



KWAZULU-NATAL PROVINCE
KWAZULU-NATAL PROVINSIE
ISIFUNDAZWE SAKWAZULU-NATALI

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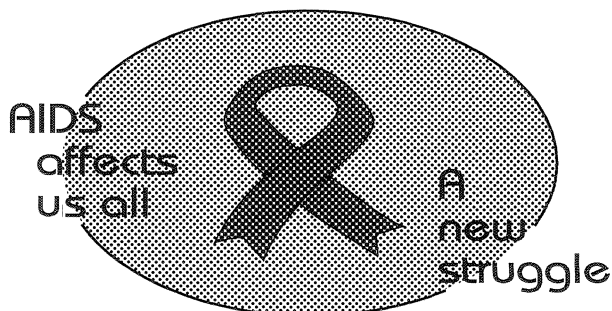
PIETERMARITZBURG,

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8 MAY 2015
8 MEI 2015
8 KUNHLABA 2015

No. 1363

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PROVINCIAL NOTICE—PROVINSIALE KENNISGEWING**No. 26****8 May 2015**

CASE NO. 3618/2015

In the High Court of South Africa

Kwazulu-Natal Local Division, Durban

Before the Honourable Mr Justice Jeffrey AJ

at Durban on 17th April 2015In the *Ex Parte* application of:

Lockaway Investments Proprietary Limited

Registration number 1997/016900/07

Applicant

Upon the motion of counsel for the applicant and upon reading the *notice of motion* and the other documents filed of record, it is ordered:

1. THAT a Rule *nisi* is issued calling upon all interested parties to show cause, if any, before this Court on the 26TH day of JUNE 2015 at 09H30 or as soon thereafter as counsel may be heard, why it should not be Ordered;
 - (a) THAT the condition of title to which the applicant's ownership of the immovable property situated at Metica Moon Street, Bay Centre CBD, Richards Bay, KwaZulu-Natal and described as:
SUBDIVISION 10 (OF 5) OF LOT 6364 RICHARDS BAY, situate in the Richards Bay Transitional Local Council area, Administrative District of Natal, Province of KwaZulu-Natal, in extent 5 182 (five thousand one hundred and eighty two) square metres, is subject to condition 3C contained in the title deed conditions as well as condition (c) in paragraph 2 of the Section 11 (3)(b) Sectional Titles Act 1995/1986 certificate and reading:
"Subdivision 10 (of 5) of lot 6364 Richards bay shall be burdened by a right of way servitude in favour of the general public, represented by the figure A B C D E F G H J K L M N P Q R S T U V W X Y Z A1 B1 C1 D1 E1 on SG diagram No. 2923/1993 more fully described on Notarial Deed K 237/95S dated 21 February 1995"
is hereby deleted from the Section 11 (3)(b) Sectional Titles Act 1995/1986, certificate
 - (b) THAT the Registrar of Deeds KwaZulu-Natal, Pietermaritzburg is authorised and directed to delete the restrictive condition from the aforesaid Section 11 (3)(b) Sectional Titles Act 1995/1986 certificate accordingly.
2. THAT any person wishing to object to the confirmation of foregoing Rule nisi shall on or before the 29 day of May 2015, notify the Registrar of this Court, High Court Building, Dullah Omar Grove, Durban and the applicant's attorneys, BROGAN & OLIVE, 7 Ibis Lane, Amanzimtoti, Kwazulu-Natal, of such opposition, by delivering an affidavit to that effect and setting out therein the grounds on which such person claims the right to object.

A copy of the papers on which this Order was granted shall be available for inspection by interested persons between 09H00 and 15H00 on every weekday for a period of two weeks commencing on the 24 day of April 2015 at the following addresses:

- (a) The registrar, High Court, Dullah Omar Grove, Durban
- (b) The Umhlathuze Municipality, 5 Mark Strasse Civic Centre, Richards By, KwaZulu-Natal;
- (c) BROGAN & OLIVE, 7 Ibis Lane, Amanzimtoti, KwaZulu-Natal.

