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**NATIONAL CONSUMER
TRIBUNAL**

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**IN THE NATIONAL CONSUMER TRIBUNAL
HELD IN VEREENIGING**

Case no: NCT/ 231/2009/138 (1)(P)

In the matter between:

LEBOHANG MARIA OLIFANT

ID: 5505160732080

and

ABSA BANK LIMITED

AMERICAN SWISS a division of FOSHINI RETAIL GROUP (PTY) Ltd

FIRST NATIONAL BANK a division of FIRST RAND BANK

LEWIS STORES (PTY) LTD

WOOLWORTHS

Applicant/Consumer

1st Respondent/Credit Provider

2nd Respondent/Credit Provider

3rd Respondent/Credit Provider

4th Respondent/Credit Provider

5th Respondent/Credit Provider

CONSENT ORDER

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" and its Appendix marked "AA" 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 VEREENIGING on this 30th day of November 2009.


PROF BILL HASLAM
PRESIDING MEMBER

AA

Annexure A.

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IN THE NATIONAL CONSUMER TRIBUNAL

HELD AT CENTURION

Case No:

In the matter between:

LEBOHANG MARIA OLIFANT
Identity number: 5505160732080

CONSUMER/1ST APPLICANT

And

ABSA BANK LIMITED
AMERICAN SWISS a division of FOSHINI RETAIL GROUP (PTY) LTD
FIRST NATIONAL BANK a division of FIRST RAND BANK
LEWIS STORES (PTY) LTD
WOOLWORTHS

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

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

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"

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| Creditor | Reference | Annual Interest | New Monthly Instalment | Balance | Estimated Period in Months |
|---|------------------|-----------------|------------------------|-------------|----------------------------|
| ABSA BANK LIMITED | 5471196172973013 | 11.00% | R120.82 | R3 017.96 | 28 |
| ABSA BANK LIMITED | 65766987 | 11.00% | R964.73 | R54 817.47 | 52 |
| AMERICAN SWISS a division of FOSHINI RETAIL GROUP | 99727625 | 10.00% | R613.47 | R4 997.65 | 11 |
| FIRST NATIONAL BANK a division of FIRST RAND BANK | 300001684989 | 13.65% | R1 622.37 | R264 204.26 | 112 |
| LEWIS STORES (PTY) LTD | 0506-328767-02 | 32.00% | R468.49 | R15 188.69 | 47 |
| WOOLWORTHS | 600785015S255506 | 10.00% | R295.12 | R6 106.60 | 23 |

DATED at Centurion this the _____ day of _____ 2009

REGISTRAR OF THE NATIONAL CONSUMER TRIBUNAL

Applicant/Consumer
Debt Counsellor on behalf of the Consumer

TO:

THE REGISTRAR OF THE TRIBUNAL
CENTURION

1. ABSA BANK LIMITED
8TH FLOOR MARBLE TOWERS
CNR JEPPE & VON WIELLIGH STREET
JOHANNESBURG
2000
2. AMERICAN SWISS a division of
FOSHINI RETAIL GROUP (PTY) LTD
340 VOORTREKKER ROAD
PARROW EAST
7500
3. FIRST NATIONAL BANK a division of
FIRST RAND BANK
27 DIAGONAL STREET
JOHANNESBURG
2000
4. LEWIS STORES (PTY) LTD
51 URBAN ROAD
BELLVILLE
7535
5. WOOLWORTHS
93 MARKET STREET
CAPE TOWN
8000

Appendix AA

Debt Counsellor: Lorenzo Lewis
Email: juanitakamb@telkomsa.net
Client: OLIFANT, LEBOHANG MARIA
Payment proposal for Ref: WOOLWORTHS

