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PROJECT:
Proposed subdivision & consolidation for Fouche Adventure Trust

PROJEK:
Proposed subdivision & consolidation for Fouche Adventure Trust

DESCRIPTION:
Erf 4828, George

BESKRYWING:
Erf 4828, George

TITLE:
Subdivision plan

TITEL:
Subdivision plan

NOTES:

NOTAS:

A3 Scale:

1:200

Tel: 044 873 4566 • Email: planning@delplan.co.za
www.delplan.co.za

URBAN & REGIONAL PLANNERS

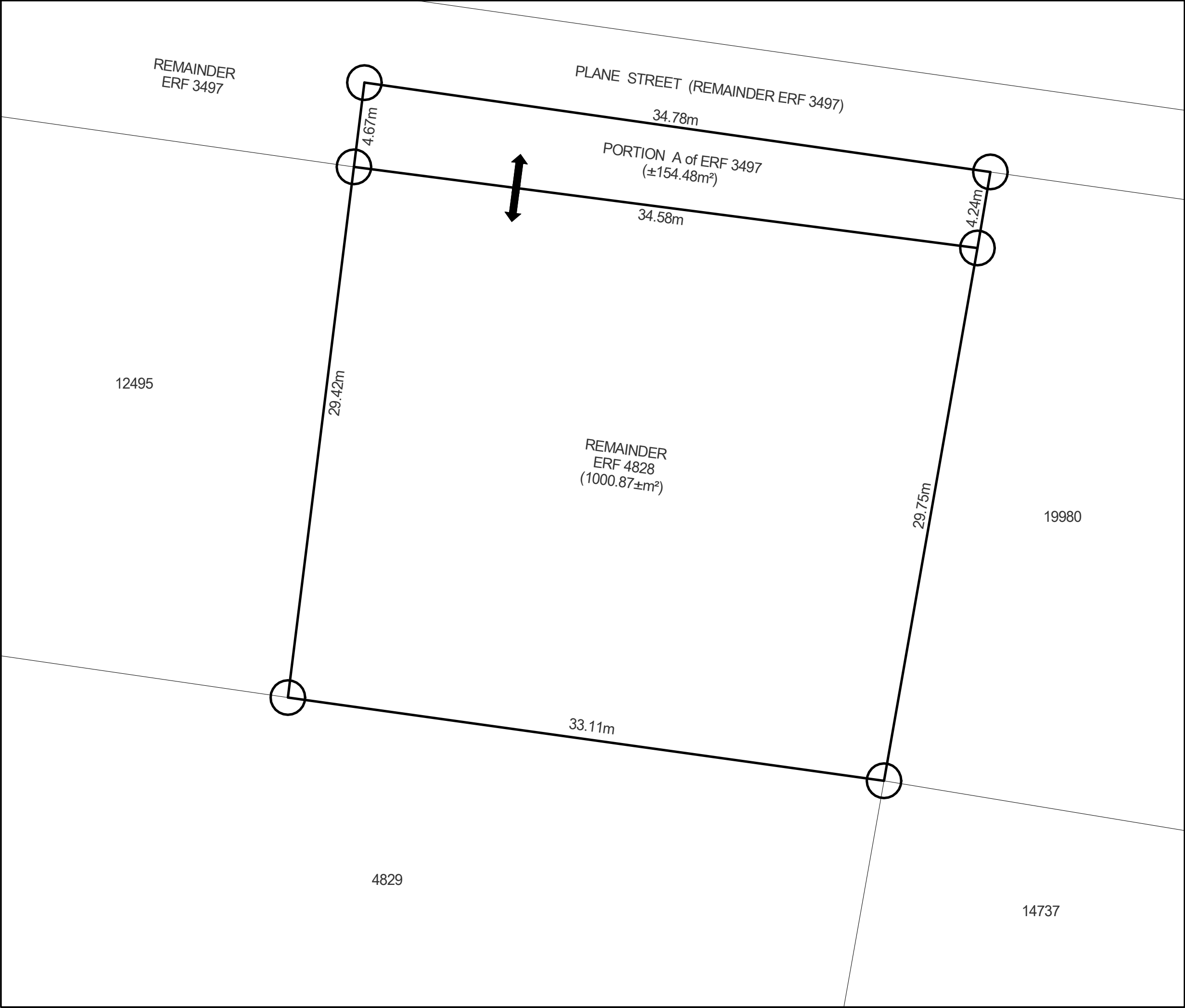
DESIGNED:
DESIGNED: DV

DRAWN:
GETEKEN: MV

FILE PATH: 1117/GEO/20/Tek/SKF
PLAN NO: SUBCON1

DATE:
DATUM: DECEMBER 2021

PLAN NAME:
PLAN NAAM: ANNEXURE 5



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PROJECT: Proposed subdivision & consolidation for Fouche Adventure Trust

PROJEK:

DESCRIPTION: Erven 3497 & 4828, George

BESKRYWING:

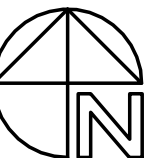
TITLE: Consolidation plan

EL:

NOTES:

1. Subdivision of Erf 3497, George into Portion A (±154.48m²) and a Remainder.
2. Consolidation of Portion A with Remainder Erf 4828 (±1000.87m²), George.

