

My Meerhof Story

Some stories need to be told...

1. This one starts many decades ago, just after our dam was built. Why the owner of the land around the dam, Mr. Schoeman, decided to grant foreshore rights to future residents of three small future residential areas, we don't know. But it was a good idea and so today, each stand owner in Kosmos, Schoemansville and Meerhof have written on to their title deeds the right to boat and fish from dedicated pieces of land next to the dam. This story is about the access to these valuable portions of land.
2. Much of the land on which the Hartbeespoort Dam is situated belonged to General Hendrik Schoeman at the end of the 1800s. He died in 1900 and the land was bequeathed to his children. The family had a difficult financial situation and had to raise bonds on the land. It was done by the son, Johan Hendrik Schoeman. In 1914 the family gave him certain commercial rights – to establish a shop and provide accommodation. These rights have been confirmed in a Notarial act document in 1918 that was registered against the title of the land. At the same time negotiations were started with the government of the Union of South Africa for the selling of the land on which the dam was to be situated. In these negotiations the son acted on his own behalf as well as that of his family. Eventually the land was sold and some rights were retained by the son – fishing. Those rights were registered in a notarial act in 1923 in the name of Johan Hendrik Schoeman. Many years later two of the sons, Tolstoy & Lincoln Schoeman (grand-grand children of the old General), ceded these rights to Jack Seale. According to Seale his position is as follows:
 - He has all business rights around the dam
 - Three of the four erven in Meerhof with business rights belong to him
 - These rights stem from the registration
 - He can therefore use the whole of the Foreshore to exercise his business rights
 - These business rights are comprehensive
 - The Hartbeespoort Municipality did not have the right to make any agreement with the Meerhof Club.

When I came to live here at Meerhof in 1974 the foreshore was an undeveloped piece of land and we as the residents had free access to it. We on many occasions went there to fish for the day. Later we saw that the area became controlled, but it was no problem – one only had to show your newest electricity bill and you were granted access.

As I learned later, at a certain stage, a group of residents felt that it was wise to start managing the area and for that reason they formed a club – Die Meerhof Oewerklub in 1992, with the first chairman Mr Erich Zimmerman and other members Pieter Pretorius, Marti Beukes, Jan Schutte, Jannie Kriel, Tom Opperman, Steve Horstfall, Jan van der

Westhuizen and Fanie van Niekerk. The purpose of the club was solely to manage the site on behalf of the residents. With much enthusiasm the club members started developing a portion of the land to make it suitable for fishing, boating and picnicking and for purposes of general recreation of the residents of Meerhof. On request of the local authority, the club drew up a constitution, on basis of which the club received annual donations for development purposes from the then Town Council of Hartbeespoort. The constitution was presented to the Hartbeespoort Town Council in March 1992.

In time (First election as chairman 7 October 1996) a very enthusiastic man became involved – Mr. Pretorius. He was dynamic and did much for the progress of the club and the development of the site. It was not long before he was elected chairman of the club, and under his chairmanship many improvements were made on site, and the club obtained some other property – such as a tractor for working on the site.

As it is in many areas of life, it is only the willing few that carry a vision or and or an ideal, and the Meerhof club was no exception. Gradually the interest of the members waned, but Mr. Pretorius persevered. Despite the fact that the constitution stipulated that a chairman should not serve for more than two consecutive terms, Mr. Pretorius, as the undisputed champion of the club, was re-elected a number of years in a row. During this time he was ably supported by his wife in the role of club secretary. Together they inspired the members to develop the site into a prime picnic spot.

After living in Meerhof for more than twenty years I decided to become a member of the Oewerklub, with the intention of making more use of the facilities right here on my doorstep. I went to the gate of the Oewerklub and was met by a very friendly Mr. Pretorius, who did much to explain to me the advantages of Club membership. I befriended him, and soon became a member of the club.

