



STELLENBOSCH

STELLENBOSCH • PNIEL • FRANSCHHOEK

MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

Application Number: LU/11318

Our File Reference Number: Farm 1316, Stellenbosch

Your Reference Number: None

Enquiries: Ulrich von Molendorff

Contact No: 021 – 808 8682

Email address: Ulrich.Vonmolendorff@stellenbosch.gov.za

PER E-MAIL: [REDACTED]

Sir / Madam

APPLICATION FOR A REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS IN ORDER TO CANCEL TWO PUBLIC SERVITUDE RIGHT OF WAY ON FARM NO 1316 AND FARM 514/6, STELLENBOSCH DIVISION

1. The above application refers.
2. The duly authorised decision maker has decided on the above application as follows:
 - 2.1 Application in terms of Section 15(2)(f) of the Stellenbosch Municipality Land Use Planning Regulations as Promulgated in 2015 for the removal of the restrictive title deed conditions 1.B. & 2.F. as contained in deed of transfer number T. 60540 of 2010 applicable to Farm No. 1316 as well as title deed condition 1.F. as contained in deed of transfer number T. 76957 of 2007 applicable to Farm No. 514/6, Stellenbosch Division, the restrictions to be removed read as follows:

Farm No. 1316, Stellenbosch Division

1.B. *"SUBJECT to a servitude Road in favour of the general public 12,59m (twelve comma five nine) metres wide, the southern boundary whereof is presented by the line B, C on diagram Number 5251/1992 annexed to Certificate of registered Title Number T.95328/1999 (the southern boundary of which servitude road is also represented by the line B C on said diagram No. 5252/1992");*

2.F. *"Subject to servitude right of way referred to in the following endorsement dated 4 May 1950 on said Deed of transfer Number 18977/1949";*

"Registration of servitude

By Notarial Deed of Servitude Number 184/1959 dated 17 April 1950 the owner of the property herein more fully described has granted unto the use of a road 12,60 metres wide, the eastern boundary of which is indicated as on Diagram Number 268/1916 to D/T 13185/1919 by letters C.B.A.Z, over the said property. As will more fully appear on the reference to the said Notarial Deed of Servitude, a copy whereof is hereto annexed"

The eastern boundary of which servitude right of way is represented by the line M C D E on said Diagram Number 52521992; the route of which servitude right of way was amended by Notarial Deed Number K129/2001S, a reference whereof is endorsed on said Deed of Transfer Number T32374/1991, which endorsement reads as follows:

"By virtue of Notarial Deed of Amendment to Notarial Deed of Servitude Number K129/2001S dated 19 September 2000, Deed of Servitude Number K129/2001S as well as K184/1950S, has been amended in respect of the entire route of the mentioned servitude

- 1) The eastern boundary thereof by the line E G on the diagram of the servient tenement Number 1 (Diagram S G Number 4511/76);*
- 2) The eastern boundary thereof by the line a b c d e on the diagram of the servient tenement Number 2 (Diagram S G Number 5251/92)'*
- 3) The southern boundary thereof by the line B C on the diagram of the servient tenement Number 3 (Diagram S G Number 5251/92)*

As will more fully appear from the said Notarial Deed"

Farm No. 514/6, Stellenbosch Division

I.F. SUBJECT FURTHER to a servitude of Right of Way referred to in endorsement dated 4th May, 1950 on said Deed of Transfer No T18977/1949, dated 24 November 1949, reading as follows:

"REGISTRATION OF A SERVITUDE

By Notarial Deed of Servitude No 184/1950 dated 17 April, 1950, the owner of the property herein more fully described, has granted unto the General Public the use of a road 12,60 metres wide, the Eastern Boundary of which is indicated on Diagram No 268/1916 annexed to D/T 13185/1919 by letters C.B.A.Z., over the aforesaid property. As will more fully appear on reference to the said Notarial Deed of Servitude, a copy whereof is hereto annexed " indicated on said Diagram No 633/53 by the line abcde representing the eastern boundary of the said servitude of right of way.

BE APPROVED in terms of Section 60 of the said bylaw, subject to conditions in terms of Section 66 of the said Bylaw.