NOTAS:

A3 Scale:  1:200

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CONSULTING
URBAN & REGIONAL PLANNERS

DESIGNED: DV

DRAWN: MV

FILE PATH: 1152/GEO/21/Tek/SKF
PLAN NO: SUBCON1

DATE: JUNE 2023
DATUM:

PLAN NAME: ANNEXURE 5
PLAN NAAM:

SIDES Cape Feet	DIRECTIONS	CO-ORDINATES		OFF. DESIG.
		y	System 23° x	
AB	Constant		+11900000.00	
BC	278.9.30	A	+161852.27 + 33565.24	
CD	12.19.0	B	+161326.57 + 33640.60	
DA	102.19.0	C	+161440.46 + 34162.21	
ED	188.14.50	D	+161923.51 + 34056.74	
ED	188.14.50	E	+161968.72 + 34368.66	
D.R.C. George		▲	+157498.63 + 37691.26	
Geo. 9		▲	+161306.57 + 27603.52	

Approved.

W. Seatie

Surveyor-General.

17-9-1963

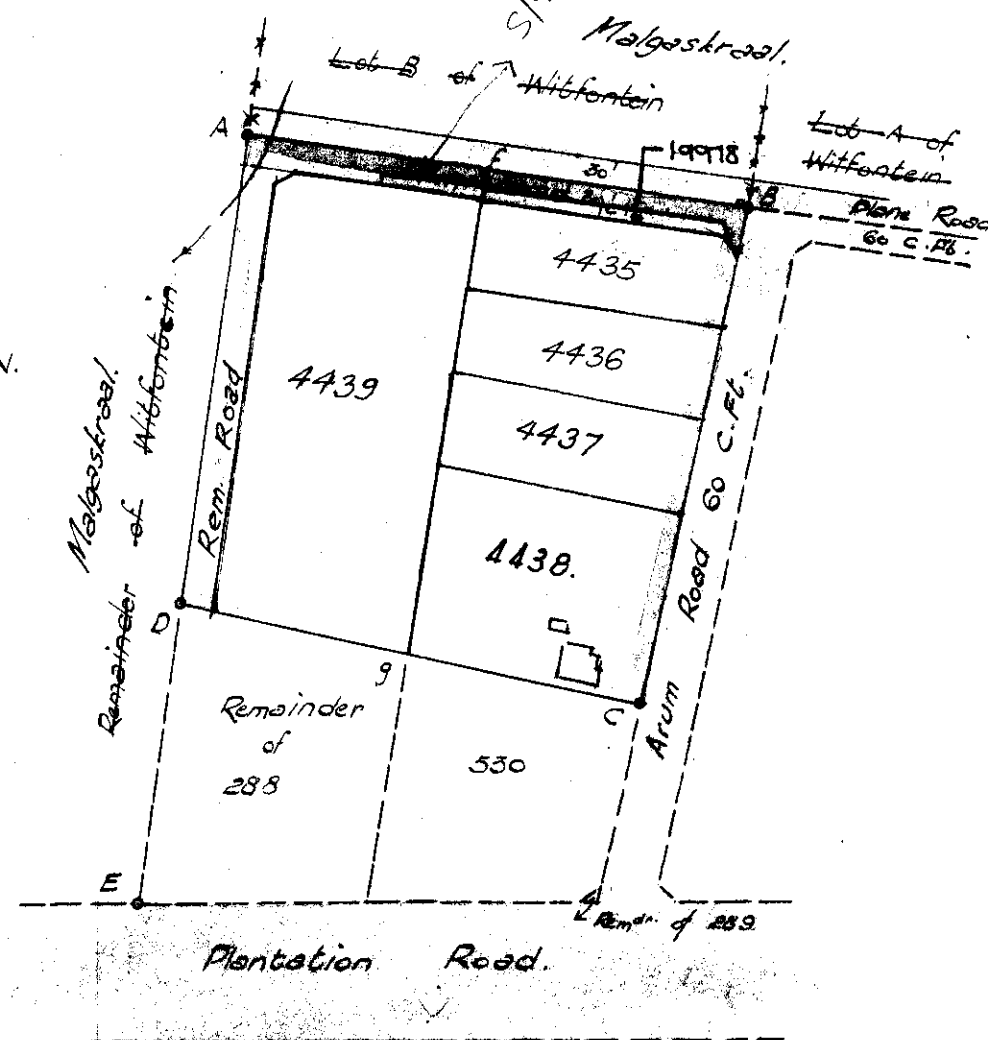
1. Figure AFGD representing Erf 3495 (portion of Erf 288) George.

Vide Dgm. N° 4759/1963 annexed to D./T. 1964. 1576

2. Figure FBCG representing Erf 3496 (portion of Erf 289) George.

Vide Dgm. N° 4760/1963 annexed to Certificate of Reg. Title 1964. 1577

N.



