

SOUTH AFRICA / JUDGMENT

Mokoena and Another v MFC Division of Nedbank Limited and Others (NCT/19119/2014/138(1)(P)) [2016] ZANCT 38 (28 July 2016) [2016] ZANCT 38

COURT

National Consumer Tribunal

BEFORE

P A Beck, H Devraj, F Sibanda

CASE / FILE NUMBER

NCT/19119/2014/138(1)(P)

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ANNEXURE A

IN THE NATIONAL CONSUMER TRIBUNAL

HELD AT CENTURION

Case number: NCT/19119/2014/138(1) (P)

In the matter between:

LUCIANO LESEGO KOENA MOKOENA 1st Applicant / Consumer ID: [8.....] AND NONHLANHLA ELIZA MOKOENA ID : [8.....] 2nd Applicant / Consumer

And

MFC DIVISION OF NEDBANK LIMITED FIRST RAND BANK LIMITED NEDBANK LIMITED FIRST NATIONAL BANK A DIVISION OF FIRST RAND BANK LIMITED WONGA FINANCE SA (PTY) LIMITED AFRICAN BANK LIMITED FINCHOICE (PTY) LIMITED HOMECHOICE (PTY) LIMITED STANDARD BANK OF SOUTH AFRICA LIMITED EDCON (PTY) LIMITED CAPFIN (PTY) LIMITED CAPITEC BANK LIMITED 1st Credit Provider 2nd Credit Provider 3rd Credit Provider 4th Credit Provider 5th Credit Provider 6th Credit Provider 7th Credit Provider 8th Credit Provider 9th Credit Provider 10th Credit Provider 11th Credit Provider 12th Credit Provider

CONSENT ORDER

An order granting the debt re-arrangement was made an order of the Tribunal and issued on 8 June 2014. An application was lodged on 22 February 2016 to vary the order granted on 8 June 2014 and upheld on 20 July 2016.

Accordingly, the Tribunal, having read the papers filed of record and being satisfied that the Applicant(s) and The Respondent(s) are parties to a debt re-arrangement facilitated by a debt counsellor under section 86(7)(b) read with section 138(1) of The National Credit Act, Act 34 of 2005 (the Act), hereby makes the following order:

The payment structure between the consumer(s) and the credit provider(s) is confirmed as an order of the Tribunal in terms of section 150 of the Act.

Creditor Account reference Annual interest rate Monthly instalment Balance Estimated repayment term in months Monthly fee MFC a Division of Nedbank Limited 44082220001 6.00% R1 890.80 R123 047.50 67 First Rand Bank Limited 85191995613 8.18% R657.11 R28 707.86 52 Nedbank Limited 8001282419201 6.50% R4 118.81 R610 815.31 58 months concession period First Rand Bank Limited 4303430033804001 6.75% R447.23 R20 899.36 55 Nedbank Limited 6001288847801 4.46 R1 389.39 R50 741.59 55 Wonga Finance (SA)(Pty) Limited LA253646 0.01 R74.78 R3 905.83 52 African Bank Limited 5404381E002 7.30 R170.85 R6 424.11 52 FinChoice (Pty) Limited 8402100781086 13.91 R234.58 R5 483.44 1 R199.48 35 Home Choice (Pty) Limited 240359368 0.00 R97.28 R3 105.72 33 First National Bank 4000028625717 8.79 R1 209.00 R47 392.74 57 Standard Bank of South Africa Limited 5104323340480474 6.02 R205.02 R9 867.34 55 Edcon (Pty) Ltd 7000100100058084740 8.75 R226.98 R10 568.46 54 R109.15 1 Capfin (Pty) Ltd C1696682 13.55 R100.84 R3 898.25 55 Capitec Bank Limited 1360834395 8.38 R1 784.92 R76 900.71 55 Nedbank Limited 1305874186 4.46 R72.53 R243.94 32

The parties' attention is drawn to sections 71(1), 71(5)(a) and 152 of the Act which states as follows: Section 71(1) A consumer, whose debts have been re-arranged in terms of part D of this chapter, may apply to a debt counsellor at any time for a clearance certificate. Section 71(5) Upon receiving a copy of a clearance certificate, a credit bureau, or the national credit register must expunge from its records the fact that the consumer was subject to the relevant debt re-arrangement order or agreement. Section 152 Any decision, judgment or order of the Tribunal may be served, executed and enforced as if it were an order of the High Court. 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 at CENTURION on the 28th day of July 2016 (Signed) P A BECK Presiding Member National Consumer Tribunal H Devraj (Member) and F Sibanda (Member) concurring

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