3. Conditions of approval:

3.1 The owner of Farm No. 1316, Stellenbosch Division must register a 6m wide private servitude right of way over Farm No. 1316, in favour of Farm No. 514/6, Stellenbosch Division.

3.2 The existing 12,59m wide public servitude right of way over Farm 1316 and 514/6, must be processed and registered as a services servitude in favour of the Municipality.

4. The reasons for the above decision are as follows:

4.1 The servitude right of way are currently not being utilised by the public and only service the two subject properties namely: Farm No. 1316 and Farm No. 514/6, Stellenbosch Division;

4.2 The properties in the same vicinity of the subject properties will not be affected by the cancellation of servitude right of way as these properties gain access directly from the Divisional Road.

5. You are hereby informed in terms of section 79(2) of the Stellenbosch Municipal Land Use Planning Bylaw, 2015, of your right to appeal the above decision to the Appeal Authority within 21 days from the date of notification of the above decision. Please note that no late appeals or an extension of time for the submission of appeals are permitted in terms of Section 80(1)(a) of the said By-Law.

6. Appeals must be submitted with the prescribed information to satisfy the requirements of Section 80(2) of the said By-law, failing which the appeal will be invalid in terms of Section 81(1)(b) of the said By-Law. The following prescribed information is accordingly required:

(a) The personal particulars of the Appellant, including:


- (I) First names and surname;
- (II) ID number;
- (III) Company of Legal person's name (if applicable)
- (IV) Physical Address;
- (V) Contact details, including a Cell number and E-Mail address;

(b) Reference to this correspondence and the relevant property details on which the appeal is submitted.

- (c) The grounds of the appeal which may include the following grounds:
- (i) that the administrative action was not procedurally fair as contemplated in the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
 - (ii) grounds relating to the merits of the land development or land use application on which the appellant believes the authorised decision maker erred in coming to the conclusion it did.
- (d) whether the appeal is lodged against the whole decision or a part of the decision;
- (e) if the appeal is lodged against a part of the decision, a description of the part;
- (f) if the appeal is lodged against a condition of approval, a description of the condition;
- (g) the factual or legal findings that the appellant relies on;
- (h) the relief sought by the appellant; and
- (i) any issue that the appellant wishes the Appeal Authority to consider in making its decision;
- (j) That the appeal includes the following declaration by the Appellant:
- (i) The Appellant confirms that the information contained in the subject appeal and accompanied information and documentation is complete and correct
 - (ii) That the Appellant is aware that it is an offence in terms of Section 86(1)(d) of the said By-Law to supply particulars, information or answers in an appeal against a decision on an application, or in any documentation or representation related to an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct.
7. Appeals must be addressed to the Municipal Manager and submitted to his/ her designated official by means of E-mail at the following address: landuse.appeals@stellenbosch.gov.za
8. Any party (applicant or other) who lodges an appeal must pay the applicable appeal fee in terms of the approved municipal tariffs and submit the proof of payment together with the appeal. The **LU** Reference number on this correspondence, or the applicable Erf/ Farm Number must be used as the reference for the payment of the appeal fee.

9. The approved tariff structure may be accessed and viewed on the municipal website (<https://www.stellenbosch.gov.za/documents/finance/rates-and-tariffs>) and the banking details for the General Account can also be accessed on the municipal website (<https://www.stellenbosch.gov.za/documents/general/8314-stellenbosch-municipality-banking-details-1/file>).
10. An applicant who lodge an appeal must also adhere to the following requirements stipulated in terms of section 80(3) to (7) of the said By-law:
- (a) Simultaneously serve the appeal on any person who commented on the application concerned and any other person as the municipality may determine.
 - (b) The notice by the applicant must invite persons to comment on the appeal within 21 days from date of notification of the appeal.
 - (c) The notice must be served in accordance with section 35 of the said legislation and in accordance with the prescripts or such additional requirements as may be determined by the Municipality.
 - (d) Proof of serving the notification must be submitted to the Municipality at the above E-mail address within 14 days of serving the notification.
11. Kindly note that no appeal right exists in terms of Section 62 of the Local Government Municipal Systems Act, No 32 of 2000.
12. Kindly note the above decision is suspended, and in the case of any approval, may therefore not be acted on, until such time as the period for lodging appeals has lapsed, any appeal has been finalised and you've been advised accordingly.