Scale 1: 2500

The figure ABCD _____

represents 3.0540 _____ morgen of land, being

_____ Erf 3497 George _____

and comprises the properties specified above.

of the farm

situate in the Municipality and

Administrative District of George

Province of Cape of Good Hope

Compiled
Surveyed in July 1963

by me

W. Seatie
Land Surveyor.

Beacons:-

- A, planted stone 7" x 5", flush.
- B, " 10" x 10" proj. 9".
- C, iron peg 18" long & 1/2" dia.
- D, " " 5/8" dia.
- E, concrete block 6" x 6" proj. 6".

ERF 19978
2002-03-08
4578/5
PW Hunt
2002-06-19

This diagram is annexed to
C.C.T. No. 1578/1964

dated

i.f.o.

Registrar of Deeds.

The original diagrams are

No.

are as quoted above.

Transfer/Grant

No.

File Nos 4578/5

S.R. No. Compiled

Comp. BL-7DD/V3-V4

Gen. Plan

THE FOLLOWING INFORMATION WAS TAKEN FROM THIS DIAGRAM					
Survey Records	Diag. No.	Subdivision	Area	Area	Area
E1051/69	3896/69	Erf 4435	2570	25926	30344/69
---	3897/69	Erf 4436	2543	24938m	15624/70
---	3898/69	Erf 4437	26057	2583	13880/77 m
---	3899/69	Erf 4438	5043m ²	50868 sqm	9048/77. 60
---	3900/69	Erf 4439	9977sqm	28235/70	
E1212/02	2758/02	Erf 19978	2228m ²	78001/2004	LC

MUNICIPALITEIT VAN GEORGE
 Ek sertifiseer dat die wetlike vereltes van
 my Kaad wat as gevolg van Herdie onderverdeling
 ontstaan, regskom is.
 13217/63
 STANSLER
 Datum

Our Ref.: 1152/GEO/21
Your Ref.: Erf 4828 & 3497

31 July 2023

The Municipal Manager
George Municipality
PO Box 19
GEORGE
6530

ATTENTION: MR. CLINTON PETERSEN

BY HAND

Dear Mr. Petersen,

**PROPOSED SUBDIVISION AND CLOSURE OF PORTION A OF ERF 3497 AND CONSOLIDATION THEREOF
WITH ERF RE/4828, 29 PLANE ROAD, GEORGE MUNICIPALITY AND DIVISION**

1. The above matter refers.
2. Attached hereto find the following:
 - A copy of the required documentation;
3. We hope that you will be able to process the application as soon as possible.

Yours Faithfully
DELPLAN Consulting



DELAREY VILJOEN Pr. Pln

<https://delplan.sharepoint.com/sites/Delplan/Shared Documents/General/Documents/PROJECTS/2021/1152-GEO-21/2023/2023/b1.docx>

Cc: FOUCHE ADVENTURE TRUST

**PROPOSED SUBDIVISION AND CLOSURE OF PORTION A OF ERF 3497 AND
CONSOLIDATION THEREOF WITH ERF RE/4828, 29 PLANE ROAD, GEORGE
MUNICIPALITY AND DIVISION**



FOR: FOUCHE ADVENTURE TRUST



URBAN & REGIONAL PLANNERS

D E V E L O P M E N T E N V I R O N M E N T L I N K

CONTENTS

1. INTRODUCTION.....	3
1.1 Title deed.....	3
1.2 Land Use Application.....	3
2. CONTEXTUAL INFORMATION	4
2.1 The locality of the subject property.....	4
2.2 Existing Land Uses and Character of the Area.....	5
2.3 Zoning.....	5
3. DEVELOPMENT PROPOSAL	6
3.1 Proposed Development	6
3.2 Accessibility and Parking	7
3.3 Engineering Services.....	7
4. RELEVANT SPATIAL PLANNING POLICIES	7
4.1 Exiting Policy Frameworks.....	7
4.1.1 George Municipal Spatial Development Framework (2023).....	7
5. STATUTORY FRAMEWORKS.....	7
5.1 Spatial Planning and Land Use Management Act, 2013 (ACT 16 OF 2013) (SPLUMA)	8
5.2 Land Use Planning Act (LUPA).....	9
5.2.1 Compliance/consistency with spatial policy directives	9
5.2.2 Desirability	10
6. CONCLUSION	10

ANNEXURES

1. POWER OF ATTORNEY
2. TITLE DEED
3. SG DIAGRAM
4. CONVEYANCER CERTIFICATE
5. BONDHOLDER'S CONSENT
6. LOCALITY MAP
7. MUNICIPAL COUNCIL LETTER
8. SUBDIVISION PLAN
9. CONSOLIDATION PLAN
10. APPLICATION FORM

**PROPOSED SUBDIVISION AND CLOSURE OF PORTION A OF ERF 3497 AND CONSOLIDATION
THEREOF WITH ERF RE/4828, 29 PLANE ROAD, GEORGE MUNICIPALITY AND DIVISION**

1. INTRODUCTION

The property owner wishes to consolidate Erf RE/4828 with a portion of the abutting road reserve. This road reserve is a small ($\pm 154\text{m}^2$) portion bordering the subject property that was proclaimed to construct the street, namely Plane Road. It has been used for many years as part of the garden of Erf RE/4828. The street was constructed but the proclaimed portion was never developed upon. The owner aspires to buy the $\pm 154\text{m}^2$ portion from Council and consolidate it with the proposed portion. *DELPLAN Consulting* was appointed by the registered owners of Erf RE/4828, George, referred hereafter as the “**subject property**”, to prepare and submit the required land use application. The Power of Attorney to submit this land use application is attached as **Annexure 1**.

