



# HANNELIE SWART ATTORNEYS

Hannelie Swart LLB (UOVS)

Office 1710, 17<sup>th</sup> Floor  
Schreiner Chambers  
94 Pritchard Street, Johannesburg  
P O Box 759, Wilgeheuwel, 1724  
Tel: 066 062 1481 / 072 177 7266  
Fax: 086 599 5625  
Email : [legal@hswartattorneys.com](mailto:legal@hswartattorneys.com)  
[divorce@hswartattorneys.com](mailto:divorce@hswartattorneys.com)  
[www.hswartattorneys.com](http://www.hswartattorneys.com)

---

## INSTRUCTION TO PROCEED WITH DIVORCE (WITH CHILDREN)

### PLAINTIFF (person instituting action):

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: .....

.....

.....

**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	-	M	M	-	Y	Y	Y	Y
---	---	---	---	---	---	---	---	---	---

Married at (Suburb) : .....

Marital Regime:

☐

In community

☐

Out of community (with accrual)

☐

Out of community (without accrual)

☐

Customary Marriage

Separated since:

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

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: .....

.....

.....

.....

.....

**PLEASE SUBMIT WITH THIS FORM A COPY OF YOUR MARRIAGE CERTIFICATE**

## MOVABLE ASSETS AND HOUSEHOLD GOODS

### 1. MOTOR VEHICLE 1

MAKE AND MODEL: .....

REGISTRATION NUMBER: .....

Who becomes owner of vehicle:

Plaintiff	Defendant
-----------	-----------

In whose name is vehicle registered:

Plaintiff	Defendant
-----------	-----------

Is the motor vehicle still under finance:

Plaintiff	Defendant
-----------	-----------

Who is responsible for payments:

Plaintiff	Defendant
-----------	-----------

Who is responsible for insurance:

Plaintiff	Defendant
-----------	-----------

Who is currently in possession of vehicle:

### 2. MOTOR VEHICLE 2

MAKE AND MODEL: .....

REGISTRATION NUMBER: .....

Who becomes owner of vehicle:

Plaintiff	Defendant
-----------	-----------

In whose name is vehicle registered:

Plaintiff	Defendant
-----------	-----------

Is the motor vehicle still under finance:

Plaintiff	Defendant
-----------	-----------

Who is responsible for payments:

Plaintiff	Defendant
-----------	-----------

Who is responsible for insurance:

Plaintiff	Defendant
-----------	-----------

Who is currently in possession of vehicle:

### 3. OTHER SPECIFICATIONS:

.....

.....

.....

.....

.....

.....

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

**Plaintiff:**

.....

.....

.....

.....

.....

.....

.....

**Defendant:**

.....

.....

.....

.....

.....

.....

.....

**OTHER SPECIFICATIONS:**

.....

.....

.....

.....

.....

.....

**IMMOVABLE PROPERTY**

1.	Are you a property owner ?	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">Y</td> <td style="width: 50%; text-align: center;">N</td> </tr> </table>	Y	N										
Y	N													
	a. If yes, please provide full address: ..... ..... ..... .....													
2.	In whose name is the property registered ?	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">Plaintiff</td> <td style="width: 50%; text-align: center;">Defendant</td> </tr> </table>	Plaintiff	Defendant										
Plaintiff	Defendant													
3.	Will the property be sold after the divorce ?													
	a. If yes, <table style="margin-left: 20px;"> <tr> <td style="width: 15%;">i. Will the proceeds be divided equal; or</td> <td style="width: 35%; text-align: center; vertical-align: middle;"> <table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">Y</td> <td style="width: 50%; text-align: center;">N</td> </tr> </table> </td> </tr> <tr> <td>ii. Will other party relinquish his / her part of share in property; or</td> <td style="text-align: center; vertical-align: middle;"> <table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">Y</td> <td style="width: 50%; text-align: center;">N</td> </tr> </table> </td> </tr> <tr> <td>iii. Will other party buy other party's share</td> <td style="text-align: center; vertical-align: middle;"> <table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">Y</td> <td style="width: 50%; text-align: center;">N</td> </tr> </table> </td> </tr> </table>	i. Will the proceeds be divided equal; or	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">Y</td> <td style="width: 50%; text-align: center;">N</td> </tr> </table>	Y	N	ii. Will other party relinquish his / her part of share in property; or	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">Y</td> <td style="width: 50%; text-align: center;">N</td> </tr> </table>	Y	N	iii. Will other party buy other party's share	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">Y</td> <td style="width: 50%; text-align: center;">N</td> </tr> </table>	Y	N	
i. Will the proceeds be divided equal; or	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">Y</td> <td style="width: 50%; text-align: center;">N</td> </tr> </table>	Y	N											
Y	N													
ii. Will other party relinquish his / her part of share in property; or	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">Y</td> <td style="width: 50%; text-align: center;">N</td> </tr> </table>	Y	N											
Y	N													
iii. Will other party buy other party's share	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">Y</td> <td style="width: 50%; text-align: center;">N</td> </tr> </table>	Y	N											
Y	N													
4.	Who will relinquish / buy other party's share ?	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">Plaintiff</td> <td style="width: 50%; text-align: center;">Defendant</td> </tr> </table>	Plaintiff	Defendant										
Plaintiff	Defendant													
5.	Until finalisation of divorce, who will be liable for payment of the bond and expenses	<table border="1" style="display: inline-table; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">Plaintiff</td> <td style="width: 50%; text-align: center;">Defendant</td> </tr> </table>	Plaintiff	Defendant										
Plaintiff	Defendant													
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:													
	..... ..... .....													

## DEBTS / LIABILITIES

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

Y	N
---	---

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

.....

.....

.....

.....

.....

.....

.....

.....

.....

3. List all policies and loans:

.....

.....

.....

.....

.....

.....

.....

.....

.....

4. OTHER SPECIFICATIONS:

.....

.....

.....

.....

**PENSION & ANNUITIES:****1. PLAINTIFF**

Scheme name: .....

Membership number: .....

Contact details: .....

.....

Scheme name: .....

Membership number: .....

Contact details: .....

.....

**2. DEFENDANT**

Scheme name: .....

Membership number: .....

Contact details: .....

.....

Scheme name: .....

Membership number: .....

Contact details: .....

.....

**3. Other specifications:**

.....

.....

.....

.....

## SPOUSAL MAINTENANCE

1. Maintenance for : 

Plaintiff	Defendant
-----------	-----------
  
2. Amount of maintenance payable: 

R					
---	--	--	--	--	--
  
3. When will Defendant receive maintenance; 

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

Death	Re-marry
-------	----------
  
5. Any other specifications  
 .....  
 .....  
 .....

## 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 PARTIES ID DOCUMENTS
4. COMPLETED STATISTIC 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*

### ANY OTHER INFORMATION / SPECIFICATIONS

[illegible]