
AFFIDAVIT

I, the undersigned,

SALATISO LONWABO MDENI

(ID NUMBER 8209165689083)

Do hereby make oath and state that;

- 1.** I am an adult male currently residing at number 22 Lineata Avenue, Glenvista, Johannesburg and I am the Respondent in this matter.
- 2.** The facts herein contained are, unless stated to the contrary, within my own personal knowledge and to the best of my belief, both true and correct.

THE PARTIES

- 3.** The Applicant is **Mpho Mimmi Mkosana** with Identity Number: 8207090735088 ("the Applicant").
- 4.** The Respondent is **Salatiso Lonwabo Mdeni** with Identity Number: 8209165689083 ("the Applicant").
- 5.** The minor child is **Lukhanyo Sazi Mkosana** with identity Number: 1802286062085 ("the minor child")

Background

- 6.** I was in a romantic relationship with the Applicant from 01 January 2015 until May 2017. A minor child was conceived in June 2017 and was consequently born on 28 February 2018, all prospects of further romantic involvement had been mutually terminated by both parties since July 2017,
- 7.** I have accepted I am the father and have fulfilled all obligations to that effect to date, there is no dispute in this regard as confirmed by the mediation in terms of Section 21(3)
- 8.** The dispute relates to the exercise of parental rights and the discharge of parental responsibilities, I have attached the Statement of Outcome of Mediation in terms of Section 33(2) which reflects the matter remains unresolved,
- 9.** Currently I have contact with the minor child in a place decided by the Applicant, currently the applicant's residence. The visiting days and times were confirmed by the applicant as Wednesdays 11:00 – 14:00 and Thursday 16:00 -17:00 as per correspondence below;

Salatso Mdeni <salatso.mdeni@gmail.com>
To: Mpho Mkosana <mphosuperstar@gmail.com>

Mon, Jun 4, 2018 at 7:33 AM

Good Day

Please avail 2 weekly days and suitable times for the visit.

Also include a list of whatever he is missing.

Regards,
Salatso

[Quoted text hidden]

Salatso Mdeni <salatso.mdeni@gmail.com>
To: Mpho Mkosana <mphosuperstar@gmail.com>

Mon, Jun 4, 2018 at 8:15 PM

<https://mail.google.com/mail/u/1/?ik=ba4b651746&view=pt&search=all&permthid=thread-a%3Ar9195539551987888986&simpl=msg-a%3Ar-1735876244...> 12/18

/18/2018

Gmail - Medical details

Good day

Please note that I am yet to receive your response.

Regards
salatso@salatso.com
[Quoted text hidden]

Mpho Mkosana <mphosuperstar@gmail.com>
To: Salatso Mdeni <salatso.mdeni@gmail.com>

Tue, Jun 5, 2018 at 12:27 AM

Hi

Does Thursday for both visits work? 11-2pm and 4-5pm

Otherwise Thursday and Friday.

Lukhanyo;

- Stage 3 diaper (not toddler pull ups please)
- bottle of Milton
- so pure clothing detergent

Mpho

Salatso Mdeni <salatso.mdeni@gmail.com>
To: Mpho Mkosana <mphosuperstar@gmail.com>

Mon, Jun 18, 2018 at 1:04 PM

Good day

Should I consider the Wednesday & Thursday fixed?

Regards

[Quoted text hidden]

<https://mail.google.com/mail/u/1/?ik=ba4b651746&view=pt&search=all&permthid=thread-a%3Ar9195539551987888986&simpl=msg-a%3Ar-1735876244...> 15/18

18/2018

Gmail - Medical details

Mpho Mkosana <mphosuperstar@gmail.com>
To: Salatso Mdeni <salatso.mdeni@gmail.com>

Mon, Jun 18, 2018 at 1:55 PM

Hi

If it works for you - yes - unless you want to come another day then we can communicate.