After being a club member for about two weeks, I received a notice of a special club meeting in the clubhouse, and I was requested to attend. Apparently a member, Mr Andre Strydom went to Mr Jan Moller, a lawyer that lived in Meerhof, and reported on problems at the Club. There were apparently rumours of closing the Club down. Mr Moller suggested that Club documentation should be acquired for investigative purposes. The evening of the special meeting I walked down to the clubhouse and there were already quite a number of people assembled. I did not know most of them, but I remember thinking that some of them were a bit unruly. I thought, however, that my friend, Mr Pretorius would certainly have everything under control.

The purpose of the meeting soon became clear. There were allegations of corruption brought against Mr. Pretorius –and I thought how absurd it was – seeing with what care he was looking after the site. He had a number of files on the table and he invited members to study and verify for themselves that he was without blame. I was even more disgusted to find out that an ex-colleague of mine was the main instigator and that he even had hired a lawyer, Mr. Moller, to speak on his behalf.

On a few occasions the meeting ran out of the control of the chairman. It seemed to me that he could not regulate the uncontrolled speaking of numerous emotional participants. One of the issues brought to the table was the fact that Mr. Pretorius had allegedly unilaterally raised the club fees considerably for the next year.

Due to my work as a Project manager, I had much experience in handling meetings, and I decided to help my friend. I quietly raised my hand and waited for my turn to speak. When the opportunity was granted, I formulated the last suggestion about the club fees, asked the chairman to have it minted, and have the crowd vote about it. It worked, and the point was closed. Again the meeting ran out of control, and again I adopted the same tactic – with the same effect. It happen for a third time, and then the participants at the meeting seemed to get the idea that they were being heard.

To my astonishment the Lawyer, Mr Moller, requested Mr. Pretorius, based on the new freedom of information act, to supply him with a copy of the club management documentation of the previous few years. Having had experience with the new act in my work environment, I thought it would be a good thing for me to advise my friend to supply the information, since he obviously had nothing to hide. I was sure that all this was only a misunderstanding.

Towards the end of the meeting notice was given of an upcoming annual general meeting where the new membership fees will be discussed inter alia. Having read the constitution, I suggested to the people that, should they desire to place points on the agenda of that meeting, they should submit it in writing to the chairman. I was determined to help my friend prepare properly for the meeting. I went to Mr. Pretorius and offered my support, and also advised that, from my experience, it would be best for him to supply Mr. Moller with the information that he requested.

After the closure of the meeting one of the dissident group members announced that they will be having a meeting the following week in the local school hall to discuss their point of view. I thought it would be a good idea to attend, to see what their problem was about, so that I could better help my friend at the annual general meeting.

The following week I attended the dissidents' meeting, but I tried to be inconspicuous as possible. I deliberately said nothing since did not want to compromise myself with these people that were obviously bent on destroying the club. I could, however, not escape. Mt Moller, who was one of the speakers at the meeting, recognized me and invited me to become more involved in the matters on the table, which I reluctantly accepted. I thought that perhaps it was after all a good thing, since I would be able to bring some balance within the group.

What I now gradually learned form these people started to make me uneasy since they made all sorts of allegations that I at first did not believe, but definitely did not like. According to them Mr. Pretorius had, without the knowledge of the club, or without notice to them and without their consent, started to work for a very successful businessman in the area, Mr. Seale, who claimed to have all the rights to the use of the

dam surface waters and the shores. It was rumored that this same Mr. Sealed tried previously to threaten the Town Council of Hartbeespoort with the same claim of his alleged rights, which they flatly ignored and invited him to take them to court about the matter – which never happened. According to minutes of the meetings of the Hartbeespoort Town Council in which it is stated that Mr Seale has claimed certain exclusive rights. Legal opinion was obtained at that stage by the Council as well as by the Transvaal provincial Administration and it seems as if nobody accepted Mr Seale's claims. Where and how this agreement between Mr. Seale and Pretorius came into being was not known, but the suspicion was that Mr. Pretorius was now managing the site, not on behalf of the club, but on behalf of Mr. Seale, and the gate monies were used for their own benefit. Another piece of the puzzle laid in the fact that Mr. Pretorius was also running a small cafe close to the Oewerklub – on a site belonging to Mr. Seale. It was well-known at this stage that Mr. Seale had bought all four business stands (then under state control) in Meerhof at a “public” auction about which only he was informed and only he attended.

