

## LETTER OF DEMAND

**RUBEN THEODOR FITCHAT**

91 FRANGIPANI STREET

KLEINBRON ESTATE

Cell: 083 925 1545

Email: [theo@cluedapp.co.za](mailto:theo@cluedapp.co.za)

Date: 16 January 2023

**YVONNE ELOISE VILJOEN**

58 FRANGIPANI STREET

KLEINBRON ESTATE

**BY EMAIL:** [yvonne.viljoen@ooba.co.za](mailto:yvonne.viljoen@ooba.co.za)

Dear Madam,

**RE: DEFAMATORY STATEMENTS, ABUSE OF PROCESS AND PERJURY**

1. The Plaintiff is **RUBEN THEODOR FITCHAT**.
2. The Defendant is **YVONNE ELOISE VILJOEN**.
3. The Defendant has written a number of defamatory emails about the Plaintiff to the Kleinbron Estate Home Owners Association (HOA), which resulted in the Kleinbron Estate HOA taking legal action against the Plaintiff.
4. The Defendant has sent at least four emails over three days, 17 January 2022, 18 January 2022 and 14 February 2022, to the Kleinbron Estate management. Please see **Annexure S1** and **Annexure S2**.
5. In the Defendant's emails
  - 5.1. she alleged that the CCTV cameras that the Plaintiff had started installing around his house were pointed at her house, inclusive of her balcony and her daughter's bedroom.

- 5.2. she alleged that the Plaintiff was illegally filming her minor children without her permission.
  - 5.3. she alleged that the Plaintiff was infringing on her and her family's basic human rights.
  - 5.4. she alleged that the number of CCTV cameras that the Plaintiff had installed on his property was excessive.
  - 5.5. she alleged that the Plaintiff's CCTV cameras were decreasing the safety of the estate.
  - 5.6. she alleged that the Plaintiff intended to "put massive security gates onto his property – the contractor was here 18h30 last night – I trust this is not going to affect the façade of his home and impact the values of the homes in Frangipani." The Defendant's house is three houses up the road from the Plaintiff's house, and another house hides most of her house from view, so the Plaintiff queries how the Defendant was able to hear the conversation between the Plaintiff and his contractors.
  - 5.7. she repeatedly attempted to intimidate both Kleinbron Estate and the Plaintiff by mentioning negative public opinion, decreasing property values, SAPS, lawyers, legal action and interdicts in her correspondence.
  - 5.8. she alleged that she had been a "resident of 58 Frangipani Street for almost 8 years" and "a resident of the estate for well over 12 years", apparently as justification that her demands must be met.
  - 5.9. she indicated that if Kleinbron Estate did not deal with the situation according to her demands, she would be "forced to seek legal action" herself.
6. On 19 February 2022 the Kleinbron Estate management replied to the Defendant in an email that after consulting with various municipal departments, law enforcement and legal advisors, they found that the Plaintiff was not breaking any of the rules of the estate, and they referred the Defendant to CSOS.
  7. On 30 March 2022 the Defendant made a CSOS application against the Plaintiff, in which she alleged that the Plaintiff's CCTV cameras were recording her property and her daughter's bedroom. Please see **Annexure S3**.

8. In the Defendant's application she included a photo of the Plaintiff's house and his CCTV cameras that were visible from her property, as alleged evidence that the Plaintiff was recording her property. Please see **Annexure S4**.
9. The Defendant's photo showed that none of the Plaintiff's CCTV cameras were pointed towards the Defendant's property.
10. Nevertheless, the Defendant insisted that the Plaintiff's CCTV cameras be removed.
11. The Defendant's photo also shows the new alleged "massive security gates" that the Plaintiff had installed, and that they are completely unobtrusive.
12. The Defendant was not able to attend the first day of their CSOS conciliation meeting, and she indicated that the reason she was not able to attend was because she had to be "in court" "with a client". Please see **Annexure S5**.
13. The Defendant also kept condescendingly referring to the Plaintiff as a "layman" and "the layman" in her correspondence with him. Please see **Annexure S6**.
14. The Defendant condescendingly called the Plaintiff an "alleged student of law" in another email. Please see **Annexure S7**.
15. The Defendant also indicated to the Plaintiff verbally on another occasion that she had completed a 4-year LLB degree.
16. The unprofessional manner in which the Defendant had written her CSOS application and the lack of legal basis for any of her arguments causes the Plaintiff to query her legal qualifications and her claim that she attends court with clients.
17. The Defendant was also represented by a candidate attorney in court in another matter. Please see **Annexure S8**.
18. The Plaintiff contends the Defendant has attempted to portray herself as an attorney in an attempt to intimidate him.
19. The Defendant attempted to merge her CSOS application with the CSOS applications of two other neighbours with whom she is acquainted, and who were also making the same false allegations that the Plaintiff's CCTV cameras were recording their children's bedrooms.

