES

**Details of all life insurance and endowment policies that you hold or have an interest in. Include details of those that do not have a surrender value.**

| Documentation required for attachment to this section:<br>A surrender valuation of each policy that has a surrender value and/or a full policy schedule from your broker. |
|---|

| | NAME | TYPE OF POLICY | POLICY NUMBER | CURRENT SURRENDER VALUE | CURRENT BENEFICIARIES |
|---|---|---|---|---|---|

| | | | | | |
|---|---|---|---|---|---|
| 1 | | | | | |
| 2 | | | | | |
| 3 | | | | | |
| 4 | | | | | |
| 5 | | | | | |
| 6 | | | | | |

**TOTAL value of your interest in ALL policies (C3): R _____**

## 2.6. LOANS RECOVERABLE

**Details of all monies that are OWED TO YOU in excess of R2 000-00. Do not include sums owed by way of loan account in your business, but do include loan accounts in Trusts. Documentary evidence required.**

| | BRIEF DESCRIPTION OF MONEY OWED AND BY WHOM | BALANCE OUTSTANDING |
|---|---|---|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |

**TOTAL value of your interest in ALL Debts owed to you (C4): R _____**

## 2.7. CASH

**Details of all cash sums held in excess of R2 000-00, in South Africa or offshore. You must state where it is held and the currency it is held in (e.g. US$ 500 in safe at home).**

| | WHERE HELD | TOTAL AMOUNT | CURRENCY | TOTAL CURRENT VALUE OF YOUR INTEREST |
|---|---|---|---|---|
| | | | | |

| | | | | |
|---|---|---|---|---|
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |

**TOTAL value of your interest in ALL cash sums (C5): R_____**

## 2.8. PERSONAL BELONGINGS

**Details of personal belongings individually worth more than R5 000-00, in South Africa or offshore.**

INCLUDE:

- Vehicles (trade value)
- Collections, pictures and jewellery
- Furniture and house contents (present market value, not replacement costs)

| | BRIEF DESCRIPTION OF ITEM | TOTAL CURRENT VALUE OF YOUR INTEREST |
|---|---|---|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |
| 7 | | |

**TOTAL value of your interest in ALL personal belongings (C6): R_____**

**Now, ADD TOGETHER all the figures for C1 to C6 to give the TOTAL current value of your interest in personal assets.**

**TOTAL personal assets (C): R_____**

## 2.9. BUSINESS INTERESTS

**Details of all your business interests, in South Africa or offshore. Complete one page for each business you have an interest in, repeating the details below for each one.**

| Documentation required for attachment to this section: |
|---|
| a) Copies of the business accounts (annual financial statements) for the last two financial years. |
| b) Any documentation, if available at this stage, upon which you have based your estimate of the current value of your interest in this business, for example a letter from an accountant or a formal valuation. It is not essential to obtain a formal valuation at this stage. |

| | |
|---|---|
| Name and brief description of the business | |
| Are you (please tick appropriate box) | ☐ Member in a close corporation<br>☐ Shareholder in a limited company<br>☐ Sole trader/partner |
| If you are a partner or a shareholder, state the extent of your interest in the business (i.e. partnership or the extent of your shareholding compared to the overall shares issued) | |
| Total amount of any sums owed to you by the business by way of a director's loan account, partnership capital or current accounts or the like. Identify where these appear in the business accounts. | |
| Your estimate of the current value of your interest in the business. Explain briefly the basis upon which you have reached that | |

| | |
|---|---|
| figure | |
| **TOTAL value of all YOUR interests in business assets:**<br>**TOTAL D** | **R** |

## 2.10. PENSION INTERESTS

**Give details of all your interests, including retirement annuities, pension funds, preservation funds, in South Africa or offshore. Complete a section for <u>each</u> pension interest, and add additional pages if necessary.**

Documentation required for attachment to this section:

a) A recent statement showing the cash equivalent provided by the trustees or managers of each pension arrangement, alternatively, the value as prescribed in terms of the Divorce Act.

b) If a valuation is not available, give the estimated date when it will be available and attach a copy of your letter to the pension fund or administrators from whom the information was sought.

