



REPUBLIC OF SOUTH AFRICA

**NO.9 — OFFER BY DEBTOR**

In the Small Claims Court for the area of.....

Case No..... Unique Reference No.: .....

..... PLAINTIFF

AND

..... DEFENDANT

**OFFER BY DEBTOR**

*(To be completed by the party making the offer)*

**1. PARTICULARS OF THE PARTY MAKING THE OFFER:**

Surname or Name of entity: .....

First Names (*where applicable*): .....

Residential address: .....

Business address: .....

Postal Address: .....

Telephone No: .....

Cellular No: .....

E-mail address: .....

1. I, ..... plaintiff or defendant hereby offer to pay to ....., an amount of R ..... on the ..... (insert date) **OR** the judgment debt of R..... and costs in the amount of R..... as ordered by the court on ..... (insert date) as follows:

1.1 Instalments in the amount of R..... per month, the first instalment to be paid to the judgment creditor on or before the ..... (*insert date*) and payable every month

thereafter until the debt and costs (if applicable) is paid and if any instalment is not paid on time then the full balance still owing will become immediately payable.

Date: .....

Signature, mark or fingerprint of the person making the offer: .....

**OR**

1.2 (a) (specify alternative offer to paragraph 1.1 above and include details of the amount offered to be paid, and when the first amount and subsequent amounts are to be paid)

.....  
.....  
.....  
.....  
.....

(b) If any instalment referred to in paragraph 1.2(a) above is not paid on time then the full balance still owing will become immediately payable.

Date: .....

Signature, mark or fingerprint of the person making the offer: .....

**NOTE TO THE PERSON MAKING THIS OFFER:**

- A. This document must be submitted to the Judgment Creditor.
- B. The Judgment Creditor will notify you within 5 days whether the offer is accepted or not.
- C. If your offer is accepted you must commence payment to the judgment creditor. The judgment creditor may apply to the clerk of the court for the terms of this offer to be made an order of the court.
- D. If your offer to pay is made an order of court as per paragraph C and you fail to pay an instalment at the time and in the manner determined by the order of the court, the judgment will be enforceable by execution in the Magistrate’s Court having jurisdiction in accordance with the provisions of the Magistrates’ Courts Act, 1944 (Act No. 32 of 1944). The judgment creditor may proceed as if the judgment was granted in the Magistrate’s Court in his or her favour for the amount mentioned in the affidavit filed in terms of section 41(2) of the Small Claims Courts Act, 1984 (Act No. 61 of 1984).