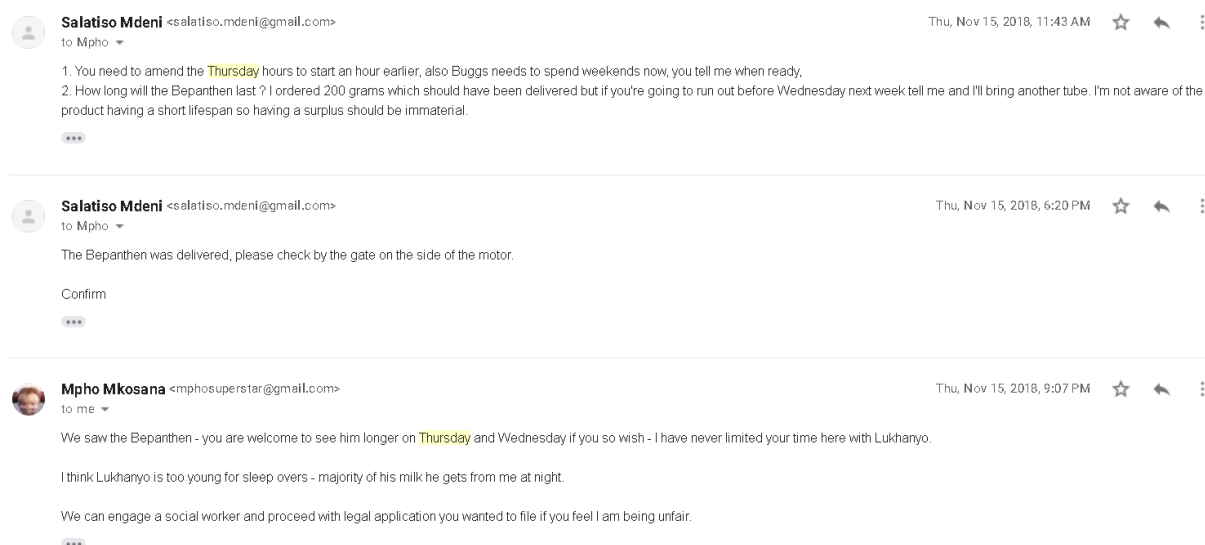
Mpho
[Quoted text hidden]

Salatso Mdeni <salatso.mdeni@gmail.com>
To: Mpho Mkosana <mphosuperstar@gmail.com>

Mon, Jun 18, 2018 at 6:43 PM

Noted thanks.
[Quoted text hidden]

10. The timeslot for Thursdays was permanently varied to commence an hour earlier as per email correspondence below;



11. I currently observe the following protocol for all visits;

- 11.1. All contact happens within the time periods specified by the Applicant, in case of deviations I communicate in advance to seek authorisation,
- 11.2. All contact happens in a place and time as dictated by the Applicant, this has been the case from when the Applicant stayed in Centurion until the Applicant moved to Melville,
- 11.3. When I arrive at the Applicant's residence I park outside, knock at the gate and only after I have been given permission do I enter the premises,
- 11.4. Once inside the Applicant's residence I proceed to the house and wait in the foyer or sitting room until my son is brought to me after which I exit the house with my son to go and play outside whenever the weather permits,
- 11.5. To try and reduce any conflict I endeavour to be discrete in the Applicant's residence, to this end only my family is allowed to visit the Applicant's residence within the parameters the applicant has defined.

INCIDENT

12. I do confirm there was an incident as per the Applicant's Affidavit, unfortunately however a substantial proportion of the accusations are incorrect.
13. I also confirm on the day of the incident there had been no variation to the timeslot of 11:00 to 14:00, I observed the protocol I use when at the Applicant's residence with only one deviation which I will explain with justification.
14. When I arrived, the events unfolded as follows;
 - 14.1. Immediately when I arrived, I noted the applicant's displeasure at my presence, more so than normal. The Applicant proceeded to tell me I was early, this confused me because according to the schedule I was on time, so I referred her to the written correspondence because unless deviations were requested and communicated in advance the fixed times are applied.
 - 14.2. Unfortunately, when I entered I noticed the applicant was alone in the sitting room, this I have always avoided because consistently whenever I am alone with the applicant the

Applicant always finds a way to enforce her authority. Fortunately when I came in I the Applicant's mother's vehicle was in the driveway, I took solace in this as there would be a buffer.

