

**COUNCIL FOR DEBT COLLECTORS
COUNCIL IN TERMS OF ACT 114 OF 1998**

Saakno: 8/6PROC001/06

In the matter

COUNCIL FOR DEBT COLLECTORS THE COUNCIL

and

**PROCLEPT CC FIRST RESPONDENT
MARIETJIE ROOS SECOND RESPONDENT**

**NOTICE IN TERMS OF REGULATION 7(8)(a) OF THE REGULATIONS
RELATING TO DEBT COLLECTORS, 2003**

WHEREAS: the Council for Debt Collectors received a complaint from Fullmoon Trading t/a Kempton City Financial Services;

AND WHEREAS: the First Respondent is herein represented by Mrs. Marietjie Roos with Council for Debt Collectors registration number 0010141/04, as Member of the abovementioned Close Corporation and in her personal capacity.

NOW THEN TAKE NOTICE THAT: The Council for Debt Collectors (hereinafter called the Council) as per decision of the Executive Committee of the Council, on 5 March 2007 decided to charge the Respondent with the following improper conduct:

CHARGE 1

That the Respondents are guilty of a contravention of Section 15(1)(g) and Section 19(1)(a) and (b) of the Act, Act 114 of 1998, and Rule 5(3)(a) and 7(1) of the Code of Conduct, in that:

The Respondents in the process of collecting or attempting to collect debts, collected, amounts in excess of the amounts owing by the debtors to the creditor, except for interest and costs legally recoverable.

CHARGE 2

That the Respondents are guilty of a contravention of Section 15(1)(g) and Section 20(2) and (3) of the Act, Act 114 of 1998, in that:

The Respondents failed to pay over within a reasonable time period, in the alternative at all, amounts collected on behalf of the complainant to the complainant, and further failed to pay over interest on those amounts collected to the complainant.

TAKE FURTHER NOTICE THAT:

- a. In terms of Regulation 7(9) you **must within 14 days** from service of this notice, reply in writing to the charge as set out above, by either admitting or denying the charge. Should you admit guilt the Council will deal with the matter as set out in Section 15(3) of the Debt Collectors Act 114 of 1998.
- b. Provide the Council, together with the above mentioned notice, with a physical address where you will accept service of process and notices in this matter.
- c. That failure to respond as requested above will not prohibit the Council from continuing with the process as set out in Regulation 7.

DATED AT PRETORIA ON THIS THE 15th DAY OF JUNE 2007.

**ADV. A CORNELIUS
LEGAL OFFICER
COUNCIL FOR DEBT COLLECTORS
RENTMEESTERPARK**

**WATERMEYER STREET 74
VAL DE GRACE
PRETORIA**

**TO: PROCLEPT CC
20 DE BUSSY STREET
SW 5
VANDERBIJLPARK
1911
And
MARIETJIE ROOS
25 LISET STREET
SW 5
VANDERBIJLPARK
1911**

FAX: 086 673 8919

**In terms of the regulations this notice should be served by the sheriff.
You may however in writing acknowledge the receipt of this notice, and
grant permission for the notice to be served by fax.**

Council for Debt Collectors

Proclept CC 2008 CDC91

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**COUNCIL FOR DEBT COLLECTORS
COUNCIL IN TERMS OF ACT 114 OF 1998**

Saakno: 8/6PROC001/06

In the matter

**COUNCIL FOR DEBT COLLECTORS THE COUNCIL
and
PROCLEPT CC FIRST RESPONDENT
MARIETJIE ROOS SECOND RESPONDENT
NOTICE TO AMEND**

Take notice that the Council for Debt Collectors herewith amend the Notice in terms of Regulation 7(8)(a).

The charges as set out in Charge 1 and 2 is removed and replaced with the charge sheets attached hereto.

DATED AT PRETORIA ON THIS THE 15th DAY OF JUNE 2007.