**PENSION INTEREST 1**

Name of pension fund _____

Policy number _____

Type of scheme (pension/provident/RA) ("RA" – retirement annuity) _____

Present value _____

Date of valuation _____

**PENSION INTEREST 2**

Name of pension interest fund _____

Policy number _____

Type of scheme (pension/provident/RA) _____

Present value _____

Date of valuation _____

**PENSION INTEREST 3**

Name of pension fund _____

Policy number _____

Type of scheme (pension/provident/RA) _____

Present value _____

Date of valuation _____

**PENSION INTEREST 4**

Name of pension fund _____

Policy number _____

Type of scheme (pension/provident/RA) _____

Present value _____

Date of valuation _____

**TOTAL value of ALL your pension interests:**

**TOTAL E: R** _____

## 2.11. OTHER ASSETS

**Give details of any other assets not listed above.**

INCLUDE (the following list is not exhaustive):

- Any personal or business assets not yet disclosed
- Share option or incentive schemes (whether or not your shares have vested)
- Business expansion schemes

- Futures
- Commodities
- Any asset not disclosed elsewhere on this form even if held outside of South Africa

You are reminded of your obligations to disclose ALL your financial assets and interest of ANY nature.

| | TYPE OF ASSET | VALUE | TOTAL NET VALUE OF YOUR INTEREST |
|---|---|---|---|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |
| 8 | | | |
| 9 | | | |
| 10 | | | |

**TOTAL value of ALL your other assets:**

**TOTAL F: R** _____

**2.12. TRUSTS:**

**Are you a founder, trustee or beneficiary of any Trust? If so, please give the name, IT number, and capacity in which you act.**

| | NAME | IT NUMBER | CAPACITY |
|---|---|---|---|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |

| | | | |
|---|---|---|---|
| 5 | | | |
| 6 | | | |

# 2. FINANCIAL DETAILS

## CAPITAL – LIABILITIES

**2.13. Details of any liabilities you have, in South Africa or offshore.**

EXCLUDE liabilities already shown such as:

- Mortgage/home loans, overdrafts.

INCLUDE:

- Money owed on credit cards and store cards
- Bank loans
- Hire purchase/finance agreements e.g. on vehicles

List all credit and store cards held including those with a nil or positive balance.

| | LIABILITY (E.G. EDGARS, BANK ETC.) | TYPE OF CREDIT (E.G. STORE CARD, CREDIT CARD) | TOTAL CURRENT VALUE OF YOUR INTEREST IN THE LIABILITY |
|---|---|---|---|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |
| 8 | | | |
| 9 | | | |
| 10 | | | |

| | | | |
|---|---|---|---|
| 11 | | | |

**TOTAL G: R** _____

# FINANCIAL DETAILS

## INCOME - EARNED INCOME FROM EMPLOYMENT

**2.14. Details of earned income from employment. Complete one page for each employment.**

| Documentation required for attachment to this section: |
|---|
| a) IRP5 for the last financial year |
| b) Your last three payslips |

Name of Employer _____

Address of Employer _____

_____

Job Title _____

Gross income for last financial year as shown on your IRP5 _____

Net income for last financial year i.e. gross income less income tax and UIF (do not deduct pension contributions) _____

Details and value of any bonuses or other occasional payments that you have received from your employer over the past 24 months, if not reflected above _____

Details and values of any benefits in kind, perks or other remuneration received from the employer (e.g. Provision of a car, travel payments, accommodation, meal expenses) _____

Your estimate of your net income from this employer for the next 12 months _____

**Estimated total of ALL net earned income from all employment TOTAL H: R** _____

## 2. FINANCIAL DETAILS

## INCOME FROM SELF-EMPLOYMENT, PARTNERSHIP OR OTHER ASSETS/INVESTMENTS

**2.15. You will have already given details of your business and provided the last two years accounts above. Complete this section giving details of <u>your</u> income from your business. Complete one page for each business.**

