

From: Zelmari Admin <zelmari@kernattorneys.co.za>
Sent: Wednesday, July 4, 2018 9:33 AM
To: Salatiso; Maropeng s
Subject: RE: LUKHANYO'S PARENTING PLAN

Dear Salatiso,

1. Please see comments in red below. We do not wish to respond to the rest of your allegations or contentions, but we reserve our client's right to deal with same at a later stage in the correct forum should the need arise.
2. You are attacking our client by implying that she is an unfit mother and that she would take her son off her medical aid, which was never her intention, she merely didn't understand the process and there was probably just some sort of misunderstanding. Your allegations are baseless and actually defamatory in nature. Please note that we don't litigate via emails and writer don't particularly enjoy reading long and fruitless emails.
3. Please note that this matter is not complicated, the parenting plan is generic and standard, there are certain specific subjects to be covered and to deal with and same was done from our side, we raised our client's wishes and you agreed to most of it, but as far as we understand you wanted sleepovers and unfortunately our client cannot agree to same, due to the fact that your son is still too small and it all depends on the age of the child, but you are welcome to challenge this at court and we welcome an application in this regard.
4. From my understanding our client has never not allowed you access to your son, and she encourages you to see him, however it appears from your actions that rather than reaching a fair settlement and arrangement that will be in the best interest of your son you would prefer to engage in personal fights with your son's mother.
5. You further refuse to pay R 3,000.00 maintenance towards your son as requested by our client and which is more than reasonable and fair. This is calculated in accordance with rent, food for the minor child, help for the minor child (au pair) and other expenses relating to the minor child, but yet you send emails wherein you brag about your net income of "at least R 1000 000", we have advised our client to approach the maintenance court with your email in support of her claim.
6. We further wish to place the following on record, you have been seeing your son on a weekly basis, twice a week to be specific, and our client continuous to encourage this practice, you have failed to pay any form of maintenance towards your child, you were further not there for your son's birth, even after our client specifically asked you to come to PE for his birth, you further refused to attend any gynae appointments, to which you were specifically invited by our client each and every time she had an appointment.
7. It is our recommendation that you put aside your personal feelings and ambitions and rather focus on the best interest of the minor child, which would be as follows:
 - a. Reasonable access and contact;
 - b. Maintenance in the amount of R 3000.00;
 - c. To have the parenting plan signed and be made an order of court.
8. Our client's rights remains reserved.

Yours Faithfully



Z Kern

B COM LLB

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Office: 011 462 2800
Mobile: 083 276 1890
Fax: 086 613 1709
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From: Salatiso <salatiso@salatiso.com>
Sent: 03 July 2018 23:11
To: 'Maropeng s' <maropengs@kernattorneys.co.za>
Cc: 'Zelmari Admin' <zelmari@kernattorneys.co.za>
Subject: RE: LUKHANYO'S PARENTING PLAN

Good Day

Thank you for the document, I confirm receipt.

Medical Aid

I apologise for being an unreasonable person by not being able to draw the same conclusion as you would regarding what a reasonable mother would do, I have a bad habit of basing my conclusions on facts.

- On the Tuesday, 26 June 2018 9:48 AM you sent me a correspondence confirming your client will have my son "officially off her medical aid on Friday the 30th of June 2018" there is a waiting period and even our client was unsure about this, since she ever had to do this, meaning that your son will be covered until the end of July, our client never intended on removing him from her medical aid before he was added to yours. There was probably some sort of confusion or misunderstanding between the parties. I will ask Maropeng when he returns from court.
- My 'unreasonable' but justified request for the confirming documents was sent to you with a pre-populated application form confirming I had applied for cover to start on the 01/07/2018
- According to No.9 of this affidavit your client confirms the termination of cover as 31 July 2018, contradicting prior confirmation as conveyed by yourself; when I asked for this confirmation I drew your attention to the applicable statute.
- Yet again my conclusion of malice is justified because despite telling you the legal consequences to double insurance, let alone the financial waste, you still expose both my son and myself to the same risk by confirming 2 dates that contradict each other. Worst is that this could have been avoided by just sending me proof of acknowledgement by the medical aid that they have been notified of the intention to terminate, after I submitted my application I sent a similar acknowledgement to yourselves with no issues.
- According to you when I go further and try to simplify things by asking for confirmation I am unreasonable? So if this is being unreasonable you are right, I do suspect however the last mother who got executed in China for drug smuggling meant well for her child but unfortunately the means used to provide were incorrect hence the consequences. Your client probably means well for her child but I am well aware that poorly executed good intentions could compromise my son.

