



**AFFIDAVIT IN SUPPORT OF A CLAIM I.T.O**  
**SECTION 55 OF THE LEGAL PRACTICE ACT 28 OF 2014**

I, \_\_\_\_\_

*(Full name(s) and surname)*

hereby declare under oath as follows:

1.

My personal details are:

I. Identity Number: \_\_\_\_\_

(Please attach a recently certified copy of your Identity Document.)

II. Residential Address: \_\_\_\_\_

\_\_\_\_\_ Postal Code: \_\_\_\_\_

III. Postal Address (if it is not the same as your residential Address): \_\_\_\_\_

\_\_\_\_\_

IV. Postal Code: \_\_\_\_\_

V. Home telephone number: \_\_\_\_\_

VI. Cellular number: \_\_\_\_\_

VII. Work Address: \_\_\_\_\_

VIII. Work telephone number: \_\_\_\_\_

IX. E-mail address: \_\_\_\_\_

X. Occupation: \_\_\_\_\_

Initial	Initial

2.

This affidavit is intended:

- To serve as a statement for the submission of a claim against the Legal Practitioners Fidelity Fund (“the Fund”) in terms of Section 55 of the Legal Practice Act 28 of 2014..
- For the purpose of registering a case dossier to enable the South African Police Services to investigate a criminal case. I expressly request the South African Police Services to investigate a criminal complaint against

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*(Fill in the name of attorney or advocate and/or his or her firm)*

3.

I am aware that this affidavit may be made available to the accused’s legal representative(s), at their request during the course of a criminal prosecution and that the accused’s legal representative(s) may desire to consult with me prior to the Court proceedings. I have the right to agree or refuse such a request to consult with the accused’s representative(s).

4.

The full particulars of the facts giving rise to the claim and the criminal charge are:

(All allegations in this affidavit in connection with amounts given in trust to a trust account practice in the course of the practice of the attorney or an advocate, referred to in section 34(2)(b), must be substantiated. In this regard it is usual for the affidavit to be accompanied by a copy of the attorney’s or advocate`s ledger account, or other relevant ledger accounts in the attorney’s or advocate`s, accounting records, as well as the attorney’s or advocate`s original office file (both cover and contents) dealing with this matter. If it is not in your possession, please obtain these documents from the Legal Practice Council concerned. In addition, other evidence such as paid cheques, receipts or correspondence should be submitted. The Fund will require the original documents where available, particularly paid cheques.)

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Initial	Initial



5.

I declare therefore that there was entrustment of my money to the said attorney or advocate.

6.

My claim against the Fund is calculated as follows:

1. Total entrusted amount	R
2. Less Attorney's / Advocate's fees	R
3. Less Amount paid to me	R
4. Less lawful expenses	R _____
5. Balance due to me	R _____

7.

I attach hereto the following supporting documentation to prove my claim:

- 1. \_\_\_\_\_
- 2. \_\_\_\_\_
- 3. \_\_\_\_\_
- 4. \_\_\_\_\_
- 5. \_\_\_\_\_
- 6. \_\_\_\_\_

8.

The balance shown above was stolen and/or misappropriated by the attorney or advocate in question and/or his employee while held in trust for my benefit.

9.

I did not give the said attorney any instruction to deal with the money in any other way except to hold it in trust and pay it over to me. There is no lawful reason for the retention or use of the money by the attorney or advocate in question.

10.

I have asked for an explanation from the accused but such an explanation is not forthcoming.

Initial	Initial

11.

I have therefore suffered pecuniary loss as a result of the theft of my money.

12.

I declare my preparedness to:

- Co-operate with the South African Police Services during their investigation
- Co-operate with the office of the relevant National Public Prosecution; and
- Give evidence in the criminal court's proceedings against the Attorney / Advocate accused concerned.

THUS DONE and SIGNED by me on THIS \_\_\_\_\_ DAY of \_\_\_\_\_ 20

AT \_\_\_\_\_

\_\_\_\_\_  
**DEPONENT**

I certify that the abovementioned appeared before me and acknowledged to me that he/she knows and understands the contents of the foregoing affidavit which was signed and attested to at the undermentioned address on this ..... day of ..... in accordance with the provisos of Regulation R1258 dated 21 July 1972 as amended by Regulation No. 1648 dated 19 August 1977 and further amended by Regulation R1428 dated 11 July 1980.

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**COMMISSIONER OF OATHS**