Your Worst ENEMY

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By Jacobus Kotze

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The rich rules over the poor,

and the borrower is the slave of the lender.

Proverbs 22 v 7

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About the author

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Extract from K's eBook *Mean Streets - Life in the Apartheid Police*

Extract from K's free eBook *The Circle of Life*

Extract from K's free eBook *Tricks of Trade - Memories of a Rogue Lawyer*

Extract from K's free eBook *The Egg Breakers - Counter Terrorism in Sub Saharan Africa*

Extract from K's eBook *Gewetenlose Strate - Lewe in die Apartheid Polisie*

Specific meaning of words in this book

Before we continue I need to explain the meaning of certain words used with boring regularity in the following pages. The list is by no means complete as I explained the meaning as far as possible in the book as well.

American Patriot refers to the Author's better half. She is cute and super smart and works for the U.S. Navy. As always he thanks her for her love and support and above all, scissors.

Bankster refers to bankers which is the correct terminology but a name which they fully deserve after their shenanigans of the last years where the Government (not in South Africa) had to prop them up with tax payer's money. Obviously this did not stop the arrogance at all. It is meant to be insulting.

Common law wife means where two people live together as man and wife for a period longer than six months and have the intention to be man and wife. It is based upon the common law partnership and has grave consequences on debt. These days it will be applicable to gay and lesbian relationships also.

Company also means corporations and or other legal entities including a trust through which you conduct your business. They will have a company number and tax registered.

Compounded interest means interest on interest to increase your debt and increase your worst enemy's record profits even more.

Contract also means agreement. It may be in writing or not but must comply with the essentials of a contract under law. We deal with what a legal contract is in this book.

Creditor means whoever you owe money to whether it is a bank or loan shark or you wife. It means the person or entity you exposed your life to and are subjected to their whims and bad attitude.

He means she. There being no difference in equality of the sexes under law as it should be. Being a man I usually use the male persona in my books but it is equally applicable on the tougher sex too.

Hounds from hell mean the debt collectors coming after you when you default on your repayments. It is not meant to be derogative but descriptive only for the way they keep on and on and on. It does not imply in any way that they are indeed children of satan for they are only doing their job and a tough one it is too.

I mean me, the author or his legal advisory JKLS Africa. Also referred to as "us or we."

Interest means the fee or extra money paid for the doubtful privilege of borrowing money as compensation to the lender. It can also be where you are paid interest on your deposit or investment. The primary source of income for your worst enemy.

Interest rate means the rate at what interest is charged and added on your repayment. This is usually limited by law and if not agreed to by contract the rate of 15.5% is automatically assumed to be the going rate. This is called moratorium interest.

Judge also means a Magistrate. In other words the person who gives the verdict in a trial.

Law Office means a law firm, a commercial business under the rules and regulations of the local law society where lawyers practise law for as much fees as possible.

Lawyer means practising attorneys and advocates and I use the word in the general sense which includes both in the American sense of the word. The author was one for 8 years.

Legal Advisor means a qualified lawyer or company legal advisor but not necessarily a practising attorney or advocate. The author would qualify for this title if he so chooses but prefers the term risk expert for his legal consultancy is not only into law which is very boring for sane people.

Legal Justice has the same meaning as legal Justice taught at law faculties but in this sense more practical. In other words not some obscure dream but something practical for the client to correct the wrongs done to him.

Long haired liberals mean the liberals who took human rights to such ridiculous lengths that lynch justice are now appearing. Not meant to be derogatory. It is said affectionately. We need them to cause havoc now and then or life may be boring. The authors' pet dislike!

Partnership means a partnership between two humans under the common law. Obsolete since it gives no legal protection it is virtually unknown these days. Interestingly partnership in South Africa is a common law principle and not in any Act from parliament. Stay away from it as far as possible.

Pretty One means the person, male or female, who signs with you the loan agreements on behalf of your worst enemy and usually with a fake smile. Not meant derogatory. Some are indeed very attractive.

Push back means to take the fight to your worst enemy instead of being pushed around by them all the time. It could also be explained as "claiming your legal rights in defending yourself against your worst enemy's attacks on you and your family."

Sheriffs mean the messengers of the courts. They have no police functions or authority whatsoever and only exist to serve paper or pleadings and assist the plaintiff with attachments. Ironically many are former Police officers and since they are not part of your problems with your worst enemy they should be treated with respect.

Singular means plural where needed and vice versa depending on the normal use of the words contextually.

Your worst enemy means your bank or other creditors who you owe money to and is in a professional relationship based on *sincere mutual distrust* from day one. This deplorable lack of trust is seen and explained in this book by the unfair one sided contracts you sign and reinforced by their constant clamouring for collateral far beyond what is reasonable. They also have the nasty habit of valuating collateral far below its real value and sell your assets for a fraction of its real value in times of need. They should be treated with considerable suspicion.

Chapter 1

A few notes to my readers

A few weeks ago I responded to a telephone call from a debt collector (known to me as the hounds from hell) acting on behalf of a bank (known to me as your worst enemy) who asked me about an incident which happened 15 years ago.

Briefly, my client lost his job and could not afford to pay his car instalments any longer. Being a reputable man he arranged with his worst enemy to return it without the need for a court order or other unpleasantness. Undeniably the gentlemanly thing to do I would say and it happens often enough. We live in harsh economic times where job security is exactly as long as your savings will last you if you should lose your job today. Layoffs happen all the time and people fall behind in payments. It is our reality. Sad but true. It is very possible that you reading here either had problems with your worst enemy before or will have in the future or are abused by them right now.

My client at that stage was an honoured client of that particular bank with a clear credit record who always paid on time and gave double the usual deposit to reduce his monthly payments. The car was almost paid off and worth much more than the outstanding amount owed on it. I think it is safe to say that if he had not lost his job (to no fault of his own) this would never have happened. He was such a good client that he had what they call "*pre-approval*" for most loans which means he bought whatever he wanted within reason.

He saw that ability wrongly as an honour and your worst enemy as his friend in need. After all, they suggested he take the easy way out and return the vehicle and all will be well with his credit record. Hence he did what he thought was the honourable thing and returned the car washed and with a quarter tank of gas instead of empty and abused as sometimes happen with these matters.

He even signed the documents which the nice debt collector brought him without bothering to argue about it. Certainly the nice debt collector neglected or otherwise failed to explain to him what exactly he signed on that day (in those days there was no legal duty on him to do so). He promised (he had no such right to make such promises) that they would only keep the car for a few months to safeguard their interests (fair enough) and then when my client is able to pay again they can return it to him.

Well you can guess the rest. Your worst enemy sold the car on an "*auction*" for less than a fraction of its real value three weeks later and then arrogantly tried to claim the shortfall from my client. They also immediately blacklisted him despite an oral agreement not to do so and in doing so destroyed his credit record built up over 22 years.

As a senior manager the blacklisting cost him dearly in trying to find another job as employers hold senior managers at a higher standard when it comes to private financial matters. A financial blacklisting at that level is a big no-no whatever the reason behind it and not easily overlooked. The argument is that if he cannot take care of his own finances how can he be trusted with the company's? A fair enough supposition in this cruel world where dog eats dog but obviously not applicable on tax money and politicians strangely enough! I wonder why not?

You have to speculate why a company would want to employ an ex-politician on its board of directors for his business skill is rather pathetic from any viewpoint. Just take a look at the state of Government finances in general. In South Africa (and most other African countries I dare say) most State Departments and Municipalities fail their financial audits every year with boring regularity. It was however not always like that and in the old days we had a joke where a long haired liberal activist was arrested for stealing the next years voting results in the old Soviet Union. Yeah, the politicians must be able to contribute something else. I wonder what for no man in his right mind would appoint someone with such a dismal track record of utter failure. Perhaps someone can email me and inform me why they appointed them to their board of directors. I will then update this paragraph for all to read.

Keep in mind if you please when we speak of a company we also mean "*corporation*" which is the American term I believe. We will discuss company structures much further on when we see what exactly a bank is in law...most certainly nothing more than a large company whether listed or not! It falls under the same rules and laws (generally speaking) than you and me. It does not have any legal ability to create law or act as a Government.

For my client the black listing was actually his lucky break in life. Not finding a job makes a good man very creative and he was no different from you and me in this aspect and soon became a millionaire businessman exporting goods. That however, was not your worst enemy's intention when they listed him. They wanted vengeance and show how powerful they are. They could not and cannot care less on what happens to their erstwhile honoured client afterwards besides the small matter of hounding him to death to collect the remaining money. It is just business as usual for them. The fact that they are losing clients by the tens of thousands with their arrogance has not sunk in yet. Probably will never either but that is not our concern today.

Ironically, listing a person is really a home goal as we will see later when we deal with the effect of blacklisting. In most cases it is an empty victory for it brings absolutely no money in for your worst enemy and takes away the possibility of him borrowing money to pay them or alternatively to start a new business to pay them. Since any business decision in life which does not bring in money is a liability I wonder why they still threaten everyone with it. Anyway, we will get to that if boredom doesn't get you first. Borrowing money from one person to pay another may also be seen as a reason for insolvency by the way so you have to be careful. Throwing good money after bad is always silly (my word for stupid).

That bank never issued a summons against my client and thus never obtained a judgment for the so called shortfall. The reason was that they admitted in a letter that they sold the car far under market value. A rare mistake and when we waved it under their noses they wisely backed down. Since they never issued a summons for the so called shortfall by law their claim to do so (arguable if they had one to begin with) lapsed or in legal terms prescribed three years later. Only a summons can stop prescription in law. Nothing else and the lack of a summons is a lethal defense.

As such that bank had no claim in law and the matter settled and forgotten. I assure you also that my client is not that worst enemy's client anymore and takes great delight in sending a fruit basket every year over Christmas to his former female account manager or so he says for I have not seen it with my own eyes. He always diligently ensures that the basket consists of overripe bananas which make it special I suppose. I can appreciate the insult but doubt if the bankster will agree or even notice the insult for they are egotistical by nature. They are so thick skinned (have to be to survive amongst decent people) that they probably send him brochures for credit for all I know.

Yes, we all have our harmless games and amusements to keep us happy. I would have sent a bag full of toffee flavoured candy but then I am less cultured than my client who is ex-Navy and an officer and gentleman. It amuses him to no end and good luck to him too. He can afford to smile secretly.

So why did that hound from hell tried his luck? He presumable knew he had absolutely no chance in law? After all, they take great pleasure in showing off their extremely basic legal knowledge to everyone willing to listen or not. Or issuing preposterous legal threats at great pace and dominating the poor defaulter into promises he just cannot keep and then the process starts again wasting everyone's time.

To them it is just business as usual as I heard them explain their nasty habits time and time again. It is not personal, just business as usual and they have a job to do. Naturally the Nazi guards also just had a job to do when they killed the Jews and others by the millions. That is the *worst excuse* in the world to me! Any job can be done with some honour and if not then leave the job! It is really simple but a bit over the top from me to expect that. I acknowledge that it is unrealistic but then don't complain when you are unwelcome in civilised company. Or called a hound from hell! Or humanity's worst enemy! It comes with "*just doing your job*" and a sincere lack of moral guts.

That debt collector called because he thought he could threaten and bullsh-t my client to pay him. Big mistake! Huge! My client went through the school of hard knocks and knew his rights under law. In this case that debt collector was less than amused when I asked him if he has a judgment and if not please p-off and never call again for that would be harassment if not actual intimidation to make legal threats on a claim which does not exist in law. It was unkind of me for I knew he did not and could have a judgment on file for no summons was ever issued.

In law we simply don't ask a question if we don't know the answer and we will call your bluff as we did here. He got so upset that he put the phone down in my ear with the bizarre threat to "*send the papers to court*." Needless to say we are still waiting for the papers and I guarantee you we will never get it either. No lawyer is that silly to pursue such a case for he will end up paying the legal costs out of his own pocket after he lost the case rather badly.

I do expect another call from another debt collector who may or may not put the phone down in my ear in a few years from now. Why? Because the debt book is bought from your worst enemy and every few years a new debt collector tries his luck. It is the way the system works and we will discuss at length the underhand (but legal nonetheless) tactics they use on you who is not an honoured client anymore but something akin to satan to be humiliated and hounded at will for falling on hard times and unable to pay anymore.

Selling the debt is the same as selling all your personal details on the Internet but legal. You probably signed your rights to your privacy away in their standard (read one sided) contract. They will even appoint private investigators to search for you and any assets you may have gathered since then which is their right and we do not complain about it.

A civil judgment lasts 30 years or until paid or settled in another way and rescinded by the court which issued it. We will look in detail to this aspect also. In more civilised countries where capitalism is a reality this term is only 10 years. Thirty is rather ridiculous and I am frankly amazed that no-one challenged it in the constitutional court yet.

On a more personal note I believe that putting the phone down in my ear is a clear victory to me if exceedingly bad manners. He lost his cool and I find that arrogant people (all long haired liberals no doubt) do that when they cannot bully their way past someone. Ex-wives also but they have more reason to be upset with me and thus are forgiven in advance. I am not an easy man to deal with at times but at least I know that. My unconventional ways is not for everyone and I can be horribly obnoxious when needed.

* My American Patriot, who reads my books before you do commented to say that only means I am a man of principles. Obviously I agree and she is known as Mrs Always Right. I know what is good for me.

If you read my other books and articles you will know my ways which is different I suppose. You will find that in this book I mention from time to time my other books which should be on the same website where you found this one. I mention my books because I do not wish to re-invent the wheel. Some of the subjects we discuss here are already done in greater detail in them. You may take for granted that I am grateful for the time you spend reading my works. Thank you. I know your time is valuable and I appreciate it. Please feel free to spread them around as you wish.

This telephone episode made me think. How many non-legal qualified citizens are bullied and bullsh-ted into paying for debts which is legally unenforceable? How many times is justice denied because of a lack of knowledge on your part? Would it be possible to teach and explain the law in regard to your worst enemy and debt collectors to you in a short book without becoming so boring that you fall asleep? More importantly do you know what do you do when your worst enemy starts to push you around?

The answer is probably not and a shame that is for the law is neutral and not rocket science though it can become confusing (we need to do that to charge fees). You have many legal rights but unless enforced it is useless to you which was not the intention when it was created. Thus an injustice is created by a lack of knowledge.

Debt is one of those awful situations which polite people never discuss in public or even at home. How many people will admit that the going is not good when asked and that the hounds from hell (debt collectors) are chasing them day and night? You know what I mean...we usually ask "how are you?" and don't really expect or even want a truthful answer for then we need (read feel obliged) to become involved. We want to hear "oh it is ok" and we carry on to more important things. The sad truth though is that sometimes you need help and when your worst enemy pushes you around for unpaid debt you can almost certainly not afford a lawyer to defend you and you stand alone. I wonder who can afford a lawyer even in normal times never mind hard times when you have no or very little money and none for lawyers. They are way too expensive for no reason at all. Law is neutral and not rocket science. Even a very average person (like me) can talk about it with some authority.

When you decided to push back you will find that many (read most) lawyers are too scared to act against your worst enemy anyhow. They will say they cannot (correctly in law) for they are on your worst enemy's panel (meaning they accept blood money from the bank) and thus have a conflict of interest. Very true that is but how does that assist you? Surely an injustice is taking place when a bankster acts without any known human decency and treats former honoured clients like something akin to satan be humiliated and hounded at will?

You will learn in this book that they are subjected to rules and laws like any other company and you have the ability to make life very difficult for them if they should act beyond what is considered decent and within their own rules. There is no need to be pushed around just because you fell on hard times.

I don't need reasons to write books when I have time to do so. Once the idea forms in my head my fingers starts to ache and the words flow by itself. It is rather bizarre. All my life I defended the weak and abused. First as a street cop and then as a lawyer and now as a legal advisor! Must be a character flaw or something but it is the way I am. Hate it to see an injustice or the weak being bullied. And make no mistake, the way your worst enemy treat their defaulters is scandalous. There is no moral excuse but they have many and no doubt will keep on defending their ways with much gusto.

That one arrogant telephone call may cost your worst enemy millions as my readers gain the knowledge to push back because it created this book and what you read now. Perhaps your worst enemy will learn something but I am not holding my breath for their arrogance is mind blowing. They learn only when it cost them serious money and even then the lessons are forgotten very quickly.

Why else will you see the same thing happen every few years? Arrogance is not conducive to learning it seems.

* I am glad to tell you this book is downloading by the tens of thousands and many readers informed me they protected their honour and assets quite well against the banksters because of it. Makes me feel good with life and I am quite grateful to see some justice taking place.

This is what this book is about. I want to show you how to protect yourself legally against your worst enemy but note with that we include all creditors and not only bank who I call "your worst enemy." In a more political correct way I could have said I will advise you on your legal rights when faced with a cash flow problem and you need time to sort your life out first. That sounds so much better but is the same thing.

I say again when I speak of *your worst enemy* I also mean creditors in any form and shape as well as their hounds from hell known as debt collectors to the public. What you read here is based on actual cases I dealt with during the last 15 years and not fiction. Understandably I disguised names etc but my clients agreed to this book. They think it is beneficial for all of them went to the school of hard knocks mostly caused by their worst enemy.

Note please that I don't advise non-payment for it is a matter of honour to pay what you owe. Nor do I deny their right under law to collect what is owed to them. That is of course if they have a case to start with and followed the correct procedure and remember to abide by their own codes of conduct. I vehemently deny their right to act like animals that smelled blood and treat you as something akin to satan. The law protects the feeble also and despite their lofty view of themselves they are not above the law at all. You actually have a lot of legal rights and are quite able to take the fight to them (push back) if only you knew how and what to do. Unfortunately you most probably don't and now you are too broke to find a lawyer to act for you. Thus you are pushed and abused and treated like something akin to satan. Your worst enemy likes the fact that you are too poor to afford proper legal advice. It is part of their armoury and a very strong one for their lawyers has a reputation as being smart & tough people which indeed they sometimes are.

The first lesson in life is always paying you first.

That gives you power to operate. Think about it for it does not come naturally. I say (and I am sorry if I offend you) that the good middle class folk are the slaves of the rich. They have never learned what the rich people know since birth and that is to pay you always first. At all times take care of number one. The rest can wait.

I realise this sounds rather selfish but let me explain to you why I say so. Many years ago a rich client asked me "*K, if you have 20 dollars left in your pocket, what will you do with it?*" I said "*buy food for my family sir*" thinking that day will never arrive and frankly it is a senseless question. Well it did arrive a few years later but at the time of the question I was a hot shot lawyer involved in millions of dollar deals. I never thought I would see my (you know what) as I was indeed one of the arrogant ones myself.

My client did not agree with my answer and told me to read that famous book of the 1990's *Rich Dad Poor Dad* which became something of a Bible to me. I think every child should learn it by heart in grade one and if you have not read it yet please do so. Besides that he said he will spend the money on himself "*for as long as he lives his family has a fighting chance. He is more important than any creditor and so is his family. They can wait*!"

Really arrogant I thought though I did not say it! Imagine using your last money on you and not paying your debts? Sort of goes against my beliefs and the way my parents brought me up. My parents (good middle class folk) always paid on the day and never missed a single payment. That made them exceedingly good targets for your worst enemy. They could not afford not to pay for they had personal assets which could be sold for less than half its real value. So they paid and still do since they are not ring-fenced either and as middle class folk don't worry about such things.

I am sad to say and I hope to be forgiven but they were in fact slaves and not free people for all their lives. Most of us are the slaves of the rich. They got us in bondage called debt and unless you get you out of it you will always be a slave. That is the sad reality of capitalism.

Please take note when I say someone is a slave I do not mean it disrespectfully but use that word to bring home the realities of working three weeks a month to pay debts before you have a sent in your pocket. Yes, that is the average debt load on the normal run of the mill middle class man. It is terrible and includes taxes. It means Sir you work 11 months a year for your worst enemy! That is close to 90% of your income wasted. I can put it differently to you and say your family for whom you work so hard gets 10% of your yearly salary which is very unfair. Congratulations. You are your worst enemy's slave.

In a peculiar way the law does agree with my client's advice. Your own life is reckoned to be more important that someone else's in your own eyes. In one famous case a horse was stolen to escape from a flood leaving the owner to drown. Obviously the thief decided his life is more important and the courts understood that line of thinking. The difference is that the above is part of criminal law and we are speaking of private law here. I will explain the difference a bit later on.

My client also mentioned Colonel Saunders of KFC fame who at the age of 66 lost his business and lived on the dole. Still, he used the dole money to sell his chicken recipes and after one thousand and something attempts hit the jackpot and as my American clients say "*never looked back*." My Greek clients talk of the "*big time*" and you know what I mean. It is a culture thing.

The lesson he tried to teach me that day is that you have to survive the knocks of life and push back when your worst enemy starts to push you around if only to buy time if not for good legal reasons based merits. Be assured that your worst enemy will push you the moment you miss one payment and act without any form of known common decency or restraint against you. Your bank is not your friend but your worst enemy. Please repeat this over and over and teach your children this second principle of life. *Your bank is not your friend but your worst enemy*.

Never trust your bank for they will turn on you and say they are "*only protecting their shareholders' interests"* which is legally true and correct. It is the *way* they do it which goes against common human decency and the reason for this book.

There are ways of doing business and ways of doing business. You know exactly what I mean even if they don't.

Your happiness and survival is much more important than theirs to your family. Think about this for a moment for we are raised as Westerners (even if I am African by birth) to the noble idea of self-sacrifice and to do the "*right thing*." This probably comes from the Ancient Greeks though I have doubts if they practised what they wrote. Let me explain my way of thinking by saying no teacher I heard off ever teaches a child to lie his way out of trouble but to confess and take his punishment like a man.

Very commendable that is but in real life it may lead to disaster. As a legal man I say that is horrible advice though I agree a child should never feel compelled to lie as there are such things as extenuating circumstances and lessons to be learned. Having said that I have a real problem with confessing without looking at the consequences first! This must be planned and deliberated on for it is a serious thing in law to confess anything. Our confession mad society is also dangerous for may lead to the police abusing you for a confession since the public demands it. Read my book *Mean Streets - Life in the Apartheid Police* if you want to know the methods of police brutality which leaves no marks and are quite effective. Thus be careful and think it through and play the game according to the rules. Being the nice guy with a bankster is to walk the path my client did in the beginning of this book. He should have kept the car and used it for his own purposes for as long as possible. The legal consequences would have been the same.

What happens if you don't pay your worst enemy with your survival money?

The legal process against you will obviously continue but more importantly it gives you a fighting chance to pay them later. They can afford to wait and you cannot. Big difference! Your family and you come first. Your worst enemy is rather unimportant at this stage.

Let us talk about this for it is a startling idea and I can hear the long haired liberals (must be banksters too) shouting about being egotistical to pay you first and ignoring debt. Egotistical my ass! I wonder who wastes tax payer's money on financial aid to undeserving countries for reasons which I will never understand but then I was only born in Africa and lived here all my life. What do I know? It is not that I saw the waste and fraud with my own eyes! Or the unnecessary fleet of luxury motor vehicles for the king and his fifty wives whilst his villagers have nothing and live in rags and poverty you as a modern Westerner will never be able to imagine. No these things are a product of my imagination. Get a helmet is my answer to them. It is selfish beyond belief to use tax payer's money for your own silly obsession (it cannot be logic) to assist the scams known as financial aid to the third world.

What benefits are there to the donor nation? Nothing as far as I can see as they still vote against you at that wonderfully incompetent organisation called the UN. After all the billions they still make harangue speeches about the imperialists and colonialists etc. So what did you achieve? Show me the tangible returns on investment on this wasted money. Show me the infrastructure it built which made a real difference and which you can also use in an emergency.

Goodwill you say?

Really, why do you need to buy goodwill and for what purpose? Are you bribing your way into Africa now? Do you really think your companies will be treated better? Read my eBook *Tricks of Trade - Memories of a Rogue Lawyer* and apologise for wasting your tax payer's money before it is too late. Then take care of your own people first and stop this nonsense. Charity starts at home. Your own home and that of your fellow citizens who elected you.

And to the receiving country whether they want the aid or not? Even less as far as I can see for it created an entitlement generation who is reduced to begging by it instead of being creative. What is the use of not teaching a man to fish for generations? What use is the vote to a hungry man when he is born into economic slavery? It caused generations of Africans to become depended on hand-outs from the former colonial masters which is no way for decent and honourable men to live. There is in fact a wave of anger sweeping over the continent because of this but you will not hear our politicians say so and I have to wonder about the silence. Arrogance perchance or are they benefiting in ways which the Swiss banksters may want to reveal to us?

Since I am on this topic I wish to say that wasting your own (private and I hope earned and not inherited) money on third world aid is entirely your concern and got nothing to with me. I respect your choices in life and I am sure you are trying to do good and it is commendable. The international charities are very good at playing on your feelings showing you the starving children and honestly you must be a bit inhuman or extremely cynical not to be moved by it. I wonder though, why not show you their own impressive offices and hugely overinflated salaries? Or the abuses off the volunteers who work for free in the nastiest places whilst the bosses live like kings at home earning mega salaries for working three days a month?

Statistics shows that 90% of your donation will be used for administrative purposes (read their own pockets for the big salaries) and only 10% for the poor *you think* you are supporting. Naturally this is not applicable on all charities but a general statement. Sometimes it is 1% to the poor and in many cases nothing though that is fraud and theft. Still, is happening all the time.

Public money (tax payer money paid for the common good of your own nation) is something else entirely and the concern of every person entitled to vote. The pompous long haired liberal politician (they all claim to be poor to get more votes since most votes are poor in relation to them) who knows next to nothing of business (which they will not admit) don't actually have his own money to waste on third world aid. So they use tax payer money entrusted to them to get cheap thrills and a picture of themselves standing with their fellow fat politicians shaking hands over another few billion of the stressed tax payer's money wasted. They will be remembered in history as the wankers who wasted tax payer money. Rather ironic if not so sad. It could have read "*Mr fat long haired liberal politician saved his home State by re-investing taxes into infrastructure right here at home.*" Now that would make him someone to remember in history. Imagine that! Taking care of your own people and voters first! What an idea! To acknowledge that charity starts at home. Preposterous!

* A few readers wanted me to run for office after reading this. No way that will ever happen (I hope).

As you can see this is something which needs to be said and I hope you will forgive me the slight diversion but it does play a role in our story. Our friendly banksters grow fatter with these funds (legally of course) every day. I read that India, a country with three or four genuine aircraft carriers (which they know how to operate too) and a good space program receives hundreds of millions of pounds in aid money from the UK despite India saying they don't need nor want it. They even have nuclear powered submarines.

It is a crazy world. Apparently this aid is stopped now or let me rather say it will be phased out over a number of years. How pointless is that now? Surely you are able to stop a payment of that magnitude a bit faster than over a couple of years? Or do we have to believe that the UK Government banksters are really that incompetent? Surely not, whatever we say of banksters we know that they are not incompetent. Mean yes, morally bankrupt, probably, but not incompetent! Makes me glad I am not a UK tax payer and I do take the Mickey out of my UK clients whenever I can on this subject. Their replies are generally unprintable and involve a lot of f words. Such decent men they are too and you would never have expected such language from them.

Am I wrong to say to Mr long hair liberal politician that you should first take care of your own citizens? The ones who actually contributed the money in the first place with ridiculous taxes on everything and anything? Or voted you into power on your false promises and pretends and then have to shrug helplessly when you turn out to be just another fat professional politician.

Groucho Marx said it best: "*Politics is the art of looking for trouble, finding it everywhere, diagnosing it incorrectly and applying all the wrong remedies.*" Sound familiar to you? It was said decades ago. History always repeats and it will never stop until the citizens demand responsible Government and start chopping of a few heads if needs be. It is amazing how long haired liberal politicians try to destroy everything our founding fathers created. It must be called diplomacy for it is allowed by a deafening silence from the silent majority. Mind you, the rest (Republicans) are not much better. Perhaps we should say all politicians and get done with. Have yet to meet one who impress me and I met many in my travels. I even warn in my book *Tricks of Trade - Memories of a Rogue Lawyer* against their scams.

Anyway, as said, what do I know? My ex-wives and others often tell me I am not that clever which is true. At least I know and acknowledge that fact. But besides my extensive college education I graduated from the school of hard knocks. I know how it feels when your world crashes and the debt collectors come after you. Yes I speak of experience here. Got the unwanted t-shirt and there is no need for you to get it also.

I learned that in life you always take care of you (meaning family) first. I believe that charity does start at home and that includes voting the Government into power which you want and deserve. If you are too lazy to vote then get a helmet and stop complaining. You get the Government of your choice. Be a good citizen and get involved. Don't care which side of the fence but make a stand. A man with an opinion is respected but the one on the fence is despised and a weakling from any viewpoint.

Now that we agree that it is not wrong to take care of number one first let us continue for be very assured that your worst enemy will take care of number one at your expense. Doing the "*right thing*" to pay him first is not always the right thing for you. Let me explain in the form of a joke I heard where a fellow could not sleep for he owed money to his neighbour and the money was due the next morning. His wife opened the window and shouted to the neighbour "*John, my husband cannot pay you tomorrow and a good night to you.*" That made it John's problem. Now he is restless and cannot sleep. Problem solved for you for a while. He may even now think of settling for less just to get something back. Women are much cleverer than men.

* "*Amen and obviously*" says my American Patriot. In fact, between us she is considered the smarter one by far. I know what is good for me.

I say again that giving your survival money to your worst enemy is not good for you in the long term. It is plain silly (I wanted to use the word stupid but my publishers insists that I replace it with silly). You need to survive so you can pay your debts. To do that you need to be able to operate and be like Colonel Saunders and get the breakthrough you need. Your whole life can change with one meeting but only if you have money to attend that meeting.

Reversely, your worst enemy will not go insolvent if it is not paid immediately and you owe him nothing besides money. Don't make a mistake. You only have a professional relationship based on a *sincere lack of mutual trust* which I will explain later. Just know that your friendly bankster (meaning all creditors) is your worst enemy and not your friend.

Truth to be told your worst enemy gets more money out of you with the accrued interest and legal costs later on if you should be so ungrateful to push back and delay payment for reasons beyond your control. Make no error my dear reader, unless your case is defective on merits your worst enemy will most probably win in the end. What you read here will allow you to understand the process and can buy you time and some respect but you will probably lose in the end. You may not be worse off though and in fact be able to start afresh.

When I say buy time I mean *buy* for it will cost you and it is always better to pay if you can afford it. This book does not and never will say to you refuse to pay just for the hell of it. That would be extremely silly advice. At some stage and whenever you can please pay. You did borrow the money!

Whether your worst enemy will collect all the money from you though is open for debate. This why I say if you can afford to live debt free then do so. If not pay your debts for it is a matter of honour and principle. It is the best way to avoid lasting trouble. However, the fact that you are going through hard times does not give them any right to treat you as something akin to satan. The law is neutral and protects both sides equally well.

Keep in mind if you please when I speak of law I mean South African Law which is based on Roman Dutch Law with a lot of English (the Colonial Master) influences. As such it is part of the Common Law System and not the codified Civil Law Systems you may be used to. Exactly what the difference are these days no-one knows for sure and endless arguments are put forth on it. Those arguments do not concern us today or tomorrow or ever. I always say legal philosophy or academic arguments may impress my Date (alas it never did and my American Patriot is not impressed by lawyers at the best of times) but have no place outside the respected lecture rooms of the many law schools or next to a barbeque fire. My clients want solutions which are cost effective. Academic answers are cr-p to them and they are right to have that attitude. Law in general is a very boring subject to any sane person including me. However we need that information so there is a short chapter on the very basics of South African Law versus what you see on television.

I am a cross jurisdiction expert in law meaning I had the honour (doubtful indeed) to have studied the laws of different countries as my clients moved into Africa. I lived and worked in Nigeria (wonderful place) for a couple of years as legal advisor to the biggest security company in the world. I travelled all over Africa and worked with the different legal systems during my years including European and American (New York). Thus I can tell you that though we focus on South African Law the legal principles we discuss are universal and probably applicable in your country as well. Where required I put the same principles in brackets as they are known in American & English Law. Law is basically the same everywhere. Think about it. Unlawfully killing a person (murder) is wrong wherever you go despite what you call it. The same principles apply theoretically. Owing money is the same everywhere. You have a creditor and he is coming after you. What do you do? Pay yourself first and push back when needed.

Indemnities

Note however this book is not intended to be the final word for your difficulties with your bank. To protect myself I must inform you I cannot take responsibility for your actions based on this book and to see professionals when needed. Each legal problem is different and may require a different approach. This is only a general guide to show you that you have legal rights. Use them wisely.

The opinions in this book are mine and mine only. The famous English Judge, Lord Coke, once said “I may be wrong, in fact I frequently am wrong, but I am never in doubt." This summarizes my feelings about life in general. I do not claim to be always right but I seldom have doubts.

I tried to explain the applicable law in plain (simplified) language without getting into boring technical legal arguments. Obviously it is more complicated than that and I foresee legal professionals shaking their wise heads. It is also possible that this book will create outcry and much crying of foul play and other nonsense from our worst enemies. I cannot be bothered for I strongly feel there is no need to treat a poor man different from a rich one. Equality before the law is guaranteed in most countries. As long as our worst enemies act inside their rules and the law I have no problem with them and no need for such a book as this one. However, it would be ridiculous to deny that abuse does take place now and then even if it is much better now after the Consumer Protection Act came into force.

As luck would have it my legal consultancy flatly refuses to do any debt collecting or act for your worst enemy as a matter of principle so will not lose money because of this. Your worst enemy and creditors are not welcome as clients and will never be. I don't want nor need their blood money on my conscious for I am no angel and have enough to explain as is.

We likewise never act for defaulters (debtors) as we tend to specialise in what I call forensic law and you can read about in my book *Tricks of Trade - Memories of a Rogue Lawyer*. Actually it was first published as *Tricks of Trade - Forensic Law Principles in Africa* but only Academics downloaded it whilst my idea was to reach you - the ordinary folk who need the knowledge in it more than academics to help you defend you against scams and other shysters. Gave the Academics heart palpations anyway or so one said to me in a polite (read fuming) letter. Apparently he never heard such boloney ever in his life and hope not to ever again. Forensic Law does not exist in law schools (as I said in that book) and then proved it exist did and is not even new.

Yeah well. I will send him a copy of this book too. Get a helmet professor. In my world you will not last five minutes and I never claimed academic status anyway. Still don't and freely admit I am not clever enough to be an academic. I am my family's black sheep so to speak but I never failed a subject in five years at college and law school after that. Nor have I lost a case during my time at the Justice Department (DA Office in American) and I did create the first dedicated

Forensic Law private practise in Africa years before the rest thought of it. I also wrote the first book on the subject. The rest followed me, not I them!

As an independent legal consultant I believe I am more able to speak my mind than others. In my younger days I thought I could bend the rules as I please and thus (of course) I did. Always with the best of intentions of course but life simply don't work that way and the local law society kicked me out years ago for exactly that. I deserved it even if it almost destroyed my life and I deeply regret my actions which lead to it. It was really traumatic for a second generation lawyer. Accordingly my legal consultancy not a law office and I do not call myself or pretend to be a practising attorney (lawyer in American) though I was one for eight years and learned all the tricks. I dislike titles anyway. We all have titles and college degrees by the time we are middle-aged as I am. It is really no big deal.

Respect is though. A man who does not stand up when a woman enters the room is a long haired liberal and communist in my eyes. It is a matter of common human decency. Treat others as you want to be treated and all will be well. We Africans are very respectful people by nature and it is sort of inbred into us.

As with all my books I say I am not a writer and I certainly claim no recognition as an Author. I apologise for any grammatical errors in advance. English is my second language and this book is written in South African English which is not the same as American or what is known as the Standard English. Since many of you reading here are American I tried to give the equalivent American terminology where needed in brackets.

It is also possible that you are new to my style of writing which is very much the way I talk and I accept that my sense of humour may not always amuse you. Much of what I write here is tongue in the cheek for life is never overly serious to me though my message is. For that I do not apologise.

Long ago I decided to approach life on my own terms which are subject only to God who I fear very much indeed. Whatever I do in life is to His honour and only because of His grace. I claim nothing to my own endeavours. You are welcome to read *Issues of Faith* where I have a lot to say on this subject. This is also why I spell satan with a small S. That hideous creature will not be honoured by me in any way and thus does not rate a capital S in my books. And I don't care if it is grammatically incorrect.

I ask that if you enjoyed reading here and feel the need to contribute then please contribute to any American Veteran Organisation or your choice. That honours an American Patriot I love and she works for the US Navy. She is not only beautiful but way smarter than me as well. I thank her for her support and love and above all, scissors.

I hope you find enjoyment reading here and be able to push back as much as needed. This arrogance must come to an end. The fact that a man is poor or going through hard times does not make him a bad person to be treated like something akin to satan. Respect is a universal language. It is just business as usual after all.

Regards & best wishes,

K

Chapter 2

The South African Legal System - a short overview

I quote some parts of this chapter from my book *Tricks of Trade - Memories of a Rogue Lawyer* and it is to give you the very briefest of backgrounds. Keep in mind if you please this book is written from a South African legal viewpoint which is based on Roman Dutch Law combined with English and Common Law. It is a Common Law system and thus will be familiar all over the world. However I maintain that most of what we say here is applicable in principle wherever you happen to be.

The difference between Common Law Systems and Civil Law Systems are so blurred that no-one really knows the difference anymore but it comes down to the codification of laws and principles. Common Law Systems are much less codified than Civil Law Systems and depends more on case law and previous court decisions for clarity called the "stare decisis rule." Some say it is written law (Civil) versus unwritten law (Common) but is easier to understand with the examples below.

In practical terms both systems may have juries but in South Africa we got rid of juries many years ago which is a good thing in my eyes but then I know no other system. Obviously you may feel the opposite and that is also fine. Many of my clients are horrified with the lack of juries and feel quite strong about it so you are not a long hair liberal for having such feelings. Each to his own I say. For myself, I am very sceptical to allow a person untrained in law to decide my fate as I doubt their ability to follow complex legal arguments. It takes many years of study to understand law and even then I have my doubts if we really understand as much as we say we do even if it is not rocket science. I don't like the subjectiveness of a jury system. What if my face reminds them of something akin to satan? I want to see objectiveness in court unless the rules states otherwise as with self-defence where the court tries to understand subjectively what you were thinking at that stage. There is one hell of a difference whether you thought (subjective) you were in danger and if you actually were in danger (objective). It is the difference between walking out of court or into a cell.