Conclusions of bias and malice

Thank you for being considerate, grade 1 simplicity will be most appreciated because often I do tend to think simplistically and linear. This probably explains why I am prioritising my son's matter then submit your conduct for review as well as that of your client's. You are certainly correct in pointing out what I lack in legal acumen and I will definitely take you up on your worthy advice by appointing a legal professional of your calibre. Right now I have a situation which I have 2 conflicting dates have been confirmed, I know the confirming party was aware of the potential impact of such confirmation yet they went ahead and supplied conflicting information. So while I suspect there's legal wrongdoing in there I don't know what the charge is, lay-me does not even know if the fact that one of the conflicting statements was made under oath has any materiality.

I am inspired that you feel it necessary to tell me about your career but my grade 1 thinking is not sure why it is relevant. My simplicity led me to believe you are acting on your client's behalf under your employer/ supervisor's instruction so when I'm addressing 'you' I am referring to that 'unit', how you felt it necessary to make it personal puzzles me (to my defence, grade 1 thinking!). At one point or another I am fully aware that as a father there will be an evaluation of my personal character so when I make statements personal it is justified, what is your reason?

Unfortunately the medical aid confirmation will now take longer than planned because I need to re-submit the application with a new commencement dates since you've now changed what you previously confirmed. I am also awaiting feedback regarding my previous correspondence, after Zelmari's email I thought this had been escalated to a non article clerk for senior intervention. I am quite looking forward to this because if Kern Attorneys article clerks can simplify things at grade one level I'm hoping the senior the better, I'm picturing crayon drawn emails for vivid clarity.

I would like this wrapped up before my son's 6 month birthday please, your client is well aware of my timelines.

Regards,
Salatso

From: Maropeng s <maropengs@kernattorneys.co.za>

Sent: Tuesday, 03 July 2018 5:42 PM

To: Salatso <salatiso@salatiso.com>

Cc: Zelmari Admin <zelmari@kernattorneys.co.za>

Subject: RE: LUKHANYO'S PARENTING PLAN

Dear Salatso,

Medical Aid Information

Please see attached the affidavit as requested. A reasonable person would definitely draw an inference that whatever information provided on the medical aid form by a mother relating to her child is correct. I doubt that our client would intentionally lie about the health status of Lukhanyo and furthermore Lukhanyo's medical records are always available.

Conclusions of bias and malice

You have sent us a "detailed" query relating to "material facts". As I have said and I will say it again, I thought you, by not appointing a legal representative, knew the law or at least the law relating to children. I can now conclude that I am dealing with a lay person and I will definitely simplify my responses in future to an extent that a grade 1 learner can understand. The responses that I had sent to you should be common sense without even considering the Children' Act and public policy but I will simplify them as what is common sense to me is not necessarily common sense to you.

Lastly

You can draw your inferences from my conduct. It is up to you and the way you think about me does not in any way affect me or my career. Furthermore, you are free to go to court to put my conduct under "judicial scrutiny" as everyone has the right to access to courts.

I hope the affidavit as requested 'covers all aspect'. We await confirmation from your medical aid.

Yours Faithfully



Maropeng Sebola

LLB

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From: Salatiso <salatiso@salatiso.com>
Sent: Friday, 29 June 2018 2:58 PM
To: 'Maropeng s' <maropengs@kernattorneys.co.za>
Cc: 'Zelmari Admin' <zelmari@kernattorneys.co.za>
Subject: RE: LUKHANYO'S PARENTING PLAN

Good Day

Firstly I need to apologise the delayed response, over the last couple of days I've been thinking of the simplest way I could say what I already said in a simpler way that will ensure you understand my request and its justification thereof.

