

IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG

CASE NO: 2026-195952

In the matter between:

ANNE FELICITY COVENTRY

Plaintiff / Applicant / Appellant

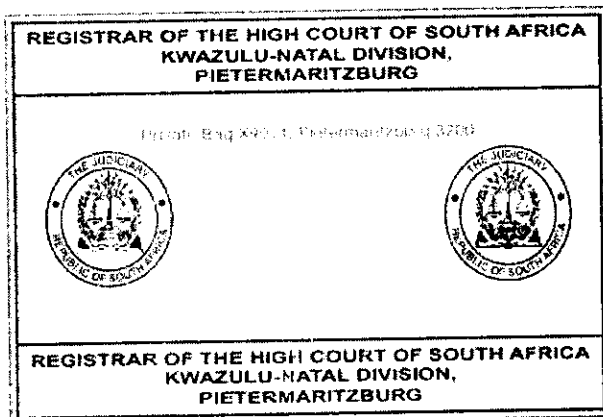
and

**ANDREW CRAIG RADUE ,LOUISE
EVELYN RADUE**

Defendant / Respondent

Notice of Motion (Long Form)

NOTE: This document was filed electronically by the Registrar on 14/8/2026 at 2:56:11 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



ELECTRONICALLY SIGNED
BY:

Registrar of The High
Court, KwaZulu-Natal,
Pietermaritzburg.

Sheriff uMgungundlovu West

28 AUG 2026

B.A. Luthuli 033 330 4678
Unit 16. 60 Main Street, Howick

**IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION, PIETERMARITZBURG**

Case No: 2016 - 195952

In the matter between:

ANNE FELICITY COVENTRY
(Identity number: 560322 0157 08 1)

Applicant

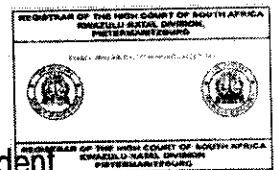
and

ANDREW CRAIG RADUE
(Identity number 780624 5084 08 5)

First Respondent

LOUISE EVELYN RADUE
(Identity number 800604 0041 08 8)

Second Respondent



NOTICE OF MOTION

SIR / MADAM

Sheriff uMgungundlovu West

28 AUG 2026

B.A. Luthuli 033 330 4678
Unit 16. 60 Main Street, Howick

KINDLY TAKE NOTICE THAT the abovenamed Applicant intends to make application to this Honourable Court for an order in the following terms:

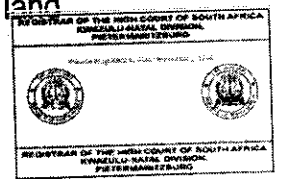
1.

Declaring that the structure erected on the Respondents' immovable property
(Portion 334 of the Farm Springvale 2170 Registration Division FS Mpofana Local

Municipality Kwazulu-Natal) encroaches upon the immovable property owned by the Applicant, known as Portion 335 of the Farm Springvale 2170 Registration Division FS Mpofana Local Municipality Kwazulu-Natal.

2.

The Respondents are ordered to demolish the said encroaching structure within one month from the date of service of the Court's Order, and to make good the land on Portion 335 on which the encroachment was erected.



3.

In the event of the Respondents' failing to comply with the order in paragraph 2 above to demolish, the Applicant is authorized and directed to take steps herself to demolish the encroaching structure on the Respondents' behalf, if necessary with the assistance of the Sheriff of the High Court.

4.

The Respondents shall bear all the reasonable demolition expenses.

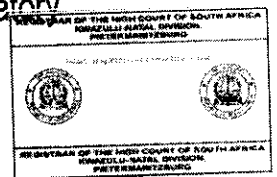
5.

The Respondents are ordered to pay the Applicant's costs of this application on an attorney-and-client scale.

6.

Granting to the Applicant such further and/or alternative relief as the above Honourable Court may deem fitting.

TAKE NOTICE FURTHER THAT the affidavit of the abovenamed Applicant, **ANNE FELICITY COVENTRY**, together with the annexures thereto, and the confirmatory affidavits annexed thereto will be used in support of the application.



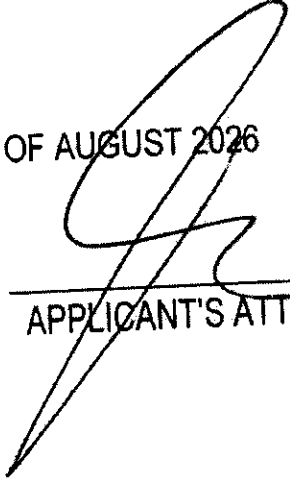
TAKE NOTICE FURTHER THAT the Applicant has appointed the address of her attorney, **RAJEN MANICKUM AND ASSOCIATES**, the address of which is set out at the foot hereof, as the address at which the Applicant will accept service in these proceedings.

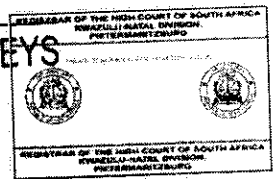
TAKE NOTICE FURTHER THAT if you intend opposing this application you are required

- (a) to notify Applicant's attorney in writing on or before within 10 days of service of this notice; and
- (b) within fifteen days after you have so given notice of your intention to oppose the application, to file your answering affidavits, if any; and further that you are required to appoint in such notification an address referred to in rule 6 (5) (b) at which you will accept notice and service of all documents in these proceedings.

If no such notice of intention to oppose be given, the application will be made on
19 November 2026.....at 09h30.

DATED AT PIETERMARITZBURG THIS 14th DAY OF AUGUST 2026


APPLICANT'S ATTORNEYS



RAJEN MANICKUM AND ASSOCIATES
Applicant's Attorneys
9 View Avenue
Town Hill
Pietermaritzburg
Cell: 071 077 8133
Email: rajenmanickum5@gmail.com
REF.: AC/786/RM

TO: **THE REGISTRAR OF THE HIGH COURT**
PIETERMARITZBURG

And to: **ANDREW CRAIG RADUE**
First Respondent
Portion 334
Lake Drive
Rosetta
Kwazulu-Natal

And to: **LOUISE EVELYN RADUE**
Second Respondent
Portion 334
Lake Drive
Rosetta

COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG**

CASE NO: 2026-195952

In the matter between:

ANNE FELICITY COVENTRY

Plaintiff / Applicant / Appellant

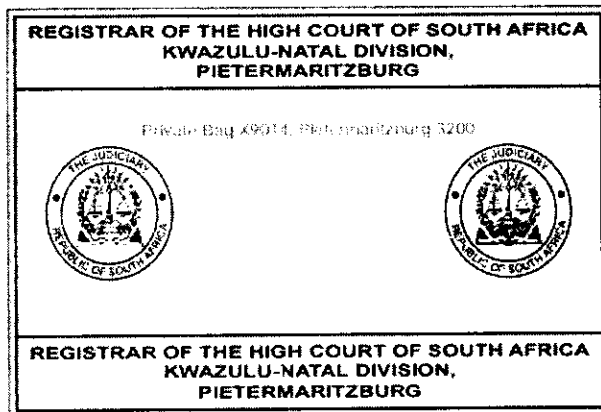
and

**ANDREW CRAIG RADUE ,LOUISE
EVELYN RADUE**

Defendant / Respondent

Founding Affidavit

NOTE: This document was filed electronically by the Registrar on 27/8/2026 at 1:33:55 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



**ELECTRONICALLY SIGNED
BY:**

**Registrar of The High
Court, KwaZulu-Natal,
Pietermaritzburg.**

**IN THE HIGH COURT OF SOUTH AFRICA
(KWAZULU-NATAL DIVISION, PIETERMARITZBURG)**

Case No: 1026 - 195952

In the matter between:

ANNE FELICITY COVENTRY
(Identity number: 560322 0157 08 1)

Applicant

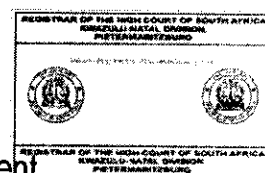
and

ANDREW CRAIG RADUE
(Identity number 780624 5084 08 5)

First Respondent

LOUISE EVELYN RADUE
(Identity number 800604 0041 08 8)

Second Respondent



FOUNDING AFFIDAVIT

I, the undersigned,

ANNE FELICITY COVENTRY
(Identity number: 560322 0157 08 1)

hereby make oath and state:

1.

I am a major female architect residing at 7 Clifton Road, Nottingham Road, Kwazulu-Natal.
I am the Applicant in this matter.

2.

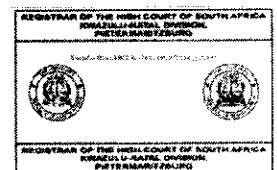
Handwritten initials: JFC SD

The facts contained in this affidavit fall within my personal knowledge, except where the context indicates otherwise, and are both true and correct.

3.

