



**NATIONAL CONSUMER  
TRIBUNAL**

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**IN THE NATIONAL CONSUMER TRIBUNAL  
HELD IN CENTURION**

**Case Number: NCT/ 307/2009/138 (1)(P)**

In the matter between:

**ADEL VAN WIJK**

**1<sup>st</sup> Applicant/Consumer**

**ID:**

and

**ABSA BANK LIMITED**

**1<sup>st</sup> Respondent/Credit Provider**

**DIRECT AXIS SA (PTY) LIMITED**

**2<sup>nd</sup> Respondent/Credit Provider**

**THE MOTOR FINANCE CORPORATION**

**3<sup>rd</sup> Respondent/Credit Provider**

**NEDBANK LIMITED**

**4<sup>th</sup> Respondent/Credit Provider**

**STANDARD BANK**

**5<sup>th</sup> Respondent/Credit Provider**

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**CONSENT ORDER**

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The Tribunal having read the papers filed of record and heard the Debt Counsellor;

The Tribunal, being satisfied that the Applicant and the Respondents are parties to a debt re-arrangement facilitated by a Debt Counsellor under section 86(7)(b) read together with section 138(1) of the National Credit Act, Act 34 of 2005 ;( the Act).

The Tribunal hereby orders that;

1. The draft consent order formulated as the order of the Tribunal attached hereto and marked Annexure "A" is confirmed;
2. The parties are warned that failure to comply with the order of the Tribunal constitutes an offence in terms of section 160(1) of the Act.

Dated and signed at Centurion on this 2nd Day of February, 2010

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**ADV F. MANAMELA**  
**PRESIDING MEMBER**

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IN THE NATIONAL CONSUMER TRIBUNAL

HELD AT CENTURION

Case No:

In the matter between:

VAN WIJK, ADEL  
Identity number:

CONSUMER/1<sup>ST</sup> APPLICANT

And

ABSA BANK LIMITED  
DIRECT AXIS SA (PTY) LTD on behalf of FIRST RAND BANK  
THE MOTOR FINANCE CORPORATION t/a MFC  
NEDBANK LIMITED  
STANDARD BANK GROUP LIMITED

1<sup>ST</sup> RESPONDENT/CREDIT PROVIDER  
2<sup>ND</sup> RESPONDENT/CREDIT PROVIDER  
3<sup>RD</sup> RESPONDENT/CREDIT PROVIDER  
4<sup>TH</sup> RESPONDENT/CREDIT PROVIDER  
5<sup>TH</sup> RESPONDENT/CREDIT PROVIDER

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**DRAFT CONSENT ORDER IN TERMS OF SECTION 86(8) READ TOGETHER  
WITH SECTION 138 OF THE NATIONAL CREDIT ACT 34 OF 2005**

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**WHEREAS:**

- a. The consumer applied for debt review in terms of the National Credit Act 43 of 2005;
- b. The debt counsellor found that the consumer is experiencing difficulty satisfying all obligations under the credit agreements in a timely manner;
- c. The debt counsellor recommended a restructuring of the payment instalments to all the credit providers, as per the agreement which is attached hereto marked: "Annexure B";
- d. All the respective credit providers and the consumer/applicant consented to this agreement, which consents are hereto attached marked "Annexure C"

**NOW THEREFORE:**

The Tribunal, being satisfied that the Applicant and Respondent are parties to a debt rearrangement facilitated by a debt counsellor under section 86(7) of National Credit Act, hereby orders, by consent of the parties:

1. That the payment structures of the agreement between the Applicant and the Respondents as set out in Annexure "B", be made an order of the National Consumer Tribunal;
2. Which agreement restructures the payment instalment by extending the payment period as indicated in Annexure "C"

Creditor	Reference	Annual Interest	New Monthly Instalment	Balance	Estimated Period in Months
ABSA BANK LIMITED	5471200141966015	20.00%	R165.77	R8 866.26	68.00
ABSA BANK LIMITED	3024504770	15.00%	R286.25	R11 539.69	48.00
DIRECT AXIS SA (PTY) LTD on behalf of FIRST RAND BANK	85080266979	0.00%	R188.21	R6 390.00	33.00
THE MOTOR FINANCE CORPORATION t/a MFC	VANWU07108490	14.00%	R1454.26	R139 917.78	94.00
NEDBANK LIMITED	589846071485553	25.90%	R177.09	R5 383.70	45.00
STANDARD BANK GROUP LIMITED	5120570200692800	14.00%	R198.42	R8 037.41	48.00

DATED at Centurion this the \_\_\_\_\_ day of \_\_\_\_\_ 2009

\_\_\_\_\_  
PRESIDING OFFICER

\_\_\_\_\_  
Applicant/Consumer  
Debt Counsellor on behalf of the Consumer

TO:

**THE REGISTRAR OF THE TRIBUNAL  
CENTURION**

1. ABSA BANK LIMITED  
8<sup>TH</sup> FLOOR MARBLE TOWERS  
CNR JEPPE AND VAN WIELLIGH STREET  
PO BOX 8686  
JOHANNESBURG  
2000
2. DIRECT AXIS SA (PTY) LTD on behalf of FIRST RAND BANK  
6<sup>TH</sup> FLOOR  
SUNDARE BUILDING  
21 DREYER STREET  
PO BOX 44319  
CLAREMONT  
7735
3. THE MOTOR FINANCE CORPORATION t/a MFC  
1<sup>ST</sup> FLOOR REGENT LIFE HOUSE  
6E HERMAN ROAD  
MEADOWDALE  
PO BOX 4005  
EDENVALE  
1610
4. NEDBANK LIMITED  
100 MAIN STREET  
JOHANNESBURG