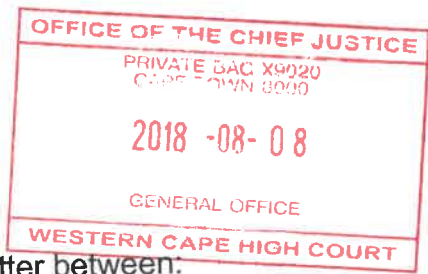


**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)**



CASE NO: 14203/18

In the matter between:

UNIVERSITY OF STELLENBOSCH LAW CLINIC	1 st Applicant
SUMMIT FINANCIAL PARTNERS (PTY) LTD	2 nd Applicant
JENINA MARY MATTHYS	3 rd Applicant
SKHUMBUZO RICHARD KHUMALO	4 th Applicant
FRANS SAULUS	5 th Applicant
ALBERT ROBERT KLEINSMITH	6 th Applicant
GLADYS SEIKGOTLA JANTJIES	7 th Applicant
ESTER KORDOM	8 th Applicant
SARAH FELICITY VISSER	9 th Applicant
EDGAR ARNOLDS	10 th Applicant
PATRICK MOEMEDI TLADI	11 th Applicant
LEBOGANG VICTOR MOKATE	12 th Applicant
and	
THE NATIONAL CREDIT REGULATOR	1 st Respondent
THE MINISTER OF JUSTICE AND CORRECTIONAL SERVICES	2 nd Respondent
THE MINISTER OF TRADE AND INDUSTRY	3 rd Respondent

