



PROVINCE OF THE EASTERN CAPE
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PROVINSIE OOS-KAAP

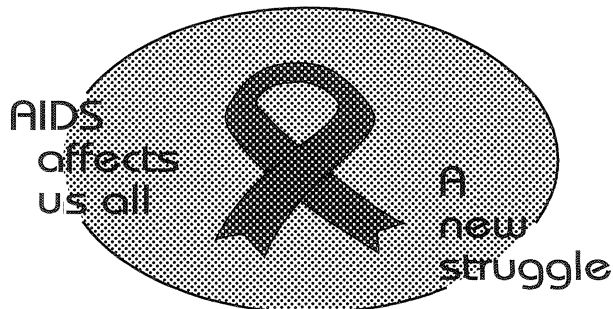
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No. 3103
(Extraordinary)

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GENERAL NOTICE

No. 5**IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CAPE LOCAL DIVISION, PORT ELIZABETH)**PORT ELIZABETH, Tuesday, 03rd of DECEMBER 2013

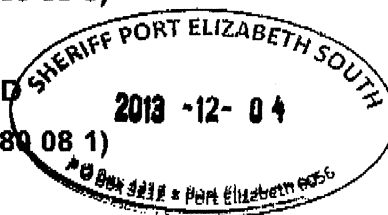
Before the Honourable Mister Justice MAKAULA

Case Number: 3468/13In the *ex parte* application of:**MARIUS GROENEWALD**

(Identity Number 710322 5189 08 8)

1ST APPLICANT**CHARMAINE GROENEWALD**

(Identity Number 710408 0080 08 1)

2ND APPLICANT

In re:

**APPLICATION FOR REMOVAL OF RESTRICTIVE
CONDITIONS IN THE TITLE DEED**

Having heard Advocate K Williams, Counsel for the Applicants, and having read the documents filed of record,**IT IS ORDERED**

1. That the following restrictive conditions be and is hereby deleted from the Deed of Transfer No. T 24380/2013 (the Title Deed), by which is held:

Erf 133, Mount Road, in the Nelson Mandela Metropolitan Municipality, Division of Port Elizabeth, Eastern Cape Province

In extent: 892 (Eight Hundred and Ninety Two) square metres ("the Property"), namely:

“C. **SUBJECT** to the following conditions imposed in the aforesaid Deed of Transfer No. T 12245/50 by the Administrator of the Cape Province under the provisions of the Townships Ordinance, No. 33/1934, when approving of the GLENDINNINGVALE (erroneously referred to as GLENDENNING VALE) TOWNSHIP EXTENSION NO. 1, namely:-

1. ...

2. ...

3. ...

4. This erf shall be subject to the following further conditions, provided especially that where in the opinion of the Administrator after consultation with the Townships Board and the local authority, it is expedient that the restrictions in any such conditions should at any time be suspended or relaxed, he may authorise the necessary suspension or relaxation as he may impose:-

(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 therewith;

- (c) Not more than half the area thereof shall be built upon;
 - (d) No building or structure or any portion thereof, except boundary walls and fences, shall be erected nearer than 20 feet to the street line which forms a boundary of this erf, nor within 10 feet of the rear or 5 feet of the lateral boundary common to any adjoining erf, provided that with the consent of the local authority, an outbuilding not exceeding 10 feet in height, measured from the floor to the wall plate and no portion of which will be used for human habitation, may be erected within the above prescribed rear space. On consolidation of any two or more erven, this condition shall apply to the consolidated area as one erf."
2. That the Registrar of Deeds be and is hereby authorized and directed to make the appropriate endorsements on the said Title Deed to the effect that the conditions have been so deleted.
 3. That a Rule Nisi do hereby issue calling upon all interested persons who may choose to do so, to object by way of a letter to the Applicants' attorneys, or personally, or by Counsel or attorney, to appear in Court on **Tuesday, 21st of January 2014**, at 09h30 why an Order in terms of paragraph 1 and 2 above should not be made.
 4. That the Applicants to give notice of this application by:
 - 4.1 The service of the papers relating to this application, to be effected:

4.1.1 By way of the Sheriff on the Municipal Manager of the Nelson Mandela Bay Municipality (Port Elizabeth Administrative Unit);

4.1.2 By hand:

4.1.2.1 On the Premier of the Eastern Cape;

4.1.2.2 On the Registrar of Deeds, Cape Town.

4.1.3 The service of any *Rule Nisi* which this Honourable Court may grant, to be effected:

4.1.3.1 By publication:

4.1.3.1.1 Once in the Provincial Gazette of the Province of the Eastern Cape; and

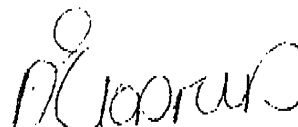
4.1.3.1.2 Once in English in the Eastern Province Herald and in Afrikaans in Die Burger (Ooskaap),

and by giving notice in such advertisement 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.

4.2 Delivering by hand, alternatively by registered post, to every residence in Glendinningvale, Port Elizabeth, within ten days of such *Rule Nisi*, a letter setting out the following and attaching a copy of such *Rule Nisi*:

- 4.2.1 The nature of the application, including a reference to the case of *ex parte Rovian 1983 (3) SA 209(D)*;
 - 4.2.2 The reason for the application;
 - 4.2.3 An address where all the papers in the matter may be inspected;
 - 4.2.4 Contact details of the person to whom all enquiries may be addressed;
 - 4.2.5 The date before which such enquiries must be made;
 - 4.2.6 By service on a valid Ratepayers' Association representing the Glendinningvale Township, Port Elizabeth, should such an association exist, the *Rule Nisi* and an Affidavit indicating which property owners are directly affected and indirectly affected by virtue of the title deed conditions.
- 5 That there is no order as to costs, save that in the event of any person or persons opposing this application, the costs occasioned thereby shall be paid by such person or persons, jointly and severally, the one paying, the others to be absolved.

BY ORDER OF COURT



A. ERASMUS (MS)
pp REGISTRAR

FRIEDMAN SCHECKTER

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Newton Park
PORT ELIZABETH
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