

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

Provincial Gazette
Igazethi Yephondo
Provinsiale Koerant

Vol. 18

**BISHO/
KING WILLIAM'S TOWN,** 28 NOVEMBER 2011

No. 2662
(Extraordinary)

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CONTENTS • INHOUD

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
	GENERAL NOTICE		
329	Case No. 3435/2011: In the High Court of South Africa before the Honourable Mr Justice Pickering	3	2662

GENERAL NOTICE

No. 329**IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CAPE HIGH COURT, PORT ELIZABETH)**PORT ELIZABETH, Tuesday, the 8th day of November 2011

BEFORE The Honourable Mr Justice PICKERING

Case No. 3435/2011In the *Ex Parte* application of:**MARINO GHERBAVAZ N.O.****1ST Applicant****GREGORY PETER HANCOCKS N.O.****2ND Applicant****LEON CARL FOURIE N.O.****3RD Applicant****(in their capacities as Trustees for the time
Being of the ECHO CANYON PROPERTY
TRUST- IT 276/2010)**

and

THE REGISTRAR OF DEEDS CAPE TOWN**Respondent**

Having heard Mr DeVos, Attorney for the Applicant, and having read the documents filed of record,**IT IS ORDERED:**

1. That a Rule Nisi do hereby issue calling upon all interested parties to show cause on or before Tuesday, 13 December 2011, why an Order in the following terms should not be made:

- 1.1 That deleting the restrictive conditions set forth at paragraph C6 and C7 of the title incorporated in Deed of Transfer No. T058117/10 in respect of the property described therein as Erf 286 Newton Park, in the Nelson Mandela Bay Metropolitan Municipality, Division of Port Elizabeth, Province of the Eastern Cape (hereinafter referred to as "the property") to wit;

"C:

6. *That the said erf shall be used for residential purposes only;*

7. *That no more than one dwelling be erected on the said erf and that no more than one half of the area on the said erf be built upon."*

1.2 Authorising the Registrar of Deeds to effect an endorsement of the Deed of Transfer No. T058117/10, aforementioned, in accordance with Paragraph 1.1 hereinabove.

1.3 Directing that the Applicants give notice of the Application by the service of the papers relating to this Application and any Rule Nisi which this Honourable Court may grant, be effected;

1.3.1 On each of the registered owners of properties adjacent to the Property, by way of Sheriff;

1.3.2 By way of Sheriff on the Nelson Mandela Metropolitan Municipality;

1.3.3 By hand:

1.3.3.1 On the Premier of the Eastern Cape care of the State Attorney's Office;

1.3.3.2 On the Registrar of Deeds, Cape Town ;

1.3.4 and by publication of such Rule Nisi, as this Honourable Court may grant:

1.3.4.1 Once in the Provincial Gazette of the Province of the Eastern Cape, and

1.3.4.2 once, in English in the Herald and in Afrikaans in Die Burger, Oos-Kaap

And by giving notice, in such advertisements, to the effect that the papers relating to this Application may be inspected at the offices of the Applicant's Attorneys and of the Registrar of this Honourable Court.

DTS Attorneys

BY ORDER OF THE COURT


pp REGISTRAR