KOEGELENBERG ATTORNEYS

4th Respondent

FLEMIX AND ASSOCIATES INCORPORATED

5th Respondent

DE BEER & DE KLERK INC

6th Respondent

GERHARD VAN DER MERWE ATTORNEYS

7th Respondent

BIRMAN BOSHOF DU PLESSIS

8th Respondent

CG STEYN INC T/A STEYN ATTORNEYS

9th Respondent

EXPERATO (PTY) LTD

10th Respondent

ONECOR (PTY) LTD

11th Respondent

BAYPORT SECURITIZATION RF LTD

12th Respondent

FINBOND GROUP LTD

13th Respondent

FULL HOUSE RETAIL (PTY) LTD

14th Respondent

**EASTERN BLUE INVESTMENTS 186 CC
T/A FAST CASH**

15th Respondent

D & AG FOURIE T/A CASH FOR CASH 1

16th Respondent

THE COUNCIL FOR DEBT COLLECTORS

17th Respondent

ASSOCIATION FOR DEBT RECOVERY AGENTS

18th Respondent

NATIONAL FORUM ON LEGAL PROFESSION

19th Respondent

LAW SOCIETY OF SOUTH AFRICA

20th Respondent

LAW SOCIETY OF THE NORTHERN PROVINCES

21st Respondent

CAPE LAW SOCIETY

22nd Respondent

FREE STATE LAW SOCIETY

23rd Respondent

KWAZULU-NATAL LAW SOCIETY

24th Respondent

BLACK LAWYERS ASSOCIATION

25th Respondent

**THE GENERAL COUNCIL OF THE BAR
OF SOUTH AFRICA**

26th Respondent

**NATIONAL ASSOCIATION OF
DEMOCRATIC LAWYERS**

27th Respondent

NEDBANK LTD	28 th Respondent
CAPITEC BANK LTD	29 th Respondent
FIRSTRAND BANK LTD t/a FIRST NATIONAL BANK	30 th Respondent
STANDARD BANK OF SOUTH AFRICA LTD	31 st Respondent
ABSA BANK LTD	32 nd Respondent
INVESTEC LTD	33 rd Respondent
AFRICAN BANK LTD	34 th Respondent
GRINDROD BANK LTD	35 th Respondent
UBANK LTD	36 th Respondent
THE BANKING ASSOCIATION OF SOUTH AFRICA	37 th Respondent
MICROFINANCE SOUTH AFRICA	38 th Respondent
BAYPORT FINANCIAL SERVICES 2010 (PTY) LTD	39 th Respondent
REAL PEOPLE (PTY) LTD	40 th Respondent
SOUTHERN VIEW FINANCE SA (PTY) LTD T/A CAPFIN	41 st Respondent
CENTURY CAPITAL (PTY) LTD T/A CAPFIN	42 nd Respondent
CONSUMER GOODS COUNCIL OF SOUTH AFRICA	43 rd Respondent
THE FOSCHINI GROUP LTD	44 th Respondent
TRUWORTHS LTD	45 th Respondent
MR PRICE GROUP LTD	46 th Respondent
EDCON LTD	47 th Respondent
LEWIS GROUP LTD	48 th Respondent
SOUTH AFRICAN HUMAN RIGHTS COMMISSION	49 th Respondent

NOTICE OF MOTION

BE PLEASED TO TAKE NOTICE that the First to Twelfth Applicants (hereinafter referred to as "*the Applicants*") will apply for the following order:

1. That it is declared that:

- 1.1 Upon a proper interpretation, collection costs, as referred to in Section 101(1)(g), as defined in Section 1, and as contemplated in Section 103(5), of the National Credit Act 34 of 2005 ("*the NCA*"), includes all legal fees incurred by the credit provider in order to enforce the monetary obligations of the consumer under a credit agreement, charged before, during and after litigation;
- 1.2 Upon a proper interpretation, Section 103(5) of the NCA applies for as long as the consumer remains in default of his/her credit obligations, from the date of default to the date of the collection of the final payment owing in order to purge this default, irrespective of whether judgment in respect of the default has been granted or not during this period;
- 1.3 Legal fees, including the fees of attorneys and advocates, in as much as they comprise part of collection costs as contemplated in Section 101(1)(g) of the NCA, may not be claimed from a consumer or recovered by a credit provider pursuant to a judgment to enforce the consumer's monetary obligations under a credit agreement, unless same has been taxed.

2. That an independent expert be appointed to re-calculate the outstanding amounts of the EAOs granted against the Third to Twelfth Applicants in accordance with the provisions of this Court Order within 30 days of the granting of this order;

3. That the Tenth to Sixteenth Respondents provide to the Applicants, in terms of Section 65(4) (as read with Section 92 and Section 93 where applicable) and Section 68(1) of the NCA copies of the following documents in order to assist with the recalculation referred to above:
 - 3.1 The pre-agreement quotation;

 - 3.2 The credit agreement;

 - 3.3 The current statement; and

 - 3.4 A statement on the default date.

4. That the Tenth to Sixteenth Respondents be ordered to repay to the particular debtor, within 7 days of receipt of the recalculation, any amount found to be due and owing after such a recalculation;

5. That the Tenth to Sixteenth Respondents, and any party who opposes this application, be ordered to pay the costs of this application;

6. Further and/or alternative relief;

BE PLEASED TO TAKE NOTICE FURTHER that the affidavits of **STEPHANUS JOHANNES HOFFMAN VAN DER MERWE, CLARK GARDNER, JENINA MARY MATTHYS, SKHUMBUZO RICHARD KHUMALO, FRANS SAULUS, ALBERT ROBERT KLEINSMITH, GLADYS SEIKGOTLA JANTJIES, ESTER KORDOM, SARAH FELICITY VISSER, EDGAR ARNOLDS, PATRICK MOEMEDI TLADI, LEOGANG VICTOR MOKATE** together with annexures thereto, will be used in support of this application.

BE PLEASED TO TAKE NOTICE that if you intend to oppose this application you are required to:

- (a) Notify the Applicants' attorney in writing of your intention to oppose within 6 days of receipt of this application;
- (b) File an opposing affidavit, if any, within 20 days after having filed your notice of intention to oppose;
- (c) You are required to appoint in such notification of intention to oppose an address referred to in Rule 6(5)(b) at which address you will accept notice and service of all documents in these proceedings.