**ADV. A CORNELIUS
LEGAL OFFICER
COUNCIL FOR DEBT COLLECTORS
RENTMEESTERPARK
WATERMEYER STREET 74
VAL DE GRACE
PRETORIA**

**TO: PROCLEPT CC
20 DE BUSSY STREET
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And
MARIETJIE ROOS
25 LISET STREET
SW 5
VANDERBIJLPARK
1911
FAX: 086 673 8919**

CHARGE 1

That the Respondents are guilty of a contravention of Section 15(1)(g) and Section 19(1)(a) and (b) of the Act, Act 114 of 1998, and rule 5(3)(a) and 7(1) of the Code of Conduct in that:

The Respondents in the process of collecting or attempting to collect a debt from Mr Lesetja Johannes Modiba handed over to you by your client Kempton City Finance for an amount of R1150.00. You have collected/attempted to collect an amount of R3468.55.

CHARGE 2

That the Respondents are guilty of a contravention of Section 15(1)(g) and Section 20(2) and (3) of the Act, Act 114 of 1998 in that:

The Respondents failed to pay over within a reasonable time period, in the alternative at all, amounts collected on behalf of the complainant to the complainant, and further failed to pay over interest on those amounts collected in that:

During the period March 2005 to July 2006 you had collected an amount of R2797.81 from their client Mr. L.J. Modiba. Of this amount collected you paid over an amount of R87.23 in October 2005.

CHARGE 3

That the Respondents are guilty of a contravention of Section 15(1)(g) and Section 19(1)(a) and (b) of the Act, Act 114 of 1998, and rule 5(3)(a) and 7(1) of the Code of Conduct in that:

The Respondents in the process of collecting or attempting to collect a debt from Mr. Noyo Mgidi handed over to you by your client Kempton City Finance for an amount of R1335.00. You have collected/attempted to collect an amount of R3206.44.

CHARGE 4

That the Respondents are guilty of a contravention of Section 15(1)(g) and Section 20(2) and (3) of the Act, Act 114 of 1998 in that:

The Respondents failed to pay over within a reasonable time period, in the alternative at all, amounts collected on behalf of the complainant to the complainant, and further failed to pay over interest on those amounts collected in that:

During the period February 2006 to date you have collected an amount of R2625.00 from your client Mr. Noyo Mgidi, (Your file 225 UMSF), of this amount collected you have not paid over anything.

CHARGE 5

That the Respondent are guilty of a contravention of Section 15(1)(g) and Section 19(1)(a) and (b) of the Act, Act 114 of 1998, and rule 5(3)(a) and 7(1) of the Code Of Conduct in that:

The Respondents in the process of collecting or attempting to collect a debt from Mr Mark Harris (845 UMSC) handed over to you by your client Kempton City Finance for an amount of R8824.00. You have collected/attempted to collect an amount of R15890.00.

CHARGE 6

That the Respondents are guilty of a contravention of Section 15(1)(g) and Section 20(2) and (3) of the Act, Act 114 of 1998 in that:

The Respondents failed to pay over within a reasonable time period, in the alternative at all, amounts collected on behalf of the complainant to the complainant, and further failed to pay over interest on those amounts collected in that:

During the period January 2006 to December 2006 you have collected an amount of R6000.00 from their client Mr Mark Harris, (Your file 845 UMSC), of this amount collected you have not paid over anything, and indicated that you only received an amount of R225 on this collection.

CHARGE 7

That the Respondents are guilty of a contravention of Section 15(1)(g) and Section 19(1)(a) and (b) of the Act, Act 114 of 1998, and rule 5(3)(a) and 7(1) of the Code of Conduct in that:

The Respondents in the process of collecting or attempting to collect a debt Mr. Seiletjane Diamond Matsimela (UMSC 83) handed over to you by your client

Kempton City Finance for an amount of R865.00. You have collected an amount of R2050.00.

CHARGE 8

That the Respondents are guilty of a contravention of Section 15(1)(g) and Section 20(2) and (3) of the Act, Act 114 of 1998 in that:

The Respondents failed to pay over within a reasonable time period, in the alternative at all, amounts collected on behalf of the complainant to the complainant, and further failed to pay over interest on those amounts collected in that:

During the period November 2004 to June 2005 you collected an amount of R2050.00 from their client Mr. Seiletjane Diamond Matsimela (UMSC 83), of this amount collected you have paid over an amount of R512.60 which you claimed was the total amount received.