1.1 Title deed

The Title Deed T48560/2014 refers to Erf RE/4828, George registered in the name of the Fouche Adventure Trust and it shows the extent of the property as measuring 1000m^2 . The road portion (Erf 3497) vests in the name of George Municipality. It is important to note that the deed of transfer obtained from the Municipality, T9074/1968, states James Graham as the owner, but Municipal attorneys are attending to the vesting transfer. The title deeds are attached as **Annexure 2** and the SG Diagrams are attached hereafter as **Annexure 3**. The Title Deed has been scrutinized and it contains no applicable restrictions. A Conveyancer Certificate is attached as **Annexure 4**. Lastly, the property is subject to a bond, the bondholder's consent is attached as **Annexure 5**.

1.2 Land Use Application

- **Subdivision** in terms of Section 15(2)(d) of the George Municipality Land Use Planning By-law, 2023, to subdivide Erf 3497 into Remainder of Erf 3497 (RE/3497) and Portion A of Erf 3497.
- **Closure of a public place** in terms of Section 15(2)(n) of the George Municipality Land Use Planning By-law, 2023, to close Portion A of Erf 3497 zoned “Transport Zone II” from public use to private.
- **Consolidation** in terms of Section 15(2)(e) of the George Municipality Land Use Planning By-Law, 2023 of Portion A with Erf RE/4828, George.
- Note that Erf 3497, and Portion A, are currently public spaces and thus requires and **exemption application** in terms of section 24(1)(d) of the George Municipality Land Use Planning By-law, 2023, to allow consolidation of Portion A of Erf 3497 with Erf RE/4828 and allow automatic rezoning of Portion A, to the zoning of Erf RE/4828, George namely Single Residential Zone I.

2. CONTEXTUAL INFORMATION

2.1 The locality of the subject property

The properties earmarked for the proposed consolidation is situated in the northern parts of Heatherlands at 29 Plane Road. Figure 1 below indicates the subject property, in relation to George. Figure 2 gives a closer look at the subject property and surrounding area.



Figure 1: The location of the subject property in relation to George and major roads



Figure 2: The subject property and the immediate surrounding land uses.

No significant historic buildings, ruins, grave sites or any other heritage-related activities and objects are evident within the landscape. A locality plan is attached hereto as **Annexure 6**.

2.2 Existing Land Uses and Character of the Area

The subject property currently has a single dwelling house that has access from Plane Road as seen in figure 3. The property is situated in Heatherlands which is mostly a homogeneous residential area. The sizes of the surrounding erven are all slightly bigger than the subject property. The consolidation will increase the erf size from 1000m² to 1154m² which could fit in more with the erf sizes of the surrounding properties as neighbours to the east have already joined road reserve portions to their respective properties.



Figure 3: A photograph of the subject property taken from Plane Road in a southern direction.

2.3 Zoning

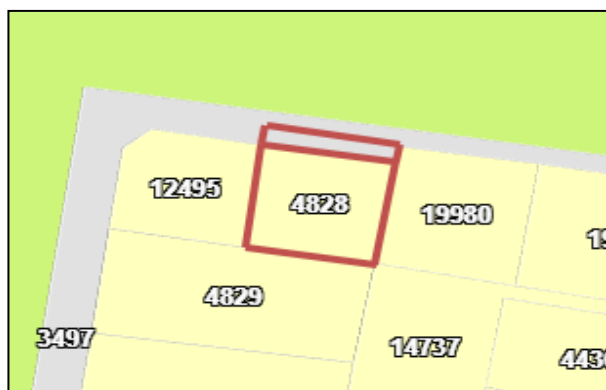


Figure 4: The zoning for Erf 4828, George

The zoning of the subject property according to the George Integrated Zoning Scheme By-Law is "*Single Residential Zone I*" as seen in figure 4. The zoning of the property will not be altered by the proposed consolidation of the property. The erf will remain Single Residential Zone I.

3. DEVELOPMENT PROPOSAL

3.1 Proposed Development

The property owners wish to cut off proposed Portion A from the road reserve (Erf 3497) and consolidate it with their property (Erf RE/4828). The current erf measures 1000m² and the Portion of the road measures $\pm 154\text{m}^2$, this was proclaimed to construct the future expansion of the street, namely Plane Road, but it was later decided that the road will not be upgraded. The owners aspire to buy the $\pm 154\text{m}^2$ portion from Council and consolidate it with Erf RE/4828 as previously mentioned. The proposed new erf will then measure 1154m². It has already been discussed and confirmed by the roads department that they would not need this portion and all indications are that the owner will be successful in purchasing and consolidating this portion. A Letter from the Municipal Council is attached herewith confirming the latter (**Annexure 7**). Proposed Portion A and consolidation with Erf RE/4828 can be seen in figure 5.

