
Meeting request regarding plot 335 dispute

5 messages

Louise R <louiseradue@gmail.com>

9 November 2022 at 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)
- The house is not exactly the same as the one that currently stands on plots 334 and 335. (2014 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)

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

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

4. I went to the Mpofana 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.

6 attachments



2011 Ground Plan.jpeg
66K



2014 Site.jpeg
58K



2011 detail.jpeg
56K



2014 Full.jpeg
67K



Title Deed - Crago-Schiermeier.pdf
224K



Title Deed - Schiermeier-Radue.pdf
148K

Anne Coventry <anne@bundunet.com>

9 November 2022 at 14:15

To: Louise R <louiseradue@gmail.com>

Cc: Pat Dewes <pd@patdewes.co.za>, Mike Fraser <mikefraser@mweb.co.za>, Web Design Hosting <contact@webdesignhosting.co.za>

Hi, Louise,

I don't believe I have seen the Schiermeier's lawyers proposal, unless it was from some time ago?

I am really sorry you are in the position you are in. I am willing to attend the meeting, and I can manage any of the dates - what about the 17th? I'm sure we all want to find a resolution as soon as possible.

Kind regards,

Anne Coventry

B. Arch (NMMU) B. Building Arts (NMMU)

Cell: 082 330 9786

Land Line: 033 266 6243

[Quoted text hidden]

Louise R <louiseradue@gmail.com>

9 November 2022 at 14:09

To: Anne Coventry <anne@bundunet.com>

Cc: Pat Dewes <pd@patdewes.co.za>, Mike Fraser <mikefraser@mweb.co.za>, Web Design Hosting <contact@webdesignhosting.co.za>

Hi Anne,

Thank you so much! Pat will try and get the Schiermeier's and their team for the 17th and will be in touch with us to confirm.

The response from the lawyers was sent at the end of October, I have forwarded it to you so you can have a look at it.

They are pretty much saying they won't pay anything, claiming poverty and innocence which is why we have to have this meeting and discuss.

Andrew and I are looking forward to meeting you ☺

Have a great afternoon!

Louise

[Quoted text hidden]

Anne Coventry <anne@bundunet.com>

9 November 2022 at 14:58

To: Louise R <louiseradue@gmail.com>

Cc: Pat Dewes <pd@patdewes.co.za>, Mike Fraser <mikefraser@mweb.co.za>, Web Design Hosting <contact@webdesignhosting.co.za>

Thanks, Louise - I look forward to meeting you, too.

Thanks for the forwarded response - it seems that they are still also trying to make me partially responsible. Not sure where the 10 years comes in, the house was, I believe, built in 2017, and with two years of Covid restrictions, and having discovered it last year, I think I discovered it remarkably quickly - and had I had any inkling that anyone was planning on illegally building on it, they can be sure I would have gone round to check on it every few months, or so, too...

Kind regards,

Anne Coventry

B. Arch (NMMU) B. Building Arts (NMMU)

Cell: 082 330 9786

Land Line: 033 266 6243

[Quoted text hidden]

Louise R <louiseradue@gmail.com>

9 November 2022 at 15:13

To: Anne Coventry <anne@bundunet.com>

Cc: Pat Dewes <pd@patdewes.co.za>, Mike Fraser <mikefraser@mweb.co.za>, Web Design Hosting <contact@webdesignhosting.co.za>

Hi Anne,

It seems the Schiermeiers are blaming everyone but themselves, you definitely did not need to be checking your land every year for a random house to pop up!

If Andre Schiermeier had built legally with valid plans, the existing foundations would have then been checked by the town planner before building. This would have made the error apparent and they could have settled with you at that time.

As far as we see it they are the only people who have profited off of your land and should compensate you accordingly.

I am hoping we can resolve this all with them at the meeting!

Chat soon!

Louise

[Quoted text hidden]