CHARGE 9

That the Respondents are guilty of a contravention of Section 15(1)(g) and Section 19(1)(a) and (b) of the Act, Act 114 of 1998, and rule 5(3)(a) and 7(1) of the Code of Conduct in that:

The Respondents in the process of collecting or attempting to collect a debt Mr. Ernest Macomo (UMSC 729) handed over to you by your client Kempton City Finance for an amount of R1570.00. You have collected/attempted to collect an amount of R3911.60.

CHARGE 10

That the Respondents are guilty of a contravention of Section 15(1)(g) and Section 20(2) and (3) of the Act, Act 114 of 1998 in that:

The Respondents failed to pay over within a reasonable time period, in the alternative at all, amounts collected on behalf of the complainant to the complainant, and further failed to pay over interest on those amounts collected in that:

During the period October 2005 to date you collected an amount of R3911.60 from their client Mr. Ernest Macomo (UMSC 729), of this amount collected you have not paid over anything claiming that you only collected an amount of R320.04.

CHARGE 11

That the Respondents are guilty of a contravention of Section 15(1)(g) and Section 19(1)(a) and (b) of the Act, Act 114 of 1998, and rule 5(3)(a) and 7(1) of the Code of Conduct in that:

The Respondents in the process of collecting or attempting to collect a debt Mr. Ncedani Petros Mabala (UMSI 712) handed over to you by your client Kempton City Finance for an amount of R1480.00. You have collected/attempted to collect an amount of R3450.00.

CHARGE 12

That the Respondents are guilty of a contravention of Section 15(1)(g) and Section 20(2) and (3) of the Act, Act 114 of 1998 in that:

The Respondents failed to pay over within a reasonable time period, in the alternative at all, amounts collected on behalf of the complainant to the complainant, and further failed to pay over interest on those amounts collected in that:

During the period May 2005 to December 2005 you collected an amount of R3450.00 from their client Mr Ncedani Petros Mabala (UMSI 712), of this amount collected you have paid over an amount of R396.95 claiming that you have only received R646.95 from the debtor.

CHARGE 13

That the Respondents are guilty of a contravention of Section 15(1)(g) and Section 19(1)(a) and (b) of the Act, Act 114 of 1998, and rule 5(3)(a) and 7(1) of the Code of Conduct in that:

The Respondents in the process of collecting or attempting to collect a debt Mr. S.M. Mahlangu (UMSI 834) handed over to you by your client Kempton City Finance for an amount of R1437.00. You have collected/attempted to collect an amount of R3000.00.

CHARGE 14

That the Respondents are guilty of a contravention of Section 15(1)(g) and Section 20(2) and (3) of the Act, Act 114 of 1998 in that:

The Respondents failed to pay over within a reasonable time period, in the alternative at all, amounts collected on behalf of the complainant to the complainant, and further failed to pay over interest on those amounts collected in that:

During the period May 2005 to December 2005 you collected an amount of R2700.00 from their client Mr S.M. Mahlangu (UMSI 834), of this amount collected you have paid over an amount of R450.00 claiming that you have only received R825.00 from the debtor.

INVESTIGATION IN TERMS OF SECTION 15(2), ACT 114 / 1998

1. Held at **PRETORIA** on **21/08/2007**
29/02/2008
07/10/2008
2. Investigating Committee (Sect 15(2) and Reg 7(1)(a))
Chairman **Adv. J. Noeth SC**
Member _____
Member _____
3. Particulars of Debt Collector(s) charged
PROCLEPT CC 1ST RESPONDENT
MARIETJIE ROOS 2ND RESPONDENT
4. Person appointed to lead evidence (Reg 7(8)(b)) _____
5. Particulars of person(s) appearing on behalf of Debt Collector(s)
Mr Jaco Neuhoff – He withdrew from the record on 26 October 2007

