

ATTORNEYS
NOTARIES
CONVEYANCERS

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Our Ref: BJK/me/BK

Your Ref:

Date: 19 April 2024

ALBERTUS HERHOLDT
GOEDEONTMOETTING FARM
SITUATED ON THE R304
PHILADELPHIA

VIA E-MAIL: herholdtalbertus@gmail.com

Dear Mr Herholdt

**RE: NOTICE TO RECTIFY ISSUES AFFECTING ANIMAL WELFARE AT
GOEDEONTMOETING FARM R304**

We act on behalf of The Cape of Good Hope SPCA ("our client"). We address various concerns that have been identified during recent inspections of Cape Farms, located at Goedeontmoeting Farm, in Philidelphia.

1. Inspections that were conducted by our client on 7 November 2023 (Notice to Comply 11326), 29 January 2024, 21 February 2024 (Notice to Comply 12106), and 22 March 2024, confirmed that the dairy cattle situated on the front of your property lack adequate shelter, a critical issue affecting their welfare. Adequate shade and shelter were absent from their enclosures / living areas.
2. Dairy cattle, known for their sensitivity to environmental conditions, require proper shelter to mitigate the effects of adverse weather, ensuring their well-being and productivity. The failure to provide such shelter contravenes Section 2(1)(b) of the Animal Protection Act 71 of 1962 (*"the APA"*), hold the owners of animals responsible for their welfare.

KELLERMAN JOUBERT HEYNS INC.

Reg. No. 2019/261485/21 | VAT: 4370286801 | Practice Nr: 64418

Directors: Barend Jacobus Kellerman BA LLB | Aimee Mae Joubert BAcc LLB | Adriaan Louw Heyns BA LLB | Michelle Lombard BComm LLB.

Associates: Laura Light LLB | Angelique le Roux BComm LLB | Nelané Wolmarans BComm LLB

Malinda Erasmus-Quigley BA LLB | Annelotta Markham B Acc LLB / Commercial Law

3. You have now on various occasions been asked to comply with the notices that were issued to you pursuant to our client's inspections of your farm. During a telephonic discussion, on 12 February 2024, with our client's Chief Inspector Pieterse, you were afforded an additional opportunity to rectify the offensive conditions under which you keep your animals, within 30 days.
4. Subsequent inspections have confirmed that that you failed to act in accordance with the instructions so given. You have done so intentionally and unlawfully. Your conduct clearly constitutes a violation of the APA, a criminal offence for which you are liable for prosecution.
5. This letter serves as formal notice of non-compliance with the APA and the instructions issued to you by an authorised Officer of our client, to rectify the violations.
6. Our client understands the complexities involved in managing a farm, and they are committed to working with you to improve the living conditions of your animals. It is, however, imperative that you take comply with the APA and the notices sent to you. Our client has tried to engage with you reasonably and sensibly, and they understand that there may be financial challenges with erecting proper shelter, however, any form of cost-effective temporary shelter would suffice, such as shade cloth.
7. Therefore, our client hereby, in a final attempt to prevent you from being prosecuted and from instituting other court action, demands, of you, within 30 days from the date of this letter, to:
 - 7.1. Adhere to our client's previous demands for you to provide shelter for your animals; and
 - 7.2. Rectify the issues concerning the lack of adequate shelter for the dairy cattle on your farm by erecting or causing to be erected, a form of shelter or shading for the animals to make use of, large enough to be effective.
8. Our client reiterates that it does not require of you to shade the entire enclosure, merely a modest portion thereof, to afford a majority of the cattle the option of shade, should they require it.

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Kelade Emmanuel Olusegun BA LLB | Antoinette Markham BProc LLM (Commercial Law)

9. Failure to comply with this directive within the stipulated timeframe will necessitate further action. Be advised that should you fail to rectify the issues within the specified timeframe, our client will be compelled to approach the High Court seeking a Mandatory Interdict to enforce your compliance.
10. Please be further informed that you will be liable for the costs incurred by our client in pursuing legal action, including but not limited to legal fees in connection with such court-ordered enforcement.
11. In addition, our client will be obliged, in the discharge of its statutory mandate, to institute a prosecution against you.

We trust that you will treat this matter with the seriousness it deserves and take immediate action to ensure the welfare of the dairy cattle on your farm.

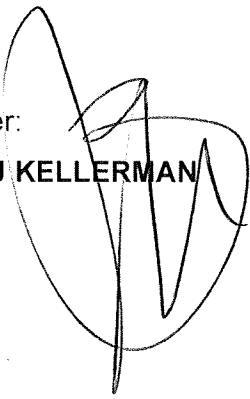
Should you require any clarification or assistance in complying with this directive, please do not hesitate to contact us.

Yours faithfully

KELLERMAN JOUBERT HEYNS INC.

Per:

BJ KELLERMAN



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