This Court has jurisdiction to hear this application because the immovable properties forming the subject matter of this dispute are situated in the district of Mooiriver, Kwazulu-Natal, which is within the Court's territorial area of jurisdiction.

4.



4.1 The First Respondent is ANDREW CRAIG RADUE, a major male person, residing at Lake Drive, Rosetta, Kwazulu-Natal.

4.2 The Second Respondent is LOUISE EVELYN RADUE, a major female person, residing at Lake Drive, Rosetta, Kwazulu-Natal. The Second Respondent is the wife of the First Respondent.

5.

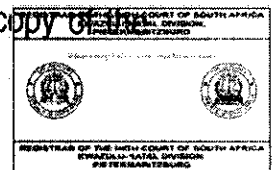
I am the registered owner of an immovable property which is described as Portion 335 of the Farm Springvale 2170 Registration Division FS Mpofana Local Municipality Kwazulu-Natal. I annex hereto a copy of the Title Deed marked "AFC1". For convenience I shall hereinafter refer to the property as "Portion 335". The street address of the property is Lake Drive, Rosetta, Kwazulu-Natal. That property is as yet undeveloped.

[Handwritten signature and initials]

6.

How it came about that I came to be the registered owner of Portion 335 is the following:

- 6.1 In 2004 I acquired a piece of land which was then described as "Portion 22 (of 10) of Farm Spring Vale No. 2170 Registration Division FT Province of Kwazulu-Natal IN EXTENT 7834 (SEVEN THOUSAND EIGHT HUNDRED AND THIRTY FOUR) SQUARE METRES". I bought it from a seller, one DARIUS VINCENT BEZUIDENHOUT for R80 000-00. I annex hereto marked "AFC2" a copy of the Deed of Transfer number T04 55868.
- 6.2 I subdivided that piece of land and the resultant subdivisions were Portions 337, 336, 335, 334 and a remainder. This is shown on a diagram which I annex hereto marked "AFC3".
- 6.3 I sold several of the subdivided pieces. Portion 337 was transferred to one Morton in June 2007. Portion 336 was transferred to one FK Pieters in June 2007. Portion 334 was transferred to RH and RJ Malan in January 2009. And I retained Portion 335 which I left undeveloped.



7.

Adjacent to my property, Portion 335, is a property which is Portion 334. The registered owners of Portion 334 are the two Respondents, who are married in community of property, and so are the joint owners in undivided shares of Portion 334.

Handwritten signatures: AFC and SD

8.

A residential building has been constructed (largely on Portion 335) which straddles the boundary between Portion 335 and Portion 334. It encroaches substantially on to Portion 335. I annex hereto marked "AFC4" a Plan showing the position of the two separate properties Portion 335 and Portion 334 in relation to their cadastral boundaries and the position of the house which straddles the boundary between the two properties. The bulk of the house is situated on my property, Portion 335. The Plan Annexure AFC4 was drawn in June 2022 by one JAY HAINES who is a professional land surveyor. I also annex hereto marked "AFC5" an aerial photograph of the land surrounding the properties in question and on which the boundaries of the adjacent properties have been marked. The photograph was obtained for me by PETER GREENE, an estate agent, from whom I shall obtain a confirmatory affidavit.



9.

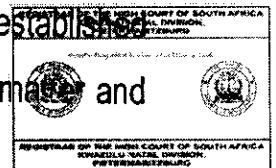
I shall set out below the history that culminated in the occurrence of this encroachment, the details of its extent, the discovery by me of the existence of the encroachment, and the steps that have been taken thus far to resolve the problem. For present purposes I point out that this is an application brought by me for an order (a) declaring that the structure erected on the Respondents' immovable property (Portion 334) encroaches upon my immovable property, known as Portion 335, situated at Lake Drive, Rosetta, Kwazulu-Natal; (b) ordering the Respondents to remove and/or demolish the said encroaching structure within one month from the date of service of the Court's Order, and to make good the land on which the encroachment was erected; (c) ordering that, in the event of the Respondents' failing to comply with the order to remove and/or demolish, I will be authorized and directed to take steps myself to remove and/or demolish the encroaching structure on the Respondents' behalf, if necessary with the assistance of the

Handwritten initials "JHC" and "SD" in the bottom right corner.

Sheriff of the High Court; that the Respondents shall bear all the reasonable demolition expenses; and that the Respondents are ordered to pay my costs of this application on an attorney-and-client scale.

10.

I became aware for the first time only shortly after the Covid19 lockdown in 2020 that a residential house had been built which was largely on my property, Portion 335. I engaged various persons to investigate how this had come about. The following was established (which is in any event common cause between the persons involved in this matter and between the parties):



- 10.1 In 2011 Portion 334 was purchased by one Crago from its previous owners RJ and RH Malan.
- 10.2 Crago intended to build a residence on that Portion 334. To that end Crago engaged an architect, Vanessa Archer, to draw plans for an intended residential structure. Such plans were drawn and the plans indicate that what was intended to be built would fall well within the boundaries of Portion 334. I annex a copy of such plans hereto marked "AFC6".
- 10.3 Before the intended residence was built, however, Crago sold Portion 334 to a couple named Schiemeier in 2016.
- 10.4 At the instance of the Schiemeiers a structure was then built using the plans drawn by Vanessa Archer. However, the structure that was built was not positioned as intended by Vanessa Archer. It was built in a position such that it straddled the boundary with Portion 335 to the extent indicated on the plan, annexure AFC4.

[Handwritten signature]

SD

- 10.5 In January 2022 the Schiemeiers sold Portion 334 to the Respondents for R1,675m. Prior to that sale the Schiermeiers had fenced the two portions 334 and 335 as though they constituted a single block. The house that they had built straddled the boundary of the two Portions 334 and 335 and was mostly on Portion 335. I understand that the Respondents were given to understand that what was being sold to them consisted of the entire area of Portions 334 and 335 fenced as a single block.
- 10.6 The Respondents had obtained a home loan from ABSA. A mortgage bond was registered. (It could not have been registered over property other than Portion 334, because that was the only property owned by or to be bought by the Respondents. At the time it obviously escaped the attention of the ABSA official(s) who inspected the property before approving the loan to the Respondents that the Respondents had purchased only Portion 334 and that the house purportedly on the property they had bought was in fact largely on the adjacent property Portion 335.
- 10.7 When all of this came to light, negotiations were conducted through the attorneys of the various parties aimed at arriving at some solution of the problem that had arisen. The Respondents took the matter up with ABSA (and apparently got no joy from that). The Respondent's representatives managed to contact the Schiemeiers. What transpired between them is not known to me.
- 10.8 The ideal solution would have been for the Respondents to purchase Portion 335 from me at a fair market value.
- 10.9 Discussions and negotiations ceased in the early part of 2025 without any acceptable resolution having been reached. I was informed by the Respondents' attorneys in March 2025 that a "final offer" was made to me. It was well below what



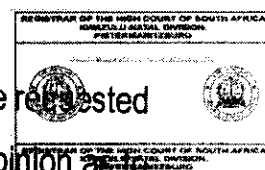
He SD

would be the market value of Portion 335 if Portion 335 had been left unencroached on. It was rejected by me.

10.10 Nothing has occurred since then, and it is as if everybody simply hopes I will not raise the matter again.

11.

The present market value of Portion 335 is estimated to be R450 000-00. I have requested PETER GREENE, mentioned on paragraph 7 above, to provide me with an opinion as to the present day value of Portion 335. He has provided me with the report which I annex hereto marked AFC7 It speaks for itself.



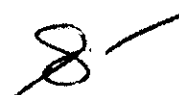
12.

In the circumstances, I have been left no option other than to seek an order that the encroachment on to my property, Portion 335, be demolished.

WHEREFORE I PRAY that the application will be dismissed with costs.


ANNE FELICITY COVENTRY

I certify that the Deponent has acknowledged to me that she knows and understands the contents of this affidavit which was sworn to before me at Pietermaritzburg on 2017 2026 in accordance with the requirements of Regulations R1258 of 21 July 1972 and R1648 of 21 July 1972 respectively, as amended.