6. Charge(s)
As per chargesheet annexed hereto /

7. Plea :
No plea – continued in Respondents absence

8. The proceedings are recorded by mechanical means

9. Finding:
Guilty – Respondents 1 and 2 on charges 1 to 14

10. Sentence :
 1. **In terms of section 15(3)(e) of the Debt Collectors Act, Act 114 of 1998 (the Act) the Respondents are ordered to pay an amount of R11 200.00 to the Council immediately in respect of the costs incurred by the Council in connection with the investigation.**
 2. **In terms of section 15(3)(c) of the Act the Respondents are fined as follows:**
 - a. **Charges 1 and 2 an amount of R10 000.00**
 - b. **Charges 3 and 4 an amount of R10 000.00**
 - c. **Charges 5 and 6 an amount of R10 000.00**
 - d. **Charges 7 and 8 an amount of R10 000.00**
 - e. **Charges 9 and 10 an amount of R10 000.00**
 - f. **Charges 11 and 12 an amount of R10 000.00**
 - g. **Charges 13 and 14 an amount of R10 000.00****The total fine of R70 000.00 on paragraphs (a) to (g) must be paid immediately to the Council.**
 3. **In terms of section 15(3)(f) the following reimbursements must be made by the Respondents immediately:**
 - a. **Charges 1 and 2**
 - i) **To mr Jacobus Nicolaas Storm an amount of R1 062.77**
 - ii) **To mr Letseja Johannes Modiba an amount of R1 647.81**
 - b. **Charges 3 and 4**
 - i) **To Mr Jacobus Nicolaas Storm an amount of R1 335.00**
 - ii) **To Mr Noyo Mgidi an amount of R1 290.00**

c. Charges 5 and 6

To Mr Jacobus Nicolaas Storm an amount of R6 000.00

d. Charges 7 and 8

i) To Mr Jacobus Nicolaas Storm an amount of R352.40

ii) To Mr Matshimela an amount of R1 185.00

e. Charges 9 and 10

i) To Mr Jacobus Nicolaas Storm an amount of R1 570.00

ii) To Mr Ernest Makomo an amount of R1569.69

f. Charges 11 and 12

i) To Mr Jacobus Nicolaas Storm an amount of R1 083.05

ii) To Mr Mcedani Petrus Mabala an amount of R1 970.00

g. Charges 13 and 14

i) To Mr Jacobus Nicolaas Storm an amount of R987.00

ii) To Mr SM Mahlangu an amount of R1 263.00

All the reimbursements in terms of 3(a) to (f) above must be paid immediately.

THE COUNCIL FOR DEBT COLLECTORS

Versus

PROCLEPT CC 1st Respondent

Marietjie Roos 2nd Respondent

The Respondents were on 21 August 2007 charged with misconduct before Adv J Noeth, Chairman of the Council.

They were charged with the following charges:

CHARGE 1

That the Respondents are guilty of a contravention of Section 15(1)(g) and Section 19(1)(a) and (b) of the Act, Act 114 of 1998, and Rule 5(3)(a) and 7(1) of the Code of Conduct, in that:

The Respondents in the process of collecting or attempting to collect debts, collected amounts in excess of the amounts owing by the debtors to the creditor, except for interest and costs legally recoverable.

CHARGE 2

That the Respondents are guilty of a contravention of Section 15(1)(g) and Section 20(2) and (3) of the Act, Act 114 of 1998, in that:

The Respondents failed to pay over within a reasonable time period, in the alternative at all, amounts collected on behalf of the complainant to the complainant, and further failed to pay over interest on those amounts collected to the complainant.

The 2nd Respondent did not appear before the Committee on 21 August 2007 but was represented by Mr Jaco Neuhoff an attorney. He stated that he only received instructions the previous day at 9:30 from his client. He has not been able to consult with his clients and asked for a postponement to properly consult in the matter. The request was granted but Mr Neuhoff was informed that the cost of the day will probably be for the account of his client. Mr Neuhoff was also informed that there wouldn't be another remand. The matter was postponed to 26 October 2007.

The matter was eventually proceeded with on 29 February 2008. Adv Cornelius then explained that Mr Neuhoff withdrew from the record on 26 October 2007 and that Mrs Roos requested on behalf of herself and the 1st Respondent that the matter be postponed to 10 December 2007 because she was not ready to proceed. On 10 December 2007 she did not appear before the Committee. She telephoned and said she had car problems and the matter was then remanded to 29 February 2008. She was on 21 August 2008 again notified of the hearing on today's date. She was notified by fax as both the telephone numbers of the business were not in operation.

She was also on an urgent basis served with a new notice in terms of Regulation 7(2) in which the continuation of the hearing on 29 February 2008 was confirmed. When the Sheriff intended to serve this summons he found that the defendant had left the given address. The address that the documents were served on was Boulder 20, Busy street SW5, Vanderbijlpark and Mrs Roos's home address, 25 Rosette street SW5, Vanderbijlpark. Adv Cornelius requested for the continuation of the matter in Mrs Roos's absence.

