

## DIVISION OF ASSETS

## MATRIMONIAL PROPERTY ACT 88 O

ASSETS	HUSBAND	WIFE
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### **Immovable property**

House (Market Value)

Other

### **Movable property**

Furniture

Appliances

Kitchenware

Visual/Sound systems

Computers

Valuable artwork

Jewellery

Bedding & Towels

Photographic equipment

Firearms

Outdoor equipment

Sports equipment

### **Vehicles**

Motor car

Motor cycle

Caravan

Boat

(average = average between retail & trade or market value less hire purchase)

### **Policies & Pension**

(surrender / paid up values)

Life insurance policies

Pension benefits / policies

Endowment policies

Annuities

Stock exchange shares

Unit trusts (market value)

Investment through Finance houses / bank accounts

(current values)

Timeshare units

Business assets  
Business interests (Nett value)  
Loans (money owed to you)  
Personal effects

**SUBTOTAL ASSETS**

**DEDUCT EXCLUDED ASSETS (Section 4(1)(b))**

- 1 Patrimonial damages (pain suffering defamation MVA)
- 2 Assets excluded in the ANC
- 3 Inheritences, Legacies, Donations from 3rd parties
- 4 Donations inter vivos (gifts between spouses)

\*\* LOTTERY can not be deducted its not excluded\*\*\*

<b>TOTAL ASSETS</b>
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<b>LIABILITIES (DEBTS / OUTSTANDING BALANCES)</b>	<b>HUSBAND</b>	<b>WIFE</b>
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Mortgage bonds  
Hire purchase cars  
Hire purchase furniture

Credit Card accouts

Bank overdraft

Loans (money which you owe)

Other

<b>TOTAL LIABILITIES</b>		
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TOTAL ASSETS  
LESS TOTAL LIABILITIES  
NETT WORTH is ASSETS LESS LIABILITIES

<b>CALCULATE GROWTH / ACCRUAL</b>
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S4(1)(a) of MPA 88/1984 Deducting the nett value at commencement  
from the nett value @ dissolution of marriage  
(Growth = END VALUE less START VALUE of each estate)

Section 6(1) of MPA 88/1984  
Start Value = ANC amount or agreement amount  
End Value = calculation at date of litis contestation, close of  
pleadings or agreed date

Section 6(1)(b) Indexation & depreciation

Commencement value x CPI Value (End of marriage date)

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CPI Value (Month of wedding date)

Initial value x (above %)

LESS end value

**GROWTH /ACCRUAL**

**CALCULATE CLAIM**

Section 3(1) of MPA 88/1984 :

The party whose estate has the smallest accrual is entitled to:

1/2 of the difference between the accrual of the respective estates

This is a MONATARY CLAIM \$\$\$\$ and NOT entitlement to specific assets

Poorer party = 1/2 (rich party growth - poor party grownth)

IF 1984