

IN THE MAGISTRATES' COURT FOR THE DISTRICT OF KUILS RIVER

HELD AT KUILS RIVER

CASE NO: 597/2023

In the matter between

RUBEN THEODOR FITCHAT

Plaintiff

and

KLEINBRON ESTATE HOME OWNERS ASSOCIATION

Defendant

ALEX VAN NIEKERK

Third Party

MEMORANDUM OF FEES AND DISBURSEMENTS DUE TO:

EVERINGHAMS ATTORNEYS

FROM: UNIT 69 ROELAND SQUARE
ROELAND STREET
CAPE TOWN, 8001

ATTORNEYS FOR DEFENDANT AS BETWEEN PARTY AND PARTY

[REFERENCE: A J KENNEDY]

ITEM	DATE	FEE DESCRIPTION	FEES	DISBURSEMENTS
1	14/02/2023	Attend on peruse and consider email from client - advising on instructions to issue a notice of substitution in order to defend matter on behalf of defendant and enclosing file content 1 PG(S)	1,369.00	
2	14/02/2023	Attend on peruse and consider summons and particulars of claim, annexures thereto, sheriff's returns of service and notice of intention to defend together with Rule 23(13)(a) notice 214 FOLIOS	2,675.00	
3	16/02/2023	Consultation with representatives of client - taking instructions regarding plaintiff's particulars of claim in order to draft plea 2 HOURS	1,968.00	
4	17/02/2023	Attend on peruse and consider email from plaintiff - enclosing plaintiff's notice in terms of Rule 24(10) 1 FOLIO	12.50	
5	17/02/2023	Attend on peruse and consider the above-annexed documentation 2 FOLIOS	12.50	
6	17/02/2023	Attend on peruse and consider email from plaintiff - enclosing plaintiff's discovery affidavit and discovery documents 1 FOLIO	40.00	
7	17/02/2023	Attend on peruse and consider the above-annexed documentation 26 FOLIOS	325.00	
8	24/02/2023	Attend on peruse and consider notice of withdrawal and substitution of attorneys of record filed by defendant and third party's attorneys 1 FOLIO	12.50	
9	24/02/2023	Drafting email to plaintiff - advising on our substitution as attorneys for defendant and third party and requesting consent to exchange pleadings via email 2 FOLIOS	80.00	
10	27/02/2023	Attend on peruse and consider email from plaintiff - acknowledging receipt of notice of withdrawal and substitution as attorneys of record and agreeing to service and correspondence via email 1 FOLIO	40.00	
11	27/02/2023	Drafting defendant's and third party's notice of objection to plaintiff's notice in terms of Rule 24(10) 1 FOLIO	33.00	
12	27/02/2023	Drafting defendant's and third party's notice in terms of Rule 60(1) and notice of intention to except in terms of Rule 10(1)(a) and (b) 13 FOLIOS	429.00	
13	27/02/2023	Drafting email to plaintiff - enclosing defendant's and third party's notice of objection and notice in terms of Rules 60(1) and 19(1) and requesting to acknowledge receipt thereof 1 FOLIO	40.00	
14	27/02/2023	Attend on making electronic copies of the above-annexed document for service via email 10 PG(S)	50.00	
CARRIED OVER			7,086.50	0.00

ITEM	DATE	FEE DESCRIPTION	FEES	DISBURSEMENTS
		CARRIED FORWARD	7,086.50	0.00
15	27/02/2023	Attend on making copies of notice of objection and notices in terms of Rules 60(1) and 19(1) for filing and to keep 10 PG(S) x 2	100.00	
16	28/02/2023	Attend on filing third party's notice in terms of Rule 60(1)	33.00	
17	28/02/2023	Attend on filing defendant's notice of intention to except in terms of Rule 19(1)(a) and (b)	33.00	
18	28/02/2023	Attend on filing defendant's and third party's objection to plaintiff's notice in terms of Rule 24(10)	33.00	
19	06/03/2023	Attend on peruse and consider email from plaintiff - enclosing plaintiff's reply to defendant's and third party's notice of intention to except and advising that plaintiff will proceed with a notice of bar should plea not be filed within 10 days 1 FOLIO	40.00	
20	06/03/2023	Attend on peruse and consider plaintiff's reply to defendant's notice of intention to except 684 FOLIOS	8,550.00	
21	06/03/2023	Drafting email to client - enclosing detailed response from plaintiff and requesting instructions to proceed with exception 2 FOLIOS	80.00	
22	10/03/2023	Attend on peruse and consider email from client - confirming instructions to proceed with exception 1 FOLIO	40.00	
23	10/03/2023	Taking Instructions to except to Plaintiff's Particulars of claim	394.00	
24	16/03/2023	Drafting defendant's and third party's exception in terms of Rule 19(1)(c) 14 FOLIOS	462.00	
25	16/03/2023	Attend on telephone call to Adv Ashley Branford enquiring on availability to attend to exception and discussing background of matter shortly 10 MIN	138.00	10.00
26	16/03/2023	Drafting brief to counsel on exception	196.00	
27	16/03/2023	Attend on making copies of documentation for inclusion in Adv Branford's brief 369 PG(S)	1,845.00	
28	16/03/2023	Attend on peruse and consider email from Adv Branford - enclosing plaintiff's notice of exception in terms of Rule 19(1)(c) as settled 1 FOLIO	40.00	
29	16/03/2023	Attend on peruse and consider the above-annexed documentation 14 FOLIOS	175.00	
30	17/03/2023	Drafting email to plaintiff - enclosing defendant's and third party's exception and requesting to acknowledge receipt of service thereof 1 FOLIO	40.00	
31	17/03/2023	Attend on making electronic copies of the above document for attachment to email 9 PG(S)	45.00	
		CARRIED OVER	19,330.50	10.00