- 14.3. After the applicant stated my son was asleep I will admit I was frustrated because I couldn't understand how that was allowed when I had complied with her prescribed timeframes irrespective of their unreasonability. Despite my frustration however I sat down and figured I'd give the applicant some time.
- 14.4. After a few minutes I resolved I would leave to avoid conflict, I got up and tried to call the Applicant while still in the sitting room with only my face in the passage. I called multiple times and with each call my tone ascended because I had never meant to go to her bedroom.
- 14.5. Since there was no response I proceeded to go and knock on the Applicant's room. When the Applicant eventually came out the Applicant was aggressive protesting that I will wake the minor child, without trying to understand the justification not only for my ascending tone but also my presence beyond the living room. I am by nature consistent and strict on observing protocols, the Applicant is aware of this which is why I could not understand the aggression without understanding the justification.
- 14.6. As restrained as I always endeavour to be I got annoyed when the Applicant opened the door to reprimand me, this because behind the Applicant I noticed the minor child seemed awake. I then proceeded to the minor child and the Applicant pushed me back, but I proceeded pushing the Applicant to the side until I got to the minor child and held him.
- 14.7. It was at this point that I realised what I had exposed my son to and out of shame and restraint I left immediately, there's lots of things I will teach my son but violence as a dispute resolution method no matter how subtle is not acceptable.
15. I deny any accusations of violence against the Applicant and the minor child, yes there was an altercation and when the applicant threatened to lay charges, I encouraged it.
16. The Applicant stated I have 'threatened' her the judicial system will 'sort her out' making reference to a written correspondence that states "Besides, February 7 is here and the judicial system will take its course". I am not sure how 'take its course' was interpreted to mean 'sort you out' especially because;
- 16.1. The requirement for a parenting plan was communicated very early to the Applicant, the Whatsapp correspondence below serves as reference;

2017/09/01, 8:53 AM - Salatiso Mdeni: Can you please start reading or consulting on parenting plans?

We will need one in place to avoid ambiguity and to strictly specify enforcement of rights and obligations.

This will be formalised and lodged with the family advocate.

As I said it is not in my interests to be adversarial or to have conflict so this will ensure that expectations are based on tangible facts.

2017/09/01, 8:54 AM - Mpho Mkosana: I'm not sure what you are talking about when you say parenting plans?

2017/09/01, 8:57 AM - Mpho Mkosana: So I consulted someone now about my What's app and apparently my tone was aggressive in the Whatsapp - which I apologise for. I will start again. Please speak to your family and see if

the 23rd Sept will work for them. Do you want them to come to Joburg or Dutywa?

2017/09/01, 9:01 AM - Mpho Mkosana: Ok

2017/09/01, 9:01 AM - Salatiso Mdeni: Thank you, apology accepted.

I will speak to them.

As far as I know the need for your family to come to my family is nullified if I accept partentiy. In this case it is my family that goes to yours to pay the damages.

2017/09/01, 9:01 AM - Mpho Mkosana: Read up on family planning

2017/09/01, 9:02 AM - Mpho Mkosana: That's fine you can set it up

2017/09/01, 9:02 AM - Salatiso Mdeni: Hence I asked you to either read up on them or consult someone who does.