BE PLEASED TO TAKE NOTICE that the Applicant has appointed **SUNE VAN DER MERWE ATTORNEYS, C/O C & A FRIEDLANDER ATTORNEYS, 3RD FLOOR, 42**

KEEROM STREET, CAPE TOWN at which address the Applicants will accept service of all notices and documents in these proceedings.

BE PLEASED TO TAKE NOTICE that if no notice of intention to oppose is received this application will proceed on an unopposed basis on 01 September 2018 at 10h00.

DATED at **STELLENBOSCH** on this 08th day of **AUGUST 2018**.



SUNE VAN DER MERWE ATTORNEYS

Attorneys for the Applicants

Unit 53

Uitgezocht Estate

Paarl

Email: sune@svdmatt.co.za; Tel: 082 3965 683

Ref: SVDM/USLC/001

c/o C & A FRIEDLANDER ATTORNEYS

3RD FLOOR

42 KEEROM STREET

CAPE TOWN

Tel: 021 487 7900; Email: david@caf.co.za

Ref: D DU PLESSIS

TO: THE REGISTRAR OF THE HIGH COURT

AND TO: THE NATIONAL CREDIT REGULATOR

First Respondent
127 15th road
Randjiespark
Midrand
Johannesburg
Gauteng

AND TO: THE MINISTER OF JUSTICE AND CORRECTIONAL SERVICES

Second Respondent
124 WF Nkomo Street
Corner of WF Nkomo & Sophie De Bruyn Streets
Poyntons Building
West Block
Pretoria
Gauteng

AND TO: THE MINISTER OF TRADE AND INDUSTRY

Third Respondent
77 Meintjies Street
Sunnyside
Pretoria
Gauteng

AND TO: KOEGELENBERG ATTORNEYS

Fourth Respondent
17 Termo Street
Techno Park
Stellenbosch
Western Cape

AND TO: FLEMIX AND ASSOCIATES INCORPORATED

Fifth Respondent

First Floor
Atrium Building
60 Glenwood Road
Lynnwood Glen
Pretoria
Gauteng

AND TO: DE BEER & DE KLERK INC

Sixth Respondent
Atrium Building
60 Glenwood Road
Lynnwood Glen
Pretoria
Gauteng

AND TO: GERHARD VAN DER MERWE ATTORNEYS

Seventh Respondent
44 Marloth Street
Nelspruit
Mpumalanga

AND TO: BIRMAN BOSHOFF DU PLESSIS

Eighth Respondent
22 Or Tambo Street
Aerorand
Middelburg
Mpumalanga

AND TO: CG STEYN INC

T/A STEYN ATTORNEYS

Ninth Respondent
34a Von Wielligh
Rustenberg
North West

AND TO: EXPERATO (PTY) LTD

Tenth Respondent
C/O Flemix and Associates Incorporated
First Floor
Atrium Building
60 Glenwood Road
Lynnwood Glen
Pretoria
Gauteng

AND TO: ONECOR (PTY) LTD

Eleventh Respondent
C/O De Beer & De Klerk Inc
Atrium Building
60 Glenwood Road
Lynnwood Glen
Pretoria
Gauteng

