

**FORM I**  
**[Regulation 11(4)]**

**APPLICATION FOR VARIATION/ SETTING ASIDE OF AN ORDER BY  
DEFAULT IN TERMS OF SECTION 18(4) OF THE MAINTENANCE ACT,  
1998 (ACT No. 99 OF 1998)**

Reference No. ....

In the maintenance matter between:

.....  
(person in whose favour maintenance order was made)

and

.....  
(person against whom maintenance order was made)

**A. Application in terms of section 18(4)(a)**

To the Maintenance Officer of the Maintenance Court, .....

1. I, .....  
,  
(full name of person against whom maintenance order was made)

identity number .....

hereby apply that the maintenance order issued against me on the ..... day of  
..... by the Maintenance Court, .....,  
in terms of the Maintenance Act, 1998 (Act No. 99 of 1998), be \*set aside/varied  
as follows:

.....  
.....  
.....

2. In support of my application I hereby -

(a) \*declare under oath/truly affirm that the following reasons exist for the

\*variation/setting aside of the order:

.....  
.....;

and

(b) attach affidavits by the following persons:

.....  
.....  
.....

Dated at ..... this ..... day of .....

.....  
Signature of Deponent

**Oath/Affirmation**

1. I certify that before administering the \*oath/affirmation I asked the deponent the following questions and wrote down \*his/her answers in \*his/her presence:

(a) Do you know and understand the contents of the declaration?

Answer .....

(b) Do you have any objection to taking the prescribed oath?

Answer .....

(c) Do you consider the prescribed oath binding on your conscience?

Answer .....

2. I certify that the deponent acknowledged that \*he/she knows and understands the contents of this declaration. The deponent uttered the following words \*"I swear that the contents of this declaration are true, so help me God."/"I truly affirm that the contents of the declaration are true. "The \*signature/mark of the deponent was affixed to the declaration in my presence.

.....  
Justice of the Peace/Commissioner of Oaths

Full name and surname.....  
(block letters)

Designation (Rank) ..... Ex Officio Republic of South  
Africa

Business address.....  
(street address must be stated)

.....  
Dated at ..... this ..... day of .....  
.....

**B. Notification in terms of section 18(4)(c)**

*[Submit this notice, at least 14 days before your application is heard, to the person in whose favour the order by default was made in any manner convenient to you but keep record of the manner in which the notice was submitted.]*

To: .....  
(person in whose favour maintenance order was made)

1. Take note that the above-mentioned application will be heard on the ..... day of  
..... at ..... (time) at the Maintenance Court, .....

2. Attached hereto, if applicable, are copies of affidavits in support of the application.

Dated at ..... this ..... day of .....

.....  
Signature of person against whom  
maintenance order was made

\*Delete whichever is not applicable