- 16.2. I opted for mediation due to it's non-adversarial nature, I was always transparent about the steps I was taking and after we had failed to regulate our parenting relationship it was the only logical one. It is also a legal process conducted by an impartial entity whose sole interests are that of the child. It must be noted at this point that the applicant interprets a legal representative's as an impartial party, I don't agree hence I objected to meeting with the applicant and the applicant's legal representatives. This is also in light of the quality of the work and ethical concerns from the Applicant's legal representatives, a conduct I have openly told them I will be querying after the parenting plan has been finalised.
17. The Applicant further continues to imply my statements of her being a liability are threats. The applicant is well aware of my direct approach to reality, in my life I have assets and liabilities. Anyone who is not helping me to achieve my cause is a liability in my life, even when I terminated the relationship the bases were that the Applicant's conduct took away from my efforts to secure a sustainable future for my family, ergo liability. The applicant is also aware that I apply such an approach consistently, including against members of my own family, the WhatsApp correspondence serves as reference;
- 2016/12/07, 2:12 PM - Mpho Mkosana: U have to understand I'm not going to the psychologist in the hope she will 'fix us'*
- 2016/12/07, 2:12 PM - Mpho Mkosana: I think we could go either way at this point*
- 2016/12/07, 2:30 PM - Salatiso Mdeni: That's where we differ.*

I have specified clearly what results in situations getting out of hand, a psychologist will do nothing to help you choose whether or not you will clean up after yourself.

U get surprised that when something is extreme I react in an extreme manner but when I have a problem I remove it, case in point Tina stayed with me when she became a problem I told her to leave; same goes for Unathi.

In your case when I say leave it's not to be spiteful. I have certain things I want done in a certain way, I'll do what I can to accommodate U but there's a limit.

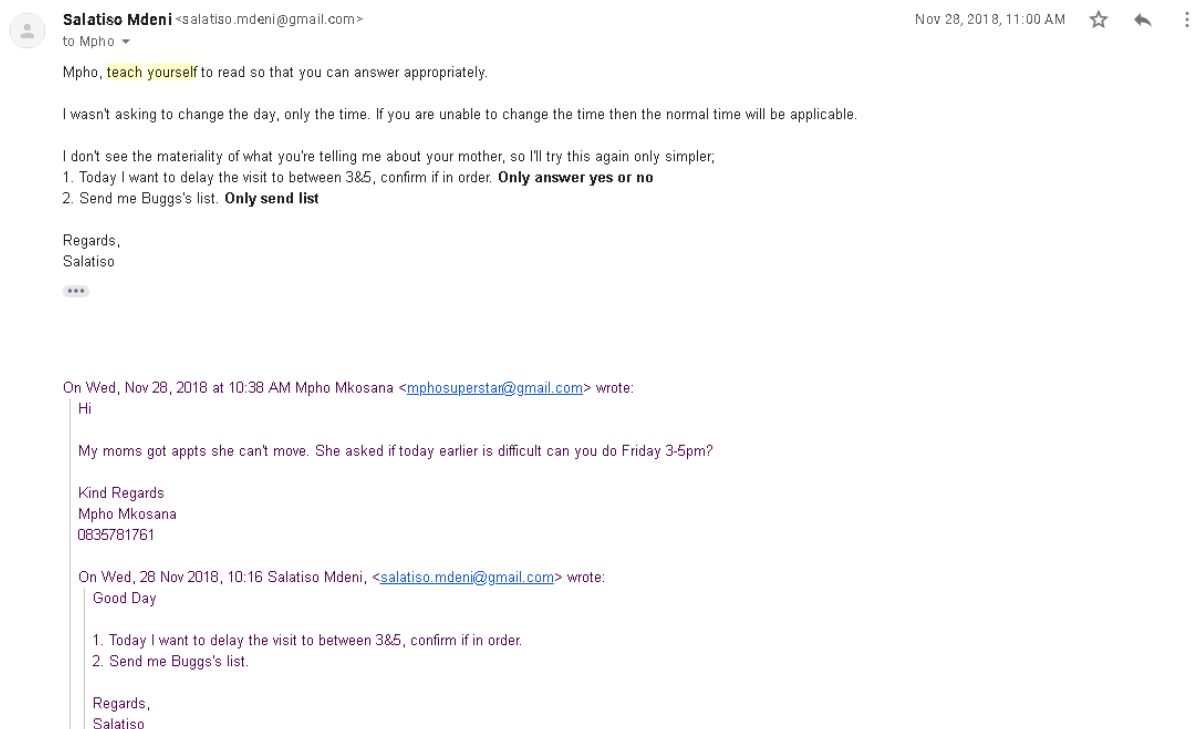
U crossed it so when U do its a sign you'd rather be in your house, I can't hold you to a 'promise' when you're miserable with my approach and I am with yours.