AND TO: BAYPORT SECURITIZATION RF LTD

Twelfth Respondent
Bayport House
23a 10th Avenue
Rivonia
Johannesburg
Gauteng

AND TO: FINBOND GROUP LTD

Thirteenth Respondent
Rigel Office Park
446 Rigel Avenue
Erasmusrand
Gauteng

AND TO: FULL HOUSE RETAIL (PTY) LTD

Fourteenth Respondent
16 Jig Avenue
Montague Gardens
Cape Town
Western Cape

**AND TO: EASTERN BLUE INVESTMENTS 186 CC
T/A FAST CASH FINANCIAL SERVICES**

Fifteenth Respondent
Portion 11
Main Road
Rooikoppies Farm
Marikana
North West

**AND TO: D & AG FOURIE CC
T/A CASH FOR CASH 1**

Sixteenth Respondent
Shop 18
Midtown Mall
Berg Street
Rustenberg
North West

AND TO: THE COUNCIL FOR DEBT COLLECTORS

Seventeenth Respondent
310 Brooks Street
Menlo Park
Pretoria
Gauteng

AND TO: ASSOCIATION FOR DEBT RECOVERY AGENTS

Eighteenth Respondent

Suite 202

L A K House

4 Fir Drive

Northcliffe

Extension 2

Randburg

Gauteng

AND TO: THE NATIONAL FORUM ON LEGAL PROFESSION

Nineteenth Respondent

Spooral Pack Building

2007 Lenchen Avenue South

Centurion

Gauteng

AND TO: THE LAW SOCIETY OF SOUTH AFRICA

Twentieth Respondent

304 Brooks Street

Menlo Park

Pretoria

Gauteng

AND TO: LAW SOCIETY OF THE NORTHERN PROVINCES

Twenty First Respondent

Procforum Building

123 Paul Kruger Street

Pretoria

Gauteng

AND TO: CAPE LAW SOCIETY

Twenty Second Respondent

29th & 30th Floor
Absa Centre
2 Van Riebeeck Street
Cape Town
Western Cape

AND TO: LAW SOCIETY OF THE FREE STATE

Twenty Third Respondent
139 Zaston Street
Bloemfontein
Free State

AND TO: KWAZULU-NATAL LAW SOCIETY

Twenty Fourth Respondent
200 Hoosen Haffejee Street
Pietermaritzburg
Kwazulu-Natal

AND TO: BLACK LAWYERS ASSOCIATION

Twenty Fifth Respondent
33 Hoof Street
Braamfontein
Johannesburg
Gauteng

AND TO: THE GENERAL COUNCIL OF THE BAR OF SOUTH AFRICA

Twenty Sixth Respondent
2nd Floor
Duma Nokwe West
Sandown Village
86 Maude Street
Sandown
Johannesburg

AND TO: NATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS

Twenty Seventh Respondent
Commerce House
55 Shortmarket Street
Cape Town
Western Cape

AND TO: NEDBANK LTD

Twenty Eighth Respondent
135 Rivonia Road
Sandown
Johannesburg
Gauteng

AND TO: CAPITEC BANK LTD

Twenty Ninth Respondent
1 Quantum Street
Techno Park
Stellenbosch
Western Cape

**AND TO: FIRSTRAND BANK LTD
T/A FIRST NATIONAL BANK**

Thirtieth Respondent
3rd Floor
First Place
Simmonds Street
Johannesburg
Gauteng

AND TO: STANDARD BANK OF SOUTH AFRICA

Thirty First Respondent
9th Floor
Standard Bank Centre

5 Simmonds Street
Johannesburg
Gauteng

AND TO: ABSA BANK LTD
Thirty Second Respondent
7th Floor
Barclays Towers West
15 Troye Street
Johannesburg
Gauteng

AND TO: INVESTEC LTD
Thirty Third Respondent
100 Grayston Drive
Sandown
Sandton
Gauteng

AND TO: AFRICAN BANK LTD
Thirty Fourth Respondent
59 16th Road
Midrand
Johannesburg
Gauteng

AND TO: GRINDROD BANK LTD
Thirty Fifth Respondent
5 Arundel Close
Kingsmead Office Park
Durban
Kwazulu-Natal

AND TO: UBANK LTD

Thirty Sixth Respondent
Ubank House
10 Matuka Close
Erand Gardens
Extension 49
Midrand
Gauteng

AND TO: THE BANKING ASSOCIATION OF SOUTH AFRICA

Thirty Seventh Respondent
3rd Floor
Building D
Sunnyside Office Park
32 Princess Of Wales Terrace
Parktown
Johannesburg
Gauteng