No. 26

8 Mei 2015

Saak no. 3618/2015
 In die Hoë Hof van Suid-Afrika
 Kwazulu-Natal plaaslike afdeling, Durban
 Voor sy Edele Regter Jeffery AJ
 Te Durban op 17 April 2015

In die *ex parte* aansoek van:

Lockway Investments Proprietary Limited
 Registrasienommer 1997/016900/07

Aansoeker

Op aansoek van advokaat vir die aansoeker en na die deurlees van die kennisgewing van mosie en ander betrokke stukke, gelas die hof

1. Dat 'n bevel nisi uitgereik word wat alle belanghebbende partye versoek om gronde, indien enige, voor hierdie hof op die 26ste dag van Junie 2015 om 09h30 aan te voer, of so spoedig daarna as wat die advokaat aangehoor kan word, waarom daar nie gelas moet word nie:
 - a. Dat die titelvoorwaarde waarvolgens die aansoeker se eienaarskap van die vaste eiendom geleë te Metica Moon-straat, Bay Sentrum SSG, Richardsbaai, Kwazulu-Natal gegrond is en beskryf as:
 Onderverdeling 10 (van 5) van Erf 6364 Richardsbaai, geleë in die Richardsbaai plaaslike oorgangsraadgebied, administratiewe distrik van Natal, provinsie Kwazulu-Natal, 5 182 (vyfduisend eenhonderd twee-en-tagtig) vierkante meter, onderhewig is aan voorwaarde 3c bevat in die titelvoorwaardes asook voorwaarde (c) in paragraaf 2 van artikel 11 (3)(b) van die Wet op Deeltitels, 1995/1986-sertifikaat en wat soos volg lees: "Onderverdeling 10 (van 5) van Erf 6364 Richardsbaai word beswaar deur 'n reg-van-weg serwituut ten gunste van die algemene publiek, verteenwoordig deur die figuur A B C D E F G H J K L M N P Q R S T U V W X Y Z A1 B1 C1 D1 E 1 op SG diagram no. 2923/1993 meer volledig beskryf in Notariële Akte K 237/95s gedateer 21 Februarie 1995" word hiermee geskrap in artikel 11 (3) (b) van die Wet op Deeltitels 1995/1986-sertifikaat.
 - b. Dat die Registrateur van Aktes Kwazulu-Natal, Pietermaritzburg gemagtig en opdrag gegee word om die beperkende voorwaarde gevolglik in die voornoemde artikel 11 (3) (b) van die Wet op Deeltitels 1995/1986-sertifikaat te skrap.
2. Dat enigiemand wat teen die bevestiging van die voornoemde reël nisi beswaar wil maak die Griffier van hierdie hof, Hoë Hof-gebou, Dullah Omar-weg, Durban, en die aansoeker se prokureurs, Brogan & Olive, Ibislaan 7, Amanzimtoti, Kwazulu-Natal, van sodanige teenkanting in kennis stel deur 'n beëdigde verklaring te dien effekte af te lewer en die gronde waarop sodanige persoon die reg eis om beswaar te maak, uiteensit.

Geliewe kennis te neem dat 'n afskrif van die dokumente ten opsigte waarvan hierdie bevel tussen 09h00 en 15h00 op elke woensdag vir 'n tydperk van twee weke met ingang van die 24ste dag van April 2015 by die volgende adresse ter insae deur belangstellende partye beskikbaar sal wees:

- (a) Die Griffier, Hoë Hof, Dullah Omar-weg, Durban.
- (b) Die Umhlathuze Munisipaliteit, Mark Strasse 5 Burgersentrum, Richardsbaai, Kwazulu-Natal.
- (c) Brogan & Olive, Ibislaan 7, Amanzimtoti, Kwazulu-Natal.