Documentation required for attachment to this section:

a) A copy of your last tax assessment or, if that is not available, a letter from your accountant confirming your tax liability

b) If net income from the last financial year and estimated net income for the next 12 months is significantly different, a copy of management accounts for the period since your last account

Name of the business _____

Date of last annual financial statements _____

Your share of gross business profit from the last completed accounts _____

Tax payable on your share of gross business profit above _____

Net income for that year (using the two figures directly above, gross profit less tax) _____

Details and value of any dividends, benefits in kind, perks or other remuneration received from this business in the last year e.g. provision of a car, payment of travel, accommodation, meal expenses, etc. _____

Amount of any regular monthly or other drawings that you take from this business _____

If the estimated figure directly below is different from the net income as at the end date of the completed accounts, briefly explain the reason(s) _____

Your estimate of your net annual income for the next 12 months _____

**TOTAL of ALL net income from self-employment or partnership for the past 12 months:**

**TOTAL I: R_____**

## 2. FINANCIAL DETAILS

### INCOME FROM INVESTMENTS

### E.G. DIVIDENDS, INTEREST OR RENTAL INCOME

**2.16. Details of income received from investments (eg dividends, interest or rental income) in the last financial year, in South Africa or offshore, and your estimate of your income for the current financial year. Indicate whether the income was paid gross or net of income tax. You are not required to calculate any tax**

payable that may airse.

| | NATURE OF INCOME AND THE ASSET FROM WHICH IT DERIVED | PAID GROSS OR NET | INCOME RECEIVED IN THE LAST FINANCIAL YEAR | ESTIMATED INCOME FOR THE NEXT 12 MONTHS |
|---|---|---|---|---|
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |
| 5 | | | | |
| 6 | | | | |
| 7 | | | | |
| 8 | | | | |
| 9 | | | | |
| 10 | | | | |

**TOTAL investment income for the past 12 months:**

**TOTAL J: R _____**

## 2. FINANCIAL DETAILS

### INCOME FROM STATE BENEFITS

### (INCLUDING STATE PENSION, CHILD OR DISABILITY BENEFIT)

**2.17. Details of all state benefits that you are currently receiving.**

| | NAME OF BENEFIT | AMOUNT PAID | FREQUENCY OF PAYMENT | ESTIMATED INCOME FOR THE NEXT 12 MONTHS |
|---|---|---|---|---|
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |

| | | | | |
|---|---|---|---|---|
| 5 | | | | |

**TOTAL benefit income for the past 12 months:**

**TOTAL K: R_____**

## 2. FINANCIAL DETAILS

## ANY OTHER INCOME (INCLUDING LIVING ANNUITIES)

**2.18. Details of any other income not disclosed above.**

INCLUDE:

- Any source including a Pension OR Living Annuity
- From which income has been received during the last 12 months (even if has not ceased)
- From which income is likely to be received during the next 12 months

| | NATURE OF INCOME | PAID GROSS OR NET | INCOME RECEIVED IN THE LAST FINANCIAL YEAR | ESTIMATED INCOME FOR THE NEXT 12 MONTHS |
|---|---|---|---|---|
| 1 | | | | |
| 2 | | | | |
| 3 | | | | |
| 4 | | | | |
| 5 | | | | |
| 6 | | | | |
| 7 | | | | |
| 8 | | | | |
| 10 | | | | |

**TOTAL other income for the past 12 months: TOTAL L: _____**

# 2. FINANCIAL DETAILS

## SUMMARIES

### 2.19. Summary of your capital

| Description | Reference of the section on this statement | Value |
|---|---|---|
| Current value of your interest in the family home | **A** | |
| Current value of interest in all other property | **B** | |
| Current value of your interest in personal assets | **C** | |
| Current value of your interests in business assets | **D** | |
| Current value of your pension interests | **E** | |
| Current value of all your other assets | **F** | |
| **Total value of your assets (Totals A+B+C+D+E+F)** | | R |
| Current value of your liabilities | **G** | |
| Value of your assets LESS the value of your liabilities **(Totals A to F minus G)** | | R |

