

Exhibit _____

Case number 1/ 4/ 2 – _____ of 20 _____

In the Magistrate’s Court for _____ sub-district
of the district of _____ held at _____

In the matter between

Full names of judgment creditor

and

Full names of judgment debtor

Full names of director or officer of the judgment debtor

WRITTEN OFFER TO PAY JUDGMENT DEBT IN INSTALMENTS
Section 65E(1)(c) of the Magistrate’s Courts Act, 1944 (as amended) (MCA)

I, the undersigned, _____
_____ (*full names Judgment Debtor*) hereby declare as follows:

1. I am the judgment debtor in this matter.
2. I acknowledge that I am indebted to the judgment creditor in the amount of R _____.
3. My residential address is _____

4. My date of birth is ____/ ____/ 20 ____ and my identity number is _____
5. I am currently **unemployed/ employed by* _____

_____ at _____

- as _____
_____. My **salary –/ persal number* is _____
6. I am **not married/ a widower/ a widow/ a divorcee/ married *in/ out of community* of property.
7. I have _____ dependent(s). **He is/ She is/ They are* my _____

8. **His age is/ Her age is/ Their ages are* _____
9. A list of my assets and liabilities as well as my gross **weekly/ fortnightly/ monthly* income and expenditure (including that of my spouse and dependants) are set out in the financial statements attached hereto.
10. I have taken notice of the provisions of section 65K(1) of the Magistrates’ Courts Act, 1944 set out below.

**Delete whichever is not applicable*
 Mark the appropriate block with a ✓

- 11. I am unable to make an offer to pay the judgment debt in instalments; **or**
- 12. I make an offer to pay the judgement debt in instalments of R _____ per **week/ fortnight/ month.*
- 13. I offer to make the first instalment on _____ and thereafter on or before the _____ day of each succeeding **week/ fortnight/ month.*
- 14. I attach hereto—
 - written proof **by way of my salary slip/ by way of my latest bank statement,* showing that I will have sufficient means for my own maintenance and that of my dependants after payment of the instalment; and
 - documentary evidence, not more than three months old, relating to my expenditure, other court orders or agreements with other creditors for payment of a debt in instalments and assets and liabilities as prescribed by the rules.
- 15. I also consent to an emoluments attachment order in terms of which my employer is authorised to deduct the instalment from my salary and to pay it over to the judgment creditor or to his or her attorney;
- 16. I confirm that I will have sufficient means for my maintenance and that of my dependents after payment of the instalment.

Judgment Debtor

Date

ACCEPTANCE OR REJECTION OF THE OFFER BY THE JUDGMENT CREDITOR

- 1. The judgment creditor takes notice of the provisions of section 65K(1) of the MCA set out below.
- 2. The judgment creditor hereby –
 - rejects the above offer made by the judgment debtor.
 - accepts the above offer made by the judgment debtor and requests that it be made an order of the court.

Signature of the Judgment Creditor or his or her attorney

Date

Section 65K(1) of Act 32 of 1944: “Unless at the hearing of any proceedings in terms of a notice under section 65A(1) it appears to the court that the judgment debtor, after learning of the judgment upon which such proceedings were founded, made an offer to pay the judgment debt in instalments which the court deems reasonable, or notified the judgment creditor that he was not able to make an offer and the court finds this to be true, the court may order the judgment debtor to pay the costs of such proceedings, but if it appears that the judgment creditor refused such offer, the court may order the judgment creditor to pay such costs, including the loss of wages suffered by the judgment debtor through having to appear in court in connection with the proceedings.”

*Delete whichever is not applicable
 Mark the appropriate block with a ✓