

**IN THE HIGH COURT OF SOUTH AFRICA  
(EASTERN CAPE LOCAL DIVISION, PORT ELIZABETH)**

Case No. 3251/2018

In the matter between:

**ST FRANCIS BAY (WARD 12) CONCERNED  
RESIDENTS' ASSOCIATION**

Applicant

and

**KOUGA LOCAL MUNICIPALITY**

First Respondent

**ST FRANCIS PROPERTY OWNERS  
ASSOCIATION**

Second Respondent

**ST FRANCIS PROPERTY OWNERS NPC**

Third Respondent

**CONFIRMATORY AFFIDAVIT**

I the undersigned,

**DESMOND WAYNE FURPHY**

do hereby make oath and state that:

1. I am a major male director of the Third Respondent and committee member of the Second Respondent, currently residing at 34 Mayotte Circle, St Francis Bay.
2. I am duly authorised to depose to this affidavit on behalf of the Second and Third Respondents.
3. The facts herein are to the best of my knowledge true and correct and fall within my direct knowledge, unless it appears from the context or is stated to the contrary.
4. I have read the answering affidavit of the First Respondent, deposed to by Charl Du Plessis, and confirm the truth and correctness insofar as it relates to me.
5. In particular I confirm the truth and correctness of the following paragraphs:
  - 5.1. 7, 9 – 13: the SFBRA (the Second Respondent's predecessor) and the vote in respect of the first SRA proposal;
  - 5.2. 23 – 27: the public meeting of 20 December 2017;

- 5.3. 32: the email circulated by the Second Respondent;
- 5.4. 33 – 36: the meeting and advertisements contained in those paragraphs;
- 5.5. 38 – 41.3: the voting in connection with the revised SRA proposal;
- 5.6. 44 – 46, 137.1 and 167: the email and the meeting of 11 January 2018 as well as the clarification issue of the R3 million contribution;
- 5.7. 48 – 51: the votes received for the SRA revised proposal;
- 5.8. 54: the lodging of the SRA application;
- 5.9. 68, 144.1 and 181 - 183: the levy relief programme;
- 5.10. 74 – 75, 78 – 79, 94, 146 and 227: the composition of the Second and Third Respondents and the reason why the Third Respondent was registered;
- 5.11. 90: the objects and focus of the Second Respondent;
- 5.12. 95: the AGM;

- 5.13. 96: the memorandum of agreement;
- 5.14. 99: the financial resources of the Third Respondent and its object;
- 5.15. 100 – 101 and 194: the SRA proposal, votes and the demarcated area;
- 5.16. 103: eligible homeowners to vote;
- 5.17. 114.5: the aspect of arrear rates;
- 5.18. 116, 126 and 198: the SRA proposal and role of the First Respondent;
- 5.19. 117: additional funding;
- 5.20. 168: SRA arrears/non-payment;
- 5.21. 174: the finance agreement;
- 5.22. 181: the means test/relief programme;
- 5.23. 123: the KJRC contribution;

- 5.24. 127: the majority vote;
- 5.25. 138: the documents on the website;
- 5.26. 148: the SRA application;
- 5.27. 164: the Second and Third Respondents non-attendance at the council meeting;
- 5.28. 199 - 200: the public participation meetings;
- 5.29. 207: the majority vote;
- 5.30. 211: the role of the management body and the safeguards in place;
- 5.31. 216: the integrated development plan;
- 5.32. 217 – 218: the financial implication of the removal of the R3 million from the budget; and
- 5.33. 220: the administrative fee.

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**DESMOND WAYNE FURPHY**

**SWORN** to and **SIGNED** before me at \_\_\_\_\_ on this the \_\_\_\_  
day of **NOVEMBER 2018**, the Deponent having acknowledged that he knows and understands  
the contents of the affidavit, has no objection to taking the prescribed oath and regards the oath as  
binding on his conscience.

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**COMMISSIONER OF OATHS**