

MANDATE FORM

DATE /20

TYPE OF CLIENT:

PRIVATE PERSON

(PTY) LTD

CC

TRUST

OTHER:

PERSONAL DETAILS

Full Names and Surname

ID Number

Name of Business

Reg Number

Representative: Full Names & Surname

ID Number

Capacity

Residential Address

Postal Address

Email Address

SARS Tax Number

Name of Employer

Address of Employer

Contact Details:

(W)

(H)

(Mobile)

| PARTNER | DIRECTOR | MEMBER | TRUSTEE | SPOUSE |
|---------|----------|--------|---------|--------|
|---------|----------|--------|---------|--------|

| | | |
|---------------------------------|----------|--|
| <i>Full Name & Surname:</i> | | |
| <i>ID Number:</i> | | |
| <i>Residential Address:</i> | | |
| <i>Postal Address:</i> | | |
| <i>Email Address:</i> | | |
| <i>Name of Employer:</i> | | |
| <i>Address of Employer:</i> | | |
| <i>Telephone numbers:</i> | (W) | |
| | (H) | |
| | (Mobile) | |
| | (F) | |

INSTRUCTION / MANDATE

(Give a brief description of legal advice or services required)

Hereby instructs DE JAGER AND ASSOCIATES INC (hereinafter referred to as "the firm") to act as my attorney and I hereby commit to the terms and conditions as set forth herein, which terms and conditions I acknowledge and confirm that I have read and that I understand it.

TERMS AND CONDITIONS FOR PROVIDING LEGAL SERVICES:

1. All legal work, including but not limited to opinions or advice, that the client entrusted to the firm will be subject to the terms and conditions set out herein, notwithstanding the client not signing a separate written mandate and terms and conditions for legal services for each assignment to the firm.
2. This mandate to the firm includes an irrevocable mandate to collect all moneys due to the client on the client's behalf and serves as an instruction to any third party to pay such amounts due, to the firm.
3. Although matters might partially be handled by the firm's staff, the directors will have overall responsibility for the conduct of the matter on your behalf. Any queries or concerns should therefore be directed to them.
4. All consultations, research, preparation and perusal of documents, telephone calls or any attendances and appearances (including travelling and waiting time) will be charged in accordance with **Schedule "A"** herein under and calculated on an hourly rate of **R 2 100,00 (TWO THOUSAND ONE HUNDRED RAND)** per hour (excluding VAT) for directors and **R 1 500,00 (ONE THOUSAND FIVE HUNDRED RAND)** per hour (excluding VAT) for professional assistants, unless quoted otherwise by the firm and notified in writing.
5. The client acknowledges that in consideration of a fair hourly rate, factors such as the complexity of the matter, level of required specialized knowledge, level of experience, importance of the issue to the client as well as the quantum of the matter and the urgency thereof are taken into account and with prior notice to the client's hourly rate accordingly be customized. Furthermore, the company reserves the right to review the quoted hourly rate annually on March 1st.
6. In the case where an estimated amount for the legal work was initially provided, the firm retains the right to review such amount due to the unpredictable nature of litigation and legal issues.

7. It is important to note that in respect of civil litigation matters, the costs which are generally recoverable from an unsuccessful litigant (termed "party and party costs") are not the same as the attorney and own client costs, for which you remain liable. The party and party costs are determined according to a fixed tariff which is substantially lower than the attorney and own client fees charged by the firm. Accordingly, in such litigation matters - even where clients are successful – the client will be required to bear the full attorney and own client fees and disbursements due to the firm. Should party and party costs be recovered from the unsuccessful litigant, such amounts will be recovered for the benefit of the client.
8. All disbursements or additional expenses which are incurred by the firm on your behalf or in connection with matters in respect of which we are instructed are recoverable in full. Additional expenses will include principally our disbursements in respect of items such as advocate fees, sheriff fees, tracing fees, correspondent fees photocopying, telefax charges, messenger and courier services, telephone calls, travel expenses and the like. General expenses will be charged at the rates set out in **Schedule "B"** hereto. Certain expenses, because of their nature or the amount, may be forwarded to you directly for settlement prior to it being incurred by us.
9. The firm reserves the right to render interim accounts in respect of professional services and/or expenses incurred, which accounts are payable upon receipt thereof.
10. Our statements in respect of fees and disbursements are payable upon presentation.
11. In the event of any account not being paid within the time stipulated, the firm reserves the right to cease attendances in regard to all matters and to instruct any agent who may be acting, to cease work and to raise an account in respect of all work carried out to such date and to recover (on a full indemnity basis) any costs incurred by us in collecting overdue payments, including the cost of any agent appointed by us at our discretion to collect such amounts, on an attorney and own client scale.
12. We reserve the right to request payment of a deposit on account of fees and disbursements prior to our undertaking of legal services on your behalf. The amount so paid will be utilised to meet ongoing fees and disbursements. We do point out that the amount of the deposit should not be regarded as the maximum amount which may be required but is merely a retainer to enable us to meet the fees and disbursements as they arise. We may accordingly require you to replenish or increase the deposit from time to time.
13. **The firm 's bank details are as follows:**

