

"C"



**PROGRESSIVE ADMINISTRATION (PTY)
LTD**

Our Reference:
Reply to Email:
Your Reference:

RM / HR931
riaan@themis.co.za
Chris van Zyl

Via email: chris@progressiveadmin.co.za

Date:

7 October 2021

Dear Chris

FUNDEALS SIXTEEN (PTY) LTD (in liquidation) / ANDRÉ VAN DER WESTHUIZEN

- 1 The above matter and our telephone conversation on 6 October refer. We confirm that we address this correspondence to you on the instructions of our client, Mr André van der Westhuizen, the owner of Portion 57 (a portion of Portion 27) of the farm Simonsvlei 791, Paarl Division.
- 2 We understand that Fundeals Sixteen (Pty) Ltd (in liquidation) ("**Devco**") has been deregistered as a result of failing to file annual returns and that you are in the process of having the company reregistered. Upon reregistration, Devco will once again be the registered owner of Portions 60, 61 and 63 (portions of Portion 27) of the farm Simonsvlei 791, Paarl Division ("**the affected portions**").
- 3 Our client's property forms part of the development now known as the La Bella Vita Estate ("**the Estate**") and it borders on two of the affected portions.
- 4 As you know, Devco was the developer of the Estate.
- 5 If the Estate is viewed on the Cape Farm Mapper website, the erven and servitude boundaries indicated on the website do not accord with the layout of the Estate, as developed. This indicates that the Estate may not have been developed in accordance with the layout of the approved General Plan.
- 6 It appears that the dam to the south of our client's property was not built to the size indicated on the General Plan, as a result of which the southern border of our client's property does not extend to the water's edge. Furthermore, it appears that a portion of the northern

HAYES INCORPORATED

T: +27 21 461 0123 F: +27 21 461 0128

Unit 1 Roeland Square, Corner of Roeland Street and Drury Lane, Cape Town, 8

boundary of our client's property (as-built) may encroach upon the area indicated on the General Plan as part of a road reserve.

- 7 Aerial photographs of the Estate available on the internet show that its layout has not changed since its initial development by Devco.
- 8 Our client wishes to have the situation regularised, such that the boundaries of his erf, as registered in the deeds office, accord with the as-built layout of his property. This means that the southern boundary of his property will need to be extended to the water's edge of the dam located to the south of his property and the northern boundary of his property will need to be extended to the edge of the as-built road reserve to the north of our client's property.
- 9 The discrepancies between as-built properties on the Estate and the boundaries indicated on the Cape Farm Mapper website affect a host of properties on the Estate.
- 10 Once Devco has been reregistered, it will once again be the registered owner of the affected portions and it will once again bear the legal obligations imposed upon it as the developer of the Estate.
- 11 We accordingly request that, upon reregistration, the joint liquidators of Devco make the following applications:
 - 11.1 An application to the Drakenstein Municipality for the amendment of the approved General Plan in order to align the General Plan with the as-built Estate; and
 - 11.2 An application to the Surveyor General for the amendment of the survey diagram for the General Plan and for any additional survey diagrams which may have been registered in respect of any of the affected properties on the Estate.
- 12 Upon approval of the above applications, the owners of the affected properties will be able to apply to the Deeds Office for the amendment of the title deeds of each of their properties to refer to the amended General Plan and survey diagram(s) and to amend the dimensions of their properties, as reflected on their title deeds.
- 13 We are aware that there is a dispute as to whether the affected portions are to be transferred to the Akarana HOA or to the La Bella Vita HOA. Regardless of the final outcome of that dispute, the situation we have referred to above will need to be regularised before any of the affected portions are transferred out of Devco. Devco will be the only party who will have required *locus standi* to make the required applications (once it has been reregistered).
- 14 Although he is under no legal obligation to do so, we confirm that our client tenders payment of a *pro rata* contribution towards any reasonable costs incurred by the estate of Devco in implementing the above.

