

INFORMATION REGARDING THE SURRENDERING OF YOUR ESTATE – MOVABLE ASSETS

The surrendering of your estate is a process instituted by the Courts to help persons that are no longer in a position to honour their debts due to uncontrollable circumstances.

Surrender enables you to regain normality in your financial affairs – where you can adjust your lifestyle to be in line with the available budget, without creditor headaches. You will experience a normal lifestyle without the fear that creditors will phone you day and night from “private numbers” and therefore you can answer your calls fearlessly, and no more fear that the sheriff may make an unwanted house-call

Herewith a short summary of the procedure.

1. We publish an advert in the Government Gazette and the Citizen. This will prevent any further legal procedures against you i.e. execution notices, seizure on your movable and/or immovable property, etc.
2. An ability statement is drafted that you must sign before a Commissioner of Oaths. This document is submitted for inspection at the Master of the High Court for 14 days or with the local Magistrate.
3. Thereafter a registered letter is forwarded to all your creditors as notice of the surrendering of your estate. Your creditors thus contact me for information. You will also be provided with the same notice to enable you to forward to nagging creditors.
4. The South African Revenue Services are also notified, even if you are not registered with SARS.

5. At the day of the Court proceedings an Advocate will represent you, there will be no need to attend any court hearing in person.
6. After the application has been approved and granted by the Court, a curator is appointed to handle all financial matters on your behalf. The curator will contact you to arrange a consultation to explain the details to you. If you live outside of Pretoria or Johannesburg a telephonic consultation will suffice.
7. The Court Rules determine that you pay between 20c and 22c in a rand benefit to your creditors. In other words if you owe FNB, R1-00, they should get 20c thereof. If your total debt is R50 000-00, you will pay R24 500-00; R100 000-00 you pay R35300-00; R200 000-00 you pay R57 000.00 and so forth(Please note that these are approximate figures). A fixed fee is **already** included in the amount payable and in doing so you will not be caught off-guard with unexpected attorney or curator costs. The benefit of this approach is that the repayment amount does not accrue interest. Arrangements may be made with the curator to settle the amount with them in instalments between 12 to 18 months. Therefore, if you owe R50 000 you can repay it in instalments of R1361-00 per month for 18 months – there are **no further interest or costs thereon**.
8. To generate the money in terms of the Rules of Court the following is done:
 - 8.1. I will forward you a document, listing general household items. You must identify your assets on the document and describe each item e.g TV – Sansui 54cm etc. This document will be forwarded to the valuer to establish the value of the items. The purpose thereof, as you do not own immovable property (e.g. a house), is to do movable asset surrender. The purchase agreement, prepared by the curator, will be presented to you in order to assist in purchasing your assets back. Your assets will be evaluated at a market related price, which will be the figure used to purchase your assets back.

As soon as the application has been approved and granted, an order is granted the curator will contact you to confirm the details in respect of your assets.

* Failure to comply with the arrangements made with the curator may result in removal of the furniture.

8.4. Progress updates will occur on a weekly basis, at which time you will be updated with the latest developments with your application.

WHAT HAPPENS TO YOUR VEHICLE?

1. If your vehicle is under hire purchase, the Rules of Court stipulate that any bank may repossess the vehicle. Court Rules determine that hire purchase falls within the Law of Insolvency and the vehicle’s payments **must be made timorous and should be up to date.** Should the instalments on the vehicle be up to date, financial institutions are willing to consider your request to keep the vehicle more indulgently and may result in you being able to keep the vehicle. This grant from the financial institutions is occurring more frequently, please keep in mind that there is no guarantee for you to keep the vehicle, especially should your vehicle be in arrears. **Please note that arrangements must be made with the financial institution prior to sequestration application.**

2. Vehicles registered in another person, or legal persons, name will not form part of the estate.

THE DIFFERENCE BETWEEN ADMINISTRATION AND THE SURRENDER OF YOUR ESTATE:

Sequestration	Debt Counselling	Administration
Application is brought in the High Court of South Africa. The application can be enrolled within five weeks.	Application is made in the Magistrate Court but it can take up to a year before it is enrolled.	Application is made in the Magistrate Court. Application is enrolled within two months.
Court rules entail that all creditors are included and that the court order must be accepted by all creditors.	Debt is excluded that has already been handed over to attorneys for legal action.	“Cash loans” agreements are excluded from an administration and you have to still pay the monies outstanding.
No maximum debt for application to be lodged.	No maximum debt to apply.	The maximum debt for administration is R50 000.00
Should you owe for example an amount of R50 000.00, you only pay back R18 000.00 – it does not accrue interest.	You pay the entire amount plus interest and costs. This can take up to 30 years.	Should you owe for example R50 000.00 it still accrues interest and costs in other words you will pay back approximately R132 000.00
No further debt can be made.	No further debt can be made.	No further debt can be made.
You pay the money direct to the curator.	Monies are paid to a distributing agent and they pay the creditors.	Your employer must give permission that the repayment amount is deducted straight from your salary.
Should you have a immovable asset (house), it will be sold by the curator to pay the creditors.	Should you have a immovable asset (house), you may keep it if the bank has accepted a minimum payment and legal action has not yet been taken.	Should you have immovable assets, you must still pay the premium sand can keep the property.

