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IN THE NATIONAL CONSUMER TRIBUNAL HELD AT CENTURION

Case Number: NCT/27038/2015/138

In the matter between:

**IAN ROMER WASON
NCR REGISTRATION NUMBER: 1817**

APPLICANT

And

PIETER JOHANNES VAN ZYL

1ST CONSUMER

[6...]

BONNIE VAN ZYL

2ND CONSUMER

[7...]

And

ABSA BANK LIMITED

1ST CREDIT PROVIDER

AFRICAN BANK LIMITED

2ND CREDIT PROVIDER

DIRECT AXIS (SA) (PTY) LTD ON BEHALF OF FIRSTRAND BANK LIMITED

3RD CREDIT PROVIDER

EDCON (PTY) LTD T/A EDGARS

4TH CREDIT PROVIDER

FIRST NATIONAL BANK, A DIVISION OF FIRSTRAND BANK LIMITED

5TH CREDIT PROVIDER

FOSCHINI RETAIL GROUP (PTY) LTD

6TH CREDIT PROVIDER

MASS STORES (PTY) LTD

7TH CREDIT PROVIDER

MOTOR FINANCE CORPORATION, A DIVISION OF NEDBANK LIMITED

8TH CREDIT PROVIDER

MR PRICE, A DIVISION OF THE MR PRICE GROUP LIMITED NEDBANK LIMITED

9TH CREDIT PROVIDER

10TH CREDIT PROVIDER

SA HOME LOANS (PTY) LTD

11TH CREDIT PROVIDER

STANDARD BANK OF SOUTH AFRICA LIMITED

12TH CREDIT PROVIDER

TRUWORTHS LIMITED

13TH CREDIT PROVIDER

WESBANK, A DIVISION OF FIRSTRAND BANK LIMITED

14TH CREDIT PROVIDER

WOOLWORTHS (PTY) LTD

15^H CREDIT PROVIDER

VARIED CONSENT ORDER

The original order on this matter was issued on 10 December 2015. The Applicant subsequently applied for a variation of the order in September 2016 due to a second Foschini account being omitted in error. The application was granted on 21 February 2017 and order is now varied to include the Foschini account number [0...], which appears in the order as loan number 23. All other details on the original order remain the same as granted originally.

The Tribunal, having read the papers filed of record and being satisfied that the Applicant(s) and The Respondent(s) are parties to a debt re-arrangement facilitated by a Debt Counsellor under section 86(7)(b) read with section 138(1) of The National Credit Act, Act 34 of 2005 (the Act), hereby makes the following order:

1. The payment structure between the consumer (s)and the credit provider(s) is confirmed as an order of the Tribunal in terms of section 150 of the Act

	Credit Provider	Reference	Outstanding Capital	Proposed Payment Period	Proposed Annual Interest	Proposed Instalment	Monthly Fees	Monthly Assurance Premium	Life Insurance	Home Owners Cover
1	NEDBANK LIMITED	5898460901378778	R25,996.01	12	13.50 %	R561.30				
				1	13.50 %	R562.31				
				1	13.50 %	R563.20				
				15	13.50 %	R563.69				
				1	13.50 %	R564.06				
				1	13.50 %	R566.60				
				1	13.50 %	R568.00				
				15	13.50 %	R568.46				
				1	13.50 %	R690.58				
				12	13.50 %	R791.98				
2	NEDBANK LIMITED	5898460819128190	R8,147.70	12	7.50 %	R211.65				
				1	7.50 %	R211.98				
				1	7.50 %	R212.26				
				15	7.50 %	R212.42				
				1	7.50 %	R212.54				
				1	7.50 %	R213.35				
				1	7.50 %	R213.80				
				15	7.50 %	R213.95				
				5	7.50 %	R253.14				
3	EDCON (PTY) LTD T/A EDGARS	7000100100012472023	R7,583.63	1-52	7.75 %	R169.34				
				53	7.75 %	R8.65				
4	MOTOR FINANCE CORPORATION, A DIVISION OF NEDBANK LIMITED	62081900002	R96,985.74	Until Settled	12.00 %	R1,892.78				
5	MR PRICE, A DIVISION OF THE MR PRICE GROUP LIMITED	0101085629	R894.19	Until Settled	7.75 %	R59.83				
6	TRUWORTHS LIMITED	10100119913473	R3,132.17	32	7.75 %	R110.64				
7	WOOLWORTHS (PTY) LTD	6007850132744341	R10,684.39	52	6.19 %	R235.88				

