



everingham<sup>inc.</sup>

**DATE** : 29 November 2011

**OUR REF.** : N Everingham/CAMA1-10180

**TO** : Mr T Kamionsky  
64 Club Street  
cnr Club Street and Council Street  
LINKSFIELD

**AND TO** : Dynam-ique SA Consultants and Actuaries (Pty) Limited  
c/o Mr T Kamionsky  
64 Club Street  
cnr Club Street and Council Street  
LINKSFIELD

Dear Mr Kamionsky

**CLAIMS BY : T KAMIONSKY and DYNAM-IQUE SA CONSULTANTS AND ACTUARIES (PTY) LIMITED**

1. We refer to your letter dated 20 October 2011 delivered to the offices of our correspondent attorneys on 21 October 2011, in which you responded to our letter dated 4 October 2011.
2. We note that in the second paragraph of your letter under reply you have failed to place our comments in the proper context by omitting the words "*merely on account of the fact that you dispute certain of the contents of our letter*".

3. The grounds upon which our client has rejected your claim to indemnity are set out in the letter to you dated 9 September 2011 which informs you fully of the reasons for the repudiation.
4. Issues relating to the submission of evidence and the burden of proof will be relevant to contested Court proceedings but fall outside the scope of our correspondence and we do not intend to embark on "*litigation by correspondence*".
5. Our client adheres fully to the grounds of rejection previously conveyed to you, and reserves all of its rights.
6. We may add that, whilst we take cognisance that certain of the grounds of repudiation are disputed by you, it is not in dispute that the premium for the policy was not paid. In consequence of the non-payment of premium the policy is of no force or effect and in these circumstances it seems to us that further correspondence will be an exercise in futility.
7. In closing, we have noted that your letter of 20 October 2011 was hand delivered to the offices of our correspondent attorneys. Please note that this is not necessary for purposes of correspondence which does not constitute process of the Court. Should you deem it necessary to communicate further with us it will be in order for you to telefax us at (021) 461-8580.

Yours faithfully

  
**N. A. Everingham**  
**EVERINGHAMS ATTORNEYS**