

Form 3

SUMMONS: PROVISIONAL SENTENCE

**IN THE SUPREME COURT OF SOUTH AFRICA
(DIVISION)**

In the matter between:

..... Plaintiff
and
.....Defendant

To the sheriff or his deputy:

.....INFORM A B
.....(sex),
.....(occupation), of
.....(residence or place of business) and hereinafter called the defendant:
(1) that he is hereby called upon immediately to pay to CD

.....
.....(sex), (occupation), of
..... (residence or place of business) (hereinafter called the plaintiff) an
amount of.....
together with interest thereon at the rate of% per annum as from.....claimed by
plaintiff(here set out the cause of action).....
and a copy of which document is annexed hereto;

(2) that failing such payment, he or she is hereby called upon to appear before this Court
personally or by an advocate or by an attorney who, under section 4 (2) of the Right of
Appearance in Courts Act, 1995 (Act No. 62 of 1995), has the right of appearance in the
Supreme Court, at..... on..... the day
of.....

19..... at (time) in the forenoon (or as soon thereafter as the matter can be
heard) to admit or deny his or her liability for the said claim, and to state why the mortgaged
property should not be declared executable.

(3) that if he denies liability for the same, he shall not later than noon on
the
.....day of19file an affidavit with the registrar
of
this court, and serve a copy thereof on plaintiff's attorney, which affidavit shall set forth the
grounds of
his defence to the said claim, and in particular state whether he admits or denies his signature to the
said
..... or whether he admits or denies the signature or authority of his agent.

AND INFORM the said defendant further that in the event of his not paying the amount and
interest abovementioned to the plaintiff immediately and if he (the said defendant) further fails to
file an affidavit as aforesaid, and to appear before this Court at the time above stated, provisional
sentence may forthwith be granted against him with costs, and the mortgaged property may be
declared executable, but that against payment of the said amount, interest and costs, he will be
entitled to demand security for the restitution thereof if the said sentence should thereafter be
reversed.

AND serve a copy of this summons and of the saidon the said
defendant and then return this summons to the registrar with your return of what you have done
thereon.

.....DATED atthis

.....day of
19.....

.....
.....

Registrar of the Supreme Court

.....
Plaintiff's Attorney

Address for service:
.....

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