

PROVINCE OF THE EASTERN CAPE
IPHONDO LEMPUMA KOLONI
PROVINSIE OOS-KAAP

**Provincial Gazette
Igazethi Yephondo
Provinsiale Koerant**

Vol. 18

BISHO/
KING WILLIAM'S TOWN, 30 SEPTEMBER 2011

No. 2632
(Extraordinary)

IMPORTANT NOTICE

The Government Printing Works will not be held responsible for faxed documents not received due to errors on the fax machine or faxes received which are unclear or incomplete. Please be advised that an "OK" slip, received from a fax machine, will not be accepted as proof that documents were received by the GPW for printing. If documents are faxed to the GPW it will be the sender's responsibility to phone and confirm that the documents were received in good order.

Furthermore the Government Printing Works will also not be held responsible for cancellations and amendments which have not been done on original documents received from clients.

CONTENTS · INHOUD

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
GENERAL NOTICE			
267	In the High Court of South Africa (Eastern Cape High Court, Port Elizabeth): Case No. 2722/2011	3	2632
	In die Hooggeregshof van Suid-Afrika (Oos-Kaap Hooggeregshof, Port Elizabeth): Saak No. 2722/2011	6	2632

GENERAL NOTICE

No. 267**IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CAPE HIGH COURT, PORT ELIZABETH)****PORT ELIZABETH, Tuesday, the 20th day of September 2011****BEFORE The Honourable Madam Justice DAMBUZA****Case No. 2722/2011**

In the ex parte application between:

J P ALBERTS BUILDERS CC
(Registration number: CK1989/019141/23)**APPLICANT**

and

THE REGISTRAR OF DEEDS
(CAPE TOWN)**RESPONDENT**

Having heard Advocate Smith, Counsel for the Applicant, and having read the documents filed of record.**IT IS ORDERED:**

1. That a rule nisi do hereby issue calling upon any interested persons who may choose to do so, to object either by letter received by the Registrar; or in person, or through Counsel appearing in court on Tuesday, 11th October 2011, at 09h30, or so soon thereafter as the matter may be called, against the granting of the following order:

- 1.1 that clause C. (a) of Deed of Transfer No. T51820/2010 (the "Deed"), relating to Erf 17, Kabega, Nelson Mandela Bay Metropolitan Municipality for the Administrative District of Port Elizabeth, Province of the Eastern Cape, (the "Erf") should be deleted in its entirety, with the substitution in its stead the following:

"C. (a) This erf shall be used only for such purposes as are permitted by the Town Planning Scheme of the Local Authority

and subject to the conditions and restrictions stipulated by the Scheme, as well as any conditions and restrictions contained in the applicable Provincial Regulations made in terms of Section 7(2) of Ordinance 15 of 1985.”

- 1.2 That the failure of the Applicant to remove the restrictive conditions to the Deed prior to the erection residential dwellings on the Erf be condoned.
2. That any person who has a right which may be affected is entitled to object to the granting of such order, and may do so without incurring liability for costs. If she/he/it opposes the relief, the objector must state the objector’s full names, identity or registration number (as applicable); address, and describe the property or right which will be affected by the grant of such order.
3. That the founding papers in this matter are open for inspection without charge at the office of the Registrar, Eastern Cape High Court (Port Elizabeth), Bird Street, Port Elizabeth and at the offices of the Applicant’s attorney of record, Sonet Pieterse Incorporated, cnr of Churchill & Roosevelt Streets, Glendinningvale, Port Elizabeth.
4. That service of the rule nisi and the application is to be effected by the Sheriff on the following persons:
 - 4.1 the title holders or owners of the following immovable property, situated at Kabega, Nelson Mandela Bay Metropolitan Municipality, for the Administrative District of Port Elizabeth, Province of the Eastern Cape:
 - 4.1.1 Erf 15;
 - 4.1.2 Erf 16;
 - 4.1.3 Erf 18;
 - 4.1.4 Erf 19;
 - 4.1.5 Erf 238;
 - 4.1.6 Erf 3998;
 - 4.1.7 Erf 4164;
 - 4.1.8 Erf 4500;
 - 4.1.9 Erf 4502;

- 4.1.10 Erf 4509;
- 4.1.11 Erf 4514;
- 4.1.12 Erf 4515.

4.2 Service of the rule nisi is to be effected by the Sheriff on this Court to the following Persons:

4.2.1 the Nelson Mandel Bay Metropolitan Municipality;

4.2.2 the Honourable Premier for the Eastern Cape Provincial Government, care of the offices of the State Attorney, 29 Western Road, Port Elizabeth, alternatively, The Master of the High Court, Eastern Cape;

4.2.3 the holders of a mortgage bond over the Erf registered in their favour viz E. A. & D. Daniel;

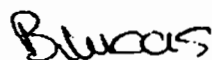
4.2.4 the Registrar of Deeds, Cape Town.

4.3 That this rule nisi be published in the following newspapers:

4.3.1 By one advertisement each, to be published in English and Afrikaans in the Provincial Gazette of the Eastern Cape Provincial government;

4.3.2 By one advertisement each, to be published in English and Afrikaans, in *The Herald* and *Die Burger* (Oos-Kaap) newspapers, respectively.

