

DAVID CRAGO

Our ref: AL Kaufmann/06S693001

Per email: dave.crago@yahoo.com

Date: 29 August 2022

"WITHOUT PREJUDICE"

Dear Mr. Crago

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

We refer to our recent exchanges of correspondence and confirm that we act on the instructions of Mr. and Mrs. Schiermeier ("our Clients").

Please be advised that on 26 September 2021 our Clients sold the property described as Portion 334 (of 22) of the Farm Spring Vale, 1892 square metres in extent, and which is situated on the corner of Main Road and Lake Drive in Rosetta ("the Property") to Andrew and Louise Radue ("the Radues").

As you will no doubt be aware, the Property was previously sold by you to our Clients during or about May 2016.

Subsequent to transfer taking place, and more particularly, on 20 June 2022, our Clients received the letter attached herewith marked as **annexure "A"** from Pat Dewes Attorneys who act for the Radues.

You will note from the content of the letter that the Radues are facing a claim from the owner of portion 335, being Anne Coventry, for the value of Portion 335. This being as a consequence of the house, which was built by our Clients, encroaching significantly onto Portion 335.

As a result thereof, there is a strong likelihood that the Radues may seek recourse against our Clients given the fact that it was not represented to them that the house encroached onto Portion 335.

HAY AND SCOTT ATTORNEYS
Val No: 4320203344

+27 033 342 4800

www.hayandscott.com

HEAD OFFICE
Top Floor, 3 Highgate Drive, Redlands Estate,
1 George MacFarlane Lane, Pietermaritzburg
P.O.Box
P.O.Box 12 000, Dorpspruit, 3206
Docex
Docex 26, Pietermaritzburg

PARTNERS
Paul Simon Hay
Roderick Farmer Brent
Jeremy Frank Capon
Diana Oliwia Pęczak
Anthony Luke Kaufmann

Senior Consultant:
Andrew Bruce Léman Scott

Senior Associates:
Grant Douglas Williams
Simon Rory Pennefather
Faadela Essop

Associates:
Michaela Amy Kinsley
Katelijn Marie McFarlane
Chelsea Fay Strachan

Given the possibility of a claim being instituted against our Clients, we are instructed to place the following on record:

1. Prior to purchasing the Property, our Clients were introduced to the Property by Mr. Roger Nevin ("Nevin") of Harcourts, who was, at the time, acting as an agent for yourself, alternatively, acting in a manner that renders you vicariously liable for his conduct whilst acting in said capacity.
2. Nevin represented to our Clients that the area which 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.
4. As a consequence of that recorded above, and purely on the representations made to our Clients by Nevin, acting in his aforesaid capacity, 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. After having completed the house, our Clients resided there until selling to the Radues.

As a consequence of that recorded in paragraphs 1-5 above, our Clients have always, and until such time that they received the letter from Pat Dewes Attorneys, reasonably and genuinely believed that they owned the entirety of what is in fact portions 334 and 335.

Attached herewith as **annexure B**, for your convenience, is a copy of a plan showing the position of the house in relation to the Cadastral boundaries of portions 334 and 335.

Further to the above, our Clients have recently been advised that, prior to you selling the Property to our Clients, you were, in fact, aware that the Property you were selling did consist of two portions and notwithstanding having knowledge of this, represented to our Client that the area they were purchasing represented only portion 334.

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In the circumstances, we are of the opinion that your failure to inform our Clients that the area portrayed to be Portion 334 did in fact comprise of two separate portions, amounted to *inter alia* a material misrepresentation by non-disclosure.

In the circumstances, and in the event that any recourse is taken against our Clients by the Radues, we are instructed to join you to the proceedings and seek indemnification on, *inter alia*, the grounds set forth above.

Notwithstanding that recorded above, and given the complexities of the matter and the costs that will be incurred by the parties in protecting their rights, we are of the opinion that attempts be made to resolve the issue between the respective parties.

Please can you consider the above and advise on your position.

All our Clients' rights herein remain fully reserved.

Yours sincerely

alkaufmann

AL KAUFMANN

HAY AND SCOTT ATTORNEYS

anthony@hayandscott.co.za

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+27 033 342 4800

www.hayandscott.com

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Dear Anthony.

I understand now I sold this property. As far as I am aware it was sold as a empty plot with no buildings.
'do not understand the situation fully that you are saying and I hope of course the situation gets sorted for the new owner.

I do not see however how this affects me though.

If you are making a claim against me I would suggest you do this so I can take professional advice.

I am not sure what your clients are expecting from me but they just purchased a piece of land, not a house.

Regards

David Crago

Sent from Yahoo Mail on Android

On Mon, 29 Aug 2022 at 16:44, Anthony Kaufmann
<anthony@hayandscott.co.za> wrote:

Dear Sir

Please find our letter attached herewith.

Yours faithfully

Anthony Kaufmann – Partner

HAY & SCOTT ATTORNEYS

☎ 033-3424800

☎ anthony@hayandscott.co.za

☎ www.hayandscott.com

☎ VAT No: 4320203344



SPOOFING, WHALING AND PHISHING ALERT!! Please note that we have not, nor do we intend changing our banking details. Should you receive a notification from us stating that our banking details have changed, please do not act on this. Please be extremely cautious in checking that all the information is correct and that the e-mail address from which you received the mail is a legitimate person at Hay & Scott Attorneys with the hayandscott.co.za domain. If you are uncertain about anything provided to you, please verify this telephonically with us before making any payment.

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