AND TO: MICROFINANCE SOUTH AFRICA

Thirty Eighth Respondent
Landmark Building
13 Umgazu Street
Menlo Park
Pretoria
Gauteng

AND TO: BAYPORT FINANCIAL SERVICES 2010 (PTY) LTD

Thirty Ninth Respondent
Bayport House
23a 10th Avenue
Rivonia
Johannesburg
Gauteng

AND TO: REAL PEOPLE (PTY) LTD

Fortieth Respondent
160 Jan Smuts Avenue
North Tower
Upper Ground
Rosebank
Johannesburg
Gauteng

AND TO: SOUTHERN VIEW FINANCE SA (PTY) LTD

T/A CAPFIN

Forty First Respondent
1 Industrie Street
Kuils River
Cape Town
Western Cape

AND TO: CENTURY CAPITAL (PTY) LTD

T/A CAPFIN

Forty Second Respondent
5th Floor
27 Stiemens Street
Braamfontein
Gauteng

AND TO: THE CONSUMER GOODS COUNCIL OF SOUTH AFRICA

Forty Third Respondent
Block D
Hurlingham Office Park
Woodlands Hurlingham Manor
Sandton
Gauteng

AND TO: THE FOSCHINI GROUP LTD

Forty Fourth Respondent
Stanley Lewis Centre
340 Voortrekker Road
Parow East
Cape Town
Western Cape

AND TO: TRUWORTHS LTD

Forty Fifth Respondent
1 Mostert Street
Cape Town
Western Cape

AND TO: MR PRICE GROUP LTD

Forty Sixth Respondent
Upper Level
North Concourse
65 Masabalala Yengwa Avenue
Durban
KwaZulu-Natal

AND TO: EDCON LTD

Forty Seventh Respondent
1 Press Avenue
Crown Mines
Johannesburg
Gauteng

AND TO: LEWIS GROUP LTD

Forty Eighth Respondent
53a Victoria Road
Woodstock
Cape Town

Western Cape

AND TO: THE SOUTH AFRICAN HUMAN RIGHTS COMMISSION

Forty Ninth Respondent

Braampark Forum 3

33 Hoofd Street

Braamfontein

Johannesburg

Gauteng

**IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE DIVISION, CAPE TOWN)**

CASE NO:

In the matter between:

UNIVERSITY OF STELLENBOSCH LAW CLINIC	1 st Applicant
SUMMIT FINANCIAL PARTNERS (PTY) LTD	2 nd Applicant
JENINA MARY MATTHYS	3 rd Applicant
SKHUMBUZO RICHARD KHUMALO	4 th Applicant
FRANS SAULUS	5 th Applicant
ALBERT ROBERT KLEINSMITH	6 th Applicant
GLADYS SEIKGOTLA JANTJIES	7 th Applicant
ESTER KORDOM	8 th Applicant
SARAH FELICITY VISSER	9 th Applicant
EDGAR ARNOLDS	10 th Applicant
PATRICK MOEMEDI TLADI	11 th Applicant
LEBOGANG VICTOR MOKATE	12 th Applicant

and

THE NATIONAL CREDIT REGULATOR	1 st Respondent
THE MINISTER OF JUSTICE AND CORRECTIONAL SERVICES	2 nd Respondent
THE MINISTER OF TRADE AND INDUSTRY	3 rd Respondent