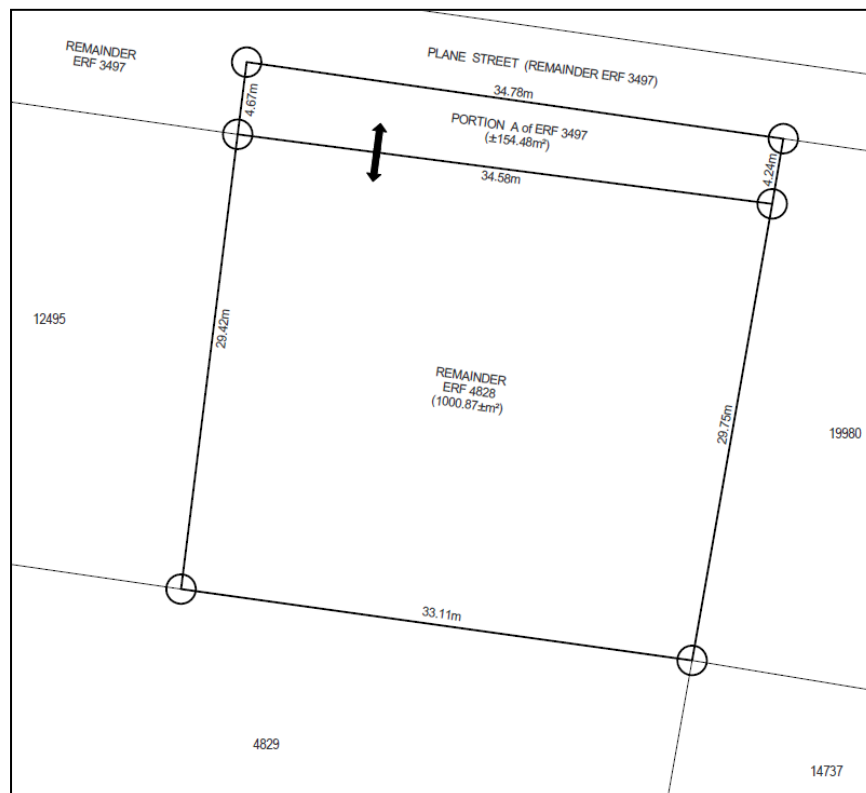


Figure 5: An illustration of the proposed subdivision and consolidation

As portion A is part of a public road, an application for the closure of a public place is also being submitted. No rezoning is required as only an exemption application is being submitted to allow the consolidation of Portion A of Erf 3497 with Erf RE/4828 and allow automatic rezoning of Portion A, to the zoning of Erf RE/4828, George namely Single Residential Zone I. The Subdivision Plan is attached as **Annexure 8** and the Consolidation

Plan is attached as **Annexure 9**. A similar consolidation took place on the adjacent Erf 19980.

3.2 Accessibility and Parking

Parking and access to the subject property will remain unchanged. Access to the dwelling is currently obtained from two different points on Plane Road and this will remain the same.

3.3 Engineering Services

The property is located in an already developed and serviced residential area. The property owner will be held financially responsible for the capital contributions.

4. RELEVANT SPATIAL PLANNING POLICIES

4.1 Exiting Policy Frameworks

This section briefly addresses the relevant spatial policy frameworks that guide development proposals in general and its applicability to this proposed development. These include:

4.1.1 George Municipal Spatial Development Framework (2023)



Figure 6: GMSDF

The GMSDF does not refer to the subject property specifically.

The GMSDF (2023) created policies that will promote the objectives of the GMSDF. This development is not in conflict with any of these policies. Figure 6 indicates the GMSDF and the subject property with a blue arrow.

5. STATUTORY FRAMEWORKS

Following the most recent legislative and procedural changes that have become applicable to the management of land use planning in South Africa, and consequently the Western

Cape Province, it is considered necessary to summarise the implications of the current statutory framework within the context of this land-use planning application. Set out below are a set of principles and ethical conventions related to this application.

5.1 Spatial Planning and Land Use Management Act, 2013 (ACT 16 OF 2013) (SPLUMA)

Section 7 of SPLUMA lists the five development principles that apply to spatial planning, land use development and land use management namely (each of which to be elaborated on);

1. *Spatial justice* refers to the need for improved access and use of land in order to readdress past spatial and development imbalances as well as the need for SDF's and relevant planning policies, spatial planning mechanisms, land use management systems and land development procedures to address these imbalances.
 - *This development will leave the character of the surrounding area intact.*
2. *Spatial sustainability* refers to the need for spatial planning and land use management systems to promote land development that is viable and feasible within a South African context, to ensure the protection of agricultural land and maintain environmental management mechanisms. It furthermore relates to the need to promote effective/equitable land markets, whilst considering the cost implications of future development on infrastructure and social services as well as the need to limit urban sprawl and ensure viable communities.
 - *This development is consistent with the George Municipal Spatial Development Framework (2023) as a tool to guide future development within George Local Municipality. The proposed use is the optimal use of feasible land.*
3. *Efficiency* relates to the need for optimal use of existing resources and infrastructure, decision- making that minimizes negative financial, social, economic or environmental impacts and development application procedures that are efficient and streamlined.
 - *The proposed development will optimize existing resources related to the subject property that will not have a financial, social, economic or environmental impact on the subject property and the surrounding properties.*
 - *The development will make use of existing local resources and contribute to specialised skills development within the municipality.*
4. *Spatial resilience* refers to the extent to which spatial plans, policies and land use management systems are flexible and accommodating to ensure sustainable livelihoods in communities most likely to suffer the impacts of economic and environmental shocks.

