

SOUTH AFRICA / JUDGMENT

Sager and Others v Absa Bank Limited and Others (NCT/75475/2017/138(1)(P)) [2017] ZANCT 119 (25 October 2017)

[2017] ZANCT 119

COURT

National Consumer Tribunal

BEFORE

J Simpson

CASE / FILE NUMBER

NCT/75475/2017/138(1)(P)

Source: saflii.org · Research copy typeset by Esheria. Not court-issued or certified.

SAFLII Note: Certain personal/private details of parties or witnesses have been redacted from this document in compliance with the law and SAFLII Policy

IN THE NATIONAL CONSUMER TRIBUNAL HELD IN CENTURION

Case Number: NCT/75475/2017/138(1)(P)

In the matter between:

BENAY SAGER APPLICANT

NCR REGISTRATION NUMBER: 2484

And

SHAYLENE ADONIS IDENTITY NUMBER: [7....] 1ST CONSUMER

BYRON JOHN ADONIS IDENTITY NUMBER: [7....] 2ND CONSUMER

ABSA BANK LIMITED 1st Respondent \ Credit Provider AFRICAN BANK LIMITED 2nd Respondent \ Credit Provider BMW FINANCIAL SERVICES (SOUTH AFRICA) (PTY) LTD 3rd Respondent \ Credit Provider FIRST NATIONAL BANK, A DIVISION OF FIRSTRAND BANK LIMITED 4th Respondent \ Credit Provider FOSCHINI RETAIL GROUP (PTY) LTD 5th Respondent \ Credit Provider GETBUCKS (PTY) LTD 6th Respondent \ Credit Provider GO-DEBT (PTY) LTD 7th Respondent \ Credit Provider ITHALA LIMITED 8th Respondent \ Credit Provider MRP MONEY, A DIVISION OF MR PRICE GROUP LIMITED ON BEHALF OF MR PRICE HOME 9th Respondent \ Credit Provider NEDBANK LIMITED 10th Respondent \ Credit Provider QUICKDRAWSOFTWARE SOLUTIONS (PTY) LTD, T/A CASH CONVERTERS MIDRAND 11th Respondent \ Credit Provider RCS GROUP 12th Respondent \ Credit Provider RCS HEALTH CARE 13th Respondent \ Credit Provider RCS PERSONAL FINANCE (PTY) LIMITED 14th Respondent \ Credit Provider STANDARD

BANK OF SOUTH AFRICA LIMITED 15th Respondent \ Credit Provider SYNDICATED DEBT COLLECTORS t/a DEBT TEC ON BEHALF OF ATLAS FINANCE (PTY) LTD 16th Respondent \ Credit Provider TRUWORTHS LIMITED 17th Respondent \ Credit Provider

VARIED CONSENT ORDER

The original order on this matter was signed on 8 May 2017. During August 2017 the debt counsellor applied for a variation of the order to reflect the correct interest rate terms for the BMW Financial Services (South Africa) (Pty) Ltd loan. The application was granted. The order is now varied to reflect the term “Linked to the prime interest rate” in respect of the BMW Financial Services loan. No other changes to the order have been made. 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:

1. 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

Credit Provider Reference Current Outstanding Proposed Payment Period Proposed Annual Interest Proposed Instalment HOMEOWNERS COMPREHENSIVE LIFE ASSURANCE 1 RCS GROUP 5.02E+015 R20,558.70 60 0.55% R355.56 2 RCS HEALTH CARE 6.01E+018 R3,070.15 36 0.55% R88.73 3 RCS PERSONAL FINANCE (PTY) LIMITED 6.01E+018 R6,413.47 60 0.66% R112.02 4 FOSCHINI RETAIL GROUP (PTY) LTD 1.00E+016 R21,037.02 60 0.60% R359.44 5 TRUWORTHS LIMITED 10101106342252 R18,194.56 60 0.60% R314.47 6 TRUWORTHS LIMITED 10101117208760 R5,014.87 60 0.60% R85.68 7 NEDBANK LIMITED 8002760841601 R30,806.95 60 0.68% R542.12 8 NEDBANK LIMITED 8002513569501 R6,268.01 60 0.67% R109.27 9 ITHALA LIMITED 79426675 R40,098.88 59 8.50% R688.90 10 ABSA BANK LIMITED 8065138307 R862,848.18 0 9.00% R2,770.84 R552.11 R306.71 59 R7,811.83 295 R8,151.81 11 STANDARD BANK OF SOUTH AFRICA LIMITED 60291478 R35,035.05 60 months or until repayment of the debt or until you can meet your original contractual obligations, whichever occurs earlier 0.50% R597.86 12 QUICKDRAWSOFTWARE SOLUTIONS (PTY) LTD, T/A CASH CONVERTERS MIDRAND 2389269 R6,200.00 52 0.96% R111.56 13 ATLAS FINANCE (PTY) LTD 0L7-02556-0001 R6,567.55 Until Settled 10.00% R300.00 14 BMW FINANCIAL SERVICES (SOUTH AFRICA) (PTY) LTD 141000100782264 R63,228.30 73 13.25% - Linked to the prime interest rate R1,380.08 15 QUICKDRAWSOFTWARE SOLUTIONS (PTY) LTD, T/A CASH CONVERTERS MIDRAND 2470081 R8,000.00 52 0.71% R140.78 16 GO-DEBT (PTY) LTD 9429 R3,593.10 35 9.75% R104.01 17 AFRICAN BANK LIMITED 7791693001 R73,242.83 58 0.66% R1,272.32 18 ABSA BANK LIMITED 0000008067221746 R44,738.09 1 9.00% R131.26 59 R400.18 183 R407.06 19 MRP MONEY, A DIVISION OF MR PRICE GROUP LIMITED ON BEHALF OF MR PRICE HOME 28344856 R3,921.80 Until Settled 0.55% R143.06 20 GETBUCKS (PTY) LTD [7....] - SA00/247899 R5,572.51 58 0.96% R90.38 21 QUICKDRAWSOFTWARE SOLUTIONS (PTY) LTD, T/A CASH CONVERTERS MIDRAND 68392 R3,079.85 45 0.67% R66.03 22 ABSA BANK LIMITED 5.47E+015 R1,159.32 1 0.54% R136.32 16 R62.06 1 R53.47 23 STANDARD BANK OF SOUTH AFRICA

LIMITED 606495770001 R159,505.29 38 months or until repayment of the debt or until you can meet your original contractual obligations, whichever occurs earlier 9.05% R4,866.87 24 FIRST NATIONAL BANK, A DIVISION OF FIRSTRAND BANK LIMITED 4000037443294 R7,920.06 53 0.66% R150.72 25 GO-DEBT (PTY) LTD 59949 R3,748.71 15 9.75% R295.87 26 QUICKDRAWSOFTWARE SOLUTIONS (PTY) LTD, T/A CASH CONVERTERS MIDRAND 2417202 R8,354.00 54 0.67% R131.79 27 STANDARD BANK OF SOUTH AFRICA LIMITED 62313762 R12,158.64 60 months or until repayment of the debt or until you can meet your original contractual obligations, whichever occurs earlier 0.00% R160.14 28 FIRST NATIONAL BANK, A DIVISION OF FIRSTRAND BANK LIMITED 4000052576887 R12,398.81 59 0.67% R217.15 29 QUICKDRAWSOFTWARE SOLUTIONS (PTY) LTD, T/A CASH CONVERTERS MIDRAND 2402194 R8,373.00 54 0.67% R132.09 30 STANDARD BANK OF SOUTH AFRICA LIMITED 60248831 R1,158.47 18 months or until repayment of the debt or until you can meet your original contractual obligations, whichever occurs earlier 0.50% R60.98 31 GO-DEBT (PTY) LTD 6659 R7,442.80 11 9.75% R834.06

2. 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, judgement or order of the Tribunal may be served, executed and enforced as if it were an order of the High Court.

3. 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 25 October 2017

(Signed) Adv J Simpson Presiding Member National Consumer Tribunal

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.saflii.org/za/cases/ZANCT/2017/119.html>

CASE PAGE <https://chat.esheria.ai/case-law/south-africa/sager-and-others-v-absa-unknown-topic-anct-2017>

Prepared on 10 October 2026 · Esheria