KOEGELENBERG ATTORNEYS	4 th Respondent
FLEMIX AND ASSOCIATES INCORPORATED	5 th Respondent
DE BEER & DE KLERK INC	6 th Respondent
GERHARD VAN DER MERWE ATTORNEYS	7 th Respondent
BIRMAN BOSHOF DU PLESSIS	8 th Respondent
CG STEYN INC T/A STEYN ATTORNEYS	9 th Respondent
EXPERATO (PTY)LTD	10 th Respondent
ONECOR (PTY) LTD	11 th Respondent
BAYPORT SECURITIZATION RF LTD	12 th Respondent
FINBOND GROUP LTD	13 th Respondent
FULL HOUSE RETAIL (PTY) LTD	14 th Respondent
EASTERN BLUE INVESTMENTS 186 CC T/A FAST CASH	15 th Respondent
D & AG FOURIE T/A CASH FOR CASH 1	16 th Respondent
THE COUNCIL FOR DEBT COLLECTORS	17 th Respondent
ASSOCIATION FOR DEBT RECOVERY AGENTS	18 th Respondent
NATIONAL FORUM ON LEGAL PROFESSION	19 th Respondent
LAW SOCIETY OF SOUTH AFRICA	20 th Respondent
LAW SOCIETY OF THE NORTHERN PROVINCES	21 st Respondent
CAPE LAW SOCIETY	22 nd Respondent
FREE STATE LAW SOCIETY	23 rd Respondent
KWAZULU-NATAL LAW SOCIETY	24 th Respondent
BLACK LAWYERS ASSOCIATION	25 th Respondent
THE GENERAL COUNCIL OF THE BAR OF SOUTH AFRICA	26 th Respondent
NATIONAL ASSOCIATION OF DEMOCRATIC LAWYERS	27 th Respondent

NEDBANK LTD	28 th Respondent
CAPITEC BANK LTD	29 th Respondent
FIRSTRAND BANK LTD t/a FIRST NATIONAL BANK	30 th Respondent
STANDARD BANK OF SOUTH AFRICA LTD	31 st Respondent
ABSA BANK LTD	32 nd Respondent
INVESTEC LTD	33 rd Respondent
AFRICAN BANK LTD	34 th Respondent
GRINDROD BANK LTD	35 th Respondent
UBANK LTD	36 th Respondent
THE BANKING ASSOCIATION OF SOUTH AFRICA	37 th Respondent
MICROFINANCE SOUTH AFRICA	38 th Respondent
BAYPORT FINANCIAL SERVICES 2010 (PTY) LTD	39 th Respondent
REAL PEOPLE (PTY) LTD	40 th Respondent
SOUTHERN VIEW FINANCE SA (PTY) LTD T/A CAPFIN	41 st Respondent
CENTURY CAPITAL (PTY) LTD T/A CAPFIN	42 nd Respondent
CONSUMER GOODS COUNCIL OF SOUTH AFRICA	43 rd Respondent
THE FOSCHINI GROUP LTD	44 th Respondent
TRUWORTHS LTD	45 th Respondent
MR PRICE GROUP LTD	46 th Respondent
EDCON LTD	47 th Respondent
LEWIS GROUP LTD	48 th Respondent
SOUTH AFRICAN HUMAN RIGHTS COMMISSION	49 th Respondent

FOUNDING AFFIDAVIT

I, the undersigned,

STEPHANUS JOHANNES HOFFMAN VAN DER MERWE

declare hereby under oath as follows:

1. I am an adult man with identity number 750930 5097 084 and reside in Somerset West;
2. I am employed as an attorney and lecturer at the First Applicant and I am fully authorized to depose to this affidavit on behalf of the First Applicant;
3. Although I am an attorney and a law lecturer, where I make legal submissions, I rely on advice that the Applicants have received from their legal representatives.
4. Where I make statements of a hearsay nature, I truly believe such to be correct. Attempts have been made to confirm the veracity of such hearsay statements by providing confirmatory or supplementary affidavits.
5. The facts hereinafter fall within my personal knowledge and are both true and correct.

PARTIES:

6. The First Applicant is the **UNIVERSITY OF STELLENBOSCH LAW CLINIC** (“**the Law Clinic**”), a Law Clinic established by the University of Stellenbosch, a public higher education tertiary institution governed by the Higher Education Act, 101 of 1997 and accredited by the Law Society of the Western Cape as a Law Clinic in terms of Rule 52 of the Rules for the Attorneys’ Profession as is confirmed by Annexure “**VDM1**”. The First Applicant's office is situated in 18 to 24 Crozier Street, Stellenbosch, Western Cape. The First Applicant was previously known as the University of Stellenbosch Legal Aid Clinic.

