



MR RUBEN THEODOR FITCHAT

Via email: theo@cluedapp.co.za

Our Reference:

Reply to Email:

Your Reference:

RM / HR1503

riaan@themis.co.za

MR FITCHAT

Date:

26 January 2023

Dear Sir

KLEINBRON ESTATE HOMEOWNERS' ASSOCIATION & ALEX VAN NIEKERK

- 1 We confirm that we represent Kleinbron Estate Homeowners' Association ("**the Association**") and Mr Alex van Niekerk ("**Mr van Niekerk**") and that we have been instructed to respond to your letter of demand dated 16 January 2023.
- 2 We do not intend at this juncture to respond to the allegations contained in your letter of demand, save to state that our clients deny that you have, on your own version, made out a valid cause of action against either of them.
- 3 Mr van Niekerk is an employee of the Association and was, at all times material to your allegations concerning his conduct, acting within the course and scope of his employment as an employee of the Association.
- 4 We contend that the claims asserted by you against the Association in your letter of demand fall to be determined by means of arbitration in accordance with the provisions of clauses 81 to 87 of the Association's constitution, the provisions of which are binding upon you as a member of the Association, and the provisions of which are peremptory.
- 5 Insofar as you may seek to advance any claims against Mr van Niekerk in his personal capacity, he has confirmed that he agrees to having those claims dealt with in accordance with the arbitration clauses of the Association's constitution to which we have referred above. Mr van Niekerk tenders, for the sake of completeness, to conclude a written arbitration agreement with you incorporating the aforesaid provisions.

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Reg no: 2005/042622/21 Vat no: 4330225816

6 Regrettably, your letter of demand is littered with untrue, inflammatory and defamatory allegations which are harmful to the reputations of each of our clients and constitute *crimen injuria*. Our clients' rights in this regard are expressly reserved.

7 We look forward to hearing from you at your earliest convenience.

Yours faithfully



RIAAN MEINTJES
HAYES INCORPORATED