ADVANTAGES OF SURRENDERING YOUR ESTATE:

1. Your salary and other income is still your own and you do not have to pay any creditor.
2. Only your creditors are notified of the process and not your employer or any other person. You will not be discharged from your work because of it.
3. You will not have to attend Court.

Very important: FREEDOM – you and your family can start afresh, a new beginning – without debt. You do not have to be afraid of unknown numbers on your mobile.

* Dependable on your ability to honour arrangements with the curator

DISADVANTAGES OF SURRENDERING YOUR ESTATE:

1. *You will be insolvent for at least the next 2 to 4 years. There are circumstances where you can apply for rehabilitation after 18 months, keep in mind that this is an exception rather than the rule. For your insolvency period, you will not be credit worthy. You may receive permission from your curator for incredible circumstances for example when you need to purchase a vehicle – this permission will not be granted before a window period of four months, and then the financial institution will require someone to stand as security.
2. You may not have a cheque account or a credit card facility. You may under no circumstances incur any debt.

OUR FEE:

1. We have an Application fee of R5800.00.

Our banking details are as follows:

Loanro Insolvencies

FNB

Account number 62344095874

cheque account

branch code 250655

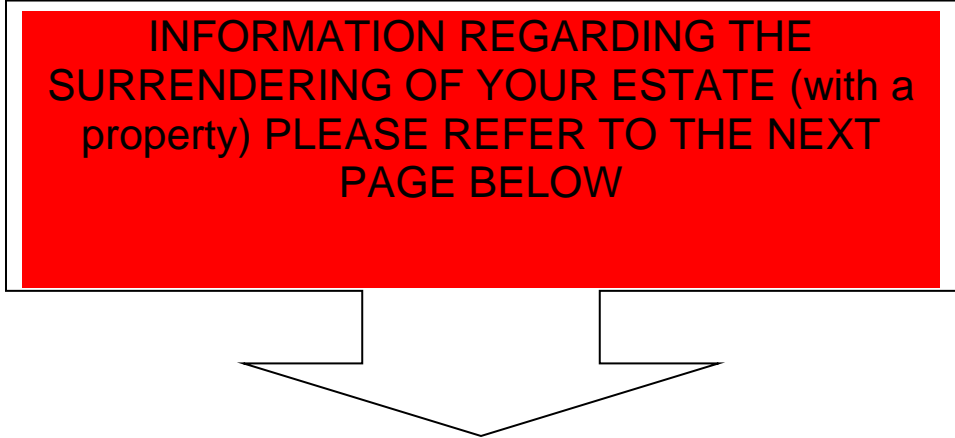
All the points set out herein above are factual, no scaring or hidden agendas. Time is of the essence, especially when the Sheriff already knows your name – and therefore we must get the ball rolling.

I can also, upon your request, furnish you with references of people who have already been sequestered.

Lastly I assure you that we are at all times, honest in our advices to you and that we will handle your situation with discretion and consideration.

Regards

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marketing@loanro.co.za



**INFORMATION REGARDING THE
SURRENDERING OF YOUR ESTATE (with a
property) PLEASE REFER TO THE NEXT
PAGE BELOW**

INFORMATION REGARDING THE SURRENDERING OF YOUR ESTATE (with a property)

The surrendering of your estate is a process instituted by the Courts to help persons that are no longer able to pay their debts due to circumstances out of their control.

Surrender enables you to regain normality in your financial affairs – where you can adjust your lifestyle to be in line with the available budget, without creditor headaches. You will experience a normal lifestyle without the fear that creditors will phone you day and night from “private numbers” and therefore you can answer your calls fearlessly, and no more fear that the sheriff may make an unwanted house-call.

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1. We publish an advert in the Government Gazette and the Citizen. This advert stops any legal procedures against you i.e. execution notices, seizure on your movable and/or immovable property, etc.
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3. Thereafter a registered letter is forwarded to all your creditors as notice of the surrendering of your estate. Your creditors thus contact us for information. You will also be provided with the same notice to enable you to forward it through to nagging creditors.
4. The South African Revenue Services are also notified, even if you are not registered with SARS.

5. At the day of the Court proceedings an Advocate will represent you on your behalf, you will not attend the hearing yourself.
6. After the application has been approved and granted by the Court, a curator is appointed to handle all financial matters on your behalf. The curator will contact you to arrange a consultation to explain the details to you. If you reside outside the Pretoria or Johannesburg areas a telephonic consultation will suffice.