One law professor said to me: "*please talk with passion if you need to talk nonsense and perhaps someone will believe you*." As you know I am never in doubt but in fact the more you deal with law the more you realise that you don't actually know everything. That humbleness is a good thing in Forensic Law for we combine every Law and Act known to man to obtain the desired results for our clients. A man should know his limitations before his client pays for his ego.

Another difference between the two systems which I noted is the way lawyers behave. In most of Africa any lawyer walking around in court instead of standing at his desk will be jailed for contempt of court. You simply don't do walk around and stand with your hands in your pockets giving the Judge or the witness the evil eye. He will most certainly have a fatherly talk to you which you will regret very much.

Those Judges are very stern people and I know that well for my dad, bless his soul was a Regional Court Magistrate (like a district court Judge in American). I can tell you it was utterly impossible to lie to him without dire consequences for he could smell a lie from his years on the bench and so it proved. He was also a very fair man who always listened to our explanations patiently before dispensing summary justice (well deserved I assure you). That is another rule of law which we adhere to. *Audi alteram partem* or *hear the other side* before making a decision. That is why both sides get the chance to speak to the court and ask the witness questions. The court itself is neutral as is the law and will only ask questions when it needs to understand something. My German and French clients don't understand this way at all. Apparently their Judges get stuck in whenever they can. And good luck to them. If it works for them it works for them.

* Must say my American Patriot also does not like the idea of non-jury courts and dismisses my idea of my ugly face being a problem or could be a problem as cr-p. Jury duty is a right and an honour for every citizen she says. Well, you know she is Mrs Always Right and I know what is good for me too.

We have the higher courts (formerly known as Supreme Courts) with inherent jurisdiction except it seems these days on constitutional matters. The men on the bench called Judges and have different ranks up to Appeal Court Judges who are genuinely clever people. Inherent jurisdiction means they can judge whatever they please to judge. Usually it is the most serious offences or cases though.

The lower courts are creatures of statute without inherent jurisdiction and the men on the bench called Magistrates. The limitations are set by law in private cases but not in criminal law. These men are experts in criminal law and judge serious crime like murder and not to be taken lightly. They have the same qualifications and law degrees though Judges tend to come from the barristers and Magistrates from the State Prosecutors or DA Office in American. Very few Magistrates actually passed their bar exam but this should not be held against them. They only took a different career path and on their fields they are very good.

The other major difference is that South Africa and most surrounding countries differentiate between attorneys and advocates same as the UK with its solicitor's and barristers. They have the same degrees but different training and both write a tough exam to become members of the either the law society (attorneys) or bar council (advocates). There are rebel advocates around who belongs to their own council but I do not know them well or use their services.

* I think this will soon change for it keeps the profession "closed" and the American system will be followed. No problem with that to a certain extent.

You, the client, cannot, by law, approach an advocate directly. You must go through the attorney which causes a lot of stress for the attorney to collect the advocate's fees and leads to double fees being charged for both must be paid by the client. However this is a good system for the two don't mix well. Attorneys by nature are not higher court animals and advocates are. They are specialist litigators and you find them in the Higher Courts doing plenty talking and let me tell you, taking tremendous strain for the Judges are bound to ask questions which they have to answer.

I sometimes think the Judges are lonely and their need to talk to you is distressful in the extreme. The advocates deserve good money for what they do for any weakness of knowledge is exposed in full view of colleagues and the public. It is a tough life. Even they have different rank from baby junior to silk or senior counsel (Queens Counsel in the UK). They then have the right to write SC behind their names and charge exceptionally high fees. They are exceedingly clever people though.

All the above is used in this book sometimes as lawyers in the American sense of the word where you have a man who obtained his law degrees, passed law school, wrote his bar exam and is now practicing as a lawyer for his own account. Technically it is wrong to use it like this but it would be even more boring not to. I am sure you know what I mean when I say lawyer.

All lawyers as a general rule wear robes in court. The robes don’t look the same and is divided into different ranks of seniority. Courts, whatever their jurisdiction is a very respectful place and very traditional. There are no shouting or other disrespect shown and you need your wits to survive never mind legal knowledge. It is the way it should be for a court is the ultimate expression in the search of Justice. This is important for you to remember because the court will protect you against your worst enemy's lawyers. They may bring you before court (we will get to that) but they will not be able to humiliate you in the court as most (read 99.9%) of Judges or Magistrates will not allow such behaviour. They are very correct men in the German sense of the word who expect and demand that everyone in their courts stick to the rules of civil behaviour. Even the worst mass-murderer of children is treated with respect and a lot of lee way.

This is important for the myth exists (it is created by Hollywood and the likes) that the court is a place of utter humiliation and people need b-lls of steel to go there. Yes, if you start lying to the court thing will get tough for you. No doubt, for the search of justice is sometimes brutal. I assure you though that you will get your chance to speak and to state your case in your language of choice and be treated humanely. Thus the threat from the arrogant ones of "*seeing you in court*" is very much an empty threat. Just make very sure you get there on time and are dressed in your Sunday best suit and you have all your documents with you. We will discuss court behaviour a bit later in our book.

The difference between Private Law and Criminal Law

It is rather important that you understand the difference. Private Law is much more complicated and encompasses a much wider field than criminal. If you look at a wall one hundred yards long and fifty feet high and you take one brick out of that wall you have Criminal Law. The rest is Private Law which divides in this country at least into Commercial Law which is everything to do with business and Intellectual Property. Further it includes everything from marriage to divorce to delict which translated to a wrongful act and known as torts in other countries. Obviously all contracts fall under Private Law which is sometimes referred to as civil cases. I deliberately don't use that word because it causes confusion between the Civil Law Systems and the Common Law Systems we discussed before.

The terminology is different between Criminal and Private Law. For instance in Criminal Law we talk of the accused against the State with a State Prosecutor or DA Office in American. This is where defense council comes in to act for the accused which may be an attorney or an advocate or both. In Private Law that terminology is replaced with Plaintiff versus the Defendant or Applicant versus Respondent in applications or notices of motion.

In Private law the fastest process of obtaining relief for your client is called Application (Motion) Procedure and the best known example would be an interdict or injunction in American. Thus the person asking the relief is known as the Applicant and the opposing one the Respondent.

Occasionally, in very specific cases, the Respondent doesn't even know about the application until it the order against him is granted. This is called *Ex-Parte* applications but in fairness since the law is neutral the Respondent will have his day in court to argue why the judgment should not be made permanent against him. Most importantly here is that it is almost always without human witnesses and judged only on the papers in front of the court.

The longer process in Private Law is via summons where the Plaintiff sues the Defendant for whatever relief he needs. This will be the classic divorce cases or damages based on delict as you see on television with witnesses. It is a much longer process and in you will seldomly be in court within 3 years from date of summons in the High Courts. Why? I say law is not rocket science but in practise it becomes exceedingly complicated and the process bend backwards to be fair to everyone. Thus it takes time and the courts exceedingly busy. But have no doubts. The wheels of justice are slow but it keeps on moving. Even in Africa.

Further the jurisdiction amount which the court can act on is limited by law for the lower courts to less than R100g (10g USD). The High Courts as you know has inherent jurisdiction on any amount. However, many of the contracts you sign stipulate a choice of courts so this is not fixed in cement. It may be wherever you agreed to.

The Higher Courts take longer but is much more expensive which is a nice tactic for our worst enemy or so they wrongly believe. Wrongly because nothing prevents you to act on your own behalf and thus the money comes from their pockets and not yours at this stage as their lawyers wants to be paid as the case goes on and not at the end. Lawyers never work on risk unless there is no risk as with certain claims against the road accident fund. Generally speaking though lawyers want to be paid for work done as it is done! It improves cash flow and no doubt spare the client the shock of one huge amount.

Certainly if you lose a private case in South Africa you routinely end up paying the legal costs for the winning party also. This is to reduce reckless and silly claims and a great favourite of your worst enemy to threaten you with but essentially it is an empty threat. The worse than can happen is you don't have the money to pay and is sequestrated. I am tempted to say this is no big deal and sometimes desirable for reasons which we will discuss later. Point is you are not worse off than you were in the beginning when you had no money to pay to pay the original claim. In the meantime you may have found another income and are able to settle the matter.

Your worst enemy is always worse off though. They not only did not recover the money they lend to you but now have to pay their own lawyers throwing good money after bad which is bad in business. It is not to say they will win in any case and (gulp) sometimes they do lose in court and is then hammered with legal fees for they can afford to pay and for the sake of their so called reputation have to pay. You multiply that with tens of thousands of former clients and it will start to hurt and perhaps their arrogance will come down a notch or two.

This is a legal tactic which your worst enemy love to use against you. They bargain on the fact that they can afford lawyers and you cannot and thus are at a huge disadvantage and will rather be pushed around. That is the system traditionally.

The procedure between an application and summons is vastly different but fair. Everyone has a chance to speak and to cross examine witnesses during trial. The Laws of Evidence regulates what is allowed and what not but even that differs in difficulty for you need a much higher burden" beyond reasonable (note not all) doubt" in criminal cases than the private (civil cases) it is based on "the balance of probabilities" which is much easier. Why the difference? The sanction or punishment in criminal cases is not just money but your freedom (jail) or even death (not in South African anymore) which is deemed more serious and thus a heavier burden is placed on the State to prove the case.

The law is neutral and the Judge will look at both sides before making any decision and he will be neutral also. That is why the State pays his salary and not the bank. You can trust South African Judges to be strict but fair and very experienced. It is not an easy road to become one and they deserve the respect they are treated with.

Statistics shows that the odds are actually in favour of the one defending a matter. However, I say again that if it is at all possible to pay your debts or be debt free then do so. That is the only sure way of winning this mêlée. It stands to reason that if you do owe the money and your worst enemy follows the correct procedure they will win in the end. However their victory is often empty as they failed in their first objective which is to recover the money. Only lawyers win from trials which is why we always advise to settle the matter and avoid trials as much as possible. It is simply not good business for us to waste time in court. We will look at the tricks of settlement later in our book. There is other knowledge you need first.

Always remember that if you say something or alleges something in law you must prove it and to do that you need independent witnesses testifying to your version. Further if you introduce a piece of paper you need someone to explain what that is. A human body always goes with paper in court for it cannot talk on its own. The reverse of this is also true. That what you do not deny will be seen by the law as admitted. Therefore if your worst enemy says you owe them x amount you deny it. Sometimes this starts what we call a paper war and enriches the lawyers involved. It is one of the tactics you can read about in my other book *Tricks of Trade - Memories of a Rogue Lawyer*.

We will not be bothering ourselves with criminal cases in this book too much for your problem is purely in private law. Your worst enemy may try to involve the criminal side of things by laying a criminal charge against you under the credit act (like in removing your goods to another address without telling them) or whatever else they can think off. My advice is once it becomes criminal getting yourself professional assistance and you can do so on the State's costs with public defenders etc. You may also lay criminal charges against them if they fail to abide by their own rules as you will read a bit later.

Let us look at the processes in general which is followed in private cases.

This just an overview for it is impossible to teach you how to become a trial lawyer without years of training and you need a killer instinct which may not be natural to you. Still, you need to understand the terminology and steps followed which is not rocket science. Ironically your worst enemy will assist you unwittingly for they have no other choice.

When I started the book I thought of going in great detail into the Civil Procedure Act and explain exactly how to defend yourself but I realised that would be impossible given the variances of factors in each individual case. It comes with experience only.

The agreeable thing about being a non-lawyer defending his rights is that the court does treat you with much more sympathy if your pleadings are not 100% correct. They know you are taking on Goliath so to speak and are not claiming to be an expert. There is no law which prohibits you from defending yourself though of course it is unwise to do so. In this case you may have no other choice.

There are always three parties involved with pleadings. You as the defendant are one. Your worst enemy as plaintiff is number two and the court who issued the summons is number three. All original papers always go to the court file for evidential reasons. How do you do that? Very simple. You deliver all three documents first to your worst enemy on the address of their lawyers given in the summons and they sign for all three documents and keep one copy. The original goes to the registrar of the court who signs for it and on your copy. Sign means to stamp it with the official stamp writing the date and time on as well. You keep your signed copy. This is called service of pleadings and the pest of all article clerks who do it daily as cheap labour. If you read my book *Tricks of Trade - Memories of a Rogue Lawyer* you will know I have a very low opinion on the abuse faced by article clerks in the profession.

As background we agree that the debt is created and for some reason you cannot pay. Your worst enemy now starts to push you around. First with calls and emails and texts and then with threatening letters! They will also freeze your account immediately with whatever money is inside it. They may even take money from your other accounts (at the same bank) and use that to pay whatever they want to be paid right now. When all that failed to recover the money the actual legal process starts which is always the same as below as it is prescribed by law. If they do it any other way it will count greatly in your favour. This is not rocket science.

First a warning letter that they will act as prescribed by the Consumer Protection Act which may or may not be incorporated in the formal letter of demand. Then a formal letter of demand which must be sent by registered mail to you given address as per the contract you signed. Sometimes the hounds from hell send a *quasi-legal document* disguised as a summons or similar to you. An expert will immediately recognise it as a fake and I am not convinced that it is a lawful tactic under the Consumer Protection Act. I am reasonably sure a test case on it will follow soon and the use of it banned. It may also be a criminal offense if it looks like a summons and pretends to be one and is signed by a non-admitted attorney pretending to be one. I am certain someone somewhere is going to lay a charge of fraud against such a company with success.

There exist special summonses which we will deal with later. Sufficient to say that the summons is delivered by hand by the sheriff (who we will also deal with later) for which someone must sign but this is more complicated and open to wide abuse. This is also something we will look at in detail later on. For now let us say the summons was issued and is now in your possession. It reads like a story book. Which court, who is the plaintiff and who is the defendant (you) and what they want in the particulars of claim plus the prayers (what they ask from the court) at the end. It will also give you time limits to respond in and the address of the lawyer involved.

You may now defend the summons by delivering a notice of you intention to defend the matter and also within a reasonable time your plea. In your plea you set out why you say you are innocent and it follows a prescribed pattern. In my time the Plaintiff now could ask for further particulars but with the latest changes to the law this happens much later just before trial these days. Probably an attempt to speed up the process for justice delayed is justice denied. Apparently this is called declaration now.

Once pleadings are closed a court date will be applied for by your worst enemy for the one who issued the summons is dominus litus meaning he has to drive the process. Failure to serve your pleadings will lead to what is called a notice of bar where you have a few days to either do it or be barred from doing so.

This is good news for you as it means you will always know what comes next for the bar notice will tell you. That is why I say your worst enemy will help you during the process even if unwillingly. Bar notices works both ways since law is neutral and you can force your worst enemy also to deliver what you want. Personally I consider the use of a notice of bar as the very last resort but that is me who tried to deal with colleagues in a proper manner. I am pleased to say my legal consultancy outsource all litigation as we consider it a waste of my clients time and money and worse, our own.

You will be asked and ask yourself for discovery of evidence intended to be used in the coming trial. The evidence will usually be the documents you signed and prove that you did not pay or that you did and they made a mistake. Once again it is impossible to state all the different evidence as it depends on your case.

Just follow the basics as discussed here. There exist many law clinics where you can turn to for assistance with your pleadings. They are on the Internet.

Obviously this takes time and time is something your worst enemy don't have. Consequently the law allows them to start off with a faster procedure called application for summary judgement after summons is issued. Usually in their arrogance they think you have no genuine defense in your plea and they will apply for summary judgment as a matter of course. Or if you do not defend it something called default judgment.

There is seldom any witness involved during this stage and all is judged on the papers in front of the Judge. You have to attend this as well and if you lose you have problems. Obtaining a judgment against you is serious trouble for you as they now have 30 years (10 in America so my clients tell me) to harass and hound you and to sell your assets to recover their losses. Therefore if they obtain judgement a warrant of execution against your property will follow. Or they may attach part of your salary under an emolument order if you have a job for that means nothing if you don't have a job to start with.

Also if you don't have anything for them to sell their hands are tied. The threats go only that far in practical terms. It is one of the greatest abilities of top lawyers to know when to settle and when to stop throwing good money after bad. Most banksters do not have that ability as their record proves and besides it is not their money in the first place. Being arrogant they often don't listen to their own advisors who then shrugs in contempt and keeps on making money or if he is able to, walk away in disgust.

In lower courts you may also be called to the so called debtors courts to show the court what you can afford to pay off or not. We will deal with separately.

Note you can never be send to jail for failing to pay your debts but you can be send to jail for ignoring the courts order to appear in the court. That is called contempt and serious. You must appear.

Just before trial a meeting takes place called a pre-trial conference which is generally at the senior lawyer's offices and you will know about it for you will be informed in writing. Mostly settlement is discussed and you must attend. Since the meeting is arranged you can come to an agreement on a mutually acceptable time and place. It will not postpone the trial date so it is of no use to you to play around with dates. Attend; make note of what is said and leave.

Let us say the very worst happen and you have nothing to be sold then your worst enemy may apply to have you sequestrated or your company declared insolvent (bankrupt). Same thing but different wording! It is an empty threat mostly for by that time they still got nothing of value for whatever they get can never be sold for more than a fraction of its value at the independent auctions. They may even end up paying not only for the costs of the application but for your other debts also. That is the ultimate irony and happens quite a lot. You have the chance to start afresh and it is known fact that most millionaire businessmen are sequestrated at least once in their lives. There is no shame at all going that route. Sometimes (you know what) happens in life.

We will deal with all above later on as well again. I release it sounds a bit complicated. Let us carry on to more interesting things now (as far as law can be interesting of course).

Chapter 3

The professional relationship with your worst enemy based on *sincere mutual distrust*

I don't particularly dislike your worst enemy or creditors despite the contents of this book though I have good reason to do so. After all a local bank only destroyed my law practise a decade ago by unilaterally creating an overdraft on my trust account and by doing that aided considerably to destroy my conventional legal career though it was not the only reason. As you know that is life and there are no hard feelings. I moved on and am much better off now with my legal consultancy or so my clients say anyway. They seem to like my unconventional but effective ways which I call forensic law principles and you can read about in my other book *Tricks of Trade - Memories of a Rogue Lawyer* if you are interested.

Professionally I saw many times how your worst enemy pull in the overdrafts for the silliest reasons and thus destroyed businesses built up over many years by loyal clients. The sad irony is they always get less than a small percentage back by doing so if anything at all. If they accepted the win-win settlement (which we proposed) they would have recovered all their money with interest (profit for them in other words).

Your worst enemy is too arrogant to realise what is rather obvious and tend to threaten more than anything else. That story they like to promulgate of "*come and talk to us to find a solution*" is just that. A myth and utter rubbish in the real world! They only settle when forced to do so and act like prima donnas whilst doing so. Reminds me of spoiled brats to be honest! It is the wrong attitude to have as we will see and it is costing them millions if not billions and still they do not learn. As said it is always easy to play with other people's money.

Since I moved on I recommended that same bank to my clients to use in Africa for they are the best in certain fields and most importantly big enough to be sued for millions if they do something (anything whatsoever) wrong or illegal. After all it is "*just business as usual* "to use their own words but for my clients sake I pray that never happens. My clients I can tell you are not nearly as forgiving as I am by nature. They will sue and take them to the cleaners if possible. Just business as usual you know. It is not personal at all.

Nothing you read here is unlawful or even underhand and even though I am severe with my views on banks I can back it up if needs be. This is precisely what your own lawyer will advise you to do or take in consideration for it is the way the debt collecting game is played. The difference is you don't need to pay for my advice. I feel if this book can save a family from standing next to a freshly dug grave (and still face the hounds from hell for now they will go after the late estate) then it was worth my while to type it and for you to struggle through it.

I know how it feels when you lose your high paying job or income and suddenly your friendly bankster turns on you with a vengeance which is difficult to believe unless you speak of experience. It shows their real colours and if you look behind the mask of respectability you find what I call the cemetery principle. This is important so if you allow me let me quote from my other book *Tricks of Trade - Memories of a Rogue Lawyer* in this regard to illustrate what is meant by this:

"The cemetery principle

I say that law offices in general remind me of a cemetery. Such pretty headstones and gardens with decomposing flesh in the inside which smells quite badly when uncovered. Let me explain to you in practical terms. I visited many law firms in Africa and guess what I found in most cases? A beautiful reception area with many consulting rooms where the public are regaled with original paintings etc. You even get genuine coffee or ice cold soft drinks if you ask. It looks like a five star hotel and put the fear of God in me for I wonder who pays for such luxury? And how much personal attention you get? For those things cost money and a great deal of money for they are all situated at the right address with enough parking spaces for the clients. Obviously these lawyers never bother to go to their clients. They are way too important to do that.

Some may now say they are too busy and that shows to me you don’t know how to manage your time. A client deserves attention and his time is more important *than yours for he pays the bills. But then I am cynical for I also saw the part you as the public don't see. Lawyer friends working like slaves in little (read nasty) cubicles under conditions which can only be described as pitiable. They don't even have their own office despite the fancy business cards and titles. It is shocking.*

It is also rather ironic for I would have thought that lawyers sometimes discuss sensitive matters with his clients on the telephone. In fact I know they have to do that all the time. And I wonder if their clients know their conversation is overheard by many others. None of them ever uses encryption or vetting processes or take care to police their offices after work so that the cleaners don't read the files lying around. Something we do as standard but our outlook is different."

Is your worst enemy any different? No. I have also seen the working conditions of their employees which is appalling. Poor things sit in little cubicles sweating away trying to meet impossible targets for a miserably small bonus. Debt collectors are treated even worse but we will get to them also if boredom doesn't get you first.

For companies making billions this is hogwash. What need is there to treat employees like that? Are they run by the accountants whose bottom-line overrides everything else? I don't know for banksters are smart enough people but it puzzles me when a company making billions in profit decides to reduce staff as happens every few years. Ironically it is good investment strategy to have layoffs for it increases the profit margins. Investors love it when the "*useless mouths are cut out and the slaves learn to respect their masters again*." Just look at the share price when that happens. Mostly it will climb after layoffs and the above quotation is something I heard in very senior banksters' offices years ago. Obviously I dislike calling anyone a slave for it is insulting and for his sake let us be nice and say it was meant as a joke.

We have a saying in JKLS that the only good an accountant can do as a CEO is to reduce overheads at the detriment of staff goodwill. They do not have the mental outlook to realise that staff (loyal employees) are the backbone of the company and what makes it work. The company itself is a legal myth and consists of a few files gathering dust in a company registration office with numbers on it. It is not a human being or even alive but a legal entity taking on the rights of a human but it is still a myth created and protected by law. By itself, without humans, it is nothing but a file. It has no life. It is a myth and a "legal fiction."

Any military man who attended staff college will be classified either red or blue meaning whether they think he would be a good logistics (support) man or combat leader. The Australians (after suffering horribly under British staff officers up to the end of World War One) will not allow a staff officer to command their combat units which are brilliant thinking for the two don't mix. As a bit of a history boffin I can tell you that the famous German tank commander, Field Marshal Erwin Rommel, placed all his logistic problems on the General Staff in Berlin. When asked how he would be supplied across the Mediterranean Sea (a Royal Navy domain despite Mussolini thinking otherwise) he simply said "*that is your problem*."

It is a matter of each to his own and does not reflect badly on the accountant or the staff officer. We all have strengths and weaknesses and I am not picking on accountants before they become long haired liberals and complain. Each to his own! Legal men are just as bad as CEOs for other reasons and the very worst in my experience is HR men. My point here is you need to understand what you are dealing with when borrowing money from banks known as your worst enemy. Do not be fooled by their fake smiles and the courteous treatment you receive at that stage. It is their business to make money on compounded interest and to do that they *MUST* loan money to you in order to survive. Otherwise they will be out of business within a couple of months. In a debt free world they cannot survive.

The truth is that they simply cannot afford not to loan out money for they need the interest payments on it. Hence they run fancy advertisements inviting you to apply for easy terms and that you are a valued (honoured even) customer and the helping hand and other cr-p. They will even increase your overdraft or credit card limit after a while (automatically they say but in fact not but part of their strategy to get as much out of you as humanely possible) and upgrade you to gold or platinum or even private banking status to make you feel you are indeed an honoured client which you are not. It was Dr Goebbels (the Nazi propaganda minister) who said if a lie is told often enough it will be believed as the truth. As a matter of historical interest it was also he and not Winston Churchill who first mentioned the "*iron curtain*" in Europe but that is beside the point.

It is all baloney and just a marketing trick to increase your debt meaning the compounded interest they make out of you. Besides impressing your Date there is no real difference in bank fees or interest based on the colour of your credit card. The extend of your exposure when borrowing more as the colour changes makes up for any reduction in interest. Your worst enemy never do you a favour but always take care of business first. We must admire that in them. They will get their pound of interest somewhere.

They cannot even explain in a language which we understand how their fee systems (they have many) work. It is too complicated for normal people and guess what? In South Africa you, the client, pays for deposits. This shocked my overseas clients beyond believe. I wonder how you explain that when you are making billions in profits? Must be a Dr Goebbels technique!

Your worst enemy is no worse or better than the loan shark around the corner although they are theoretically subjected to many more laws and (supposedly) higher standards. We will look at those laws in due course for it is to your advantage to know them. The only real difference is one of perceived trust from you, the former honoured client, now something akin to satan, who placed more trust in them than the loan shark to your own disadvantage. I always prefer to negotiate with the fellow who don't hide behind bullet proof windows and red tape and company policy or have overpaid lawyers to do his dirty work. You know the animal you deal with and it is to be respected. You know the loan shark will act like a loan shark. Most clients tell me they never expected their bankster to turn on them that quickly and with such a lack of decency. It is indeed a wake-up call of note.

But then your worst enemy likes to pretend (and they are exceedingly good with it) to be the "*helping hand*" and the "*friend of the common man*" which is also cr-p. It is just business as usual and a dirty one at that too. They are not your friend and never will be. They are your worst enemy and don't you forget it.

Compounded interest means they charge you interest on interest and thus make a lot more money out of you than you realised when you signed the contract the Pretty One gave you with a big fake smile. Did she tell you that when you pay your house loan or bond (mortgage in American) you will only pay the interest (bankster profit in very simple terms) for the first seven years and not the actual capital amount which you borrowed? Your house by the way is not an asset unless someone else pays for it! Assets brings you money and if not it is a liability. Another thing which rich people knows and poor people don't.

We will discuss in detail later on how to repay debt in a way which makes it much more economical to you. Your worst enemy will never advise you to do it in this way for they stand to lose money. They dislike it and have penalties build into their contracts if you pay them off too soon. It is inherently unfair to you as client to be punished for paying off debts sooner than later. And if you are punished for doing so the question arises. Why? What is wrong with paying of a loan sooner? The answer is the compounded interest; your worst enemy makes less interest out of you. It is just business as usual.

Therefore, if we come to an understanding that your worst enemy are not interested in your welfare but in your wallet we understand that you have a professional relationship with them. In other words trust them as far as they trust you behind their fake smiles. Startlingly they trust you not an inch. Naturally it is just business as usual and not personal. It is a relationship based on a *sincere lack of mutual trust* despite what they tell you or the denials which will follow if you ask. Let us look at their actions to explain this view.

Their lack of trust in you is seen in the way they want collateral for everything and how their one sided contracts read. As an example take a good look at the standard overdraft contract between you and your worst enemy. It is so one sided that you will never sign it if you read it properly. It got so bad that a law had to be enabled to force them to write it more evenly and in plain English. We will see later on if that are actually abided with. I think you know the answer already.

Regarding collateral your worst enemy will ask the Holy Ghost for a character reference and heaven as surety before granting one dollar. They will even then try to valuate heaven at a less than a fraction of its real value with their own "*independent valuators*" who just happen to be paid by them making the independence part a joke. It is just business as usual to them and taking care of number one. They are also said to have an unfair advantage here since no lawyer is to be found on the Heaven side of the fence anyway. An old lawyers joke and unfortunate for most lawyers are very decent men.

Long before the latest Acts came into place demanding more compliance of your worst enemy to ensure they are not laundering money they also asked for you Identification and you water & lights (utility) account before dealing with you. Why is that? I can understand the identity book for in law you must have the real and correct names of a client for your contracts. But the water & lights account? It shows to me a sincere lack of trust and it was always present. The new Acts changed nothing in that regard.

I have more than two decades of experience in law and I don't understand all the terms and conditions in those contracts. How can you who are not trained in law be expected to understand it? The fact that you are educated means nothing and let me explain why I say so. The other day I had the honour to read something my American Patriot wrote and whilst I understood the words since it was in English I had absolutely no comprehension of it. I just could not understand the abbreviations and terminology so I cannot tell you what she meant even if my life depended on it. It is the same with a contract which you don't understand.

Your worst enemy will naturally deny it but they like it when you act like a sheep and just sign what you fail to understand. By law they are supposed to explain it to you but I want to make you a bet. Go to any Branch of your local bankster, meaning the Pretty One giving you the contract to sign, and ask her to explain the exact legal terms in that contract in plain English and she will not be able to do so. Nor will her Manager who she will call after a while. Then they will get dismayed with you for being "*clever*" and tell you to sign or go away for "*company policy demands that nothing is changed*" and besides "*the computer* *said so!*" We will look at the structure of your worst enemy and see if their internal policies are really legally approved by Congress, God and whoever else needed to be the only sacrosanct law which is unchangeable and the last word which no-one dares to change. I think you know the answer to this one too. It is ridiculous.

Next time you walk into your worst enemy's ask them to explain to you what the "*in duplum rule*" is (you will know for I will tell you later). Or all the other fancy Latin terms! They simply have no clue and are too proud (read arrogant) to acknowledge it. They will fail every audit on this but then who is in charge of internal audits on this and is it done properly? I would not know and don't give a (you know what) either if you saw Gone with the Wind. If not educate yourself and see a good movie when men were men and proud of it.

I do know the results of such questions though. I remember with a cynical smile when I opened my Trust Account for my law practise in 2000 I approached all the big local banks and not one understood I did not mean a cheque account for the legal entity known as a Trust. They all asked for the Trust Deed which showed a complete (and horrifying) lack of understanding law. This was in the heart of Johannesburg which is the business hub of Africa and you really expected them to do better than that since 80% of all lawyers in this country are to be found there. They don't even have a defense in law for they pretend to be the experts and should know better than you reading here who is not pretending to be an expert. I think today that was probably a warning to me to sell cars or do something more interesting than law. However, as you know, no man ever listens and cannot do two things at the same time either. I am no different except that I know it.

Professionally I saw the same when we met with their lawyers that they don't understand either and sometimes are puzzled by the clauses which indeed makes no sense or are contradictory as it was adapted through the years. To prove this point read of all the newspaper articles where your worst enemy lost cases in court. I have to ask, and we discussed this in detail in *Tricks of Trade - Memories of a Rogue Lawyer,* why then waste money to go to court if you cannot win? How does that lawyer or manager who authorised him survive the board of directors (who are looking after the interests of the shareholders apparently) afterwards? I just don't know and it is not for me to answer on their behalf. Just keep in mind if you please that they and everyone else take care of number one and that will never change. They are your worst enemy. It is a jungle out there and to level the playing fields you should also take care of number one. Which means pay you first and ring-fence your assets. Also live debt free to reduce your exposure to your worst enemy. The law is neutral. It is for you to use it or lose it. Your choice!

Have you ever noticed how ridiculously small the font is on a bankster contract? I assure you it is not that small to save paper for your worst enemy makes record profits. They can afford to print another few pages. It is to make it difficult for you to read and an old lawyer trick. Naturally they will deny this but I ask. Why keep on doing it then? Make your contract easily legible then and prove me wrong. Comply with law or face the consequences.

Never forget my dear reader that once the contract is signed your worst enemy will enforce it. They know exactly what your financial position is from the application documents which always includes and *income & expenditure statement* as well as a nice *list of your assets* to be sold for a fraction of its real value. They don't ask those details out of boredom but for *divorce proceedings* later on. They are already distrusting you so much that they need to know how to pounce when needed. It is just business as usual you know. Not personal. All good lawyers start a contract with the "*what if things go wrong*" principle and draft accordingly. I even wrote my eBook *The Circle of Life* because of the reaction I got from a couple who came to me for an antenuptial agreement and I wanted to talk about divorce before they got married. The looks I got were interesting but you can read it yourself.

Every now and then your worst enemy will sit down with you to update your portfolio. Now you know why. They want the latest details to protect their own interests and increase your exposure to their whims. It is just business as usual. They have a duty to protect themselves against you.

Remember if you lie on those application documents you commit fraud. Don't ever do that for they can then arrest you via the police and they will. I used that tactic I am depressed to say with good effect when I still acted for them many years ago. Once you have the defaulter by the (you know what) it is easier to force a settlement through which totally suites you. The sad part is that a good settlement is where *both parties are most unhappy*. Then no-one won and the fight stops there. Otherwise one will take revenge somewhere down the line. It may even be overripe bananas every Christmas or worse.

* A client asked me where I come to the words "*a client who defaults is not a client but something akin to satan who should be humiliated and hounded.*" The answer is I actually sat at meeting with top banksters years ago and they used those very words that "*a client who defaults is not a client but something akin to satan who should be humiliated and hounded*" to explain their tactics to me. To them it is only a game which I find short men play all the time when they believe they will get away with it. Like all spoiled brats they dislike it intensely when the heat is turned on them and they will hide behind the myth of red tape and the law for as long as they can.

Next time you go to court with them subpoena all their top men to appear in court for you to cross-exam and see how they react. They will start another court case to keep them safe behind the doors where you supposedly cannot humiliate them in return. It is just business as usual you know. Speak to my lawyer. Or, the account is with Legal and I am not allowed to discuss it with you. Or, it is out of my hands now. Or, I will send the papers to court which is the cause of this book as you know. We heard it all before but as we will see later on they have even less protection from law than you do. They are very vulnerable in law for they work for a listed company which makes them excellent targets if they want to play their games with the wrong man. The best news is they do have the money to pay when they lose and you, as a ring-fenced man, are virtually untouchable. You may also be so poor, the so called *man of straw*, that no matter what they do they will not get any money out of you.

But it is not a game! The sad part is that to you, the man going through hard times and trying to keep his family together it is not a game. Your friendly bankster has turned into your worst enemy and will push you around as much as he can from behind the safety of his lawyers and debt collectors who as you noted I call the hounds from hell in an affectionate way. After your initial shock you need to decide if you will push back or not. It is not an easy choice or as someone said to me very easy depending on your mood.

Many defaulters are so down in the dumps that they just don't have it in them anymore and some commit suicide leaving their family exposed for the hounds from hell will go after the late estate. That is no answer. Don't give the banksters the satisfaction. Push back for you never know what tomorrow will bring. Have faith and remember fear is from satan and the opposite of faith. Not even God can help you if you live in fear and in addition banksters are wankers hiding behind the lawyers and the myth of red tape. They are most definitely not super men or above the law. No human needs to be feared according to the good Book.

The reverse is also true and I had clients who swore they would massacre (they don't see it as murder) the banksters with their families and sadly it happens. Every now and then you read of a lawyer or a creditor shot dead by a defaulter. As sad as that is I can quite understand it for the pressure they put the defaulter under is designed to break him. Some men break apart in different ways than expected and turn the heat on the persecutors. I beg you to refrain from such behaviour. Keep in mind if you please it is only business and such action can never be justified. Not now and not in the afterlife. It is just business as usual and to make it personal is the worst thing you can do. We will talk a lot more about the state of mind of the debtor or defaulter or in the words of our friendly banksters "*something akin to satan*" at a later stage.

From my own unhappy experience I can tell you there is nothing more shameful to a good man than not being able to feed his family. It is the very worst place to be in and I pray that it never happens to you. Suddenly your "friends and family" ignores you and the people you helped in the past turn their backs on you. This is life! No use whining like a long haired liberal about it. You have to carry on and be number one so that you can, with the grace of God, stand up and be the provider again. Sometimes that means to push back if only to buy time. Many clients told me pushing back gave them their manhood back. They may have lost everything in the end but they did it the old Texan way.

Spectacularly! They may be broke but they have plans for the future which does not include their worst enemy.

I have never heard of a client once treated like something akin to satan who goes back to that bank once he is on his feet again. Ironically the first bank always loses for the second bank deals with a much wiser man who will probably never make the same mistakes again. Do you know that a very well-known investment house did a study on debt defaulters and found that the men who went through the school of hard knocks and survived are much less likely to default again than the average employee who earns a salary and have a "*good" credit record?*" That means beyond doubt that the defaulter is not a bad future risk. Even though your worst enemy commissioned this report and paid millions for it they seem to have dismissed it in their arrogance by saying they don't want you as a client again anyway. Really? How will you survive if you don't beg people to accept credit from you? What other services do you offer which is worthy of the fancy paper they are written on? Absolutely nothing!

I understand where your worst enemy are coming from and remember I mean all creditors when I say your worst enemy or banksters. Fact is they did give you the money under the terms and conditions which you did agree to. No one forced you and as a matter of principle I believe debts must be paid. Thus I have no problem with them taking care of number one for they are exposed and have a duty of care by law to protect their own interests. This is a professional relationship as said before. It is just business as usual and your worst enemy are needed like I suppose mortuaries are needed. They are essential because debts (loans) can be useful in business. In simple terms it gives you increased cash flow to expand and it shows your company is in debt and thus reduces your taxes. Thus your worst enemy have a place in modern society and must protect his own interests. I also understand how angry I get when I am not paid on time or have to write off money because of it. You probably are the same as me. No one likes to be taken for a fool and a ride.

I really don't want to advise my clients to carry bags full of cash into Africa when the modern South African banks are able to assist electronically better than any European bank I ever saw. We need them in real life. Having said that, no bankster will ever be able to convince me or my clients that they know everything of business in the real world! They really should stick to banking only on which they are exceedingly clever. Making business decisions on behalf of their clients, soon to be (you know what) of satan, is always disastrous.

