

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 ATTORNEY AND OWN CLIENT

[REFERENCE: A J KENNEDY]

ITEM	DATE	FEE DESCRIPTION	FEES	DISBURSEMENTS
1	05/04/2023	Attend on peruse and consider email from plaintiff - enclosing notice of bar 2 FOLIOS	80.00	
2	05/04/2023	Attend on peruse and consider the above-annexed documentation 1 FOLIO	12.50	
3	05/04/2023	Drafting email to plaintiff - advising that notice of bar received on even date is an irregular step and requesting to withdraw notice of bar failing which a formal application in terms of Rule 60A will be brought to set it aside 2 FOLIOS	80.00	
4	11/04/2023	Drafting defendant's and third party's notice in terms of Rule 60A - irregular proceedings 6 FOLIOS	198.00	
5	11/04/2023	Drafting email to plaintiff - enclosing defendant's and third party's notice in terms of Rule 60A and requesting acknowledgement of receipt of electronic service 1 FOLIO	40.00	
6	11/04/2023	Attend on making copies of the above-annexed document for attachment to email 4 PG(S)	20.00	
7	11/04/2023	Attend on making copies of notice in terms of Rule 60A for filing and to keep 4 PG(S) x 2	40.00	
8	11/04/2023	Attend on filing notice in terms of Rule 60A in court file	40.00	
9	04/05/2023	Taking instructions to bring application in terms of Rule 60A	394.00	
10	04/05/2023	Drafting notice of motion in Rule 60A application 2 FOLIOS	66.00	
11	04/05/2023	Drafting founding affidavit of Adrian John Kennedy 15 FOLIOS	495.00	
12	04/05/2023	Attendance Ad Jurat 15 MIN	267.00	
13	04/05/2023	Drafting confirmatory affidavit of Deon Phillips 3 FOLIOS	99.00	
14	04/05/2023	Drafting email to Deon Phillips - enclosing notice of motion, founding affidavit with annexures and confirmatory affidavit and requesting signing of confirmatory affidavit before a Commissioner of Oaths 1 FOLIO	40.00	
15	04/05/2023	Attend on making electronic copies of the above documentation for attachment to email 45 PG(S)	225.00	
16	04/05/2023	Attend on telephone call to Adv Ashley Branford enquiring on availability to attend to Rule 60A Application and discussing shortly 15 MIN	267.00	10.00
17	04/05/2023	Drafting brief to counsel on application	196.00	
CARRIED OVER			2,559.50	10.00

ITEM	DATE	FEE DESCRIPTION	FEES	DISBURSEMENTS
		CARRIED FORWARD	2,559.50	10.00
18	04/05/2023	Attend on making copies of documentation for inclusion in Adv Branford's brief 45 PG(S)	225.00	
19	04/05/2023	Drafting email to Adv Branford - enclosing brief with notice of motion in terms of Rule 60A, founding affidavit and annexures thereto and requesting to settle same 1 FOLIO	40.00	
20	08/05/2023	Attend on peruse and consider email from Adv Branford - enclosing revised notice of motion and affidavits in Rule 60A application 1 FOLIO	40.00	
21	08/05/2023	Attend on peruse and consider the above-annexed documentation 17 FOLIOS	212.50	
22	09/05/2023	Drafting email to Deon Phillips - enclosing amended confirmatory affidavit together with founding affidavit and annexures thereto and requesting to sign same before a Commissioner of Oaths 2 FOLIOS	80.00	
23	09/05/2023	Attend on peruse and consider email from Deon Phillips - enclosing signed confirmatory affidavit 1 PG(S)	40.00	
24	09/05/2023	Attend on peruse and consider the above-annexed documentation (Identification only) 1 PG(S)	12.50	
25	11/05/2023	Drafting email to plaintiff - enclosing defendant's and third party's application in terms of Rule 60A set down for 13 September 2023 and requesting acknowledgement of receipt thereof 1 FOLIO	40.00	
26	11/05/2023	Attend on making electronic copies of the above-annexed documentation for attachment to email 47 PG(S)	235.00	
27	11/05/2023	Attend on making copies of notice of motion in terms of Rule 60A, founding affidavit and annexures thereto together with notice of set down for the 13th of September 2023 for filing and to keep 47 PG(S) x 2	470.00	
28	11/05/2023	Attend on filing application in terms of Rule 60A in court file	33.00	
29	15/05/2023	Attend on peruse and consider email from Adv Branford - enclosing fee list 1 FOLIO	40.00	
30	15/05/2023	Attend on peruse and consider the above-annexed documentation 2 FOLIOS	25.00	
31	15/05/2023	Attend on EFT in favour of Adv Branford and forwarding proof of payment per email 1 FOLIO	40.00	10,350.00
32	28/07/2023	Attend on paginating Rule 60A application papers in order to draft index to Rule 60A application 15 MIN	175.00	
		CARRIED OVER	4,267.50	10,360.00