The following week I visited Mr. Pretorius twice in his house to help him set a proper agenda for the AGM. I was impressed with his photo-albums on the development of the site, and the diligent way in which he was managing the site. Offered to help him during the meeting, should my assistance be needed? I offered to help with the election of the new committee, and I was determined not to allow the meeting to degenerate into chaos.

On the night of the AGM, members firsthand to enrollee for the new year (at the old tariff), otherwise they would not have the right to vote at the meeting. Considerably more people than expected turned up for the meeting, and Mr. Pretorius and his wife diligently enrolled them and took their money. After this action was completed, Mr. Pretorius called me into the building and informed me that he and his wife were resigning from the club with immediate effect – they were not any longer prepared to stand the abuse heaped on them by the club. He instructed me to take charge of the meeting. He then went outside, welcomed the people at the Meerhof Oewerklub, announced his immediate resignation and left with his wife. The meeting was astounded. I tried to persuade him to stay, and some of the members posed questions to him, but he did not respond.

Although I was party to the setting of the agenda, I was unprepared to chair such a meeting. I however started the meeting by requesting permission to chair the meeting – which was granted by the attendees. I requested a respected gentleman from society, Mr. Mike Benn, to act as secretary for the meeting. We worked through the agenda, although some points, like the chairman's report, and the Club's financial statements could not be covered – Mr. Pretorius took those home with him.

Finally I facilitated the election of a new management committee and Mr. Benn was properly elected as the new chairman of the new committee. Due to the fact that I was facilitating the process, I was not available for election, which suited me fine, since I still felt uneasy about the situation.

Before leaving the meeting, Mr. Pretorius had requested me to call him as soon as the meeting was over so that he could lockup. I phoned him and he arrived after a few minutes, and I introduced the new Committee to him, with the hope that some kind of co-operation could be established. He however announced that as from the next day, club members will not be welcome on the premises any more, and that future discussions about the matter will have to be done with Mr. Seale who has the rights on the site. The Management committee however requested Mr. Pretorius to make him available the next Saturday afternoon so that they could come and inspect the premises and the assets of the club. He asked them to put this request in writing, which was done during the next few days.

On the next Saturday afternoon the new Management Committee assembled at the house of Mr. Benn. Both Mr. Moller and I were invited as observers and we attended. After a short meeting the members decided to precede to the Oewerklub to meet Mr. Pretorius. Mr. Moller instructed also behave properly, even if there maybe provocation at the gate. I traveled last in the convoy to the gate, and was just in time to hear Mr. Pretorius prohibiting the members to enter the site, where after they started to leave. I went to Mr. Pretorius and pleaded with him to allow them access, thinking that I could perhaps persuade him, based on my hitherto good relationship with him. He told me he could not do so, because he stood under the instructions of Mr. Seale. I now became thoroughly convinced of the unrighteousness that took place and the unfairness of the situation, and I feared that all the allegations against Mr. Pretorius were probably true.

After Mr Pretorius was put off as chairman it transpired that he had entered into an agreement with Jack Seale on 11 January 2002 that in terms whereof he agreed on behalf of all Erf Owners to abide by certain rules. The agreement effectively gave Seale control over the club and the premises. Pretorius had no authority from the erf owners or the club to enter into such an agreement. He did not disclose the existence of the agreement either. It later became evident that Pretorius also agreed to make certain payments to Seale, and that he and Seale, on the basis of Seale's assertions to rights, appropriated all gate moneys for themselves. Pretorius was still the club's chairman and owed the club a duty of good faith.