COMMISSIONER OF OATHS

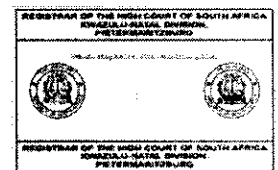
FULL NAME :

BUSINESS ADDRESS :

CAPACITY :

AREA

SANCHIA DAYANAND
Commissioner Of Oaths
Practising Attorney
484 Burger Street
Pietermaritzburg 3201
Republic of South Africa



[Handwritten signature] *SID*

COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG**

CASE NO: 2026-195952

In the matter between:

ANNE FELICITY COVENTRY

Plaintiff / Applicant / Appellant

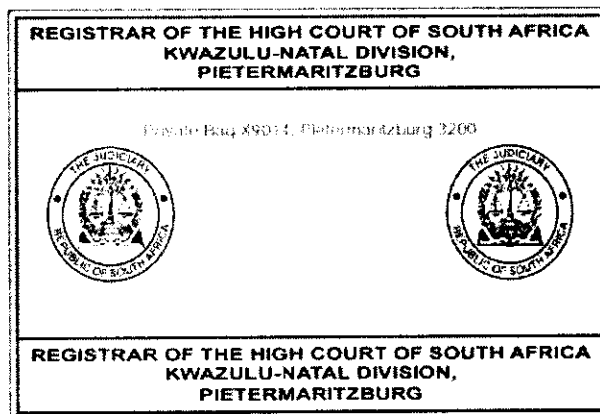
and

**ANDREW CRAIG RADUE ,LOUISE
EVELYN RADUE**

Defendant / Respondent

Annexure 01

NOTE: This document was filed electronically by the Registrar on 27/8/2026 at 1:34:33 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



**ELECTRONICALLY SIGNED
BY:**

**Registrar of The High
Court, KwaZulu-Natal,
Pietermaritzburg.**

Rus, 0

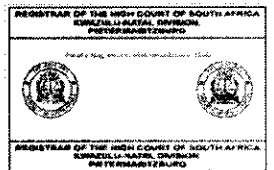
Prepared by me

CONVEYANCER
R J LEE

170 00,00

11842198

11-11-23



11-11-23

12772198

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN :

THAT DONALD GRAHAM MOORE
appeared before me, REGISTRAR OF DEEDS at PIETERMARITZBURG he the said
Apparar being duly authorised thereto by a Power of Attorney signed
at *Pietermaritzburg*
on *20th Nov 1998*
and granted to him by:-

FOR FURTHER ENDORSEMENTS SEE *Page 5*
VIN VERDERE ENDOSSEMENTE SIEH

MAVRIC PROPERTY HOLDINGS CC
No. CK 89/40245/23

VENN NEMOETHI & HART INC.
ATTORNEYS
PIETERMARITZBURG



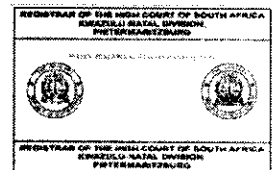
- 2 -

AND the Appearer declared that his said Principal had truly and legally sold on 13 January 1998 and that he, the said Appearer in his capacity aforesaid, did by these presents, cede and transfer, in full and free property to and on behalf of:-

ANNE FELICITY COVENTRY
Identity Number 550322 0157 18 0
Unmarried

her Heirs, Executors, Administrators or Assigns

Portion 82 (of 33) of the farm Spring Grove No. 2169, Registration Division FS in the Province of KwaZulu-Natal, in extent 4 099 (FOUR THOUSAND AND NINETY NINE) square metres;



First transferred by Deed of Transfer T. 28426/1989 with the Diagram S.G. 2562/1988 annexed thereto and held by Deed of Transfer T. 993/90.

THIS PROPERTY IS TRANSFERRED:-

- 1 SUBJECT to such of the terms and conditions of the original Government Grant No. 2169, as are still in force and applicable.
- 2 SUBJECT to the following special conditions imposed by the Administrator of Natal, in terms of Ordinance No. 27 of 1949, as created by Deed of Transfer No. T. 28426/1989, namely:
 - 2.1 The land shall be subject to a servitude for the provision of stormwater drainage, water supply, irrigation, sewerage, electricity, gas and/or fuel supply, telecommunications, radio and television services, over or under the land, along any boundary thereof, other than a road frontage and within a distance of 2 metres from such boundary. Reasonable access shall be provided to such servitude, at all times, for the purpose of installation, maintenance, removal or extension of such services.

VENN NEMETH & HART INC.
ATTORNEYS
PiETERMARITZBURG

LA

"Legalperfect"

KFC

SD

- 3 -

The owner of the land shall without compensation be obliged to allow the servicing of any other land or street to be conveyed along such servitude; provided that if the owner of the land be aggrieved by the unreasonable exercise of these rights, he shall have the right of appeal to the Administrator whose decision shall be final. Maintenance shall include cutting, trimming or otherwise dealing with vegetation so as to prevent interference with any service.

The right conferred by this condition shall be exercised by a Regional Services Council, local authority, or any other body or person legally authorised to provide such services for the benefit of the inhabitants of the township.

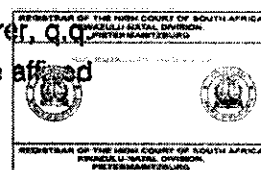
- 2.2 The land shall not be used for other than residential purposes.
- 2.3 No row or tenement house, boarding house, semi-detached house, hotel or block of residential flats and not more than one dwelling house, together with such outbuildings as are ordinarily used in conjunction therewith, shall be erected on the land without the consent of the Administrator. Upon registration of title of any subsequent subdivision of the said lot which shall have been approved by the Administrator, this condition shall lapse in respect of such subdivision and thereafter shall apply to the remainder only.
- 2.4 SUBJECT to a Pipeline Servitude 1,83 metres wide, in favour of the Rem of Sub 33 (of 29) of the Farm Spring Grove No. 2169, and transferred subdivisions of the said Sub 33 of the Farm Spring Grove No. 2169, as represented by the figure A a b F on the said Diagram S.G. No. 2562/1988, as created in Deed of Transfer No. T. 28420/1989.
- 2.5 WITH THE BENEFIT of a Pipeline Servitude 1,83 metres wide, over the Rem of Sub 33 (of 29) of the Farm Spring Grove No. 2169, and transferred subdivisions of the said Sub 33 (of 29) of the said Farm Spring Grove No. 2169, as shown on said Servitude Diagram S.G. No. 2566/1988 annexed hereto, and on the relevant subdivisional diagrams, and such Servitude shall, however, be subject to the condition that all subdivisions of the said Remainder over which the Servitude may cross, shall have the benefit of such servitude and it shall not be necessary for the consent of the owner of the within property to be obtained for the registration of such servitude.
- 2.6 WITH THE BENEFIT of a Pumphouse Servitude over Sub 84 (of 33) of the Farm Spring Grove No. 2169, as shown on the relevant subdivisional diagram and on the said Servitude Diagram S.G. No. 2566/1988 annexed hereto, and such Servitude shall, however, be subject to the condition that all subdivisions of the said Remainder over which the Servitude may cross, shall have the benefit of such servitude and it shall not be necessary for the consent of the owner of the within property to be obtained for the registration of such servitude.



- 4 -

WHEREFORE the Appearer, renouncing all the right and title which the said **MAVRIC PROPERTY HOLDINGS CC** heretofore had to the premises, did in consequence also acknowledge it to be entirely dispossessed of and disentitled to the same, and that by virtue of these presents, the said **ANNE FELICITY COVENTRY**, her heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however, reserving its rights, and finally acknowledging the purchase price to be the sum of **R170 000,00 (ONE HUNDRED AND SEVENTY THOUSAND RAND)**

IN WITNESS WHEREOF I, the said Registrar, together with the Appearer, **q.q.** have subscribed to these presents and have caused the Seal of Office to be affixed thereto.



THUS DONE AND EXECUTED at the office of the **REGISTRAR OF DEEDS** at **PIETERMARITZBURG** on

1992-05-28

In my presence,

REGISTRAR OF DEEDS

[Signature]q.q.

A

RJL\Macric.png

VENN NEMETH & HART INC.
ATTORNEYS
PIETERMARITZBURG

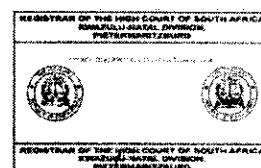
[Signature]

"Legalperfect"

SD

5

VERBIND MORTGAGED	
VIR FOR R 40 000,00	
B	10581 /03
2002-01-10	<i>Shane</i> REGISTRAR/REGISTRAR



DIE IDENTITEITSNOMMER VAN DIE	THE IDENTITY NUMBER OF THE
IS VERANDER NA	HAS BEEN CHANGED TO
7/FERG	560322 0157 021
	<i>Shane</i> REGISTRAR/REGISTRAR

VERBIND MORTGAGED	
VIR FOR R 300 000,00	
B	2493 04
2004-01-26	<i>Shane</i> REGISTRAR/REGISTRAR

MC

SD

COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG**

CASE NO: 2026-195952

In the matter between:

ANNE FELICITY COVENTRY

Plaintiff / Applicant / Appellant

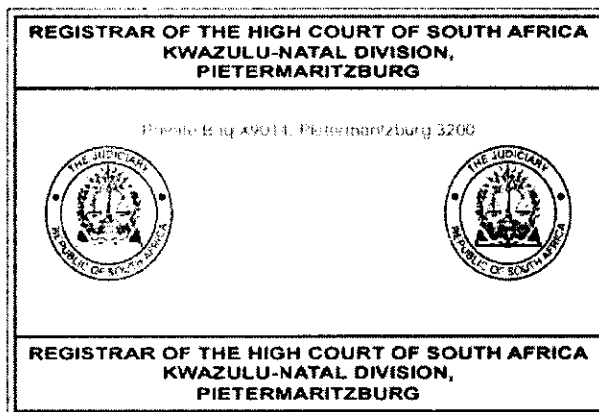
and

**ANDREW CRAIG RADUE ,LOUISE
EVELYN RADUE**

Defendant / Respondent

Annexure 02

NOTE: This document was filed electronically by the Registrar on 27/8/2026 at 1:34:58 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