### 2.20. Summary of your income

| Description | Reference of the section on this statement | Value |
|---|---|---|
| Net total of income from employment | **H** | |
| Net total of income from self- employment or partnership | **I** | |
| Net total of investment income | **J** | |
| State benefits | **K** | |
| Net total of all other income | **L** | |

**Estimated TOTAL income** **(TOTALS H to L)** **R**_____

# 3. MAINTENANCE REQUIREMENTS

**3.1. Maintenance needs for yourself and for any children living with you or provided for by you. All figures should be monthly (not annual, termly or weekly) You must NOT use a combination of these periods. General household expenses should appear on in the "*total*" column whereas expenses specific to you or your children (example school fees) should appear in the appropriate column as well as in the total column)**

| EXPENDITURE | Self | Child/ren | Total |
|---|---|---|---|
| Lodging (bond repayment, levy, rental, board) | | | |
| | | | |
| Food, Groceries & Cleaning Materials | | | |
| | | | |
| Toiletries | | | |
| | | | |
| Baby Food | | | |
| | | | |
| **House Expenditure:** | | | |
| | | | |
| Rates | | | |
| | | | |
| Water | | | |
| | | | |
| Electricity / Gas / Paraffin | | | |
| | | | |
| Security Alarm System | | | |
| | | | |
| Insurance (Householders) | | | |
| | | | |
| Insurance (House Owners) | | | |
| | | | |
| Laundry / Dry Cleaning | | | |
| | | | |
| Lunches | | | |
| | | | |
| Telephone and ADSL/Fibre | | | |
| | | | |
| Cell Phone | | | |
| | | | |
| Domestic Worker | | | |
| | | | |
| Gardener | | | |
| | | | |

| | | | |
|---|---|---|---|
| Plants | | | |
| | | | |
| Fresh Flowers | | | |
| | | | |
| Swimming Pool and Chemicals & Maintenance | | | |
| | | | |
| **Clothing:** | | | |
| | | | |
| Clothing and Shoes | | | |
| | | | |
| School Uniforms | | | |
| | | | |
| Sporting Clothing | | | |
| | | | |
| **Personal Care:** | | | |
| | | | |
| Hair Care (cuts, colours and treatment) | | | |
| | | | |
| Cosmetics and Make-up | | | |
| | | | |
| **Transport: Car:** | | | |
| | | | |
| Instalments | | | |
| | | | |
| Maintenance (services, tyres, Brake pads, etc.) | | | |
| | | | |
| Fuel | | | |
| | | | |
| Licence | | | |
| | | | |
| Insurance | | | |
| | | | |
| Taxi | | | |
| | | | |
| Parking | | | |
| | | | |
| Other | | | |
| | | | |
| **Educational Expenses:** | | | |
| | | | |
| School Fees | | | |
| | | | |
| After School Fees | | | |
| | | | |
| Au Pair / Tutor | | | |
| | | | |
| Crèche / Day Care | | | |
| | | | |
| Books | | | |

| | | | |
|---|---|---|---|
| Stationery | | | |
| | | | |
| Outings | | | |
| | | | |
| Sports | | | |
| | | | |
| Extra murals | | | |
| | | | |
| Other Educational Expenditure | | | |
| | | | |
| **Medical Expenditure:** | | | |
| | | | |
| Medical Aid premium | | | |
| | | | |
| Doctor / Dentist / etc. (excess) | | | |
| | | | |
| Medication (excess) | | | |
| | | | |
| Hospital (excess) | | | |
| | | | |
| Other Medical Expenditure | | | |
| | | | |
| **Insurance:** | | | |
| | | | |
| Life | | | |
| | | | |
| Retirement Annuity | | | |
| | | | |
| Other Policies | | | |
| | | | |
| **Repair & Replacement of items:** | | | |
| | | | |
| Household Appliances | | | |
| | | | |
| House Maintenance (plumber, handyman, electrician, painter) | | | |
| | | | |
| Kitchenware | | | |
| | | | |
| Linen, Towels, etc. | | | |
| | | | |
| Other items | | | |
| | | | |
| M-Net / DSTV / Streaming services | | | |
| | | | |
| TV Licence | | | |
| | | | |
| Entertainment & Recreation | | | |
| | | | |