It was in view of the above decided to continue with the matter in the respondent's absence.

Adv Cornelius on behalf of the Council handed in the documents marked annexures A to F. Annexure A is the original notice in terms of Regulation 7(8)(a) to the debt collector which contained two charges. This was served during 2007. Annexure B is the original notice to attend the disciplinary hearing on 21 August 2007.

Annexure C is a notice to Mrs Roos that there will be an amendment to the charge sheet. Attached to the document was the new charge sheet marked charges 1 to 14. The charges are the following:

CHARGE 1

That the Respondent are guilty of a contravention of Section 15(1)(g) and Section 19(1)(a) and (b) of the Act, Act 114 of 1998, and rule 5(3)(a) and 7(1) of the Code of Conduct in that:

The Respondents in the process of collecting or attempting to collect a debt from Mr Lesetja Johannes Modiba handed over to you by your client Kempton City Finance for an amount of R1 150.00. You have collected/attempted to collect an amount of R3 468.55.

CHARGE 2

That the Respondents are guilty of a contravention of Section 15(1)(g) and Section 20(2) and (3) of the Act, Act 114 of 1998 in that:

The Respondents failed to pay over within a reasonable time period, in the alternative at all, amounts collected on behalf of the complainant to the complainant, and further failed to pay over interest on those amounts collected in that.

During the period March 2005 to July 2006 you had collected an amount of R2 797.81 from their client Mr LJ Modiba. Of this amount collected you paid over an amount of R87.23 in October 2005.

CHARGE 3

That the Respondents are guilty of a contravention of Section 15(1)(g) and Section 19(1)(a) and (b) of the Act, Act 114 of 1998, and rule 5(3)(a) and 7(1) of the Code of Conduct in that:

The Respondents in the process of collecting or attempting to collect a debt from Mr Noyo Mgidi handed over to you by your client Kempton City Finance for an

amount of R1 335.00. You have collected / attempted to collect an amount of R3206.44.

CHARGE 4

That the Respondents are guilty of a contravention of Section 15(1)(g) and Section 20(2) and (3) of the Act, Act 114 of 1998 in that:

The Respondents failed to pay over within a reasonable time period, in the alternative at all, amounts collected on behalf of the complainant to the complainant, and further failed to pay over interest on those amounts collected in that.

During the period February 2006 you had collected an amount of R2 625.00 from their client Mr Noyo Mgidi (Your file 225 UMSF). Of this amount collected you have not paid over anything.

CHARGE 5

That the Respondents are guilty of a contravention of Section 15(1)(g) and Section 19(1)(a) and (b) of the Act, Act 114 of 1998, and rule 5(3)(a) and 7(1) of the Code of Conduct in that:

The Respondents in the process of collecting or attempting to collect a debt from Mr Mark Harris (845 UMSC) handed over to you by your client Kempton City Finance for an amount of R8 824.00. You have collected / attempted to collect an amount of R15 890.00.

CHARGE 6

That the Respondents are guilty of a contravention of Section 15(1)(g) and Section 20(2) and (3) of the Act, Act 114 of 1998 in that:

The Respondents failed to pay over within a reasonable time period, in the alternative at all, amounts collected on behalf of the complainant to the complainant, and further failed to pay over interest on those amounts collected in that.

During the period January 2006 to December 2006 you had collected an amount of R6 000.00 from their client Mr Mark Harris (Your file 845 UMSC). Of this amount collected you have not paid over anything, and indicated that you only received an amount of R225.00 on this collection.

CHARGE 7

That the Respondent are guilty of a contravention of Section 15(1)(g) and Section 19(1)(a) and (b) of the Act, Act 114 of 1998, and rule 5(3)(a) and 7(1) of the Code of Conduct in that:

The Respondents in the process of collecting or attempting to collect a debt from Mr Seiletjane Diamond Matsimela (UMSC 83) handed over to you by your client Kempton City Finance for an amount of R865.00. You have collected an amount of R2 050.00.

