



SCHOOL FEE COLLECTIONS COMPANY PROFILE

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INTRODUCTION

“Borne” from the corporate merger and de-merger of two of the larger law firms in the Rustenburg area, founder and spirited litigant Adriaan Wessels finally took a step in the right direction and founded the firm of WA Wessels Attorneys.

The firm of WA Wessels Attorneys have been built upon this reputation now overseeing collections, civil, commercial, criminal, family law and other litigation in more than thirty different Courts over five different provinces.

Later joined by yet another Collections Specialist as well as a family Law Veteran, the firm of WA Wessels Attorneys is distinguishable by great expertise, efficiency and success.

MISSION

- It is our mission and promise to provide sensible, professional and efficient alternative legal services proving that we do understand modern day electronic and technical advancements
- We only introduce staff of the highest quality, staff who understand the firm’s objectives and who are trained to provide professional, efficient and personal service to the client
- We recognize the delicate economy of Rustenburg and surrounding areas and have not only embraced the challenges, but have adapted by providing answers to difficult questions;
- Our promise to our clients are to provide legal services, which are transparent, personal and founded upon a strong relationship of trust and personal communication.

FACILITIES

Location:

Situated in a tranquil location just off Beyers Naude Drive at **200 Joubert Street, Rustenburg, North West Province** our office is easily accessible to all clients.

Parking:

Our facility provides ample safe parking in front of our offices.

Staff:

We have a professional receptionist able of meeting the demands of all incoming telephone calls and/or messages and provides a friendly welcome when attending our offices.

Specifically trained staff, including four secretaries, an accountant and an article clerk, our staff can meet any demand, provide to your needs and can operate all equipment and programs in our office, creating an office which is truly accessible, safe and professional.

Communication:

Our office is set up with six telephone lines, internet lines, electronic communication as well short messaging systems in order to make use of the latest technology to ensure communication with clients and to provide the efficient service we set out to meet.

Space:

Our office is set up to provide for consultations in various different offices, a consultation specific office as well as a boardroom, further providing sufficient space for those larger meetings.

Data capturing and administration:

The office makes use of the Legal Suite Practice Management system in order to ensure proper capturing of all client's details and data, collection of all file notes pertaining to work done on a file, monitoring progress, maintain a database of all documents generated, making use of an "sms" system, providing quick and accurate access to account statements and to provide correct progress reports to clients.

The firm's accounting is properly managed on the Legalsuite legal bookkeeping program, ensuring accountability and ensuring your Trust.

CLIENT FOCUS

The firm of **WA Wessels Attorneys** strive to provide the clients with a personal professional experience of the highest standard.

With a reputation for providing great legal service and an enormous knowledge of the law, founder **Adriaan Wessels** has enjoyed personal relationships with clients from a great variety of fields, which include a tremendous amount of private clients, corporations and entities, several of the largest mining houses in Rustenburg and surrounding areas, insurance companies, several industries and institutions and a great number of listed entities and property developers.

Introducing Collections and Family law to the firm created an invironment where our clients include several large property developers, the majority of the estate agencies in Rustenburg, various strong players in the mining industry, various commercial clients, several of the greatest dealerships in the motor industry and many other individual clients.

FIELDS OF PRACTISE

The office of **WA Wessels Attorneys** strive to put our money where our mouth is, to do more than just “talk-the-talk”, but to actually “walk-the-walk”. We don’t shy away from Court litigation and actually find our greatest accomplishments and successes inside the Court room.

We provide services in a great variety of fields such as the following:

<ul style="list-style-type: none"> ● Rental Claims ● Evictions ● Contractual Claims ● Debt Collection ● Damage claims and disputes ● Civil claims in both High Court and Magistrates Court ● Divorce Actions 	<ul style="list-style-type: none"> ● Children’s Court matters ● Protection from harassment ● Maintenance ● Third party claims ● Personal injuries ● Labour disputes ● Applications and interdicts ● Criminal matters
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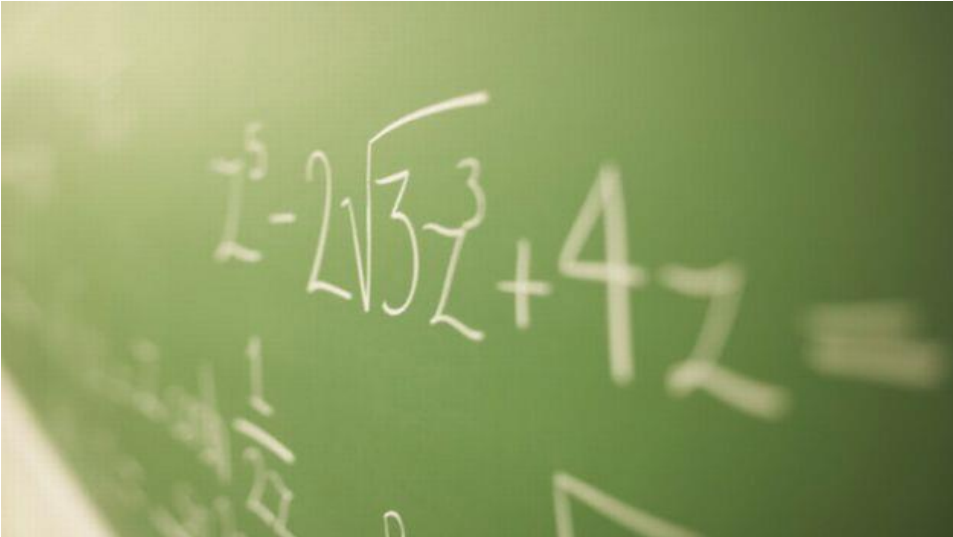
COLLECTION PROCEDURE

The collection of school fees under the South African Schools Act can be complicated and strenuous under the best of circumstances. Understanding the applicable legislation and then adopting same correctly is crucial and will result not only in effective collection of school fees, but most importantly meeting the budget needs of the School.

We will proceed to set out the procedure adopted by our office in the collection of school fees in a short “spider” form and will thereafter proceed to provide discussion on each point provided.



OUR COLLECTION STRATEGY



South African Schools Act

Rustenburg in particular has seen its fair share of the incorrect implementation of the South African Schools Act, resulting in an actual “suspension” on the issue of judgments pending compliance.

It is therefore of paramount importance that we should immediately consult with the School governing body, the Financial officer as well as stakeholders in order to insure that your policy is applied and implemented correctly.

Where a parent has indicated that he does not wish to apply for exemption the view of our local Magistrates in Rustenburg suggests that, even if application is refused in writing, a notice calling upon the parent to apply should be provided.

It is of utmost importance for the School to regularly update the information databases pertaining to parents.

When a parent has failed to see to payment of school fees and his/her personal information is lacking it is unacceptable to call the child into the office to obtain such information. In such an instance the teachers could be called upon to provide requests for information to all children in their respective classes and merely insure that all are received.

Enrolment documentation provide the basis for the relationship between the school and the parent and is it therefore important that aspects such as payment of legal fees, liability of parent and/or liability of non-biological parent (person intended to stand in shoes of biological parent) be addressed in this agreement.

If the financial officer is properly trained and in a position to follow the correct procedure the result will be that the collection procedure may be implemented much more effectively.

Correct procedure set out by Schools Act

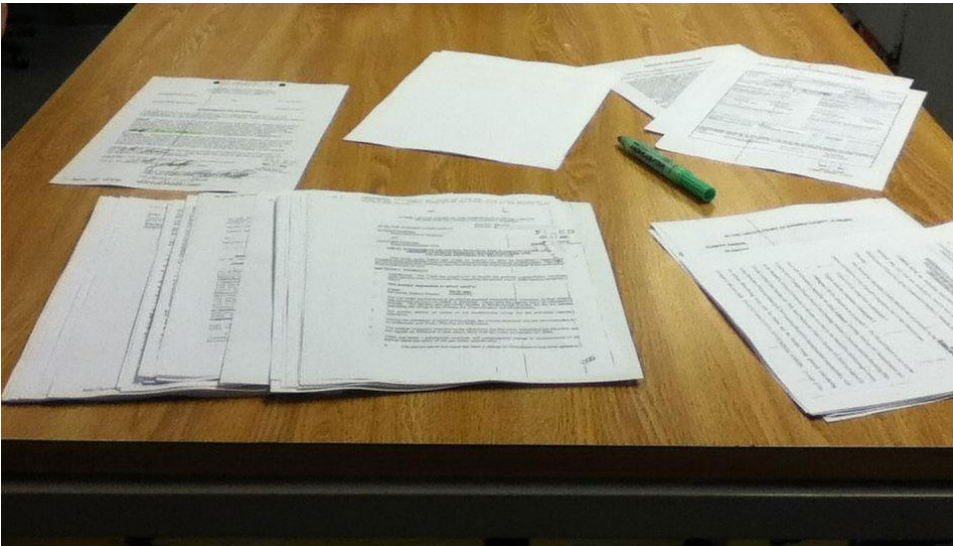
Establish School fees by resolution at annual budget meeting by majority of parents in terms of Section 38 (2)

