



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

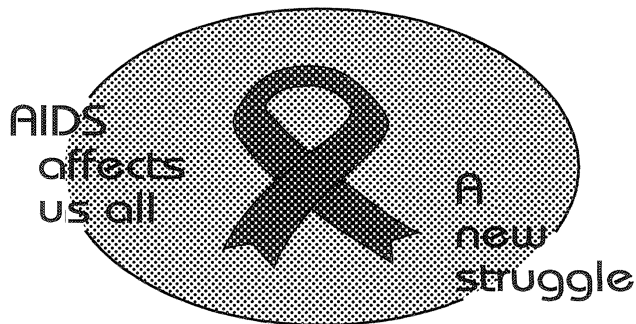
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KING WILLIAM'S TOWN, 16 NOVEMBER 2012

No. 2860
(Extraordinary)

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DEPARTMENT OF HEALTH

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GENERAL NOTICE

No. 385

In the High Court of South Africa (Eastern Cape, Grahamstown) 11th October 2012. Before The Honourable Mr Justice PICKERING. In the ex parte application of: LA PINETA INVESTMENTS CC, (Registration Number: 1988/008896/23, Applicant.

Case no: 2761/2012

COURT ORDER

Having heard Adv. Beard, Counsel for the Applicant and having read the Notice of Motion and other 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 Thursday, 22nd November 2012 why an order in the following terms should not be made:

1.1 deleting the restrictive conditions set forth at clauses D(4)(a)(b)(c) of the Title Deed incorporated in Deed of Transfer No. T59320/2011 in respect of the property described therein as ERF 1581 CRADOCK situate in the INXUBE YETHEMBA MUNICIPALITY, Division of CRADOCK, Province of the Eastern Cape in extent 1,5469 hectares (hereinafter referred to as "the Property"), to wit:

"D.4 (a) it shall not be subdivided;

(b) it shall be used only for the purpose of erecting thereon one dwelling together with such outbuildings as are ordinarily required to be used thereto;

(c) not more than half the area thereof shall be built upon.

1.2 Authorising the Registrar of Deeds to effect an endorsement of Deed of Transfer No. T59320/2011 aforementioned, in accordance with paragraph 1.1 herein above

1.3 Directing that the Applicant gives notice of this 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 the properties adjacent to the Property, by registered post;

1.3.2 By hand:-

1.3.2.1 On the Registrar of Deeds, Cape Town;

1.3.2.2 On the State Attorney's office, Port Elizabeth;

1.3.3 By way of Sheriff:-

1.3.3.1 On the Inxuba Yethemba local Municipality, JA Calata Street, Cradock

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;

1.3.4.2 Once in English, in The Herald and in Afrikaans, in Die Burger (Oos-Kaap).

And by giving notice in such advertisement, to the effect that the papers relating to this Application may be inspected at the offices of Joubert Galpin Searle, 173 Cape Road, Mill Park, Port Elizabeth; Metcalf & Kie Attorneys, 80 Frere Street, Cradock; and to the Registrar of this Honourable Court.

1.4 That the cost of the Application shall be paid by the Applicant, and if the matter is opposed, by the party/parties opposing the Application.

By Order of the Court

N.M. Adam

pp Registrar

WHITESIDES

**IN DIE HOOGGEREGSHOF VAN SUID-AFRICA
(OOS-KAAP, GRAHAMSTAD)****SAAKNR. 2761/2012**

11 Oktober 2012

Voor die Agbare Regter Pickering

In die ex parte-aansoek van:

**LA PINETA INVESTMENTS CC
(Reg.nr. 1988/008896/23)****Applikant****KENNISGEWING**

Na aanhoor van adv. Beard, regsverteenvoerder vir die Applikant, en die lees van die Kennisgewing van Mosie en ander ingediende stukke, WORD DIT GELAS:

1. Dat 'n bevel nisi hiermee uitgereik word wat alle belangstellende partye oproep om redes voor of op Donderdag 22 November 2012 aan te voer waarom 'n bevel met die volgende bepalinge nie toegestaan moet word nie:
 - 1.1. Skruping van die beperkende voorwaardes soos uiteengesit in klousules D(a)(b)(c) van die Titellakte geinkorporeer in Transportaktenr. T59320/2011 ten opsigte van die eiendom daarin beskryf as Erf 1581 Cradock, gelee in die Inxuba Yethemba Munisipaliteit, Afdeling Cradock, Provinsie Oos-Kaap, groot: 1,5469 hektaar (hirna verwys na as "die Eiendom"), te wete: "D.4 (a) dit sal nie onderverdeel word nie;
(b) dit sal slegs gebruik word vir die oprigting van een woning daarop, tesame met sodanige buitegeboue as wat normaalweg vereis word om daarmee saam gebruik te word;
(c) dat daar op nie meer as die helfte van die area gebou sal word nie."
 - 1.2. Dat die Registrateur van Aktes gemagtig word om 'n endossement van bogenoemde Transportaktenr. T59320/2011 ten uitvoer te bring, in ooreenstemming met paragraaf 1.1 hierbo.
 - 1.3. Dat die Applikant opdrag gegee word om kennis van hierdie aansoek te gee deur die betekening vsn die stukke rakende hierdie aansoek en enige bevel nisi wat hierdie Agbare Hof mag toestaan, en lat geskied:
 - 1.3.1. d.m.v.geregistreerde pos aan elk van die gerigestreerde eienaars van die eiendomme wat grens aan die Eiendom;
 - 1.3.2. per hand;
 - 1.3.2.1. aan die Registrateur van Aktes, Kaapstad;
 - 1.3.2.2. aan die Staatsprokureur se kantoor, Port Elizabeth;
 - 1.3.3. deur die Balju;
 - 1.3.3.1. aan die Inxuba Yethemba Plaaslike Munisipaliteit, JA Calatastraat, Cradock;
 - 1.3.4. en deur publikasie van sodanige bevel nisi as wat hierdie Agbare Hof mag toestaan:
 - 1.3.4.1. eenmalig in die Provinsiale Koerant van die Provinsie Oos-Kaap;
 - 1.3.4.2. eenmalig in Engels in The Herald en in Afrikaans in die Burger Oos-Kaap, en deur kennis in sondanige advertensie te gee dat die stukke rakende hierdie aansoek in die kantoor van Joubert Galpin Searle, Kaapweg 173, Millpark, port Elizabeth; Metcalf & Kie Prokureurs, Frerestraat 80, Cradock ter insae lê en aan die Griffier van hierdie Agbare Hof.
 - 1.4. Dat die koste van die aansoek deur die Applikant betaal word, en indien die saak teengestaan word, deur die party/partye wat die aansoek teenstaan.

OPLAS VAN DIE HOF, Hofgriffier
WHITESIDES
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