ITEM	DATE	FEE DESCRIPTION	FEES	DISBURSEMENTS
		CARRIED FORWARD	4,267.50	10,360.00
33	28/07/2023	Drafting index to Rule 60A application papers 2 FOLIOS	73.00	
34	31/07/2023	Drafting email to plaintiff - enclosing indicex and requesting to acknowledge receipt of electronic service 1 FOLIO	43.00	
35	31/07/2023	Attend on making electronic copies of the above documentation for attachment to email 6 PG(S)	36.00	
36	31/07/2023	Attend on making copies of indices for filing and to keep 6 PG(S) x 2	72.00	
37	31/07/2023	Attend on paginating court file: Rule 60A application 15 MIN	175.00	
38	31/07/2023	Attend on filing index to Rule 60A application papers in court file	36.50	
39	05/09/2023	Attend on telephone call to Adv Branford - enquiring on availability to argue exception and Rule 60A application 5 MIN	44.00	5.00
40	06/09/2023	Attend on peruse and consider email from Adv Branford - advising on dates when available for hearing of Rule 60A application 1 FOLIO	43.00	
41	07/09/2023	Drafting combined index (chronological to notices and pleadings) 6 FOLIOS	219.00	
42	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	
43	07/09/2023	Attend on making electronic copies of the above document for attachment to email 5 PG(S)	30.00	
44	07/09/2023	Attend on making copies of combined index for filing and to keep 5 PG(S) x 2	60.00	
45	07/09/2023	Attend on filing combined index in court file	36.50	
46	11/09/2023	Drafting email to Adv Branford - enclosing combined index for hearing on the 13th of September 2023 1 FOLIO	43.00	
47	11/09/2023	Attend on making copies of the above together with paginated pleadings for Counsel 432 PG(S)	2,592.00	
48	13/09/2023	Travel to Kuils River 45 MIN / 35 KM	525.00	210.00
49	13/09/2023	Waiting time spent at Court 45 MIN (50% of 1 Hour 30 MIN)	525.00	
		CARRIED OVER	8,863.50	10,575.00

ITEM	DATE	FEE DESCRIPTION	FEES	DISBURSEMENTS
		CARRIED FORWARD	8,863.50	10,575.00
50	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	
51	13/09/2023	Travel back to office 45 MIN / 35 KM	525.00	210.00
52	13/09/2023	Attend on peruse and consider email from Adv Branford - enclosing notes on argument 1 FOLIO	43.00	
53	13/09/2023	Attend on peruse and consider the above-annexed documentation 36 FOLIOS (50%)	252.00	
54	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	
55	19/09/2023	Drafting email to Adv Branford - advising on date for hearing of matter 1 FOLIO	43.00	
56	19/09/2023	Attend on peruse and consider email from Adv Branford - confirming availability on the 28th of February 2024 1 FOLIO	43.00	
57	22/09/2023	Drafting notice of set down 1 FOLIO	36.50	
58	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	
59	22/09/2023	Attend on making electronic copies of the above document for attachment to email 2 PG(S)	12.00	
60	22/09/2023	Attend on making copies of notice of set down for filing and to keep 2 PG(S) x 2	24.00	
61	22/09/2023	Attend on filing notice of set down in court file	36.50	
62	26/09/2023	Attend on peruse and consider email from Adv Branford - enclosing fee list 1 FOLIO	43.00	
63	26/09/2023	Attend on peruse and consider the above-annexed documentation 1 FOLIO	14.00	
64	26/09/2023	Attend on EFT in favour of Adv Branford and forwarding proof of payment per email 1 FOLIO	43.00	32,257.50
65	28/02/2024	Travel to Kuils River 45 MIN / 35 KM	525.00	210.00
66	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	
		CARRIED OVER	11,390.50	43,252.50

ITEM	DATE	FEE DESCRIPTION	FEES	DISBURSEMENTS
		CARRIED FORWARD	11,390.50	43,252.50
67	28/02/2024	Travel back to office 45 MIN / 35 KM	525.00	210.00
68	28/02/2024	Drafting draft order to be signed by magistrate as requested in defendant's and third party's application in terms of Rule 60A 2 FOLIOS	73.00	
69	28/02/2024	Drafting email to Adv Branford - enclosing draft order to be signed by magistrate and requesting confirmation thereof 1 FOLIO	43.00	
70	28/02/2024	Attend on peruse and consider court order in respect of defendant's and third party's application in terms of Rule 60A 2 FOLIOS	28.00	
71	28/02/2024	Attend on peruse and consider email from Adv Branford - enclosing amended court order 1 FOLIO	43.00	
72	28/02/2024	Attend on peruse and consider the above-annexed documentation 2 FOLIOS	28.00	
73	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	
74	28/02/2024	Attend on peruse and consider the above-annexed documentation 1 FOLIO (Identification only)	14.00	
75	28/02/2024	Attend on making copies of the above documentation for filing and to keep 18 PG(S) x 2	216.00	
76	28/02/2024	Travel to Kuils River Magistrate's Court 45 MIN / 35 KM	525.00	210.00
77	28/02/2024	Attend at magistrate in chambers when court order signed and endorsed by magistrate 15 MIN	267.00	
78	28/02/2024	Travel back to office 45 MIN / 35 KM	525.00	210.00
79	28/02/2024	Drafting email to client - enclosing court order obtained on even date 1 FOLIO	43.00	
80	28/02/2024	Attend on making copies of the above-annexed documentation 4 PG(S)	24.00	
81	29/02/2024	Attend on peruse and consider email from Adv Branford - enclosing fee list 1 FOLIO	43.00	
82	29/02/2024	Attend on peruse and consider the above-annexed documentation 1 FOLIO	14.00	
83	29/02/2024	Attend on EFT in favour of Adv Branford and forwarding proof of payment per email 1 FOLIO	43.00	22,856.25
		TOTAL	13,887.50	66,738.75

CASE NO: 597/2023

Total for period	R	R
Less : Taxed Off	R	R
TOTAL FEES	R	
ADD : SURCHARGE ATTORNEY AND OWN CLIENT ORDER - 100%	R	
ADD : DRAWING BILL OF COST	R	
ADD : ATTENDING TAXATION	R	
ADD : VAT ON FEES	R	
ADD : TOTAL DISBURSEMENTS	R	
	R	

TAXING MASTER'S CERTIFICATE

Taxed and allowed by me in the amount of R

at _____ this _____ day of _____ 20

TAXING MASTER