- *The proposed development complies with the George Municipal Spatial Development Framework (2023).*
 - *This development also complies with George Municipality's land use management scheme.*
5. *Good administration* refers to the obligation on all spheres of government to ensure implementation of the above efficiently, responsibly and transparently.
- *This principle has no direct bearing on the application. George Municipality should consider the application within the prescribed timeframes. Public participation must be transparent with policies and legislation. Procedures should be clear to inform and empower members of the public.*

5.2 Land Use Planning Act (LUPA)

The development objectives entrenched in SPLUMA have been assimilated into the Western Cape Land Use Planning Act, 2014 (Act 3 of 2014) and sets out a basis for the adjudication of land use planning applications in the province. It requires that local municipalities have due regard to at least the following when doing so:

- Applicable spatial development frameworks;
- Applicable structure plans;
- Land use planning principles referred to in Chapter VI (Section 59);
- The desirability of the proposed land use; and
- Guidelines that may be issued by the Provincial Minister regarding the desirability of proposed land use.

The land-use planning principles of LUPA (Section 59) is, in essence, the expansion of the five development principles of SPLUMA listed above. Again, only the relevant aspects are addressed in this report.

5.2.1 Compliance/consistency with spatial policy directives

Section 19(1) and (2) of LUPA states that the following:

“(1) If a spatial development framework or structure plan specifically provides for the utilisation or development of land as proposed in a land use application or a land development application, the proposed utilisation or development is regarded as complying with that spatial development framework or structure plan;

(2) If a spatial development framework or structure plan does not specifically provide for the utilisation or development of land as proposed in a land use application or a land development application, but the proposed utilisation or development does not conflict with the purpose of the relevant designation in the spatial development framework or structure plan, the utilisation or development is regarded as being consistent with that spatial development framework or structured plan.”

As addressed under Section 5, it is clear that the application is consistent with the spatial policies, specifically the George Municipality’s Spatial Development Framework (2023).

5.2.2 Desirability

The concept “*desirability*” in the land use planning context may be defined as the degree of acceptability of a proposed development on land units concerned or the proposed consolidation of the property. This section expresses the desirability of the proposed consolidation, taken in conjunction with the development principles and criteria set out through the statutory planning framework listed above, as well as the degree to which this proposal may be considered within the context of the broader public interest. It is our view that the initial investigation into the desirability of the proposal reveals no obvious negative impacts.

Given the above, the proposed development is considered desirable according to the GMSDF (2023) and the George Municipality’s Integrated Zoning Scheme (2017). The proposed consolidation will further not have a negative impact on the surrounding neighbours or the character of the area. The application is therefore considered to be desirable. There is also the need to incorporate underutilised space with abutting erven as it currently exists neither as a usable erf, nor as a road. Physically nothing will change as the portion is already fenced in as part of the erf.

6. CONCLUSION

We believe that the abovementioned principles, considerations, and guidelines for this land use application for Erf RE/4828 and Erf 3497, George satisfies the applicable legislation. As a result, it is trusted that this application can be finalised successfully.



DELAREY VILJOEN Pr. Pln

July 2023

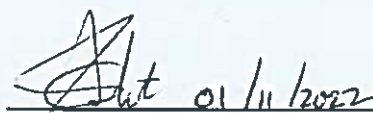
EXTRACT FROM DRAFT MINUTES ORDINARY COUNCIL MEETING 27 OCTOBER 2022

7.2.8 APPLICATION TO PURCHASE A PORTION OF THE ROAD RESERVE IN HEATHERLANDS SITUATED IN FRONT OF ERF 4828 GEORGE [5.9.7]

The proposal was unanimously accepted by Council.