18. It is a fact that I work hard and as such I can adequately provide for my family. It is also a fact that this wasn't always the case, I've had to bear the brunt of my parent's poor planning and my

ancestors' ineptitude that saw me having to clean up their mess before I could build my own life. The applicant is well aware even during the subsistence of our relationship of how far I've come and will go just so my son never has to suffer a similar fate.

The Applicant is aware as a prerequisite to having a child there are certain milestones I've always insisted on, one of which is affordability. Having been raised by a single mother who suffered the consequences of poor planning it is imperative I know there is a plan for my son so that he never has to take on an obligation he didn't create. Unfortunately, however while my mother had the luxury of apportioning the blame for the poor planning to my father as the head of the household the Applicant does not have such, which means the Applicant's plans have to be robust and resilient as mine, I'm hoping better. To date I'm yet to get such reassurance, yet when I provide it instead of reciprocating, I am accused.

19. Line 22 of the Applicant's affidavit claims that I 'continue to belittle her', I've never belittled the applicant but merely drawn conclusions from available information. Furthermore, the correspondence was quoted out of context, below is the full correspondence;

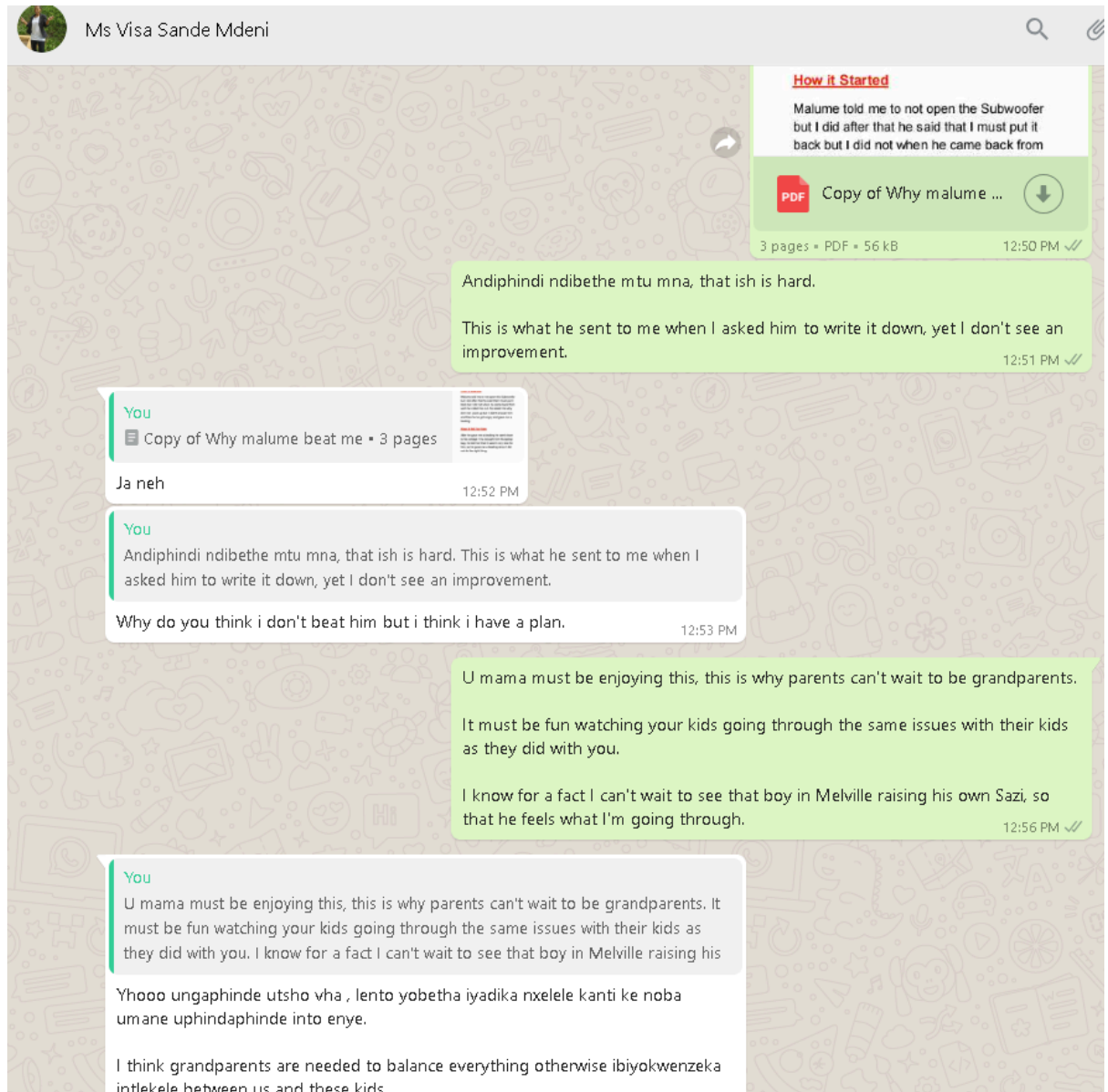


This is one of the instances that indicates the applicant's inability to read what is before the Applicant's eyes but instead read something into the statement and translate it to mean what the Applicant wants it to, others include;

- 19.1. Regarding the specific correspondence the Applicant is referring to I had asked if it would be possible to alter the times for that specific day, instead of providing a response the applicant provided information that was irrelevant to the question without answering.
- 19.2. On line 9 of this Affidavit, on the correspondence where I ask for the Applicant for times for contact visits. A request that I made on the 04 June 2018 would only be resolved on the 18 June 2018.
- 19.3. On line 21 the Applicant claims I 'threatened' the judicial system will 'sort her out' making reference to a written correspondence that states 'Besides, February 7 is here and the judicial system will take its course'.

