



REPUBLIC OF SOUTH AFRICA

Issued by Case No.

..... Date

Clerk of the Small Claims Court

No. 1 SUMMONS COMMENCING ACTION

Name and address of plaintiff
.....
.....
.....
.....

.....
Signature of Plaintiff

In the Small Claims Court for the District of
held at

Between Plaintiff
and Defendant
..... (gender and if female also marital state)

TO
.....
.....
.....
.....

1. You are hereby summoned to appear personally before this court on the
day of year at h to admit or deny your liability
for the undermentioned claim.

2. If you deny liability, you may at any time before the trial deliver to the clerk of the court at
..... address a written statement
setting out the nature of your defence and the particulars upon which it is based and a copy of the statement must then
be delivered to the plaintiff.

3. Particulars of claim:

Plaintiff's claim is for-

(a) payment of the sum/balance of R of
.....
.....
.....
.....
.....
.....

(b) (i) for arrears of ,rent due in respect of the defendant's tenancy of

<i>Date</i>	<i>Period</i>	<i>Amount R</i>
.....
.....
.....
.....

and

(ii) for ejection,
Particulars

(c) Notice of *abandonment of part of claim / deduction the admitted debt.

Take notice that the plaintiff hereby *abandons the undermentioned part of the claim/deducts the admitted debt set up by him in this summons.

Particulars

Dated at this day of year

.....
Plaintiff

- 4. (a) Take notice that if you fail to appear in Court on the trial date after a summons has been served on you, judgment may be obtained against you by the plaintiff unless you have previously admitted liability to the plaintiff.
- (b) Money payable in terms of a judgment or order of court shall be paid directly to the judgment creditor.
- (c) If you admit the claim and wish to consent to judgment or wish to undertake to pay the claim in installments or otherwise you may approach the plaintiff.

5. Take notice that you and all other persons are hereby interdicted from removing or causing or suffering to be removed any of the furniture or effects in or on the premises described in the particulars of claim endorsed hereon which, are subject to the plaintiff's hypothec for rent until an order relative thereto shall have been made by the court.

6. *Notice.*

If any person against whom a judgment for the payment of money has been given or an order for the payment of money in installments has been made fails to satisfy the judgment or order –

- (a) such judgment or order may be enforced against movables and, if the movables are found to be insufficient then against the immovables of the party against whom the judgment or order has been issued;
- (b) execution may be taken against the whole judgment debt and costs which have not yet been paid in default of an installment being paid;
- (c) such a person is liable to notify the judgment creditor fully and correctly, within 14 days after he has changed his place of residence, business or employment of his new place of residence, business or employment;
- (d) and if he has let it be known that he is not in a position to comply with the judgment, the court may in chambers institute an investigation into the judgment debtor's financial position and his ability to pay the judgment debt and costs.

7. The Messenger's fees are R

8. *Consent to judgment:*

I admit that I am liable to the plaintiff as alleged in this summons (or to the amount of R and costs to date) and I accordingly consent to judgment.

Dated at this day of year

.....
Date

.....
Defendant

* **Delete which is not applicable**