RESOLVED

- (a) that Council **TAKE NOTE** of Section 7 of the Asset Transfer Regulations listed in the report;
- (b) that it **BE DECIDED** that the portion of the road reserve next to Erf 4828, George ($\pm 155\text{m}^2$ in extent) is not required for the minimum level of basic Municipal service delivery in terms of Section 14(2) of the Municipal Finance Act 2003, (Act 56 of 2003);
- (c) that it **BE ACKNOWLEDGED** that the portion of the road reserve next to Erf 4828, George ($\pm 155\text{m}^2$ in extent) be regarded as non-viable;
- (d) that the transfer of the portion of the road reserve next to Erf 4828, George ($\pm 155\text{m}^2$ in extent) to the owner of Erf 4828, George at the market related amount of R15 600.00 or R300.00 per m^2 , VAT inclusive, **BE APPROVED**;
- (e) that the intention of Council to transfer the portion of the road reserve next to Erf 4828, George ($\pm 155\text{m}^2$ in extent) to the owner of Erf 4828, George **BE ADVERTISED** for public comments and representations;
- (f) that the portion of the road reserve next to Erf 4828, George ($\pm 155\text{m}^2$ in extent) **BE CLOSED, SUBDIVIDED** and be **CONSOLIDATED** with Erf 4828, George;
- (g) that the applicant **BE RESPONSIBLE** for all costs resulting from the transaction; and
- (h) that this approval is **SUBJECT THERETO**, that all administrative, technical and legal requirements are adhered to.



ACTING MANAGER: COMMITTEE SERVICES
(MRS C JANSEN-JOUBERT)



ACTING DIRECTOR: CORPORATE SERVICES
(MR E GANZA)

POWER OF ATTORNEY

I, the undersigned

LAUREN WARING, Director: Human Settlements, Planning and Development, duly authorised hereto on behalf of the registered owner of

ERF 3497, GEORGE, IN THE MUNICIPALITY AND DIVISION OF GEORGE, PROVINCE OF THE WESTERN CAPE;

Do hereby appoint **DELAREY VILJOEN** of **DELPLAN Consulting** to take the necessary steps as required by the local Authority to ensure that the applicable application, to consolidate a portion of public land (Erf 3497, George) with the abutting erf residing in private ownership, complies with the conditions contained in the law on the By-Law on Municipal Land Use Planning for George Municipality, 2023, or any other applicable law.

Signed at GEORGE on the 04 - JULY - 2023

In the presence of the undersigned witnesses.



**DIRECTOR: HUMAN SETTLEMENTS,
PLANNING AND DEVELOPMENT**


AS WITNESSES:

1. 

2. 

POWER OF ATTORNEY

I, **Elaine Fouche**, the undersigned and authorised trustee of **Fouche Adventure Trust**, the registered landowner of **Erf 4828, George Municipality and Division, Western Cape Province**, hereby instruct **Delarey Viljoen** of *DELplan Consulting* to submit the necessary land use application.



E Fouche

20 June 2021.
Date


Witnesses:

1. 

2. 

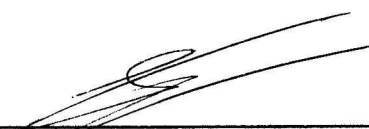
TRUST RESOLUTION

We, Elaine Fouche, Stefan Fouche & David Hermanus Petrus du Toit, the trustees of FOUCHE ADVENTURE TRUST, hereby give Elaine Fouche the authorization to sign any documents on the behalf of the trust concerning the necessary land use applications.




E Fouche

20 June 2021.
Date



S Fouche

20 June 21
Date




DHP du Toit

20 June 2021
Date

Witnesses:

1. 

2. 



DEPARTEMENT VAN JUSTISIE EN KONSTITUSIONELE ONTWIKKELING
REPUBLIC VAN SUID-AFRIKA

MAGTIGINGSBRIEF

Ingevolge artikel 6(1) van die Wet op Beheer oor Trustgoed, 1988 (Wet 57 van 1988)

No: IT 469/2010

Hiermee word
gesertifiseer
dat

ELAINE FOUCHE

(ID NO: 800828 0107 08 2)

STEFAN FOUCHE

(ID NO: 790214 5035 08 5)

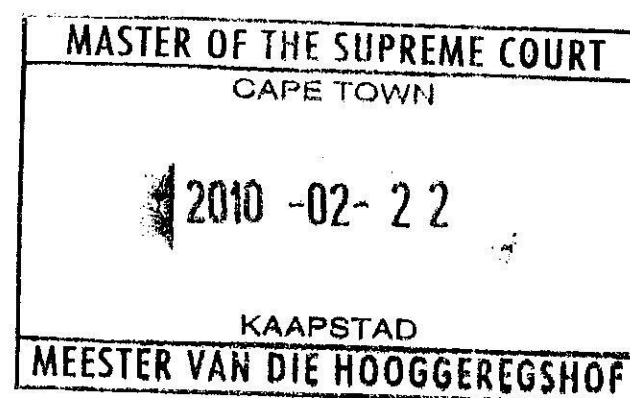
DAVID HERMANUS PETRUS DU TOIT

(ID NO: 801210 5136 08 6)

gemagtig word om as trustees van **FOUCHE ADVENTURE TRUST** op te tree.

GEGEE onder my hand te KAAPSTAD op hede die 22^{ste} dag van Februarie 2010.

Asst. Meester van die Wes-Kaapse Hoë Hof, Kaapstad
(Wes-Kaap Hoë Hof, Kaapstad)



GESERTIFISEER 'N WARE AFSKRIF
VAN DIE OORSPRONKLIKE
CERTIFIED A TRUE COPY OF THE
ORIGINAL

Madelein Martin

Kommissaris van die
Hoër Regter van die Wes-Kaapse
Hoër Regter van die Wes-Kaapse
Hoër Regter van die Wes-Kaapse
Hoër Regter van die Wes-Kaapse
Hoër Regter van die Wes-Kaapse

Commissioner of Oaths
Commissioner of Oaths
Commissioner of Oaths
Commissioner of Oaths
Commissioner of Oaths

INGEDIEN

26 -4- 1968

LOGGED

D.L.B.