Do you read autobiographies of the financial tycoons? The people who made it very big in business? Very few of them ever praise their worst enemy but you find a lot of comments of the time when their worst enemy refused to support him when he had a brainwave! Or pulled in the overdraft because of a lack of guts to stay with the entrepreneur during tough times! Why is that?

Think about it and make your own logical deductions. Something which I assure you women is very capable off even though us men would like to deny it. For instance my American Patriot is as logical as a super computer. Therefore she is known to me as Mrs Always Right since I know what is good for me. I may not be very clever but I am not stupid either.

A question to consider and keep in mind before you starts to feel sorry for them and do the "*right thing*." What happens when your worst enemy go down because of mismanagement if not plain fraud as happens now and then? Are they hounded and threatened round the clock by lowly paid debt collectors acting like the hounds from hell? Are their vehicles and other necessities in life taken and sold for a fraction of its value? Are their widows thrown on to the street? Most often not for they are surrounded by the best lawyers and spin-doctors who will accompany them (reading holding their greasy hands) at nice gentlemanly hearings years afterwards when the initial fuss died down. A few directors may or may not get a golden handshake (how nice) and a few lower middle managers or traders may or may not end in a minimum correctional facility (too nice to be called a genuine jail) for a few years.

* I love traders by the way - they are my type of men and full of guts above all else. When they go down it is always spectacular. I admire anyone who can take your worst enemy for millions. They are very clever fellows who got caught and it is always amusing to see the sheepish explanations afterwards and how it will never happen again and that trust should be restored. It is vastly entertaining. We all know the next time is just a matter of time.

It is rather ironic that the private companies (even if listed it is still just a company or corporation) known as your Bank are probably the only institutions in the world which get themselves in a financial mess and begs for tax payer's money to rescue themselves. To add insult they then pay themselves bonuses and shrug off the past with vague promises of a complete overhaul of their systems etc. It must be nice to be a bankster and have the Government insuring whatever you do with tax payer money but let us not start on that again. You know what I mean. It is utterly ridiculous that your worst enemy are treated differently than Mr Average Joe but that is the way it is. Rich people are treated differently in law. Make no mistake. They can afford to play the system with the best lawyers for ages. You presumably cannot for lawyers are beyond expensive for no reason which I can think off for it is not rocket science. You have to rely on a system which can be played and abused and if you want to know how read my book *Tricks of Trade - Memories of a Rogue Lawyer*. What you always suspected is confirmed there. Playing the game is not illegal as such. All is well within the rules.

What bothers me here is the arrogance and abuse which common people face daily by banksters or people like debt collectors acting on their behalf when things go wrong as it does in life. It is the middle class folk struggling with irrational taxes and living costs that are mostly pushed around by your worst enemy. They are the easiest targets for your worst enemy because they have a steady income to attach. Some assets and don't earn enough to be able to afford lawyers to fight back. I can tell you, despite the bluster of which there is a lot you can do. Your worst enemy dislikes it intensely when the former honoured client, now something akin to satan, pushes back and takes them on. They feel that is extremely unfair if not downright ill mannered.

Remind me again who else holds such silly believes? Spoiled brats perchance? Life is not fair so get a helmet. Most certainly it is unfair when a bank pushes you around without regard to common human decency. Against the good Book that is. It will come back to haunt them and I hope to enjoy it when it happens.

We will discuss the legal status of your worst enemy in greater detail as we go along and see where they come from and what their legal structures are. Keep in mind when I say your worst enemy I also mean other credit givers and debt collectors acting on their behalf. Nor do I mean any specific bank. They are all the same animal with different spots. Really! What differentiate two banks? Think about it for I answer it later on.

I named this book *Your Worst Enemy* for a reason. I want you and all others who want to listen to understand the nature of banks and creditors. They are your worst enemy and you can become their worst enemy if pushed too far. It is a warning to the arrogant ones also. As said before, you made that one arrogant phone call too many and this book is the result. It is just business as usual to me.

Your worst enemy are a creature of demand and it is mostly your own fault if you expose yourself by borrowing money. As long as you need to borrow they will exist to help you along and sometimes they do well. It cannot be denied. There are times when that credit may save a life but in truth it is almost always unnecessary to buy that big screen television or whatever on credit. The best advice is to live debt free and reduce your exposure as much as possible. Don't tell me it is not possible in today's day and age. That is a *myth* your worst enemy created. Of course you can be debt free with a little bit of planning and financial intelligence.

Let us see what your rights are under law. We assume for this book you obtained a loan. It does not matter to me whether it is for a car or your house or personal or for what reason. We will look at the different types. You got the loan and now you lost your job or income or something went wrong as it does in life. You know that saying "sh-t happens." Your worst enemy have unleashed their hounds from hell and now it is time to push back.

Let the business begin I say.

Chapter 4

What is debt?

Yeah I know this is a silly question for everyone knows that debt is to owe someone money. In law though it is not that simple and there exists many types of debts each with its own terms and conditions and we will look at them separately. All debt though is based on the law of contract so we need to understand the basics of a contract. You need to have this knowledge to push back. Remember that a debt is also known as a loan and you worst enemy a creditor.

As I often say law is not rocket science and quite easy to understand. The application thereof is rather more difficult for the scenarios change all the time and the more experienced you get the less you have to say. It is said that the most dangerous individual in the world is a first year law student. You are so clever you can solve any legal problem within two minutes and it is a pity that the law professors don't seem to realise your genius. By your fifth or sixth (depending whether you are a fulltime student or not) year you take a few minutes and after 20 years it takes days before you answer. Reasons being that you consider so many different factors in which the first year student never heard off. That saying of truth being stranger than fiction is absolutely true in real life. Your client comes to you with a story so unreal that you just have to believe it.

The application of law is what most struggle with and is mastered (up to a point anyway) by experience and a solid academic background. The more I am involved in law (my whole adult life) the more I am grateful to my professors who hammered the basics into us all the time. From the 443 of us who started in our first year only 8 qualified as attorneys six years later and of them I believe 3 is left in private practise. It is a hard road to qualify and even if your worst enemy is a lawyer that must be respected. They did conquer some steep hills for that title.

I also know that lawyers are seen as not exactly as nice people to be associated with but I will shock you by stating categorically that lawyers never lie despite the movies, books and testimonies saying they do. Their clients may and probably do so often even to them. But trust me on this one. Lawyers do not tell lies. Not in court nor when speaking to you. Nothing they say to you in writing or words is ever personal and you cannot blame lawyers for doing their job acting for your worst enemy and other creditors. It is to them just business as usual and the more you push back the more money they make. They should be grateful for this book.

Let us talk about contracts in general and when I use the word "*contract*" I also mean "*agreement*." It is the same animal. Interestingly not all contracts needs to be in writing to be legal. For instance when you buy fixed property (meaning a house or a farm or a piece of land) it must be in writing. Most other times not though it frequently is but that is not because the law demands it but to prove the contents. In other words for evidential reasons so that the parties knows what was agreed upon.

Why then the difference where fixed property is involved? Simply because property rights are protected against third parties in most countries and to do that registration is needed. Registration is done on paper.

Fixed property is also known in law as immovable property and it gets quite complicated for a man may sell his farm but retain the maize on it as his own to harvest later. The argument is whether the maize, logically fixed to the ground whilst growing, is fixed property or not and the answer is no. It can be removed without causing lasting damage and during the usual course of business is removed (harvested) at some stage. But then what about light fixture or aircon units? Well, that depend how it is fastened to the building. If securely to be part of the structure then yes it is fixed property. I told you law is exceedingly boring and not for sane people.

What does that mean in plain English when we say p*roperty rights is protected against third parties by registration*? Let me explain. Usually when you buy a house you have two parties involved. The seller and the buyer! You who are not party to that agreement have no idea what was agreed to. Thus you as the third party (actually a better word would be non-party) cannot know what property belong to whom without it being reduced to paper and registered at a convenient place called the deeds office where you can research it. That is why property rights are registered down on paper for everyone to see.

Once registered it is protected from claims on it in regard to ownership. It is protected against third parties who now suddenly claim it as their own. The registration office itself is called the deeds office because the paper document bestowing the property on you is called a title deed which nothing but a contract bestowing the property on you. The whole process to transfer the property onto your name as buyer is called conveyancing and is the most lucrative of all lawyers divisions but most certainly also the most boring legal work ever.

Conveyancers by the way write a separate exam in South Africa to be able to become one but this is not true of other jurisdictions. The only thing you need to know is that any contract to do with the selling of fixed property must be in writing to be legal. Otherwise it will be null and void as if it never happened.

When we talk of "*in writing*" we mean reduced to paper. It has to do with the evidence value of it. Even in today's electronic paper age. The court wants to see paper and ink. It will change one day.

What do we mean when we say "*to be legal?*"

Simply it means that the law of contracts stipulates certain conditions or elements in law which must happen before a contract is seen to be legal. If not followed rigorously the contract is defective in law and then a whole bunch of things may happen. In law every word has a *very* specific meaning (in general terms). Thus when the law says something must be there it means it must be there. There is no scope for speculation on it. If not there then it is defective and may be challenged in court. Take note how lawyers use words in contracts to ensure that the meaning is understood.

Let us look at basic contract law to see how the merits of a case are measured

Firstly all parties involved must agree to what is stipulated in the contract. This is called *consensus* in law. Thus it is not good enough to read it or be read to you. You have to understand the terms and conditions. Remember when I read what my American Patriot wrote? I still have no clue what she meant and this is the way it is with most contracts. Many a party to the contract simply don't understand it and is too shy or ashamed or whatever to ask until he understands. There is no other way for once you sign (there are many PhDs on what a signature is) the law, being neutral, accepts and takes for granted you understood what you signed. That is why you make your mark on every page where the Pretty One tells you to do so. It indicates you read and understood the terms and conditions on that page. It also places the burden of prove on you to show to the court you did not understand and you will have to explain why you signed something without understanding it. This will not only make you look foolish but is an uphill battle to prove. *Do not sign what you don't understand. It is really as simple as that.*

I believe drafting contracts as simple as possible and as short as possible which is a good rule. Unfortunately it is not popular for it happens that lawyers are paid for every page they produce and making it shorter attacks the bottom line. You can read about this (legal) tactic in *Tricks of Trade - Memories of a Rogue Lawyer* if you wish.

It also confuses you even more if it is longer than two pages and I worked with contracts of 2000 pages and more which is so boring that you fall asleep just looking at it. Naturally the counter argument is that certain clauses must be there and it is to protect your client. Besides, no-one forced you to sign in the first place and (highly theoretical) you had access to your own lawyers to advise you before you signed anyway. This is all true and legally correct arguments.

Where is the water basin to wash your dirty hands when you need one I wonder? Where is the justice when you use your superior knowledge to your own financial advantage at the cost of the other party? The playfield is not level.

Secondly, the parties must be legally capable of concluding a binding contract. Signing a contract means you must be of sound mind when you sign it. In other words be able to understand and appreciate what is happening around you. So what happens if you are insane and you sign? Or you are drunk? Or someone points a revolver at you to make you sign? Simply, the contract is null and void as if it never happened and the parties revert back to the position they were before the contract was signed. In other words everyone takes back what he gave. In law we call this restitutio in integrum. It must be said other things can also happen like a claim for damages. Or a claim to force you to comply with the contract! I don't want to go into that for it is too technical and not really related to our subject.

What happens if a minor enters into a contract without your permission? This happens more often than not. In my briefing on drug abuse under teenagers called *The Drug Addict Pattern* we deal with this question in more detail. Simply, the contract is null and void for he could not legally enter into it. Some argue that you as a parent may be able to approve and agree on it later (called ratification in law) but the point is that the contract as is, before ratification, is null and void. It has no legal consequences except for *restitutio in integrum* which is only fair. The problem is that *restitutio in integrum* is not always possible and then damages come into it. A practical example of *restitutio in integrum* in this case is where the child sells his mobile phone for drug money. He had no right to sell the mobile in the first place so the buyer must return it and the child the money (which he probably spent on drugs already so you end up buying the mobile back). This is *restitutio in integrum*. Translated it means to go back to the way it was before the contract. As with most of law it is a fair enough system and shows clearly that the law is neutral.

As you can see it is not rocket science. Keep in mind that what you say in law you have to prove in law. It is not good enough to say that you were insane when you signed the contract. The court will want to know why you say that now and will look at independent observations and what you did when you became sane again (called *lucidum intervallum*) and found out about the contract. This happens a lot with old people who may sign their last will and testament (usually changing it which causes the problems) whilst not completely of sound mind. Then the courts have to understand whether a he had a *lucidum intervallum* when he signed or not for in law you can do with your earthly goods what you please. Even your cat can inherit your fortune if that is what you want. We will deal with last will and testaments in some detail later on. Best advice here is not to allow your worst enemy to draft it or be the executor of your last will.

* I wrote a short article on the dangers of having your worst enemy as the executor of your estate after your death. You can find it at the same website as this eBook free of charge. *About your Last Will and Testament.*

Thirdly your contract must be legal in the sense that its purpose may not be against any statute (written law) or common law (unwritten law). Let me explain. Where two parties enter into an agreement with each other to supply and sell cocaine that would an illegal purpose and not seen as a legally binding contract. You often read about a contract killing or hit and it happens a lot. Just the other day I read in the newspapers of a lawyer who was clearly taken out. Technically it refers to ordering the killing and not a contract in writing as such even though in these things I presume (no first-hand experience) that the elements of a contract are all there. Still, it is not a legally binding contract and if the hit man fails to do the job properly he cannot be sued for breach of contract. However this is because of the "unclean hands (Wagoner in American) principle" and not because of the lack of a legal contract. I am sure you get the general idea.

With your worst enemy a new dimension came into being with the Consumer Protection Act in that there is a duty on them now to ensure that you can afford to repay the loan (debt) before they grant it to you. This is to prevent reckless lending. At one stage in South Africa everyone, from gyms to mobile phone providers to clothing retailers decided to get into the loan shark business and offered credit cards to everyone and anyone. The result was an explosion in debt and the middle class became so overburdened that they started to default on a massive scale.

This is rather ironic for traditionally the old credit acts specified that no-one was allowed to encourage someone to make debt or take out a loan. For instance if your worst enemy promised a few months of non-payment (just adding the compound interest and do you no favour at all) or a gift when concluding the contract it would have been technically a contravention of the act. However as time went on your worst enemy started to advertise for you to take loans and become their slaves.

It used to be a big thing to have a credit card here. I remember that in my six years as a Police Sergeant I never once had a credit card for I earned less than a cleaner sweeping floors did at the local beer brewery. When I got a gold card as a lawyer I was so proud I slept with it under my pillow. Today every Tom Dick and his mate Harry who is not a prince I hope have one. Except me! I live debt free and that is way it will be. I see the irony.

The Consumer Protection Act is something we will discuss later on in greater detail and I am not sure if a similar act exists in other countries. All you need to know for now is that your contract must have a legal purpose. Selling your daughter to another man in marriage is not legal by the way. Don't care what your religion says. Law and religion does not exist well together and it is seriously dangerous to think otherwise. We discussed this in some detail in *Tricks of Trade - Memories of a Rogue Lawyer* if you are interested. An eye for an eye will always be wrong.

Fourthly the contract must be physical possible and the performance must be determinable and possible when you sign it. Let me explain. It is of no use to agree to something which cannot be done and more importantly when it must be done. In this book, since we deal with loans or debts, it comes down to how much you loan and when are how much payment due. This usually not a problem and very clearly stated when dealing with your worst enemy. They have the money to loan to you and are able to loan it to you once signed. Thereafter you need to make payments in certain fixed times like once a month or every six months or whatever. That is all we need to understand here.

Fifthly and lastly the formalities of the contract must abide by the law. We have already seen with fixed property the contract must be in writing to be legal. Most of the others are only in writing for evidence purposes and not because the law states it must be. For instance when you buy a bottle of cold drink at your local supermarket you do not enter into a written contract with them but you do enter into a contract none the less. It is in law a contract of you buying a legal item and them selling a legal item (the cold drink). There are terms like in how much (the price) and when payable (at the checkout before you leave the shop). You become the legal owner of that cold drink once you paid for it and are free to drink it or do with it what you please as long as it is not unlawful.

You may even give it to your wife but keep in mind if you please that under Roman law a husband is not allowed to give his wife gifts. Reason being that love should not be bought but be given freely which is perhaps where the infamous Roman orgies come from. Yeah, that one did not work well with my exes despite my best explanations and I have no doubt will not sit well with my American Patriot either. She is a much better negotiator than me anyway and I intend breaking the law as often as I can afford to do so. Is a silly law and not enforceable. Besides that Roman law is not legally applicable on an American Citizen. Most of all I know what is good for me.

* "*Amen*" says my American Patriot. "*Roman law is not her concern in life and we follow American holidays*" which brought a lot of confusion to me who vaguely heard about Thanksgiving Day etc but never bothered about it before being alien to any non-American. Then my research showed the Pilgrims did not actually eat Turkey so why should we? Yeah well, let us say we ate turkey and enjoyed it too. I know what is good for me.

You see now why I say academic or theoretical law is nonsense designed to impress your Date? Alas, if you are a law student and bored enough to read here take my word that your Date is seldom or never impressed with your theories unless she is a law student also in which case she will know when you talk (you know what) which will surely not impress her. Still, if you have to talk (you know what) then do so with utter conviction and a suitably serious face.

So what happens when an article is advertised at x dollars and you are charged z dollars for it when you buy it? Can you force the seller (Supermarket) in law to stay with the advertised price? The answer in short is no. Legally the advertisement is only an invitation to shop and not a concluded contract. As such you cannot hold them by the advertising but in many cases, for goodwill, the company may honour its side. This is the classic common law principle but the Consumer Protection Act says the opposite. I doubt if it will be enforceable where a genuine mistake was made.

We had, when I was much younger and still at school, a gas advertisement on television where a Volkswagen Beetle car changed into a roaring Porsche as the tank of gas filled up. The rumour started that you will be able to force the gas company to exchange your old Beetle into a Porsche legally because of false advertising or the implied meaning of the gas company or something. Obviously that is nonsense but we believed it and schemed of finding an old Beetle somewhere and then selling the Porsche for a Toyota which we trusted and could service ourselves. My advice was often sought on legal matters since my dad was into law. Unquestionably I knew even less than now but I did know that legal advice comes with a price to be negotiated beforehand. In this case a cold Coke and warm bread from the bakery across the street.

I am sure you will now understand that a contract needs to comply with all of the above to be legal and enforceable. When I say *all* I mean *all*! If one part is missing it means your contract is null and void (in very simple terms). This means that your worst enemy must be compliant too for the law is neutral. What is good for you is good for him.

All the above opens up some questions which we want answered when we look at a contract to see what your merits (see below for explanation) are. For instance was the debt created legally? Another question would be is the debt actually payable now even if it was legally created? Or how much is due for that question also causes quite a ruckus to decide on the amount. Especially where your worst enemy made calculation errors on interest charged or we think he did anyway. They are not supermen you know. They do make errors or in their way of talking "*computer errors*" since a bankster is too arrogant to admit a human mistake. The fact that his system may be wrong never occurs to him for he has much overrated faith in in his system. The computer said so and thus it is so! If not so sad it would be rather funny. Imagine an educated intelligent human being subjecting himself and his clients to a computer! Perhaps the robots did take over our economy already.

I remember when as a young lawyer I walked into the High Court (Supreme Court at that stage before the name was changed and centuries of tradition thrown away for nothing) to defend a bankster against a fellow who said the interest calculations were wrong on his bond (mortgage). At that stage it was simply preposterous to say such things and we treated it as a wanker trying his luck and wasting our valuable time. May I say we got the surprise of our lives that day and so indirectly the bank!

I had with me a young Italian advocate (barrister) and I said to him: "Mr So & So, are you ready for this may have some consequences for the bank if we lose" and he said "*Mr K, don't you know I am born ready? I am Italian with b-lls of steel.*" Yeah well, we got blown out of court in ten minutes with his b-lls of steel not withstanding and had to explain to the banksters which took real b-lls of steel for they were so ungracious to blame us. That caused a test case with very expensive senior advocates and the banksters won in the end.

The point is however that as unlikely as it sounds your worst enemy does make mistakes even if never in your favour. You have to remember something here. A Bank is full of people and people have off days as with any other large company. It is wrong to say you are taking on company x. In fact you are taking on Mr So and So working for company x. Then it does not seem so bad anymore. He will bleed if you cut him in the words of Shylock. He may even be there because of other reasons than professional skills which make him a nice weak link to attack in court.

In law we talk of quantum and merit meaning *how much damages* (*quantum*) and *what are your chances under law* (*merit*). The two always go together. If you read my other book *Tricks of Trade - Memories of a Rogue Lawyer* you would have noticed that I said in court you have two chances only. You either win or you lose and I was speaking of merit. There is no such thing as 70/ 30 or whatever cr-p your lawyer is telling you. That is the merits of your case which is now being speculated on for it is speculation only even if based on case law and previous cases. Those lawyers worry me with their overconfidence for it is simply impossible to predict what your witnesses will say on that day or the Judge will decide never mind a jury (of which I know nothing). You just don't know and this you either win or you lose. 50/50 which are very bad odds in any language? Just not worth it.

There used to be a school of thought which said if you know when your Judge studied where and under which professors (they influence their students tremendously) you will be able to predict the judgment. In theory they were quite good and remarkably accurate. Theory though is not real life. In real life your star witness gets confused or has an off day. Emotions play a role (denied by all lawyers) and the Judge is also a human being. You just don't know what will happen in court and thus we will always settle when we can. Keep in mind a good settlement is where both parties are most unhappy.

In civil law we have a further component called *absolution of instance* where the court decides you do have a point but could not prove it and thus leave the judgment open for you to try again at some stage in the future. Therefore you did not win or lost though it is seen as a lost since you did not get what you wanted. There is nothing wrong with absolution and it is an attempt by the court to help you. This is not possible in a criminal case by the way. Once you pleaded (stating whether you are innocent or not or whatever for there exists many pleas like *autrefois non-convict* or *double jeopardy* in American) you must have a verdict and that verdict (unless defective in some way) prevents you from ever again be tried for the same crime. You can never have an open verdict in criminal matters unless you are found too insane to be judged and anyway locked up for life.

Now that we understand what a contract is let us look at what debt is for all debt is based on a contact whether written or not. Take for instance the few dollars you borrow to your son. There is nothing written (I hope) but the contract still says it will be repaid say at the end of the month etc. This type of loan, in case you are interested, is a bridging loan for him to get through the month to pay day.

Let us look at the different loans or debts you are exposed to by your worst enemy. All the fancy named financial packages are designed with only one purpose and that is to loan you as much money as possible so that they make as much money from you via the compounded interest as humanely possible. It is just business as usual of course.

Personal loan

This is not an overdraft which is more permanent but a once off loan to buy something or pay something with. Your worst enemy may also advise you to consolidate all debt into one by offering you one big loan and then you pay off the smaller ones with this one. The interest rates will then be lower than a credit card and you have only one account to pay off. Not a bad idea but as with all such loans the interest is immediately added to you may borrow 20g to consolidate but repay 35g in the process and during the first year they make clean profit on you for you are paying interest only. Interesting fact on this is that if you settle it the day after you signed for it you will pay the interest for the full term also. Your bank is your worst enemy. How can you win? They add their (many) pounds of flesh on top from the beginning. You always lose in the end.

Overdraft on your cheque account

I fail to see why cheque accounts still exists in today's electronic age and for Mr Average Joe this is designed to keep you in subjection for it is permanent and always increase as a "*reward*" for being such a good client. The "*reward*" places you deeper in debt and gives your worst enemy even more interest. Such rewards are most unwelcome from our viewpoint and any reward from your worst enemy must be treated like the Trojan horse of old if not the virus. Your worst enemy knows, unless he wants to claim being stupid which I will accept, that once the limit is increased the money will be spend.

Yes naturally not their fault now. You had the choice not to spend it. Where is my water basin I ask? This is a deplorable abuse of human nature for usually that increase happens just before Christmas "*to assist through the festive season*" and praying no doubt that you would be silly enough to take up their kind offer to make you their financial slave for the next decade!

Since it is permanently available it means you are paying interest all the time and your worst enemy charges high interest on overdrafts though usually below credit cards. As your salary comes in the overdraft is reduced for a day or two. But then you need to live and voila, it grows again and so it continues until one day you cannot afford it anymore and you realised you are the slave of your worst enemy and start to take financial responsibility by reducing it. Or they realise you are going down and they hasten your journey to become something akin to satan by pulling it without warning. Thus you may end up having your whole salary grabbed and without the overdraft have no money to survive that month or pay for lawyers to push back.

This is a classic example of your worst enemy acting legally (they have the right to recover the money) but without any form of human decency. Just business as usual you know! It is not personal at all and if you cannot get to work because of a lack of gas or you cannot pay your rent and is thrown on the street etc it is your fault entirely and your problem. Get a helmet for it is just business as usual. Happen all the time and you won't even see crocodile tears from them. You are not an honoured client anymore but something akin to satan. The humiliation and hounding process started.

About every business in existence have an overdraft and it is all dependable on turnover and collateral or security as it is also known as. We will discuss collateral a bit further on. As said somewhere an overdraft may be very useful for it shows the business is running in the red which reduces taxes. Also it gives much needed extra cash when needed to expand or in an emergency. This is of course if you are not silly enough to use it as operating capital as the bank pray you do for then they have your business in the same evil circle as described in the prior paragraph. You stay in their clutches for you cannot now survive your cash flow without it. Yes, they have you in chains.

Some say your business must run in the red all the time. It saves you on taxes apparently (morally wrong not to pay what you owe). Just remember, one day when you try to sell that business it may not look on paper as profitable as you want it to look to get your price. Once again it is a home goal besides the problems you may have from Uncle Sam in the long run.

* My American Patriot finds this crazy talk. "*Honey, we only pay Uncle Sam what we owe him and not what he wants! It is the American way K.*" No my dear, we pay whatever he wants and live in peace.

All the most profitable companies in the world like Apple and even RIM (Blackberry) keeps huge cash reserves which mean your worst enemy owes them money. That is where you want to be for that change the relationship dramatically though it is still based on sincere mutual distrust. Then you only worry when (not if) they go down for mismanagement and if the Government will bail them (and you) out.

I know that you probably need the overdraft to survive or that is what you believe but it is simply not true and place your company in imminent danger. Reduce it and keep on reducing even if your worst enemy increases the limits. And remember who you pay first. The instant that you have an overdraft it can be pulled in by your worst enemy meaning they can cancel the contract with you and demand immediate repayment. This exposes you to their whims and business knowledge which we know is less than perfect if not rather pathetic.

You can expect no loyalty on a relationship build on sincere mutual distrust and the bad news is that they can pull your overdraft legally. They reserve that legal right and the worst news is they will do so at the most perplexing time possible. Just when you need them to stand by you is when they show their true colours. I saw this many times in my legal career and it gives them the immediate satisfaction of having you reduced to begging to re-instate it to pay salaries or whatever to trade your way out of trouble. This is even before the legal process starts to recover the outstanding amounts from you which mean you now stand to lose your collateral also.

Nor did your budget and forward planning allow for it so you take double hits. Firstly your reserves is now gone because you cannot access the overdraft and secondly your cash flow is now used to pay them off for they are threatening you with all sorts of legal action. Remember you are not an honoured client anymore but something akin to satan to be hounded and humiliated. They make it almost impossible to trade and then wash their hands because they are just doing their job! Where is my water basin I ask?

You will be very lucky to survive such unilateral action. I saw tough men cry and give up under such pressure. I saw workers cry and curse banksters as they are paid off because of it and the owners committed suicide. There is always a ripple effect when this happens. The ripple effect goes to people, human beings and their families. It is simply indecent behaviour even if legal.

Is it ever necessary to do this? Yes I suppose so but mostly no. It comes down to bad management decisions and bad financial control on your worst enemy part and is always a lose-lose situation. A better way would have been to reduce the overdraft over time and reduce the exposure and still make money from your so called honoured client who is not yet something akin to satan to be humiliated and hounded. Or, and here is an idea, perhaps your worst enemy should not have exposed itself that much in the first place with good financial controls and got better collateral. But now they did expose themselves and what do you think the arrogant ones then do? They panic and try to recover all at once. Typically with disastrous consequences for everyone involved. It comes down to a lack of (you know what) of steel on their part. Where they could have had a client for life they now have an enemy for life. It is just business as usual.

Most of my clients dislike your worst enemy on principle and have a saying that you *need to owe so much money that your worst enemy has to be nice to you*. I agree. Either that or nothing at all is the best. We already saw that it is the middle class folk who are most abused.

Living debt free is the one thing which your worst enemy hate most. As we know they make their money on the compounded interest they get of your loans. There is really no difference between the shady loan shark on the corner and a bank except that one is more honest and you make the choice which one. With one you know from the beginning what you deal with. With the other you find out the hard way.

Credit card

Credit cards are the old favourite of your worst enemy though it started originally much more innocently when a group of businessmen needed a way to settle their food bills and created a diner card to do so between themselves.

* That is how Diners Club started.

Your worst enemy then created the *myth that cash is not king*! Nope, all must be on credit for it is simple and safe. They also created the myth that it is a status symbol to have platinum or whatever card. The clients receive special treatment and magazines which he pays for and guess what else? Yes, more credit to pay the interest on. It is really a bullsh-t game. We know cash is always king!

The value of credit cards when travelling is not to be denied. They do offer good incentives which you should use when it suites you do so. Furthermore no-one will deny that carrying cash is unsafe and unhygienic for cash is frequently dirtier than your toilet seat. We always advise clients to wash their hands thoroughly after working with cash. Still, we don't like the debt which credit cards create and rather awkwardly for your worst enemy we have the answer which they kindly (for once) provided. *Debit card and electronic transfer*.

I really cannot see why a credit card is needed in this day and age (unless traveling) though as said somewhere I was very impressed with my first credit card. I felt I arrived but with the years and grey hair I changed my views. Swaying your Date with your credit card is a home goal which we call the "*broken wing syndrome*" and you can read about in *Tricks of Trade - Memories of a Rogue Lawyer*. It deals with the preposterous idea of an older wealthier man being targeted by a green card seeker. As if such a thing is possible in real life! I keep on saying to my clients that it is rather unnatural for a pretty young girl to love someone as ugly and old as you. I am just joking. I believe in love.

Legally a credit card is just a permanent loan linked to a certain colour of plastic with exceptionally high interest on it. At one stage 28% was common. The interest is added as you use it and next time you have a bonus try to leave it on your credit card. I bet you that your bank will move it out to a lower interest bearing account as soon as possible and without your permission. They will say they were only trying to help you invest it or whatever other cr-p they can think of. But we know the real reason is they just don't want to pay too much interest to you for that comes of the bottom line. Their system works the other way around. You pay abusive interest to them and be quiet about it or take a hike. Yes, business as usual.

Let us see how your worst enemy creates even more debt for you with the old credit card. First you have your credit line which is why sometimes, when you buy larger items, the cashier askes you if it should go straight or not. What she means is do you have enough money available on the card to pay for it without creating extra debt called revolving credit or budget! Now revolving credit is where you loan up to three times (depending on your credit worthiness) the available limit of your normal credit card amount and is automatically (mostly) available. You decide to pay it off at 6 or 12 months or whatever. It is rather nice and once you use it your debt exposure increases dramatically. Guess who is making the high compounded interest out of you?

The more you spend the more your worst enemy rewards you with incentives and an increase of your limit. All this is done "*automatically by the computer*" for banksters as we know are not able to make human decisions. The "*compute*r" runs their lives for them and they are only needed to get the signatures and give the fake smiles to you. It is very doubtful if such practises are legal under the Consumer Protection Act.

My advice is to cut your credit cards in six pieces and get your freedom again. If you travel then load it beforehand and do your business through it. There are advantages, for instance when you buy a flight ticket and you die on that flight the card may have life insurance on it for your wife to cash in on. However, it must not become a life style of flashing the old credit card. That is exceedingly silly.

House loan (Bonds or Mortgage)

Probably because of the amounts involved and mostly because the law demands it all loans to buy fixed property is called a bond (mortgage in American) and reduced to paper. This where the lawyers called conveyancers make good money for it is registered against your title deed. What makes it different from a personal loan is that there is always collateral in the form of the house and secondly the interest is calculated not all in advance as with a personal loan but monthly or even daily. The reason for this is simple. If you know how much that loan costs you in real terms you will never sign it. Besides that it makes the collateral useless for it is many times what the house is worth.

An accountant, clever people sometimes, told me once that you pay nothing but interest for the first seven years meaning that the original capital amount you borrowed did not come down one dollar. Or, in our simplified language, seven years of clean profit to your worst enemy. You should feel like a slave for you are treated like one behind the fake smiles.

The same accountant told me to pay 10% extra every month on the bond and the bond will be repaid 8 years sooner than what your worst enemy expected. Or in our language 8 years less interest for them over a 20 year period. Bet they don't tell you that when you sign and you reduce their profits with almost 40%. Why else would they then build in penalties in their one-sided fair contracts to prevent you from paying of sooner? Yes, probably because the computer told them to so! I will believe that. Their problem these days are that the Consumer Protection Act prohibits penalties for paying sooner.

Legally all such contracts place them first in the line for any proceeds on the sale of your house and I have no problem with that. As said debts must be paid and it is only fair! You also have to keep in mind that the longer the loan lasts the more you will pay even if the monthly instalment looks less to you. Many times your worst enemy will advise you to increase the repayment from 20 years to 30 years and thus reduce the instalment giving you more cash flow.

Yes it will increase your cash flow for a while and then the interest rate goes up and it is wiped out. They also fail to point out you are now paying 30% more than what you would have. It is exceedingly one sided advice as is only to be expected where a relationship is built on a sincere lack of mutual trust.

They also created a special type of bond (it got many different names) where you can borrow against the house and is supposed a type of bridging finance. They say you can access your own money but then they say a lot of things as we know. All it does is to create more debt which means more interest and more record profits for them.

The question often asked is whether it should be kept open for emergencies for life is unsure? It is difficult to answer for I am against debt or loans and prefers to trust on God in any emergency. So I cannot really say except to say that all debt exposes you legally to the whims of the creditor which is in this case your worst enemy. The less debt you have the better off you will be. I also know that it is impossible to borrow your way out of debt and it is much better for your worst enemy to owe you money than you them.

I am sad to say we find often with old people that their children force them to take money from the bond for their own use. A lot of old people are abused in this form which is very sad. To prevent this we advise to close the bond and then the old owners cannot borrow anyway (generally speaking) and the children leave them alone.

Your house is anyway not an asset as long as it costs you money. You would be better off to buy and rent it out so that someone else can pay it off and be your slave for a change. It must pay for itself to be an asset.

Bridging loans

In business it happens that you need money to carry you until you are paid from the Government or whoever and this is called a bridging loan. The interests are normally very high and calculated in advance. Many times your worst enemy is not involved and businessmen make private arrangements between themselves. Your problem as the debtor is what happens if you are then not paid? It is always high risk to both sides but many make very good money from it.

Sometimes cession is involved (it will be if I am advising the lender) where the money due is ceded over to the lender in advance. So the Government or whoever will pay you as lender directly for once money is in someone's account we found they spend it. That is also not the right thing to do but it may be the first rule of paying you first. So we change it to us being paid before you. A contract can also be turned into cash by using it as security in such cases.

What is fixed term loans?

Simply it means that the money must be repaid inside a certain amount of time which is fixed and worked out beforehand. You would think this is so logical that all loans are like that and most are but not all. One example is a new way which is to buy old folks homes at a fixed price (a fair one) and then takes possession after he passed on. Obviously by then the house is worth much more (hopefully) than when bought say five years ago and a nice fat profit is made.

I have in principle no problem with these transactions for the borrower gets money to live well and the loan is secured. Heard about an old lady though who lived and kept on living to deep into her nineties and thus delayed the house sale for a longer time that what the buyer anticipated. He had a pair (you know what) of steel and laughed it off. My type of man even if a bankster by profession which we will forgive him! He obviously made the wrong choices when younger.

I do have concerns over the children who firstly *loses out on their inheritance* (or so they accuse bitterly) meaning the house and secondly scam the old girl out of her money for she is now cash flush. We recommend to set-up a trust into which the proceeds are paid and a good monthly stipulent (worked out not guessed) to the seller for life. Naturally it can be increased but it makes it more difficult for the children to grab it for they *will if they can*.

Losing their inheritance? Well, that is a long haired liberal argument which will receive no sympathy whatsoever from me. By law it is the right of the deceased (whilst alive obviously) to decide what he wants to do with his property (inheritance). I see the old girl as the one who needs protection here. Get a helmet mate. Marry rich and stop abusing the bank of mom & dad.

Lastly, and this is only in extreme cases the proceeds are managed by a court appointed curator who is usually an advocate of impeccable stature. In my briefing on drug abuse (*The Drug Addict Pattern*) we discussed what happens if a drug addict wastes all his money on drugs and leaves the children and wife destitute. Same principle and the courts will step in when asked to do so in the form of a formal application to court with evidence for they will not easily take away a man's ability to deal with his own finances. This needs professional assistance so see your attorney on it. He knows how to assist you and it is really not difficult at all. The wonderful thing about law is that nothing is ever new. It may be to you (I hope) but he heard it all before. Lawyers are generally very compassionate men. Take my word. They do a lot more good than bad despite our punch-ups now and then. Not all are money chasing idiots. I know many who are very decent men and get cheated as much as you do.

What is the difference between a secured loan and unsecured loan?

You often hear bankelize where all sorts of foreign terminology are used. Simply a secured loan will have collateral and the unsecured one not. Now collateral is a subject on its own so let us talk about it.