Medical Aid Information

1. Firstly the documents you sent to me were either irrelevant or outdated as follows;
 - the **Confirmation of Membership** you sent is dated 14/03/2018; considering it's now June as lawyers would you consider such a document still valid?
 - The rest of the documents you supplied I did not ask for.
2. I need a document dated this month which;
 - Proves that there is existing medical aid as previously communicated by your client,
 - Proof of cancellation that has been acknowledged by the medical aid with explicit dates of when the last day of cover will be. I have previously drawn your attention to the relevant statute which prohibits double cover which is the justification for request.
3. The reason for the affidavit is as follows;
 - You will have noted that there is a requirement on the medical aid application form for the applicant to confirm the information is true. Unfortunately I am not the sole person who supplied the information and as such I cannot provide full confirmation that all the information is true, an affidavit by your client will do this; I take accountability for the information I provide and the expectation is that your client does the same for the information she provided.
 - Secondly an affidavit would have also sufficed as a substitute of the documents relating to proof of current medical aid as well as the termination dates; so while you may not have seen the need for your client honour the affidavit request it was made as a simpler alternative to supplying the documents (proof of current membership as well as confirmation of termination).

- Ordinarily it would be acceptable for a lay person not to know there's legal consequences that flow from information submitted to an insurer but I was hoping I wouldn't have to explain this to;
 1. Legal professionals,
 2. Insurance professionals, or at least professional because I do know Zelmari knows this fully well since my current insurance broker is a Kern entity/ practice.

Conclusions of bias and malice

1. After you forwarded me the first draft of the agreement I tried to respond to all material clauses as comprehensively as I could citing factual errors and information because I figured the only way to arrive to a mutually beneficial agreement was to be factual,
2. The response you provided barely addressed the issues I raised and even when you did your responses were vague and generic i.e. your references to case law do not specify the actual cases, so then how do you expect me to interrogate the content which you based your approach on? 1.3 still refers to 30 June 2017 etc
3. I can go on and quote further examples from your response which despite a detailed query from me your response was either not there or when it was provided it was either theoretical or generic. So when you ignore material facts whose materiality I have explained if not for malice then what is the justification?

Way forward

1. I am still committed to a non-adversarial approach and as such the next step will be to meet with the family advocate, please provide me at least 3 days from which I will choose one for the family advocate. The ideal is that this is done next week but I am also conscious of the month end volumes so am willing to extend this to no later than the 15th of July.
2. Please note should you perceive this as unacceptable or too long please feel free to go straight to the court, unfortunately I am obligated as a law abiding citizen to honour the legislator's intent.

You needn't worry about me electing not to appoint representation, besides the previously specified reasons I'm very comfortable with the way things are especially against opponents such as yourselves should you think of us as such. Your client will confirm to you that from the beginning I was the one who insisted on a court authorised agreement. I have noted all your comments in the correspondence and I will, after concluding this agreement forward them to a competent authority for professional and ethical evaluation in relation to the expected conduct of legal professionals/ practices. I would like to think only a court is competent to rule on whether this 'supposedly father' is being fair or unfair in his approach in relation to his child.

I will reiterate, I stand by everything I said and take full accountability for any conclusions I have drawn from your conduct. To date I have never opposed anything you proposed unless I couldn't find reasonable justification for it, even in case of the latter I only objected after you couldn't provide the requisite information to justify your approach despite requests. Your insistence to persist with your approach despite failure to provide tangible reasons implies you are just as willing to take accountability for your actions and as such there should be no issues when your conduct is subjected to judicial scrutiny.

I trust you will prioritise to supply what I've asked for on your response, I have in the interim submitted the application despite it's incompleteness due to your failure to complete the application form in full. For your own sake I trust there will be no delays in his acceptance as a member due to this.

Regards,
Salatiso

From: Maropeng s <maropengs@kernattorneys.co.za>

Sent: Tuesday, 26 June 2018 9:48 AM

To: Salatiso <salatiso@salatiso.com>

Cc: Zelmari Admin <zelmari@kernattorneys.co.za>

Subject: RE: LUKHANYO'S PARENTING PLAN

See attached medical aid details. My client has informed me that Lukhanyo will be officially off her medical aid on Friday the 30th of June 2018.

Response to your email.

We would like to place on record that we never had any hidden agendas and the agreement as drafted was the whole agreement to regulate your relationship with our client and our son.

We would like to put it on record further that you were advised to get legal advice which you didn't. You further wrote an email which you requested certain things to be changed from the plan which were against the law, and I wrote you an email to that effect.

It is so sad to see a supposedly father being difficult for no reason as we have tried to resolve this amicably by drafting the plan and requesting round table meetings.

So we will await medical aid confirmation for your son from you once you have registered him as your beneficiary.

You are further welcomed to start legal proceedings and serve at our clients address.

