



POSTNUPTIAL APPLICATION

A Postnuptial Application is a time consuming application that strictly needs to be done in accordance with Section 21 of the Matrimonial Property Act.

1. To proceed with said application we confirm that we need a detailed list of your current creditors, to inform them per registered post as well as per advertisement thereof in the Government Gazette and an Afrikaans and English News paper where you reside of the intended application. We further need the following information:
 - 1.1 Copy of your marriage certificate;
 - 1.2 Full names of husband and wife together with residential address and ID numbers;
 - 1.3 Occupation of husband and wife;
 - 1.4 Full details of employer;
 - 1.5 The place (town) of your marriage;
 - 1.6 The following information to be confirmed by your relationship manager at your Bank:
 - Property description of your properties together with current bond amount due to Bank;
 - Full details of motor vehicles (year, model, registration number) with details of the amounts due to Bank.
 - 1.7 Confirmation of any other creditors of yourself and your wife including short term loans (this is very important and needs to be mentioned in the application);

Tel 1: +27 (0)12 362 5787 | Tel 2: +27 (0) 861 JJR Inc | Fax: +27 (0) 12 362 5786 | info@jjrinc.co.za
Woodpecker Place, Hillcrest Office Park, 177 Dyer Road, Hillcrest, Pretoria | PO Box 12622 Hatfield 0028 | Docex 48 Hatfield

Directors: JJ Jacobs BLC LLB Dip.ADR(UP) Solicitor England, HP Raubenheimer LLB(UP) Adv.Tax Cert.(UNISA), WJ Ackhurst LLB (UP)
Associates: O Kriek LLB LLM (UP), PJ Strydom LLB LLM (UP) Adv. Labour Law (RAU), C Raubenheimer BAcc LLB (SU)
Professional Assistant Attorneys: H van der Nest LLB (UP), NE Burger LLB (UP); MW Oosthuizen LLB (UNISA); C Grobler BA LLB LLM (UP)
Practice Manager: H van der Nest LLB (UP), Office Manager: C Ngkoatse
Jarvis Jacobs Raubenheimer Incorporated practising as JJR Inc. | Reg No. 2005/014454/21 | VAT No. 4910238346

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- 1.8 The market value of your house(s) and vehicles and movable assets (furniture etc);
 - 1.9 Details of any shareholding in companies;
 - 1.10 Information in regard to any investments and policies that you have including the policy numbers and value thereof;
 - 1.11 You and your wife's annual salary (this is needed to inform the creditors that after the application you will still be able to meet your commitments);
 - 1.12 **Statements from all of your creditors confirming the amounts due to them.**
 - 1.13 **Detailed reason as to why you want to amend your matrimonial property regime and what the facts are as to why no prenuptial agreement was signed/registered.**
- 2 We annex herewith for your attention our mandate and fee agreement to be completed and signed by yourself. Kindly note that this is a standard procedure incorporated by our firm. Kindly forward the completed and signed agreement to our offices via e-mail and/or fax.
- 3 Kindly further confirm whether you would like to include the **accrual system** in amending your matrimonial property system from one in community of property to one out of community of property. In short, what the accrual system means is the following:

A party who's value of his/her estate increased the least as from date of marriage (in your case date of registration of the postnuptial agreement), until date of divorce or death, will be entitled to 50% of the difference of net increase of the other party's estate;

Herewith an example:

<i>Party A</i>	<i>Party B</i>
<i>Start value – R100.00</i>	<i>Start Value – R0.00</i>
<i>End value – R400.00</i>	<i>End Value – R100.00</i>
<i>Difference in value – R300.00</i>	<i>Difference in value – R100.00</i>

Party B's estate increased less than Party A and Party B will therefore be entitled to 50% of the nett difference of the two estates thus 50% of R 200.00 (R300.00 – R100.00). B will therefore be entitled to R100.00.

Please confirm whether you would like to include the accrual system, and if so the start values of your respective estates.

4 We confirm that your change in your matrimonial system should also be noted on all of your immovable property. Please confirm whether the property(ies) should remain in the name of the husband/wife alone or whether the property should now be registered in both parties' names. On receipt of the instructions we advise that either way, an endorsement in terms of Section 45 of the Deeds registries Act should be submitted to note the change in your matrimonial property system.

5 Costs

5.1 We confirm that our fee for the application amounts to R7,500.00 plus VAT plus expenses. We shall let you have the expenses amounts as and when it becomes due and confirm that the expenses is payable within 30 days from receipt of invoice. The expenses roughly is the following (but not limited to):

- Advocates fees – Applications x 2 – R1,600.00
- Government Gazette and newspaper ads – R800.00
- Registered letters R200.00
- The costs of a Section 45 of the Deeds registries Act application R600.00.

Yours Faithfully

JARVIS JACOBS RAUBENHEIMER INC