| | |
|------------------------|--|
| ACCOUNT NAME: | DE JAGER ATTORNEYS TRUST |
| BANK: | Nedbank |
| BRANCH CODE: | 134512 |
| ACCOUNT NUMBER: | 1204185778 |
| REFERENCE: | (Your initials and surname, Company. or our file number (if known)) |
14. The physical address furnished by client above serves as his/her chosen *domicilium citandi et executandi* where service or delivery of all documents, correspondence, notices and pleadings can be made.

SIGNED AT _____ ON THIS _____ DAY OF _____ 20____

on behalf of CLIENT

SCHEDULE “ A “**RATES:**

| | | |
|------|--|--|
| 1. | Attendance (attendance in court excluded): | |
| 1.1 | Consultations, negotiations, conferences and meetings | Actual time spent |
| 1.2 | Formal attendance | 10 minutes per attendance |
| 1.3 | Telephone calls | Actual time spent with a minimum of 6 minutes per call. |
| 1.4 | Legal research, inspections, investigations and preparation quest | Actual time spent |
| 2. | Preparing documents: | |
| 2.1 | Drafting of formal letter | 10 minutes per page |
| 2.2 | Drafting of a letter with contentious content | 15 minutes per page, depending on complexity of content |
| 2.3 | Drafting of formal notices in litigation matters | 10 minutes per page |
| 2.4 | Drafting of pleadings and affidavits | 15 minutes per page |
| 2.5 | Drafting of detailed bill of costs to the client's request | 10 % of total fees |
| 3. | Perusal of documents: | |
| | Perusal of any document | 3 minutes per page |
| 4. | Court Appearances: | |
| | Civil matters: (excluding tariffs payable in terms of items 1, 2, 3 above as well as traveling time and other expenses) | |
| 4.1 | Unopposed applications in the Magistrates Court | R 2 500.00 per appearance |
| 4.2 | Contested applications in the Magistrates Court | Actual time spent in court waiting included with minimum of R 2 000.00 per appearance |
| 4.3 | Trials in the Magistrate Court | R 8 000.00 per day or part thereof |
| 4.4 | Attendance in contested High Court actions | R 15 000.00 per day or part thereof |
| 4.5 | Attendance unopposed in High Court actions | Actual time spent waiting time included |
| | Criminal Matters: (excluding tariffs payable in terms of items 1, 2, 3 above as well as traveling time and other expenses) | |
| 4.6 | Appearances at postponements | R 2 100,00 per appearance |
| 4.7 | Unopposed Schedule 1 Bail Applications | R 2 850,00 per application |
| 4.8 | Unopposed Schedule 5 or Schedule 6 Bail Applications | R 4 500,00 per application |
| 4.9 | Opposed Bail Applications | R 6 000,00 for the first day plus R 2 100,00 for each additional day thereafter) |
| 4.10 | Criminal Trials in District Court | R 8 000,00 per day (The right is reserved to levy additional fees taking into account the complexity of the case, the duration of the application and number of appearances in the trial until finalization) |
| 4.11 | Criminal Trials in Regional Court | R 15 000,00 per day (The right is reserved to levy additional fees considering the complexity of the |

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| | | case, the duration of the application and number of appearances in the trial until finalization) |
| 4.12 | Application for leave to Appeal | R 8 000,00 (The right is reserved to levy additional fees considering the complexity of the case, the duration of the application and number of appearances in the application until finalization) |
| 4.13 | Appeals | R 15 000,00 (The right is reserved to levy additional fees taking into account the complexity of the case, the duration of application and the number of appearances in the application until finalization) |
| | | |
| 5. | Travel Time: | |
| | | |
| | Travelling time is only charged for trips outside the municipal area of Hermanus | Actual travel time is charged at 50% of hourly rate |

SCHEDULE “ B “**GENERAL EXPENSES:**

| <u>No.</u> | <u>Description</u> | <u>Unit</u> | <u>Rate</u> |
|-------------------|--|--------------------|-----------------------------|
| | | | |
| 1. | Cost of facsimile | per page | R 3.50 |
| 2. | Telephone | costs per minute | R3.50 |
| 3. | E-mail | per e-mail | R 4.50 |
| 4. | Travel costs (only for trips outside the municipal area of Hermanus charged) | per kilometer | R 7.50 |
| 5. | Copying | per page | R 4.50 |
| 6. | Company / Deed / Credit / Tracing etc. Searches | per search | R 250.00 |
| 7. | All other expenses | | The actual amount incurred. |
| 8. | File Storage – 7 Years | Once off | R1000.00 |