Yours Faithfully



Maropeng Sebola

LLB

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From: Salatiso <salatiso@salatiso.com>

Sent: Monday, 25 June 2018 6:57 PM

To: 'Maropeng s' <maropengs@kernattorneys.co.za>

Cc: 'Zelmari Admin' <zelmari@kernattorneys.co.za>

Subject: RE: LUKHANYO'S PARENTING PLAN

Thank you, that will suffice.

Despite numerous attempts to try and reason with you it is clear that you have malicious agendas which only serve to harm my son and as such I have resolved we let the judiciary handle this, you are free to start the proceedings. For convenience my details are as follows for service; 22 Lineata Avenue, Glenvista – Home/ 61 Oak Avenue Highveld Park for work.

Your proposed agreement has been malicious from the beginning but in the interest of trying to resolve this as amicably as I can I tried to move towards an approach that is consistent with our laws which for reasons only known to you, you ignored. Any agreement that does not embrace equality both in terms of rights and obligations cannot be acceptable to me. This is a matter of principle because funding that boys wellbeing in its entirety is the least of my problems, between my million Rands net income (at least) and the fact that he is my sole heir as confirmed my urologist money is the least of his problems.

Until either a family advocate or court resolves this the interim arrangements will continue to ensure he experiences no issues, I will however advise your client to keep all records of expenditure because when this is done a reconciliation of expenses will be warranted and if I have paid more than I should I will recover my money.

I will await the way forward but once again remember the 5 day turnaround time, if you do not start proceedings from your side I will.

Regards,
Salatiso

From: Maropeng s <maropengs@kernattorneys.co.za>
Sent: Monday, 25 June 2018 3:35 PM
To: Salatiso <salatiso@salatiso.com>
Cc: Zelmari Admin <zelmari@kernattorneys.co.za>
Subject: RE: LUKHANYO'S PARENTING PLAN

Dear Salatiso,

I will forward you the proof of prior medical aid and termination for existing cover for Lukhanyo.

For the purposes of section 5 I do not think that it is necessary for Mpho to depose to an affidavit. She is not a principal member and there is no way on that section that she must depose such a statement. You are the principal member and you are the one who has to sign even if the form was completed by a third party.

Yours Faithfully



Maropeng Sebola

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From: Salatiso <salatiso@salatiso.com>
Sent: Monday, 25 June 2018 3:23 PM

To: 'Maropeng s' <maropengs@kernattorneys.co.za>

Cc: 'Zelmari Admin' <zelmari@kernattorneys.co.za>

Subject: RE: LUKHANYO'S PARENTING PLAN

Good Day

Can you please supply the balance of the documents in relation to the medical documents as well termination date of the current cover as per section 3? If unclear refer to correspondence sent on **Wednesday, 20 June 2018 3:49 PM**;

This is urgent.

Regards,
Salatiso

From: Maropeng s <maropengs@kernattorneys.co.za>

Sent: Thursday, 21 June 2018 2:10 PM

To: Salatiso <salatiso@salatiso.com>

Cc: Zelmari Admin <zelmari@kernattorneys.co.za>; salatiso.mdeni@gmail.com

Subject: RE: LUKHANYO'S PARENTING PLAN

Dear Salatiso,

Please see attached the Medical Aid completed form.

Kindly advise if there is anything that you need further.

Yours Faithfully



Maropeng Sebola

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From: Maropeng s <maropengs@kernattorneys.co.za>

Sent: Wednesday, 20 June 2018 3:49 PM

To: 'Salatiso' <salatiso@salatiso.com>

Cc: Zelmari Admin <zelmari@kernattorneys.co.za>

Subject: RE: LUKHANYO'S PARENTING PLAN

Dear Salatiso,

I trust you are well.

Please find attached the amended plan as well answers to your comments that were not affected.

Please also take note the purpose of the plan is not to punish anyone but to ensure that Lukhanyo is well looked after and both parties have parental responsibilities and rights.

If there was any intention on our client to punish you she would have already approached the maintenance court in terms of section 10, which of course is not necessary as our clients wants you to be responsible and enjoy your time with your son.

Kindly let me know as to when it will be suitable for you to come to our offices and sign the plan if you are happy with the plan.

