



HIGH COURT OF SOUTH AFRICA

UNOPPOSED **DIVORCE**

THE PROCEDURAL ROADMAP

*Navigating your transition with expert legal precision
and dignified advocacy.*

PRACTICE ESTABLISHED

ETIENNE BEDEKER INC.



01

THE SETTLEMENT PHASE

The foundation of an unopposed divorce is **Consensus**. This stage focuses on the negotiation and formal signing of the Settlement Agreement—the single most critical document in the dissolution process.

A COMPREHENSIVE ROADMAP

The Settlement Agreement serves as a master plan, meticulously incorporating all arrangements regarding asset division, spousal maintenance, and the legal framework for the Parenting Plan.

PROCEDURAL NECESSITY

The *signatures of both parties* are not merely clerical—they represent the mutual agreement that eliminates the need for contested litigation and provides the Court with the foundation to grant a decree.

CONSENSUS • NEGOTIATION • SIGNATURE



02 Summons & Issuing



FORMAL COURT INITIATION

Upon finalisation of the Settlement Agreement, we transition into the formal High Court structure. The **Summons** is meticulously drafted and presented to the Registrar of the High Court.

*This critical step generates your unique **Case Number**, providing the legal identity for your matter throughout all future proceedings.*

FAMILY ADVOCATE REFERRAL



THE EVALUATIVE ROLE



Where minor children are involved, South African law mandates the oversight of the Office of the Family Advocate. This neutral state body reviews the proposed arrangements to ensure the emotional and physical well-being of the children is prioritized.

LEGAL SAFEGUARD



BEST INTERESTS

The Advocate provides an **Endorsement**—a procedural green light confirming that the parents' plan is viable and sound for the minors' future.

NOTE

Crucially, while the Family Advocate's input is highly influential, it is an **evaluative tool** for the Judge and not a strict statutory prerequisite for granting the final decree if the Court is otherwise satisfied with the evidence presented.

PROCEED TO STEP 04



STAGE FOUR

SERVICE VIA THE SHERIFF



HIGH COURT

SHERIFF



THE DEFENDANT

The formal legal journey begins with notification. Once issued, the **Summons** is delivered to the **Sheriff of the Court**.

The Sheriff personally serves the papers on the Defendant at their residence or workplace, ensuring absolute legal compliance and providing the Court with the necessary **Return of Service**.

The 10-Day Window



10

C O U R T D A Y S



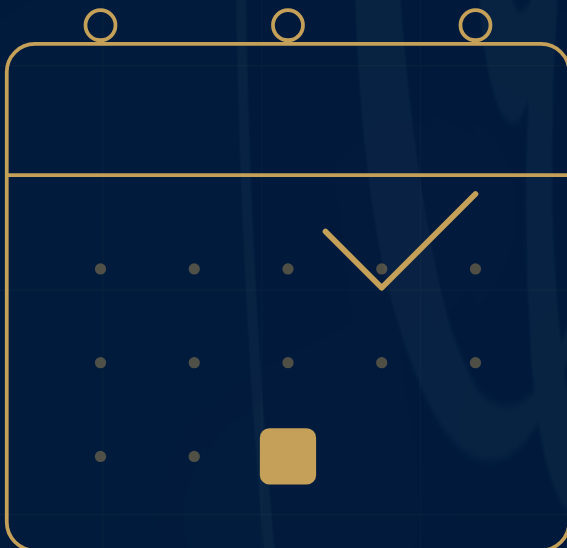
Following formal service, we observe a mandatory period of **10 court days**. This interval is provided by the High Court Rules to allow the Defendant time to file a *Notice of Intention to Defend*.

- In an unopposed dissolution, this period elapses without objection, creating the procedural clearance required to set the matter down for finalization.



STEP 06

Application for a Hearing Date



Once the mandatory **10-day court period** has lapsed without opposition, the matter transitions from administrative filing to formal scheduling.

THE REGISTRAR'S ROLL

Our firm formally applies to the *High Court Registrar* to secure a specific date on the Unopposed Motion Roll, ensuring your matter is placed before a presiding Judge at the earliest available opportunity.



EVIDENCE & DOCUMENTATION

Modern litigation favors efficiency. In an unopposed matter, the traditional requirement for oral testimony is replaced by a formal, written deposition.

• THE PLAINTIFF'S EVIDENCE AFFIDAVIT

"This document serves as your voice before the Court, confirming the facts of the marriage and the irretrievable breakdown without the stress of public testimony."

VERIFIED EVIDENCE



PROCEDURAL PHASE

08



APPEARANCE IN COURT

On the designated hearing day, your matter is formally moved before a Judge of the High Court for final adjudication.

REPRESENTATION INSIGHT

*"In most unopposed instances, the **Plaintiff is not required to be physically present**. Your Advocate and Attorney will appear on your behalf to present the evidence via affidavit, streamlining the final step of your dissolution."*



— STEP 09: GRANTING THE DECREE —

RESOLVED

The formal dissolution of the marital bond.

Once the Judge is satisfied with the evidence presented in the **Plaintiff's Evidence Affidavit** and the terms laid out in the **Settlement Agreement**, the Decree of Divorce is formally granted.

This crucial moment marks the official legal termination of the marriage. The court order specifically *incorporates* the signed Settlement Agreement, transforming your private contract into an enforceable High Court Order.





STEP 10: COLLECTION OF THE DECREE

The final administrative milestone is the official collection of your marriage dissolution papers.

Following the successful court hearing, Etienne Bedeker Inc. handles the physical collection of the original, stamped **Decree of Divorce** from the High Court Registry.

This vital document is then safely delivered to you for your permanent records, allowing you to update your status with financial institutions and government departments.

PROCEDURAL COMPLETION



EXCELLENCE IN JURISPRUDENCE



ESSENTIAL DOCUMENTS CHECKLIST

Please ensure the following originals and certified copies are ready for submission.



Original Marriage Certificate

The official certificate issued by Home Affairs.

Copy of ANC

Antenuptial Contract as registered with the Deeds Office.

Certified ID Copy

Clear, certified copy of the Plaintiff's identity document or passport.

Children's Birth Certificates

Certified copies for all minor children.

05