

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

CASE NR: CCT61/14

In the matter between:-

PAULSEN, ANDRÉ FRANCOIS

First Applicant

PAULSEN, MARGARETHA ELIZABETH

Second Applicant

and

SLIP KNOT INVESTMENTS 777 (PTY) LTD

Respondent

RESPONDENT'S STATEMENT ON FACTUAL FINDINGS

1. By reason of the applicants' apparent misinterpretation of paragraph 2 read with paragraph 2(a) of the above honourable court's directions dated 9 June 2014 (hereinafter "the direction"), the respondent finds itself in the invidious position where it is required to respond to the applicants' "statement of facts" together with the applicants' "compliance with paragraph 2(a) of the directions dated 9 June 2014" (hereinafter "the statement of disputed facts") in circumstances where there does not exist any true dispute of fact between the parties.

2. In order to overcome the aforementioned difficulty, the respondent proposes to deal with the matter as follows:-

2.1 The respondent annexes hereto, as annexure "**R1**", a document previously prepared by the respondent and which was submitted to the applicants as a draft proposal for the agreed statement of facts in pursuance of paragraph 2 of the direction. For purposes of the appeal, the respondent stands by what is recorded in annexure "R1".

2.2 The respondent annexes hereto, as annexure "**R2**", a retyped version of the loan agreement – as it served before the Supreme Court of Appeal. The reason for the respondent attaching a retyped copy, arises from the illegibility of annexure "A" attached to the applicants' statement of facts.

2.3 With reference to paragraphs 1 and 2 of applicants' statement of facts, the respondent takes issue with the accuracy of what is recorded therein. Whilst it is conceded that the two paragraphs may only be inelegantly worded, the respondent needs to make it clear that it does not agree with the purported agreed facts as set out in those two paragraphs.

2.4 With reference to the applicants' statement of disputed facts, more pertinently paragraph 1.2 thereof, the respondent annexes hereto, as annexure "**R3.1**", a copy of paragraph 40 of the founding affidavit

and, as annexure "R3.2", a copy of the applicants' response to the averments made in paragraph 40 of the founding affidavit. It is also rather significant that the applicants do not take issue with paragraph 24 of the judgment of Blignault J, but does so with reference to the findings of Wallis J A.

2.5 By reason thereof that the applicants are enjoined by paragraph 3 of the direction to place the judgments of Blignault J, the Full Court and the Supreme Court of Appeal before the above honourable court, the remainder of the annexures to annexure "R1" is omitted.

Dated at Johannesburg on this 23rd day of July 2014.

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TO:

THE REGISTRAR OF THE ABOVE
HONOURABLE COURT

AND TO:

JOUBERT ATTORNEYS

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Received copy hereof on this ___ - day
of JULY 2014.

For: Applicants' Attorneys