${court}

CASE NO.: ${casenumber}

In the matter between:

**${onepname}** ${firstplaintiff}Plaintiff

${twop}

**${twopname}** Second Plaintiff

${/twop}

${threep}**${threepname}** Third Plaintiff

${/threep}

${fourp}**${fourpname}** Fourth Plaintiff

${/fourp}

${fivep}**${fivepname}** Fifth Plaintiff

${/fivep}

${sixp}**${sixpname}** Sixth Plaintiff

${/sixp}

${sevenp}**${sevenpname}** Seventh Plaintiff

${/sevenp}

and

**${onedname}** ${firstdefendant}Defendant

${twod}

**${twodname}** Second Defendant

${/twod}

${threed}**${threedname}** Third Defendant

${/threed}

${fourd}**${fourdname}** Fourth Defendant

${/fourd}

${fived}**${fivedname}** Fifth Defendant

${/fived}

${sixd}**${sixdname}** Sixth Defendant

${/sixd}

${sevend}**${sevendname}** Seventh Defendant

${/sevend}

${eightd}**${eightdname}** Eighth Defendant

${/eightd}

**FOUNDING AFFIDAVIT**

I, the undersigned,

**${authorwithcaps}**

do hereby make oath and say that:

1.

I am an adult [male/female] attorney and practice as such as an associate at Mellows & De Swardt Inc, the Applicant’s attorney of record.

2.

The facts herein contained are, unless otherwise stated, within my personal

knowledge and are both true and correct. I am duly authorised to make this affidavit on behalf of the Applicant.

3.

On [date], Notices in terms of Rule 23(1),(6),(9)&(11) were served on the [Respondent], which Notices are attached hereto marked as Annexure “[**annexure letter/number**]”.

4.

Correspondence has been exchanged between the Applicant and [Respondent] relating to the outstanding Notices, which correspondence is annexed hereto marked as annexure “[**annexure letter/number**]”.

5.

Under the circumstances, I humbly submit that the [Respondent]’s failure to comply with the aforesaid Notices is prejudicing in the Applicant as the Applicant is unable to properly evaluate the [Respondent]’s claim and adequately prepare for trial.

6.

It is my further submission that there can be no reason for the [Respondent]’s failure to comply with the Notices as the [Respondent] has had ample opportunity to comply with the Applicant’s Notices.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**${authorwithcaps}**

I certify that the deponent acknowledged that he knew and understood the contents of the above declaration, that I duly administered the oath as prescribed by Government Notice No R1258 of 21 July 1972, as amended and that thereafter the deponent in my presence, signed the declaration at \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_on the \_\_\_ day of **${month} ${year}**.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**COMMISSIONER OF OATHS**