CHARGE 8

That the Respondents are guilty of a contravention of Section 15(1)(g) and Section 20(2) and (3) of the Act, Act 114 of 1998 in that:

The Respondents failed to pay over within a reasonable time period, in the alternative at all, amounts collected on behalf of the complainant to the complainant, and further failed to pay over interest on those amounts collected in that.

During the period November 2004 to June 2005 you collected an amount of R2 050.00 from their client Mr Seiletjane Diamond Matsimela (UMSC 83). Of this amount collected you have paid over an amount of R512.60 which you claimed was the total amount received.

CHARGE 9

That the Respondent are guilty of a contravention of Section 15(1)(g) and Section 19(1)(a) and (b) of the Act, Act 114 of 1998, and rule 5(3)(a) and 7(1) of the Code of Conduct in that:

The Respondents in the process of collecting or attempting to collect a debt from Mr Ernest Macomo (UMSC 729) handed over to you by your client Kempton City Finance for an amount of R1 570.00. You have collected / attempted to collect an amount of R3 911.60.

CHARGE 10

That the Respondents are guilty of a contravention of Section 15(1)(g) and Section 20(2) and (3) of the Act, Act 114 of 1998 in that:

The Respondents failed to pay over within a reasonable time period, in the alternative at all, amounts collected on behalf of the complainant to the complainant, and further failed to pay over interest on those amounts collected in that.

During the period October 2005 to date you collected an amount of R3 911.60 from their client Mr Ernest Macomo (UMSC 729). Of this amount collected you have not paid over anything claiming that you only collected an amount of R320.04.

CHARGE 11

That the Respondent are guilty of a contravention of Section 15(1)(g) and Section 19(1)(a) and (b) of the Act, Act 114 of 1998, and rule 5(3)(a) and 7(1) of the Code of Conduct in that:

The Respondents in the process of collecting or attempting to collect a debt from Mr Ncedani Petros Mabala (UMSI 712) handed over to you by your client Kempton City Finance for an amount of R1 480.00. You have collected an amount of R3 450.00.

CHARGE 12

That the Respondents are guilty of a contravention of Section 15(1)(g) and Section 20(2) and (3) of the Act, Act 114 of 1998 in that:

The Respondents failed to pay over within a reasonable time period, in the alternative at all, amounts collected on behalf of the complainant to the complainant, and further failed to pay over interest on those amounts collected in that.

During the period May 2005 to December 2005 you collected an amount of R3 450.00 from their client Mr Ncedani Petros Mabala (UMSI 712). Of this amount collected you have paid over an amount of R396.95 claiming that you have only received R646.95 from the debtor.

CHARGE 13

That the Respondent are guilty of a contravention of Section 15(1)(g) and Section 19(1)(a) and (b) of the Act, Act 114 of 1998, and rule 5(3)(a) and 7(1) of the Code of Conduct in that:

The Respondents in the process of collecting or attempting to collect a debt from Mr SM Mahlangu (UMSI 834) handed over to you by your client Kempton City Finance for an amount of R1 437.00.

You have collected / attempted to collect an amount of R3000.00. C

CHARGE 14

That the Respondents are guilty of a contravention of Section 15(1)(g) and Section 20(2) and (3) of the Act, Act 114 of 1998 in that:

The Respondents failed to pay over within a reasonable time period, in the alternative at all, amounts collected on behalf of the complainant to the

complainant, and further failed to pay over interest on those amounts collected in that.

During the period July 2004 to date you collected an amount of R2 700.00 from their client Mr SM Mahlangu (UMSI 834). Of this amount collected you have paid over an amount of R450.00 claiming that you have only received R825.00 from the debtor.

Annexure D is a letter dated 21 February 2008 which read as follow:

"You were notified, but didn't appear on the hearing dated 10 December 2007 which was postponed to 29 February 2008. All your telephone numbers are not in use; please contact me urgently on 082 446 5391.

Kind regards,

Signed Adv A Cornelius

Legal Officer"

Attach to this letter is a fax confirmation sheet which states "fax result okay" which indicates that the fax did go through.

Annexure "E" is a new notice of set down in terms of regulation 7(12) indicating that the matter has been set for 29 February 2008 at 9:00 at the Council's offices.

Annexure "F" is the return from the Sheriff indicating that there was no service on 25 Rosette Street, Vanderbijlpark.

This was due to the fact that the Respondent no longer resides at that address.

