

THE OPPOSING AFFIDAVIT

The **OPPOSING AFFIDAVIT** is the document where you reply to the things the landlord said against you in the NOTICE OF MOTION. **It is your side of the story.** It explains why you are challenging the eviction. This document is signed by you as the occupier. It is given to your landlord and their lawyers.

**IN THE MAGISTRATES COURT FOR THE DISTRICT OF CAPE TOWN
HELD AT CAPE TOWN**

CASE NO : 5847 / 2016

In the matter between:

BIG PROPERTIES

Applicant

(Registration Number: 2010/0054896/07)

and

KAREN THOMAS

First Respondent

And all those holding under her and / or any other persons(s) who also occupy the premises *vis-à-vis* the Respondent

CITY OF CAPE TOWN

Second Respondent

OPPOSING AFFIDAVIT

I, the undersigned,

KAREN THOMAS

do hereby make oath and say:

1. I am an adult female, currently employed at Cape Town events and residing at Helium Heights with my family.

2. The facts as stated herein are to the best of my knowledge and belief true and correct. They are within my personal knowledge unless the context indicates otherwise. Where I make legal submissions, I do so on the advice of my legal representatives. I believe that advice to be correct.

POINTS IN LIMINE

3. The Applicant has not attached proof to this application that she is authorised to depose to this affidavit.
4. Ad Par 1:
 - 4.1 I deny the contents in its entirety and put the applicants to proof thereof.
5. Ad Par 2:
 - 5.1 I deny the contents in its entirety and put the applicants to proof thereof.
6. Ad Par 3:
 - 6.1 I deny the contents in its entirety and put the applicants to proof thereof.
7. Ad Par 4:
 - 7.1 I admit the content hereof.
8. Ad Par 5:

8.1 I deny the contents in its entirety and put the applicants to proof thereof.

9. Ad Par 6:

9.1 I deny the contents in its entirety and put the applicants to proof thereof.

10. Ad Par 7:

10.1 I deny the contents in its entirety and put the applicants to proof thereof.

11. Ad Par 8:

11.1 I admit the contents hereof.

12. Ad Par 9:

12.1 I deny the contents in its entirety.

12.2 I have continued to pay my rent as per usual and have my proof of payment attached hereto marked "OA1".

13. Ad Par 10:

13.1 I deny the contents in its entirety and put the applicants to proof thereof.

14. Ad Par 11:

14.1 I deny the contents in its entirety and put the applicants to proof thereof.

CONCLUSION

15. I hereby request that the court dismiss this application with costs.

KAREN THOMAS

I hereby certify that on the _____ day of September 2017 in my presence at _____, the Deponent signed this Affidavit and declared that she:-

- (a) knew and understood the contents hereof;
- (b) had no objection to taking this oath;
- (c) considered this oath to be binding on her conscience and uttered the words:-

"I swear that the contents of this Affidavit are true, so help me God."

COMMISSIONER OF OATHS