



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

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No. 3354
(Extraordinary)

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GENERAL NOTICE

No. 33

**IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CAPE LOCAL DIVISION)**

PORT ELIZABETH, TUESDAY, 17TH FEBRUARY 2015

BEFORE The Honourable Mr Justice MALUSI, AJ

Case No. 389/2015

In the *ex parte* application of:

CLAIRE MARIÉ BREETZKE

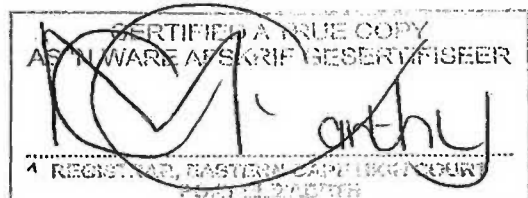
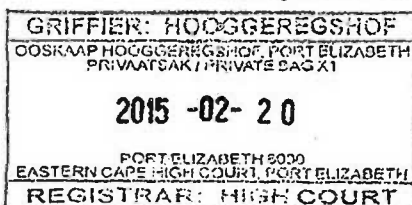
APPLICANT

Having heard Advocate Williams, Counsel for the Applicant and having read the documents filed of record.

IT IS ORDERED:

1. That a *rule nisi* is hereby issued calling upon all interested parties to show cause on or before the return date for the hearing of the matter, **TUESDAY, 24TH MARCH 2015 at 09:30**, why an order in the following terms should not be made:
 - 1.1. deleting and amending the restrictive conditions set forth at paragraph B of the Title Deed number **T 38402/2005** read together with the conditions contained in Title Deed number **T 11348/1904** in respect of the property described therein as **Erf 595 Mill 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:-

On page 2 of the Title Deed Number **T 38402/2005**:-



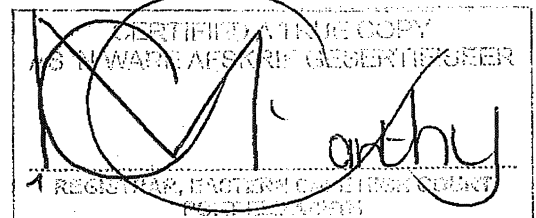
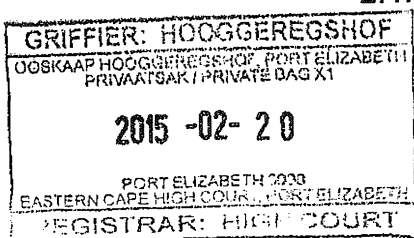
"B. SUBJECT to the conditions contained in the Deed of Transfer **T11348** dated 10th October 1904, with regard to erection of buildings and building line.

By deleting the words **"building line"**

On page 2 of the Title Deed Number **T 38402/2005**:-

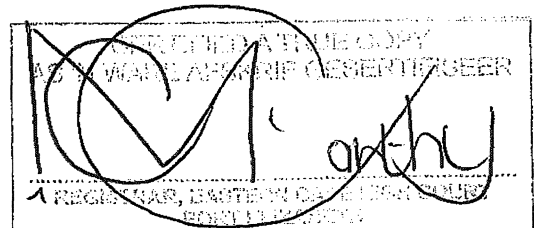
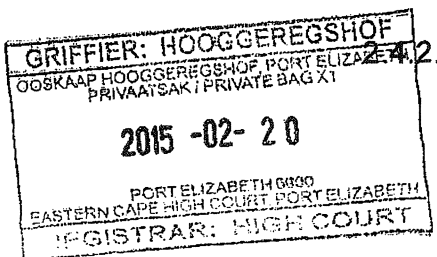
..... Any dwelling-house so built shall not be within twenty feet from the boundary it faces

- 1.2. Authorising the Registrar of Deeds to effect an endorsement of the Deeds of Transfer Number **T 38402/2005** and **T 11348/1904** in accordance with paragraph 1.1 herein above.
2. That the Applicant be and is hereby directed to give notice of this Application by the service of any rule nisi which this Honourable Court may grant, be effected:
- 2.1. Together with this Application, on each of the registered owners of the properties adjacent to the property, by way of sheriff, being:
- 2.1.1. Mr R J Elfick, owner of Erf 664 Mill Park, known as 28 Young Road, Mill Park;
- 2.1.2. Mr D M Kirkland, owner of Erf 973 Mill Park, known as 14A Linton Road, Mill Park;
- 2.1.3. Mr B and Mrs G Muller, owners of Erf 596 Mill Park, known as 49 Mill Park Road, Mill Park;



- 2.1.4. Mr C G and Mrs S A Giaconi, owners of Erf 972 Mill Park, known as 43 Mill Park Road, Mill Park;
- 2.1.5. Mr B R Judd, owner of Erf 511 Mill Park, known as 40 Mill Park Road, Mill Park;
- 2.1.6. Mr A P Pitsiladi owner of Erf 474 Mill Park, known as 18 Young Road, Mill Park;
- 2.1.7. Mrs C A Harvey, owner of Erf 560 Mill Park, known as 14 Linton Road, Mill Park;
- 2.1.8. Mrs A M Hurr, owner of Erf 674 Mill Park, known as 16 Linton Road, Mill Park;
- 2.1.9. Mrs R P Smith, owner of Erf 732 Mill Park, known as 26 Young Road, Mill Park;
- 2.1.10. Mrs A Parker, owner of Erf 512 Mill Park, known as 512 Reitz Road, Mill Park;
- 2.2. on the Nelson Mandela Bay Municipality;
- 2.3. SA Home Loans;
- 2.4. by hand:
 - 2.4.1. on the Premier of the Eastern Cape, care of the office of the State Attorney in Port Elizabeth;

on the Registrar of Deeds, Cape Town; and



2.5. and publication of such rule nisi as this Honourable Court may grant:

2.5.1. once in the Provincial Gazette of the Province of the Eastern Cape; and

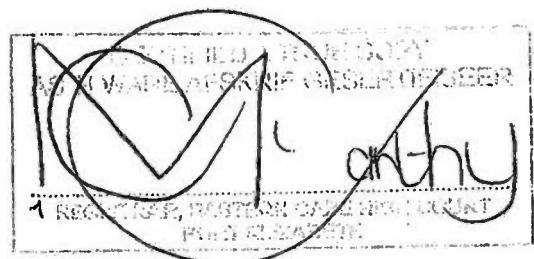
2.5.2. once, in English, in The Herald and in Afrikaans, in "Die Burger (Oos-Kaap)"

and by giving such advertisement, to the effect that the papers relating to this Application may be inspected at the offices of the Applicant's attorneys at 108 Cape Road, Mill Park, Port Elizabeth and of the Registrar of this Honourable Court, in Bird Street, Central, Port Elizabeth.

DTS ATTORNEYS

BY ORDER OF THE COURT


A. ERASMUS (MS)
pp REGISTRAR



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