In view of this Adv Cornelius requested for the continuation of the matter in terms of Regulation 14(c) of the Act.

A plea of not guilty was entered in respect of all the charges.

In view of the fact that Mr Jaco Neuhoff the attorney who previously appeared in the matter has also withdrawn from the case on 22 October 2007 the matter was proceeded with in the absence of the respondents and Mr Neuhoff.

Petrus Jacobus Nicolaas Storm getuig onder eed op al die klagtes. Hy is verbonde aan Kempton City Financials. Hy is een van die CC lede van Full Moon Trading wat handel dryf as Kempton City Financial Services. Hulle het van die dienste van Proclept gebruik gemaak en skulde aan hulle oorhandig vir invordering. Hy het 'n klagte teen Proclept ingedien waarvan Marietjie Roos, die eienaar is en Hannes van der Merwe het as 'n verteenwoordiger opgetree. Proclept het die "skulde kom optel" en dan sou hy die invorderings doen.

Die ooreenkoms met Proclept was dat hulle vorder die verskuldigde bedrag, voeg hulle kostes by en betaal die volle verskuldigde bedrag aan die getuie terug. Hulle vra dus nie geld van die opdraggewende skuldeiser nie.

Wat klagte 1 betref moes Proclept R1 150.00 van Mnr Letseja Johannes Modiba vorder (Kyk G1). Die betrokke dokumente is gemerk G1 tot G4.

Proclept moes nie enige rente op die bedrag vorder nie. Volgens G2 "statement from Proclept CC" dui die uitstaande balans as R3 468.55 aan. Die staat is deur Proclept saamgestel. Die datum van die staat is 3 Augustus 2006. G3 is 'n toestemming tot vonnis deur LJ Modiba vir 'n bedrag van R2 570.00. Dit is op 28 Oktober 2004 geteken. Die skuldenaar onderneem hierin om 'n bedrag van R185.00 per maand vanaf 1 Januarie 2005 te betaal. G4 is 'n skuldbeslagleggingsbevel wat in Vanderbijlpark op 14 Julie 2005 uitgereik vir 'n bedrag van R2 570.00 en waarop maandeliks R185.00 betaal moes word. Dit is duidelik van G3 dat Mnr Modiba in Germiston woon maar tog is die skuldbeslagleggingsbevel in Vanderbijlpark uitgereik. G4 is deur Mev Roos en nie deur 'n prokureur geteken nie.

Volgens G2 is die uitstaande bedrag R670.84.

Ten opsigte van aanklag 2 blyk dit uit G2 dat vanaf April 2005 tot Julie 2006 'n bedrag van R2 797.81 deur Proclept van Mnr Modiba ontvang is. Hiervan is slegs R87.00 aan Mnr Storm se besigheid oorbetaal.

Hy het met die Respondente vergader waartydens hulle onderneem het om 'n bedrag te betaal. Geen verdere betalings is egter ontvang nie.

Klagte 3 en 4 het betrekking op Mnr Noyo Mgidi. Die kliënt, Mgidi is aan die Respondente oorhandig vir die vordering van 'n bedrag van R1 335.00 (Kyk G2). CL3 is 'n skuldbeslagleggingsbevel wat deur Proclept in die landdroshof, Vanderbijlpark uitgereik is vir 'n bedrag van R2 800.00. Proclept het aan die getuie beweer dat hulle geen betaling vanaf die kliënt ontvang het nie. Die getuie het dan ook niks van hulle ontvang nie. Hy het nooit aan Proclept opdrag gegee om R2 800.00 te vorder nie. Op bladsy 5 word aangedui dat die "outstanding account" R935.00 is. Volgens die staat het Proclept reeds R2 625.00 van die skuldenaar ontvang.

Die dokument is van Mgidi se werkgewer bekom.

Klagtes 5 en 6 verwys na Mnr Mark Harris wat oorhandig is vir die vordering van 'n bedrag van R8 824.00. Bladsy 7 dui aan dat 'n skuldbeslagleggingsbevel teen Mnr Mark Don Harris in die Landdroshof, Vanderbijlpark op 9 November 2005 verkry is vir 'n bedrag van R15 890.00. Proclept het hom in kennis gestel dat hulle R225.00 ontvang het.