Telephone: 0164220966
Fax: 0866259625

| From Date | To Date | | Payment | Interest | Interest Rate | Balance | PDA Fee |
|------------|------------|--|---------|----------|---------------|-----------|---------|
| 31/01/2009 | 31/01/2009 | | R246.48 | | 10.00% | R6,106.60 | R17.10 |
| 28/02/2009 | 30/09/2009 | | R295.12 | | 10.00% | R5,979.42 | R17.10 |
| 31/10/2009 | 31/10/2009 | | R337.40 | | 10.00% | R4,099.76 | R17.10 |
| 30/11/2009 | 30/11/2009 | | R347.92 | | 10.00% | R3,813.62 | R17.10 |
| 31/12/2009 | 30/09/2010 | | R382.71 | | 10.00% | R3,514.58 | R17.10 |
| 31/10/2010 | 31/10/2010 | | R30.58 | | 10.00% | R22.41 | R7.98 |

Debt Counsellor: Lorenzo Lewis
Email: juanitakamb@telkomsa.net
Client: OLIFANT, LEBOHANG MARIA
Payment proposal for American Swiss - Foschini Group dont use (cpe) Ref: 99727625

Telephone: 0164220966
Fax: 0866259625

| From Date | To Date | | Payment | Interest | Interest Rate | Balance | PDA Fee |
|------------|------------|--|---------|----------|---------------|-----------|---------|
| 31/01/2009 | 31/01/2009 | | R512.36 | | 10.00% | R4,997.65 | R28.50 |
| 28/02/2009 | 30/09/2009 | | R613.47 | | 10.00% | R4,597.43 | R28.50 |
| 31/10/2009 | 31/10/2009 | | R103.23 | | 10.00% | R94.46 | R7.98 |

Debt Counsellor: Lorenzo Lewis
Email: juanitakamb@telkomsa.net

Telephone: 0164220966
Fax: 0866259625

Client: OLIFANT, LEBOHANG MARIA

Payment proposal for FIRST NATIONAL BANK HOME LOAN Ref: 3000011684989

| From Date | To Date | | Payment | Interest | Interest Rate | Balance | PDA Fee |
|------------|------------|--|-----------|----------|---------------|-------------|---------|
| 31/01/2009 | 31/01/2009 | | R1,361.36 | | 13.65% | R264,204.26 | R28.50 |
| 28/02/2009 | 30/09/2009 | | R1,629.99 | | 13.65% | R268,916.23 | R28.50 |
| 31/10/2009 | 31/10/2009 | | R1,875.31 | | 13.65% | R281,050.59 | R28.50 |
| 30/11/2009 | 30/11/2009 | | R1,912.62 | | 13.65% | R282,400.73 | R28.50 |
| 31/12/2009 | 30/09/2010 | | R2,103.89 | | 13.65% | R283,728.92 | R28.50 |
| 31/10/2010 | 31/10/2010 | | R2,288.20 | | 13.65% | R295,857.13 | R28.50 |
| 30/11/2010 | 30/11/2010 | | R2,299.36 | | 13.65% | R296,962.80 | R28.50 |
| 31/12/2010 | 31/01/2011 | | R2,529.30 | | 13.65% | R298,069.89 | R28.50 |
| 28/02/2011 | 28/02/2011 | | R2,610.52 | | 13.65% | R299,859.50 | R28.50 |
| 31/03/2011 | 30/11/2011 | | R2,629.31 | | 13.65% | R300,688.38 | R28.50 |
| 31/12/2011 | 30/09/2012 | | R2,892.24 | | 13.65% | R308,408.71 | R28.50 |
| 31/10/2012 | 31/10/2012 | | R3,301.63 | | 13.65% | R315,192.85 | R28.50 |
| 30/11/2012 | 30/11/2012 | | R3,415.99 | | 13.65% | R315,505.04 | R28.50 |
| 31/12/2012 | 28/02/2013 | | R3,757.59 | | 13.65% | R315,706.42 | R28.50 |
| 31/03/2013 | 31/03/2013 | | R5,530.68 | | 13.65% | R315,287.90 | R28.50 |
| 30/04/2013 | 30/11/2013 | | R5,992.01 | | 13.65% | R313,372.12 | R28.50 |
| 31/12/2013 | 30/11/2014 | | R6,591.21 | | 13.65% | R293,399.22 | R28.50 |
| 31/12/2014 | 30/11/2015 | | R7,250.33 | | 13.65% | R252,180.11 | R28.50 |
| 31/12/2015 | 30/11/2016 | | R7,975.36 | | 13.65% | R196,545.36 | R28.50 |
| 31/12/2016 | 30/11/2017 | | R8,772.90 | | 13.65% | R123,557.02 | R28.50 |
| 31/12/2017 | 28/02/2018 | | R9,650.19 | | 13.65% | R29,765.69 | R28.50 |
| 31/03/2018 | 31/03/2018 | | R1,645.06 | | 13.65% | R1,598.38 | R28.50 |