Collateral

What is collateral? Simply it means something of equal or more value than the loan to be kept as security against repayment. That sounds fair enough and it is except the way your worst enemy valuate collateral. There is no way in this world that they will agree to the real value as with the willing buyer and willing seller principle. They will, as I said before, valuate it at a fraction of the real value to safeguard themselves. Why? Because when it comes to selling it (they don't trust you an inch even at this stage) they should recover whatever is due to them. Still fair enough but then they add legal costs and suddenly the collateral is sold (like my clients car) way below the actual value and a shortfall exists and the pushing continue.

Collateral is always secured which means that legally your worst enemy has a first claim against it. Thus they will take all proceeds first and if something is left over the rest of your creditors are in line for it. That makes of course good legal sense.

Auctions

Public auctions are something else and I am not sure if it can be trusted in any way. I attended a lot on behalf of your worst enemy to ensure that your worst enemy's rights are protected. Every now and then we read in the newspapers that an auctioneer had his mates bidding secretly (to your advantage to be honest) and thus obtained more commission. That is fraud. Other times your worst enemy will buy a house for ten dollars or even less and sell it on at its normal price which is a lot more than ten dollars. They have to deduct what they lost to see if they break clean and loan the money to the next victim and so it goes on and on. It is just business as usual.

They have a huge problem with unpaid utilities as the law clearly states that fixed property is sold with the utilities fully paid. The new owner always starts afresh on zero balances. Actually not, he will be expected to pay a large deposit for he is also not trusted and inch. It is just business as usual you know. Recently the law changed to have the deposit placed in an interest bearing account and the interest must also be paid to the owner at a later stage.

There may also be squatters inside the property refusing to leave and that is big problems in any language. You will find it almost impossible to evict them under current laws and we talk about that also in my book *Tricks of Trade - Memories of a Rogue Lawyer*. I hope that other countries are less liberal and the police will actually assist you to get rid of them.

My own feelings are that I will never buy anything at an auction for it is blood money and probably cursed. Quite frankly my clients don't share that view at all. If the price is right they will buy, fix and sell. Each to his own! That is why they are the millionaires and I am not.

* I also really hate the reality shows on pawn shops etc. It may be fun but to see a desperate man trying to sell his stuff and getting an absolutely ridiculous price which he accepts because he has no choice is rather pathetic in my eyes. It is simply disgusting behaviour amongst civilised people.

Lease of car or whatever else

Lease in simple terms means forever in debt and paying off your car for you will never become the owner. This is not always a bad idea and we advise our clients in Africa (meaning not South Africa) to use this method as the maintenance of the vehicle then becomes the owner (creditors) problem. Maintenance is a huge problem in Africa with its lack of skills even at authorised dealers. Since you are not the owner the risk is on them and not you.

For a private person, if you want to drive a reasonably new car (less than 4 years old) and are willing to pay the price in interest then by all means do so. Just remember when your crash arrives and you are treated as something akin to satan you will lose the use of that vehicle. In Africa, with its non-existing and dangerous public transport facilities, that is a serious problem.

That is why we always advise to keep a paid off vehicle somewhere (not in your name or any entity which stood surety) for emergency use. You need to be able to move around. How else must you conduct business and this is one of my pet dislikes in the way your worst enemy act. Once they removed your car as happened with my client when we started our book you are in deep trouble. This is not Europe and it has a huge effect on your capability to generate income to pay them further for you need to move around making it almost impossible to repay them.

They have no risk on the car as long as it is insured but no. It is business as usual and they would rather sell it at a fraction of the real value and treat you as something akin to satan. Unquestionably they would claim they have the right in law to do so and I ask again, where is the basin of water for your dirty hands when you need it? It may be lawful but it is inhuman and an own goal for your worst enemy chances of recovering their money has now gone down dramatically and a lifelong loathing created between the parties. Or is revenge perhaps part of the recovering process? I always thought it is business as usual. Perhaps someone will tell us and I will let you know!

Balloon payments

We are often asked what balloon payments or residual mean in law and it is simply a way to force you to trade your vehicle in for a new one at the end of the term. It means that the last payment will be quite large (about the value of the car at that stage). Unless you pay it (with what money unless you take a new loan I ask) your only option is to trade the vehicle for a new round of four years of slavery. I think you know now that your worst enemy needs your interest payments to survive so it is always nice for them to lock you into such a contract. Most certainly a bad thing if you want to become debt free.

It is the same silly principle which happens every November where your worst enemy advertise for you *to buy now and pay from February next year*. Do you really think no interest is added during that "*pay break*"? Do you really believe your worst enemy is acting in your best interests without a hidden agenda somewhere? Don't fall for such nonsense. In a few months a new model is out and you are still paying interest through your nose. It is bad financial planning on your part. Cars I can tell you are very expensive in Africa. It is a big deal and they are much older (22 years on average) also.

* I often wondered about the prices of cars in South Africa where all the major car manufacturers have huge plants since the 1920's. For instance all the BMW 3 series sedans is made here and (before they stopped production) the Hummer H3 as well as Mercedes, Toyota, Nissan, Volkswagen, Mazda and Ford. Those very same cars (all of them, not only the ones I mention) are more expensive here than in other countries even if made here. Turns out it is taxes which make them ridiculous.

Insurance

Insurance is used to cover risk meaning debt. You usually pay a few bob per month on it and it is money very well spend. But even then you can still run into problems when something spectacular happens which is called in law as an Act of God.

I don't know if you ever saw that excellent comedy "*The man who sued God*" but that will explain more than ten books I can write. In short the main character suffered the loss of his boat by lightning and then sued God when the insurance companies refused to honour their obligations on the legal dictum of not being responsible for what God does in nature. Cleverly he served his summons on the different churches as representatives of God probably going on precarious liability and hoping they would accept service or refuse and deny God. Must tell you I don't know who came up with this plot but it is exceedingly clever.

What we need to understand here is that you need insurance on whatever debts you have which covers everything and anything. This reduces the risk against you but not totally. Keep in mind also that there are different kinds of insurance including where you lose your job and death or other incapacity. Get expert assistance to comply with all their rules and claim in the correct format.

Despite rumours to the contrary insurance companies are not really the criminals they are made out to be. At least you know what you are dealing with. For them it is also just business as usual but they do have the moral high ground. Being dishonest in claims is fraud and wrong from any view.

Chapter 5

What is a bank? Why do the act like they are above the law?

Not the State or Government for sure. They cannot enable laws and most certainly cannot act above the law. They are just a private company which may be (usually is) listed on a stock exchange somewhere. I say again they have no exulted status in law but they do have the power of big money. Indeed, as said, many lawyers will not act against a bank for that very reason. Power corrupts and money even more so.

It is important to remember that your worst enemy's legal status is just another listed company without any police or other special powers. The law is neutral as I keep on saying and you have all the right in the world to push back if forced to do so. It is not a one sided affair at all. If they deviate one inch they can be hammered and treated like something akin to satan. Something they don't take kindly to (the bully / spoiled brat syndrome?).

Being listed only means it is a public company where their shares may be bought and sold by private individuals via their stock brokers on a registered stock exchange of which there is many in the world. Because of this and the fact that they take in citizen's money in deposits they are subjected to a lot of laws and acts which you probably never heard off. We will mention a few below somewhere. The best vengeance advice to give to a defaulter who wants to push back is to buy shares (even one) from the offending bank. This gives you the right to attend shareholders meetings where you can ask whatever questions you want from the directors who have to answer you politely and truthfully.

I saw tough CEOs sweat blood when that happens and there is absolutely nothing they can do about it but answer and have a fake smile whilst doing so. The may try sarcasm (they often do) but they will answer and sarcasm always generate a lot of sympathy from the other shareholders. As a shareholder you have rights which are unassailable in law. Just make sure it is not in your own name for then they may attach your one share for your debt.

Another trick of trade we see now and then is where a minority shareholder sells or appoints the most ghastly biker type of fellow he can find to represent him at all meetings. Sometimes even at board level where the other directors typically have no idea how to deal with the situation for (and I say this with love and respect) they are hardly ever are in contact with the real tough men driving Harleys. To them it is someone far below their usual circle of friends and to be avoided like the very plague. It is ironic and proves that the directors own Harley lifestyle on their Sunday mornings breakfast runs is as phony as can be. I find that most genuine bikers I know (good folk if a bit strange looking) speak quite derisively of the wannabes and will have no problem sorting them out in a punch-up.

The problem with acting tough is that real tough men recognise each other immediately and show mutual respect. In my book *Mean Streets - Life in the Apartheid Police* I discuss this phenomenon where our new police service has civilian (political) appointed commissioners instead of genuine police men as it was in my time two decades ago.

"*Rather support them and be patient. This is Africa. We have time for each other and we are proud of our respectful ways. They are trying hard even under these conditions. Their military ranks were restored after a silly (read long haired liberal) experiment to turn them into a civilian Police Service. Probably the only one in Africa and it was a colossal failure which cost millions in uniforms and the loss of moral cannot be calculated in money. With that went the last remaining discipline but it is returning if slowly for the unions have a say in everything to do with discipline.*

They lost no less than two commissioners (political appointees) to corruption in the last ten years. I can tell you it is the funniest thing to see those overweight and obviously non-military types in a Police generals' uniform trying to act tough. One day they will realise that really tough men have the ability to recognise other tough men at a great distance and they will fail that test every time if not part of the club. The first of these politically appointed commissioners was even head of Interpol at one stage before he was sentenced to fifteen years and got out of jail being "terminally ill" within a few months. How must a dedicated policeman feel when he sees that? Are we back at Apartheid Minister of Police Jimmy Kruger now?

** Who will fail to recall Apartheid Police Minister Jimmy Kruger well-known words on hearing of the death of Steve Biko in SAP custody "It leaves me cold." Or in other words "I really don't give a (you know what) if you have seen the movie." Now Mr Kruger is late and I do not speak ill of the departed but I wonder, what did he think would the understanding be of those words by the young constables trying their best to contain the situation he and his mates in parliament created with their idiotic laws? Did they also decide to that killing black people leaves them cold?*

How will you feel when the current Minister of Law and Order says "I don't mind if my black policemen kick whites to death whilst in Police custody. Is fine with me? See the worry in my eyes mate." We can learn a lot from our past and yet we learned nothing from history. It is sad for that means the sacrifice was all for nothing. And natural justice will restart the process if we are not careful. What will that entail? At what cost?"

Tactics like above (all legal and just business as usual) more often than not leads to the original shareholder being bought out at a very fair price really quickly to get rid of him and his new biker mate. This happens where the shareholders contract does not provide the right of first buying of shares to the original shareholders. Something which is standard in our contracts as it should be in all shareholder contracts. As with your relationship with your worst enemy you always consider the divorce proceedings first.

It must be said that this happens more often in private companies and not with your worst enemy as such. Their lawyers are not exactly inexperienced and know these tricks. Still, as a shareholder you can ask awkward questions even if only to be obnoxious. You may even be escorted out of the meeting by security if they are really irresponsible for it will make a wonderful story in the local newspapers and start a rumour they have indeed something to hide. You may now have a claim against your worst enemy for your injuries and loss of dignity etc. No bank likes bad publicity for obvious reasons. It is the worst thing ever to them and they act with great decisiveness through their lawyers and spin doctors when it happens. Remind me again who acts like that when people say things they don't like? Spoiled brats perchance?

The thing is that legally, as long as what you publish is the truth and in public interest or already public knowledge their chances of winning a libel case against you (or me for this book) are less than zero and the publicity you gain for your cause is tremendous. It is a home goal in all senses of the word. I for one am more than willing and able to defend all my views in all my books in court.

Another good clause which is standard with our contracts is to make the share value for the first year on a new venture rated zero. Why? Simply because I got bitten when I was younger when my clients' business partner (fellow shareholder) decided to leave after a few months and offered his shares at a ridiculous price to him! He either had to buy it or end up with a shareholder he disliked even more. He also (worse) lost his former business partners skills which was essential to the business. Accordingly we took the third option and liquidated the company and started again with someone else tied in and understanding loyalty. That was not the best legal option but the only practical one.

Stocks and shares are the same animal in simple terms. Just different wording depending where in the world you are! I can tell you from experience that listing your company is the easiest and safest way to borrow big money. The dreadful thing is the original owner (entrepreneur) can lose control and in fact does for he is now subjected to other laws and rules than what he was used to. That is not good for his business and sometimes the original owner buys all the shares back and de-lists the company at enormous expense to him. I believe that the Sir Richard Branson of the Virgin Group did that a few years ago.

As you can imagine it is vastly expensive to list a company and lawyers make good money from it. Deservedly so I say. It is a lot of work. Many times shares are offered instead of full fees which may or may not be a good investment. I refused once and walked away reasonably untouched when it folded. Money in your pocket is always better is my motto. Other times I lost out. That is life.

Not all listed companies are successful for you (the investor) are buying into an idea and nothing else. The listing company is usually nothing but a myth in recoverable financial terms. I guarantee you that legally very few listed companies owns anything physical of value. The assets you see like aircraft or ships are all leased thus transferring the risk from the operating company to the asset owners. Listed company's tend to be the owners of nothing except their name and shares which may or may not be bulls-t when (not if) the fan hits (you know what). That fancy high rise tower with their name so proudly on it is registered in an offshore tax haven company. Same with the shopping malls and other assets they point out so proudly as being the owner. Their subsidiary companies may be the owner but they are not in law. Half the time the subsidiary also owes so much money on the assets that it is useless to sell.

Your worst enemy however must have by law a certain percentage of cash as security against losses. It is never enough and Mr Average Joe always takes a loss and you see it on television every now and then. The reason being that your money is not really kept in a safe somewhere and given back to you on your request called a withdrawal or transfer of funds in real life! In simple terms it is mixed with the rest of the tens of thousands deposits and loaned out to whoever or invested wherever. No Bank in the world will survive if everyone withdraws their money at the same time even if they complied with all the rules and regulations on liquidity. Your money is not safe with your worst enemy when (not if) it crashes and you would be lucky to get 25% of it back. Often it is even less.

Yes I know the Government (in some countries - not all) guarantees deposits but it is usually limited to 30g or whatever. It is not an open guarantee without any limits on. People are wiped out like that. Some commit suicide for after the crash the liquidators tries to sell assets to recover you money but as you know they then discover that the assets are in other companies. Even if you are able to legally lift the corporate veil (which is rather difficult in law) you routinely lose out very heavily. Only the liquidators make money in a sequestration or insolvency. Liquidators of course are mostly specialist lawyers.

Lifting the corporate veil

Lifting the corporate veil is explained by understanding that the company is a legal entity entitled to act on its own and thus be sued on its own without the shareholders being held responsible for what the company does or does not do. In simple terms the debts of the company are the company's debts and not the shareholders. The same with assets if any! You know what happens. The assets are put in a separate company and we will discuss it in greater detail later on where we look at your structures to safeguard you against your worst enemy. Simply we use their own structure model against them in your own portfolio.

Lifting the corporate veil is to get to the shareholders and sell their possessions for the debts of the company. As said the courts will not easily agree to this unless recklessness and criminal intend was involved. But how do you prove the difference between a rash business decisions and a reckless one? What generally happens is the Government hammer them with tax evasion and other laws but that does not assist you to get your money back. The only advice is to spread your risk as my clients do.

My richer clients invest in physical things rather than bank balances though theirs are substantial for cash stays king despite the cr-p your worst enemy tell you. They also say they enjoy the finer things in life which is the logical extension of our first rule to pay you first. They contend (correctly) that driving luxury cars will protect them in a crash or high jacking attempt since some are armoured. They are that important to themselves and only rightly so.

They spread the risk around the biggest and most well-known your worst enemy with the very highest credit ratings and will not even look at regional banks whatever the incentives to do so. For such operators they are at heart actually very conservative (hope they don't disagree too much with this assessment) simply because all of them graduated from the school of hard knocks. Most was sequestrated at some time.

Most of my clients have (so they say) stacks of gold bars somewhere except the Chinese who is buying silver for some reason. When asked why they just grin so obviously they know something we don't know. I do know it is rumoured on the Internet and in Africa for years now that silver will replace the gold standard in the future. I also know that very polite Chinese gentlemen are buying all the silver and copper mines in Africa. They are not interested in gold mines which say something to me and I cannot afford gold anyway.

The point is your exposure should always be minimised. Remember that saying of not keeping your eggs in one basket? It is good advice in any language. In law or rather banking terms it is called *your portfolio*. It should be balanced and I am not the one to explain to you how. There are many good men doing this for a living. Keep in mind though that any asset which is used as security or collateral is in danger to be sold (given is a better word) to your worst enemy. Never ever sign surety and always ring-fence assets.

I read a wonderful book the other day. The *Memoirs of General William T Sherman* to be specific. Yes the famous Union General and it is probably not well-known that he left the Army before the Civil War and became a banker (note not a *bankster*) in California I believe. Now I say this often to my American Patriot and in my other books that I have yet to read more honourable accounts of warfare and men in my life. Keep in mind I am not an American with any uncalled for patriotic notions on Union Generals. Besides this my American Patriot is a Southern lady by birth!

I read many hundreds of military history books in my life (my library holds about 2000 last time we counted) and never did I find that much honour as in those Civil War Generals of both sides. They were young men too in case your history teacher failed to inform you. Generals Sherman and Grant were in their early forties when they became famous. Generals Schofield and (Stonewall) Jackson in their thirties which makes their actions so much more remarkable in my view! They were men amongst men.

The reason for my digression to the Civil War is simple. At one stage the Banker William T Sherman had to pay his deposits out because another Bank failed and a general rush of withdrawals took place. (Obviously our forefathers also knew who their worst enemy was and forgot to tell us or your worst enemy suppressed the news somehow.) Fact is he paid every single withdrawal. Not one person could point fingers and roar for a wash basin full of water to wash the future Generals' hands. Can there be more honour in that kind of behaviour? I am astonished by American History in general and if you want to know why read Presidents Lincolns Gettysburg speech.

Why do we then not see this type of standards today? What went wrong?

Historically speaking no-one trusted your worst enemy which is proved by the many laws enabled through the years to keep them under control. They are the most regulated business in the world and you should think they would keep inside the rules but as we know from what we see on the news it does not always work that way in real life.

What does this tell us? Simply that a bank is a myth, a piece of paper with a number on it in the company registration office. It is the people inside who are the bank and they are the ones using the legal entity call bank x for whatever purpose they have in mind. Mostly legal it must be said. Most banks are not run by crooks and other wankers and this is not what this book is about. We are saying to banksters stop your inhuman behaviour in treating defaulters as something akin to satan. We are not saying you are evil and should not be in business for we saw that your worst enemy can be useful. Still, they hide behind the corporate veil to say it is your worst enemy doing this or that and not themselves. Or bank policy or whatever nonsense they come up with and sell to the public. If you accept a bank is run by people and not really a super computer then it blows away their silly defense of "*computer errors and red tape*." There is no such thing. It is *Mr I am the big bankster* who makes the decisions as with everything else in life.

So what you ask. We knew that before we started with our book. Sometimes it is the Pretty One with the fake smile. You know that already. Why mention it then? Merely because it means legally *Mr I am the big bankster* can be sued for his wrongful deeds and feel the heat for a change. He has nothing to hide behind except a legal fiction for which he acts. It may sound terrible but we always advise our clients to go after the man also and turn the heat on him personally based on precarious liability where possible. Destroy his life as he tried to destroy yours and even if you lose in court he sweated for a while. Naturally it is just business and not personal.

Your worst enemy always sue you and whoever stood surety for you. Always! Thus you sue your worst enemy for it has the money to pay you should you win and the men who caused the delict and let him explain the *"computer error*" or "*bank policy*" to the court. I am sure they will be vastly amused and so will you.

We spoke about the Pretty One who signs the contract with you before and presumably she signs on behalf of your worst enemy. I explained how they could not understand the legal difference between an attorneys trust account and the account of a trust. Now let me take that deplorable lack of knowledge further to our advantage. According to the legalities of the Consumer Protection Act they need to explain to you what the contract means in a language which you understand. As you know I also said that no-one including me really understand the terms and conditions and Latin phrases which makes it sound so good. I do foresee then that it will be very possible to call that Pretty One to court and ask her to explain the finer details on the contract and that she will fail miserably.

What does that mean to you? A lot actually for now you proved to the court that she is incapable of explaining the finer contract details and thus you probably (on a balance of probabilities) could not and did not understand what you signed. Your version of events now starts to make sense. This may destroy their claim against you and yes it is tough on the Pretty One but then it is just business as usual you know. She does not mind when you are called to court to explain whatever questions they have. Get a helmet Pretty One. It is just business as usual. Blame the one who called me in the beginning of this book.

Your worst enemy may then try the legal defense of *ultra vires* which is where they say that the Pretty One exceeded her powers by signing the agreement and throw her to the wolves. It is mostly obsolete now and they will have a terrible time in proving that to the court. These days the general idea is that if someone signs on behalf of a company he was fully authorised to do so. Thus the company is bound to whatever stands in that contract and the contract was not properly explained as required by law. How pathetic to play the blame game to begin with I say!

I can tell you though that the state is most definitely bound by ultra vires. Anything they do which is beyond their specific powers will be challenged but that is an entirely different book which I will not be bothered to write.

Your worst enemy will probably say you had the right to consult your attorneys before signing which is true but does not take away their deplorable lack of knowledge which they claim to be experts on. The court will not take kindly to this which is in your favour.

One thing I fail to understand is that all of your worst enemies have essentially the same percentage rates. How is that possible? Surely that shows a lack of competition between them and any kind of monopoly is prohibited by law for that very reason. In American this would be called *anti-trust laws* whilst we know it as *competition law*. I believe that they are investigated now and then and as said in law they are vulnerable for they need to act with cleaner hands than most businesses.

The counter argument they love to use is over regulation makes good old fashioned competition (to your advantage as the consumer) virtually impossible and the law gives them almost no leeway to change interest's rates. I say be creative for why then charge the maximum allowed all the time? Experience tells me there is quite a bit they can do but it is not for me to give them free advice. As you know my legal consultancy refuses out of principle to act for or with your worst enemy so I will keep my ideas secret. What do I know anyway?

The other peculiar thing about your worst enemy is calling themselves *financial institutions* which I am tempted to believe is solely to regain some credibility with the ordinary folk. Even the Swiss banks took serious knocks the last few years. First it was alleged (I have no idea if it is true or not) that they have millions of executed (Holocaust) Jews money which they are refusing to pay out to the children and then they suffered enormous losses with rogue traders in London. Some of the biggest banks (other than Swiss) even laundered terrorist money if the news is to be believed.

How is this possible? I ask again what went wrong.

As an forensic law expert I can tell you that legally any bank caught with money laundering will face severe (hundreds of millions) in fines and (we hope) a few banksters in jail. As nice at that sounds it is a home goal for they will only use your money to pay for the fine and as we saw recently it just means another golden handshake with your money to the offenders.

What made them so arrogant when it comes to defaulters?

I believe it is the power of money. Ironically it is not even their own money for it is your money (deposits) which they play with. We saw how the system works and it is not nice reading. They make their money by enslaving you in loans. They act without any sense of known human decency and hide behind spin doctors and lawyers. Let us not forget the red tape and computer error myths in this regard which is the second reason why the act the way they do. They feel they will be able to hit out through their lawyers and hounds from hell with impunity. It is as a phycologist friend explained to me the same when road rage happens. You feel immune in your car and removed from reality and thus much more obnoxious than what is good for you.

Ironic to me is that your worst enemy fire their staff every now and then for whatever reason and obviously it is sad when that happens. As said before it is good for the share price if nothing else. Consequently the loyal henchmen are not even safe from the same fate which overtakes their victims. They have no more rights under labour law than you or me and being salary drawers their job security is non-extent and they are also enslaved in company loans etc. The only real job security is to have your fate in your own hands meaning to create your own income. As long as you work for someone you are exposed! Look what the American sequesters did to thousands of workers!

I don't really care what the reason is why your worst enemy behave as they do but it must stop. A poor man is still a man with legal rights. He is not something akin to satan to be hounded and humiliated at will. You will receive the treatment you dish out in life. It says so in the good Book.

Different Acts which your worst enemy are judged on in South Africa

Just as an example of the legal anxiety your worst enemy are under let me give you a list of acts they must (*not maybe*) comply with. This list is not even complete and shows their lack of credibility with the lawmakers whom we usually dislike. It must be said the lawmakers try hard to keep your worst enemy on the right path and deserve some credit from us on this. Enabling laws however is not good enough. The laws must be applied to make it neutral without political interference. Or justice must be seen and not golden handshakes now and then. That is the only way to restore respectability. A non-complete list for South African banks is:

South African Reserve Bank Act (" The Reserve Bank Act")

The Banking Act (" The Bank Act")

The Mutual Bank Act (" The Mutual Bank Act")

The Postal Services Act (" The Postal Services Act")

The Co-Operatives Act (" The New Co-Operatives Act")

The Inspection of Financial Institutions Act

The Financial Institutions (Investment Of Funds) Act

The Currency and Exchanges Act 9

The Bills Of Exchange Act

The National Payment System Act

The Securities Services Act

The Financial Intelligence Centre Act (" FICA")

The Financial Advisory and Intermediary Services Act (" FAIS")

National Credit Act And

The Consumer Protection Act

This is not even the international banking regulations which they also comply with and since most are bought out by UK banks the SOX and other international acts are also applicable. As you can see it is a legal minefield of laws and regulations. It is complex but not rocket science. No doubt.

Since your worst enemy must (not maybe) and do comply with all the above acts it also means that I have no problem with recommending South African banks to you. They are as modern and good as any and probably understand Africa better than any offshore bank. As long as you know what they are. Your worst enemy with a relationship built on sincere mutual distrust. It is just business as usual you know.

Chapter 6

How does the system work for debt collectors?

In the first place only an attorney or his agent or a registered debt collector may collect debts and they can only collect the capital amount of the transaction; lawful interest and his administration fee and expenses. The fees that can be charged are set-out by the National Council for Debt Collectors and not for him to decide. Any deviation will be to your advantage.

The debt collectors work on the scale of economics to be economically viable. It is a business and a multi-million dollar one too. As a rule they hit and miss more often than not yet they still make good money. I saw some of their offices and call centres and it is truly impressive. What help their cause are the economic woes which we are experiencing because of fat long haired liberal politicians (who else?).

Legally they are either independent or they work for your worst enemy as employees. They may or may not be practicing lawyers and if they are they are subjected to even more rules and regulations as the attorneys profession takes themselves very seriously as it should. Whatever they call themselves they stay only a company with no special powers to act above the law. They are subjected to all the rules and laws which you are subjected to as well as their own guidelines. The law is neutral as I often say.

Where do the debt collectors come from? What is their relationship with the bank?

But where do they come from? They were not a party to your contract with your worst enemy and you probably never heard of *Messieurs Greedy and Oily Inc* before who now suddenly send you letters with their registered address on the wrong side of the river Styx in the popular suburb of Hades proudly displayed.

The system works as follows: Your worst enemy suffered the loss and (probably) got a tax break because of it for they still make record profits despite the losses. Then they sell the debt book (actually a hard disk with your information on it) to the debt collector who now tries to collect the debt for his own pocket. In law this is called cession of debt and quite legal. Even if you never heard of them before they are now the legal owners of the debt and collecting from you for a commission which they may split with your worst enemy or not depending on what their contract with your worst enemy is.

In law you know (since all our relationships are built on mutual distrust) we want proof of everything said and it your legal right to demand proof. This is the first legal question in fact when speaking with them. Who are you and what do you have to do with my problems with the bank? Until they answer you and show you proof of the legal reason for their involvement (for it can be anyone calling) it would be reasonable for you to refuse to answer any questions or make any deals.

There is a very real risk of a conman collecting money on behalf of the creditor and then keeping it. Yes it is fraud and it happens all the time. The one scam we deal with often enough is where a building is taken over by criminals who then collect the rent from the tenants and never pay the owners. The owners turn on the tenant who may be quite innocent in the whole affair. We discuss this scam in my book *Tricks of Trade - Memories of a Rogue Lawyer*. That book is essential for you to read if you have any business or planning to come to Africa. Otherwise you might (read probably will be) scammed. It is available for free on the same website where you got this book.

Debt collectors get very upset and have all sorts of excuses (read empty threats) if you challenge them to show their *locus standi* in the case for they are unsure what you talking about. That is in plain English asking them what they have to do with contract between you and your worst enemy to which they were not a party as explained above. They can run but they cannot hide as the saying goes and they will have to reveal the cession contract between them and Bank which then becomes public property and override any existing secrecy clauses which you were not a party to.

What does that help you? It turns on the heat if nothing else but there may be legal irregularities in the contract also and in the one before with your worst enemy which was not properly explained to you. I know of one case where the signatures on it were challenged and they had to produce the witnesses to the signatures which took a long time.

The Pretty One who signed may also now be retired or moved to a different country making it almost impossible to prove the signature. Chasing old debt is not as easy as it sounds once your bullsh-t is challenged and you have to prove your case again. It is just business as usual you know.

This by the way is a common misconception amongst the public. The witness to any contract is not witnessing the contents of the contract but only the signature of the parties by saying "*yes sir, I saw Mr Soon to be treated as something akin to satan sign this contract and this here is his signature. Yes he looked quite normal for a condemned man and had no idea what was coming. No sir I have no idea what the Pretty One explained to him before he signed. They were talking about other things and she indicated to him with crosses where he should sign and he did.*"

It is always extremely frustrating if not plain rude and against your rights to privacy when your statement is under oath and the oath administrator (called a commissioner of oaths) is trying to read what the statement says. Not only has it nothing whatsoever in law to do with him but his legal knowledge is so non-existent (mostly) that it will not make any sense to him anyway. You have all the right in world to ask him politely to do his job and stop being nosy. They usually react quite violently to such a request which may escalate then to the point where he loses his job. Note this is not the same as certifying a copy of an original document where he has to compare the two for certifying it wrongly may lead to fraud charges against him later on and other private law claims for damages.

With last wills and testament it is a strict rule that the witness cannot inherit for obvious reasons. Consequently it is an old lawyer witticism to advise his client to have his irksome wife sign as a witness! She will get a huge surprise later on but in all fairness the court did overlook that in the past to establish what the deceased wanted to happen with his earthly goods. Courts are more concerned over undue influencing and fraud when it comes to disputed wills.

I am depressed to say that in my time a South African Police stamp and certification would have been accepted anywhere but these days I hear than many Embassies refuses to accept anything but a Notary stamp who is a practising lawyer. That means the free public service to any citizen now became a paying fee for a Notary whose time is limited. You can make you own deductions on why this happened. It is not rocket science and the curse of Africa called corruption.

The debt collectors may also work directly for your worst enemy in which case cession plays no role. They usually refer to themselves as "*Legal*" which only means they work in the legal department and are mostly not legally qualified (at that level). Astonishingly the word "*Legal*" is also supposed to scare you for some reason.

Our friendly hounds from hell work on a very small basic salary (if lucky for most often not even) and commission for what they collect. As said their legal knowledge is not good but probably more than yours which is why they get away with their abuse. All they need is tenacity which they have a plenty for it comes with the job. They know (or hope) that if they bother you long enough you may just be willing to pay to get rid of them. Despite our tongue in the cheek reference to them you must remember they are still humans even if working with or for your worst enemy and under computer control. This is never personal enough to put the phone down in one's ear but may be enough to cause a book explaining the system in plain English. Yes I see the irony. You can never close a book or put it down once it spreads around.

I once said to one that "*at least my client earned enough money to make the kinds of debt which she is chasing him for and that makes her the loser and not him who is not poor but have cash flow problems*." That made her burst into tears and an explanation that she is a single mom feeding her children etc. I admit I felt very bad and apologised for my rudeness. I still feel bad about that one and thus I want to stress here that these people are just doing a job. This is not personal and it should never become personal either. The words "*hounds from hell*" is not meant to be derogative but descriptive only for the way they keep on and on and on. Not everyone has the luxury (and it is a luxury) to decide what he does for a living in life. Sometimes you do what is necessary to feed your family and you pay you first.

I am no angel on this area of law. When I started my legal career I also acted with great insensitivity and once took a woman's wedding rings of her fingers to sell for a fraction of its real value. I regret that very much and wish to apologise for acting like a hound from hell. The law allowed it for it is not seen as a basic necessity in life and protected against attachment. However, I was morally wrong even if it made me a bit of a hero to the client who liked my ruthless ways. It did not solve our main objective in recovering the money owed though so we still lost.

Respect goes both ways. My mom, who is an extraordinarily woman, constantly taught us respect. Not to do unto others what you don't want done to you. Never lower yourself to their standards she said. Today, since I am rapidly greying, I say the same to you reading here. Let us not become hounds ourselves. When it comes to debt it is almost always self-inflicted (read from satan) problems and I am tempted to say because of a lack of trust in God.

"What is more significant to you" I was once asked by a very smart minister who is married to my personal doctor. "*Your credit card to fall back on in emergencies or prayer?*" You figure it out but I am proud of my lack of credit cards for the last 12 years. I have higher connections so to speak than our worst enemy and his hounds from hell and don't need my worst enemy's blood money to live. I would rather stay without which is also why this book is free. How can I possibly ask money for such information given to you who is already struggling?

So how do they collect?

They will of course deny it and point out that they have strict guide lines on how to behave but we know that is nonsense from experience. If challenged I am sure if I ask my readers for examples of bad behaviour I will receive tens of thousands of cases to quote. Let us not deny they act as if they are indeed sometimes the hounds from hell and not lowly paid employees of your worst enemy trying to feed their families. This book would not have been written if that one fellow did not make that call. Whatever follows from here is traced back to that arrogance and entirely his fault for putting the phone down in my ear!

I feel sorry for debt collectors to be honest. It is a job which I certainly don't want and as said my legal consultancy will not go as low as to do debt collecting. It may be counterproductive but I always say to my clients "*Sir, you got yourself into this mess where you are now owed money. Let us rather look at your contracts to safeguard you in the future whilst you pay your school fees alone for I will not become involved with blood money.*" They then always point out they are the actual VICTIMS which may be true so we refer them to good lawyers who have fewer scruples than us and more importantly are geared to do the job properly.

* We are not practising lawyers and have no desire to act like ones either. I am sure it cost me money during the years but I have peace and my clients find my direct ways comforting (or so they say whether I am around or not). This also means that I will most probably not act for you reading here if you ask me but if you really need help or clarification you know where to find me. This whole book is to assist you and probably worth more to you than the few weeks it took me to type what you read here. As said in the beginning I hope it helps you but the best option is to pay and live debt free.

These hounds call you at all times of day and night and threaten you with legal action but I say again have very little understanding of what exactly legal action means. I have yet to find a single one who could explain the difference between a summons and motion procedure as we explained above. I am told that their favourite time to call is on Saturday mornings or at about 19h00 at night. Mostly directly on your mobile with an unknown number! This may be by design or not depending on their switchboard and operating procedure. Whatever!

Many people I know, including me, has firm rules not to answer any unknown (read blocked) number. In Africa there is a saying *that only a thief moves silently around and an honest man loudly*. Same principle, if you don't want to show your number then why should I answer? You must be a thief or have some other reason which I am not interested in to listening to for being ashamed of your number? You can leave a message and if I judge your worthy I return the call but probably not. I have already formed an opinion on you which will make a working relationship difficult.

As a forensic law expert I assure you that we can trace blocked numbers very easily. Every handset also sends a unique number when used called an IMEI (International Mobile Equipment Identity) number which traces right back to the caller. It is no big deal and will even tell me from where you called at what time so I identify you on any CCTV cameras which are everywhere now. We use that a lot in kidnapping cases but you can read about this in my briefing on *Hostage Survival in Africa*.

* We train executives in the basic survival to increase their chances if snatched. Even banksters which is ironic but then life is meant to be fun. I often wonder if I should include a more practical version (many Israeli firms have excellent courses) and subject them to *vigorous interrogation* so to speak. I am sure some of our ex-Special Forces Instructors will remember the calls they got from the hounds and act with great decisiveness. Just joking! The risk of them having heat attacks is just too high. We should not be nasty now.

Those instructors are something else and not at all like any normal human being when working. I said somewhere before that tough men recognises each other. Well, as a man I can tell you we know who will kick our (you know what) too and better be treated with respect. It is an animal survival instinct I am sure. Reversely we know whom we can kick the (you know what) out of.

* "*Which is why I am so nice to her*" says my American Patriot. Yeah I know what is good for me and I certainly know my limitations in life. She is furthermore remarkably strong for such a small woman. Is rather uncanny and must be the Navy food I suspect.

Our friendly hounds will also call your family and friends to find out where you are or so they say but I suspect it is in fact to place subtle pressure on you. Very clever it is to involve your wife or ageing mother or whoever to shame you in paying them. Quite effective too because all good men (even if broke you are a good man) will go to great lengths to protect his family and nothing gets to him as much as this aspect which is very indecent.

My advice is threefold.

First the calling of family may come down to the crime of intimidation or extortion and is certainly grounds for an interdict or injunction if it does not stop. They have your details so there is no legal need to bother someone who is not involved as a contract party. Much will depend on how many times they called, when and what was said. All of which is available on their own recording systems of which they are so proud off. You have the legal right to *subpoena* (demand) it if your voice is on it and they cannot by law refuse you.

Further the Police, investigating a crime, free of charge on your behalf (I hope) can also confiscate the tapes as evidence and if they deny having the tapes they cannot introduce it as evidence later. If caught lying about the tapes you will have your own Watergate with them and they will then be arrested for the crime of obstructing justice. Or, with today's technology it is extremely easy to tape them and you do not need to warn them that you are doing so either. Just make sure you ask who is speaking at what office etc so that they cannot deny making the call (they will think of it).

The law is neutral.

Secondly, I don't know about you but secrets between man and wife is very bad for any relationship. You know what I mean! If you have financial woes your family must know about it and I want to hear no excuses from you. You are one facing life together as one. It is a very big deal to be honest about it.

Yes, I know many men will now say "*K, I want to protect my wife from this and cannot act like a long haired liberal by crying all the time in her ears*." Indeed Sir, I agree with the crying part. However, you will be surprised how vicious a woman gets when her man is under threat. I am sure my female readers will forgive me for I mean no disrespect but you only have to look in nature to see my point. It is the lioness who kills most of the time. Not the male who only roars and makes cubs. Well I suppose that is a reason to roar but you know what my point is. Your wife and family will stand by you and support you.

