**IN THE HIGH COURT OF SOUTH AFRICA**

**EASTERN CAPE HIGH COURT, PORT ELIZABETH**

**CASE NO: 2000/2007**

In the matter between:

**Xxxx FIRST APPLICANT**

**XXXx SECOND APPLICANT**

and

**XXXX RESPONDENT**

**NOTICE OF MOTION**

**BE PLEASED TO TAKE NOTICE** that the Applicants intend to make application to this Honourable Court for an order:

1. Condoning the late filing by Applicants of this application for rescission of default judgment.
2. Rescinding the default judgment granted against Applicants on 5 November 2007 by the Registrar of this Honourable Court under case number 2000/2007.
3. Granting the Applicants leave to defend the action under case number 2000/2007.
4. Costs only in the event of this application being opposed.
5. Further and / or alternative relief.

**BE PLEASED TO TAKE FURTHER NOTICE** thatthe Applicants have appointed the offices of xxxxxx, xxxxxx, North End, Port Elizabeth, as the address referred to in rule 6(5)(b)) at which they will accept notice and service of all process in these proceedings.

**BE PLEASED TO TAKE FURTHER NOTICE that** if you intend opposing this application you are required

1. to notify applicant's attorney in writing on or before **31 May 2010** of your intention to do so;
2. and within fifteen days after you have so given notice of your intention to oppose the application, to file your answering affidavits, if any;
3. and further that you are required to appoint in such notification an address referred to in rule 6(5) (b) at which you will accept notice and service of all documents in these proceedings.

**PLEASE FURTHER TAKE NOTE THAT** if no such notice of intention to oppose be given, the application will be made on **22 June 2010** at 9:30.

**PLEASE FURTHER TAKE NOTE THAT** the attached affidavit of **xxxxxxx** with annexures thereto will be used in support of this application.

**DATED AT PORT ELIZABETH ON THIS 5th DAY OF MAY 2010.**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**xxxxx**

Per

Attorneys for Applicant

xxxx

PORT ELIZABETH

(Tel: 041-4082800)

(Ref: M Burmeister)

**TO:** **THE REGISTRAR**

**HIGH COURT**

**PORT ELIZABETH**

**AND TO: xxxxxx**

**Attorneys for Respondent xxxxxxx**

**xxxx**

**(ref: xxx)**