

No. 59 – Notice to alleged member, partner or proprietor

***For use in the District Court**

In the Magistrate's Court for the District of
held at Case No: 20.....

In the matter between:

.....Plaintiff

and

..... Defendant

TAKE NOTICE that action has been instituted by the above-named plaintiff against the above-named defendant for the sum of R..... and that it is alleged that the above-named defendant is an association, partnership, firm or sole proprietorship of which you were from to a member, office-bearer, partner or proprietor.

If you dispute that you were a member, office-bearer, partner or proprietor or that the above-mentioned period is in any way relevant to your liability as a member, office-bearer, partner or proprietor or that the defendant is liable you must within 10 days of the service of this notice give notice of your intention to defend.

To give such notice you must file with the clerk of the court and serve a copy thereof upon the plaintiff at the address set out below a notice stating that you intend to defend. In such a notice—

(i) you are required to give your full physical, residential or business address within the court's area of jurisdiction, postal address and where available, facsimile and electronic mail address; and

(ii) you are further required to indicate the preferred address for service upon you of all documents in the application, and service thereof at the address so given shall be valid and effectual, except where personal service is required by an order or practice of the court.

Thereafter you should deliver a plea in which you may dispute that you were a member, office-bearer, partner or proprietor or that the period alleged above is relevant or that the defendant is liable, or all three of these matters.

If you do not give such notice you will not be at liberty to contest any of the above issues. If the above-named defendant is held liable you will be liable to have execution issued against you, should the defendant's assets be excused in execution and found to be insufficient.

DATED atthis.....day of20.....

Attorney for

.....
.....
.....

(Address)

(N.B. In application proceedings this form should be appropriately altered.)

No. 59 – Notice to alleged member, partner or proprietor

***For use in the Regional Court**

In the Magistrate's Court for the Region of
held at Case No: 20.....

In the matter between:

.....Plaintiff

and

.....Defendant

TAKE NOTICE that action has been instituted by the above-named plaintiff against the above-named defendant for the sum of R..... and that it is alleged that the above-named defendant is an association, partnership, firm or sole proprietorship of which you were from to a member, office-bearer, partner or proprietor.

If you dispute that you were a member, office-bearer, partner or proprietor or that the above-mentioned period is in any way relevant to your liability as a member, office-

bearer, partner or proprietor or that the defendant is liable you must within 10 days of the service of this notice give notice of your intention to defend.

To give such notice you must file with the clerk of the court and serve a copy thereof upon the plaintiff at the address set out below a notice stating that you intend to defend.

In such a notice—

(i) you are required to give your full physical, residential or business address within the court's area of jurisdiction, postal address and where available, facsimile and electronic mail address; and

(ii) you are further required to indicate the preferred address for service upon you of all documents in the application, and service thereof at the address so given shall be valid and effectual, except where personal service is required by an order or practice of the court.

Thereafter you should deliver a plea in which you may dispute that you were a member, office-bearer, partner or proprietor or that the period alleged above is relevant or that the defendant is liable, or all three of these matters.

If you do not give such notice you will not be at liberty to contest any of the above issues. If the above-named defendant is held liable you will be liable to have execution issued against you, should the defendant's assets be excused in execution and found to be insufficient.

DATED atthis.....day of20.....

Attorney for

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(Address)

(N.B. In application proceedings this form should be appropriately altered.)