ITEM	DATE	FEE DESCRIPTION	FEES	DISBURSEMENTS
		CARRIED FORWARD	19,330.50	10.00
32	17/03/2023	Attend on making copies of the above document for filing and to keep 9 PG(S) x 2	90.00	
33	17/03/2023	Attend on filing defendant's and third party's exception at court	33.00	
34	17/03/2023	Drafting email to third party - enclosing summons and particulars of claim and requesting to peruse same and to draft comments thereto in order to take instructions for drafting of plea 2 FOLIOS	80.00	
35	20/03/2023	Attend on peruse and consider email from plaintiff - acknowledging receipt of defendant's and third party's exception and requesting that same be set down for hearing 1 FOLIO	40.00	
36	22/03/2023	Drafting email to Adv Branford - advising on instructions to assist with the preparation of affidavits to accompany notice of motion in our application 1 FOLIO	40.00	
37	30/03/2023	Attend at Kuils River Magistrate's Court obtaining an unopposed hearing date for application	40.00	
38	30/03/2023	Drafting notice of set down for exception 1 FOLIO	33.00	
39	30/03/2023	Drafting email to plaintiff - enclosing notice of set down of exception and requesting acknowledgement of receipt of service via email 1 FOLIO	40.00	
40	30/03/2023	Attend on making electronic copies of the above-annexed document for attachment to email 2 PG(S)	10.00	
41	30/03/2023	Attend on making copies of the above document for filing and to keep 2 PG(S) x 2	20.00	
42	30/03/2023	Attend on filing notice of set down in court file	40.00	
43	11/05/2023	Drafting email to plaintiff - enclosing defendant's and third party's notice of set down of exception for 13 September 2023 and requesting acknowledgement of receipt thereof 1 FOLIO	40.00	
44	11/05/2023	Attend on making electronic copies of the above-annexed documentation for attachment to email 2 PG(S)	10.00	
45	11/05/2023	Attend on filing notice of set down for 13 September 2023 (exception) in court file	33.00	
46	15/05/2023	Attend on peruse and consider email from Adv Branford - enclosing fee list 1 FOLIO	40.00	
47	15/05/2023	Attend on peruse and consider the above-annexed documentation 2 FOLIOS	25.00	
		CARRIED OVER	19,944.50	10.00

ITEM	DATE	FEE DESCRIPTION	FEES	DISBURSEMENTS
		CARRIED FORWARD	19,944.50	10.00
48	15/05/2023	Attend on EFT in favour of Adv Branford and forwarding proof of payment per email 1 FOLIO	40.00	1,841.00
49	28/07/2023	Attend on paginating pleadings in order to draft index to pleadings 15 MIN	175.00	
50	28/07/2023	Attend on paginating notices in order to draft index to notices 15 MIN	175.00	
51	28/07/2023	Drafting index to pleadings 2 FOLIOS	73.00	
52	28/07/2023	Drafting indices to notices 2 FOLIOS	73.00	
53	31/07/2023	Drafting email to plaintiff - enclosing indices and requesting to acknowledge receipt of electronic service 1 FOLIO	43.00	
54	31/07/2023	Attend on making electronic copies of the above documentation for attachment to email 6 PG(S)	36.00	
55	31/07/2023	Attend on making copies of indices for filing and to keep 6 PG(S) x 2	72.00	
56	31/07/2023	Attend on paginating court file: Pleadings 15 MIN	175.00	
57	31/07/2023	Attend on paginating court file: Notices 15 MIN	175.00	
58	31/07/2023	Attend on filing index to pleadings in court file	36.50	
59	31/07/2023	Attend on filing index to notices in court file	36.50	
60	05/09/2023	Attend on telephone call to Adv Branford - enquiring on availability to argue exception 5 MIN	44.00	5.00
61	06/09/2023	Attend on peruse and consider email from Adv Branford - advising on dates when available for hearing of exception 1 FOLIO	43.00	
62	07/09/2023	Drafting combined index (chronological to notices and pleadings) 6 FOLIOS	219.00	
63	07/09/2023	Drafting email to plaintiff - enclosing defendant's and third party's combined index in chronological order and requesting to acknowledge receipt of same via email service 1 FOLIO	43.00	
64	07/09/2023	Attend on making electronic copies of the above document for attachment to email 5 PG(S)	30.00	
65	07/09/2023	Attend on making copies of combined index for filing and to keep 5 PG(S) x 2	60.00	
		CARRIED OVER	21,493.50	1,856.00