IMMOVABLE PROPERTY (should u have a BOND)

1. In the instance that your property has already been scheduled for auction, is it very important to proceed with the application for sequestration soonest. As soon as the notice is published, all legal action will cease.
2. A valuation will be done on the property. Documentation will be forwarded to you to complete before the valuation will commence. NB!! All improvements and fixtures must be stated.
3. The curator appointed by the Master of the High Court normally attempts to sell the property off-hand i.e., an agent is appointed to try to sell the property. The agents will contact you to make an appointment to market the property. The agents used by the curator are very professional and will take your needs into consideration.
4. You will still be able to occupy the property until the curator is appointed after your sequestration. As soon as the curator has been appointed, they will convert with you in terms of the procedure herein. You **must** keep paying your electricity bill to avoid a “blackout”.
5. The curator will give you thirty (30) days to vacate the property. It will not be advisable to vacate the property before then as a property sells best, when occupied. This will minimize vandalism and unnecessary costs to the insolvent estate to appoint guards on the property.

6. Should the property be sold for less than the bond amount, you will not be held responsible for the difference. E.G. if the bond was R1million and the property is sold for R800 000.00 the difference will be written off. Remember you are declared insolvent and will not be liable for the losses.
7. Another aspect is that you will not have to deal with the purchasers. All aspects such as bond approval, credit worthiness etc. is handled by the curator.

IT IS IMPORTANT TO KNOW THAT SHOULD YOU HAVE A PROPERTY, MOVABLE OR IMMOVALBE, YOU WILL NOT BE ABLE TO “NOT DISCLOSE” OR DEAL WITH IT IN THE SEQUESTRATION. THE PROPERTY IS AN ASSET AND SHOULD BE DEALT WITH ACCORDINGLY. There are advertisements in the newspapers that you will be able to keep your property, but after three months the clients have a rude awakening and must vacate the property.

WHAT HAPPENS TO YOUR VEHICLE?

3. If your vehicle is under hire purchase, the Rules of Court stipulate that any bank may repossess the vehicle. Court Rules determine that hire purchase falls within the Law of Insolvency and the vehicle's payments must be made timorous and should be up to date. Should the instalments on the vehicle be up to date, financial institutions are willing to consider your request to keep the vehicle more indulgently and may result in you being able to keep the vehicle. This grant from the financial institutions is occurring more frequently, please keep in mind that there is no guarantee for you to keep the vehicle, especially should your vehicle be in arrears. Please note that arrangements must be made with the financial institution prior to sequestration application.
2. Vehicles registered in another person, or legal persons, name will not form part of the estate.

THE DIFFERENCE BETWEEN ADMINISTRATION AND THE SURRENDER OF YOUR ESTATE:

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No further debt can be made.	No further debt can be made.	No further debt can be made.
You pay the money direct to the curator.	Monies are paid to a distributing agent and they pay the creditors.	Your employer must give permission that the repayment amount is deducted straight from your salary.
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ADVANTAGES OF SURRENDERING YOUR ESTATE:

1. Your salary and other income is still your own and you do not have to pay any creditor.
2. Only your creditors are notified of the process and not your employer or any other person. U will not be discharged from your work because of it.
3. U will not have to attend Court.
4. Your curator can arrange with your financial institution (the bank) to keep your vehicle and if your instalments are up to date, to enter into a lease agreement.

Very important: FREEDOM – u and your family can start a fresh new beginning – without debt.

DISADVANTAGES OF SURRENDERING YOUR ESTATE:

1. *You will be insolvent for at least the next 2 to 4 years. There are circumstances where you can apply for rehabilitation after 18 months, keep in mind that this is an exception rather than the rule. For your insolvency period, you will not be credit worthy. You may receive permission from you curator for incredible circumstances for example when you need to purchase a vehicle – this permission will not be granted before a window period of four months, and then the financial institution will require someone to stand as security.
2. You may not have a cheque account or a credit card facility. You may under no circumstances occur any debt.
* Dependable on your ability to honour arrangements with the curator

OUR FEE:

2. We have an Application fee of R5800.00 We will start with your full application **ONLY** once the total amount is paid.

Our banking details are as follows:

Loanro Insolvensies

FNB

Account number 62344095874

cheque account

branch code 250655

- Proof of payment can be sent via fax or email

All the points set out herein above are factual, no scaring or hidden agendas. Time is of the essence, especially when the Sheriff already knows your name – and therefore we must get the ball rolling.

I can also, upon your request, furnish you with references of people who have already been sequestered.

Lastly I assure you that we are at all times, honest in our advices to you and that we will handle your situation with discretion and consideration.

Regards

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