

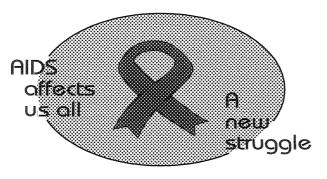
PROVINCE OF THE EASTERN CAPE IPHONDO LEMPUMA KOLONI PROVINSIE OOS-KAAP

Provincial Gazette Igazethi Yephondo **Provinsiale Koerant**

KING WILLIAM'S TOWN, 8 MAY 2015Vol. 22

No. 3387 (Extraordinary)

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GENERAL NOTICE

No. 30

IN THE HIGH COURT OF SOUTH AFRICA (EASTERN CAPE LOCAL DIVISION, PORT ELIZABETH)

PORT ELIZABETH, TUESDAY, 14TH APRIL 2015

BEFORE The Honourable Mr Justice MALUSI, AJ

Case No. 1282 / 2015

In the ex parte application of:

TESSA ANNE SEMPLE

APPLICANT

IN RE: REMOVAL OF RESTRICTIVE CONDITIONS

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

IT IS ORDERED:

- That a *rule nisi* do hereby issued calling upon all interested parties to show cause on or before the return date for the hearing of the matter, being TUESDAY, 19TH MAY 2015 at 09:30, why an order in the following terms should not be made:-
 - 1.1 Deleting the restrictive conditions set forth at paragraph "C 4 (c) and "d" of the Deed incorporated in Deed of Transfer Number T41014/2004 in respect of the property described therein as Erf 983 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 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 restriction in any such condition should at any time be suspended or relaxed, he may authorise the necessary suspension

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or relaxation, subject to compliance with such conditions as he may impose

c. not more than half the area thereof shall be build upon.

d. no building or structure or any portion thereof, except boundary

walls, and fences, shall be erected nearer than 4,72 metres to the

street line which forms a boundary of this erf, nor within 3,15 metres

of the rear or 1,57 metres of the lateral boundary common to any

adjoining erf, provided that with the consent of the local authority,

an outbuilding not exceeding 3,05 metres in height, measured from

the floor to the wall plate and no portion of which shall 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."

1.2. The Registrar of Deeds to effect an endorsement of the Deed of Transfer Number

T41014/2004 aforementioned, in accordance with paragraph 1.1 herein above;

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 at 108

Cape Road, Mill Park, Port Elizabeth and of the Registrar of this Honourable

Court, in Bird Street, Central, Port Elizabeth.

BY ORDER OF COURT

REGISTRAR

DTS ATTORNEYS

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