The management Committee then decided to take the matter to court and Mr Moller started to do the preparations on a pro-bono basis for the club. A Senior Advocate was appointed, and a request for spoliation (restoration of rights) was brought before the Pretoria High Court. The presiding judge, Judge Daniels made a ruling, which the club interpreted to mean that their rights of co-possession with Seale and Pretorius had been restored. It was an interim ruling pending the institution of a further action for the defition of the rights of joint possession and control

After this court order nothing changed at the Foreshore. Mr Pretorius still controlled the gate, had possession of all the club's assets and took all the gate money. The club, on the other hand tried to expand its membership so as to become a viable club. Unfortunately Mr Pretorius did not honour the Judge's order and started to harass club members entering the premise, especially those members that have residence outside of Meerhof.

Affidavits were taken from a number of these unfortunate club members and the matter was again brought before the high court. Judge Serithi gave an interim order that the membership of all card carrying members should be honoured by Mr Pretorius, failing which, he could be jailed. Mr Pretorius continued to ignore even this ruling of the court, and due to that a date was set for the trial of the action that was instituted pursuant to Judge Daniels order. The Judge was at first not prepared to hear the matter and sent both parties away to try and find a compromise. This could not be achieved, despite a (laughable) offer from Mr Seale that he'll contribute R10000 towards the cost of the club in exchange for which the club should accept the status quo. So the matter was again postponed.

The club now felt that, since they were granted joint control by Judge Serithi, and due to the fact that Mr Pretorius was unwilling to grant members access, they had the right to open up their own gate to the site based on advice given by Mr Moller on the principle that the members had once again been spoliated [dispossessed of the property] and that by way of counter-spoliation they would be entitled to take reasonable steps to protect their possession of the property. If the club prevailed in this Seale and Co would have had to bring an application to court to stop it. If not, the club would have had its own access that they controlled. Unfortunately, rightly or wrongly the Club did not persevere and to my mind lost a valuable opportunity. After negotiations with the school adjacent to the Foreshore and at considerable cost, the club made a road and opened a gate a few hundred meters from the main gate. While a number of members were on the site, after entering through the new gate, Mr Pretorius called on the local SAPS to come and arrest club members on a charge of damaging club property. The police officer came and took statements, but he was shown the court order. After a warning he left the premises, and nothing further came from the matter. During the following days Mr Pretorius however used (the club's) tractor to construct obstacles and dig a trench in front to the new entrance, thereby again barring members from entering the site.

The members then decided to take the matter to the police themselves. Members that were refused entry were again asked to supply sworn affidavits, and these were submitted to the local police and a charge laid against Mr Pretorius. Despite the fact that this matter was followed up regularly, the situation continues unabated.

A further blow has hit the club recently, which illustrate the point that justice is only for the rich. Apparently if a charge is brought against a person by a nobody, then the defendant may request the court to order the complainant to deposit a large sum of money as a security before the case can be heard, so that the defendant's costs would be covered should he win the case. This avenue was taken by Mr Seale and Pretorius against the club. The club must deposit about R100000, if so ordered by the Judge, before the matter can be heard. Taking into account that by his obnoxious behavior at the gate that Mr Pretorius has virtually strangled the club out of existence, this is a very unfortunate set of events for the club, and clearly unfair power play by rich, unscrupulous businessmen.

How can one not be cynical about our judicial system? However unfair it may seem, it looks as if justice can be bought by the rich, at the expense of the poor. It seems virtually impossible for a number of ordinary citizens to make a stand for a righteous principle against the staying and convincing power of money. Is it worthwhile to further pursue the truth and justice in the matter? Why not just let the matter slide and allow corruption and greed take its course?

I desperately hope that somewhere, someone who has the power to do something about this matter will hear and listen to this story.

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Meerhof
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Updated with comments received from Mr Jan Moller