Establish equitable criteria and procedures for total, partial or conditional exemption in terms of Section 39

Amount of school fees for the following year as well as procedure adopted for applying for exemption must be brought to the attention of the parents

If a parent fails to apply for exemption a notice (by hand or registered letter) calling upon the parent to apply for exemption within 90 (NINETY) days must be delivered

A School may not by law collect School fees unless it can be proved that this procedure has been set and followed



WHO IS LIABLE FOR PAYMENT OF SCHOOL FEES?

South African Schools Act

Both biological parents (A settlement agreement in divorce proceedings is an agreement between the mother and the father AND IS NOT ENFORCEABLE AGAINST the School)

A person willing to stand in the shoes of the parent. (Must be in writing and the responsibility of this person shall be considered the same as a biological parent – EVEN IN RESPECT OF APPLICATION FOR EXEMPTION)

Law of Contract

Person who completed application or enrolment of CHILD SHALL BE HELD LIABLE IN accordance with the agreement.

Children's Act

New spouse, partner or person appointed as place OF SAFE CARE OF A CHILD HAS NO liability and is exempted from liability respectively. Position differs from instances of adoption and primary care.

IMPLEMENTATION

Under certain circumstances we will make an election as to which parent we will proceed against.

Communication with parents

Parents will be contacted by telephone, "SMS" and e-mail or letter as soon as collection is received

Our goal is to make suitable arrangements with parents for payment by way of acknowledgment of debt and consent to judgment in terms of Section 57 (judgment follows only when payment is not received) in order to prevent further legal costs

We have to rely on the financial officer to provide the most recent information of parents and therefore count on the School's assistance



TRACER AND SUMMONS

Once parent is in default the race against the clock commences and should legal steps be followed quickly as possible.

Even though summons is issued a dedicated tracer is appointed to still make physical attendance in order to ensure alternative arrangements when possible.



LETTER OF DEMAND

Subject thereto that the parent had not qualified for exemption, a letter of demand will follow. Depending on the scenario this will either be a normal default letter of demand or demand in terms of Section 41 of the South African Schools Act.

CONSULTATION WITH PARENTS

The goal is to make suitable arrangements with the parent for payment by way of acknowledgment of debt and consent to judgment in terms of Section 57 (judgment follows only when payment is not received) in order to prevent further legal costs.

For many years members of the public have been fooled to believe that a consent to judgment when signing an acknowledgment of debt is “merely part of the process”. A consent to judgment is a particular clause included into the agreement, whereby the client (School) ensures that judgment may be obtained when the parent defaults on payment. No person in their right mind will consent to judgment unconditionally, whilst making payment in terms of an agreement. Our Courts have shown their displeasure with this approach and do we now follow conditional consents to judgment, which allows the parent to maintain a clean credit record, whilst making payment. It is only once they default and fail to rectify the default that judgment is obtained.

It is very important to remember that we are working with people, fathers, mothers, parents and ultimately members of our community and therefore they have the right not to be deceived and should the process therefore be explained to them correctly.

Concluding an acknowledgement of debt provides for speedy and more cost efficient collection, therefore the assistance from the financial officer and the School to provide the relevant and most recent information is paramount.



COMMUNICATION WITH PARENTS

We maintain telephonic communication with the parents throughout the process of collection.

