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INSTRUCTION TO PROCEED WITH DIVORCE (WITH CHILDREN)

PLAINTIFF (person instituting action):

Full names:

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Surnames:

Maiden surname:

ID / Passport number:

Residential address:

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Postal address:

..... Postal code:

Contact no: (Cel):

(Home):

(Work):

(Email):

Occupation:

Name of employer:

Work Address:

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DEFENDANT (your spouse):

Full names:

Surnames:

Maiden surname:

ID / Passport number:

Residential address:

Postal address: Postal code:

Contact no: (Cel):
(Home):
(Work):
(Email):

Occupation:

Name of employer:

Work Address:

MARRIAGE DETAILS

Married on:

D	D
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 -

M	M
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Y	Y	Y	Y
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Married at (Suburb) :

Marital Regime:

- In community
- Out of community (with accrual)
- Out of community (without accrual)
- Customary Marriage

Separated since:

D	D
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M	M
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Y	Y	Y	Y
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Reason for divorce:

- Loss of love and affection for each other
- Constantly argue
- Have no common interests
- Abuses alcohol and / or drugs
- Do not wish to be husband and wife any longer

Other:
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.....
.....

MINOR CHILDREN

1. Name:

born on

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

gender

F	M
---	---

2. Name:

born on

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

gender

F	M
---	---

3. Name:

born on

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

gender

F	M
---	---

4. Name:

born on

D	D	M	M	Y	Y	Y	Y
---	---	---	---	---	---	---	---

gender

F	M
---	---

PRIMARY RESIDENCE OF MINOR CHILD/REN (with whom will the children stay after divorce)

Plaintiff

P

 Defendant

D

PLEASE SUBMIT WITH THIS FORM COPIES OF THE CHILDRENS BIRTH CERTIFICATES

MAINTENANCE FOR MINOR CHILDREN (Maintenance for children (incl monthly amount, school fees, school books etc.)

1. Is there already any order in respect of maintenance ?

Y	N
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a. If yes, please provide a copy of such order, alternatively the details of such order.

b. If not, what is amount is required for maintenance (amount to incl school fees extra mutual activities, stationary etc.) See maintenance calculator for assistance:

R					
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2. On which date is maintenance payable :

D	D	M	M	Y	Y
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3. Where should the maintenance be paid at:

Bank account	Maintenance Court
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a. If a bank account, please provide a verification letter from the bank confirming the banking details.

4. Will the other party contribute to seasonable clothing:

Y	N
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a. If yes, how frequent: x2 a year 4 x a year

5. Will the parties contribute to tertiary equally ?

Y	N
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a. Amount payable:

R					
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6. Are there any study policies ?

Y	N
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a. If yes, stipulate the details of the policy

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MEDICAL FOR CHILD/REN

1. Who is responsible for the children’s medical expenses ? :

Plaintiff	Defendant
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2. Until when will the party be responsible for the children’s medical expenses ?

18 yrs	Self sufficient
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MOVABLE ASSETS AND HOUSEHOLD GOODS

1. MOTOR VEHICLE 1

MAKE AND MODEL:

REGISTRATION NUMBER:

Who becomes owner of vehicle:

Plaintiff	Defendant
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In whose name is vehicle registered:

Plaintiff	Defendant
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Is the motor vehicle still under finance:

Plaintiff	Defendant
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Who is responsible for payments:

Plaintiff	Defendant
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Who is responsible for insurance:

Plaintiff	Defendant
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Who is currently in possession of vehicle:

Plaintiff	Defendant
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2. MOTOR VEHICLE 2

MAKE AND MODEL:

REGISTRATION NUMBER:

Who becomes owner of vehicle:

Plaintiff	Defendant
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In whose name is vehicle registered:

Plaintiff	Defendant
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Is the motor vehicle still under finance:

Plaintiff	Defendant
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Who is responsible for payments:

Plaintiff	Defendant
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Who is responsible for insurance:

Plaintiff	Defendant
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Who is currently in possession of vehicle:

Plaintiff	Defendant
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3. OTHER SPECIFICATIONS:

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MOVALBE PROPERTY DETAILS (Furniture, household items, jewellery etc.)

Plaintiff:

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Defendant:

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OTHER SPECIFICATIONS:

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IMMOVABLE PROPERTY

1. Are you a property owner ?

Y	N
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a. If yes, please provide full address:

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.....
.....

2. In whose name is the property registered ?

Plaintiff	Defendant
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3. Will the property be sold after the divorce ?

a. If yes,

i. Will the proceeds be divided equal; or

Y	N
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ii. Will other party relinquish his / her part of share in property; or

Y	N
---	---

iii. Will other party buy other party's share

Y	N
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4. Who will relinquish / buy other party's share ?

Plaintiff	Defendant
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5. Until finalisation of divorce, who will be liable for payment of the bond and expenses

Plaintiff	Defendant
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6. When was the property purchased ?

7. How much was the property purchased for ?

8. What is the current value of the property ?

9. Which financial institute holds a bond over property ?

10. Outstanding bond balance

11. Any other information:

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DEBTS / LIABILITIES

1. Will each party pay his / her own debt ?

Y	N
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2. If not, please list all debts with outstanding values:

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3. List all policies and loans:

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4. OTHER SPECIFICATIONS:

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PENSION & ANNUITIES:

1. PLAINTIFF

Scheme name:

Membership number:

Contact details:

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Scheme name:

Membership number:

Contact details:

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2. DEFENDANT

Scheme name:

Membership number:

Contact details:

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Scheme name:

Membership number:

Contact details:

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3. Other specifications:

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SPOUSAL MAINTENANCE

1. Maintenance for :

Plaintiff	Defendant
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2. Amount of maintenance payable:

R					
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3. When will Defendant receive maintenance;

D	D	M	M	Y	Y
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4. Until when will Defendant receive maintenance:

Death	Re-marry
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5. Any other specifications

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CHECK LIST : DOCUMENTATION TO BE SUBMITTED WITH THIS FORM:

1. COPY OF THE MARRIAGE CERTIFICATE;
2. IN THE EVENT THAT YOU ARE MARRIED OUT OF COMMUNITY OF PROPERTY, A COPY OF THE ANTENUPTIAL CONTRACT;
3. COPIES OF ID DOCUMENTS OF BOTH PARTIES;
4. COPIES OF THE CHILD/REN'S BIRTH CERTIFICATES;
5. COPY OF THE MAINTENANCE ORDER, IF APPLICABLE;
6. COPY OF THE STUDY POLICY/IES, IF APPLICABLE.
7. COMPLETED STATISTIC FORM
8. COMPLETED ANNEXURE A FORM

IN THE EVENT THAT YOU DON'T HAVE AN ORIGINAL MARRIAGE CERTIFICATE, KINDLY APPLY FOR ONE AT THE DEPARTMENT OF HOME AFFAIRS – YOU NEED TO HAND ONE IN DURING YOUR DIVORCE APPEARANCE AT COURT