20. I must at this point state communication with the applicant is frustrating to say the least because often the Applicant takes long to respond and when the response is provided it often does not address the question, instances of such include;
- 20.1. I requested the Applicant to provide monthly a detailed list of everything my son needs, that seldom happens. Instead I have to send multiple messages for the same thing, when the response comes rarely will it ever be detailed all of which has resulted in financial loss as I have to guess which variant/ quantity to buy. The consequences that flow from this as recently as 06 March 2019 is that I have to either suffer financial loss or have to do the same thing again, all of which take from me working for my son and the rest of my family.
- 20.2. On 26 February 2018 08:03 am I requested a document from the Applicant as well monthly supplies for my son. It was only after I emailed the Applicant's legal representatives that on the 27 February a response came, it was wrong despite my explicit and descriptive request. After I raised this eventually, I received the right document but now had to tackle the monthly supplies. A vague response was eventually received on the 28 February 2019, it was only after clarification that the issue was finalised.
21. The applicant states that I assaulted my son, again this is incorrect.
- 21.1. I'm a man, the way I relate and handle my kids is not gentle. My job in my kids lives is to teach the raw reality of life while equipping them with the tools to conquer it and this extends to the way I play with them. With that said I'm always reasonable and gentle enough to convey the message without inflicting any harm. This is one of the reasons I've exercised as much restraint as I have when dealing with the applicant was purely to ensure my son is not exposed to conflict in any form.
- 21.2. It is also important to note that if I had any potential to be violent to my children it would have manifested by now, Solo (nephew) who stays with me full time has taught me to resolve my issues with them through reason. In his 9 years I've only shouted at him once, when he was 3 years and only physically disciplined him once when he was 8. Needless to say after having to go through giving my child some latches on the hand I quickly discovered I lacked the ability for it and reverted to reason and logic to resolve disputes/ correct behaviour. The correspondence below with my sister (Solo's mother) serves as reference of how traumatic I took the incident and committed to it never happening again. I reason with