20. On 24 August 2022 Kleinbron Estate also opened a CSOS case against the Plaintiff, in which they demanded that the Plaintiff remove his CCTV cameras. Please see **Annexure S9**.
21. In their application, Kleinbron Estate included emails of complaint about the Plaintiff's CCTV cameras from the Defendant and from the other two neighbours who had also made CSOS applications against the Plaintiff's CCTV cameras. Please see **Annexure S1**.
22. The emails showed that the Defendant was the first one to send an email of complaint, that she sent the most emails of complaint, and that her emails were the most scathing about the Plaintiff, even though she had never even met before.
23. The Defendant's defamatory and untrue statements that the Plaintiff was recording her property and her daughter's bedroom resulted in the Kleinbron Estate HOA taking legal action against the Plaintiff.
24. Four CSOS cases were made against the Plaintiff's CCTV cameras, and all four final adjudication orders found in the Plaintiff's favour.
25. Despite both final adjudication orders of the Defendant and Kleinbron Estate having found in the Plaintiff's favour, the Plaintiff queries their legitimacy, since their contents appear to be forged. Please see **Annexure S10** and **Annexure S11**.
26. Both have been forwarded to law enforcement.
27. The Plaintiff's reason for installing CCTV cameras was because he was being harassed and his house had been vandalised.
28. The Plaintiff started installing his CCTV cameras on 17 January 2022.
29. The installation took more than a week to complete.
30. The Defendant's first email to Kleinbron Estate complaining about the Plaintiff's CCTV cameras was also on 17 January 2022, when only a few cameras had been installed, and none of them were even functional yet.
31. It is reasonable to believe that the Defendant knew that the Plaintiff's few installed CCTV cameras were not functional yet when she emailed Kleinbron Estate.

32. The Plaintiff contends that the Defendant purposefully sent emails to the Kleinbron Estate management saying that the Plaintiff was recording her property when she knew he wasn't.
33. The Defendant made a conscious attempt to decrease the security of the Plaintiff's property and that of his wife and two small children.
34. The Plaintiff contends the Defendant is also involved in harassing him.
35. The Plaintiff contends that the Defendant is involved in the organized crime of real estate harassment against the Plaintiff, which is the illegal eviction of a homeowner from their house for the financial gain of the harasser.
36. The Plaintiff contends that the Defendant and Third Party are complicit with an individual with whom the Plaintiff's wife is in a civil lawsuit, and the individual is attempting to coerce the Plaintiff's wife to settle.
37. The Defendant has wrongfully and intentionally sent defamatory statements about the Plaintiff to the Kleinbron Estate management.
38. The Defendant's comments were made with the intention to slander and defame the Plaintiff. It is clear that by insinuating that the Plaintiff is a pedophile by stating that he is recording her "minor children" and her "daughter's bedroom", the Defendant intended to do as much damage as possible to the Plaintiff's reputation.
39. The damage to the Plaintiff's reputation is evident in that Kleinbron Estate has instituted legal action against the Plaintiff for the same issue, despite them providing no evidence other than emails of complaint from the Defendant and two of her acquaintances.
40. The Plaintiff contends that the Defendant has attempted to abuse the legal system by providing false information in her CSOS application in order to illegally coerce the Plaintiff into removing his CCTV cameras in order for him not to be able to record when he is being harassed.
41. Due to the Defendant's comments, the Plaintiff has suffered reputational damages in the amount of R200,000.00.
42. The Plaintiff demands the following:

42.1. That payment of the R200,000.00 be made into the following bank account, the details of which appear herein below, within 7 (seven) days of receipt hereof, failing which the Plaintiff will issue summons against the Defendant.

**ACCOUNT NAME:** THEO FITCHAT  
**BANK:** STANDARD BANK  
**BRANCH CODE:** 051 001  
**ACCOUNT NUMBER:** 026681676  
**BRANCH:** UNIVERSAL  
**REFERENCE:** YVONNE.

42.2. That the Defendant make appropriate apologies and retractions of her statements to the Kleinbron Estate management and cc the Plaintiff in her communication within 48 hours of receipt hereof

42.3. That the Defendant cease making any defamatory statements about the Plaintiff.

42.4. That the Defendant cease harassing the Plaintiff and his family, and using other people to harass him and his family.

Yours faithfully,



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**RUBEN THEODOR FITCHAT**