

Reference Number: 14/ 3/ 2 – M _____ 20 _____

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

Person **against whom** the maintenance order was made

and

Person **in whose favour** the maintenance order was made (*hereinafter referred to as the respondent*)

AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR SUBSTITUTION OF MAINTENANCE ORDER

[Complaint by the person **against whom** the maintenance order was made]

[Section 6(1)(b) of the Maintenance Act, 1998 (as amended)]

I, the undersigned, _____
 _____ (full names of the deponent) hereby declare as follows:

1. I am the person against whom the maintenance order was made.
2. On the _____ day of _____ 20 _____ a maintenance order was made against me in favour of the respondent by the **High Court/ Regional Court/ Maintenance Court* sitting at **Breyten/ Ermelo/* _____
 _____ to pay on a **weekly/ fortnightly/ monthly* basis the total sum of R _____ towards **the maintenance of the respondent and/ or the following *child/ children* with effect from _____ / _____ / 20 _____ being –
 R _____ in respect of the respondent and/ or

Amount	Name of child/ children
R	
R	
R	
R	
R	
R	

and to make the following contribution/ pay _____

_____ (other contributions, for example medical and dental costs, school fees, fees to tertiary institutions, school wear, expenses for sport and/or cultural activities)

*Delete whichever is not applicable

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3. The particulars of the respondent are as follows: **His/ Her *identity number/ date of birth/ age* is _____ **He/ She* is living at _____ and **his/ her* residential/ contact telephone number is _____ **He/ She* is working at _____ and **his/ her* work telephone number is _____ The police station nearest to **his/ her* home is _____.
4. A copy of the maintenance order referred to in paragraph 2 above is attached hereto.
5. I submit that good cause exists for the substitution the said maintenance order with an order to pay on a **weekly/ fortnightly/ monthly* basis with effect from _____ towards **the maintenance of the respondent and/ or the following *child/ children* the total sum of R _____ being –
R _____ in respect of the respondent and/ or

Amount	Name of child	Date of birth	@Gender
R			
R			
R			
R			
R			
R			

@ "m" = male; "f" = female

that the first payment should be made on _____ and thereafter on the **first/ last* _____ day of each succeeding **week/ fortnight/ month*. All payments to be made to the respondent's bank account namely **Bank:** _____;
Branch code: _____; **Account number:** _____,
and/ or _____

_____ (other contributions, for example medical and dental costs, school fees, fees to tertiary institutions, school wear, expenses for sport and/or cultural activities);

6. The reason(s) for my submission is/ are _____
- _____
- _____
- _____
- _____
- _____

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7. I respectfully request the court to substitute the existing maintenance order with the order mentioned in paragraph 5 above.
8. Particulars of my current **monthly/ fortnightly/ weekly* income and expenditure (supported by documentary proof, where possible) as well as particulars of my assets and liabilities are attached hereto.

OATH/ AFFIRMATION

I, the undersigned commissioner of oaths, hereby certify that before taking the oath or administering the affirmation –

- the deponent identified **himself/ herself* to me;
- the deponent confirmed that **he/ she* is not unwilling to take an oath or to make an affirmation; and
- that I asked the deponent the following questions and noted **his/ her* answers in **his/ her* presence:

1. Do you know and understand the contents of this declaration? **Answer:** _____
2. Do you have any objection to taking the prescribed oath? **Answer:** _____
3. Do you consider the oath to be binding on your conscience? **Answer:** _____

***Oath:**

The deponent is caused to utter the following words: "I swear that the contents of this declaration are true, so help me God."

Dated at _____ this _____
day of _____ 20 _____

Deponent

Certificate by the commissioner of oaths: 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/ mark* was placed thereon in my presence. The deponent uttered the following words "I swear that the contents of this declaration are true, so help me God."

***Affirmation:**

The deponent is caused to utter the following words: "I truly affirm that the contents of this declaration are true."

Dated at _____ this _____
day of _____ 20 _____

Deponent

Certificate by the commissioner of oaths: I certify that the deponent has acknowledged that **he/ she* knows and understands the contents of this declaration which was affirmed before me and the deponent's **signature/ mark* was placed thereon in my presence. The deponent uttered the following words "I truly affirm that the contents of this declaration are true."

Commissioned before me at _____

Date stamp

Commissioner of Oaths

Full names: _____

Designation: _____ **Ex Officio Republic of South Africa**

Area for which appointed: _____

Physical/ Business address: _____