**ELECTRONICALLY SIGNED
BY:**

**Registrar of The High
Court, KwaZulu-Natal,
Pietermaritzburg.**

"XFC 2"

43
 Venn Nemeth & Hart Inc.
 Attorneys & Conveyancers
 281 Pietermaritz Street
 Pietermaritzburg
 3201

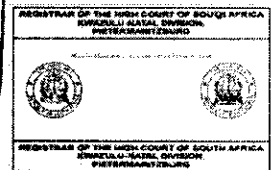
Prepared by me

Bruce Le Roux
 CONVEYANCER
 LE ROUX BM

FEES	
Stamp Duty	R2200-00
Reg	
De	

PLN 336 = 1886 M²

GETRANSPOORTEER AAN F. K. PIETZES	TRANSFERRED TO
RESTANT/REMAINDER 620376/07	5948 M ²
T	
2007-06-27	REGISTREUR/REGISTRAR



2004-10-20
 T 04 55868

VIR ENDOSSEMENTE KYK BLADSY
 FOR ENDORSEMENTS SEE PAGE 4.

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

NOSIPO NOMAHLUBI MGOJO

appeared before me, REGISTRAR OF DEEDS, at PIETERMARITZBURG, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at DURBAN on 10 September 2004 granted to him by

DARIUS VINCENT BEZUIDENHOUDT
 Identity Number 830909 5094 08 9
 Unmarried

D

SD

-3-

WHEREFORE the said Appearer, renouncing all right and title which the said

DARIUS VINCENT BEZUIDENHOUDT, Unmarried

he, aforesaid, had to the premises, did in consequence also acknowledge him to be entirely dispossessed of, and disentitled to the same, and that by these presents, the said

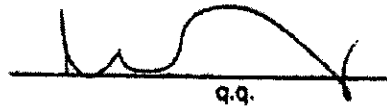
ANNE FELICITY COVENTRY, Unmarried

her Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R80 000,00 (EIGHTY THOUSAND RAND).

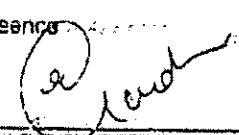
IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

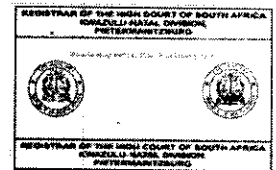
THUS DONE and EXECUTED at the Office of the Registrar of Deeds at Pietermaritzburg on

2004-10-28


q.q.

In my presence


REGISTRAR OF DEEDS



- 4 -

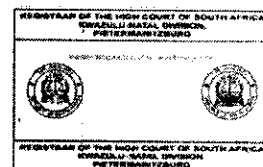
PLN 337 = 1885 m²

GETRANSPORTEER AAN E. K. Morton	TRANSFERRED TO
RESTANT/REMAINDER 4068 m ²	
T 028377/07	
2007-06-27	REGISTRATEUR/REGISTRAR

(3)

Portion 334 = 1892 m²

GETRANSPORTEER AAN 1) R.H. Malan 2) R.J. Malan	TRANSFERRED TO
RESTANT/REMAINDER 2171 m ²	
001279/08	
2008-01-16	REGISTRATEUR/REGISTRAR



KFC

SD

COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG**

CASE NO: 2026-195952

In the matter between:

ANNE FELICITY COVENTRY

Plaintiff / Applicant / Appellant

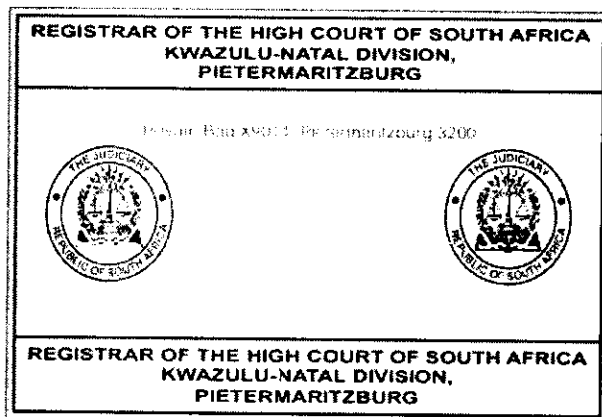
and

**ANDREW CRAIG RADUE ,LOUISE
EVELYN RADUE**

Defendant / Respondent

Annexure 03

NOTE: This document was filed electronically by the Registrar on 27/8/2026 at 1:35:23 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



**ELECTRONICALLY SIGNED
BY:**

**Registrar of The High
Court, KwaZulu-Natal,
Pietermaritzburg.**

AF 3 li
17/8/2026-13:5:23 PM

2005/807

DEVELOPMENT ADMINISTRATION
P/BAG 2018
2005-05-24
INTERVIEWED
2205

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
KNOWELL GARDEN, TROMPSBURG.
POTTERVILLE 2600.

1980-01-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-02-03-04-05-06-07-08-09-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-03-04-05-06-07-08-09-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-04-05-06-07-08-09-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-05-06-07-08-09-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-06-07-08-09-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-07-08-09-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-08-09-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-09-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-10-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-11-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-12-13-14-15-16-17-18-19-20-21-22-23-24-25-26-27-28-29-30-31-1980-1981-1982-1983-1984-1985-1986-1987-1988-1989-1990-1991-1992-1993-1994-1995-1996-1997-1998-1999-2000-2001-2002-2003-2004-2005-2006-2007-2008-2009-2010-2011-2012-2013-2014-2015-2016-2017-2018-2019-2020-2021-2022-2023-2024-2025-2026-2027-2028-2029-2030-2031-2032-2033-2034-2035-2036-2037-2038-2039-2040-2041-2042-2043-2044-2045-2046-2047-2048-2049-2050-2051-2052-2053-2054-2055-2056-2057-2058-2059-2060-2061-2062-2063-2064-2065-2066-2067-2068-2069-2070-2071-2072-2073-2074-2075-2076-2077-2078-2079-2080-2081-2082-2083-2084-2085-2086-2087-2088-2089-2090-2091-2092-2093-2094-2095-2096-2097-2098-2099-2100-2101-2102-2103-2104-2105-2106-2107-2108-2109-2110-2111-2112-2113-2114-2115-2116-2117-2118-2119-2120-2121-2122-2123-2124-2125-2126-2127-2128-2129-2130-2131-2132-2133-2134-2135-2136-2137-2138-2139-2140-2141-2142-2143-2144-2145-2146-2147-2148-2149-2150-2151-2152-2153-2154-2155-2156-2157-2158-2159-2160-2161-2162-2163-2164-2165-2166-2167-2168-2169-2170-2171-2172-2173-2174-2175-2176-2177-2178-2179-2180-2181-2182-2183-2184-2185-2186-2187-2188-2189-2190-2191-2192-2193-2194-2195-2196-2197-2198-2199-2200-2201-2202-2203-2204-2205-2206-2207-2208-2209-2210-2211-2212-2213-2214-2215-2216-2217-2218-2219-2220-2221-2222-2223-2224-2225-2226-2227-2228-2229-2230-2231-2232-2233-2234-2235-2236-2237-2238-2239-2240-2241-2242-2243-2244-2245-2246-2247-2248-2249-2250-2251-2252-2253-2254-2255-2256-2257-2258-2259-2260-2261-2262-2263-2264-2265-2266-2267-2268-2269-2270-2271-2272-2273-2274-2275-2276-2277-2278-2279-2280-2281-2282-2283-2284-2285-2286-2287-2288-2289-2290-2291-2292-2293-2294-2295-2296-2297-2298-2299-2300-2301-2302-2303-2304-2305-2306-2307-2308-2309-2310-2311-2312-2313-2314-2315-2316-2317-2318-2319-2320-2321-2322-2323-2324-2325-2326-2327-2328-2329-2330-2331-2332-2333-2334-2335-2336-2337-2338-2339-2340-2341-2342-2343-2344-2345-2346-2347-2348-2349-2350-2351-2352-2353-2354-2355-2356-2357-2358-2359-2360-2361-2362-2363-2364-2365-2366-2367-2368-2369-2370-2371-2372-2373-2374-2375-2376-2377-2378-2379-2380-2381-2382-2383-2384-2385-2386-2387-2388-2389-2390-2391-2392-2393-2394-2395-2396-2397-2398-2399-2400-2401-2402-2403-2404-2405-2406-2407-2408-2409-2410-2411-2412-2413-2414-2415-2416-2417-2418-2419-2420-2421-2422-2423-2424-2425-2426-2427-2428-2429-2430-2431-2432-2433-2434-2435-2436-2437-2438-2439-2440-2441-2442-2443-2444-2445-2446-2447-2448-2449-2450-2451-2452-2453-2454-2455-2456-2457-2458-2459-2460-2461-2462-2463-2464-2465-2466-2467-2468-2469-2470-2471-2472-2473-2474-2475-2476-2477-2478-2479-2480-2481-2482-2483-2484-2485-2486-2487-2488-2489-2490-2491-2492-2493-2494-2495-2496-2497-2498-2499-2500-2501-2502-2503-2504-2505-2506-2507-2508-2509-2510-2511-2512-2513-2514-2515-2516-2517-2518-2519-2520-2521-2522-2523-2524-2525-2526-2527-2528-2529-2530-2531-2532-2533-2534-2535-2536-2537-2538-2539-2540-2541-2542-2543-2544-2545-2546-2547-2548-2549-2550-2551-2552-2553-2554-2555-2556-2557-2558-2559-2560-2561-2562-2563-2564-2565-2566-2567-2568-2569-2570-2571-2572-2573-2574-2575-2576-2577-2578-2579-2580-2581-2582-2583-2584-2585-2586-2587-2588-2589-2590-2591-2592-2593-2594-2595-2596-2597-2598-2599-2600-2601-2602-2603-2604-2605-2606-2607-2608-2609-2610-2611-2612-26

