

PAT DEWES ATTORNEYS

Our ref: AL Kaufmann/cs/06L181002

Per email: pd@patdewes.co.za

Date: 20 July 2022

“Without Prejudice”

Dear Mr Dewes

RE: PROPERTY DISPUTE: PORTIONS 334 AND 335 OF THE FARM SPRINGVALE

We refer to the above matter.

Please be advised that we have consulted with our Clients in respect of the issue herein.

Given the costs that will be incurred, should this matter become litigious, our Clients are, for commercial reasons, desirous of exploring the possibility of settlement, so long as any settlement reached is just and equitable in the circumstances.

In order for an amicable settlement to be reached, and in order to mitigate any contributions that the parties may be subjected to, we are of the opinion that all relevant role players be brought to the table.

We will accordingly be attempting to engage with Mr David Crago (“Crago”), who as you will see herefrom is indeed an interested party and relevant role player, in order to ascertain his stance on the issue, and to enquire whether he would be amenable to discussing a resolution to the issue herein.

Notwithstanding the aforementioned, we do believe it necessary to refer you to your letter of 20 June 2022 wherein, at paragraph 2, you recorded the following:

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“The plans correctly reflected the positioning of the house on Portion 334, but for reasons which are not clear, you built the house, almost entirely, on Portion 335”.

With regard to the above we are instructed to record the following:

1. Prior to purchasing the Property, our Client was introduced to the Property by Mr Roger Nevin (“Nevin”) of Harcourts, who was, at the time, acting as an agent for Crago.
2. Nevin represented to our Client that the area which in fact represents Portions 334 and 335 was in fact the Property (Portion 334) that our Clients would be purchasing.
3. Whilst being introduced to the Property, Nevin pointed out to our Clients that the foundations and retaining walls, which had already been dug and erected, were situated on the Property that they would be purchasing.
4. As a consequence of that recorded above, and purely on the representations made to our Clients, our Clients purchased the Property and proceeded with the building of the house, at the exact location where the foundations had been laid and where the retaining walls had been erected.
5. At no stage during the building of the house, nor in the preceding years, did the owner of Portion on 335 ever raise an issue with the location of where the house was built.
6. At no stage during the building of the house or after the building of the house was built did the relevant municipality or any building inspectors raise any issue with the location of where the house was built.

Our Clients have always, and until such time that they received your letter, reasonably and genuinely believed that they owned the entire portion of the 334 and 335, and that the house that they erected was situated on the Property they purchased.

We trust that this provides clarity and reasoning as to why the house was built in the location where it now stands.

As aforementioned we will revert back to you once we have engaged with Crago.

All our Clients' rights herein remain fully reserved.

Yours sincerely

AL Kaufmann

AL KAUFMANN

HAY AND SCOTT ATTORNEYS

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