my children, the attachment serves as reference;



22. It must be noted the applicant was not pleased with the termination of the romantic relationship and the subsequent “kicking out” as the applicant referred to it. I was hoping however that the past would be left there as I have, we now have a much higher purpose which is the successful upbringing of the minor child. Sadly, I am now convinced the Applicant is being vindictive, something I don’t understand because I was fair and direct, since the applicant was not adding value to my life I had to replace the applicant with someone who does and I did, the only logical conclusion was that the applicant would do the same. Even after I ‘kicked out’ the Applicant I allowed her to remain in my property, after the Applicant left I still kept the applicant’s belongings as safe as I could until the applicant collected them. The WhatsApp correspondence refers;

2017/03/03, 10:56 AM - Salatiso Mdeni: When I say you should move out it is a practical approach to a problem.

If you are not happy and I am not the only logical solution is the hardest.

2017/03/03, 10:56 AM - Mpho Mkosana: But I got it

2017/03/03, 10:57 AM - Mpho Mkosana: No

2017/03/03, 10:57 AM - Mpho Mkosana: I disagree

2017/03/03, 10:58 AM - Mpho Mkosana: Practical approach when you are in a committed relationship is to tackle problem at hand

2017/03/03, 10:58 AM - Mpho Mkosana: Give and take

2017/03/03, 10:58 AM - Mpho Mkosana: Compromise

2017/03/03, 11:00 AM - Mpho Mkosana: Throwing me out(and I don't mean this in a mean way) is exhibiting childish behaviours ie chucking toys, giving up, defeatist

2017/03/03, 11:01 AM - Mpho Mkosana: And once again the issue u choose to not address

2017/03/03, 11:01 AM - Mpho Mkosana: I never apologise

*2017/03/03, 11:01 AM - Mpho Mkosana: *u*

2017/03/03, 11:01 AM - Mpho Mkosana: When we fight you attack me alot

2017/03/03, 11:01 AM - Mpho Mkosana: Not the problem

2017/03/03, 11:16 AM - Mpho Mkosana: I've said this to you before that you are not invested in me and it comes up in multiple little things but I think my aahhhaa moment was when you said your sister should not marry Arthur unless he sees a psychologist about the issues he has with his family and I turned to you and I said you're being hypocritical because you would not do the same but I've since then come to realise that because you have not 100% invested in me you giving the best of you- to me -is not important to you. Cause you are still operating on how I fit in your life to the point of not disrupting your 'comfortable' life too much. It can a bit but not too much. To the point where you are not willing to see how much I have bent over dbl to make you happy.

2017/03/03, 11:16 AM - Mpho Mkosana: And still see fault - constantly

2017/03/03, 11:18 AM - Mpho Mkosana: I'm 100% invested - have been for ages and have professed it over and over

2017/03/03, 11:18 AM - Mpho Mkosana: I am not perfect

2017/03/03, 11:19 AM - Mpho Mkosana: But I keep trying

2017/03/03, 11:19 AM - Mpho Mkosana: Even though I know you will criticize even that

2017/03/03, 11:29 AM - Salatiso Mdeni: Mpho,

We've been together for more than 2 year. By now there's certain things that should be working, the building blocks @ least.