As a man I understand your protection theory but it is cr-p in real life. If she does not stand by you then perhaps it is time for her to go her own way for she most certainly does not love you as a she should. The test here is would you have expected her to tell you if the roles was reversed? The answer better be *yes* and then what? You love her and support her and sort it out. Really, what more is there to say? I am right!

Tell your family and then the fear of them finding out disappears and takes away a serious weapon in your worst enemy's arsenal. We do that often in law. We say the wicked things in the beginning of the statement and at the end of the trial no-one remember nor care about it either. It is actually an American legal tactic first observed by non-Americans at the Nuremberg War Trials in Germany after the War.

Thirdly, your family and friends are under absolutely no legal obligation to give any information so they normally relapse to stunts which is against their own rules. They must identify themselves honestly and cannot pretend to be your ex-Army buddy or whatever to gain information on you. If they do that complain at their council as discussed below somewhere.

I want you to answer your telephone and not to ignore the situation

The question here is not so much whether they have numbers visible or not but whether to answer or not. I know how it feels when your world falls apart and it is the last thing you want to do is to hear them demanding money which you need for you and to be disrespectful also. But the short version is to answer all calls from the hounds and be nice for you are at another level. Keep the call professional and to the point.

* From the days when I still took cases from our worst enemy I remember a fellow who was so smooth. Always polite and genuinely sorry that he cannot pay but he will in due course. I bend backwards to assist him and he did pay at a later date. I assure you, if he got an attitude I would have responded in kind and kept escalating the matter for I, as a lawyer, gets paid regardless if I win or not. Of course those days are over and I will never act for a Bank or creditor today.

The hounds are used to abuse (always unnecessary) and your abusive words are probably not that special (I hope). I had another client whose favourite and only tactic was to shout abuse at the bankster in three languages and then put the phone down in his ear. I admired her extensive foul vocabulary greatly then and now for she was quite good at it. However, this is not a good tactic though it caused her great amusement. She was such a nice lady when not shouting at banksters too. They lived in fear of her and would sometimes call me to intervene and eventually she married rich and the problem was solved.

The fear part though was because her family is very powerfully connected. I said it before and say again. It is almost impossible to sue certain families whether we want to hear that or not. Some pigs are more equal than others. In fact in *Tricks of Trade - Memories of a Rogue Lawyer* I advise you not to enter any business relationship with a powerful African family. It is just too dangerous for the normal divorce proceedings do not apply in real life. They *are indeed* above the law no matter who tells you what.

The thing is that to ignore the calls will not stop the legal process and the reason why you are reluctant to face these calls is fear. I really think that fear is probably the most poisonous element in all this. Let us look at what you have to fear and then decide whether it is worth it for you know I always say fear is from satan. And as long as you have fear you cannot have faith and thus no blessing which is a terrible circle to be in. You must break the fear part as silly as that sounds.

What is the worst that can happen to you when they call? Let us look at the different fears which the defaulter experiences for it is very real in his mind if not in reality.

Physical punishment or jail or similar? No. Not possible in law except if you fail to arrive at court as we said.

Humiliation? No, not unless you lower your standards. This is just life and sh-t happens. Who of you reading here has never had some problems with creditors before? It happens everywhere and is no big deal. Don't ever feel humiliated or worthless because you had bad financial luck or bad advice. We will speak in great length on your state of mind during these times later on. You may be broke but you are not poor. Big difference!

You have rights and we will see below what happens if you feel aggrieved. We already said that in court you will be treated with respect and if not you have excellent grounds for appeal. The law is neutral and the courts even more so.

Legal action? Yes, but so what. It is only private law and you will have your freedom afterwards as a man and financial freedom from them also for at some stage the legal process stops. It cannot continue indefinitely. As I said before, you either win or lose in court. It is not to say they will get any money out of you and the process to take you on may cost them dearly enough to restore your self-respect as a man even if you go down Texan style. Most go through this at some stage and most come out much shrewder if poorer for a short while.

What is this legal action you are threatened with? We discussed it above in previous chapters. A few calls, a few letters, a summons, an application for judgment, the sale of your earthly goods (if they win) and attachment of a small part of your salary (if you have one). All said and done really not the end of the world and can take years or months depending on what happens.

You cannot stop living because of their lack of decent human behaviour. It is much more serious to be stuck in an African jail on false rape charges which is a scam frequently applied to Westerners but once again you can read on that in *Tricks of Trade - Memories of a Rogue Lawyer*.

Why do you think I said don't fill in the application forms with false or better looking data? Because it is fraud and serious leverage on you once the (you know what) hit the fan. You will be surprised but I am against the death penalty because I feel that jail time is much worse punishment. Lawyers are not clever enough to guarantee no mistakes in sentencing humans to death. Also a black man is treated worse as facts prove which is an injustice and inherently unfair. Being locked up may be death penalty in the form of Aids in African jails. It is no holiday resort as some idiots think and thus you need to stay away from there.

Listing you on the credit buro as a defaulter? Yeah this one is their favourite empty threats and let me explain why I say so. What your worst enemy forget is that they can use that threat only once and then it completely loses its threat against you. Simply because once you are listed you know that no bank will ever give you money again even they are supposed to ignore the listing after 5 years. They will always do what they call ITC or credit check and if anything against you the "*computer*" will reject you.

There are legal ways of eradicating a listing called *rescission of judgment* where you paid the money you owe and approach the same court to rescind the judgment and you are clear again. Clear to do what I ask? To become a slave again of your worst enemy! Surely not! I would like to believe that once bitten you are twice shy next time. There are ways which we will discuss later on where you are untouchable to creditors. The spreading of assets and note I am not saying the hiding of assets is not rocket science.

This is why I say listing a defaulter has no value whatsoever to recover the money but it does protect your worst enemy from further business with you. This re-affirms my point above on making debt again and how much you are trusted. First you are treated with a distinct lack of respect in a legal relationship based on sincere mutual distrust. Then treated as something akin to satan to be hounded and humiliated and then you are listed as someone they don't want to do business with! Why on earth would you want to be their slave again I ask?

Remember right at the beginning of our book where my client sends the overripe bananas to his old account manager every Christmas? Get a new Bank and make sure your assets are protected. Let them lose you as a client and inform everyone you know so that they also protect themselves against that particular bank. It is just business as usual to both sides you know.

Black listing is useless because it places the defaulter in a corner where he decides he has nothing to lose and will not do business with his worst enemy (their choice it was) ever again. So why will he now be tempted to pay and not say: "W*ell, let's go and let the push back start in earnest!"* Since he knows he will not get debt again he starts to live debt free and suddenly realise it is indeed possible. Thus your worst enemy now lost its money and its client for life and has one less slave to pay their compounded interest. Home goal number one I say. It has only future use and the future will take care of itself.

Will it cost you your job if listed as a bad payer? Well it depends on what job you do and what you agreed to in your employment contract. The short answer is no but it may influence your next job as happened to my client. If you are working in a sensitive job with a high security clearance you will need to explain it to your security officer who no doubt heard such bad luck before and will be sympathetic. As a senior manager / director you will need to explain to the board as companies want to ensure good financial practises from senior men. Even they went through the school of hard knocks though and would be more interested in how you intend sorting it out. It is only a real wanker (meant in the worse possible way) who will hold it against you.

Mostly though you get into trouble because you lost your job already in which case this question do not apply and makes no difference to your wellbeing.

How do you get rid of a black listing? There are two ways to get blacklisted. One happens automatically when judgment is granted against you and the credit buro (just another private company doing business as usual with your worst enemy and others) fetches a copy of the judgment from court and enter it into their systems. It will stay there until removed by a formal application to court for rescission of judgment. Once the court grants this order (it is recommended that you approach the professionals for assistance) the credit buro is instructed to remove the blacklisting and they have to do so. You are also entitled by law to one free credit check a year to see if you are not wrongly listed which also happens. It is life. If so you need to see your lawyer to hammer them into removing it and perhaps nice financial damages if you can prove your loss.

A wrong listing is serious. Your bigger problem is where you are listed as a *bad payer* by the arrogant creditors and mostly the clothing stores are guilty of this type of behaviour. You have not been found guilty or have a judgment against you but you are still listed and even when paid stay listed for they must remove instruct removal which they usually refuse to do and only agree to update the record that you paid. It is legal extortion of course.

How legal is this? Well, they get away with it on a technical legality but I foresee that somewhere they will do it to the wrong man who will take the matter to the constitutional court and hammer them on equality before the law which is guaranteed. It is just a matter of time and because of this we must include them as your worst enemy. In fact any creditor is. I say again. This book is not just about your worst enemy called banksters but all creditors who treat you like something akin to satan. Your worst enemy just happen to the main creditor for most people.

About the call As said it is much better to take the call but remember not to admit anything or making any false promises which you know you cannot keep and you may be recorded which we saw is to your advantage more than to them. Always keep in mind if you please that however sympathetic they sound and some are they have a job to do and they work for your worst enemy. You do not need to confirm your current address to them which is normally what they want to hear so that they can send you the summons or attach your goods.

A lot of people are emigrating because of various reasons. My advice is to keep this to yourself for your worst enemy may have you arrested if they have reason to believe you are fleeing the country to avoid debt. Keep in mind that the debt will follow you to your new country and it must still be paid. It is very possible to sell your house in your new country for debts in your old country. You would be very silly to think it cannot happen.

You need to know how to deal with the sheriff

In truth they don't really need you current address to sue you because they always have what is called your *domicilium address*. That means is they have the legal right to sue you on that address you gave in the signed contract which means the sheriff of the court will go there to search for you even if you don't live there anymore. If he does not find you there after being there a couple of times (you may be at work) then he has the right to fix the summons on your gate or front door or anywhere clearly visible and in his report called a return of service state that is what he did.

He may also give the summons or whatever to any person who belongs there and is older than 16 years of age. That means a fellow worker or responsible person who will give you the documents later on. This other person may and usually do refuse to accept it for fear of becoming part of the law suit. Some companies are so fearful that they have policies regulating this aspect. We look at that when doing a compliance audit.

The sheriff has no police powers whatsoever and is only able to act on instructions from the court but he has the legal right to be on your property doing his job. This does not mean breaking down your door or entering your house without invitation or court order authorising him to do so. Nor is he able to threaten or harm you in any way. Interestingly he has to give you the summons in day light and clearly identify him as a sheriff and from which area. After dark, meaning when the sun went down, you can refuse to accept his documents legally. Always write the time down next to your signature whenever you sign for it and confirm the time with him also.

* For my American readers. The police in Africa are never called the Sheriff but the Police and mostly (99%) it is a national police force meaning you have one police force for the whole country and not limited by counties. The Sheriff in this instance is only a peace officer who delivers court documents and has no police powers at all.

No need for unpleasantness here for the sheriff is almost the victim as he has to bring you the documents and sometimes attach your goods. He is never a party to this fight and must be treated with decency and respect. It is not his fault that you are having these problems with your worst enemy and that story of feeding him laxatives with his coffee is not funny and criminal assault. Please don't do such things. It is a terrible job and pays badly too.

He must also show you the original document and you can compare the two for as long as it takes before signing. Most importantly it must be addressed to you meaning exactly the same names as you signed on the contract. For example if your nickname is K you will be in your rights to refuse to accept the papers if it is addressed to you as K whilst you signed the contract as Jacobus Kotze. Don't let the sheriff bullsh-t you into signing. His papers are defective and since he is only a messenger he must go back to your worst enemy who must now withdraw the summons and issue a new one. Round 1 to you!

* A more dangerous tactic is to let the bankster continue with his case and when it comes to attachment phase, whether your salary or property, to show the wrong name on the pleadings and declare it defective. Thus you buy a lot of time and they have to either amend it or start afresh. Round 2 to you for any judgment obtained against you under another name is useless and unenforceable which is why we sometimes advise to sign for it and then later on take it as a point *in limine* in court. It is just business as usual you know and gained valuable time and legal costs making it harder for the other side.

Also during the call you will be asked when are you going to pay for the loan and that opens all sorts of strategies. I keep on saying that if you can afford to pay then make the arrangement and keep to it. Please note the second part of keeping your word for there is nothing which angers a debt collector more than accepting you word for payment and then you fail to do so. He also has to explain weekly to his boss what he did and no-one, not even our hounds from hell, likes it when that happens.

If it happens that the time comes and you cannot pay then call or write and explain what happened. By doing this you will find that they will bend backwards to assist you. Always keep in mind our first principle of course to pay you first. You hear a lot people saying they will pay one dollar a month and thus delaying the repayment for a century. Regrettably that is a myth. Your worst enemy is under no obligation (and will almost certainly not) accept such a preposterous offer. The whole idea behind all your troubles is to pay what you owe as fast as is possible.

What is the difference between a letter written "*without prejudice*" and others Let me explain. When in *bona fide* (genuine) settlement negotiations you always write the words "without prejudice" on top which reserves your rights and the letter cannot be used against you in any further litigation. Thus anything you admit will not be held against you. Simply put in practical terms. Once you negotiate repayment it may be seen by the court as that you admitted owing the money for why else would you want to repay it? Remember the law is neutral.

The reverse is also true. It happens, not often, that a letter is written with the words "with prejudice" on it which means the letter will be used against you in court later on. This is where someone is behaving in a hideous manner and the letter to desist from that kind of behaviour. It lays the ground work for an application later on. Keep in mind please that all letters must have the correct date and reference numbers on it.

It is also possible that there is no way you can pay because you lost your job and just cannot. If that is the case then say so and make it clear you are trying to find another and need time to do so. They may or may not extend you a few weeks. The worst they can do is to say you admitted not being able to pay and start proceedings to sequestrate you for admitting you cannot pay is an act of insolvency. We will talk about liquidation and sequestration later and unless big money is involved it simply is not worth their while to do so. Another empty threat most of the time!

Simultaneously you can inform them (if true) that you have nothing left of value anyway to attach and they may believe you especially where the outstanding amount is small. Where the debts are not too large they are keen to write it off for tax breaks. Not even your worst enemy want to throw good money after bad for they must explain to their shareholders what they spend.

In duplum rule

We mentioned the *in duplum rule* before when I asked you to ask the Pretty One next time to explain to you what it means. It is rather simple and says that *it limits the amount of interest that may be charged on an outstanding debt in that such interest cannot by law exceed the capital amount outstanding*. Capital amount means that amount owed when the action against you started.

In practise what happens is that you owe say 10g to our worst enemy when they demand it from you and started the hounding process. Let us say they could not for some reasons recover the money from you and the whole situation disappears for a few years. Then suddenly you are called by our hounds from hell who bought the debt book from your worst enemy and by their calculations you now owe 50g which makes it very attractive to them to act like they do for they smell enough money to hunt you down. It is obvious that the bigger the debt the bigger the fees is which is good for them.

Correctly in law the *in duplum rule* will not allow it and they start off on the wrong foot chasing a much inflated amount. I find that very few of them understand this rule even if they may have heard of it vaguely somewhere before. Once they understand they will be lucky to get 1% of the amount they normally go on to haunt someone else. And that brings us to quantum or how much.

This in fact causes a lot more arguments than merit for in most cases you did owe the money and your worst enemy did follow all the legalities they should have. We have something in law which we call a technical defense and to me it always shows you are bad on merits. It could be called nit-picking for you search for anything which may be wrong like names and dates and court jurisdiction for defects. Quantum often falls under this category where you see how the interest calculations were made.

Typically, in all loan contracts, your worst enemy would have a clause stating that a letter from a manager stating that x amount is owed will be enough to prove that x amount is indeed owed. This can be challenged and that manager brought (*subpoenaed)* as witness to testify why he stands by that amount and he better not say "*because the computer says so*" or change his story as they often do when the heat is on them in court. That will cause havoc with his case and then the software developers called in to explain why the computer says so. It is a weak point in your worst enemy case for it can get very technical though the calculation is simple in principle. There are companies specializing in re-calculations who also act as expert witnesses. Mostly they take a percentage of what your worst enemy overcharged you if in fact they did do so.

Demand original documents

The interesting thing which I heard is that they don't have your file with them physically for most of the work is done and captured electronically. This is a huge advantage for you who know exactly what should be in that file or not. In law we want original documents or it is not accepted as evidence (generally). Copies are simply not good enough. Thus clients challenged them on this aspect and you would not believe it but many times they could not produce the contracts or sureties and had to back down.

You must remember it is vastly expensive and difficult to store paper files (originals) and it is usually dumped somewhere. With the passing years it gets lost or damaged by rats or rainwater. It is worth your while to remember this aspect. The Pretty One who signed may also now be retired or moved to a different country making it almost impossible to prove the signature. Chasing old debt is not as easy as it sounds once your bullsh-t is laughed off and you have to prove your case again. It is all a numbers game for you will lose more than what you actually win.

Throw down the gauntlet

The last response is to say you will not pay and intend to defend any action they take. Can you refuse to discuss merits then? Yes and it gives you the right for once to say "*see you in court*." They don't like such answers and that will cause the affair to be escalated as they will rise to the challenge. Except where you are unassailable in law as with the telephone call which caused this book since the claim prescribed.

Prescription is very powerful and simply means that a plaintiff (your worst enemy) must issue a summons against his losses within three years of it becoming due and payable. If he fails to do so he lost his right to do so and nothing in law can reinstate it. Note however that in South Africa anyway you may be sued later as surety even if the three years is gone but only if the first debtor was sued. If no summons was issued they have no chance and you can be as arrogant as you like.

Know your enemy and use his own rules against him

According to the rules and regulation under which debt collectors fall they are not allowed to use force or threats or intimidation against you or any other person who has ties with you. That means your family and friends.

What is a threat or intimidation? It is a criminal offence and must be of a serious nature and on-going. Whether they are actually capable of fulfilling the threats is beside the point as long you believe they can hurt you. In effect they may say something like you will go to jail and gang raped if you don't pay now.

In the first place that can happen in jail and secondly it is false for we know you cannot go to jail for debt which brings us to the second point.

They *are not allowed* to make fraudulent or misleading representations which include using false legal or official documents. It is not for them to act as your informal legal advisor. One, they don't have the expert knowledge and two; they have a serious clash of interests. It is what happened with our first call which started this book. If that debt collector said to me has a summons I would have asked to see it and if he could not produce it or send me a fake one I would have hammered him and his company and press intimidation charges. It was very wise of him to put the phone down in my ear without answering me. Remember when I said to you lawyers don't lie. This is a classic example though this fellow is of course not a lawyer which brings me to the next point.

They *may never* pretend to be a police official, sheriff, officer of the court or any person other than a debt collector. It is a serious offence to (fraud) to pretend you are something which you are not. You would have noted how I repeatedly said to you I am not an attorney anymore and my legal consultancy not a law office. This is the reason and it is to protect you. Thus our hound from hell must state clearly who and what he is when he calls you. You can ask for proof which will be his appointment letter from his company and you can even become obnoxious and ask for the company papers and registration with the debt council.

Nor are they allowed to spread or threaten to spread false information about your creditworthiness which means in practical terms any amount of publicity, however small, will be enough for you to sue. This is very serious. We had a fellow here (and I speak under correction for it was not my client) who wanted to manufacture something with Arab money. His worst enemy wrongly gave the Arab Investors a negative report on his creditworthiness and they immediately walked away from the deal. As you can imagine he wanted a lot of compensation for his losses and I believe he got a lot too. Just rightly so I say but why was there the need for a court case and newspaper articles? Obviously the bankster tried his luck to wriggle out of his responsibilities.

Interestingly no-one is allowed to work as a debt collector if he was convicted of an offence that had an element of violence, dishonesty, extortion or intimidation. This means that he can lose his job if he makes himself guilty of such behaviour against you and you lay a charge against him as discussed somewhere above. Obviously you will sue the company he works for also for stress and whatever else your lawyer can think off.

Yeah, so what happens when they do cross the line and become hounds from hell? What do you do?

You immediately report any unethical behaviour to the Council for Debt Collectors and they must investigate every charge giving you feedback on what is happening and happened. It is open for speculation whether this will stop the on-going process against you. Most probably not but another debt collector will have to work with you. I am sure if you go to their website you will find the procedure to complain and it is free. It is normal to have some form of a statement under oath in this regard. If your wife was threatened or abused she will need to give a statement also. If a criminal charge was laid then the case number must be included.

If the council finds the debt collector guilty of misconduct it can withdraw their registration which means the end of the line for them. It is serious. They spend a lot of money in infrastructure and now are banned from doing the contract they have. They can also be suspended or fined or be ordered to pay back an amount set by the council. All of which is really bad news for a hound from hell. It seems that the council does have some powers and what I heard a lot of credibility.

Where a debt collector is guilty of misconduct you can bring a criminal charge against him as explained in the prior paragraphs and that entails going to local Police station and let them deal with it. This can be done simultaneously with the complaint at the council and you then have to mention what you did as it is important.

You can also bring an application to the court for an interdict or injunction but that obviously cost a lot of money which why the council was formed. Keep in mind though that you should not be over sensitive and waste the courts time. Get professionals involved.

Chapter 7

The phycology of a defaulter

I am not a phycologist and thus claim no special knowledge on the subject. This chapter is only the observations I made during the years and some personal experience and you are advised to see a professional if you need to. As you know I also saw my (you know what) a decade ago and was treated like something akin to satan. I am not angry about it any longer for I know it is just business as usual. I can tell you though I was fuming enough at one point to have thoughts which I cannot put on paper. I thank God that I did not act on it for I had the training and capability to cause a lot of hurt. Today I don't give a (you know what) if you saw Gone with the Wind. Life goes on. They were not worth any jail time then or now.

Why don't people pay debts?

I noticed through the years that most people pay their debts whenever they can afford to do so and they do not feel aggrieved in some way. Most people are quite honourable with debts and will sign almost anything on trust. Many said to me they signed because they trusted their worst enemy without asking questions or fully understanding the consequences. To me that is a very bad reflection on your worst enemy for they should be more clear on the divorce proceedings. It is after all just business as usual and no place for fake smiles.

I found that some folk will withhold payments as a matter of principle and there is not much your worst enemy can do to them for they will not be moved by a court order or anything else. They also went through the school of hard knocks and typically are the *man of straw* which cannot be sued for he has nothing in his own name. This is where you want to be and I will show you in the next chapter how to become one when we deal with practical debt issues.

There is a saying in law that principles cost money which is true. The law however is neutral and it will cost both sides money and thus a man of principle is almost impossible to take on. These fellows follow the Chinese principle that even if he loses he is still the better man. He may be poorer perhaps but still better! Such people are banks worst enemies for they will not stop fighting. I am tempted to say the worst clients for me also because they refuse good advice and carry on. I admire them greatly. You have to act according to your beliefs even when slightly mad.

Then we find the guy known to the world as a "*loser*" which is a terrible injustice to him. Your worst enemy do not comprehend because of their inbuilt arrogance that when a man loses his job and cannot find another he is going to go down and will not be able to "*make a plan*" or pay no matter what you do to him. He is not a loser but a Victim of peculiar circumstances which you as an overseas reader may not fully understand. Let me explain that in this country with unofficial unemployment rates of more than 50% under the youth and deliberate employment discrimination against white males there will always be defaulters in this category.

By law companies must employ workers at the national race percentages which means that only about 4% of the jobs available will be for white males and it is called broad based black economic empowerment to "*undo the inequalities of the past.*" When it started it was with good intentions but as with all good intentions it had other consequences too like a brain drain of note. This country lost more than half of its doctors and engineers to emigration and it will not become better for the real issues are not addressed. Because of that the health system is falling apart and from what I hear from doctor friends you take your life in your hands going to a state hospital where conditions are indeed fourth world.

Nowhere else in the world exists a *minority group* that is more blatantly discriminated against and the anger and bitterness because of it is growing rapidly. After twenty years or freedom the majority of people are much worse off today in terms of service delivery from the Government. It reflects in a continuous wave of violent protests worse than what it was in Apartheid South Africa.

I really feel for the South African Police Service who stands in the middle of senseless (read failed) Government policies. You have to understand that the Police cannot run away or turn their cheeks when a crime is committed in front of them during protest marches. They must act and will act and then bear the brunt of long haired liberals criticizing their actions. This alienates them from the man in the street which is a recipe for disaster. The Police exist to protect the weak but we saw in my book *Mean Streets - Life in the Apartheid Police* how quickly an honourable institution with decades of honourable service can become an instrument of oppression. It is really not rocket science because it is history repeating itself. We never learn. That is the sad part.

A phycologist friend told me the other day that the suicide rate under white males in South Africa is at an all-time high. Ironically they are highly educated people with advanced degrees including PhD's which no country can afford to lose. However, arrogance is not limited to your worst enemy. The fat politicians are just as bad and I do not see any change in the foreseeable future. Thus emigration is ripping the Afrikaner nation apart. We are now approaching the ludicrous state of affairs of more Afrikaner people living abroad than in South Africa. Being hard working and good people in general they tend to be excellent émigrés too and mostly very welcome in their new countries.

Despite the nonsense which the Government tells us very few of them intend returning and the millions spent to entice them recently was a complete failure. They are lost to this continent which is sad for they have much to contribute. Their tax money alone which is now paid to their new countries could have helped a lot this side. It is billions lost forever. Their skills also! It is lost.

The more desperate unemployable white men are now turning to violent crime and it is only a matter of time before innocent policemen will die attempting to arrest them for they were as well trained if not better than the Police during their military service years. Obviously they have nothing to lose and will open fire and the Policemen will die. They have nothing to lose. The tragic part is that these jobless men cannot even start a business for our friendly worst enemy took their vehicles and credit rating away which makes it impossible. Besides that, any company doing business with the Government or other big companies must be black owned and white owned companies have no chance to won any tender regardless of skills. They are truly the condemned. I do intend to write a book on this very subject in the future. They are in my prayers for I do not have the answers which a long haired liberal politician will agree with. Unless you were there you will not understand the hopelessness of being unemployed with no hope of employment.

* I deal with this aspect of non-white business in more detail in my eBook *Tricks of Trade - Memories of a Rogue Lawyer* if interested.

Then on the other side of the spectrum you get people who are plain reckless and incapable of dealing with their personal finances. As much as we dislike our worst enemy we cannot in any way have sympathy for these types who are almost professional debtors. They have between 5 and 10 credit cards each with a lifestyle way beyond their means and they must have all the latest gadgets which I really fail to understand why.

What they do is called "*kite flying*" where you transfer money from one credit card to the other and thus it looks like a payment received and something happening on the accounts keeping the computer boss of your worst enemy happy. But as you know it is impossible to become debt free from borrowing more money and they crash in the end. It is always sad to see it and only to be hoped they learn a lesson. Usually some sort of insolvency is involved including sequestration for the amounts involved is high enough to justify it.

Then then there are the average Mr Joe who still has a job but just cannot pay everything anymore and it is not always his fault. Let me explain. At one stage in South Africa the bond (mortgage in American) rate sky rocketed and the bond re-payments became almost double that of what was agreed to. Note this is not your worst enemy's fault for you as the debtor had a choice to fix the interest rate to a percentage (recommended by me) or have it flexible and if it goes down so does you repayment amount (very ill-advised for it is risky). Many took the second option which suited our worst enemy and the result was predictable with a many thousands losing their homes and creditworthiness. As said before this group of defaulter has no chance in the system for he has goods to be sold which is paid off and he does have a salary to attach. The perfect victims!

After this period which lasted to about 2002 the interest rates fell dramatically and now people could borrow a lot more than usual for the same repayment amount. Every Tom Dick and his mate Harry began to issue credit cards and entered into the loan shark game. Credit was easy. Being human the soon to be treated like something akin to satan clients bought more and more and the house prices sky rocketed because of it. Every second Pretty One became a real estate agent and everyone made money for a while. Then came the 2008 crash and the realisation that the houses cannot be sold at that ridiculous price anymore. The defaulter's rate went up and beyond any reasonable prediction. This became so bad that the law makers intervened with the consumer protection and the national credit act which really helped and we will look at it in next chapter.

* My American Patriot pointed out I just said something nice about the fat long haired liberal politicians! Yes, they did good work here but they are still long haired liberals. We need them to create havoc and make life less boring!

Do you know how it feels to be treated like something akin to satan?

Without having personal experience you really cannot comprehend what it feels like when your world crashes and the bills mount up and the hounding begins. I know many of you reading here will understand exactly what I mean. Others, well, I sincerely hope you never find out.

My point here is to remember three things.

One you are not a bad person just because you fell on hard times. It is an opportunity to grow and to learn and to take stock. Many told me it was a turning point and they learned very valuable lessons which they apply today. Most said they never discussed money matters at home before but now they do all the time. They teach their children the value of living within your means and to make money work for you.

Secondly all is not lost and you have a good chance of surviving and starting afresh. Your fear of the debt collectors is based upon ignorance of the law (I say this with love). This book is intended to take away that fear. Once you understand what the process is and how empty the threats are in real terms it is not that bad anymore.

You also reach a point where you simply don't care and that is dangerous. That is where you need the love and support of your family and if I may say so assistance from God. You need to understand that this will go past and normal life returns after a while. Debt collectors don't have time to waste on stubborn people where they know they are in for a fight and will probably get nothing in return anyway. They move on to the next victim.

Thirdly you will find out who your friends are and how little your family means to you if unlucky. Blood may be thicker than water but I assure you that a poor family member is unwelcome to most families. If this is you then let it go. It is no use to cry over spilled milk and carry on with your life. Don't become bitter or let it get to you. They will have to explain their disgusting lack of compassion one day to Someone who warned against it in writing. No way I want to be in their shoes even if I desire no revenge.

You will find out you have friends who will stand by you and many others (read 98%) who will ignore your plight. We spoke about it briefly when we asked how you are. I feel it is a good thing to have such clarity and see through those who did not help you in need as long as you understand that lasting bitterness will destroy you. Bitterness is not the answer but obviously you don't need or want such people in your life. Many defaulters told me this aspect made them very compassionate and they take time to help where they can and not one is willing to judge a man in reduced circumstance anymore.

In summary, it sucks to be a defaulter and is a thoroughly humiliating process under the best of conditions. Clients told me they went from highs to lows all the time and had to dig deep to survive. Some went into denial and ignored the calls and paid the price in court. Anger, disappointment, shame and all other negative feelings are present in abundance. I don't want to dwell on this issue for I dislike negativity. Sufficient to say it is not nice but not the end of the world. It happens with the best of people and the worst of people.

It is just life. Pushing back is always good for morale. After all, they cannot take your soul or your body. Whatever goods they sell can be replaced (mostly). And you will be wiser next round. They now believe me when I say: *Your Bank is your worst enemy.*

Chapter 8

The Practical Issues

We are now going to deal with practical issues and I hope it is more interesting than the previous chapters which were necessary to get here. We will discuss some of the most common questions asked to me. Note the answers are correct for now (2013) but it may change as time goes on. I tried to stick to principles rather than actual law because of that. Legal principles seldom change for the law is boring for sane people and thus mostly stuck in one direction.

Which approach is the best?

I am sure that the *hounds from hell* will be much more effective if they use a softer approach than empty legal threats. In all my years in law I can tell you that a soft word and sympathetic ear brings the best out of people and a tough approach seldom works well. I say again that most people like to pay their debts as it makes them feel good and honourable.

The hard approach always has bad end results. You may be able to bully the debtor into signing a repayment agreement and chances are that he will never be able to comply with it. My question is what then? You are back at square one where you started except that the lawyer's fees increased for work was done as is only right. You still have not collected what you wanted to collect so your attempt was a failure in any viewpoint. You were made a fool off.

A threatening approach just raises the stakes even if you will succeed in an insignificant minority you will never succeed where the big money is. A man capable of borrowing millions is not to be taken lightly. He knows all the tricks and don't take kindly to any disrespect. At this level the defaulters are highly educated and skilled people or good entrepreneurs who made good money before. Threats will not work and I saw them laughing at the hounds for they graduated from the school of hard knocks before. They know they will survive and it is just business as usual.

You know what I mean. Once you experienced something the second time around is not so bad. That is except parachuting but that is another topic.

Bothered me it did and I don't think I ever opened my eyes once until the canopy opened when the relief is so great you are on an all-time high. Then you look down and see the ground rushing at you like an express train and you curse the recruiter who told you that women look at parachutists in a kindly (read purely physical) way and now you are going to make a spectacular landing. And once on the ground you are loaded in the transport plane again and have to grin like a chimpanzee for the honour to fall from the sky out of a perfectly good air plane. Sigh. The things you do when young. No wonder I am grey and both knees working when they want to and not when required.

* "*Parachuting is good for you Honey*" says my American Patriot who obviously has no decent sense of fear for heights! "*It get the blood flowing and you see the birds in the sky!*" Would rather see the silly birds via binoculars from ground level to be honest and luckily I am not young anymore and have no need to have anyone except her look at my kindly either! Yeah, you know what I mean!

The only sure way with most debtors is a win-win approach where you sit down as civilised men and sort the problem out. Evaluate the situation in other words and act accordingly. What went wrong is the question and how will we accommodate each other? The money needs to be paid and my client less exposed from your worst enemy's jitters for the law is neutral. I am saying this with love and mean no disrespect but I just cannot see a relatively uneducated hound from hell being able to talk to these defaulters on an equal level. They know the law through their years of business and talking to business friends. They may even have read our book and similar works so they know the finer tricks of trade also.

No debt collector will scare or frighten them into paying and whilst they may lose the fight they will go down Texan style and hurt your worst enemy as much as possible. They almost always make good money again in the future and may not be so kindly disposed against their worst enemy this time around. I see it all the time. Millionaires always recover and the talk to each other about their worst enemy. Particularly on how they were treated in good and bad times! So do normal folk and in today's electronic age it is nothing to change your worst enemy or spread the word around. Every day the public is bombarded with appeals to move their accounts to the opposition. With all the regulation in place about the only thing a bank can be different from the rest is his divorce proceeding.

It may either be its usual arrogant self and storms ahead losing clients for life or be clever and say *"I need to protect my interest so let us sort this out*." Anyone except a bankster will understand that loyalty to a friend in need will go a very long way in the future. A softer approach resolves the situation and everyone benefits. Your worst enemy must stop being arrogant to believe he knows the entrepreneurs business better than the entrepreneur. You know nothing if I may be so direct. Keep to banking on which you are the expert.

I sat in meetings where the defaulter described exactly how he will resolve the situation to his worst enemy that is then too arrogant to grasp it and carry on with legal action regardless of the consequences. Many times it is because of a lack of (you know what) of steel on the banksters part. Good businesses then go down and people become homeless. They will never learn.

I once worked with a European bank that was after a client who defaulted on a loan and I was absolutely amazed at their soft yet firm approach. They would say things like "*Dear So & So. We note with distress that you have not honoured your obligation towards your bank. We cannot believe this is done on purpose or with the intention to defraud your bank and we cordially invite you for a cup of tea at your convenience to discuss this matter further*."

So different from the usual South African (and African) letter which only contains threats and is as boring as the person writing it. The European one invited dialogue and the South African one litigation. You figure out which one will work and buy a lifelong loyalty. One is professional the other one reminds me of a spoiled brat throwing his toys around. The law is neutral on both sides and the fight is the same except that in one there will be no need for a fight. The matter resolved itself. Grey hair and wisdom won.

* Would you believe I had a call from a banker lawyer I know who said they (his Bank) actually read this book and found this page very interesting? Apparently discussed whether to sue me or not also and then decided not to. Hope they

remember what I said. Should send them a bill for all my free advice in how to do collections!

Reducing your exposure

We have seen that big business, the listed companies and others, is ring-fenced against creditors. You will remember I said they own nothing of value except shares and their name and that the fancy office tower is registered somewhere else. There is nothing wrong with reducing your risks and since the law is neutral and used by both sides nothing prevents you from ring-fencing your assets. It is just business as usual.

The only reason you do this is to protect assets. Tax plays no role and you may end paying more tax or less if your ring-fence company is in a tax haven. Just keep in mind if you please that Uncle Sam has access to these countries and you will not be able to hide your taxes all the time. My advice is don't go that route of tax evasion. Pay what needs to be paid and live in peace. Fighting with the tax man prevents you from making good money and is negative energy.

Ironically taxes (personal) are relatively new in law. It used to be charged only in times of war and then somehow kept on going as the fat politicians realised what nice living there is to be made in Government. I must tell you my clients find this idea of paying taxes amusing and look at me if I lost my mind. However, I saw clients who had the tax office after them and they sweated blood. It is a silly game to play if you can afford to pay taxes and I explain it as follows:

How much is enough money?

Let us say I point my fifteen shot M9 Beretta at you and I remove say three bullets out of the magazine. Are you better off or not? Obviously not for I only need one bullet to kill you. You are as deep in trouble as you were before I remove the three bullets! The threat is still there since I have twelve left in the magazine. My point is you are better off to pay the 48% or whatever tax and have no exposure and threat against you anymore. Then there is no M9 called the tax man pointing at you.

It is all or nothing and the same principle used by the long haired liberals during the SALT 1 and 2 negotiations on nuclear arms reductions. Told you we can learn from history. Even from our long haired liberals. I would really miss them if they start to think like me. Who will we blame for everything in my books?

Trust funds

The words trust fund probably makes you think of rich kids with a drug problem on the front page of news magazines and that it is not for normal folk. That is where you are wrong! The legal entity called a Trust is an excellent ring-fence tool and not expensive to setup and maintain. Any lawyer or your accountant can assist you with this for it is not rocket science. In fact we distinguish between three entities when it comes to ring-fencing and sometimes more depending on how your business empire is set-up.

First we have you as a human being who in our eyes must be too poor to be sued. Yes, the so called *man of straw* and still has everything you need and want in life. How is that possible? Quite easy actually for you simply put all your assets in your Trust which you control but legally is not yours. Whatever is in that Trust it is ring-fenced and cannot be attached for your debts. But you can live and deal with the assets as you please (generally speaking). Good news is that is not affected by your death and your family will not be subjected to frozen accounts and cash flow problems until the estate is finalised as is the norm. In effect you have everything but own nothing. Congratulations. You just became a listed company.