PREPARED BY ME IN MAY 2005

S J COPLEY PR L (SA)
P.O. BOX 98 ESTCOURT 3310
TEL 036 352 3873
FAX 036 352 4113

Page 1 of 1

COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG**

CASE NO: 2026-195952

In the matter between:

ANNE FELICITY COVENTRY

Plaintiff / Applicant / Appellant

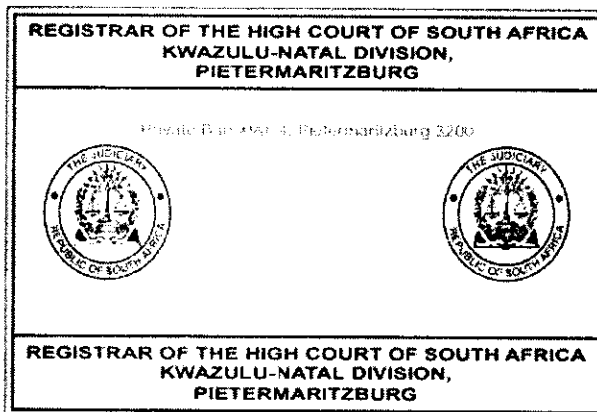
and

**ANDREW CRAIG RADUE ,LOUISE
EVELYN RADUE**

Defendant / Respondent

Annexure 04

NOTE: This document was filed electronically by the Registrar on 27/8/2026 at 1:35:45 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



**ELECTRONICALLY SIGNED
BY:**

**Registrar of The High
Court, KwaZulu-Natal,
Pietermaritzburg.**

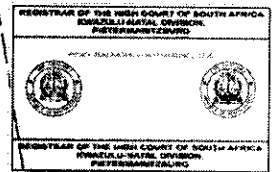
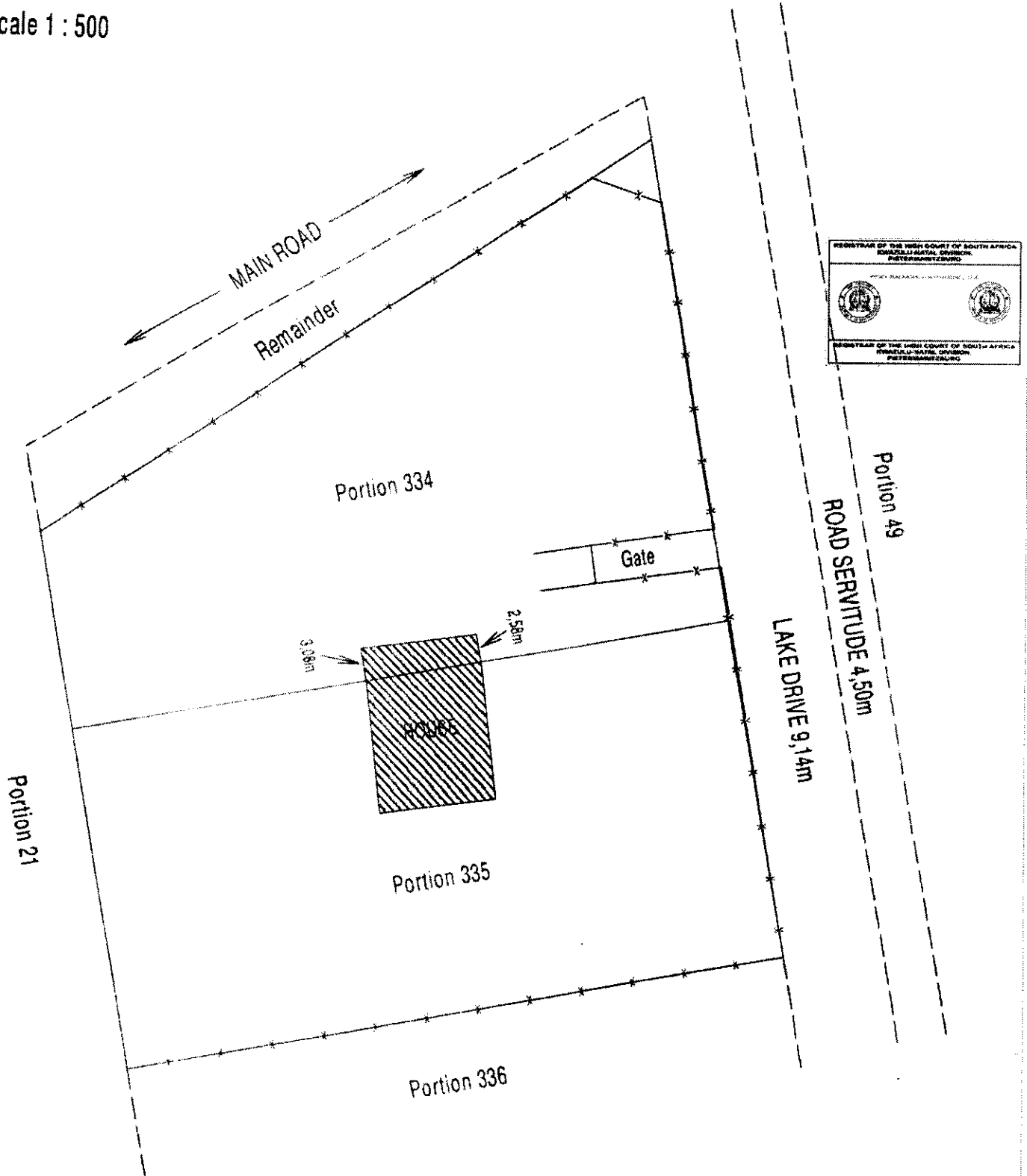
Plan showing position of House in relation to the Cadastral boundaries
boundaries of Portions 334 and 335 of the farm Spring Vale No. 2170

Registration Division FS

Mpofana Local Municipality

KwaZulu-Natal

Scale 1 : 500



Survey Plan prepared by
J.A.Y. Haines
Professional Land Surveyor
PLS 0244
Date: June 2022

COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG**

CASE NO: 2026-195952

In the matter between:

ANNE FELICITY COVENTRY

Plaintiff / Applicant / Appellant

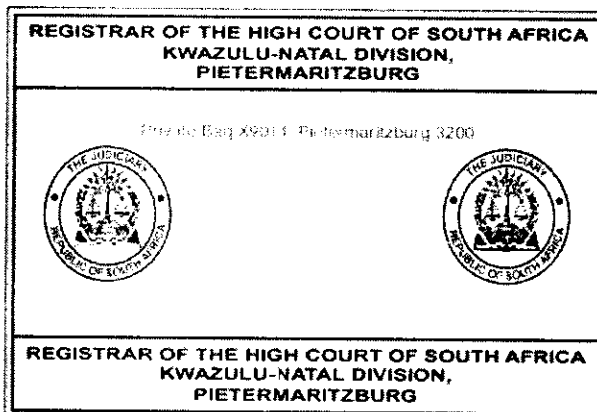
and

**ANDREW CRAIG RADUE ,LOUISE
EVELYN RADUE**

Defendant / Respondent

Annexure 05

NOTE: This document was filed electronically by the Registrar on 27/8/2026 at 1:36:18 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



**ELECTRONICALLY SIGNED
BY:**

**Registrar of The High
Court, KwaZulu-Natal,
Pietermaritzburg.**



Image © 2022 Maxar Technologies

AFC SD

"AFCL" 27/8/2026-1:36:44 PM

Subject: Meeting request regarding plot 335 dispute**From:** Louise R <louiseradue@gmail.com>**Date:** 09/11/2022, 13:33**To:** "anne@bundunet.com" <anne@bundunet.com>**CC:** Pat Dewes <pd@patdewes.co.za>, Mike Fraser <mikefraser@mweb.co.za>, Web Design Hosting <contact@webdesignhosting.co.za>

Dear Anne,

I would first like to say that we are terribly sorry that the Plot 335 situation has happened and appreciate that you are willing to help us settle with you without us losing our home. We really hope it can be resolved as cordially as possible.