Volgens Action Group die werkgewer van die skuldenaar het hulle R6000.00 van Januarie 2002 tot Desember 2006 aan die Respondente oorbetaal. Dit blyk uit die staat "8".

Alhoewel Proclept beweer dat hulle R225.00 aan die klaer betaal het, het die klaer geen geld van Proclept ontvang nie. Die Respondente het ook beweer dat die kliënt tans werkloos is. Die kliënt werk beslis nog by die werkgewer en hy betaal R500.00 per maand. Proclept het 'n staat aan die klaer gestuur wat wys dat die skuldenaar slegs R225.00 per maand betaal. Tot op datum van die verhoor is daar nog nie weer enige betalings ontvang nie.

Die feite op klagte 7 en 8 is dat Matshimela aan die respondente oorhandig is om 'n bedrag van R865 te vorder (G4). Proclept het sonder die nodige getekende dokument 'n skuldbeslagleggingsbevel van R2 050.00 teen Matshimela verkry (3) Proclept beweer dat hulle slegs R512.60 ontvang het. Die getuie het slegs R505.60 van Proclept ontvang. 'n Staat (5) vanaf Proclept gedateer 14 Julie 2006 dui aan dat die volle bedrag van R2 050.00 deur hulle op die datum ontvang is. 'n Skrywe gedateer 14 Julie 2005 vanaf Proclept aan National Brands, dui aan "This account is now paid in full" (4). Van die R2 050.00 wat deur die Respondente gevorder is, is net R512.00 aan die getuie oor betaal.

Klagtes 9 en 10 het betrekking op 'n bedrag van R1 570.00 wat deur Ernest Makomo verskuldig is. Die bedrag is vir invordering aan die Respondente oorhandig. 'n skuldbeslagleggingsbevel is sonder toestemming deur Macomo, teen hom in die Landdroshof, Kempton Park op 9 September 2009 verkry vir 'n bedrag van R3 180.00. (G5) Op 'n "monthly status report" (6) vir die tydperk 16 Januarie 2006 tot 15 Februarie 2006 wat deur Proclept aan die getuie gestuur is word aangedui dat Macamo R480.06 betaal het.

Die uitstaande bedrag op die staat is R1 089.00. Die getuie het geen geld van die Respondente in die aangeleentheid ontvang nie. "According to calculations by Kepp Finance CC, E Macomo has on 14 September 2006 already paid an amount of R3 911.60 to Proclept".

Die getuie het geen geld van Proclept in die aangeleentheid ontvang nie.

Klagtes 11 en 12 het betrekking op Mnr Ncedani Petros Mabala wat aan Kempton City Finance 'n bedrag van R1480.00 verskuldig was. Die skuld is aan die Respondente vir invordering oorhandig (Sien G6). Sonder enige dokumente van Mabala het die Respondente 'n skuldbeslagleggingsbevel in 'n bedrag van R3 430.00 teen hom in die Landdroshof, Boksburg op 22 Februarie 2005 verkry. (G6-3) Volgens 'n staat vanaf Proclept gedateer 11 Januarie 2005 (G6-6) het die kliënt die rekening ten volle in 'n bedrag van R3 450.00 betaal en was daar geen uitstaande bedrag nie. In 'n skrywe gedateer 27 September 2007 van Group air (SA) (Pty) Ltd aan A van der Walt prokureurs word gesê: "Enclosed copies of Proclept CC statement of account showing that the garnishee order for Petros Mabala has been paid in full" Die Respondente het egters slegs R396.95 aan die getuie betaal.

In klagtes 13 en 14 was die skuldenaar SM Mahlangu wat 'n bedrag van R1437.00 verskuldig was. Die eis is aan die Respondente oorhandig vir invordering. Sonder enige getekende dokumente van Mahlangu is 'n skuldbeslagleggingsbevel in 'n bedrag van R3 000.00 in die Landdroshof, Boksburg op 25 Mei 2006 teen hom uitgereik (G7-4).

Volgens Proclept se staat (G7-2) is slegs R825.00 verhaal wat reeds aan die getuie oorbetaal is teen Junie 2005. Die getuie het slegs R450.00 van die bedrag ontvang. Daar is state wat bewys dat Proclept in die tydperk inderdaad R2700.00 ontvang het.