



REPUBLIC OF SOUTH AFRICA

**No. 2B – Combined Summons**

IN THE MAGISTRATE’S COURT FOR THE DISTRICT/REGION OF .....

HELD AT .....

CASE NO: .....

In the matter of:

..... Plaintiff

and

..... Defendant

To the sheriff or his/her deputy:

INFORM .....,

.....(state sex and occupation)

of .....(hereinafter called the defendant),

that.....

of.....

(state sex and occupation) (hereinafter called the plaintiff), hereby institutes action against defendant in which action the plaintiff claims the relief and on the grounds set out in the particulars annexed hereto.

INFORM the defendant further that if he or she disputes the claim and wishes to defend the action he or she shall-

(i) within ..... days of the service upon him or her of this summons file with the registrar or clerk of this court at ..... (set out the address of the registrar or clerk) notice of his or her intention to defend and serve a copy thereof on the plaintiff or plaintiff's attorney, which notice shall give an address referred to in rule 13(3) for the service upon the defendant of all notices and documents in the action;

(ii) thereafter, and within 20 days after filing and serving notice of intention to defend as aforesaid, file with the registrar or clerk of the court and serve upon the plaintiff or plaintiff's attorney a plea, exception, notice to strike out, with or without a counter-claim.

INFORM the defendant further that if defendant fails to file and serve notice as aforesaid judgment as claimed may be given against him or her without further notice to him or her, or if, having filed and served such notice, defendant fails to plead, except, make application to strike out or counter-claim, judgment may be given

against him or her. And immediately thereafter serve on the defendant a copy of this summons and return the same to the registrar or clerk of the court with whatsoever you have done thereupon.

DATED at .....this .....day of .....20.....

.....

Registrar/Clerk of the Court

\* Notice of intention to defend.

To the Registrar/Clerk of the Court.

Kindly take notice that the defendant hereby notifies his or her intention to defend this action.

Dated at .....this .....day of .....20.....

.....

Defendant/Defendant's attorney

Address .....  
.....  
.....

Postal address .....  
.....  
.....

Facsimile (fax) number (where available) .....

Electronic mail (e-mail) address (where available) .....

(Give full address for acceptance of service of process or documents within fifteen kilometres from the Court-house and also the postal address.)

\* The original notice must be filed with the registrar or clerk of the court and a copy thereof served on the plaintiff or plaintiff's attorney.

Costs if the action is undefended will be as follows:

Summons.....	R	R400
Judgment.....	R	R300
Attorney's charges.....	R	R20
Sheriff's fees.....	R	
Sheriff's fees on re-issue.....	R	
Total:.....	R	

**ANNEXURE**

Particulars of Plaintiff's Claim

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**Mr Shark**

Plaintiff/Plaintiff's Attorney

Address of Plaintiff/Plaintiff's Attorney

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Plaintiff's Advocate (if any)

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## ANNEXURE A

### Particulars of claim:

1. The plaintiff and the defendant are the parties who are cited on the face of this summons to which these particulars of claim are attached;
2. A written agreement was concluded between the plaintiff and the defendant. A credit was issued to the defendant subject to the plaintiff's terms and condition on the 20 January 2005;
3. The Plaintiff duly performed in terms of this agreement and issued the defendant with a credit card;
4. The defendant used this credit card and as a result of such use became indebted to the plaintiff to the amount of R30 000 including interest at an amount of 18% from 20 January 2005 to date of final payment which amount is due and payable which amount, notwithstanding demand, the defendant has failed, alternatively refused alternatively neglected to pay;
5. The plaintiff has rights to approach the court as stipulated in section 130 of the National Credit Act 34 of 2005 in that:
  - 5.1 The plaintiff issued and delivered a notice to the defendant in terms of section 129 of the Act
  - 5.2 The defendant failed, alternatively refused alternatively neglected to respond to the aforementioned notice;
  - 5.3 The time periods stipulated in section 130 of the Act has lapsed

### Wherefore the plaintiff prays for judgment against the defendant for:

1. Payment of the sum of R30 000;
2. Interest thereon at the rate of 18% per annum, from 20 January 2005, to date of final payment, both dates inclusive;
3. Costs of law suite on the scale as between Attorney and client;
4. Further and/or alternate relief

Dated at Johannesburg, 22 January 2012

Mr Shark

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Attorney's for the Plaintiff  
XYZ Attorneys  
564 Made up Street  
Johannesburg  
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