8	ABSA BANK LIMITED	4565466097423018	R3,681.75	1	6.80 %	R25.36				
				12	6.80 %	R75.79				
				1	6.80 %	R75.96				
				1	6.80 %	R76.17				
				1	6.80 %	R76.29				
				15	6.80 %	R76.36				
				1	6.80 %	R76.44				
				17	6.80 %	R76.75				
				1	6.80 %	R95.57				
				1	6.80 %	R107.15				
				1	6.80 %	R113.45				
				1	6.80 %	R125.74				
				1	6.80 %	R142.81				
				1	6.80 %	R86.70				
9	ABSA BANK LIMITED	5470445063415019	R26,586.56	1	6.80 %	R396.10				
				12	6.80 %	R569.78				
				1	6.80 %	R571.09				
				1	6.80 %	R572.70				
				1	6.80 %	R573.60				
				15	6.80 %	R574.09				
				1	6.80 %	R574.72				
				17	6.80 %	R577.06				
				1	6.80 %	R718.51				
				1	6.80 %	R805.58				
				1	6.80 %	R852.99				
10	MASS STORES (PTY) LTD	0005022190100585175	R9,654.59	53	7.41 %	R216.14				
11	STANDARD BANK OF SOUTH AFRICA LIMITED	5120550300330428	R66,585.35	53	6.71 %	R1,432.93	R66.00			

12	FOSCHINI RETAIL GROUP (PTY) LTD	0010010000040391069	R468.33	16	8.43 %	R32.12				
13	DIRECT AXIS (SA) (PTY) LTD ON BEHALF OF FIRSTRAND BANK LIMITED	85227920366 (DAI77650E)	R26,631.38	42	7.68 %	R721.85				
14	STANDARD BANK OF SOUTH AFRICA LIMITED	020699581	R239,612.30	50	9.95 %	R6,004.76				
15	FIRST NATIONAL BANK, A DIVISION OF FIRSTRAND BANK LIMITED	4000039093592	R50,713.28	53	9.45 %	R1,307.17		R177.00		
16	WESBANK, A DIVISION OF FIRSTRAND BANK LIMITED	85184619288	R185,882.56	58	8.50 %	R3,650.70				
17	WESBANK, A DIVISION OF FIRSTRAND BANK LIMITED	85218964898 (WGA22919S)	R14,245.95	43	8.15 %	R381.35				
18	AFRICAN BANK LIMITED	9750415E002	R16,228.83	Until Settled	8.23 %	R409.65				
19	AFRICAN BANK LIMITED	9750415E001	R10,519.05	Until Settled	6.80 %	R275.36				
20	FIRST NATIONAL BANK, A DIVISION OF FIRSTRAND BANK LIMITED	62240999170	R905.55	14	7.75 %	R70.51				
21	SA HOME LOANS (PTY) LTD	1271364	R374,966.34	1	8.20 %	R2,190.48	R40.00		R328.70	R579.55
				2-15	Variable Rate	R4,372.09				
				16	Variable Rate	R4,378.35				
				17	Variable Rate	R4,383.80				
				18-32	Variable Rate	R4,386.85				
				33	Variable	R4,389.13				

					Rate				
				34	Variable Rate	R4,404.78			
				35	Variable Rate	R4,413.45			
				36-51	Variable Rate	R5,169.88			
				52	Variable Rate	R5,795.64			
				53	Variable Rate	R6,052.16			
				54	Variable Rate	R7,392.73			
				55	Variable Rate	R9,369.39			
				56	Variable Rate	R9,837.01			
				57-58	Variable Rate	R9,856.88			
				59	Variable Rate	R14,166.15			
				60- Paid Until Settled	Variable Rate	R18,820.66			
22	SA HOME LOANS (PTY) LTD	3669956	R41,193.19	1-12	21.00 %	R1,118.17		R191.78	
				13-24	21.00 %	R1,300.00			
				25-36	21.00 %	R1,500.00			
				37-48	21.00 %	R1,700.00			
				49- Paid Until Settled	21.00 %	R1,900.00			

23	FOSCHINI RETAIL GROUP (PTY) LTD	[0...]	R3,911.43	58	3.25 %	R70.53				
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2. The parties' attention is drawn to sections 71(1),71(5)(a) and 152 of the Act which states as follows:

Section 71(1).

A consumer, whose debts have been re-arranged in terms of part D of this chapter, may apply to a debt counsellor at any time for a clearance certificate

Section 71(5)

Upon receiving a copy of a clearance certificate, a credit bureau, or the national credit register must expunge from it's records the fact that the consumer was subject to the relevant debt re-arrangement order or agreement

Section 152

Any decision, judgement or order of the Tribunal may be served, executed and enforced as if it were an order of the High Court.

3. 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 at CENTURION on 23 February 2017

A handwritten signature in black ink, consisting of a large, stylized loop at the bottom and a smaller, more complex shape above it, followed by a horizontal line extending to the right.

**Presiding Member
Adv. J Simpson
National Consumer Tribunal**