

Eilandpunt Zuid (Pty) Ltd Erf 170, Koingnaas Northern Cape

5 March 2026

PRIVATE & WITHOUT PREJUDICE

Mr Rufus Beukes Municipal Manager Kamiesberg Municipality Northern Cape

CC: Commander, SAPS Hondeklipbaai

**FORMAL NOTICE: UNLAWFUL ENTRY AND TRESPASS
ON ERF 170, KOINGNAAS — DEMAND FOR IMMEDIATE
COMPLIANCE WITH SOUTH AFRICAN LAW**

Dear Mr Beukes,

We write to you in the most serious terms on behalf of **Eilandpunt Zuid (Pty) Ltd**, the registered owner of **Erf 170, Koingnaas, Northern Cape**. This letter constitutes formal notice of repeated criminal trespass by Kamiesberg Municipality personnel on our private property, and a firm demand that all such conduct cease immediately and unconditionally.

1. Incident of 17 February 2026

On **17 February 2026, between approximately 11:00 and 12:00**, Mr **C. Cook**, an employee of the Kamiesberg Municipality, entered Erf 170 accompanied by armed members of the South African Police Service (SAPS). This entry was made without the consent, authorisation, or knowledge of Eilandpunt Zuid (Pty) Ltd, and in direct defiance of prior written warnings issued to the Municipality.

A video recording of 15 minutes and 31 seconds documents the full extent of this unlawful entry. The following facts are established beyond dispute by the video evidence:

Timestamp	Event	Legal Significance
01:21–01:33	Employee Hartman Beyl confirms prior written warnings were sent to the Municipality	Establishes premeditated trespass; negates any claim of accidental entry
01:58	Mr Cook falsely claims “This is my own property”	Fraudulent misrepresentation and criminal intimidation
06:47–06:51	SAPS officer threatens to arrest the lawful occupier	Gross abuse of authority; aiding and abetting trespass
10:43–10:50	Mr Cook admits: “Because you don’t have a servitude here!”	Critical admission that the Municipality holds no registered servitude over Erf 170
14:12–14:16	Mr Cook states: “I’m looking for proof of the servitude”	Confirms he entered the property without any legal right or authority
14:59–15:08	SAPS officer confirms the land belongs to Johan Grabe (Eilandpunt Zuid)	Corroborates registered ownership, even by the Municipality’s own police escort

Mr Cook’s conduct constitutes criminal trespass under the **Trespass Act 6 of 1959**, a violation of the property owner’s constitutional rights under **Section 14** (Right to Privacy) and **Section 25** (Right to Property) of the **Constitution of the Republic of South Africa, 1996**, as well as unlawful interference with private infrastructure under the common law principle of **inaedificatio**.

2. Further Incident of 4 March 2026

Notwithstanding the gravity of the 17 February 2026 incident, and notwithstanding the criminal case already opened against the trespassers, Mr **C. Cook** and a group of unknown men again entered Erf 170 without authorisation on **4 March 2026 at approximately 10:00**.

A video recording of this second incident documents the confrontation. When challenged by the property representative — *“Is there a reason why you are on our property?”* — Mr Cook and the unknown men were entirely unable to provide any lawful justification for their presence. Upon being filmed, the group departed the property. Key dialogue captured on video includes:

“Good morning, can I help you?” “This is private land.” “You are on my land — I can take videos here as much as I want.” “Is there a reason why you are on our property?”

The inability to provide any legal basis for their presence constitutes a second, deliberate, and wholly unjustified act of criminal trespass. The fact that this occurred after a criminal case had already been opened against the perpetrators of the 17 February 2026 incident makes this second trespass an aggravated and contemptuous violation of the law.

3. The De Beers R21 Million Servitude Fund — Misappropriation of Designated Funds

You are reminded that in **2017, De Beers** made a dedicated financial contribution of **R21 000 000 (Twenty-One Million Rand)** to the Kamiesberg Municipality, specifically and exclusively for the purpose of **formalising the water and sewerage servitudes** on Erf 170 and surrounding properties, in accordance with the standards prescribed by **SPUMA (Standard Professional Municipal Administration)** and applicable South African law.