Those things don't work. The only thing we do together that's practical is that we sleep in the same bed, other than that whatever is working is haphazard.

You're a talker, I'm a doer. If I want something I take tangible steps to do it, it gets done. This works for me. If talking works for you that's fine but so far it has yielded very little with me.

I am not Atha. The reason going to a psychologist would work for his is based on my understanding of his character, one size does not fit all.

You want me to apologise yet I tell you I won't do something for the sake of doing it. If I don't apologize it means I don't see anything worth apologising for.

In my life I've been forced to learn that sometimes a hard option might not be nice to take but if not taken you're in a worse place tomorrow. My life is a testament of hard decisions which have been taken and have yielded the desired results.

You say the other day if I make a fuss about an open door how could we cope we 'real' things like loosing a child that couples go through. What you forget is that the door is real and now for me, talking about something that might or might not happen is immaterial.

If I cannot trust you with little physical things like closing a door what makes you think we'll get to a point where our relationship will progress to loosing a child being a possibility?

23. To conclude;

- 23.1. I take full accountability for my role in the altercation and when the time comes I will apologise to my son for exposing him to that. It was an accident that I worked so hard to avoid, my efforts were not enough so I will work harder to avoid future re-occurrences.
- 23.2. I take full accountability for the approach I have taken thus far including all correspondence; I have always been transparent, fair and used the law for reference,
- 23.3. I do not want to go to the Applicant's residence, let alone the Applicant's bedroom. To date including during the subsistence of our romantic relationship I have only been there by obligation and never spent a night at both the applicant's residence or family home in Port Elizabeth. This is contrary to the Applicant who was comfortable enough to not only stay/ sleep over at 2 of my properties and family home in Dutywa but also bring at least one

family member to even sleep over with of the Applicant's friends having an open invitation. A gesture that was not only confined to adults because one of the possible nights my son was conceived the applicant was with 2 minor children (the Winton's I think) the applicant had been baby sitting in the cottage. So according to the Applicant's behaviour everyone including the applicant and the applicant's family and friends felt entitled to enjoy the benefits meant for Buggs yet my Buggs who has the most claim and the biggest motivator behind it all I am isn't.

- 23.4. My only interest in the applicant only goes as far as my son is concerned, beyond that I have not interest because every moment I waste on the applicant could be spent working for my son and family,
- 23.5. I have to the best of my ability avoided litigation as I believed it was not in the interest of my son, my approach as documented in all my correspondence with the applicant, directly or otherwise bears testament to this.
- 23.6. To date the biggest risk to Buggs's life and well being has been the applicant's conduct, until such time that the applicant decides to work with me in so far as Buggs is concerned the applicant will always be perceived as a liability.
24. As communicated to the applicant all I want is to raise my son, I am more than prepared for that as I have proven thus far. To that end I within the confines of the law and I will stop at nothing to make sure he wants for nothing towards a bright future.

2017/08/07, 8:51 AM - Salatiso Mdeni: Ok,

I respect that.

Just know you are where you are because that's where you choose to be.

2017/08/07, 9:11 AM - Mpho Mkosana: *I disagree with that, I'm where I am because these are the cards I've been dealt, and I'm doing the best I can with my lot.*

2017/08/07, 9:18 AM - Salatiso Mdeni: *I don't want to get into this right now, I don't think you want to either.*

Until you choose otherwise my interest in you is as far as my baby goes.

You must have been shocked to find out you were pregnant, I knew already.

There's a ton of shit I've fucked up in my life, I will not fuck up my child's life. From when I was 11 my sole life goal was to make sure that if ever I have a child they will get a better life than I did, so I worked hard and planned hard.

This is now the moment, I'm prepared.

2017/08/07, 9:20 AM - Mpho Mkosana: *I don't doubt you will do the best you can for your child*

25. I reserve my right to supplement this affidavit should it be necessary.