

LEGAL GLOSSARY

Ab initio - From the beginning.

Accrual - To become yours, or to increase in value, over a period of time. When you're married with accrual, the value of the things you each buy is joined together.

Affidavit - Declaration upon oath; a formal sworn statement of fact.

Antenuptial - Before marriage.

Bankrupt - Where your liabilities (what you owe) exceed your assets (what you own), and you can't pay your debts.

Bona fide/bona fides - Good faith; in good faith; a Bona Fide agreement is one entered into without attempt to fraud; It is a state in which the person is cognitively and morally committed to do the right thing.

Certified copy - A copy of a document that has been stamped and signed by an officer to show that it's a true copy of an original.

Collation - To consider and compare what is given to someone now with what was given to them before.

Community of property - All money and things are owned by both life partners in a joint estate. This includes money earned before and during your marriage. If you get married without an Antenuptial or Prenuptial Contract, you're automatically considered by law to be in community of property.

Creditor - The party to whom money is owed.

Debtor - A party that owes money.

De facto - Concerning fact; In fact; As a matter of fact; in practice but not necessarily ordained by law; in practice or actuality, but without being officially established; The de facto standard is a formal or informal standard that has a dominant position by cultural acceptance, market dominance, tradition or enforcement.

De jure/de iure - Concerning law; in principle.

Domicile - Your residential address or the place where you are legally deemed to be present.

Domicilium citandi et executandi - Domicile for the purpose of serving summons and levying execution.

Errore calculi - Defence which can be taken by a debtor relating to errors of calculation.

Estate - All the money and property owned by a person.

Excussion - When claiming a debt, a creditor must only go after the surety as a last resort.

Executor - The person or organisation responsible for carrying out the terms of a Last Will and Testament.

Exempt - Not responsible for....

Exceptio non causa debiti - Defence used by a debtor that there is no reason for the obligation.

Exceptio non numeratae pecuniae - Defence used by a debtor that the money has not been paid to him.

In limine - A hearing on a specific legal point, which takes place before the actual case referred, can be heard. It is a process that addresses the technical legal points, which are raised prior to getting into the merits of the case, and relates to matters of jurisdiction.

In rem suam - In his own interest. It has been held that in some instances an agent acting with authority plus an interest in the matter, acts with irrevocable authority.

In solidum - In entirety. Where there are several co-obligants bound "in solidum", each is liable in full payment or performance, and the creditor may choose which of the obligants he will sue.

Incapacitated - Reasonably seen to be unable to perform, either by age or by mental or physical state.

Insolvent - A party that has been legally declared bankrupt (unable to pay his/her/its debts). An insolvent person is considered sequestrated, and an insolvent organisation is considered liquidated.

Intestate - To have no valid Last Will and Testament.

Legacy - Something that is passed on to a person or organisation when somebody dies. This is usually money or property.

Lessor - A person or organisation that is renting (leasing) property from another person or organisation.

Liabe - Responsible for.

Liquidated - An organisation that has been legally declared bankrupt (unable to pay its debts).

Mutatis mutandis - With those things having been changed which need to be changed; the necessary changes having been made.

Non causa debittii - No valid or legal cause of debt.

Notary public - A person who is authorised by law to certify that signatures and documents are genuine and original. A notary will fill in his name at the beginning of a document, stamp and sign it at the end, and then register it with the Registrar of Deeds. Some lawyers are notaries.

Prenuptial - Before marriage.

Prima Facie - First sight/ on the face of it. Prima Facie evidence would be considered enough/sufficient to prove a case unless disproved or rejected; if no Prima Facie evidence can be shown or offered, there is no case to answer/continue.

Pro rata - In proportion.

Revision of accounts - A defence which can be taken by a debtor relating to an amendment of an account. This is relevant where the obligation relates to the settlement of account.

Sequestrated - A person who has been legally declared bankrupt (unable to pay his or her debt).

Summons - The first document filed in court by a person or organisation suing another person or organisation. This starts legal proceedings.

Surety - A person or organisation who takes responsibility for another's obligations, in case that person or organisation doesn't pay or deliver. This is usually by giving a guarantee or providing security.

Tenant - A person or organisation that is renting (leasing) property from another person or organisation.

Testator - A person who has made a Last Will and Testament.

Vice versa - The other way around.

Voetstoots - As it stands, with all its faults.