



Physical

Building B

Lakefield Office Park

272 West Ave

Centurion

Postal

Private Bag X110

Centurion

0046

Tel : 012 663 5615

Fax : 012 663 5693

Email : Registry@thenct.org.za

IN THE NATIONAL CONSUMER TRIBUNAL

HELD IN CENTURION

Case Number: NCT/ 360/2009/138 (1)(P)

In the matter between:

HENDRIK JACOBUS PIENNAR

1st Applicant/Consumer

ID: '

ELIZABETH CAROLINA PIENNAR

2nd Applicant/Consumer

ID: '

and

BAYPORT FINANCIAL SERVICES (PTY) LIMITED

1st Respondent/Credit Provider

AFRICAN BANK LIMITED

2nd Respondent/Credit Provider

CONSUMER FRIEND (FOSCHINI AND TRUWORTHS ACCOUNTS)

3rd Respondent/Credit Provider

LEWIS STORES (PTY) LIMITED

4th Respondent/Credit Provider

ELLERINES HOLDINGS LIMITED (LUBNERS ACCOUNT)

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" 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 **Centurion** on this 2ND Day of MARCH 2010

MS LAURA BEST

PRESIDING MEMBER

IN THE NATIONAL CONSUMER TRIBUNAL

HELD AT CENTURION.

CASE NO.

In the matter between:

Hendrik Jacobus Pienaar

1st Applicant/Consumer

Identity number: '

and

Elizabeth Carolina Pienaar

2nd Applicant/Consumer

Identity number: 7

AND

Bayport Financial Services (Pty) Ltd

1st Respondent/Credit Provider

African Bank Limited

2nd Respondent/Credit Provider

Consumer Friend

3rd Respondent/Credit Provider

(Foschini and Truworths Accounts)

Lewis Stores (Pty) Ltd

4th Respondent/Credit Provider

Ellerines Holdings Limited

5th Respondent/Credit Provider

(Lubners Account)

**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 34 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 installments 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 the 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 installment by extending the payment period as indicated in Annexure "B"

Creditor	Reference	Annual Interest	New Monthly Installment	Balance	Estimated Period in Months
African Bank Ltd	6202634003	15.50%	R392.36	R19 682.86	63 months
Bayport Financial Services (Pty) Ltd	1013706002/VKK	34.00%	R340.61	R11 801.41	68 months
	1013706003/VKK	34.00%	R144.89	R4 239.75	57 months
Consumer Friend	Foshini 0011010000248318 598	21.00%	R74.73	R2 317.87	48 months
	Truworhs 10100521676356	21.00%	R40.00	R322.14	13 months
	Truworhs 10100530037188	21.00%	R24.91	R482.69	37 months
Lewis Stores (Pty) Ltd	0532-336372-02	21.00%	R225.00	R7 982.41	53 month
	0532-345193-13	32.00%	R134.93	R5 186.96	71 months
	0532-345193-14	32.00%	R232.49	R12 356.19	81 months
	0532-336372-03	21.00%	R159.23	R4 522.22	41 months
Ellerines Holdings Ltd	Lubriars Acc 6040-182904-3	21.00%	R158.77	R3 664.08	33 months

DATED at Centurion this the _____ day of _____ 2010

REGISTRAR OF THE NATIONAL CONSUMER TRIBUNAL

Applicant/Consumer

Debt Counsellor on behalf of the Consumer

Dated at Centurion at this day 21 of April 2010

1st Applicant/Consumer

2nd Applicant/Consumer

TO:
THE REGISTRAR OF THE TRIBUNAL
CENTURION

- | | |
|--|--|
| 1. African Bank Limited
59 16 th Road
Midrand
1685 | 2. Bayport Financial Services (Pty) Ltd
Building B, Metropolitan Office Park
82 Wessel Road, Rivonia
2157 |
| 3. Consumer Friend
3 The Crescent
Westway Office Park
Westville
4000 | 4. Lewis Stores (Pty) Ltd
Danew Place
51 Durban Road
Bellville
7535 |
| 5. Ellerines Holdings Limited
38 Elston Street
Benoni
1500 | |