Your worst enemy knows this and *will always* (not perhaps) insist that you sign a surety contract with them and you will always refuse to do so. Once you signed that surety contract the ring-fence is gone and you exposed the assets to your worst enemy and we know they mostly act on whims and not common-sense or business skills.

No surety ever. Full stop! It says so in the good Book. If that means no credit then no credit it is and no exposure either. You win! In real life it is the parents who are abused by their kids in this regard. They try to help and sign the security contract binding themselves for the kid's debts. Mark my words it always bites them. There should be a law prohibiting this.

Secondly we recommend a Holdings Trust which has no other function than to hold your assets. It does not trade or do anything else but only holds assets which you rent back for your own use. This Trust will never have an overdraft or surety contract with anyone or anything and may be anywhere in the world.

Legally a Holding Trust is in essence just a normal Trust with a different wording in the Trust deed than a trading Trust. No big deal to set one up.

Thirdly you need a trading entity which may be a company or Trust but never a partnership or sole proprietary. Why you ask? Ring-fencing and reducing your exposure. Do exactly what the big companies do and trade in a separate company as the one holding your goods. What does that mean in law? Well you need to register the company at the company registration office and keep it alive by handing in financial statements every year or it will automatically deregister and you lose your ring-fencing.

On the company letterhead you *must* (not maybe) put the company number the words (Pty) Ltd or whatever your legal entity requires after the company name. This is also on all correspondence, letters, checks, delivery notes, invoices, bank accounts and documents or whatever. Everything and make sure it is correct or you may not have the protection from the law which you need.

We advise our clients to create a new trading company for every venture even if the audit costs are more and the taxes increase. It ensures that only that company will go down *when* (not if) something goes wrong in the future. I read the other day that 90% of new companies do not last five years and of that remaining 10% only 1% will be going ten years from now. These are terrible odds and thus you must protect number one.

Is it possible for a creditor to attach the assets in a trust for your debts?

The short answer is no. There is a thing in law called the *alter ego principle* which is in essence the same as the piercing of the corporate veil which we discussed before. Both are based (*sui generis*) of the *Turguand principle* which comes from an 1856 case in the UK. The law is neutral and what is good for the geese is good for the gander. Unless you traded recklessly or hiding behind the trust to commit crimes you are untouchable in law! It is very difficult to pierce the veil and you are safe enough.

All my clients use the above ring-fencing in various countries with great impunity.

What is Debt Counselling?

Debt counselling is a formal debt relief way out which was introduced by the national credit act in 2007 in South Africa. You will find many thousands of firms advertising their services in this regard and one is probably as good as the other. They are subjected to their own rules so is not a bunch of cowboys though some certainly act like cowboys. In effect debt counselling is your first and best method of getting debt free whilst keeping your assets. It can really stop the unpleasantness before it begins but only if all creditors including your worst enemy agree to it.

In short you have a problem to pay your debts but you are still earning an income. The debt counsellor will review your finances and work out a suitable monthly budget from where the debt is paid but enough left over to live off. He will then negotiate this payment to your worst enemy who may or may not accept it but if he does then the plan is made and order of court for which you pay. You are still blacklisted and being under debt review. You must also keep strictly to the plan and after 60 months or whatever they worked out you may be debt free.

Your worst enemy is doing you no favour (business as usual) for he is still paid and over a much period meaning more interest. Good news is that they will stop abusing you once agreed and any further abuse may be dealt with in the criminal courts as we discussed somewhere. You also have enough to live off for it happened that a debtor's whole salary is taken for debt and then he has to borrow from real loan sharks and so it continues indefinitely. This was very bad.

You are also spared sequestration and when fully repaid your blacklisting is removed or so they say anyway. I am sure your worst enemy's boss (the computer) will remember you so am doubtful but I may be wrong. Time will tell. It is in essence not much different from *being under administration*.

Section 65 Debtors Courts

We often talked about the threat of taking you to court and how empty that threat is for courts are civilised places. No Judge or Magistrate (same animal) will ever allow unruly behaviour. They are excellent men who you can trust to act fair and impartial. On the other hand vigorous cross examination is allowed. I was once subjected to two days and as long as you stick to the truth and say what you know it is not as bad as it looks on television.

You really should never lie in court anyhow and it is not that the interrogator will jump in with a few kicks and other unpleasantness as happened to me once in Europe when I had an unfortunate misunderstanding with them. Just stick to the truth and if you don't know the answer say so. It is no place to be clever for the advocates are exceedingly clever men on their own fields. You will never make a fool of an advocate in court. Don't even try.

* See my eBook *The Egg Breakers - Counter Terrorism in Sub Saharan Africa* for that deplorable incident!

Your worst enemy are able to subpoena you to appear in front of the debtors courts which are at your local magistrate's office. There you will be asked to reveal your financial affairs to the court which includes an income versus expenses statement. In other words your salary against your deductions and you worst enemy will try his best to show you have luxuries being deducted like satellite television which should rather be paid to him. The problem is that paying one creditor above another is an act of insolvency so that contract must be cancelled first if possible. Something your worst enemy usually forgets in his quest to be paid first.

The point being that usually an amount is agreed upon which your employer will deduct from your salary and pay to the creditor. This is called an emoluments order and stops when the debt is paid in full. Your employer has absolutely no legal right to refuse to comply with the order and your only way out is to resign which helps no-one. It follows you to your new employer.

Obviously if you have no job there is nothing that your worst enemy can do and if that is the case you must (not perhaps) still be at the court and explain that to the court. You address the Magistrate as "Your Worship" and will be dressed neatly wearing a tie. It is a matter of respect. Never be late and listen closely for your name will be called by the attorney acting for your worst enemy. He may attempt to bully you into agreeing to an amount to be deducted. Make sure that amount is enough for you to live on meaning rent, school, food, transport. Nothing else is of importance. Only the basics!

I say again you must be at the court at least 30 minutes before the appointed time. If you are not there a *warrant for your arrest* will be issued for contempt of court and you will be arrested by the Police and brought to court in handcuffs to explain your deplorable behaviour. I can tell you that as much as the court treats you with respect they expect respect back. Ignoring an order from the court always has dire consequences and you lose whatever sympathy the court showed you.

Note however the technical difference here. You cannot go to jail because you don't pay your debts (you could before 1994) and if a hound from hell says that to you it is a reason for a complaint at the debt collector's council and a charge of intimidation at your local Police Station.

Acknowledgement of debt (AOD)

This is a legal document (a type of contract) which your worst enemy signs with you stating what you owe, the interest rate and the repayment schedule. It typically will have an escalating clause saying that if you fail one payment the whole amount becomes due immediately. As far as it goes it is legal and enforceable and does not mean that a new credit contract came into being as some argued with varied amounts of success. It is plain and simple to arrange your repayment and in effect a second chance.

Never agree to any repayments which you know you cannot keep and if you cannot keep up renegotiate other terms. As always you are entitled to a copy of the AOD.

Warrants of execution against movable property

Keep in mind this one is for movable property. Thus anything which is not a house or land and examples are your car or television set etc. Once your worst enemy obtained a legal judgment against you he has 30 years to haunt and hunt you down.

One of the constant threats you hear is they will attach and *sell your property in execution.* That process is called a *Writ* in English law and *a warrant of execution* in this part of the world. It is in effect an order from the court authorising the sheriff to take your assets and sell it at an auction and then give the proceeds less his fees to the creditor. Without this order it would be theft to take your possessions with the normal consequences to the thief. I have very serious doubts on the effectiveness of this route for most debtors do not have sufficient movable assets to cover the capital amount outstanding, the legal costs and the costs of the attachment and *sale in execution* (auction). This is the weak point for the sheriff charges a lot of money to remove assets and to store it safely for the months before the useless auction which we talked about before.

What do you do when the sheriff arrives with a writ?

Well as you know he needs to wait until daylight before he can do anything and he has to ask you if you can settle the outstanding amount first. If you can do so then pay him. He must give you at least half an hour to make the arrangements. Mostly they don't know this and thus strengthen your case enormously.

Whatever he removes he has to sign for and give you a copy of the list. He also has to leave each member of the family a bed and the basic necessities. Most certainly he cannot remove anything which does not belong to the debtor and to do so would be theft.

What belongs to who depends very much on how you are married? If in community of property he can take your wife's belongings also as you have one estate belonging to both of you. If you live together it is seen as a common law marriage and in community of property. Thus he can take your partners belongings also. The only thing which will stop the above is divorce. Being separated is not good enough if married as above. I had clients who got married in community and divorced after they met me and then re-married out of community again...it is the easiest practical solution.

Depending on his instructions from your worst enemy he may or may not remove all the goods at this stage. If not it is identified and left in your control. You are not allowed to disperse it afterwards for that would be crime. You don't even need to be at home for they are allowed to break the locks open and attach what they want. Of course any deliberate damages beyond what is strictly necessary done to your property are a crime and a *delict* meaning grounds to sue them for damages. You can imagine the consequences if they raid the wrong address!

What happens if they do take the wrong assets?

The law is neutral and allows for a process called an *interpleader* where the real owner must enter an affidavit stating which of the goods is his and show proof of his claim. That can be his bank records where he bought it etc and sometimes are very difficult for you may not have the receipts anymore. The lesson is always hanging onto every invoice for a few years and make sure you get a receipt for whatever you buy in your name. Understandably the sheriff will not believe you as he heard all the stories many times before.

The practical problem here is to get the goods from the sheriff again. He will not bring it back and charge you storage fees for as long as he has the goods. Naturally all your costs can be claimed from your worst enemy for no sheriff will lift a finger unless he is covered by a legal indemnity from your worst enemy or instructing client. Remember the sheriff is not your worst enemy and should be treated with respect. This is not his fight and he has a job to do.

What happens if you have nothing to attach?

The sheriff then give a *return nulla bona* to your worst enemy and they have to decide if they want to bring an application for your sequestration as that would be an act of insolvency. Mostly the matter then stops for it is complicated and unless you have something to sell extremely unwise to continue with such an application. In this regard if you do get sequestrated two things of practical interest remain.

Firstly you will be called to an inquiry where you will be asked about your assets and you cannot lie. It is like a mini-court. Secondly any assets you sold or gave away two years prior to the sequestration being granted (not started) may be reclaimed by the liquidators.

Mostly sequestrations are done voluntarily but it can be done without your consent and is then called a hostile sequestration. You probably know the term hostile liquidation better. It is the same thing but applicable on legal entities and not human beings. In other words companies are liquidated (voluntary or hostile) and humans sequestrated (voluntarily or hostile).

After ten years you as a human are automatically rehabilitated but you may do so earlier with an application to court showing you are capable of dealing with your finances again. I have never heard of a company being rehabilitated again.

The consequences of being sequestrated are harsh but also a reprieve for the whole collection process against you stop besides the sequestration hearings and you must refer all hounds to your liquidator. You may not make any further debts but so what? With the blacklisting that stopped anyway. Sometimes sequestration is your only way to begin afresh. It is really not the shameful event is used to be 50 years ago. Life happens.

A garnishee order

This is not the same as the *emolument order against your salary* but where you are owed money and that money is paid not to you but directly to your worst enemy who attached it. It can be your savings in another bank or your winnings at the local (legal) casino. This is what happens when "*hidden assets*" are found which is not immovable property! For instance your Swiss bank account! I am sure you get the picture and remember when and if sequestrated you will be asked under oath about these accounts. That is why the account is numbered and untraceable to your name.

Still, when you use that hidden money the tax man asks how you got enough money to live so well and not pay them their fair share. That is called *a life style audit* and one which most corrupt politicians fail. They just cannot live under the radar and attract attention with flashy cars and mansions they should not be able to afford. All Capone also met his match with it so once again it is nothing new.

In practical terms the sheriff serves the court order on the bank or whoever has that money due to you and he must (cannot refuse) then pay the sheriff who pays your worst enemy. It is also called to "freeze your accounts" which may be more familiar to you.

A warrant of execution against fixed property

In most cases where all the above avenues were tried and the money is not repaid then your worst enemy may attach your fixed property to sell it for a fraction of its real value at an auction. As said before your worst enemy will stand first in the line when that happens and will be paid first if you have a bond on it. This then is a bad option for the non-bank creditor who will run up all the costs to do so and end up with nothing in his pockets. Since the law is neutral this may very well prevent him from going that route which is to your advantage sometimes.

Note that your immovable or fixed property can only be attached after the other methods discussed failed to obtain the debt. It is not the first target. The other problem creditors have is what to do when you decide you will not vacate the property even if sold on an auction? The new owner will have to get a court order to evict you which takes time and is a legal minefield as well as costly.

What if you resist being evicted or flatly refuse? Well, the sheriff is supposed to physically eject you but mostly they will not fearing bad publicity and criminal assault charges. Making it worse for the new owner the Police will typically not become involved as they should for technically you are trespassing on his property. Their lack of assistance is quite impossible for me to understand but to your advantage should you walk this road.

It is very frustrating for the new owner but then he bought the place on an auction and has no false sympathy from me. It is blood money as I said somewhere though my clients disagree violently. However this is exactly why I have legal concerns and am against buying property on an auction. You, the new owner, may have immense problems afterwards with squatters. That is the way it is in South Africa these days but in most other countries you will be thrown out at the scruff of your neck and arrested for disobeying a court order.

Squatting is not recommended but if you have no other choice you will be in good company and get away with it for a long time. Keep in mind that you are not allowed to take things out of your former house meaning fixtures like lights or even pot plants or aircon systems. You are not the owner anymore and that will be theft. Damaging the property in anyway is also a crime.

Should you return your car when the hound from hell calls you?

Before we answer this one we need to recap that the car is under a finance contract with you worst enemy and, after the contract is cancelled, sold to a third party (who may be a bankster mate and often is) to recover what is owed to them. It cannot just happen and the legal process must be followed first. Thus the contract is cancelled in law and the car "*returned*" to be sold. This is the practical working of *restitio.* As we saw that is a very bad thing for you who are now dependable on our wonderfully ineffective public transport service. In Africa, losing your car is a big deal.

The fact that it is typically sold far below fair market value is also a big concern and reason why defaulters refuses to give it back voluntarily. All what happens is that you are now without a car and the debt is still not paid. It is a lose-lose situation in any language. I did not mention it before because it is logical but if money is left over after your car or whatever is sold and the debt (including costs and fees) paid you are entitled to that remaining money. Your worst enemy must return it to you within a reasonable time and if not you are welcome to lodge a complaint at the bank council and a criminal case of theft against your worst enemy's CEO and his board of directors. They must also pay interest on it since it was never their money to start off.

I assure you once the Police arrest him you will get your money very very quickly. I actually saw this happen in Africa and the CEO was not amused. Refused to speak to me for two weeks and swore revenge. It is just business as usual you know. Somehow he disagreed but we are friends again. Revenge is a very dangerous concept and our wise Chinese friends always say dig two graves when you start on that road. The first grave is for you.

So how does the process works?

Typically the hound from hell will call you to fetch the car and they tend to be aggressive by nature. Consequently if you refuse or ask who he is the legal threats start. Always the same story of he will obtain a court order in two days and come and fetch it with or without your permission. Well, let me tell you. He won't. Besides it is not he who gets a court order but your worst enemy who works through lawyers who works through courts and that takes time. So he is basically bullsh-ting and is paid commission on every car he recovers. It is a very nice business and just business as usual.

He will also tell you that it will cost you much more in legal fees once they are forced to get a court order which is true. That is his carrot. "*Save money mate and be a nice slave. Give us your car to sell at a fraction of its real value. You don't need further trouble now do you?*" You have to decide if it is worth your while to keep the car for now and pay the increased legal costs later (or not). Sometimes the defaulter simply cannot be bothered with legal costs for he already lost his job and is blacklisted. Accordingly he has no intention of paying the legal costs anyway and needs the car right now more than ever. In such cases he normally refuses and plays the game to the end Texan style.

Make no mistake though. At some stage the hound from hell will have the court order and proudly inform you of that. You are within your rights to ask him to send it to you by email to be studied by your lawyers. That also takes time. If he refuses to show you the court order you simply refuse to give him the car as is your right under law. When he fetches the car (presuming he has the actual original non-defective order) he must show you the original stamped by the court order and identify himself properly.

I want to stress that you must always obey a court order for though our courts are very fair they are also strict and do not take kindly to their orders not obeyed. The law is neutral as you know. It works as well for you as against you. Don't show disrespect to the court. They do give a (you know what) if you saw

Gone with the Wind and will kick your ass. However, simply put, no court order means no car. That is your right and if it takes them two months to get the court order then so be it. But once they have it the game is up. Don't play hide and seek. It is for children and you are a grown man.

This not to say you need to bend backwards and take the car to them but merely tell them where the car is, sign the papers or not and give them the keys. If this means he has to travel a thousand miles to fetch the car then it his problem. He will just charge your worst enemy (read you) for his costs. It is business as usual.

You can never be forced to sign any papers and be careful what the hound gives you to sign for you may give them further rights which you don't want to do. There is always some sort of an indemnity in it to safeguard him against you whilst by law the moment you give him the keys that car becomes his problem. If he is in an accident driving off it is his problem and not yours. Remember to cancel your insurance if you still have it.

If forced to sign by which I mean they may say to you that "*they cannot take the car without the signature*" (which is hogwash in law) do so with a signature which is not your own and or write below the signature "*under duress*" and lay a complaint at the Council. You may even want to lay a charge of intimidation immediately afterwards at your local Police. I am sure it will make you feel better catching the buss there and back.

If he refuses to take the car without your signature offer him the keys again and if he still refuses tell him to leave your property and take a hike. Then you keep that car until he fetches it again. Let your worst enemy know what happened in writing to protect yourself against later annoyance from the courts. You tried to comply with the order but he refused. Not your problem if he does not know the law. Just business as usual!

Generally though the hound from hell will not force you to sign for he has no right under law to do so. He may ask politely and if refused let it go and take the car anyway. His internal policies are not your concern. You don't work for him or his company. He can explain his cr-p to his boss. It is as simple as that.

My advice is always take pictures of the car and have it valuated by a good (read established and experienced who will be able and willing to testify against your worst enemy) valuator just before handing it over. This is to prove later that it was sold way below value which will not be taken kindly by the courts. Your worst enemy must prove he took all reasonable steps to obtain market value for the car. To do that he will have to explain how it was advertised and (perhaps) washed and an AA report obtained before the sale for the car may only be sold months later. By that time it is covered with dust and the battery run down.

They typically fail miserably to answer these questions weakening their case tremendously. The courts are tired of their arrogance in this regard and there is case law where they were hammered for selling property far below value and then claiming the remainder from the defaulter. It is inherently unfair and I suspect they will be hammered a lot more in the future.

I heard of clients who cancelled their satellite tracking on the car or disabled it for the fear of the car being traced on behalf of your worst enemy. There is nothing in law preventing you from doing this as long as the car is not damaged during the process to reduce its value. The other side of the coin is that if the car is stolen this will influence your insurance claim. Experience indicates that insurance is always the first thing a defaulter cuts back on which may have serious consequences. Keep it as long as humanly possible. You know bad luck comes in threes.

Note also you should *never arrange for the car to be stolen*. You know what I mean. It is fraud and you will go to jail if caught and your chances are quite good to be caught. All insurance companies have very good private detectives investigating every claim. You can read about this type of scam called a "*hoola hoop*" in my book *Tricks of Trade - Memories of a Rogue Lawyer*.

I ask you not to report the car as stolen when the hound from hell leaves with it for he may be shot and killed by the tracking company and that is murder (fraud also). Please don't be that silly. The hound is only doing his job and a tough one it is. Many times they are so afraid that the Police have to accompany them to you wasting the Police time. This is not his fight and not his fault.

Lastly, if the car is unable to be driven safely, perhaps because the brake pads are worn out or whatever, please tell the hound so that his blood is not on your conscious! He can fetch it with a tow truck. Part of your valuation must be a proper AA certificate on the mechanical and electrical condition of the car including mileage.

Can you change your physical address without informing your creditor?

The short answer is no. The credit contract (almost always) and Credit Act stipulates that you must inform your creditor (worst enemy) on your new address within a reasonable time. This is to ensure you don't disappear and that you receive the notices etc. Because this never happens in real life the *domicilium address* is used as we talked about before.

In real life in means writing a letter or email to your worst enemy with your new address and insist on a written acknowledgement from them. Remember they are a vast organisation and do lose documents and letters so you need to keep a copy.

Is a bet legally enforceable in law?

The short answer is no. If you lose a bet with someone you cannot be forced to pay. This comes from the common law and seen as against the good morals of the public to enforce a bet. Also in some countries betting is illegal and can then never be legal contract which we discussed above somewhere.

This however is not applicable on legal gambling like a legal casino or horse racing where you can enforce your winning if you are above 18 years of age and did not cheat. Remember your worst enemy are able to attach those winnings if they know about it and if they have judgement against you.

Summonses

We know that a summons is necessary to start proceedings and to stop prescription. In law you find different summonses though they all have the same object as above. You also know the courts have different jurisdictions split into the Magistrate or Lower Courts and the Higher Courts. Does not matter where a summons originates from it must be defended or not for the next step if not defended is judgment against you.

We spoke about the process before and here we will look at each summons briefly to explain in very simple terms the differences between them. The name of the summons will be written on it on the first page. Thus you will know which one it is.

A simple or ordinary summons

A simple summons contains the basic claim for the plaintiff's action in the body of the summons. A simple summons is the High Court equivalent of the ordinary summons in the Magistrate's Court. Mostly these are for simple matters or where the claim is liquid. You often find it in smaller debts and the whole claim is on the front page in a little block.

A combined summons

A combined summons has a more detailed and separate document containing the particulars of claim (POC) and is annexed to the summons. This will be for divorces and more complicated issues and can be hundreds of pages long. It always reads like a story and can be very complicated.

A provisional sentence summons

A provisional sentence summons is where your worst enemy is in possession of a liquid document and use it to sue you in a much faster process than a simple summons. If you cannot dispute the validity of the liquid document a provisional judgment will be granted against you. Only once you paid the judgment debt as security will you be able to enter into the merits of the case.

So you lose before you start and must pay the debt amount (as security) to the court before you can attack the merits of the case. That is inherently unfair to the defaulter who cannot pay the debt and thus cannot get to the merits phase. The constitutional Court held that aspects of the provisional summons procedure were inconsistent with the constitution meaning unlawful in plain English.

This is where the statement from the bankster or manager stating how much you owe comes into play and why they have that clause. It gives them a liquid document to issue such a provisional sentence summons. We talked about it before where you can subpoena him to explain how he got to the amount and he better not say "*from the computer*."

Summons commencing action (in which is included an automatic rent interdict)

This type of summons prohibits you from removing your furniture and other assets from the premises you are living (renting) in and the reason is to prevent you from running away and leave an empty place with nothing to attach. If you should remove your furniture after receiving this type of summons you may be arrested for contempt of court.

Last wills and testaments

We already know that if you sign as witness on the last will and testament of your husband you will have problems inheriting. I brought this short paragraph in because in law death does not stop taxes and debt. It must still be paid. If there is not enough money in the deceased's estate to pay it you have what is called an insolvent estate and you as the surviving spouse (inheritor) are hounded for it.

Life policies are paid separately and not through the estate unless specified to do so to cover the overdraft etc. Thus you as the inheritor are sometimes cash flush within days of the deceased passing on. I noted that funeral parlours charge tremendous fees for unnecessary items during these days and every second stone mason approaches you for a very expensive headstone. I do not deny your right to have a decent funeral for a loved one but don't be taken advantaged off in your grief.

Remember that unless you signed surety for the debt of the deceased this is not your problem and I heard of instances where blatant pressure was applied by saying things like "you should pay this debt for the good name of the deceased will be damaged if this comes out." Now I am sorry to say this to you for it typically happens only where loved ones are involved but a deceased person is past caring about his good name. That is a very silly argument and has no standing in law. It is purely based on your grief and indecent behaviour from the hound of hell.

Obviously if you were married in community of property in life you are entitled to half of the estate. Besides that a wife always has a claim against the estate and so does the minor children. The difficulty is that there must be something to inherit of all this becomes rather academic. My point is don't fall for garbage because you wish to protect the deceased's name. If the estate is insolvent then I am afraid it is and cut your losses.

Your worst enemy does have a service where they draft your last will and testament free of charge for you. We know by now that in the relationship build on sincere mutual distrust there must be a catch and there is. They also write themselves in as the executor of the estate.

What does that mean? Simply, they will then administrate the estate afterwards and to be honest they do it as well as the next fellow. Most certainly they will not steal your money and if they do you will have recourse in law. You can also negotiate a good rate which is about 1.5% as fees. I have heard of your worst enemy charging up to 5% which is ridiculous. This is worked out against the value of the estate in simple terms and thus can be significant.

You need to be careful who you appoint as executor for an executor has wide powers to wind up the late estate. Unless you are on good terms with this fellow it may make the process worse than what it should be. For instance he is allowed by law to release some money from the estate before it is finalised to assist you for all your worst enemy accounts is immediately frozen on death. Except that of your trust which is not affected by death and carries on as always.

It is a matter of control to me and I do not trust you worst enemy since your relationship is one of mutual distrust. I would rather have the estate administrated by your own lawyer. It takes eight months to three years to finalise an estate and the executor must arrange for transfer of fixed property into the name of the person who inherited it. Luckily there is no transfer duty but the estate will pay conveyancing costs and this is where the house goes into a trust and not in your name. This is exactly my point. Conveyancers are lawyers and not banksters. Let them deal with it and keep it away from your worst enemy who can stand in the line for the overdraft payment etc like any other creditor. He really should not be in charge of this also.

It is my personal belief that the attorney's profession was seriously disadvantaged when your worst enemy involved themselves in this field of law. They should stick to banking only and leave the rest of us in peace.

Interestingly, wills and testaments have changed a lot during the last twenty years and it is important for you to know about it. For instance you have these days a living which states what happens with your organs when you die. This is very important and something to discuss with your wife for I presume the man will die first as does the law where it is called commorientes. I also presume the man is older than his wife. Whatever your feeling are on this is for you to decide but please let your feelings be known for you don't want the surviving partner to be feel guilty about such a decision.

Secondly with the advent of your online identity last wills now includes Internet pass words & websites etc to be cleaned and cancelled. This is a relatively new development.

One thing which is not and will never be accepted as your last will and testament is a video of you stating who inherits what. Why not? Simply because we cannot be sure who stands behind the camera pointing a firearm at you. You are wasting time to follow this route.

Another interesting point (as far as something as inherently boring as law can be interesting) is that we follow the principle of "*de bloedige hand erft niet*" meaning if you are in any responsible for the death of the deceased you will not inherit. This is for obvious reasons and will not change in law.

Chapter 9

How to negotiate with your worst enemy

Your worst enemy will pay superficial attention to negotiate rather than to threaten and is not to be trusted even if he does come to the table when he realised his threats failed. Your relationship is one of sincere mutual distrust and it will never change. They don't trust you and never did as we discussed and you most certainly saw through the fake smiles.

It is always better to pay your debts. I keep on saying so. Therefore the purpose of debt negotiation is to settle the debt. Either in one go or over a fixed period of time. Once agreement is reached it is usually set-out in a formal settlement agreement or contract.

A Settlement Agreement or Contract

It is not the same as an AOD or acknowledgement of debt which we discussed above. This is a more serious legal document which will set-out what you owe and how you will settle it. As said it must include the words "full and final" settlement and everything said during the negotiations is done without prejudice and cannot be held against you later in trial. This must be agreed upon.

Most importantly it must be very specific and not broadly or vaguely describing the debt in general terms for that will not be the end of the matter. We want to know exactly and in practical terms that means adding bank account number which is being settled.

It can be made an order of court and frequently is to ensure compliance though it is doubtful what the effect of it is for some people simply don't care and won't care about it being an order of court or not. Probably it comes from the days when you could still be jailed for debt. Once signed and agreed to it is as legally enforceable as it is as an order of court. Anyway, let us not waste time on legal technicalities which is the domain of the academic and boring to us. The point is if one party wants to waste his money to make it an order of court then let him do so.

The settlement can be reached at any time before and during proceedings. I have seen parties settle the matter outside the court just before judgement is given. It is always a safer bet to settle for you know exactly what you settle on. There is no room for doubts here and when both parties are unhappy then only is it a good settlement.

Also ensure that you state what you are settling. Is it the capital and or the legal costs or what? Don't ever presume in law that everyone understands what you mean. The high court load is because people don't understand what the other party meant. Be very clear on all points.

As always you keep the original somewhere safe and if not a copy. Do not sign what you cannot comply with and once signed comply with it. Then transfer the money and always do it electronically and if in cash (not recommended) then obtain a clear and concise receipt.

Make sure that your worst enemy agree also to lift any objection to a rescission of judgment if they obtained one and undertake to instruct the credit buro to waive any objections in removing the blacklisting. There are usually no problems with this aspect.

The settlement may be kept secret and often secrecy clauses in in the agreement. Remember that the contract is only between the parties and not with a third party. Just because you settled with creditor A is not to say creditor B will now stop coming after you. He must also be settled and you have to be careful in not committing an act of insolvency by paying only one creditor above the others.

How much should you settle for?

This is hard to say as it very much depends on how much cash you have available to settle and the goodwill on both sides. However, since we know that your worst enemy will be lucky to get more than 25% of the total if matters should go to liquidation (insolvency) we will never settle for more than 35% including all legal costs and interests. This may sound harsh and it is but it happens a lot and both parties are mostly unhappy about it.

What happens if your worst enemy refuses our kind offer? Well, the fight goes on and the lawyers make more money. It may sound cynical to you but it is not the end of my world if the parties keep on making their legal advisors richer.

The client may then go down Texan style and blame your worst enemy for being silly. They use other words but let us not be nasty. It usually starts with "*your mother...."* You know exactly what I mean.

The tricks of negotiation

You must have something to sell even if it is negativity by which I mean the ability to go down Texan style and cause your worst enemy as much legal costs and embarrassment as possible. It is in fact a good tactic for they don't really want to waste good money after bad for they are not that silly.

All sorts of tactics are used at negotiation and the first is the venue. Traditionally lawyers will go to the senior lawyer's office and that is worked out by admission to the bar date. Whoever was the first is the senior in general terms and pays for the coffee. His partnership means nothing as he is only a partner in his own law firm and not yours. You don't work for him and cannot be bothered but as always respect is the key. If the meeting is not at his office then it usually is at his appointed advocate's chambers. Since you are not (I hope) a lawyer this is of no concern to you and you meet where it suits you. You are under no obligation to go to his office or his advocates. It is mutually arranged to what suits you.

Does a home court advantage really work? No. Not with professionals who are as obnoxious in the kitchen as they are in court. It makes no real difference. However, you are not a professional so you may feel intimidated by the strange environment and the nonsense you saw on television. They may play the waiting game to be a few minutes (up to an hour sometimes) late for the meeting. This is supposed to make you nervous. In that case, after 5 minutes, stand up and walk out and lay a formal complaint with the lawyer's senior partners and the local law society and the creditor. It is plain rude and shows a distinct lack of manners and respect. The reason for this is not only to turn the heat on but to claim wasted costs later. Lawyers work per hour so do you.

And next time he comes to your office and the meeting starts with him apologising which places you in the better position having to accept it or not. Since we are (presumably) not spoiled brats I advise you to be amiable. A great man is always gracious in victory.

Once you meet you may sit with the sun in your eyes (my favourite) or a light which just happen to be shining in your direction. It is all designed to make you feel defensive. Consequently you choose a chair where you feel comfortable. Make sure you have paper and a working pen to make notes on and that you take out what you brought in. In other words leave nothing behind.

I learned a trick many years ago that is to take a mental bet with myself that I will not settle for less than x amount. Since I know that my personality is such that it will bother me for years if I give in for less or more than x I will not give in. I would rather not have a deal than blame myself for a bad deal.

Another trick is to stop endless circle arguments before it happens and walk out. Simple: "*This is my offer to you based on the documents I brought with me. Do you wish to check my figures? Yes? So call you client and inform me of your decision. Good bye.*" Repeating the same thing over and over again is an insult to your memory. "*You said that before and I refused. Now let us move on and agree to disagree on that point.*" Or you walk out for this is wasting valuable time.

It is sometimes necessary to remind the lawyer that he is not the one making the decisions for your worst enemy but must refer it before denying it. Many times you see a younger lawyer jump up and dramatically deny that this will ever be accepted. It is just bullsh-t and an invitation to walk out. He is supposed to ask his client before he refuses. It is not his decision to make and shows a lack of knowledge and respect to his client.

Respect goes both ways. It may happen that the other side starts laughing and tell you to be serious. In that case smile and walk out. They are not yet ready for settlement. I once saw a very senior lawyer saying to his opposite "*stop this cr-p*" and he did and we moved on. It is all a mental game. Some try the old snake eyes tactic by staring at you all the time. Stare back or ignore him.

I say in all my books and will quote here from *The Drug Addict Pattern* something which will probably shock you: "*That story of the shifting eyes as an indication of deceit is utter rubbish and I proved it time and time again when we arrest the best worker who looks you in the eye (to read what his chances are) and refuses leave (because he cannot afford someone else in his files) for fraud.*

We found the deceivers to be the ones looking you in the eye and carry the Bible under his arm. In his business dealings his son is always by his side. You can read all about it in Tricks of Trade - Memories of a Rogue Lawyer where we deal with the different scams. It is called the "dad & son" scam. Yes not very original I admit. These days I flatly refuse to sanction any such meetings with my clients and I deeply regret my cynicism.

The best way to see if someone is lying to you is to watch when he touches his nose or ear. Some also makes an involuntary foot movement. Asking loaded questions and noting the reaction is also good. In law, I can tell you we simply do not ask a question without knowing what the answer is."

We must also understand culture differences where it may be very rude and offensive to use the old snake eye tactic and then there may be other reasons. For example, for me, staring into my American Patriots eyes equals losing the ability to speak and breathe for a few minutes. Luckily she recognizes my deplorable lack of ability to do more than one thing at any given time as inherently part of my makeup as a man. I just cannot help it. I have other good points like doing the dishes which is something I like doing and quite good at.

You will know very soon if a settlement is possible or not. You get a feeling and may then say to the other side. "*Gentlemen, let us talk of the record*" which means what you say now will not be entered into the record. This is usually where you say "*look, my offer is this and I have leeway to go to z but you need to accommodate me on these points.*" Lawyers always tell the truth when talking off the record. It is an unwritten rule which is never broken and a lot of ill feeling enters into the fray if it is. That lawyer will be the outcast in his community and never be trusted again. I have never heard of such an occurrence and it will be a sad day if I ever do.

It is very important that you know exactly what you want before you walk into negotiations. Otherwise the other side will tell you what to do which defeats the purpose of the negotiation. You also have to be able to adapt your to meet them somewhere in the middle. As said before a good settlement is where both parties are unhappy.

It happens that pressure is applied to you to sign and to settle and not to waste time. I fail to understand such tactics for legally such a contract is not enforceable and will be ripped apart in court because of the unjustifiable influence. It will also destroy the hound from hell who did it for his reputation will be gone and he will learn as we did that your worst enemy and his source of blood money will disown him publically and point out they have rules in place and this is an isolated incident which they regret and it will never happen again. Where is the wash basin when you need one for your dirty hands I ask?

Did the commission structure they negotiated with the poor hound from hell not play a role in the way he acted? Or must we believe they are all bad people who hate the world? Surely not! The system is bound to cause abuse and there will always be a next time. It is rather inevitable.

All creditors, not just your worst enemy, fear bad publicity above all for remember they make their money with the compounded interest on loans to the public. It does not matter if they sell you a mobile or gym contract or clothes or loan you money. It is all designed to generate credit which brings compounded interest from which they make record profits. They simply cannot afford to live in a debt free society. It will be the end of their empires (gulp). They will (not maybe) go down Texan style.

I for one would love to see it.

Chapter 10

The Consumer Protection Act

None of my books are applicable to South Africans only and the principles or message in them is universal but this Act is obviously not applicable anywhere else. It is rather important though and thus we will look at is very briefly. I am sure similar acts are in other countries. Shortly this one came into being on 1 April 2011 (very ironic I say) and strives for to protect consumers from unfair business practices including inferior products and false or misleading marketing.

All goods including anything marketed for human consumption and anything touchable must have clear labelling which show all the contents and trade details. If you suffer loss or injury because of inadequate or wrong labelling both the retailer (the one selling it to you) and the supplier (who may be the manufacturer) can be held liable in law!

Product liability for faulty goods the burden of proof is now on the supplier rather than the consumer who must prove that the product was not defective. You as consumer only have to show that any harm or loss you suffered was caused by the product being defective.

It changes the common law principle we discussed on advertising by demanding clear product pricing and if you see a promotion for whatever at x amount but have to pay z at the cashpoint you have the right to pay the lowest amount. I rather doubt if this will be enforceable in law where an honest mistake was made by the retailer.

All companies must have a cooling off period to cancel an advance reservation, booking or order. Practically this means you can decide to cancel your order after you've had time to think. You have to do is notify the company in writing and they have 15 days to pay you back in full. With goods, this applies only where you bought goods in response to direct marketing which is when things are advertised to you directly in person (sales people) or in the mail or electronically. If the goods have already been delivered to you you'll have to return them before you get your money back. This is only fair. You cannot keep the goods.

Voetstoots means buying goods as you see them and used to be the favourite defense of used car salesmen who do not tell you what is wrong with the car if they can help it. In plain English we talk of hidden defects. This defense is now gone and they have to let you know of all defects (both obvious and hidden) and you have to agree to buy the product in that condition.

Under contracts it is now illegal for companies to automatically renew contracts when they expire as they used to do especially with mobile phones. The company must now contact you in writing between 40 and 80 business days before your contract expires and give you the option to continue or cancel your contract.

You are also able to cancel contracts at any time. No more waiting for the full 24 months. If you're unhappy you can give the company 20 days' notice in writing. You will still have to pay anything you owe up to the date of cancellation and the company might also charge you a cancellation fee but this may not be more than 10 percent of the amount still owed. This radically changed mobile contracts.