Debt Counsellor: Lorenzo Lewis
Email: juanitakamb@telkomsa.net
Client: OLIFANT, LEBOHANG MARIA
Payment proposal for ABSA Credit Card dont use (cpe) Ref: 5471196172973013

Telephone: 0164220966
Fax: 0866259625

| From Date | To Date | | Payment | Interest | Interest Rate | Balance | PDA Fee |
|------------|------------|--|---------|----------|---------------|-----------|---------|
| 31/01/2009 | 31/01/2009 | | R100.91 | | 11.00% | R3,017.96 | R7.98 |
| 28/02/2009 | 30/09/2009 | | R120.82 | | 11.00% | R2,980.61 | R7.98 |
| 31/10/2009 | 31/10/2009 | | R138.13 | | 11.00% | R2,274.11 | R7.98 |
| 30/11/2009 | 30/11/2009 | | R142.44 | | 11.00% | R2,164.81 | R7.98 |
| 31/12/2009 | 30/09/2010 | | R156.68 | | 11.00% | R2,050.19 | R7.98 |
| 31/10/2010 | 31/10/2010 | | R169.73 | | 11.00% | R696.19 | R7.98 |
| 30/11/2010 | 30/11/2010 | | R171.24 | | 11.00% | R540.82 | R7.98 |
| 31/12/2010 | 31/01/2011 | | R188.36 | | 11.00% | R382.52 | R7.98 |
| 28/02/2011 | 28/02/2011 | | R35.39 | | 11.00% | R27.16 | R7.98 |

Debt Counsellor: **Lorenzo Lewis**
Email: **juanitakamb@telkomsa.net**
Client: **OLIFANT, LEBOHANG MARIA**
Payment proposal for Lewis Ref: **0506-328767-02**

Telephone: **0164220966**
Fax: **0866259625**

| From Date | To Date | | Payment | Interest | Interest Rate | Balance | PDA Fee |
|------------|------------|--|---------|----------|---------------|------------|---------|
| 31/01/2009 | 31/01/2009 | | R391.28 | | 32.00% | R15,188.69 | R17.10 |
| 28/02/2009 | 30/09/2009 | | R468.49 | | 32.00% | R15,635.37 | R17.10 |
| 31/10/2009 | 31/10/2009 | | R535.61 | | 32.00% | R15,332.64 | R28.50 |
| 30/11/2009 | 30/11/2009 | | R552.31 | | 32.00% | R15,234.40 | R28.50 |
| 31/12/2009 | 30/09/2010 | | R607.54 | | 32.00% | R15,116.84 | R28.50 |
| 31/10/2010 | 31/10/2010 | | R658.13 | | 32.00% | R13,130.75 | R28.50 |
| 30/11/2010 | 30/11/2010 | | R663.98 | | 32.00% | R12,851.27 | R28.50 |
| 31/12/2010 | 31/01/2011 | | R730.38 | | 32.00% | R12,558.49 | R28.50 |
| 28/02/2011 | 28/02/2011 | | R753.84 | | 32.00% | R11,814.73 | R28.50 |
| 31/03/2011 | 30/11/2011 | | R759.26 | | 32.00% | R11,404.45 | R28.50 |
| 31/12/2011 | 30/09/2012 | | R835.19 | | 32.00% | R7,128.58 | R28.50 |
| 31/10/2012 | 31/10/2012 | | R189.14 | | 32.00% | R167.57 | R17.10 |