

Unopposed Residential Evictions

Phase One (22 business days)

PRE-LITIGATION PHASE

•Attending to: taking instructions; dispatching a Letter of Demand; and, thereafter dispatching a Letter of Cancellation to terminate the agreement.

Phase Two (±2 to 4 weeks)

MAIN EVICTION APPLICATION

- •We will need to take further instructions and peruse the documentation in a more comprehensive manner; acquire and prepare statements and reports; draft the main eviction application court papers; compile the bundle of documents; have the court papers issued by the court; and, serve it on the occupiers of the property.
- •The time period can be reduced to two weeks, however this will result in urgent fees and costs being incurred over and above those as mentioned in this document.

Phase Three (±1 to 2 months)

SECTION 4(2) COMPLIANCE

•Section 4(2) of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998, prescribes that the unlawful occupier must be served with a further notice. The purpose of this phase is to have the Court confirm the content of the notice and how it is to be served.

Phase Four (±1 to 2 months)

EVICTION HEARING

•We will have the main eviction application placed on the court roll; prepare for the hearing of the main eviction application; and, appear at court to motivate the court to grant the eviction order.

Phase Five (Dependant)

EXECUTION OF EVICTION

•Once the eviction order has been granted, it will be served on the relevant parties and if the tenants do not vacate in response to the eviction order the Sheriff will be requested to give effect to the eviction and, if need be, security services will be instructed to evict the tenant.



Unopposed Residential Evictions

Phase 1: Pre-Litigation R850.00

- Drafting of the Letter of Demand; attending to soft eviction; and, sending of a Letter of Cancellation.
- Optional: Consultating with legal practitioner @ an additional R1,000.00

Phase 2: Main Application

R8,075.00

- Taking further instructions and comprehensive perusal of documentation.
- Acquiring and drafting of statements and reports.
- Drafting of the court documentation.
- Issuing the court document at court.
- Serving (delivering) the court documentation on the unlawful occupier(s) and municipality.

Our experience is that the majority of evictions do not move past the First and Second Phases

Phase 3: Section 4(2) Compliance

R6,800.00

- Drafting of the court documentation.
- Setting down the matter for hearing (including notices and indexing and paginating).
- Appearing in court to motivate the granting of the directive.
- Arranging service of and delivering the court order to Sheriff.

Phase 4: Granting of the Eviction Order (only in the event of no opposition)

R6.375.00

- Setting down for hearing (including notices and indexing and paginating).
- Preparing the matter for hearing.
- Appearing in court to motivate the granting of the Eviction Order (unopposed).

EVICTIONS: RESIDENTIAL

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Phase 5: Execution of Eviction

To be quoted

- Drafting the Warrant of Ejectment.
- · Issuing the Warrant of Ejectment
- · Delivering the Warrant of Ejectment to the Sheriff.
- Arranging the execution of the Warrant of Ejectment by the Sheriff and Security Services (if applicable)
- Instructing the Sheriff during the execution of the Warrant of Ejectment

Further Services and Assistance:

To be quoted

- Should the matter become opposed, you will be quoted at the hourly rate of your selected legal practitioner.
- Further consultations and attendances, not provided for above, will be quoted at the hourly rate of your selected legal practitioner
- The pricing for Rental Collection will be provided upon request.



Contact Us

Important

- 1. Please note that: the the above amounts are exclusive of VAT; and, apply so long as the matter is unopposed.
- 2. Should the matter become opposed, you will be quoted and charged at the hourly rate of your selected legal practitioner.
- 3. Please note that expenses and disbursements (including the costs relating to travelling, the sheriff, counsel, postage and petties, costs of security services and so on) are excluded from the above amounts and are payable above and beyond the above amounts.
- 4. Before the commencement of each phase, you shall be required to pay a deposit in order to cover the fees and disbursements of that phase.
- 5. In the event of the unlawful occupier vacating the property prior to the completion of any given phase, you shall be refunded the excess portion of the deposit.
- 6. Your satisfaction is our priority. If you have any complaints, compliments or suggestions, please contact Bruno Simão directly at bruno@brunosimaolaw.co.za
- 7. Please note that the above time periods are pre-COVID19 estimates.