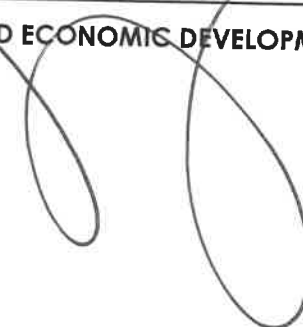
Yours faithfully



FOR: DIRECTOR PLANNING AND ECONOMIC DEVELOPMENT

24/3/2022

DATE





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ANNEXURE B

**(REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS IN ORDER TO CANCEL TWO PUBLIC
SERVITUDE RIGHT OF WAY ON FARM No. 1316 AND FARM No. 514/6, STELLENBOSCH
DIVISION)**

PLANS



2/513

RE/4/514

1316

RE/514

RE/5/516

6/514

Proposed Municipal Services Servitude (12.59m)

Proposed Municipal Services Servitude (12.59m)

Center Line of a Proposed Private Right of Way Servitude (6m wide)

Servitude Notes:

1 Figure a-f represents a center line of a proposed 6m wide private right of way servitude aligned with the center line of the existing gravel road over Farm 1316 in favour of Portion 6 of Farm 514.

2 Figure g-n represents proposed 12.59m wide municipal services servitude for the purposes of municipal services including water, storm water, sewerage and electricity but does not include a public road.



First Floor - Le. Creativity Office Building

**Farm 1316 and
Portion 6 of Farm 514,
Stellenbosch**

Drawing:		Plan no.:
Proposed Servitudes		5
Date:	Scale:	
03/08/2021	1:3000 (A4)	
Project no.:	Drawn:	Checked:
3345-P	WH	MW



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ANNEXURE C

**(REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS IN ORDER TO CANCEL TWO PUBLIC
SERVITUDE RIGHT OF WAY ON FARM No. 1316 AND FARM No. 514/6, STELLENBOSCH
DIVISION)**

COPY OF TITLE DEED

sworn and admitted, residing and practising in Stellenbosch, in the Province of the Cape of Good Hope, personally came and appeared:

DORIS HOLDSWORTH WARD a spinster, major, born on 8th January, 1905, of the farm Blaauw Klip East, Stellenbosch.

AND the said Appearer declared that:

WHEREAS she is the registered owner of:-

CERTAIN piece of abolished quitrent land, situate in the Division of Stellenbosch, being the farm called Blaauw Klip East.

MEASURING: 22 Morgen 329 Square Roods.

Under and by virtue of Deed of Transfer No. 18977 dated 24th November 1949 and which said property is more specifically defined in Diagram No. 268/1916,

AND WHEREAS the Appearer is about to pass transfer to and in favour of JOSEPHINE EMILIE ZOUTENDYK (born Boon on 26th June, 1911) married out of Community of Property to JAN BERNARDUS ZOUTENDYK of the following property:-

CERTAIN piece of abolished quitrent land, situate as above, being Portion 1 of the farm Blaauw Klip East in extent 4.7396 Morgen as per Diagram No. 5592/49,

AND WHEREAS the Surveyor General has approved of the said Diagram No. 5592/49 on condition that a certain road 40 feet wide the Eastern boundary whereof is indicated on the said Diagram No. 268/1916 by the letters C B A X is reserved for the use of the general public over the afore-said farm Blaauw Klip East registered in the name of the Appearer as abovementioned.

NOW/.....

NOW THEREFORE the said Appearer doth hereby grant unto the general public the use of the said 40 feet wide road the Eastern boundary whereof is indicated on the said Diagram No. 268/1916 by the letters C B A X over the aforesaid property:-

CERTAIN piece of abolished quitrent land, situate in the Division of Stellenbosch, being the farm called Blaauw Klip East.

MEASURING: 22 Morgen 329 Square Roods,

and do further consent to the said servitude being registered against the Deed of Transfer No. 18977 dated 24th November, 1949.

IN WITNESS WHEREOF, the Appearer has hereunto set her hand at STELLENBOSCH, the day, month and year first aforewritten in the presence of the undersigned witnesses and of me the Notary.