BY ORDER OF THE COURT



Sonet Pieterse Inc.

pp REGISTRAR

No. 267

**IN DIE HOOGGEREGSHOF VAN SUID-AFRIKA
(OOS-KAAPSE HOOGGEREGSHOF, PORT ELIZABETH)**

In Port Elizabeth op Dinsdag 20 September 2011

Voor die Agbare Regter me. Dambuza

Saaknr. 2722/2011

In die ex-parte aansoek tussen :

**J P ALBERTS BUILDERS CC
(Reg. nr CK1989/019141/23)**

APPLIKANT

en

**DIE REGISTRATEUR VAN AKTES
(KAAPSTAD)**

RESPONDENT

KENNISGEWING

Na aanhoor van advokaat Smith, regsverteenwoordiger vir die Applikant, en die lees van die ingediende stukke,

WORD DIT GELAS:

1. Dat 'n bevel nisi hiermee uitgereik word wat enige belangstellende persone wat kies om so te doen, oproep om beswaar aan te teken d.m.v. 'n brief ontvang deur die Griffier, of in persoon, of deur regsvertoonwoordiging in die Hof op Dinsdag 11 Oktober 2011 om 09.30 of so spoedig moontlik daarna die saak aangehoor kan word, teen die toestaan van die volgende bevel:

- 1.1 Dat klousule C.(a) van Transportaktenr. T51820/2010 (die "Akte"), wat verband hou met Erf 17 Kabega, Nelson Mandelabaai Metropolitaanse Munisipaliteit vir die Administratiewe Distrik van Port Elizabeth, Provinsie Oos-Kaap (die "Erf"), in sy geheel geskrap moet word, met die vervanging in sy plek die volgende:
 - C.(a) Hierdie erf sal slegs aangewend word vir sodanige doeleindes soos toegelaat deur die Dorpsbeplanningskema van die Plaaslike Owerheid en onderworpe aan die voorwaardes en beperkings neergelê deur die Skema, sowel as enige voorwaardes en beperkings vervat in die toepaslike Provinsiale Regulasies uitgevaardig kragtens Artikel 7(2) van Ordonnansie 15 of 1985."
 - 1.2 Dat die versuim van die Applikant om die beperkende voorwaardes op die Akte te verwyder voor die oprig van residensiële wonings op die erf gekondoneer word.
2. Dat enige persoon wat 'n reg het wat geaffekteer mag word, daarop geregtig is om beswaar aan te teken teen die toestaan van sodanige bevel, en so kan doen sonder om vir koste aanspreeklik te wees. Indien hy/sy/dit die regshulp teenstaan, moet die beswaarmaker die beswaarmaker se volle name, identiteits- of registrasienommer (soos van toepassing) en adres meld, en die eiendom of reg beskryf wat deur die toestaan van sodanige bevel geaffekteer sal word.

3. Dat die hoofstukke in hierdie saak kosteloos in die kantoor van die Griffier, Oos-Kaapse Hooggeregshof (Port Elizabeth), Birdstraat, Port Elizabeth en in die kantoor van die Applikant se prokureur van record, Sonet Pieterse Geïnkorporeer, h.v. Churchill- en Rooseveltstraat, Glendinningvale, Port Elizabeth ter insae lê.
4. Dat betekening van die bevel nisi en die aansoek deur die Balju aan die volgende persone geskied:
 - 4.1 Die titelhouers of eienaars van die volgende vaste eiendom, geleë in Kabega, Nelson Mandelabaai Metropolitaanse Munisipaliteit, vir die Administratiewe Distrik van Port Elizabeth, Provinsie Oos-Kaap:
 - 4.1.1 Erf 15;
 - 4.1.2 Erf 16;
 - 4.1.3 Erf 18;
 - 4.1.4 Erf 19;
 - 4.1.5 Erf 238;
 - 4.1.6 Erf 3998;
 - 4.1.7 Erf 4164;
 - 4.1.8 Erf 4500;
 - 4.1.9 Erf 4502;
 - 4.1.10 Erf 4509;
 - 4.1.11 Erf 4514;
 - 4.1.12 Erf 4515.
 - 4.2 Betekening van die bevel nisi deur die Balju van hierdie Hof aan die volgende persone:
 - 4.2.1 die Nelson Mandelabaai Metropolitaanse Munisipaliteit;

-
- 4.2.2 die Agbare Premier van die Oos-Kaapse Provinsiale Regering, per adres die Kantoor van die Staatsprokureur, Westernweg 29, Port Elizabeth, alternatiewelik, die Meester van die Hooggeregshof, Oos-Kaap;
- 4.2.3 die houers van 'n verband op die Erf geregistreer in hul guns viz E.A. & D. Daniel;
- 4.2.4 die Registrateur van Aktes, Kaapstad;
- 4.3 Dat hierdie bevel nisi in die volgende koerante gepubliseer word:
- 4.3.1 Deur een advertensie wat in Engels en Afrikaans in die Provinsiale Koerant van die Oos-Kaapse Provinsiale Regering gepubliseer moet word;
- 4.3.2 deur een advertensie wat in Engels en Afrikaans in onderskeidelik die koerante The Herald en Die Burger Oos-Kaap gepubliseer moet word.

OP LAS VAN DIE HOF, Griffier
SONET PIETERSE GEÏNK.