Companies must also use plain and simple language when explaining contract or terms and conditions. This one is obvious a bit difficult for the Pretty One to follow. She must also tell you all the conditions of a contract that can cause problems later.

Same quality and service for all is guaranteed and if you go get treated differently from someone else because you are not dressed like them or are not the same sex, age, sexual orientation or race as them you can complain to the National Consumer Commission for assistance. This is also based on the constitution.

The new thing these days is texts competitions and note that companies are not allowed to charge you more than their usual network rates to enter an SMS or MMS competition. If they do then complain!

Sales people cannot bombard you with calls and leaflets at certain times of the day and night and on certain days of the year (after hours and public holidays). You can also demand that any company that contacts you by phone calls and SMS remove your name from their database. If you have opted out and still get called, the company may be liable for a fine but only if you complain. You can opt out by replying to marketing SMS with the word STOP. You can also put your name on a blocking registry to prevent telemarketers from contacting you.

Bait marketing is prohibited and this where the advertising of products that are unavailable as a ploy to attract consumers. You arrive at the store and they hope you will buy something else.

Overselling and overbooking are illegal and if you book a flight which is overbooked when you arrive to check in you can insist on being put on the flight. If impossible you can demand are fund with interest from the date of payment plus compensation for the money lost for missing work.

You have the right to return unsafe or defective items within six months of purchase or delivery. You are entitled to return such items to the supplier at the supplier's risk and expense without any penalty to you. It is for you to decide whether you want a refund or a replacement or a repair. Note this next time they automatically assume because of "*company policy by the computer boss*" that defective products will only be repaired after six weeks. It is your choice and certainly not theirs and I guarantee you the sales people do not know this and will want to argue the point. I say again that their company policy is their problem and not yours and subject to the Act.

The manufacturer or retailer or importer and distributor will all be responsible for broken, bad quality or unsafe goods. You can demand an immediate replacement or a refund from the shop for any faulty goods bought after 25 April 2010.

All repairs must be quoted to you and you must be provided you with an estimate for the work which you must approve. Note they cannot charge you more than quoted. You may hold them to the quoted price but in practise I foresee that you may reach a separate gentlemen's' agreement.

Goods must be delivered at an agreed date, time and place. If not, you will be free to accept or cancel the agreement which gives you wide powers.

All in this entire act does seem to benefit the consumer a lot. However, unless you support it and insist on your rights it will be ignored and watered down. Remember the law is neutral.

Chapter 11

Final words to my readers

This was not an easy book to write for me. I remembered all the anger I felt a decade ago when my own life went horribly wrong and I became a former honoured client to be treated like something akin to satan. I have a good understanding how you feel who is now being pushed around and the need for a book like this is quite high. I say again that if you have a mate in trouble please forward it to him as it may assist him in his push back efforts.

This book was about 40 pages longer than what you read for I included sample documents of all the different summonses and so forth and then I realised that you probably know what it looks like anyway for you received it from your local worst enemy. With all the jurisdictions my readers are in it would have been silly anyway if not pointless. An Alabama summons is vastly different from a South African one but the principle stays the same. You want to know is what to do about it! Besides there are many places on the Internet where you can download these summonses etc if you are really bored! Most countries have a justice department website where they are to be found.

Just keep in mind that what you read on the Internet is not always legally correct and sometimes plain wrong. During the writing of this book and *Tricks of Trade - Memories of a Rogue Lawyer* I found some pretty hair raising opinions and advice. Rather go to the professionals to be sure and keep in mind this book is not meant to be your legal manual. It is to give you background and I hope assist you to become debt free again. It claims no academic merits.

The only logical answer to all your problems with creditors is to break out of the myth of needing credit which they advocate all the time for obvious reasons. It is very possible to live debt free and to live well even for normal folk. It starts with good budget planning which is not rocket science.

Steadily reduce your debt and live within your means. I know I irritate some reader when I say this but put your trust in God and not in credit cards. You will be very surprised with the results. From experience I know that when you lose your high salary you quickly wake up to the fact that homemade burgers are just as nice as and healthier than the junk you used to eat. At one stage in my life I ate junk food (including hotel food at business meetings) three times a day and did not mind spending thousands of dollars on it. The results were predictable and you can read how I lost 115 pound in the last ten months in my other free publication called *Weight Issues* which is on the same website where you found this book. I assure you I am as lazy as the next fellow and not the gym type and if I can do it anyone can. You will feel marvellous.

My point is that you can save a lot of money by cutting out unnecessary luxuries. Junk food was always a luxury when I grew up and we were not poor. We were an average middle class family with middle class values. Therefore is was a big thing to eat out and enjoyed as a family.

I miss those days when simple things had value. Somehow we lost the plot somewhere and it is for us to teach our children the simple ways which made America a great nation (if I may take the liberty to use that nation as an example). We need to go back to our roots of hard work and decent behaviour. A time when men lifted their hats to the ladies and a gentleman agreement was concluded with a handshake and honoured afterwards. It is not an unrealistic dream.

Money must always work for you and not you for it. I see that in my clients who are all rich. They went to the school of hard knocks and learned. So do you. This pushing by your worst enemy is the school of hard knocks. Learn you lessons well and don't make the same mistakes again. Buy time, pay them and ring-fence your assets for there may be a round two when you least expect it. I say again read Robert Kiyosaki's "*Rich Dad Poor Dad*." Whatever you pay for it will come back to you millions of times over.

An interesting thing (read ironical) is the more you live debt free the more your worst enemy begs you to become their slave. Their *computer boss* would have analysed your accounts and identified you as a steady man who will most probably pay his loan if he could be bothered to take it. Consequently they arrive with all sorts of offers ranging from fancy coloured credit cards and vehicle financing and try to make you feel special as an honoured client. Well, let me tell you. Once you become their slave and are exposed to their whims and pathetic business skills you will not be so special anymore! You will just be another slave soon to be treated as something akin to satan! Let them keep on begging you to sign for credit I say. It is vastly amusing.

I have a client who never misses the opportunity to listen judiciously to his bankster explaining the merits of a loan for his business and then chases him out of his factory with great delight. He will never trust his worst enemy again. Once bitten is twice as shy. Give them what they want when they blacklisted you against credit without any decency or thought of the effect on you. A debt free life and never do business with them again. That is what they chose when they threatened you.

I want to stress again that it is the honourable thing to do to pay your debts. This book may buy you time and will certainly have explained your rights to you but in the end the money was given to you. Not on trust for there were none but on the assumption that you will honour your repayment. So pay them after the dust died down and get them out of your life. The same with Uncle Sam! Don't be silly.

Lastly, whilst we thoroughly enjoy banksters discomfort when caught out or when your worst enemy folds it is never nice and people get hurt. Life savings are wiped out and families ripped apart. We do not wish that on anyone. Not even your worst enemy who does do good sometimes.

I wish you the best.

K

End of book

About the author:

K is a legal & risk management professional with more than 20 years' legal & management experience in South & West African jurisdictions. He obtained his B Iuris & LLB in 1997 from the University of the Orange Free State (Bloemfontein, South Africa) and was an admitted attorney in the High Court of South Africa between 1998 and 2006 after which he worked as legal advisor & risk manager for various companies in South Africa and Nigeria. Before that he was a member of the South African Police for six years. K was awarded the South African Police Medal for Combating Terrorism twice during his service years besides lesser awards.

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Extract from K's eBook *Mean Streets - Life in the Apartheid Police*

On Religion

The SAP had no sense of humour with regard to religion, and was in fact held it in very high repute. Religion is not the same thing as faith in my eyes. Faith is personal. Religion is the outward worship of a god and therefore of no value to anyone without faith. The Chaplains were all commissioned officers (and thus not to be trusted and to be avoided at all costs), and there were many jokes about them.

Every time we went on border duty we were presented with a pocket Bible with the Police Star on its cover, and a nice message from someone important on the inside. They were stored in a box next to the Chaplain. I collected six of them through the years though almost all are lost. They came in differing colours and languages and included the New Testament and Psalms only.

There was a rumour that one of these pocket Bibles actually stopped a bullet during a contact (shootout/fire fight) in Rhodesia. I doubt that because I tested the rumour by firing clean through one with an AK47…much to my disgust. We never had bullet proof vests by the way—those came after my time. Still, I diligently carried my issued Bible with me. Just in case you understand! Survival is a terrible concept.

Once, being obnoxious according to the perplexed Chaplain, I asked why the issued Bible repeated itself in the first four books of the New Testament and would it not be better just to choose one gospel and get done with? It was not as if you needed more than one statement on the same subject because the Apostles were fairly reliable witnesses and would not any of the gospels do? And then add something practical, like Proverbs perhaps? He had no answer, and just shook his head and muttered to himself under his breath about the obnoxiousness of Flying Squad members. Obviously I was ahead of my time because it made a lot of sense to me. It still does.

I remember a friend being ordered into the Chaplains' office because he was concerned about his heavy drinking. He asked: "Son, I understand that you have a drinking problem?" My friend answered in all righteousness. "Yes Chaplain, I do not earn enough money to support it." Yeah, he was send to the wine school immediately and we only saw him a few months later, sober, upset, and divorced, since his wife thought that he'd become too boring now that he was sober, (true). He had died the next year while on border duty, and she had promptly married another policeman. When he died in a car accident while chasing criminals, no one would even look at her after that. For obvious reasons she was now regarded as the angel of death, to be avoided even though she was wealthy from of all of the insurance money. At least the kids were left well off.

A coloured policeman, while enduring a heavy mortar stonking on the border was overheard praying: "God come down and help me before I am compelled by the f terrorists to come up and meet Jesus before my f time! And come down Yourself and f help me. Please do not f send Your Child for what we have here is a man-sized problem in case He hasn't noticed." I heard that same prayer rumour being attributed to the Army's Cape Coloured Regiment, so it might have happened elsewhere.

There was no such thing in the Police regulations regarding an atheist. Every cadet had to belong to some recognised church denomination, or he would be made to choose one on the spot. One really had no choice in the matter! Believe or don't, but you *will* attend church and look like you are enjoying it too. Every day began with a prayer at the parade ground regardless of where you were stationed or what you believed in. As a sergeant on the border I would always read from Proverbs something like "Enjoy the life which God has given you with the woman you love," etc. I knew of course there were no white women on the border except for a few very old ladies of the *Southern Cross*, and a few military types who we steered clear of since not only did they have fearsome reputations, but as commissioned officers they outranked us. We also knew or suspected they would not want to be appropriated by SAP COIN. Black women were not regarded as women in those days. Any white Policeman caught having ideas or notions with regard to that would be in immediate trouble. Thus the impossibility that any of my men could ever follow that proverb was the very reason why I read it. No one got my joke though, which is perhaps for the best. As luck would have it I have the type of personality which finds great amusement in my own jokes…for days on end. That cheered me up for weeks. It still does.

* The Southern Cross was a charity who supplied much needed comforts from home to the troops and policemen on the Borders during the war. It ranged from soccer balls to swimming pools. It was greatly appreciated and the old ladies always treated with considerable respect.

I respectfully asked a SAP COIN instructor during a scramble up and down some mountain (Boleo probably) whether he believed in the Bible, particularly Proverbs 28:1, which reads: "Only the wicked shall flee *without* being chased." Are we, the SAP then as wicked as the commies we were supposed to chase now and then? That really showed his lack of humour and I had to appear before the Chaplain to confess my sins. He told me to read the next part of the verse which showed me he missed the point but they were serious people at the best of times. Also told me to leave my f long haired liberal notions at home and stop bother God with cr-p.

Made me a much fitter policeman that comment did! The instructor took great delight in me running in front of his vehicle for what seemed like hours so that I could feel chased so to speak! I suppose I must have felt wicked for the entire six months during basics for we ran everywhere. A cadet walking around better be already close to death and be certified on light duty or he will be soon after being spotted by the instructors loafing around and they had eyes like a hawk. Uncanny sometimes how they knew everything and saw everything too! It only occurred to me as I type here that they probably had a few impimpi's (informers) inside our ranks. Man, we would have kicked them fatherly to the hospital if we knew of their existence. I was still green in those days so the thought never came up for serious discussion.

Every Sunday morning we went to church. That was compulsory. We had no choice in the matter. I believe that cost the church many men afterwards. Religion is like love in my opinion. It cannot be forced, but what do I know? We would assemble on the main parade ground, have roll call and then march a couple of miles to the church which was a magnificent building. There we would be left in peace for the duration of the service only. It was always amazing to me how it was possible that we were ill-treated all the way to and from church. How could one not see the double standard in that kind of behaviour?

While I hardly ever go to church these days, I always carefully gaze around before stepping out of any church just in case the vampires are back in business. I just can’t help myself and it does not matter on what continent or country I am. Something which amuses my American Patriot to no end!

Our Sergeant would take careful note of any cadet snoozing during the service (we were tired and the services were boring in the extreme) and sort them out afterwards. If unlucky, it all depended on the Sergeants mood, the rest of the platoon would be punished for “being f disgraceful and inviting the f wrath of God not only on himself, but also on his beloved sergeant f unfairly too since he is f known far and wide to be a God f fearing man. All of which he, sergeant van der Merwe by the grace of General Johan Coetzee blah blah blah, will correct and we can thank him later for his fatherly interest in our souls.” Whether we thanked him I will leave for your imagination. Survival is a serious matter, but in an indirect way we had the culprit to thank.

Group punishment is standard in any military and I do not whine about it. It is supposed to create a sense of team spirit, but I can tell you it did not always work out that way. The only sense of belonging felt by some of the sinners was the longing for their mothers afterwards as we made sure that they understood their wickedness in making their fellow innocent cadets suffer on Sunday afternoons since God had ordained the seventh day as a day of rest, a command which had now been broken with their communist tendencies of sleeping in church. More importantly we did our laundry on Sunday afternoons so the culprit's snoozing interfered with our laundry, which is not an acceptable behaviour between civilised men! Perhaps that had been the idea after all. To be sure, they never slept again in church. They should be grateful for the life lesson.

Then one day a Chaplain proved to me that they actually had a sense of humour when he explained that "Adam was originally a black man who got such a fright when God caught him stealing apples from God's garden that he turned white from shock and fear. After all, when you get a fright you don't turn black in the face…but white! It is a well-known medical fact." I chuckled respectfully, but took bets in my mind on how long he would last saying such things, which the Nationalists would surely regard as sacrilege. He may have been correct according to the latest genetic research for all I know. Perhaps he was also ahead of his time.

On a more thoughtful note, I once had a major fallout with the Chaplains. Some years later I got fed-up with the Chaplains meddling with my operations while I was on border duty. Right at the time when I had wanted to follow some spoor, they wanted to talk to my platoon. From their point of view, it had been a great opportunity to fly in a nice Police helicopter to talk to us. For me it was like: "I have a job to do here which has no Biblical application, so please p off! I have terrorists to f kill if you don't mind!" Because they were representatives of God Almighty, I could of course not speak my mind, and they had flatly (very brave I say) ignored my evil eyes to p off too. So I'd had to interrupt them by asking:

“What is the reward for faith Chaplain?” Their answer was "To go to heaven sergeant, and eternal life." I replied, quite reasonably I thought, "Chaplain, what should I do in heaven? By the time I arrive, God would have sentenced all of the criminals and terrorists to life in hell. He therefore would have no need for my skills! Who should I arrest or kill there? There can be no job or satisfaction for me in heaven, Chaplain. Do you wish for me to endure a thousand years year of extreme boredom while I wait for the convicted criminals and terrorists to escape from hell so that we can kill them again once and for all at Armageddon? Why not just kill them now properly and get done? I think the system in heaven is ineffective and the known intelligence is poorly utilized. This is not SAP COIN's way of doing business!"

They looked at me as if I was mad as I continued: “While you contemplate an answer let me share a couple poems with you since I love poetry, and I need an explanation from educated men such as yourselves. The first one is by a Roman citizen named Horace, but made famous by and Englishman named Wilfred Owen in 1917 and goes like this:

Dulce et decorum est pro patria mori

Dulce et decorum est pro patria mori

mors et fugacem persequitur virum

nec parcit inbellis iuventae

poplitibus timidove tergo.

And while you are still contemplating, let me recite poem number two by Leo Marks, a SOE officer (Special Operations Executive) during the Second World War written as one-time code for SOE Agent Violet Szasbo, who would later die in a Nazi concentration camp. But note Chaplain, the poem was not originally written for her, but for his fiancée, who also died before her time:

The life that I have

The life that I have

Is all that I have

And the life that I have

Is yours.

The love that I have

Of the life that I have

Is yours and yours and yours.

A sleep I shall have

A rest I shall have

Yet death will be but a pause.

For the peace of my years

In the long green grass

Will be yours and yours and yours.

"I see that you have not replied yet Chaplain, so let me recite the last poem written only a few years ago in 1979 by Rhodesian Army Medic, Staff Sergeant Chas Lotter."

Appeal

Don't mind my hands

Padre

They shake like this

When I am in the base

I dream of death

Padre

Scream in the dark

To chase the nightmares away

I drink

Padre

To keep my memories

At bay

I am nineteen Padre

Why do I feel

So old and worn?

Why can't it be

Like the books?

Padre

For God's sake answer me"

Needless to say I had no answer that day nor since, and now I don't give a you-know-what if you saw the movie. The Chaplains left me in an undignified silent manner, muttering to themselves and shaking their wise heads while looking at me as if I were the unbalanced one. They were still climbing into the chopper when we started our Casspirs and set out to hunt for terrorists to kill. They had delayed me for more than an hour with their uncalled for visit and the spoor went cold because of it. I still blame them for robbing us of our kills. This was really not the SAP COIN way!

My comments must have caused a stir amongst them. My commanding officer looked at me rather strangely a few days later and asked if I wanted some to take some leave as the Chaplains recommended strongly recommended it, and said that they were praying for my lost soul. They also send me a book of poems by a well-known Afrikaner poet I disliked intensely. I threw it away the next day, (the only book I have ever thrown away in my life). You would have noted perhaps that none of the poets above were Afrikaners, though there are excellent ones. I declined the home leave. It was too late for me since there was nothing for me at home except loneliness and nightmares. I was already middle-aged at 22, and had turned into something that would make satan happy. The end justifies the means, and we will fight fire with fire. What is another life? Kill them all, and let God sort them out. I did not make the laws and only long haired liberals think too much!

In the College we had a designated prayer time, and we would all dutifully sit at our desks reading the Bible before going to bed, or we were supposed to anyway. The Rooinekke and I played chess, which they usually won by cheating well within the rules. I would have also had I first thought of having two extra queens in the set—it took me a while to figure that one out, but as you know I am not too bright at the best of times. Quite often my exes tell me as much, and now with all of the criticism of my books so do foreigners. That’s fine. I have known for a long time that I am not that smart, which makes me smarter than most others who unfortunately still have that lesson to learn.

Seriously though, the Chaplains did marvellous work and tried their best under difficult circumstances, since both sides apparently believed in the same God. Their problem was (my opinion), and I might be wrong since I do not dispute their good intentions, is that they acted first and foremost as commissioned officers of the Apartheid State, and secondly as the representatives of God.

*A senior officer told me after reading the Afrikaans version of this book that they reminded him of the Russian Commissars we despised as a method of indoctrination back then. One must decide for oneself – I have no comment and hold no resentment against them either.

We always searched the personal paraphernalia of dead terrorists for intelligence and would almost always find a Bible amongst their few earthly goods. That made me wonder how God could know which side was righteous, since both were requesting His support and promising good behaviour for eternal life. It troubled me greatly, but when a man decides to take up and AK47 and attack the country of his birth he should not be surprised when the police come after him. And the Police were not going to invite him to church or a nice debate, but would first have a fatherly talk with him at the end of a barrel. They would have found a Bible on my body too you know.

The Chaplains once explained to me: "Commies and terrorists were undoubtedly using the Bible as a one-time code and as they could not read nor write." Yeah, sure Chaplain! We found letters in neat handwriting too. Life should not be so serious Chaplain. God also said that we should enjoy our lives even if they come to nothing. We are all His children, just below the Angels in the food chain, black and white. We are made in his likeliness even if some of us are more sunburned than others!

Before we leave this subject I want to say that I don't dislike Chaplains and I apologise if some of the above has offended you. I am a Believer, and I thank God for everything in life for I am not very strong. Man should be grateful for his experiences—both good and bad. That is how you are tested in your faith! When earthly things push you beyond the ordinary and you begin to question, the answer, my friend, is always in your past where you have failed God's tests. Seek forgiveness and fix what you can, and be glad you are still worthy of being tested.

Extract from K's free eBook *The Circle of Life*

It is rather nice to ask your better half for her hand in marriage and is known as being engaged or betrothal if she agrees. Should she refuse it is known collectively as *the great escape or the day you embarrassed yourself* (joke).

Seriously, you cannot claim any compensation because a woman refused to marry you. And whilst you may plan the big question to the last detail the law is not as bothered with it as much as you may expect. In law it is simply an understanding between two people to get married in the future and live as man and wife in the fullest sense of the word together under one roof facing life as one.

You don't need her parents' permission unless she is a minor and if I may say so you better not ask me unless you want see if you can outrun my shotgun pellets. Wait until she is of age and able to make her own decisions. If you then ask the parents you do so out of respect only and not because the law tells you to do so. Discuss this with your fiancée to be for I find many modern women do not take kindly to the idea of being given away as an item.

There is nothing to say you need to be on your knees or have a ring ready. That is just a custom but it may be cheaper to buy the ring yourself rather than let her choose it (joking). Nothing in law says you as the man must buy the ring anyway. She can also if you happen to be broke.

The engagement does not need to be in writing though it sometimes is and known as an engagement letter. Not very original that is. Some have an engagement agreement which is a full contract but note an engagement contract is not the same as an antenuptial agreement which we will deal with later. It only states that the parties wish to marry in the future and deal with property issues. It cannot be enforced which is why it is seldom used and you cannot have penalty clauses in this type of contract like for instance stating if you don't marry me by next week Wednesday you pay me 100 dollars a day penalty.

That would be against the morals of the public at large. All in all such a contract is rather useless.

Keep in mind that when I say man I also mean woman and these days same sex marriages are allowed in many parts of the world including South Africa but not under the Marriage Act. That is done under the Civil Union Act as the Marriage Act does not recognise a marriage as anything else between man and woman.

Consequently with the Civil Union Act gays and lesbians can also be legally married. Not all consider homosexuals to be animals as one African dictator put it so inelegantly recently. For myself I believe in marriage between man and woman only but I do not discriminate or judge. Their problems in life should be between them and God and I suspect my opinion is of no relevance. Whatever their sexual orientation they stay humans and quite nice people also. Don't mix religion with law. It is wrong to treat some different than others without good reason.

I read that during colonial times in North America betrothal was seen as a trial marriage which would or could if you wish only go forward to marriage if a child is conceived. Honestly I am not sure about the reason for this attitude and not at all what I expected from a country as puritanical as America. It is not my idea of American public morals which I learned by reading Westerns up to the age of nine and then switched to history proper. I think that even in todays enlighten society, this would be frowned upon.

I suspect in some countries deflowering a virgin in a trial marriage may be a crime if not a delict. Most certainly, in recent years, we had a case where a fellow married a virgin whilst knowing he is still married to another woman and he was hammered in both the civil and criminal courts. The law does not take kindly to such behaviour as it is presumed in law that a woman's virginity is a serious matter (as it is and should be) for once broken it stays broken even if physically repaired.

It is also well-known in law that a woman with children is a lesser "catch" than one who is a virgin but I expect that this will be challenged under the equality laws. The amounts given as compensation differ drastically between the two when it comes to seduction awards.

Not sure it should be on the law books anymore.

The legal consequences of being engaged

The effect of being engaged is to marry at some stage in the future with the person you are engaged to. Besides that there is not any other legal effect which binds you to celibacy or anything in that nature. In law all woman not married is presumed to live a celibate life anyway. Since this comes from the Romans with their well published orgies I find it ironic. Note please that being engaged does not take away a woman's right of refusal to have sex. You have no automatic right to act like a beast.

Nor do you share your estate yet and you have no special rights to his. If he dies without you in his will you will inherit nothing. Thus I always recommend changing your will and policies the moment that you become engaged.

The problems arise when you break that promise to marriage without good reason. At least you cannot be forced in law to marry anyway which was the way it was up to 1838 in England. As you can imagine that led to a lot of abuse!

The legal formalities to become engaged

It is important to note that you must be sane to become engaged. Many points out that this is indeed a contradiction of terms but let us not be nasty. I believe in marriage and love and so should you. Being with your soul mate is the ultimate high and best of all, free and forever and two weeks.

Obviously someone who is drunk or in a coma cannot enter into a legal contract. Nor can someone who is feeble-minded for obvious and fair reasons. Also persons within the prohibited degrees of relationship may not marry each other which are blood family in simple terms like brother and sister or father and daughter. As a general rule we prohibit the direct line of ascendants to marry each other and thus they cannot be engaged either.

Being of the right age is dealt with more under marriage where it differs from country to country but most are fixed at about 15 years of age for the female. In South Africa, if you are less than 15 years old and female or 18 years and male you will need the consent of the Minister of Home Affairs to marry AND your parents. In fact, under 18 (the maturity age) means your parents must always agree and if they refuse you may approach the High Court who acts as the father of all minors for permission.

I assure you though that our courts are conservative and unless you can prove that it is in your best interests or your parents unreasonable (read very unreasonable) this will not be given willy nilly. In case you carry on regardless the marriage may be dissolved afterwards but we will speak about that under divorce later on.

So what happens when a minor promises to marry when she is of age to do so and when she comes of age she refuses? In law all promises to marry made by minors are voidable at the option of the minor meaning she can decide if she wants to go forward with the marriage or not. Weirdly enough a minor may sue on such a promise but may not be sued. She may even make a new promise to someone else and that is the way it will be.

Being pregnant is no reason in law or otherwise to get married but it was not always like this and in some cultures that would be enough reason for a marriage. It was a practical problem for under Roman law an illegitimate child could not inherit nor be entitled to his father's name. This meant wars in the old days as the kings' illegitimate offspring decided to take fight for their inheritance as happened often in history causing civil wars and worse. These people were called "bastards" and at one stage were seen as that even if the parents married afterwards. Under equality of the law I am glad to say this is something of the past in most countries. Unfortunately the child and his mom may still be treated like something akin to satan by the community.

We tend to throw stones quite quickly and it is very wrong.

You simply cannot in law be engaged to more than one woman at the same time or whilst you are already married. This will be in all countries which do not support bigamous relationships. In effect the second marriage or engagement is void under law but then the universal law of partnership comes in and we will look at that in some detail. It is the same as where you live together. It has far reaching effects on your estate and is known as the common law wife principle.

Why it is so important to understand what is meant with an engagement to be married?

Let me explain that getting engaged to marry is a contract in law but oddly enough it cannot be enforced if one party wants to walk away from it. Being forced to marry against your will would be against the good morals of the nation.

It can never be. Thus some law professors refer to it as "semi-binding." To marry legally both parties must be willing and able. There is nothing wrong with such a system and an example how neutral the law is.

As said there is no prescribed way in law in how to ask a woman to marry you but for long haired liberals it may involve two weeks of nonstop begging. Candle light dinners and being on your knees also help I suppose and through the ages many traditions arose around betrothal which are not in the law books as such meaning it is not required in law to fulfil before the legal effects of an engagement comes into being.

Let me explain.

A ring may be given to the woman (usually is) who wears it on her left hand fourth finger which is seen as the reserve for a wedding ring. It does not matter if it is gold or silver or even rope but the intention does. In law, if a woman accepts a ring and wear it in public on her left hand fourth finger it is very strong evidence that she agreed to be married in the future to the person who gave her the ring. If she then refuses the fiancé may claim damages from her and usually she must return the ring and that is called breach of promise or just breach. Nor does the law care if the ring has diamonds or emeralds in it. As you can see it has only evidential value on what the parties decided on.

Fascinatingly, that specific ring finger is used because our Roman forefathers believed it contained the "vein of love" which goes straight to a womans heart. Before them the ancient Egyptian physicians believed that the same finger has a nerve to her heart. And apparently our Western way of exchanging rings started in again in 1477 when Maximilian the First gave Mary of Burgundy a diamond ring symbolising their relationship. She died at the age of 25 when she fell of her horse or the horse on her. It is tragic but I understand he married again quite soon after that.

The left hand ring finger is not the tradition in continental Europe where the right hand is seen as the place for the ring. I suppose all arteries go to the heart anyway if you want to be unromantic. I could not find anything on what happens when the woman does not have a ring finger because of accident or defect.

In other countries (Argentine apparently) a serious relationship is celebrated with a silver ring, then a gold one at the engagement and finally a diamond ring at the actual wedding.

In Nordic countries I understand that both men and women wear an engagement ring and in Brazil they switch from right hand to left hand at the wedding. Some have a separate engagement ring and wedding ring later but really it is all symbolic. None of this is of interest for the law. It is only interested in what the intention of the parties was.

That is the question and bottom-line is that you don't even need a ring to be engaged to marry. When you ask and she agrees and the two of you are legally able to marry then you are engaged. It does not give you any real rights though as with marital rights which we will look at later. For instance a medical man would be quite within his rights to refuse to discuss any medical condition relating to your fiancé to you. If I may be brutally frank, you are not family yet.

I could not find anything in law stating that a woman is not allowed to ask a man to marry her and it can happen anytime. Not only on 29 February as is tradition in our part of the world. My research also tells me that refusal from the man meant he had to buy her twelve pairs of gloves to hide her empty (of a ring) finger or a new dress. She may choose.

She cannot sue you for refusing to marry her but we did have a thought-provoking case in Apartheid South Africa where a black man proposed to a white woman. The law in those days was not neutral and it was a crime for different race groups to have intercourse or to marry. In truth it was impossible under law to do such things. He was arrested for crimen injuria I think (criminal defamation) but I believe he was found innocent.

You must understand the Apartheid laws were not based on anything but farming principles and the Bible. You can read about it in my book *Mean Streets - Life in the Apartheid Police*. The argument was that the animals on a farm don't mix with each other so why should humans? There is no way is this world that that system can be defended. It was a crime against humanity and an example of what happens when an artificial imbalance is created.

If you lose your ring it does not mean you stop being engaged. You can only legally stop being engaged if you break the engagement or with death of one or both of the partners at the same time which is called commorientes in law. We always presume the man, being bigger and stronger, took longer to die than the wife. With death the engagement stops automatically. You cannot marry a dead person because of the lack of consensus for one. Nor can you marry anything which is not human.

It is not possible to stop an engagement by doing nothing even though in our customary law the husband may refuse to eat his wife's food and that may be seen as divorce. The point is the law being neutral wants to make logical deductions on your behaviour. There must be no room for doubts on your intentions. You have to show what you mean in a practical way.

The same is true in reverse. If a woman takes her ring off and throws it at her fiancé it is very strong evidence that she does not wish to carry on with the engagement and the subsequent marriage. Clearly she may also just give it back or send it to him by mail or messenger. No need for unpleasantness.

Returning gifts is also strong evidence that the marriage is off. Not making any arrangements for the wedding may be indicative but note that there is no time limit on engagements before tying the knot so to speak. It may be a few hours or decades. The law simply does not prescribe a time but the dirty looks from your future mother in law may indicate that the time is near.

This was not always the case because under Roman law a widow could not legally be married within one year of her husband's death (did not need to be actually dead - if captured as a prisoner of war he was considered dead). This was to ensure that any children to be born be borne within that year so that no arguments could follow afterwards on whose children it were. This is not the case today. A widow can marry when she pleases though of course the community may frown on a hasty marriage the law does not prevent that at all. Clearly a widower could also marry whenever he could find a new wife.

As always with law no coercion is allowed. I remember a case in the 19th century where a woman was rescued by a sailor after being shipwrecked. Before he would allow her into his boat she had to agree to marry him which she did. This was not seen (correctly) as binding on her and he failed in his bid for damages when she told him afterwards to take a hike. He probably went to Australia and it caused quite a scandal.

Legal effects of breach of promise

When an engagement is broken off without good reason the lawyers refers to it as breach of promise and the "guilty" party may be sued for damages by the "innocent" party under delict. It used to be women suing men but these days you just don't know and it does not matter anyway. If the party is aggrieved she has rights and justice must be seen.

A good reason in law to break off an engagement would be insanity, intoxication, force, intimidation, mistake, fraud and misrepresentation and the discovery of impotence, sterility, alcoholism or serious criminality on the part of the other side. This is not a closed list but what courts accepted previously as a good reason or defense meaning if the sued party can show that the above was the reason why she broke the engagement she would almost always be the victor in court. All of the above is excellent defenses against breach.

The reverse is also true. Where a party commits breach of promise for any reason besides the above (and what the court thinks is good enough) he will pay dearly for his actions. Marriage is a serious thing in law and not to be taken lightly.

We briefly spoke of deflowering a virgin and where one party seduced the other (usually the female but not always) under promise of marriage, she can claim damages for seduction as well as for breach of promise. Obviously this will only be where a pattern emerges or the defendant (usually the man) bragged to his friends about his "victory" and never was serious about marriage and only used the engagement as a way to get her into bed. Bragging may cost you enough to learn how to act like a gentleman next time. Certain matters should stay private unless you are a little boy needing attention. They usually get spanked in public by their moms and really are nothing to be proud off.

It can even happen where a woman is married and her husband sues the new guy but obviously that is something else called adultery. It really should not be a crime or on the law books but it is and the sentences for it harsh in Muslim countries where flogging in public (100 lashes) and or stoning to death is the norm. Again this is what happens when religion and the law is mixed.

It must be understood also that you cannot be forced into a marriage just because you had a sexual relationship with someone. In law it is presumed that a married woman cannot be a virgin but note that there is absolutely no rule in law in this country to say that a marriage must be consummated before it becomes legal or that the wife must be a virgin when it is.

I know it is different in other countries and especially it was a big deal in Germanic Law. Reminds me of a joke we had many years ago that one particular wild girl was almost still a virgin as she only had the army and police on her. Yeah well, is not really funny. I admit. It sounds better in Afrikaans.

As with any private law case the action must be taken within three years or the claim will prescribe. Once prescribed there is nothing in law which can resurrect it. It is the end of the road.

So what happens with the gifts between the parties?

Well, it can become quite complex but it is usually dealt with in three different categories.

The first is the so called tokens of earnestness from the giver. This will include the engagement ring and must be returned to him. If not he may sue successfully in most cases for the value or the ring. The reason is simple and found in the Roman law dictum of cessante ratione legis cessat ipsa lex which means when the reason for the law ceases, the law itself ceases. There is no more marriage thus no more ring. The best case to illustrate this point was where a child died and the mom still demanded the maintenance money for him even though he is now deceased. The court refused.

Obviously the parties may decide to keep the ring and it is always a good idea to settle this without the need of the court getting involved. As I always say in my books you have a 50/50 chance of winning in court despite the cr-p your lawyer may be telling you. Once in court you either win or you lose and those odds are way too bad for me to take a bet on. I just don't know what will happen in court. The witness may have an off day or even your advocate. It is almost never a good idea not to settle. There are no guarantees in court but a lot in settlement because you control it.

Extract from K's free eBook *Tricks of Trade - Memories of a Rogue Lawyer*

What is so special about law that no one can afford it?

I keep on saying no-one can afford a lawyer and that is an injustice in itself for it means unequal treatment. Why are lawyers so expensive? There is no real reason besides an imperfect system in my eyes if not greed in certain cases. I understand the principle of professional men and charging fees. I understand the many years of study to become a legal expert but still something is wrong.

Let me explain in a general way how lawyers (by which I include all professionals) work and I can hear them howling in outrage in the background for it is not all of them. Let me rather say the unscrupulous ones and it happens a lot despite the frequent denials from the law Society which no-one believes anymore. It also very hard to verify so you have to take my word for it as no-one will admit to such behaviour for obvious reasons.

Padding

Any Law Office has different grades from partners (directors) to associates to professional assistants to secretaries. All must and want to be paid at the end of the month which is normal commercial business and not to be wondered at. Someone has to pay for the fancy offices and original portraits and genuine coffee. It is presumably not for free and that someone is you, the client.

The bigger the law office the more money is needed to survive. That is logical. All the lawyers regulate themselves with nice high sounding phrases to limit the fees allowed to charge but there is (always) a loop hole. In South Africa you have three different fee scales agreed to by all attorneys. The first two is limited to which court is applicable, that is the Higher Courts and Lower Courts and is limited to a specific rate which can be charged to your client. And then the loop hole to make more money. The so called “attorney and own client” scale which means charge whatever you will get away with in normal non-legal English despite the different explanations from the law Society in this regard.

Let me explain what happens in practise. A legal letter which could be written on one page swiftly becomes ten or twenty pages. Why? Because the lawyer gets paid per page written or per word and they count it which is easy with modern computers. Thus you find the most wonderful phrases and words flowing in an elegant way quoting legal sections and other parts of previous letters to create as much pages as possible. It really looks impressive to the untrained eye but is utter rubbish in the sense that it is totally unnecessary information.

Further the letter will be signed by the partner but in fact he was not the one writing it but he would have (I hope) read and agreed with it. It was drafted by a much junior professional assistant who booked his time against it. And so does the next one and the next one and the next one. Everyone cashes in on that one letter for everyone looked at it and made a small adjustment or not. Does not matter for it is time spend and time is money and thus charged to you, the client.

This technique is called “padding” and you will find my letters to be extremely short and to the point so that this cannot happen. I simply don’t believe in long boring explanations for it is not in my nature and never padded anything in my life. I think to pad a letter (or any legal document) for more fees is unfair to you, the client.

Paper wars

Some will even start a flood of letters to create more fees. This is called a “paper war” and very difficult to prove for it looks like diligent work and caring as well. And yes I am sarcastic when I say just look at the effort made by him for his client. He must be a very hardworking fellow to take such care! Yes I am sarcastic. His work is to chase money which is not the same as chasing Justice though it may be the end result.

The problem here is twofold. One it only takes one idiotic lawyer to start it. And two, everything in law must be answered or denied or it will stand as the truth. So you have no choice but to answer the silly letters and answering creates another letter in return etc. Each letter answered cost you the client money. It is a nice merry go round which will only stop once sense returns and no-one will convince me that fees don't play a role or that some just happen to like writing boring letters with no real substance to them.

