



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

Provincial Gazette Igazethi Yephondo Provinsiale Koerant

Vol. 22

BISHO/
KING WILLIAM'S TOWN, 8 MAY 2015

No. 3387
(Extraordinary)

We all have the power to prevent AIDS



**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

Prevention is the cure

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes



IMPORTANT NOTICE

The Government Printing Works will not be held responsible for faxed documents not received due to errors on the fax machine or faxes received which are unclear or incomplete. Please be advised that an "OK" slip, received from a fax machine, will not be accepted as proof that documents were received by the GPW for printing. If documents are faxed to the GPW it will be the sender's responsibility to phone and confirm that the documents were received in good order.

Furthermore the Government Printing Works will also not be held responsible for cancellations and amendments which have not been done on original documents received from clients.

CONTENTS • INHOUD

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
	GENERAL NOTICE		
30	In the High Court of South Africa: Port Elizabeth, Tuesday, 14th April 2015: Removal of Restrictive Conditions	3	3387

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 / 2015In 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:**

1. 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

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

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001.
Tel: (012) 748 6052, 748 6053, 748 6058
Also available at the Legal Advisory Services, **Province of the Eastern Cape**, Private Bag X0047, Bisho, 5605. Tel. (040) 635-0052