

Exhibit _____

Reference number: 14/ 3/ 2 – M _____ of 20 _____

In the Maintenance Court for the district of Gert Sibande held at **Breyten/ Ermelo*
In the matter between

 (Person who applies for maintenance order *hereinafter referred to as the Complainant*)

and

 (Person against whom maintenance order may be made *hereinafter referred to as the Defendant*)

CONSENT AND MAINTENANCE ORDER

Section 17 read with Section 16 of the Maintenance Act, 1998 (as amended) (MaA)

1 Written consent of the Defendant.

I, the undersigned, _____,

(*full names of the Defendant*), identity number _____, living at _____

_____ and employed at _____

_____ of _____

(*address of employer*) employee/ salary number _____ hereby –

1.1 admit that I am liable to pay maintenance because –

*a I am the **father/ husband/ wife* of the Complainant mentioned in paragraph 1.2 below; and/ or

*b I am the **father/ mother* of the **child/ children* mentioned in paragraph 1.2 below;

1.2 consent that a maintenance order be issued against me –

*a to pay with effect from the _____ day of _____ 20 _____ on a

**weekly/ fortnightly/ monthly* basis towards the maintenance of **the Complainant *and/ or the following *child/ children* the total sum of R _____ being —

R _____ in respect of the Complainant;

R _____ in respect of _____

R _____ in respect of _____

R _____ in respect of _____

R _____ in respect of _____

R _____ in respect of _____

R _____ in respect of _____

and that the first payment be made before _____ and thereafter on

or before the **first/ last/* _____ day of each succeeding **week/ fortnight/ month* to **Bank:**

_____, **Branch code:** _____;

Account number: _____; and/ or

*b to pay all reasonable medical expenses in respect of the **child/ children*; *and/ or

*c to register the **child as a dependent/ children as dependents* on my medical scheme; *and/ or

*Delete whichever is not applicable

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*d to pay the sum of R _____ being costs incurred by the Complainant relating to the birth of the **child/ children*; **and/ or*

*e to pay the sum of R _____ in respect of maintenance for the **child/ children* from date of the birth of the **child/ children* to date of this order; and

*f other (*specify*): _____

_____ (*other contributions, school*

fees, fees to tertiary institutions, school wear, expenses for sport and/or cultural activities);

*1.3 I request the court to make an order in terms of section 16(2)(a) of the MaA that my employer namely _____

_____ should make the above-mentioned payments on my behalf.

Signature of the Defendant

Date

2 Written consent of the Complainant.

I hereby consent to the above maintenance order being made in my favour.

Signature of the Complainant

Date

3 Maintenance order in terms of section 17(1) read with section 16 of the MaA.

3.1 A maintenance order is hereby made in terms of section 17(1) –

☐ read with section 16(1)(a) of the MaA; or

☐ read with section 16(1)(a) of the MaA in substitution of the interim maintenance order issued by this court on ____/ ____/ 20 ____; or

☐ read with section 16(1)(b) of the MaA in substitution of the maintenance order issued by the **High Court/ Regional Court/ Maintenance Court* sitting at _____

_____ on ____/ ____/ 20 ____;

*3.2 In terms of section 16(1)(c) of the MaA the court makes no order

*3.3 In terms of the provisions of section 16(2) of the MaA it is ordered that _____ of _____

_____ make payment on behalf of the Defendant as indicated in paragraph 1.2 above.

Given under my hand at _____ Magistrate's Court

Date stamp

Magistrate's signature

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4 Notice to the parties

Kindly take notice that in terms of section 9 of the Children's Act, 2005 the standard that the child's best interest is of paramount importance, must be applied in all matters concerning the care, protection and well-being of the child. This principle stems from section 28(2) of the constitution of the Republic of South Africa, 1996;

Kindly further take notice –

- that your consent to a maintenance order will in due course be presented to a magistrate of this court for consideration and if it is made an order of this court a copy thereof will be served to you;
- that both parents of the child or children have a legal duty to support them;
- that should the person against whom the order was made fail or refuse to make payments in accordance with the above-mentioned order the person against whom the order was made may –
 - lodge a complaint to this effect with the maintenance officer in which event the person against whom the order was made may be charged with and convicted of failing to pay maintenance; and/ or
 - bring an application for enforcement of the maintenance order in which event the court may issue a warrant of execution against the defendant's property and/ or a garnishee order attaching a debt owed to defendant and/ or an emoluments attachment order, attaching the defendant's remuneration or pension;
- that a maintenance order may be substituted or discharged upon good cause/ reason shown by lodging a complaint to this effect with the maintenance officer;
- that should the defendant change place of residence or employment during the currency of this order he or she is obliged to give notice of such change to the maintenance officer within seven days of such change. Should the defendant refuse or fail to give notice of such change he or she shall be guilty of an offence and, on conviction, liable to pay a fine or to undergo imprisonment for a period not exceeding six months;
- that both parties should keep proper record of payments made or received in terms of this order with the view of resolving any dispute you may have in this regard in future;
- that you have the right to note and prosecute an appeal against the order of the court.

- 5** I hereby certify that I have explained the above notice to the parties and handed a copy thereof to each one of them.

Signature of the maintenance officer

Date

- 6** I hereby acknowledge that the contents of this notice was explained to me and that I received a copy of it with a copy of the maintenance order.

Complainant's signature

Defendant's signature

7 Return of service by the maintenance officer.

I the undersigned, _____
(full names of person who serves the order subpoena or notice) hereby certify that I **tendered/ delivered* a copy of the order overleaf to the Defendant at _____
_____ at _____ h _____ on this _____ day
of _____ 20 _____ and informed him of the nature and urgency thereof.

*Clerk of the court/ Maintenance Investigator/ Sheriff/ Police Officer