AS WITNESSES:

1. Lee Velthuis
2. J. G. Kuyper

D. H. W. van der Merwe

QUOD ATTESTOR,

AA

I, HEREBY CERTIFY that the original hereof which is filed in my Protocol, is stamped to the value of 2 - 2/- according to Law.



AA
NOTARY PUBLIC.

Certified a true copy of the original filed
of record in this Registry in terms of

Deeds Registry
Cape Town

14 MAR 2017

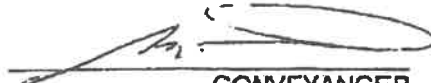
Deeds

5

"FW 1"

INCE WOOD & RAUBENHEIMER
2nd Floor Waalburg
28 Wale Street
Cape Town 8001

Prepared by me


CONVEYANCER
WOOD NG

FEE

1.250.00

R.....

T 060540/10

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

NOEL GEORGE WOOD

appeared before me, REGISTRAR OF DEEDS at Cape Town, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at CAPE TOWN on 26 AUGUST 2010 granted to him by

**The Trustees for the time being of BUGLER'S POST TRUST
T533/07**

And the appearer declared that his said principal had, on 2 August 2010, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

N T T MOTORS 384 (PROPRIETARY) LIMITED
Registration Number 1994/009049/07

or Its Successors in Title or assigns, in full and free property

**THE FARM NUMBER 1316 partly IN THE STELLENBOSCH MUNICIPALITY
and wholly in the DIVISION OF STELLENBOSCH
WESTERN CAPE PROVINCE**

IN EXTENT 3,9508 (THREE COMMA NINE FIVE NIL SIX) HECTARES

**FIRST registered and still held by Certificate of Consolidated Title Number
11413/2003 and Diagram Number 5252/1992 annexed**

1. Insofar as the land represented by the figure A B C on said Diagram Number 5252/1992 is concerned -
 - A. SUBJECT to the conditions in Stellenbosch Freeholds Volume 8 Number 8 dated 8 January 1908 in terms whereof the property was granted for general municipal purposes, subject to the provisions of Act 45 of 1882 and subject to the following further conditions :
 - *I. That the State shall at all times have the right to resume free of charge, except for improvements, any unalienated portions of the land hereby granted which may be required for public purposes.
 - II. ~~That all roads and thoroughfares being or existing on the said land, described in the plan or diagram of the farms, shall remain free and unobstructed unless the same be closed or altered by competent authority.~~
 - III. NOT SUBJECT to the condition A.III. on page 3 of Certificate of Consolidated Title Number 11413/2003 by virtue of Section 53 of the Mining Titles Registration Amendment Act, 24 of 2003.
 - B. SUBJECT to a Servitude Road in favour of General Public 12,59 (twelve comma five nine) metres wide, the southern boundary whereof is represented by the line B C on Diagram Number 5252/1992 annexed to Certificate of Registered Title Number 195328/1993 (the southern boundary of which servitude road is also represented by the line C on said Diagram Number 5252/1992).
2. Insofar as the land represented by the figure M C D E F G H J K L on said Diagram Number 5252/1992 is concerned :
 - A. SUBJECT to the conditions referred to in Deed of Transfer Number 13185/1919.
 - B. ENTITLED to the benefit of the following condition contained in Deed of Transfer Number 21457/1953, namely one-fifth (1/5th) share in whatever irrigation water the whole of the farm BLAAUWKLIP EAST, which belonged to DORIS HOLDSWORTH WARD by Deed of Transfer Number 18977/1949, namely :

Certain piece of abolished quitrent land situated in the Division of Stellenbosch, being the remaining extent of the farm called BLAAUWKLIP EAST

Measuring Fifteen comma Two Five Three Seven (15,2537) hectares;

Is entitled to out of the irrigation furrow marked "Furrow" on Diagram Number 633/1953 (annexed to said Deed of Transfer Number 21457/1953).

- C. SUBJECT and ENTITLED to the benefit of the following special condition, save insofar as it has been restricted by condition B. above, contained in said Deed of Transfer Number 13185/1919 :

"That the present and future proprietors of the said farm BLAAUWKLIP EAST and of the farm BLAAUWKLIP WEST this day transferred to PIETER DE WAAL, J Son, shall each be entitled to one-half share of whatever water of the Blaauwklip Stream running across the aforesaid properties is entitled to; the said proprietors of the said farms shall take the water alternatively in the mornings and in the afternoons, namely first turn Blaauwklip West in the morning and second turn Blaauwklip East in the morning on such days as they may be entitled thereto; and the present and future proprietors of both farms shall be equally responsible for the maintenance and keeping in repair of the furrow."