Only once in my life, as an article clerk, did I hear a senior partner call another senior partner and tell him to "stop his nonsense and his paper war." Thus the fees generate a life of its own which is unfair to you.

Rubber stamps instead of personal attention

We find that a secretary rubber stamps the attorneys signature on letters and even summonses. What right does he then have to charge for the work he did not do I ask? Or they have one standard letter which is copied by the hundred and sent to the debtors on behalf of the creditor (client).

Why do I mention this? Because you will note some of these letters are not even signed for even the signature is copied. Only the date and named is changed. Still, they want and demand full fees for such work from you, the client who does not know any better and defend themselves by pointing out the original letter was signed and time spend drafting it and it is just about efficiency etc.

I saw this even on court summonses also which should make them defective if you know enough to take a stand on it. Most don't so they get away with it. This type of behaviour and business practises is to me rubbish. You the client pays for personal attention and worse, you think you actually get personal attention from a qualified man who you don't mind paying because of his experience. Do you really want to pay the same money to an unqualified legal secretary? I think not.

How many times did you sit in the consulting room and it is rather obvious that the lawyer did not prepare for your case and sit there reading your file in front of you? That is the ultimate disrespect but is happens all the time.

Now multiply the above and see why they can afford the nice buildings. Of course it will be denied and said, "Yes there may be a few horrible ones who do this type of thing but we have systems in place where you can complain about your legal bills and we don't condone it either." How many complain and how many are punished for this I wonder. Why do I need to write this in a book? Why do my clients complain about this all the time when we first meet? Why is the system / red tape of such a nature that no-one wants to complain?

* We talk about the shenanigans of banksters and debt collectors in great detail in my free eBook *Your Worst Enemy*. A book which I am proud to say is downloading by the tens of thousands. It will show you your legal rights when your worst enemy (your bank) comes after you as they will if you miss one payment. The legal relationship is one of "*sincere mutual distrust*" never mind what they say. It is all in the book!

Overreaching

In Africa the legal system works in US Dollars (for foreigners) and thus you need to establish the fees in writing before giving the instruction. As far as we are concerned a foreigner has the money to spend lavishly! After all we are professional men and used to charging good money for services rendered. That is not the scam for no one denies the right to charge reasonable fees. Even the good Book says the worker is entitled to his wages as he earned it. However, since the US dollar is worth many times the local currency the worker in this case makes millions and the client don't even realise it. He thinks, "Well it is expensive but it is the same as my New York lawyers and besides this is in a different country etc." Sir, let me explain to you. They should not charge you more than what a local is charged for the same work. To do otherwise is to take advantage of your good nature and called "over reaching." There is enough money for everyone without doing this. It is not a fair wage to charge you in any other currency but the local one.

This is a scam in my eyes and not fair to you either. The law and the efforts are the same. Why should the currency then be different and in fact the price 10 times (to the ZAR) more? No way has this made sense to me even if you are a rich man. The answer is to get the fees in writing and do a bit of research.

Contingency fees or to work on risk

Let us talk about risk or working on contingency fees. This is allowed in Africa but you will not easily find a lawyer in Africa (including South Africa) willing to take any real risk for his client for unlike America and elsewhere if you lose a civil court case you will pay the victors legal fees which may be millions and often destroy the losing client financially.

If I say you I mean you the client. Not the lawyer though he may in extremely rare cases be ordered to pay the wasted costs. I heard of such cases but never saw it in real life. Even if you win you still need to pay your lawyer. This may be reduced if the other side actually pay but many times it turns out to be a man of straw. So you, the client, just cannot win. Rather settle it and limit your risk but we will get to that too.

I never work on risk by the way. My view is that I am running a business same as you. Why should I take the risk and I must warn you against anyone who is willing to do so. It is not the norm and sometimes may be born out of desperation which is always a bad way to start.

The system failed to prevent summonses

As said it is a risky business to sue without excellent cause in Africa for it reduces the amount of summonses being issued in theory. It is not working though. The amounts of summonses are climbing every year and now it is not uncommon to wait five years before you get a court verdict.

Justice delayed is Justice denied or so say the long hair liberals. There is of course a big element of truth in this statement and it is indeed abused sometimes. We hear of men awaiting trial spending years in jail for they cannot afford bail. That is not Justice and never will be.

There is no such thing as bail bonds in the American sense of the word here. You pay for yourself or get a mate to help if you can't. Otherwise you stay in jail and it is an unfair system but what else can the law do? There are case law stating that bail should not be artificially refused by making the bail amount too high but our people are poor and what may be easy money to some is life and death to most.

Delay and postpone

That is another tactic lawyer's use. Delay and postpone as much as possible in the hope that your opponent run out of money or that you give up. Thus we find appeals to higher courts for no other reason than time wasting and of course creating excellent fees. Whenever a lawyer takes a technical defense you can bet your last penny that he has no case on merits. Meaning he is looking for a way out since his client is guilty. That by the way is allowed and part of the game.

It must be said that in our legal system you sometimes need permission from the Judge to lodge an appeal. Refusal will lead to another court case wasting even more time. We try to overcome this by ensuring an Arbitration exit in your contracts and to enforce them. That is the new way and it works very well. No contract should be without it and it must be binding on the parties. In the alternative settle the matter before wasting time and money on the courts. As said somewhere we try to minimise court time to zero.

I firmly believe that law is way too expensive in Africa (including South Africa) and unfair towards the client. I really have no idea how it can be turned around. Insurance and big corporates will make it more expensive and out of reach of the common man. It can also be correctly said to be a business and a business needs money to survive. Surely no-one denies a fair wage for a fair days work. Just make sure you know what you get into.

Article clerks do not need to be treated like humans

I have no doubts that the article system is abused by some lawyers to gain cheap labour which they otherwise would not have had. This view I am willing to defend in any court of their choice if they want to run the risk of exposure and public humiliation. I am sure that I will receive many thousands of affidavits from former article clerks to back me up. Once again I must say this is not everywhere and not all lawyers treat their slaves inhumanely. There are apparently good ones too for I heard of them.

It is a system we inherited from the British Colonial times and comes down to a legal graduate working for an existing law office to "learn" the trade. I think in America it is called Internship but I am not sure. Perhaps someone can tell me for I would like to know.

Whilst it started off as a good idea it became nothing but a form of institutionalised slavery in my eyes. My experience (and I am not alone saying this even if no-one else is willing to write it down) is that you learn nothing and are abused as cheap labour. Conservatism & tradition is very much counterproductive if slavishly followed and the articles system is indeed abusive.

Where else have you seen graduates work for less than the minimum wage (it is not regulated and the pay vary in the extreme) because they are forced by law to do so? Advocates doing their version of articles called pupil ship is not paid even one cent but they are expected to entertain and pay membership fees towards the bar council for the privilege to be treated like a slave. At least their misery is only six months and ours one year or two years or even more depending on qualifications.

In the legal community there exists an unwritten rule that the more senior of the two lawyers will pay for the drinks or dinner. Obviously the senior because he should have more money to do so but you may be sure that you, the client, will in some way make up for our expenses. That is also an unwritten rule. Advocates needs the attorneys to send them work so they end up paying almost as a matter of course. This system at least works well in practise.

Worse than the lack of a decent salary the article clerks are made to feel inferior. Unlike the advocates they have no fancy title to impress the secretaries with. I saw a very bright female candidate forced to clean the kitchen because she is female. She is still angry about it and asked me to spit in the mugs she being ladylike and me not (enjoyed it too). Or the male clerks forced to clean carpets after hours because they are cheap labour. Or refused entry to the lifts and take the stairs because the lifts are for clients only and not lowly article clerks. Or walk around for one year being a glorified mail man delivering and serving pleadings. And let me not even start on that wonderful skill which every article clerk obtained and that is making photocopies by the million. If it was not so pathetic and inherently wrong it would be funny.

The main excuse used by the perpetrators called senior partners is that articles are what you make of it! That is so obvious nonsense that it defies reason. Articles are what the law office makes it via the senior partners. The article clerk has neither say nor any rights in it. Some are lucky and some not. That is life. But all has to follow the stupid rules and stick it out.

Then why put up with such cr-p? Simply because you have no choice! If you don't or rock the boat by complaining you will not qualify as an attorney or advocate and the system will work you out. I saw it happen. No doubt, even after all these years I am still angry about it. I have not forgotten nor forgiven the insults which indeed were uncalled for between civilised men. It is of course only a coward who insults someone unable to return the insult.

I ask you. Is this the way to treat legal graduates or any other employee for that matter? I think not. One of the tests at my consultancy is to note what a new associate does when a woman enters the room. He better stand up and be polite or he is out. We Africans are respectful people and the traditions must be kept in this regard. I often tell my overseas clients it is rude not to ask about the weather before getting down to business. We are from an agriculture Society and always ask about the rain before commencing on less serious things like business.

This treatment of article clerks leads to a lot of frustration if not outright hatred as you may gather and is one of the ways how the system is abused. I assure you my old article law firm did not receive a single instruction from me after I left. Nor will they ever receive an instruction from me but their opposition across the street did well from my instructions. During the years I cost them hundreds of thousands of lost income by supporting the law office next door. So it is not even clever business to be nasty to your article clerks and shows the supreme arrogance which came with such behaviour.

I am very suspicious of anyone who says he enjoyed his articles and avoids him also for being of an unsound mind if not a (you know) what creeper. The publishers made me take the anatomy part out but you know what I mean. It is always a good skill to be able to read between the lines even if not a legal man.

The sooner we get rid of this article system the better off this country will be for it is also impossible for many law graduates to find legal articles in the first place. It is inherently an unfair system which does not belong in modern Society and with the law schools in place it is unnecessary and outlived its usefulness.

Of course it will never happen. After all it took a Civil War to get rid of slaves in America. I studied that war and its causes being a history boffin. Let me tell you I have never read more honourable men in my life. Just look at President Lincolns Gettysburg speech which is almost of no length and summarise everything you need to know about democracy. That is what life is about. The search for Justice and the Americans it must be said obtained it. For some reason my American clients find this paragraph hilarious but they miss the point! For us who look towards the Land of the Free the view is much different. We still endure what you got rid of in 1774 and 1865.

We will not as long as we cling to colonial times and traditions. We did not even had the guts to tell our colonial powers cheerio as America did and created real democracy two hundred years before the rest of Africa. That will always be amazing to me and a sense of wonder is as great as the first time in a university library and you feel the incredible knowledge around you.

* There is a new Act coming out (soon I hope) which will abolish the legal slave trade in article clerks in South Africa. It will open the doors to many and is only a good thing. Wherever a closed club is you will find abuse or so I believe.

Extract from K's free eBook *The Egg Breakers - Counter Terrorism in Sub Saharan Africa*

I heard many times Western Intelligence Officials say that Africa is simply not important enough to be bothered with too much. That was during the cold war era and quite correct. It was not the first choice of operations and thus the lack of knowledge on how to operate in Africa beyond belief. I know what looks my American Patriot gets when they realise her African is actually of the white race and there are a couple of millions of his tribe left in Africa. All white and as a group highly educated and even able to speak English now and then when it suites them to do so which is always with foreigners since Africans are respectful people. They understand your inability to speak more than one language though most Africans speak at least two.

I remember reading a report dating back to the middle 1970's during the Angolan troubles (civil war) where a major Western agency described the different groups as "good guys" and "bad guys" with no insight into the groups themselves or what the leaders standing was. They simply were out of their depth and it is very understandable why. At that stage Africa was fighting within itself and posed no military threat whatsoever to the West despite all the rhetoric at the United Nations. Since they posed no threat they were not important enough to be studied in greater detail. The bright young men studied Russian or Vietnamese. Africa was well just Africa. The Dark Continent.

Africa still does not pose a military threat for the one country that had the ability (nuclear weapons and submarines) to cut the Wests oil line around the Cape of Good Hope (South Africa) is not capable of doing so anymore. Theoretically though they have the technology in their new submarines to create some havoc if they can get close enough for their nuclear weapons is no more.

As a matter of interest South Africa is the only country in the world thus far to dismantle its nuclear weapons voluntarily and gave it to another country (USA). There are strong rumours though that not all were given but I have no idea if that is true or not since there were a lot of rumours on biological weapons also. Every now and then a "discovery" is in the newspapers for sensational reasons if nothing else. It is all denied anyway.

However, it is very unlikely that South Africa will be bothered to attack anyone in the near future. The once powerful Armed Forces are a not rated as even a regional force and a lack of money and pilots made its Air Force a joke. It is sadly acknowledged that they cannot attack anyone being riddled with AIDS and more generals than troops. In consequence they play soldiers at various United Nations stations which is fine with me. I would much rather have a weak army unable to stage a coup d'état in Africa than a powerful one who may get the wrong idea from history.

We had enough of that type of thing in Africa.

So understandably no interest was shown by the Western agencies but not anymore! Somalia, Sudan, Kenya, Algeria, Libya, Egypt, Nigeria, South Africa and Mali. All of these countries are seen to host or otherwise assisted Muslim radicals in the past or were home to serious terrorist's attacks against the West. There are many more which I don't even bother to mention.

It is well documented that in 1998 the U.S. Embassies was attacked and car bombed in Tanzania (Dar es Salaam) and in Kenya (Nairobi). Many hundreds were killed and publically the U.S. response was to launch a much derided cruise missile attack at targets in Sudan and Afghanistan I think. Some say that the Sudanese targets were anyway wrongly identified and it destroyed a large percentage of the nation's medicine making capability. Be that as it may and note not condemned by the united nations what is less known is that since then 18 of the 21 radicals involved with the attacks is either dead or in prison. That is excellent counter-terrorism statistics.

Kenya also received millions of dollars of aid against terrorism.

Sadly the attacks were not news to us living here as we long suspected it and warned repeatedly without avail about the coming onslaught which then happened. I would have preferred to be wrong in my predictions but events proved we were right.

I include my own country (South Africa) with much reluctance under the terror list as it is known that our passports somehow ended up with terrorists and phone calls were made to South Africa by the London Tube bombers just before the attack. However, and this must be very clear, no-one is suggesting it was given officially to them or that our Government supports terrorism for they don't.

Officially they are reasonably neutral and probably hope they are left in peace. America is not a particular friend of them since the days of the struggle.

The terrorists almost certainly got the passports via corruption which is very regrettable as it caused us to be searched everywhere and the hassle of applying for visas even to the UK whilst we are part of the Common Wealth. That is very insulting and frankly not worth going there for business. It is such a hassle that I tell clients to meet me in Dubai rather than waste my time with London. This is costing London all the money we would have spent there but who cares. Is only a few million pounds if you add up the ones who made the switch and I am sure they can afford to lose it. Dubai is so much nicer and warmer with better food.

Our own smallish Muslim community is more concerned about drugs and crime as came out in the early nineties than terrorism against the West being quite moderate. However during those unhappy days American targets were bombed which had nothing to do with drugs and crime. Clearly it may happen again in the future.

A few, not only Muslims, went to Bagdad during the Second Gulf War as human shields but besides that they committed no act of terrorism and came back quite shocked by the violence of the aerial attacks. That caused a lot of cynical smirks from certain groups but I feel for them. When you are lifted off the ground in an explosion and it simply keeps on and on you grow up very fast. You may even look at the next action movie with much contempt being totally unrealistic.

At least they made a stand for their beliefs which are more than most of us do. As a threat they are negligible though the odd one here and there may take a more active role and a couple was found in Al Qaeda safe houses in Pakistan. It is known that they tried to join the radicals for training but that happens wherever a Muslim community exists. It does not make all of them suddenly radicals.

At the same time many Muslims pointed out to me that a lot of South African young Jewish men serve in the Israeli Army and it bothers them. Ever since our new Government is not a close friend of Israel I have no doubt they would also be keeping an eye on them as a more serious threat than the radicals. There is an obvious difference though between a Muslim radical trained for terrorism against the West and a soldier of the State of Israel. I don't think the Jews constitute any threat.

What is of no doubt to me is that South Africa is potentially a very good place to use as an operational planning base. The infrastructure is good. The communications networks excellent. The facilities to work from as good as any and better than most. With the perceived corruption and lack of interest in radicals by the security apparatus it certainly makes sense. The problem here is what the reaction from the coalition will be if it is found that South Africans are behind a successful attack.

I am sure we will be subjected to even more indignities and be chased out of Dubai also.

Traditionally of more concern to the Government were the white former soldiers and policemen who most definitely were and are able to train terrorists in the use of weapons and explosives. They certainly have the expert knowledge and at one stage we were quite worried when IED explosive techniques in Iraq looked very much like our handiwork for all explosions tells a story. You are able to identify someone by the way a bomb is made for there are always clues. In this regard I must say that it is rumoured for I never saw anything in writing but spoke to a few men who confirmed it that the Iranians were taught quite a few of our explosive teqniques in the 1980's during their war with Iraq. I have no idea if it is true or not but I do know Iran supplied most of our oil.

Having worked with these men for many years I can also tell you they have no wish to train terrorists and are much more honourable than most. That is not to say that a few have not gotten themselves into trouble with mercenary activities and it is well documented. Coincidentally the current South African Government is so nervous of them (even after all these years) that they are constantly being investigated and reported on. It is a bit on an in-house joke amongst them who reports what to whom. However as radicals they pose no threat whatsoever.

In the rest of Africa it is a different picture. The dictators are falling and are replaced by Muslims who are not a direct threat to your way of life for even the most powerful Muslim country does not have the military power to attack the West with any chance of success. They lack the infrastructure for a pro-longed war and know it.

Indirectly it is another story for once they have nuclear weapons or access to weapons of mass destruction which may be biological or bacterial they pose as serious a threat as any other country with such weapons. Many of the fallen countries possessed not nuclear but certainly biological and bacterial weapons which are a game changer for the amount of damage done is so much greater.

Even the Soviet Union knew this and repeatedly re-assured their NATO counterparts that the release of nuclear weapons (and the biological & bacterial) was very strictly controlled. Amongst professional military men the chances of an accidental nuclear war is ridiculous small. There are just too many safeguards. But not in Africa.

The culture is very different with a radical fellow who simply does not fear the consequences and see death as major plus point when it happens. They are a serious problem. Once they have the weapon it would be easy to transport it in a ship to a major harbour where it will cause a lot of mayhem if it explodes. There were many rumours about merchant ships being fitted with a few very powerful weapons and deliberately sailed into enemy harbours as the ultimate bargaining chip. The crews would not even know what they have aboard. Whether this happened I don't know but I saw the plans for it dating back to the cold war.

Since the whole world now knows of tsunami's the terrorist can even explode it under the water to cause a mini-tsunami against which is very little defense. These are scenarios which are faced daily by our leaders and the reason why they turn grey in the Oval Office. It is an awesome responsibility and we really should not judge them all the time. You simply don't know what that man need to decide every day or what he knows which you don't.

Other African countries allow terrorists to stay on their territory which constitutes a clear and direct threat. With this I mean a much more subtle approach and not what happened with the Taleban in Afghanistan where they took over the country openly. It is plain silly from a terrorist viewpoint to operate like that and will lead to their destruction when found. They can never win in open battle and thus strikes from the shadows without warning wherever possible.

Historically we foresaw the Al Qaeda problem in Africa back in 1994 already when Air France Flight 8969 was hijacked in Algeria. What is fascinating is that it was a sort of a runner-up of the 9/11 attacks a few years later as the plane would have been blown up above Paris causing maximum destruction. The idea to blow it up was probably because the terrorist was unable to pilot the plane as happened later. Luckily it was stormed at Marseille by French Police Special Forces and thus the explosion above Paris never happened.

The idea of using the aircraft as a weapon is not new. Everyone knows about the kamikaze flights during the Second World War where human pilots deliberately crashed their planes into ships. What saved the sailors was technology in fuses designed to explode close to the attacking aircraft and thus the threat was neutralised. Of course it takes a very brave man to keep shooting at the aircraft under such conditions.

The lesson is that technology is just a means. The deed is done by man. I believe that Western Agencies places too much reliance on their superb technology. It is only an added asset with limitations which must be recognised.

The thing is no-one thought that a kamikaze attack would happen with a civilian airliner until Flight 8969 as an act of terrorism. It was so far beyond reality that it never got serious consideration. It is well-known that of all places to free hostages an aircraft on the ground is the easiest with its lack of hiding places and many clear (for the Special Forces Team) approach angles. There may be a few innocent casualties but I assure you the terrorists will die and most innocents be rescued. From a terrorist viewpoint it is not a good idea to land and the long list of successful counter terrorist operations involving aircraft support this. This aspect is in my mind one of the reasons why 9/11 took place in the way it did for America has exceedingly good hostage rescue teams.

As with Pearl Harbour afterwards it is all too easy and very wrong to blame the intelligence community for not having a crystal ball (yeah if only it was that easy) to make better predictions on what someone as unstable (in our eyes) as a radical will do next. Suspicions are nothing unless the complete picture points in the same direction and as you can imagine it seldom happens to be a clear picture. However the way General MacArthur failed to safeguard the airfields for many hours after the attack on Pearl Harbour is something which perplexes most historians. It was not his finest moment and it must be acknowledged that President Bush (43) acted with great authoritativeness when he grounded all air traffic immediately after 9/11. By doing so he took the pre-cautions expected from a world leader under attack. You may not know this but Stalin, when Germany attacked the Soviet Union in 1941; for about three days had such a mental collapse that he could not function as a leader. This was despite direct warning of the attack from many different sources which he ignored. No, President Bush (43) was not found wanting from a counter-terrorist viewpoint. History will be kind to him on this aspect.

After that Marseille incident we knew it was a matter of time before communism is replaced with Muslim radicalism aimed against the West instead of Israel as was the norm. From about 1999 we noticed a vast increase in Mosques in certain African countries for no real reason and we wondered why. We also started to hear rumours of a new wave of terror based on a jihad and we reported it to the authorities.

We were not believed and all our approaches, official and non-official to establish human networks in Africa to understand what was happening were denied which made me wonder if it existed already since the offers were turned down as unnecessary. Turns out it did not and our own existing networks were closed down for political reasons in 1998 leaving South Africa anyway blind.

The rapid rise of white right wing terror was of more immediate importance but the efforts wrongly concentrated on the so called white mercenaries probably because of the havoc they caused amongst erstwhile friends of the new Government. They were seen as the threat whilst they were in fact no threat at all as I said above somewhere. Most of them were and still are into genuine security work and earning an income for their families. They had no desire to overthrow the elected Government then and still don't being way too old and overweight. They also know that even if they succeed it will not last for long. There is no way the world will accept a new Apartheid South Africa and right wing terrorism enjoys no support.

The whole idea is ridiculous in the extreme. As Mr Mandela said "never again." Yet it suited the politicians to enable a Mercenary Act which theoretically makes it a crime to join the British Army but not Al Qaeda. Yeah, I don't understand myself but then what do I know? My ex-wives and others these days' takes great delight in informing me that I am not very clever and in good conscience I agree with them. I am not always right but at least I know my limitation which is something I suppose. Now my American Patriot is rightly known far and wide as Mrs Always Right. I may not be that clever but am not stupid either you know. The improved specie is much smarter than us men. They have to be to survive our shenanigans.

From the turn of the century and probably even before that the domestic South African internal security organisation (called the National Intelligence Agency) was abused to spy on their own politicians and became such a joke that the external security organ (known as the South African Secret Service) created a new counter-terrorist unit under the counter-espionage desk. This unit was supposed to focus on terrorism in all its forms and shapes and truly professional in its ways.

How they do it today I would not know and do not care for it is not important to our book which deals directly with counter-terrorism techniques. It does show however that most African Intelligence Agencies are open to political interference and not to be trusted as sources of information.

They likewise don't really care what the West's problems are and focus on internal matters mostly to safeguard against coup d'états. However, that is only my opinion but if correct it makes the world much more difficult to the Western Agencies for they are liaising with them as a matter of course.

What value they get is open for debate and besides I don't quite understand why they bother for getting second-hand via other agencies instead of the raw data is not recommended in this game. You simply cannot know how good the intelligence is nor do you have the means to cross check what was fed to you.

Worse than that the questions you ask betray your lack of knowledge which can be used against you and give a clear indication what you are looking for. Historically that is how the British figured out Pearl Harbour will be attacked by Japan before it happened. They saw the questions asked by the Japanese Naval Attaches via their triple agent called Tricycle and knew off the Japanese interest in their own successful carrier attack against the Italian Navy in Taranto in November of 1940. This is known as well as the fact that they send Tricycle and all the evidence to America but was not believed. Instead the FBI published an article on how they discovered microscopic photography as a method of communication by themselves. Not really helpful that was.

Undeniably there is also much evidence that President Roosevelt wanted Pearl Harbour to take place as it did and no, it is not a conspiracy theory but historical facts coming out as the documents are released. Wireless interception played a major part in this.

Historically it says much about Mr Churchill that he actually tried to warn his family of the pending attack for it could be argued that it would have been better for the British Empire to keep quiet and let the Japanese struck. It is not his fault that Tricycle was disliked as a playboy and worse. I think the Americans learned a lot from this tragic incident and spend a lot of effort to prevent similar occurrences. Pearl Harbour it seems is not forgotten but 9/11 is. How is that possible I ask?

Extract from K's eBook *Gewetenlose Strate - Lewe in die Apartheid Polisie*

PT lesse, sug

Fisiese opleiding of PT was, soos jy kan dink, so belangrik soos godsdiens. 'n Vet kadet het eenvoudig nie bestaan nie. Daar is streng regulasies ten opsigte van gewig en oorgewig polisiemanne is nie toegelaat in uniform nie en moes in burgerlike klere werk (skande) totdat hy die gewig verloor het. Hierdie regulasies is by die elite eenhede sterk afgedwing en as 'n man het 'n gewig probleem het is hy na die grens of ander opleiding sentrum gestuur wat gewigsverlies verseker het. Dit het baie probleme vir die SAP TIN instrukteurs veroorsaak wat nie die tyd gehad het om die nuwe aankomeling fiks te maak voor die aanvang van opleiding nie. SAP TIN opleiding was realisties en fisies. Ek het gesien hoe paar ouens dramaties krimp terwyl onder SAP TIN vaderlike besorgdheid. Ongelukkig het die polisie stasies nie die gewig beleid afgedwing nie en 'n paar polisiemanne het regtig vet geword. 'n Groot verleentheid vir hulleself en die SAP. Geen selfrespek.

PT het begin met 'n bietjie opwarming en 'n baie oefening wat ons "*blougat PT*" genoem het. Dit is maar opstote en ster spronge ensovoorts. Na 'n ruk het ons gegradueer tot die gevreesde klim toue wat al te verskriklik was. Die gerug is dat hierdie toue galg toue of voormalige galg toue is wat ek kon glo synde dik en onbuigbaar. Dit was op hake teen die dak vasgemaak (minstes drie verdiepings hoog). Ons is soos orangoetangs teen hulle op binne 'n sekere tyd. Maar dan kom die moeilike deel. Ons moes en het in die lug bly hang tot sodanige tyd dat die PT sersant nodig geag het. Jy mag ook nie jou voete gebruik nie - net hande en arms. Dikwels het ons neergestort omdat selfs met die beste pogings jou hande net nie meer jou kon dra nie. Handskoene is vir linksgesinde takhare met kommunistiese neigings. Dit is vreemd dat ons nie meer bene gebreek het tydens die groot val nie en met die jare het die instrukteurs geleer om ons onbeheerbare landings te vermy. Ek het verseker paar keer probeer om een raak te val maar hy was te rats en my agterna vaderlik aangegluur. Een ou is in die ribbes geskop maar op 'n vriendelike en vaderlike manier. Kla nie.

PT Sersante is uitstekende mense. Baie vriendeliker as die dril-instrukteurs en 'n paar was goeie sportmanne. Ons dikwels 'n SA kampioen bokser onder hulle opgemerk. Sy Porsche kar het 'n baie van waardering uitgelok en hy moes seker die enigste polisie sersant gewees het wat een wettiglik kon bekostig. Hy is by verre een van die fiksste mense wat ek nog in my lewe ontmoet het. Het gesien hoe hy twee toue, een in elke hand, met sy arms alleen opklim net om te wys dit kan gedoen word. Ook 'n woeste polisie snor gehad maar was altyd vriendelik.

Eendag het ek het twee spiere geskeur (tussen ribbes drie en vier volgens die Leër dokter by die Kollege Hospitaal). Ek het geweet dit is seer (ek wou die f woord gebruik) maar het voortgegaan met die oefening tot ek flou geval het van pyn (ja ek weet vrouens is harder as mans - erken dit). Die PT sersant was eers verbaas en toe ontsteld dat ek nie hom vertel het ek beseer is nie. My en almal rondom ons vertel dat net "*kommuniste en linksgesinde takhare so dom is om PT te doen wanneer beseer is en behalwe dit, stel ek my vriende in gevaar wat nie waarsegsters is nie en dus nie kan weet dat ek beseer is nie. Sulke gedrag is onaanvaarbaar tussen opgevoede mense.*" Daarna het hy my na die dokter gevat in sy kar wat gaaf was. Jy sal oplet dat hy nie een keer die f woord gebruik het nie. Ek moes nogsteeds terug loop na ons kaserne want ek kon nie soos gewoonlik draf nie. Egter 'n les geleer. Jou span is so sterk soos die swakste skakel en die waarheid is belangrik. K-praat bring jou net sover.

Deel van ons opleiding was om te boks. Behalwe rugby is dit die groot ding in die Kollege. As dit ons selfverdediging moes leer was dit 'n vermorsing van tyd. Die gemiddelde krimineel / terroris in die gewetenlose strate voel 'n f vir die reëls van boks. Ek weet dit omdat ek die tyd geneem het om hulle te vra en hulle het almal begin lag en hulle kop geskud. In die gewetenlose strate het jy op die harde manier geleer dat die mees gewelddadige manier altyd die beste manier is. Stop die geveg voordat dit ernstig word is die leuse. Jy sal my nie glo nie maar baie polisiemanne wat hier lees sal saamstem. Die strydendes kombineer altyd en val jou sonder rede aan wanneer jy kom vrede maak. Hel, selfs hulle vrouens en lang verlore broers sal jou aanval as jy hulle net die helfte van 'n kans gee om hulle takhaar maniere ten toon te stel. Selfs hulle hond wat neutraal behoort te bly vir sy eie beswil. Die beste raad is gewis om eers hulle paar klappe te gee en dan te vra wat dit begin het. Daar is verskillende maniere om dit te doen. Traangas en jou polisiekar se wielsleutel het goed gewerk of jou Maglite flits (wat ons gekoop het sedert die polisie uitgereikte flitse gemors is wat te vinnig gebreek het) teen die oor. As al die bogenoemde misluk kry die Honde Eenheid wat mal is oor vaderlike gesprekke en graag wou help. Glo my dit is die enigste manier.

Die een ding wat boks ons geleer het is haat en om vreesloos te wees in 'n vuisgeveg. Ons het begin om mekaar rond te klap en is dan teen 'n ander peloton opgesit. Nou dit is 'n geveg tot die dood. Die twee kadette is in die ring vir twee rondtes of so lank as wat die PT sersant gedink het is nodig. In teenstelling met die Leër kon jy "*bob en weave*" (koes) so veel as wat jy wil solank jy die geveg wen. Verloor sou verseker ons sersant in verleentheid stel wat 'n onwelkome vaderlike belangstelling sou bring in ons *"lafhartige f verloor maniere maar nie te bekommer nie, hy sal Sersant van der Merwe deur die genade van Generaal Coetzee blah blah blah sal dit f genees. Ons kan hom later bedank vir sy vaderlike besorgdheid oor ons.*" Dit was nie moontlik om net bietjie te slaan (spar) nie want die PT-sersante (res van die peloton ook) wou bloed te sien. Indien dit voorkom het dat jy nie bereid is om 'n mede-kadet ordentlike te donn-r nie sou die PT instrukteur self in die ring klim om seker te maak dat jy die logiese gevolge van "*jou kommunistiese en linksgesinde takhare denke*" verstaan. Een kadet het hierdie reël misbruik deur rond te f (nie my woorde nie) totdat die PT instrukteur in die ring geklim het om hom vaderlik uit te sorteer. Hulle het aan ons 'n wonderlike uitstalling van die boks gegee synde die kadet 'n goeie amateur bokser (met 'n haat in daardie spesifieke PT sersant) uitgedraai het. Dit moet gesê word dat die PT sersant nie die stryd verloor het nie maar beslis 'n skok gekry het na die eerste tien sekondes en besef het wat aangaan. Ek kan jou verseker dat die kadet 'n gemerkte man was daarna maar hy hulle respek verdien en weldra vrede met mekaar gemaak. Hy was van toe af deel van die boksspan en het menigte dienspligte aangeval in die kryt tot ons groot vermaak.

Die PT instrukteurs was nooit gepla met grootte nie synde hulle uitgepluis het (heeltemal korrek) dat 'n kadet eendag mense van enige grootte in hegtenis moes neem in die gewetenlose strate. So 'n ses voet plus kadet kon opgesit word teen 'n veel kleiner kadet. Dit het die geveg fassinerend gemaak synde die korter kadet gewoonlik 'n spoed voordeel gehad het en instaat is homself te beskerm as gevolg daarvan. Dit is tot die groter kadet 'n uitklophou kon land. Soos die twee pelotons teenoor mekaar staan kon jy jou teenstander uit werk deur die tel van die kadette met betrekking tot jou eie nommer. Dit het gehelp aan die sielkundige kant. Jy kon en het die opponent die ergste bose oog gegee soos die lyn beweeg het. Hel, ek het so hard gestaar dat ek dowwe visie gehad het selfs voordat ek het in die ring geklim het. Daar is ek eenkeer byna deur 'n maergat kadet met 'n uitstekende opstopper (van nêrens af nie) uitgeslaan. Nie vies daaroor nie. Hy was 'n taai ou van Natal en ons is steeds vriende. Nie een van my peloton spanmaats was simpatiek nie. Ons wou wen. Die res van die gevegte het ek gewen maar is elke keer onregverdig gediskwalifiseer. Die teikens wou nie stil staan sodat ek hulle behoorlik kon tref nie tensy ek hulle kon vaskeer teen die toue in die hoek. Wanneer vasgekeer het hulle (baie onsportief as jy my vra) die toue gegryp waarop die PT Sersant weer die geveg van die middel begin het. Met die gevolg dat die jaag proses opnuut na die hoek moes begin. Dus het ek besluit om aan te hou slaan self al is die ou teen die toue tot die PT Sersant fisies my stop. Wat hy gedoen het na 'n ruk en dan sou ek gediskwalifiseer word nadat ek dit weer en weer gedoen het. Gediskwalifiseer het egter nooit nie die geveg gestop nie. Ek is een keer vier keer in een ronte gediskwalifiseer. Die sersant het net sy kop geskud met my strategie (slim as jy my vra) maar my nooit gekeer nie. Oorlewing is iets vreesliks.

Een kadet het al die reëls gebreek deur die skop van sy teenstander teen die kop in die eerste ronte. Blykbaar was hy 'n skopbokser van formaat en het outomaties opgetree of so het hy gesê en almal uitgedaag om dieselfde kry as hulle nie f daarvan hou nie. Die PT Sersante was erg beledig en het hom teen drie teenstanders op dieselfde tyd laat veg. Hulle het vaderlik die k-k uit hom geklap skopbokser van formaat of nie.

Ek het nooit vroue kadette in die boksring gesien nie en het geen idee hoe hulle selfverdediging geleer is nie. Hulle kon (met en sonder geleentheid) 'n goeie haakhou gooi. Baie keer het ek gesien hoe hulle eerste instorm in 'n boksgeveg met die kriminele element. Dit gesê het, ons het probeer om hulle soveel moontlik te beskerm. Iets wat hulle glad nie mee gelukkig is nie en met afgryse gevul het. Een het selfs vir my gesê (respekvol genoeg want ek was 'n sersant en sy nie) dat *sy my sal arresteer vir inmenging met haar pligte as ek nie ophou om haar terug te hou nie en asseblief nou f opsy staan dat sy die krimineel behoorlik kan skop nie*. Ja wel, jy ken die uitdrukking "*vroue eerste*." Moes die krimineel na die tyd belowe ons sal nie sy makkers vertel dat 'n fraaie polisie meisiekind hom so dik geklap het nie! Moederlik natuurlik vir sy eie beswil.

Nog 'n klein fraaie vroue konstabel het 'n bekende bokser (erge straatvegter) in hegtenis geneem deur net te glimlag en hom in te lig "hy is in hegtenis en sy is seker dat daar geen rede vir onaangenaamheid is nie maar as hy wil snaaks raak is sy bereid is om die k-k uit hom te klap. Vaderlik natuurlik." Hy het haar gedwee gevolg na die polisiekantoor om die saak uit te sorteer. Daardie man het 'n reputasie vir geweld gehad en is besonder groot gewees. Sonder om te skiet hom kan ek nie sien hoe minder as tien polisiemanne hom kon arresteer nie. Vandag is hy 'n prediker aan die Oos Rand.

Dit was nie verbied om 'n verhouding met die vroue kadette te hê nie maar om gevind te word in hulle kamers was teen die reëls. Gerugte het dit dat baie mans kadette moes hardloop soos die wind met 'n kussing oor sy kop wanneer onverwagte inspeksies plaasgevind het. Ek glo dit nie regtig nie want haar sersant sal weet by wie hy was (al slaan hy 'n toon met die kussing oor die kop) en die vroue kadet sou swaar gestraf word. Soos met enige gerug moet iets egter gebeur het om dit te begin. Ek het dit nooit gesien nie maar vroue kadette kon en het vaderlike PT ontvang vir 'n onaangenaam gedrag. Ek is bly ek het dit nooit gesien nie. Dit sou my hart gebreek het. Jy moes net die polisievroue waardeer. Hulle het soveel beter verdien (soos gelyke behandeling op die minste) en ons het altyd probeer om minder te vloek in hulle geselskap hoewel hulle bekend was dat hulle dit ook kon doen per geleentheid.

End of extracts