7. The Second Applicant is **SUMMIT FINANCIAL PARTNERS (PTY) LTD** (“**Summit**”), a private company with limited liability incorporated in terms of the Company Laws of the Republic of South Africa with registration number 2004/014854/07 and with registered address at Block K, Central Park, 16th Road, Midrand, Gauteng.

8. The Third Applicant is **JENINA MARY MATTHYS** (“**Matthys**”), an adult unemployed female with identity number 770621 0228 081, residing at 106 Mandela Drive, Macassar Village, Western Cape.

9. The Fourth Applicant is **SKHUMBUZO RICHARD KHUMALO** (“**Khumalo**”), an adult male employed by the South African National Defence Force with



identity number 760923 5311 082, residing at 102 Van Reineveld Court, Wynberg, Cape Town, Western Cape.

10. The Fifth Applicant is **FRANS SAULUS** ("Saulus"), an adult male with identity number 670630 5685 089, residing at 21 Colin Street, Klapmuts, Western Cape. Saulus is employed by Anura Vineyards.
11. The Sixth Applicant is **ALBERT ROBERT KLEINSMITH** ("Kleinsmith"), an adult male with identity number 810327 5205 080, residing at 23 Carrowmore Street, Connauht Estate, Elsies River, Western Cape. Kleinsmith is employed by the South African National Defence Force.
12. The Seventh Applicant is **GLADYS SEIKGOTLA JANTJIES** ("Jantjies"), an adult female with identity number 720412 0520 086, residing at 2588 Tyala Street, Galeshewe, Kimberly, Northern Cape. Jantjies is employed by the National Department of Minerals and Energy.
13. The Eighth Applicant is **ESTER KORDOM** ("Kordom"), an adult female with identity number 590528 0172 086, residing at 75 Milldene, Roggebaai, Matroosfontein, Western Cape. Kordom is employed by the Department of Health at the Tygerberg Hospital.
14. The Ninth Applicant is **SARAH FELICITY VISSER** ("Visser"), an adult female with identity number 870129 0114 086, residing at Madeba Farm, Robertson, Western Cape. Visser is employed by Graham Beck.

15. The Tenth Applicant is **EDGAR ARNOLDS** ("Arnolds"), an adult male with identity number 641110 5797 081, residing at Erf 7210, Macassar, Somerset West, Western Cape. Arnolds is employed as a General Maintenance Worker at Paul Roos Gymnasium in Stellenbosch.
16. The Eleventh Applicant is **PATRICK MOEMEDI TLADI** ("Tladi"), an adult male residing at House No 75, Maditlhokwa, Marikana and employed by Lonmin Platinum Mines at Middelkraal, Marikana, North West.
17. The Twelfth Applicant is **LEBOGANG VICTOR MOKATE** ("Mokate"), an adult male residing at 971 Marikana West, Marikana and employed by Lonmin Platinum Mines, North West.
18. The First Respondent is **THE NATIONAL CREDIT REGULATOR** ("the NCR") an independent juristic person established in terms of Section 12 of the National Credit Act 34 of 2005 ("the NCA"), with address at 127 15th Road, Randjiespark, Midrand, Gauteng. The NCR is cited herein as it is tasked with the regulation of credit in the Republic of South Africa and, as such, has an interest in the outcome of this application.
19. The Second Respondent is **THE MINISTER OF JUSTICE AND CORRECTIONAL SERVICES**, in his representative capacity, 124 WF Nkomo Street (Corner of WF Nkomo & Sophie De Bruyn Streets), Poyntons Building (West Block), Pretoria, Gauteng. The Minister has an interest in the



outcome of this litigation as he is the authority responsible for the administration of the Magistrate Courts.