- D. SUBJECT to the condition contained in the Order of the water Court (Water Court District Number 1) dated 11 December 1941 annexed to Deed of Transfer Number 5775/1932, and referred to in the following endorsement thereon ated 22 May 1942:

- E. SUBJECT to the conditions referred to in the following endorsement dated 1 June 1938 on said Deed of Transfer Number 5775/1932, as indicated by the letters x y on said Diagram Number 633/1953 (annexed to said Deed of Transfer Number 21457/1953);

"REGISTRASIE VAN SERWITUUT

Kragtens Notariele Akte van Serwituut gedateer 26.4.1938 is die reg aan die Elektrieseits Kommissie gegee om elektrisiteit te vervoer oor die hierin beskrywe eiendom deur middel van kables and/of drade soos aangetoon op die kaart daaraan geheg onderworpe aan die voorwaardes en soos meer breedvoering sal blyk uit die gesegde Notariele Akte hede geregistreer in die Register van Serwitute Onder Nommer 119/1938."

(which servitude transmission line is represented by the line x y on said Diagram Number 5252/1992.)

- F SUBJECT to a Servitude Right of Way referred to in the following endorsement dated 4 May 1950 on said Deed of Transfer Number 18977/1949;

"REGISTRATION OF SERVITUDE

By Notarial Deed of Servitude Number 184/1959 dated 17 April 1950 the owner of the property herein more fully described has granted unto the General Public the use of a road 12,60 metres wide, the Eastern Boundary of which is indicated on Diagram Number 268/1916 annexed to D/T 13185/1919 by letters C.B.A.Z., over the said property. As will more fully appear on reference to the said Notarial Deed of Servitude, a copy whereof is hereto annexed."

The eastern boundary of which servitude right of way is represented by the line M C D E on said Diagram Number 5252/1992; the route of which servitude right of way was amended by Notarial Deed of Servitude Number K129/2001S, a reference whereof dated _____ is endorsed on said Deed of Transfer Number T32374/1991, which endorsement reads as follows :

"By virtue of Notarial Deed of Amendment to Notarial Deed of Servitude Number K129/2001S dated 19 September 2000, Deed of Servitude Number K128/2001S, as well as K184/1950S, has been amended in respect of the entire route of the mentioned servitude -

- 1) the eastern boundary thereof by the line E G on the diagram of the servient tenement Number 1 (Diagram S G Number 4511/76);
- 2) the eastern boundary thereof by the line a b c d e on the diagram of the servient tenement Number 2 (Diagram S G Number 5251/92).
- 3) the southern boundary thereof by the line B C on the diagram of the servient tenement Number 3 (Diagram S G Number 5251/92).

As will more fully appear from the said Notarial Deed."

- G. SUBJECT and ENTITLED to the condition that Portion 1 of the farm BLAAUWKLIP EAST, measuring Four comma Nil Five Nine Six (4,0596) hectares, was transferred to J E ZOUTENDYK by Deed of Transfer Number 6145/1959 without any water rights.

WHEREFORE the said Appearer, renouncing all right and title which the said

**The Trustees for the time being of BUGLER'S POST TRUST
T533/87**

heretofore had to the premises, did in consequence also acknowledge them to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

**N T T MOTORS 384 (PROPRIETARY) LIMITED
Registration Number 1994/009049/07**

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R16 100 000,00 (SIXTEEN MILLION ONE HUNDRED THOUSAND RAND).

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.


THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at Cape Town on

10 November 2010



q.q.