To date, **no servitudes have been registered** over Erf 170 in favour of the Kamiesberg Municipality. The infrastructure on Erf 170 — including all water pipes, sewerage lines, and related equipment — remains the **sole and exclusive private property of Eilandpunt Zuid (Pty) Ltd** by operation of the common law principle of **inaedificatio**, as the infrastructure is permanently affixed to the land.

The failure to apply the De Beers funds for their designated purpose constitutes, at minimum, **maladministration** in terms of the **Municipal Finance Management Act 56 of 2003 (MFMA)**, and may constitute **misappropriation of public funds** under the **Prevention and Combating of Corrupt Activities Act 12 of 2004 (PRECCA)**. Eilandpunt Zuid (Pty) Ltd reserves the right to refer this matter to the **Auditor-General of South Africa**, the **SAPS Commercial Crimes Unit**, and the **Special Investigating Unit (SIU)** for full investigation.

4. Unauthorised Use of Private Infrastructure

The video evidence from 17 February 2026 raises serious concerns that the Kamiesberg Municipality may be **unlawfully using the private water infrastructure on Erf 170** to supply water to external properties and third parties without the consent of Eilandpunt Zuid (Pty) Ltd and without any legal entitlement to do so. This constitutes unlawful use of private assets and gives rise to a substantial civil claim for damages and retrospective usage fees.

5. Criminal Case

Please be advised that a **formal criminal case has been opened** with the South African Police Service against the trespassers involved in the incidents of 17 February 2026 and 4 March 2026. The video recordings serve as primary evidence in those proceedings. A formal complaint will further be filed with the **Independent Police Investigative Directorate (IPID)** regarding the conduct of the SAPS officers who accompanied Mr Cook on 17 February 2026 and who abused their authority by facilitating, rather than preventing, a criminal act.

6. Formal Demands

In light of the above, Eilandpunt Zuid (Pty) Ltd hereby formally demands the following:

6.1 That Mr C. Cook and all other Kamiesberg Municipality employees, contractors, agents, or any person acting on the Municipality's instruction **immediately and permanently cease all entry onto Erf 170, Koingnaas**, without the prior written consent and authorisation of the directors or authorised personnel of Eilandpunt Zuid (Pty) Ltd.

6.2 That **all municipal activities on Erf 170** — including but not limited to inspection, maintenance, repair, or any works relating to water or sewerage infrastructure — **must be formally approved in writing** by Eilandpunt Zuid (Pty) Ltd before any such activity may commence.

6.3 That the Kamiesberg Municipality **immediately cease and desist from using any infrastructure on Erf 170** to supply water or sewerage services to any third party, pending a full independent audit of the network and the conclusion of legal proceedings regarding ownership and servitude rights.

6.4 That the Municipality **provide a full written account** of how the R21 000 000 received from De Beers in 2017 for the formalisation of servitudes was applied, within **14 (fourteen) days** of the date of this letter.

6.5 That the Municipality **confirm in writing**, within **7 (seven) days** of the date of this letter, that it acknowledges the private ownership of Erf 170 and all infrastructure thereon by Eilandpunt Zuid (Pty) Ltd, and that it will comply with the demands set out herein.

7. Warning

Should the Kamiesberg Municipality, its employees, or any person acting on its behalf again enter Erf 170 without prior written authorisation from Eilandpunt Zuid (Pty) Ltd, we will, without further notice, proceed with:

- An **urgent application to the High Court** for an interdict restraining the Municipality and its personnel from entering the property;
- A **civil claim for damages** against the Municipality, Mr C. Cook personally, and any other identified trespassers;
- Referral of the misappropriation of the De Beers R21 million to the **Auditor-General of South Africa**, the **SIU**, and the **SAPS Commercial Crimes Unit**; and
- All such further legal steps as our attorneys may advise.

We trust that you will treat this matter with the urgency and seriousness it demands. South African law is unambiguous: no person, regardless of their position or employer, may enter private property without lawful authority. The Kamiesberg Municipality is not above the law.

Yours faithfully,

Eilandpunt Zuid (Pty) Ltd Directors / Authorised Representative Erf 170, Koingnaas, Northern Cape

Enclosures:

1. Detailed Legal Report — Video Analysis, 17 February 2026 (15 min 31 sec recording)

2. Video Recording — 4 March 2026, Erf 170, Koingnaas (approx. 10:00)

3. Vimeo Video Link: <https://vimeo.com/1170547453> (Password: KPALMS2026)