



# herbieoosthuizen

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ONS VERWYSING / OUR REFERENCE  
Herbie Oosthuizen / sb / MJ0290

U VERWYSING / YOUR REFERENCE

DATUM / DATE  
26 January 2026

TO: MossRates NPC

Via email: info@mossrates.co.za

## RE: COUNCIL ENGAGEMENT AND PROOF OF ESTABLISHMENT OF MOSSEL BAY RATEPAYERS ASSOCIATION

1. We refer to our correspondence dated 15 January 2026 and to your letter dated 13 January 2026 addressed to the Speaker of the Mossel Bay Municipality.
2. Your attention is drawn to the Rules Regulating the Conduct of Meetings of the Council of the Mossel Bay Municipality, as approved on 28 August 2025, which regulate the arrangements and proceedings applicable to Council meetings and any engagement therewith.
3. Prior to any consideration of your request to engage Council, and for purposes of properly advising our client, you are referred to our client's emails dated 3 December 2025 and 9 December 2025, wherein you were requested to furnish proof that the Mossel Bay Ratepayers Association was duly established.
4. In response to the aforesaid requests, this office has received only the following



Direkteur / Director: Herbert Oosthuizen B.Comm. LLB (US) Dip Company Law (US)  
Assosiate / Associates: Magdeléne Barnard BA LLB (US) Dip Estate Administration (Unisa) / Hanno Brümmer LLB (NWU) /  
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Herbie Oosthuizen & Assosiate Ing / Herbie Oosthuizen & Associates Inc  
Registrasienommer / Registration number: 2003/030892/21  
BTW nommer / VAT number: 4150212423

documents:

- 4.1. A Memorandum of Incorporation, being a short standard form for a non-profit company without members, reflecting three directors, namely Messrs Brauteseth, Fourie and Klue;
  - 4.2. A CIPC registration certificate; and
  - 4.3. Unsigned minutes of an inaugural meeting allegedly held on 21 August 2025, without an attendance register.
5. The official website for Mossrates is found at <https://mossrates.co.za>. The website indicates that your legal status is that of an association with members, with specified objects and responsibilities. We are not going to elaborate on the content of your constitution, save as per below.
  6. The difficulty arising from the documentation provided is that MossRates NPC appears to be registered as a non-profit company without members, with its stated objective reflected as a "Home Owners Association", whereas the constitution relied upon by you defines MossRates as an association with members. This apparent inconsistency creates uncertainty as to the legal status of MossRates, its composition, and the capacity in which it purports to act.
  7. The patent uncertainty must be addressed and resolved before any consideration can be given to a request for MossRates to address Council, and before it can be determined in what capacity such engagement is sought.
  8. In order to enable us to properly advise our client, you are hereby afforded a final opportunity to provide the documentation previously requested, namely:
    - 8.1. Minutes and proof of the meeting at which the Mossel Bay Ratepayers Association was duly established;

- 8.2. The constitution of the Mossel Bay Ratepayers Association (should we not have the correct one);
  - 8.3. The composition of the Mossel Bay Ratepayers Association;
  - 8.4. The composition of its management committee;
  - 8.5. A list of the members of the association; and
  - 8.6. Proof that you are duly authorised and mandated to act on behalf of the Mossel Bay Ratepayers Association.
  - 8.7. Clarification of contradiction between the association and the NPC as it is mutually destructive.
9. In addition to the above, you are requested to furnish us with a detailed written submission setting out the nature of the proposed engagement with Council, including the topics to be raised and the reasons motivating such a request.
  10. Upon receipt and consideration of the aforesaid documentation and submission, we will obtain further instructions from our client and to revert in due course.
  11. All our client's rights remain fully reserved.

Yours truly

**HERBIE OOSTHUIZEN & ASSOCIATES**

Per: Jaco Lamprecht