We constantly attempt to make arrangements with parent for payment, but also provide them with feedback in order to allow them to understand which procedures are being taken against them;

The parent is provided with every opportunity to prevent legal steps and costs from being incurred during collection.

JUDGMENT

Once a parent has failed to make any arrangements, summons has been issued and the parent remains in default, judgment will be taken against them.

Judgment will also follow in event where parent has made arrangement by virtue of acknowledgement of debt and conditional consent to judgment, but has then defaulted on payment and has failed to rectify the default.

ATTACHMENT OF EMOLUMENTS

When a parent signs a conditional consent to judgment (acknowledgement of debt), our office will conduct a discussion with the parent in order to establish the income and expenditures of the parent. The purpose is to establish an amount to be deducted from the salary of the parent by virtue of emolument attachment order in event of their default.

Should a parent not make suitable arrangements for payment and we have obtained judgment following the issue of a summons, we will proceed to apply for an emolument attachment order against the parent.

WARRANT OF EXECUTION

It is important to note that, although we follow other alternatives first, warrant of execution is sometimes obtained and/or used as a "scaring tactic" in order to get the parent's attention. We find that the attachment by the sheriff does not necessarily have the desired effect, whilst at times the notion of the sheriff approaching you home for removal of assets to be sold the following day does have the desired effect;

Warrant of execution is otherwise also used as a last resort when the amount of the claim is considerably large and other processes prove unsuccessful. It is important to bear in mind that items are sold for ridiculous amounts at sheriff auction and therefore this process hardly ever provides sufficient revenue

PAYMENTS

As per the fee structure set out below our office will create a wallet where all credits payable to the School shall be held.

As per the agreement the School will be liable for payment of disbursements, which will include sheriff fees, tracing fees, registered post, correspondent fees (when parent leaves our jurisdiction), ITC investigations, windeed searches as well publication costs, where applicable. We will thus also create a disbursement wallet.

Once per month all disbursement will be allocated to the disbursement wallet, all credits to the credit wallet and the disbursements then deducted. The balance is then paid to the School.

Full account of credits and disbursement wallets will be rendered to the School in order to allow the School to account for the respective collection matters and maintain their administration to date.

Once a matter is handed to our office for collection no payment in respect of that collection should be made to the School. In event that payment is made, which payment is not in respect of recent school fees, but in fact in respect of the collection, the parent should either be referred to our office, alternatively payment should be transferred to our office.



REPORTS

Our office uses a system called Legalsuite to capture all payments, credits, debits, file notes, documentation, communication and progress

We are able to provide full account, explanation and progress literally at the press of a button.

In order to secure regular update and communication with the a unique report shall be provided to the School on a monthly basis ensuring full transparency and facilitating your administration of matters handed over for collection.

FEE STRUCTURE TO SCHOOL

Our proposal to the School is to conclude a no success no fee agreement.

This agreement shall consist of the following:

- Our office will not render any fee account for work done and services rendered to the School
- The School will be held liable for payment of disbursements. (Sheriff fees, tracing fees, registered post, correspondent fees, ITC searches, Windeed searches and publication fees, where applicable)
- Although disbursements will be accounted against available credits, it is possible that the School may initially need to pay disbursements
- Upon payment by the parents our office will ensure payment of our legal fees
- Where we establish that a claim is no longer susceptible to successful collection our office may at our sole discretion elect to close our file
- Where a matter is handed over to our office by mistake we will upon request to cancel the collection render account for disbursements as well as fees incurred
- The School should not receive any payments on claims handed over for collection and should refer those parents to our office
- The files of parents under sequestration will be closed and will we only render account in respect of disbursements incurred. Administration and debt reviews shall not form part of this notion and shall be dealt with accordingly.

FEE CLAIMED FROM PARENTS

Our formulated tariff schedule is attached on the following page hereto.

Our tariffs are governed by the tariffs set out in the schedule to the Magistrates Court rules and is governed not only by the Magistrates Court Act, but also the rules of the Law Society of the Northern Provinces. In order to maintain these low tariffs we encourage the co-operation of the School to make provision for fees on attorney and client scale in the enrolment agreement and to assist in allowing parents to concluding acknowledgments of debt.

REFERENCES

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