| | | | |
|---|---|---|---|
| Pocket Money / Allowances | | | |
| | | | |
| Holidays | | | |
| | | | |
| Personal Loans | | | |
| | | | |
| Membership Fees | | | |
| | | | |
| Religious Contributions | | | |
| | | | |
| Charities | | | |
| | | | |
| Gifts | | | |
| | | | |
| **Reading Material:** | | | |
| | | | |
| Books | | | |
| | | | |
| Newspapers | | | |
| | | | |
| Periodicals / Magazines | | | |
| | | | |
| Instalments for Credit / HP Agreements (Furniture and Appliances) | | | |
| | | | |
| **Pets:** | | | |
| | | | |
| Food | | | |
| | | | |
| Vet | | | |
| | | | |
| Other (not specified – include specific details of expense) | | | |
| | | | |
| **TOTAL EXPENDITURE** | | | |
| | | | |

# 4. OTHER INFORMATION

## 4.1. Details of any significant changes in your assets or income.

At both section 4.1.1 and 4.1.2, INCLUDE:

- ALL assets held both within and outside South Africa
- The disposal of any asset

4.1.1 Significant changes in assets or income during the LAST 12 months.

4.1.2 Significant changes in assets or income likely to occur during the NEXT 12 months.

**4.2 Brief details of the standard of living enjoyed by you and your spouse during the marriage. Include details of the types of vehicles you both drive, if any, the destinations of your last three family holidays, how often you eat out at restaurants, which shops you buy your groceries at, etc.**

**4.3 Are there any particular contributions to the family property and assets or outgoings, or to family life, or the welfare of the family that have been made by you, your partner or anyone else that you think should be taken into account? If there are any such items, briefly describe the contribution and state the amount, when it was made and by whom.**

INCLUDE:

4.3.1 Contributions already made

4.3.2 Contributions that will be made in the foreseeable future

**4.4 Bad behaviour or conduct by the other party will only be taken into account in the most exceptional circumstances. If you feel it should be taken into account in your case, identify the nature of the behaviour or conduct below.**

**4.5 Give details of any other circumstances that you consider could significantly affect this matter.**

INCLUDE (the following list is not exhaustive):

4.5.1 Earning capacity, or limits thereon

4.5.2 Disability

4.5.3 Inheritance prospects

4.5.4 Retrenchment

4.5.5 Retirement

4.5.6 Any plans to marry, form a civil union or live with a new life partner

4.5.7 Any contingent liabilities

**OATH/AFFIRMATION:**

I,_____hereby declare under oath/hereby truly affirm* that to the best of my knowledge and belief the aforegoing statements are true, complete and correct.

_____

SIGNED

I, certify that before administering the oath/affirmation*, I asked the deponent the following questions and wrote down his/her answers in his/her presence:

1. Do you know and understand the contents of the above declaration?
   Answer:

2. Do you have any objection to taking the prescribed oath?
   Answer:

3. Do you consider the prescribed oath to be binding on your conscience? Answer:

I, certify that the deponent has acknowledged that s/he knows and understands the contents of this declaration, which was sworn to/affirmed* before me, and the deponent's signature was placed thereon in my presence.

_____

COMMISSIONER OF OATHS

_____

FULL NAME

_____

DESIGNATION (RANK) AND AREA FOR WHICH APPOINTED ADDRESS:

_____

DATE: _____

| | |
|---|---|
| Name and address of Attorney for Plaintiff, if applicable: | |
| Name and address of attorney for Defendant, if Applicable: | |
| Received a copy hereof on the following date: | |