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

Yours sincerely



RIAAN MEINTJES
HAYES INCORPORATED

CC: **BOWMANS, CAPE TOWN**

Att: Juliette de Hutton

Email: juliette.dehutton@bowmanslaw.com

Samantha Frost

From: Chris Van Zyl <Chris@progressiveadmin.co.za>
Sent: 2022/08/23 12:46
To: Riaan Meintjes; Samantha Frost; cstrime@fluxmans.com; jvaughan@fluxmans.com; Jadrick Coetzee; mike.morey@pamgolding.co.za; retha.dell@pamgolding.co.za; grahamh@santeretreat.co.za; Mark Sonik; bburger@boylouw.com; roybarendse@cdhlegal.com; willem@rukou.co.za
Cc: M. Baliso & Associates
Subject: FUNDEALS SIXTEEN (PTY) LTD (IN LIQUIDATION)
Attachments: 0439_001.pdf

Dear All

Please see attached letter for your attention.

Yours sincerely

CHRIS VAN ZYL

progressive
 **administration**

T +27 (0)21 224 0225 • Unit 2, Devonshire Court, 20 Devonshire Road,
Wynberg, 7800 • P.O Box 4134, Cape Town, 8000

progressive administration

Progressive Administration (Pty) Ltd • Reg. No.: 1995/011542/07

23 August 2022

Our Ref: CPVZ/mb
Email: chris@progressiveadmin.co.za

TO ALL KNOWN INTERESTED PARTIES

Dear Sir/Madam

FUNDEALS SIXTEEN (PTY) LTD (IN LIQUIDATION)

MASTER'S REFERENCE: C502/2005

1. I address you on behalf of the joint liquidators of Fundeals Sixteen (Pty) Ltd (in liquidation) (**Fundeals**).
2. Fundeals was placed in provisional liquidation on 25 November 2005 and was placed in final liquidation on 20 December 2005. Mlamli Baliso and I were appointed as the joint liquidators of Fundeals on 16 May 2006. I attach a copy of our certificate of appointment.
3. On 16 July 2010, the Companies and Intellectual Property Commission (**CIPC**) deregistered Fundeals due to its failure to file annual returns. This took place notwithstanding the fact that Fundeals was already in liquidation and the liquidators were not required to file annual returns.
4. Earlier this year, the liquidators applied to CIPC to rectify the issue and on 30 June 2022, CIPC changed the status of Fundeals to "in liquidation".
5. The liquidators are now in a position to continue the winding-up of Fundeals, and in particular, to deal with the transfer of the immovable properties still owned by it, being Portions 39, 60, 61 and 63 of the Farm Simonsvlei No. 791, Division Paarl (**the Properties**).
6. To date, I have had several engagements with attorney Riaan Meintjes, representing Mr Andre van der Westhuizen, the owner of Portion 57 of the Farm Simonsvlei, who has advised that the Properties must be transferred to the La Bella Vita Homeowners Association.

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CPT: +27 (0)21-224 0225 - Unit 2, Devonshire Court, 20 Devonshire Road, Wynberg, 7800 • P.O Box 4134, Cape Town, 8000.
JHB: +27 (0)10 446 0031 - 104 William Road, Norwood, Johannesburg, 2196. P.O Box 10527 Johannesburg, 2196
BFN: +27 (0)71 206 2567 - 23 Stoffel Van Wyk Street, Universitasrif, Bloemfontein, 930

progressive administration

T +27 (0)21 224 0225 • Unit 2, Devonshire Court, 20 Devonshire Road,
Wynberg, 7800 • P.O Box 4134, Cape Town, 8000

27. If the liquidators of Fundeals allow the Common Properties to be transferred to any party other than the LBV POA, our client demands that he be refunded the full costs expended by him in causing Fundeals to be reinstated, including the fees of our firm in facilitating this.
28. Our client expressly reserves his right to institute both civil and criminal proceedings against any party responsible for the transfer of the Common Properties to any party other than the LBV POA.

Yours sincerely



RIAAN MEINTJES
HAYES INCORPORATED

- (5) That the information submitted for confirmation of the adherence of condition 33 imposed in terms of Section 42 of Ordinance No. 15 of 1985, with the approval as issued on 24 October 2000, be accepted and that the Department of Land Affairs be informed accordingly.

Yours faithfully



for ACTING MUNICIPAL MANAGER

FIN DIRECT	
INSTRUMENT	
DEVELOPER	
DISPOSING	X
VERIFICATION	
ADVERSE BEHAVIOUR	
ADMINISTRATION	
REVIEWER	
No. of Sites Done/Sp.	
HANDSHEWING	1/3
DATE	10/7/2001