I have copied and pasted below my response to Pat regarding the Schiermeier's lawyers proposal. This is so you can see from our perspective and why we are looking for the Schiermeier's to pay for the land they have profited from.

I'm sure you have read the Schiermeier's response. Pat has said it would be best if we can all get together around a table and come to some agreement. The people that will be present are the Schiermeiers and their attorneys, myself and Andrew and our lawyer Mike Fraser as well as Pat to mediate.

Andrew and I would really appreciate it if you would be able to join us in this discussion, this will be off record and is just to avoid it getting ugly and so that we have transparency with you.

We are looking to have the meeting on one of the 3 date options below.

Would you be available on one of those days at all? The meeting will be at Pat Dewe's offices in Hilton, Pmb

Thursday, 17 November 10h00

Thursday, 24 November 10h00

Friday, 25 November 10h00

Venue: 24 Hilton Avenue, Hilton

I really appreciate your time with this.

Kind regards,
Louise Radue

My email to Pat Dewes in response to Schiermeier's proposal:

1. When we bought the house the Schiermeier's told us they had left the plans for the house in the cupboard. They had been hesitant to show us beforehand.

On inspection of these plans we found the following: (please see attached photos for reference)

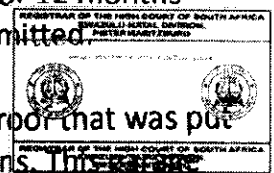
- The plans are for a house to be built on plot 334 only with a perimeter of 1800m2. (2011 plan photos)

Handwritten initials: *AFCL* and *SD*

- The house is not exactly the same as the one that currently stands on plots 334 and 335 (2011 plan photos)
- The plans are for a single garage on plot 334 but there is currently a double garage on plot 335. (2011 photos)
- The plans have approval stamp dates of 2011 and 2014

I took these plans to the Mpofana town planner and spent an hour with her going through everything.

- Firstly we looked for any plans submitted by Andre Schiermeier from 2016 when he bought the property and there are none on record.
- She stated that when a house is to be built the town planner needs to be called in to check the property boundaries and markers to make sure it is correct before building starts. Unfortunately she is the only person in that department so she needs to be called in to check and doesn't go around checking houses being built. It is on the owner to make sure it is done.
- The plans that we do have were submitted for approval by David Crago in 2011 for the ground plan and 2014 for the site plan. The town planner states that plans are only valid for 12 months after the approval date. If no building is done in that time, new plans must be submitted.



We would like to make note that the double garage is a foundation slab, wall and roof that was put down by Andre Schiermeier and was not there originally with the other foundations. This garage foundation was laid completely on plot 335 without any plans or municipal approvals.

There was no front fencing before the Schiermeier's bought so Andre will have put that in, did he not realise his boundary line was longer then it should have been?

2. With regards to the Schiermeier's building on an existing foundation.

A neighbour, Paul Gladman, has stated that Andre told him that the foundations were dilapidated, damaged and cracked and had to be restored by repairing and building new stays to keep the original foundation in place.

3. We bought the house for R1,675 000 in 2022 which was market value for a 3 bedroom house on a 3200m2 plot even though our Title Deed says 1800m2 on plot 334. (Please see attached Title Deed)

The Schiermeier's paid R265 000 in 2016 which was market value for a 1800m2 plot. (Please see attached Title Deed)

See below quote from the agent Peter Greene to Anne Coventry in the email regarding the prices of the other plots she sold:

In terms of recent sales of those properties the following sales have taken place

Erf 334 Scheimeier bought 2016 for R265 000

Erf 336 Derrick. Bought 2011 for R230 000

Erf 337 Morton Bought 2007 for R200 000 (now has a small house on it sold 2017 for R480 000)

[Handwritten signature]

[Handwritten initials SD]

* Ms Eleanor Derrick has bought this house in October 2022 for R900 000

27/8/2026-1:36:44 PM

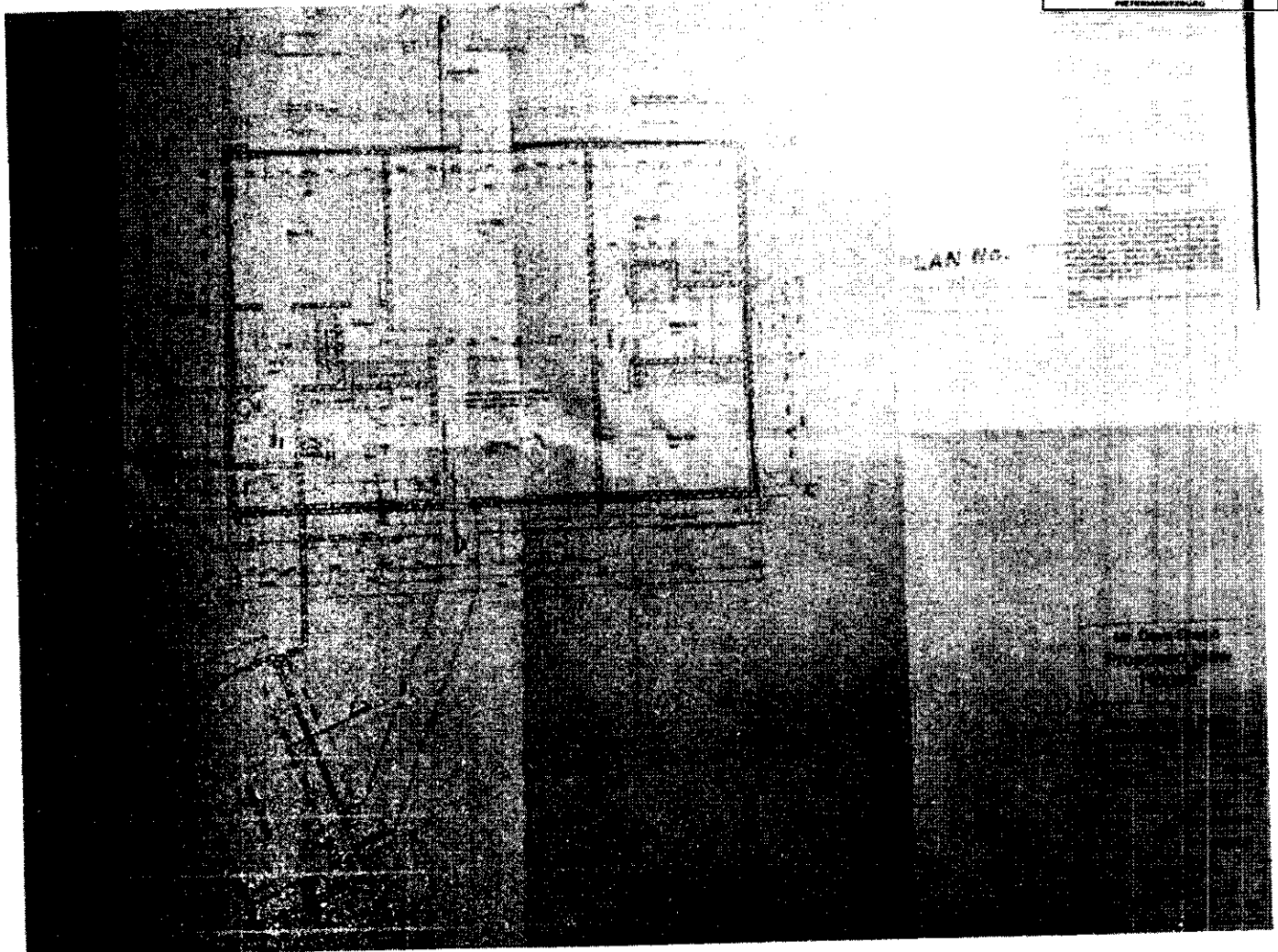
If the Schiermeier's had been buying a double plot then they should have paid about R500 000?

4. I went to the Mpfana rates department to get the rates account put into our name and found out the following:

- The Schiermeier's have only ever paid rates for a 1800m2 plot at about R270 per month.
- The property only got assessed as a 3200m2 property and the rates adjusted when we bought the property. This adjustment will start in December at R760 per month.