ITEM	DATE	FEE DESCRIPTION	FEES	DISBURSEMENTS
		CARRIED FORWARD	21,493.50	1,856.00
66	07/09/2023	Attend on filing combined index in court file	36.50	
67	11/09/2023	Drafting email to Adv Branford - enclosing combined index for hearing on the 13th of September 2023 1 FOLIO	43.00	
68	11/09/2023	Attend on making copies of the above together with paginated pleadings for Counsel 432 PG(S)	2,592.00	
69	13/09/2023	Waiting time spent at Court 45 MIN (50% of 1 Hour 30 MIN)	525.00	
70	13/09/2023	Attend at Kuils River Magistrate's Court when plaintiff advised of intention to oppose exception and Rule 60A application - matter postponed to the earliest available date in 2024 15 MIN (50% of 1 HOUR)	267.00	
71	13/09/2023	Attend on peruse and consider email from Adv Branford - enclosing notes on argument 1 FOLIO	43.00	
72	13/09/2023	Attend on peruse and consider the above-annexed documentation 36 FOLIOS (50%)	252.00	
73	18/09/2023	Attend at Kuils River Magistrate's Court when date for argument of exception and Rule 60A application obtained (28 February 2024) 15 MIN	43.00	
74	19/09/2023	Drafting email to Adv Branford - advising on date for hearing of matter 1 FOLIO	43.00	
75	19/09/2023	Attend on peruse and consider email from Adv Branford - confirming availability on the 28th of February 2024 1 FOLIO	43.00	
76	22/09/2023	Drafting notice of set down 1 FOLIO	36.50	
77	22/09/2023	Drafting email to plaintiff - enclosing notice of set down of argument of exception and Rule 60A application for the 28th of February 2024 and requesting acknowledgement of receipt of service via email 1 FOLIO	43.00	
78	22/09/2023	Attend on making electronic copies of the above document for attachment to email 2 PG(S)	12.00	
79	22/09/2023	Attend on making copies of notice of set down for filing and to keep 2 PG(S) x 2	24.00	
80	22/09/2023	Attend on filing notice of set down in court file	36.50	
81	26/09/2023	Attend on peruse and consider email from Adv Branford - enclosing fee list 1 FOLIO	43.00	
82	26/09/2023	Attend on peruse and consider the above-annexed documentation 1 FOLIO	14.00	
		CARRIED OVER	25,590.00	1,856.00

ITEM	DATE	FEE DESCRIPTION	FEES	DISBURSEMENTS
		CARRIED FORWARD	25,590.00	1,856.00
83	26/09/2023	Attend on EFT in favour of Adv Branford and forwarding proof of payment per email 1 FOLIO	43.00	4,624.73
84	28/02/2024	Attend at Kuils River Magistrate's Court when Rule 60A application and exception argued (no appearance for plaintiff) 30 Min (50% of 1 HOUR)	534.00	
85	28/02/2024	Drafting draft orders to be signed by magistrate as requested in exception 2 FOLIOS	73.00	
86	28/02/2024	Drafting email to Adv Branford - enclosing draft order to be signed by magistrate and requesting confirmation thereof 1 FOLIO	43.00	
87	28/02/2024	Attend on peruse and consider court order in exception 2 FOLIOS	28.00	
88	28/02/2024	Attend on peruse and consider email from Adv Branford - enclosing amended court order 1 FOLIO	43.00	
89	28/02/2024	Attend on peruse and consider the above-annexed documentation 2 FOLIOS	28.00	
90	28/02/2024	Attend on peruse and consider email from Adv Branford - enclosing brief notes on argument as requested by magistrate to place in court file 1 FOLIO	43.00	
91	28/02/2024	Attend on peruse and consider the above-annexed documentation 1 FOLIO (Identification only)	252.00	
92	28/02/2024	Attend on making copies of the above documentation for filing and to keep 18 PG(S) x 2	216.00	
93	28/02/2024	Attend at magistrate in chambers when court order signed and endorsed by magistrate 15 MIN	267.00	
94	28/02/2024	Drafting email to client - enclosing court order obtained on even date 1 FOLIO	43.00	
95	28/02/2024	Attend on making copies of the above-annexed documentation 4 PG(S)	24.00	
96	29/02/2024	Attend on peruse and consider email from Adv Branford - enclosing fee list 1 FOLIO	43.00	
97	29/02/2024	Attend on peruse and consider the above-annexed documentation 1 FOLIO	14.00	
98	29/02/2024	Attend on EFT in favour of Adv Branford and forwarding proof of payment per email 1 FOLIO	43.00	3,419.52
		TOTAL	27,327.00	9,900.25

CASE NO: 597/2023

Total for period	R	R
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Less : Taxed Off	R	R
	<hr/>	
TOTAL FEES	R	
ADD : DRAWING BILL OF COST	R	
ADD : ATTENDING TAXATION	R	
ADD : VAT ON FEES	R	
ADD : TOTAL DISBURSEMENTS	R	
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	R	
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TAXING MASTER'S CERTIFICATE

Taxed and allowed by me in the amount of R

at _____ this _____ day of _____ 20

TAXING MASTER