In my presence



REGISTRAR OF DEEDS

117

Cluver Markotter Inc
Cluver Markotter Building
Mill Street
Stellenbosch
7600

Prepared by me

[Signature]
CONVEYANCER
J.A. DE WAAL

FEE
R. 1000.00

VERBIND MORTGAGED
VIR FOR R 1000.00

090931/07
BC 014380/09
GEKANSLEER CANCELLED
26 SEP 2007
Banck
REGISTRATEUR/REGISTRAR
REGISTRAR/REGISTRAR
14 APR 2009

T000076957/2007

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

REFQAH FATAAR

appeared before me, REGISTRAR OF DEEDS, at CAPE TOWN, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at SANDTON on 6 AUGUST 2007 granted to him by

EMYVALE INVESTMENTS (PROPRIETARY) LIMITED
NO. 1994/006048/07

VIR ENDOSSÈMENTE KYK BLADSY
FOR ENDORSEMENTS SEE PAGE 6

DATA / VERIFY
02 NOV 2007
VERWEY T

DATA / CAPTURE
24 OCT 2007
Cluver Inc

6

The extent of the within party is

GEWYSIG KRAGTENS ART (1) VAN AMENDED IN TERMS OF SECTION 4 (1)
 WET 47 VAN 1937 OM TE LEES (6) OF ACT 47 OF 1937 TO READ

7,0527 hectares

BC 07450/07

12 DEC 2007

RÉGISTRATEUR/REGISTRAR

VERBIND MORTGAGED

VIR FOR R *4 000 000,00*

B 009982/09

14 APR 2009

REGISTRATEUR/REGISTRAR

VERBIND MORTGAGED

VIR FOR R *1 019 000,00*

B 000018250/2012

06 JUL 2012

REGISTRATEUR/REGISTRAR

And the appearer declared that his said principal had, on 5 July 2007, truly and legally sold by Private Treaty, a property letting business as a going concern conducted at and inclusive of the hereinmentioned property and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

**TEMUKO INVESTMENTS CC
NO. 2002/004761/23**

or its Successors in Title or assigns, 5571/2003

PORTION 6 of the Farm BLAAUW KLIP EAST NO 514 situate in the Municipality and Division STELLENBOSCH, Province of the WESTERN CAPE

IN EXTENT 7,0527 (SEVEN COMMA ZERO FIVE TWO SEVEN) SQUARE METRES

FIRST REGISTERED by Certificate of Consolidated Title No T2225/1977 with Diagram 4511/76 annexed thereto and held by Deed of Transfer No T5571/2003

I. **AS regards the figure ABCDEF on annexed diagram No 4511/76 –**

A. **SUBJECT** to the conditions as are referred to in Deed of Transfer No T13185/1919 dated 14 November 1919.

B. **ENTITLED** to the benefit of the following condition contained in Deed of Transfer No T21457/1953, dated 31 December 1953, namely to one-fifth (1/5) share in whatever irrigation water the whole of the farm BLAAUW KLIP EAST, which belonged to DORIS HOLDWORTH WARD by Deed of Transfer No T18977/1949 dated 24 November 1949, namely:

Certain piece of abolished quitrent land, situate in the Division of Stellenbosch, being the remaining extent of the farm called BLAAUW KLIP EAST

Measuring: 15,2537 Hectares

is entitled to out of the irrigation furrow, marked "Furrow" on Diagram No 633/53.

C. **SUBJECT** and **ENTITLED** to the benefit of the following special condition, save in so far as it has been restricted by the condition B above, contained in Deed of Transfer No T13185/1919, dated 14 November 1919, reading as follows:

That the present and future proprietors of the said farm BLAAUW KLIP EAST and of the farm BLAAUW KLIP WEST this day transferred to PIETER DE WAAL, J. Son, shall each be entitled to one-half share of whatever water of the Blaauw Klip Stream running across the aforesaid properties is entitled to; the said proprietors of the said farms respectively shall take the water alternatively in the mornings and in the afternoons, namely first turn Blaauw Klip West in the morning and second turn Blaauw Klip East in the morning on such days as they may

be entitled thereto; and the present and future proprietors of both farms shall be equally responsible for the maintenance and keeping in repair of the furrow.'

- D. SUBJECT to the condition contained in the Order of the Water Court (Water Court District No 1) dated 11th December, 1941 annexed to the Deed of Transfer No T5775/1932 dated 19 September 1932, and referred to in the endorsement thereon dated 22nd May, 1942, reading:

"REGISTRASIE VAN SERWITUUT

Die binnegemelde eiendom is onderhewig aan 'n Serwituut met betrekking tot gebruik, afleiding en verdeling van water in terme van 'n Bevel van die Water Hof (Water Hof Distrik No 1) gedateer 11 Desember 1941 soos breedvoerig sal blyk uit die gesegde Bevel waarvan 'n kopie hieraan geheg is, en geregistreer is as Serwituut Nr 87/1942 in die Serwituut Register."