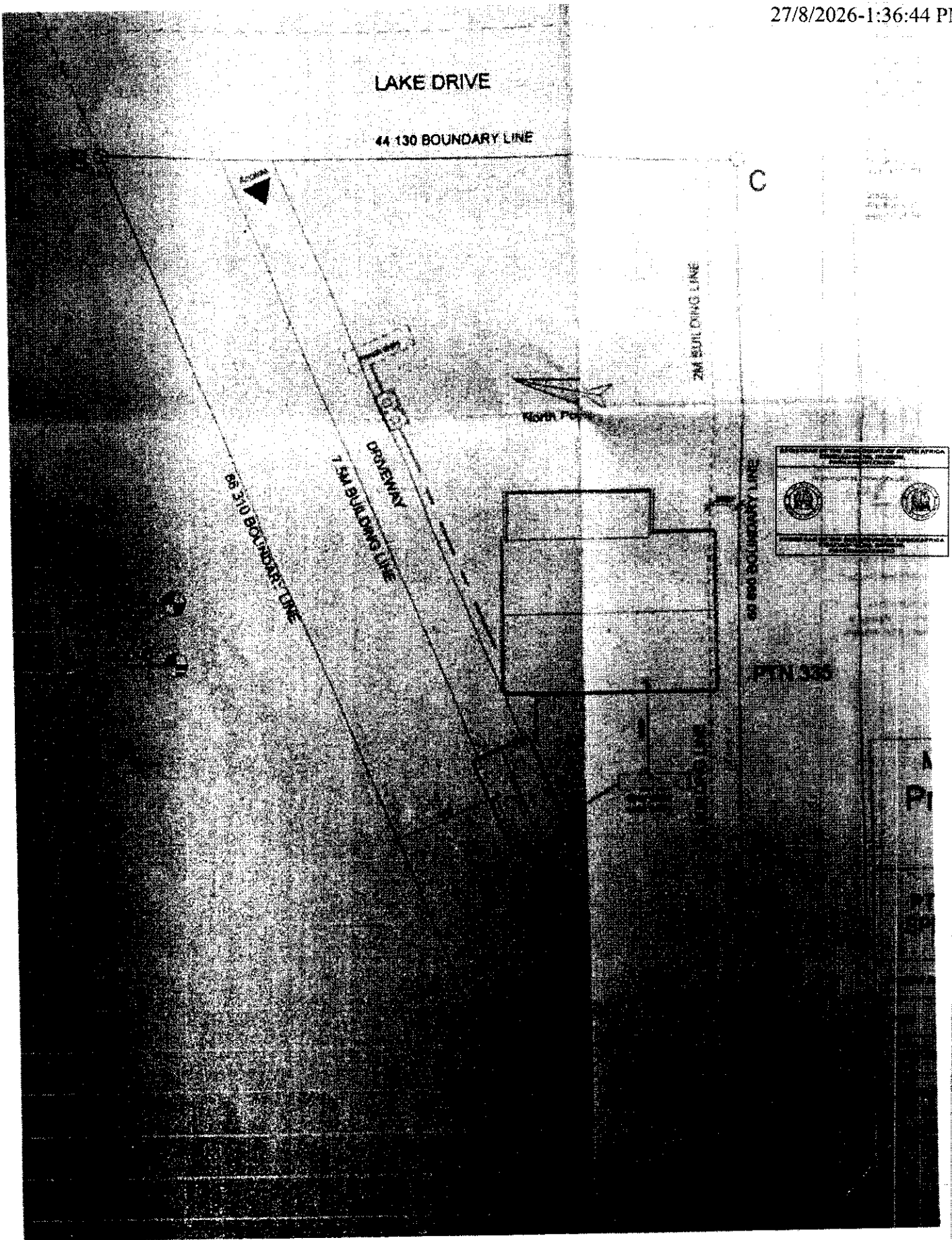
There was some initial confusion in the rates department when we bought the house about plot numbers and size but they just said it must have been merged at some point and was not noted so they fixed it.

---2011 Ground Plan.jpeg



--- 2014 Site.jpeg

Handwritten signatures and initials: KAC and SD.



2011 detail.jpeg

Handwritten signature and initials

50 890 BOUNDARY LINE

PTN 335

NO: 14/11/12

14/11/12

27/1/11

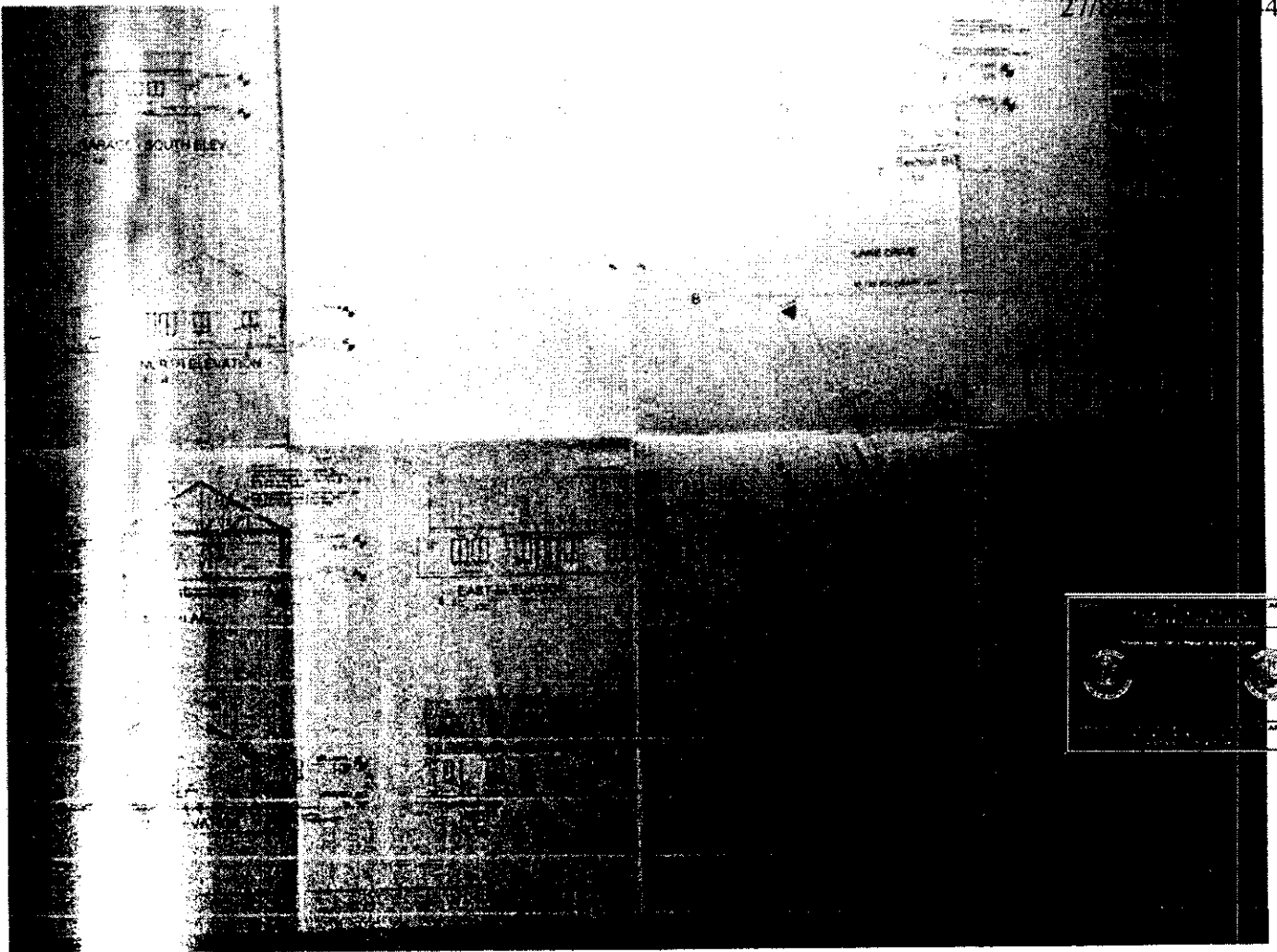
Mr. Dave Craigo
Proposed New
House

PTN 334 OF 22 FARM
SPRINGVALE NO 21 TO

Project number	
Date	
Drawn by	
Checked by	
SECTION	
Scale	

2014 Plot.jpg

SP



Attachments:

2013 Land Plan.jpeg	65.3 kB
2013 Land Plan.jpeg	57.1 kB
2013 Land Plan.jpeg	55.3 kB
2013 Land Plan.jpeg	66.4 kB
Title Deed - Crago-Schiermeier.pdf	224 kB
Title Deed - Schiermeier-Radue.pdf	148 kB

Handwritten signature and initials

COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG**

CASE NO: 2026-195952

In the matter between:

ANNE FELICITY COVENTRY

Plaintiff / Applicant / Appellant

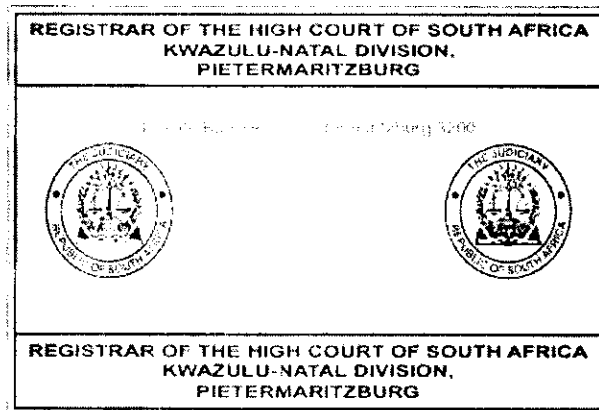
and

**ANDREW CRAIG RADUE ,LOUISE
EVELYN RADUE**

Defendant / Respondent

Annexure 07

NOTE: This document was filed electronically by the Registrar on 27/8/2026 at 1:37:05 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



**ELECTRONICALLY SIGNED
BY:**

**Registrar of The High
Court, KwaZulu-Natal,
Pietermaritzburg.**

STORY

SEEFF Midlands - Nottingham Road
 29 Gowrie Avenue, Gowrie Village Nottingham Road 3280
 [O] 033 2666 456 Sales [O] 033 2666 089 Rentals
 [Peter] +27 82 556 3674 [E] peter.greeneg@seeff.com
 [Kari] +27 82 824 7278 [E] kari.greeneg@seeff.com

Seeff

Expertise Built Through Generations of Trust

Dear Anne

Vatuation Ptn 335 Of the Farm Springvale 2170

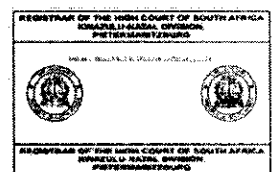
The following recent sales have taken place in Rosetta

1. Ptn 334 Of Springvale 2170 in extent 1892 SqM

This is the adjoining property that has encroached onto your property. This was purchased in October 2021 for R1.675m

2. Other Recent vacant Land Sales

The below sales of vacant land has taken place in the vicinity of the subject property. These range from R150 000 to R550 000.



Property Address								
Building Extent	Erf Extent	Unit Number	Erf Number	Transaction Date	Registration Date	Selling Price	FB	SA
1				346 SPRING VALE 2170 FS, Rosetta				
	2160 m²	00000	2170	24 Apr 2024	16 Sep 2024	R 350,000	-	-
2				244 SPRING VALE 2170 FS, Rosetta				
	2918 m²	00000	2170	21 Oct 2024	17 Jan 2025	R 300,000	-	-
3				245 SPRING VALE 2170 FS, Rosetta				
	2918 m²	00000	2170	30 Jun 2025	16 Sep 2025	R 350,000	-	-
4				205 SPRING VALE 2170 FS, Rosetta				
	3070 m²	00000	2170	18 Jul 2025	10 Dec 2025	R 320,000	-	-
5				183 SPRING VALE 2170 FS, Rosetta				
	1898 m²	00000	2170	24 Jul 2025	24 Nov 2025	R 160,000	-	-
6				3 Willowvale Road				
	3080 m²	00000	3	26 Sep 2024	10 Jan 2025	R 550,000	-	-
7				254 SPRING VALE 2170 FS, Rosetta				
	4086 m²	00000	2170	15 Apr 2024	23 May 2025	R 450,000	-	-
8				197 SPRING VALE 2170 FS, Rosetta				
	3076 m²	00000	2170	03 Feb 2025	21 May 2025	R 200,000	-	-
9				13/3 Rosetta				
	1602 m²	00000	13	06 Oct 2025	14 Apr 2026	R 150,000	-	-

[Handwritten signature] SP

STORY

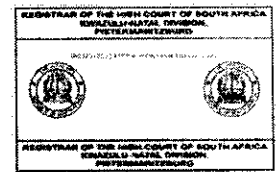
SEEFF Midlands - Nottingham Road
 29 Gowrie Avenue, Gowrie Village Nottingham Road 3260
 [O] 033 2666 456 Sales [O] 033 2666 089 Rentals
 [Peter] +27 82 556 3674 [E] peter.greene@seeff.com
 [Kari] +27 82 824 7278 [E] kari.greene@seeff.com



Seeff

Expertise Built Through Generations of Trust

3. Valuation



The property currently has a building that has encroached onto it and this valuation is based on the value of the vacant land only. There has been a significant increase in the demand for vacant land in the area in general and as a result an increase in the property prices.

Given the location of the subject property and the recent sales that have taken place above it is our opinion that the market value of the property is **R450 000.00 (Four Hundred and Fifty Thousand Rand)**

Should you require any further assistance please do not hesitate to contact me.

Kind Regards

Peter Greene
 1 June 2026

[Handwritten signature]

[Handwritten initials]

COURT ONLINE COVER PAGE

**IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION,
PIETERMARITZBURG**

CASE NO: 2026-195952

In the matter between:

ANNE FELICITY COVENTRY

Plaintiff / Applicant / Appellant

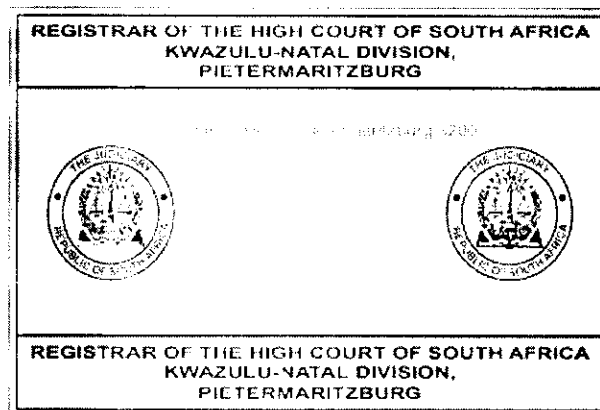
and

**ANDREW CRAIG RADUE ,LOUISE
EVELYN RADUE**

Defendant / Respondent

Confirmatory Affidavit

NOTE: This document was filed electronically by the Registrar on 27/8/2026 at 1:37:45 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



**ELECTRONICALLY SIGNED
BY:**

**Registrar of The High
Court, KwaZulu-Natal,
Pietermaritzburg.**

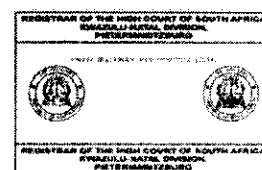
**IN THE HIGH COURT OF SOUTH AFRICA
(KWAZULU-NATAL DIVISION, PIETERMARITZBURG)**

Case No: 2026-195952

In the matter between:

ANNE FELICITY COVENTRY
(Identity number: 560322 0157 08 1)

Applicant



and

ANDREW CRAIG RADUE
(Identity number 780624 5084 08 5)

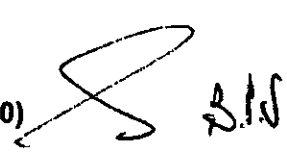
First Respondent

LOUISE EVELYN RADUE
(Identity number 800604 0041 08 8)

Second Respondent

CONFIRMATORY AFFIDAVIT

I, the undersigned,

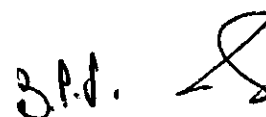

PETER GREEN (Identity number: 6308135096080)

do hereby make oath and state that: -

1.

The facts deposed to herein are within my own personal knowledge and belief and unless the contrary proves otherwise, are both true and correct.

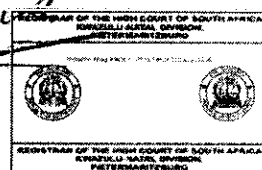
Page 1 of 3



3.

I have read the founding affidavit of Anne Felicity Coventry in this matter and confirm the correctness thereof in so far as it relates to me.

DEPONENT



I certify that the deponent has acknowledged that he knows and understands the contents of this affidavit which was signed and affirmed/sworn to me before me at ON THE DAY OF JULY 2026 under compliance with the regulations contained in Government Notice R1258 dated 21 July 1972, (as amended)

COMMISSIONER OF OATHS

SOUTH AFRICA	OFFICE
CS.	
23-07-2026	
NOTTINGHAM RD	
TAL	

I, the undersigned, do hereby certify, under oath, that the deponent has acknowledged that he knows and understands the contents of this affidavit which was signed and affirmed/sworn to me before me at ON THE DAY OF JULY 2026 under compliance with the regulations contained in Government Notice R1258 dated 21 July 1972, (as amended)	I certify that the deponent has acknowledged that he knows and understands the contents of this affidavit which was signed and affirmed/sworn to me before me at ON THE DAY OF JULY 2026 under compliance with the regulations contained in Government Notice R1258 dated 21 July 1972, (as amended)
Signature: [Signature] Notary Public	Signature: [Signature] Notary Public
Date: 2026/07/28 Place: Nottingham Road	Date: 2026/07/28 Place: Nottingham Road