



REPUBLIC OF SOUTH AFRICA

No. 37 – Security under Rule 38

IN THE MAGISTRATE’S COURT FOR THE DISTRICT/REGION OF .....

HELD AT ..... CASE NO: .....

In the matter between

..... Execution Creditor

and

..... Execution Debtor

Whereas the said execution creditor obtained judgment in this court against the said execution debtor on the ..... day of ....., 20..... in the sum of R..... together with the sum of R..... for costs;

And whereas under the said judgment execution has been issued and property/a debt/emoluments has/have been attached;

Now therefore the said execution creditor binds himself or herself to the sheriff of the aforesaid court that if the attachment be hereafter set aside, he or she will satisfy any lawful claim against him or her by the said execution debtor for damages suffered by the said execution debtor by reason of the said attachment;

And ..... of ..... binds himself or herself as surety and co-principal debtor in a sum not exceeding R.....for the due fulfilment by the said execution creditor of the obligation undertaken by him or her.

Signed and dated at ..... this..... day of ....., 20.....

.....

Execution Creditor

1. Witnesses: ..... (Name)
..... (Signature)
..... (Address)

2. Surety and co-principal debtor ..... (Name)
..... (Signature)
..... (Address)

NOTE. Where the security is for the repayment of moneys attached by a garnishee order, a similar form should be used, the words 'refund the gross amount paid by the garnishee' being substituted for the words 'satisfy any lawful claim against him or her by the said execution debtor for damages suffered by the said execution debtor by reason of the said attachment'.