- E. SUBJECT to the conditions referred to in the endorsement dated 1 June 1938, on the said Deed of Transfer No T5775/1932 dated 19 September 1932, as indicated by the letters xy on said Diagram No 633/53, reading as follows:

"REGISTRASIE VAN SERWITUUT

Kragtens Notariële Akte van Serwituut gedateer 26-4-1938 is die reg aan die Elektrisiteits Kommissie gegee om elektrisiteit te vervoer oor die hierin beskrywe eiendom deur middel van kables en/of drade soos aangetoon op die kaart daaraan geheg onderworpe aan die voorwaardes en soos meer breedvoerig blyk uit die gesegde Notariële Akte hede geregistreer in die Register van Servitude onder No. 119/1938."

- F. SUBJECT FURTHER to a servitude of Right of Way referred to in endorsement dated 4th May, 1950 on said Deed of Transfer No T18977/1949, dated 24th November 1949, reading as follows:

"REGISTRATION OF A SERVITUDE

By Notarial Deed of Servitude No 184/1950 dated 17th April, 1950, the owner of the property herein more fully described, has granted unto the General Public the use of a road 12, 60 metres wide, the Eastern Boundary of which is indicated on Diagram No 268/1916 annexed to D/T 13185/1919 by letters C.B.A.Z., over the aforesaid property.

As will more fully appear on reference to the said Notarial Deed of Servitude, a copy whereof is hereto annexed "

Indicated on said Diagram No 633/53 by the line abcde representing the eastern boundary of the said servitude of right of way.

G. SUBJECT and ENTITLED to the condition that Portion 1 of the farm BLAAUW KLIP EAST, Measuring: 4,0596 (Four comma Nil Five Nine Six) Hectares, was transferred to J E Zoutendyk by Deed of Transfer No T6145/1950 dated 4 May 1950, without any water rights.

II. AS regards the figure KLMFGHJ on annexed diagram No 4511/76 –

SUBJECT :

- A. To the conditions as are referred to in Deed of Transfer No T6145/1950 dated 4 May 1950.
- B. (i) To the conditions contained in the Order of the Water Court (Water Court District No 1) dated 11th December, 1941, annexed to the Deed of Transfer No T5775/1932, dated 19 September 1932, and referred to in the endorsement thereon dated 22nd May 1942, more fully set out in paragraph I.D. above.
- (ii) To the special condition contained in Deed of Transfer No T7545/52 that the property is not entitled to any of the water rights mentioned in the above Order.
- C. To a servitude referred to in the endorsement dated 4th May, 1950, on Deed of Transfer No T18977/1949 dated 24 November 1949, more fully set out in paragraph I.F. above.

III. AS regards the whole of the hereinmentioned property:

A. SUBJECT to the conditions of an endorsement dated 20 December 1988 on Certificate of Consolidated Title No T2225/1977, which endorsement reads as follows:

"By Notarial Deed of Servitude No K915/1988S dated 15 July 1988, in terms of which the Municipality of Cape Town has the right in perpetuity to lay down, inspect, maintain, repair, renew and remove a pipeline, within an area 12 metres wide, the northern boundary of which is 4 metres north of the broken line AB on the Servitude Diagram SG No 7311/79 hereto annexed, over the withinmentioned property and subject to ancillary rights. As will more fully appear from the said Notarial Deed."

M

WHEREFORE the said Appearer, renouncing all right and title which the said

EMYVALE INVESTMENTS (PROPRIETARY) LIMITED
NO. 1994/006048/07


heretofore had to the premises, did in consequence also acknowledge it to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

TEMUKO INVESTMENTS CC
NO. 2002/004761/23

or its Successors in Title or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of **R20 000 000,00 (TWENTY MILLION RAND)**.

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the Registrar of Deeds at Cape Town
on **26 SEPTEMBER** 2007



q.q.

In my presence



REGISTRAR OF DEEDS