20. The Third Respondent is **THE MINISTER OF TRADE AND INDUSTRY**, in his representative capacity, 77 Meintjies Street, Sunnyside, Pretoria, Gauteng. The Minister has an interest in the outcome of this litigation as he is the authority responsible for the proper administration of the NCA and the NCR, particularly in relation to the provision of unsecured credit in South Africa.
21. The Fourth Respondent is **KOEGELENBERG ATTORNEYS** ("**Koegelenberg Attorneys**"), a firm of attorneys with main place of business at 17 Termo Street, Techno Park, Stellenbosch, Western Cape. Koegelenberg Attorneys represents Finbond against Khumalo and Kleinsmith.
22. The Fifth Respondent is **FLEMIX AND ASSOCIATES INCORPORATED** ("**Flemix**"), a firm of attorneys incorporated as a personal liability company in terms of the Company Laws of the Republic of South Africa, with its registered address, alternatively principal place of business at First Floor, Atrium Building, 60 Glenwood Road, Lynnwood Glen, Pretoria, Gauteng. Flemix assisted in the debt collection of Matthys.
23. The Sixth Respondent is **DE BEER & DE KLERK INC** ("**De Beer & De Klerk Attorneys**"), a firm of attorneys incorporated as a personal liability

company in terms of the Company Laws of the Republic of South Africa with main place of business at Atrium Building, 60 Glenwood Street, Lynnwood Glen, Gauteng. De Beer & De Klerk Attorneys represents Onecor against Jantjies.

24. The Seventh Respondent is **GERHARD VAN DER MERWE ATTORNEYS** ("**GVDM Attorneys**"), a firm of attorneys with main place of business at 44 Marloth Street, Nelspruit, Mpumalanga. GVDM Attorneys represents Experato against Kordom.
25. The Eighth Respondent is **BIRMAN BOSHOF DU PLESSIS** ("**BBDP**"), a firm of attorneys with main place of business at 22 OR Tambo Street, Aerorand, Middelburg, Mpumalanga. BBDP represents Full House against Visser.
26. The Ninth Respondent is **CG STEYN INC t/a STEYN ATTORNEYS** ("**Steyn Attorneys**"), a firm of attorneys incorporated as a personal liability company in terms of the Company Laws of the Republic of South Africa with registration number 2012/051294/21 and with main place of business and registered address at, 34A Von Wielligh, Rustenburg, North West. Steyn Attorneys represents Fast Cash against Tladi and Cash for Cash against Mokate.
27. The Tenth Respondent is **EXPERATO (PTY) LTD** ("**Experato**"), a private company with limited liability incorporated in terms of the Company Laws of

the Republic of South Africa of whom the full and further particulars are not known to the Applicants. Experato had earlier taken cession of Matthys' debt from his erstwhile credit provider, Oakleaf Investment Holdings CC. At all relevant times, Experato was represented by Flemix and service on Experato will be effected by serving this application on Flemix. As confirmation of the above, the Honourable Court is referred to the affidavit of Matthys. Experato is also the execution creditor of Kordom.

28. The Eleventh Respondent is **ONECOR (PTY) LTD** ("Onecor"), a private company with limited liability incorporated in terms of the Company Laws of the Republic of South Africa of whom the full and further particulars are unknown. Onecor is the execution creditor of Jantjies. De Beer & De Klerk Attorneys represents Onecor and service on Onecor will be effected by service of this application on De Beer & De Klerk Attorneys.
29. The Twelfth Respondent is **BAYPORT SECURITIZATION RF LTD** ("Bayport"), a public company incorporated in terms of the Company Laws of the Republic of South Africa and with principal place of business at Bayport House, 23A 10th Avenue, Rivonia, Johannesburg, Gauteng. Bayport is the execution creditor of Saulus and Arnolds.
30. The Thirteenth Respondent is **FINBOND GROUP LTD** ("Finbond") a public company duly registered and incorporated in terms of the applicable Company Laws of the Republic of South Africa with registration number 2001/015761/06 and with its principal place of business at Rigel Office Park,