Yours Faithfully



Maropeng Sebola

LLB

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From: Salatiso <salatiso@salatiso.com>
Sent: Wednesday, 20 June 2018 1:03 PM
To: 'Maropeng s' <maropengs@kernattorneys.co.za>
Cc: 'Zelmari Admin' <zelmari@kernattorneys.co.za>
Subject: RE: LUKHANYO'S PARENTING PLAN

Good Day

Please note that I am yet to receive the final draft as per your commitment, I am not aware of any issues with my primary email but as a precaution going forward please cc salatiso.mdeni@gmail.com which serves as my secondary email.

Pursuant to the medical aid provision please find attached for your client to review and confirm as follows;

- Populate Section 3 page 2; Section 4 (including sub-sections) page 3 - 5; starting date page 6
- For full compliance to Section 5 a written statement under oath confirming knowledge, understanding and acceptance by your client will suffice. A caveat limiting liability to only information provided by your client must be included in the statement.

When you return the document please make sure both proof of prior medical aid and termination for existing cover must be supplied as required by Section 28(b) of the Medical Schemes Act.

Regards,
Salatiso
salatiso@salatiso.com

From: Maropeng s <maropengs@kernattorneys.co.za>
Sent: Thursday, 14 June 2018 12:33 PM
To: Salatiso <salatiso@salatiso.com>
Cc: Zelmari Admin <zelmari@kernattorneys.co.za>
Subject: RE: LUKHANYO'S PARENTING PLAN

Dear Salatiso,

1. We are indeed dealing this matter and we want to wrap it as quickly as possible.
2. Your changes were discussed with client and we had to stick to the law and precedents.
3. You will have the finalised draft by tomorrow for your final comment.
4. Our client has instructed us that Lukhanyo should be on your medical aid and we humbly request your medical aid details so that we can incorporate them in the final draft.
5. It is our specific instruction not to punish you or our client, your both the parents and you should definitely take into consideration the best interests of the child.
6. Many thanks for your properly typed feedback which we will of course, supplement the plan based on. We will further address concerns if there are any which are inconsistent with the law and precedents.
7. I hope the above is in order.

Yours Faithfully



Maropeng Sebola

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From: Salatiso <salatiso@salatiso.com>
Sent: Thursday, 14 June 2018 12:26 PM
To: 'Maropeng s' <maropengs@kernattorneys.co.za>; zelmari@kernattorneys.co.za
Subject: RE: LUKHANYO'S PARENTING PLAN
Importance: High

Good Day

Can you please update me on the progress from your side?

I have taken the liberty to compile the attached in case any of my questions/ comments were vague, this should clarify them.

In the interest of time can we stick to a 5 day (from time of receipt - exclusive of weekends) turnaround time for feedback? It's in everyone's interests to wrap this up as quickly as possible so all uncertainties don't impact my son negatively.

Regards,
Salatiso
salatiso@salatiso.com

From: Maropeng s <maropengs@kernattorneys.co.za>
Sent: Monday, 04 June 2018 5:21 PM
To: Salatiso <salatiso@salatiso.com>
Subject: RE: LUKHANYO'S PARENTING PLAN

Dear Sir,

I confirm receipt and I will put your suggestions to my client.

Yours Faithfully



Maropeng Sebola

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From: Salatiso <salatiso@salatiso.com>
Sent: Monday, 04 June 2018 5:17 PM

To: Maropeng s <maropengs@kernattorneys.co.za>

Cc: Zelmari Admin <zelmari@kernattorneys.co.za>

Subject: RE: LUKHANYO'S PARENTING PLAN

Good Day

Please find attached, overall I have no issues with the contents hence the minimal comments.

Please note that there may be some minor comments as I'm yet to get the opinion of my legal advisor but I don't anticipate these to be much.

Regards,

Salatso

salatiso@salatiso.com

Sent from [BlueMail](#)

On 04 Jun 2018, at 13:40, Maropeng s <maropengs@kernattorneys.co.za> wrote:

Dear Salatso,

1. The above matter refers. Please note that we act on behalf of Mpho (our client).
2. Our client has instructed us to draft a Parenting Plan for the young Lukhanyo.
3. Please find attached the Parenting Plan and consider it.
4. If you are happy with it, we can schedule a meeting wherein both of you will sign the Plan.
5. If you are not happy you also welcomed to highlight whatever you are not happy with so that we can resolve it.
6. If you further need legal representation, you can get your own independent legal practitioner.
7. All of our client's rights remain reserved.

Yours Faithfully



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