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GESTEL

DUTY
SEELRES

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TRAFFER
HEERRECE

IND	NO	INITIAL
		B.J.
		K-B

V. N. ENSLIN

DEED OF TRANSFER

BY VIRTUE OF A POWER OF ATTORNEY

9074

1968

Know all men whom it may concern

THAT CASPER HENDRIK VAN ZYL

appeared before me,

Registrar of Deeds, he being duly authorized thereto by a Power of Attorney dated

19th day of February 1968, executed at CAPE TOWN, and dated
5th April 1968, executed at MOSSEL BAY,
and granted to him by

THOMAS FRANCOIS BURGER ERLANK

in his capacity as Manager of the Estates Department of
Volkskas Limited, Cape Town, and as such Executor Testamentary
in the Estate of the late JOSIAS ESTERHUIZEN No. 5525/67 by
virtue of Letters of Administration issued in his favour by
the Master of the Supreme Court of South Africa, Cape Town,
on 8th November, 1967, and

ANNA MAGDALENA ESTERHUIZEN

born Swart on 3rd December 1896) Widow, in her personal capacity,
by virtue of her marriage in community of property to the said late
JOSIAS ESTERHUIZEN, respectively,

which Said Power of Attorney was this

day exhibited to me.

And the Said Appearer declared that, his Principals had truly and legally sold

SCHOLTZ & VAN RENEN,
Attorneys, Notaries & Conveyancers,
Mossel Bay, S.A.

PROCTOR DE VILLIERS & CO.

on /.....

9074

1968

9074

Prepared by me
Conveyancer

B. W. WEAVING

Asst. Registrar,
Asst. Registrar,
Asst. Registrar,

RETRANSFERTEE - 8 - 6 - 1970
TRANSFERRED
No. 15624

Holder: 2.1094
Remainder:

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R. W. WEAVING

Asst. Registrar,
Asst.

on the 12th December 1967, the hereinafter mentioned property to the hereinafter mentioned Transferee, and that he, in his capacity as aforesaid did by these presents cede and transfer in full and free property to and on behalf of :

JAMES GRAHAM
(born on 18th December 1898)
- White Group -

His Heirs, Executors, Administrators or Assigns :

CERTAIN piece of land, being Erf No. 3497, George, situate in the Municipality and Administrative District of GEORGE;

MEASURING : 3.0540 (Three decimal Nought, Five, Four, Nought) morgen,

EXTENDING: as the Certificate of Consolidated Title dated 30th January, 1964, Nr. 1578, with Diagram No. 4761/63 annexed thereto, made in favour of Josias Esterhuizen, will more fully point out.

SUBJECT, (~~in respect of the whole property,~~)
to the conditions referred to in Deed of Transfer dated 4th August 1911, No. 5762.

WHEREFORE/...

WHITE GROUP
BLANKE GROEP

R. W. WEAVING

Registrar of Deeds, Port Elizabeth

1.11.17 Healed

No.

DEED TRANSFERRED
TRANSFERRED

10-1974

4439 = 9977

Paubenberger and another

WHEREFORE the Appearer in his said Capacity, renouncing all the right and title his said Joint Estate Principal heretofore had to the premises, did, in consequence also acknowledge his said Principals Joint Estate to be entirely dispossessed of, and disentitled to the same; and that by virtue of these presents, the said

JAMES GRAHAM

His Heirs, Executors, Administrators or Assigns, now is and henceforth shall be entitled thereto conformably to local custom; State, however, reserving its right; and finally acknowledging his said Principal to be satisfactorily paid the whole of the purchase money amounting to the sum of R12,000-00 (TWELVE THOUSAND RAND) on which amount Transfer duty was paid according to Law.

IN WITNESS whereof, I, the said Registrar, together with the Appearer q.q. have subscribed to these presents and have caused the Seal of Office to be affixed thereto.

THUS DONE and executed, at the Office of the Registrar of Deeds in Cape Town on the 6th day of May in the Year of our Lord, One Thousand Nine Hundred and Sixty-Eight (1968).

q.q. Principal/s

In my presence,

Registered in the *Even*

Register of *George*

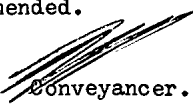
Book

Folio *3497(2)*

W.P. Phyllis
Clerk in Charge

[Signature]
ASSISTENT Registrar of Deeds


I certify that withinmentioned property
is urban as contemplated by Soil Conservation
Act No.45@6 as amended.


Conveyancer.

NOTO CONTINUED ON SEPARATE DEED VATSER
ESTAS VERBALES OF APOBECOLINE VOL. 100000000

INTERDIKITE N. 8000
INTERDIKITE CH. 8000
DATUM
DATE
30 APR 03

NOTO CONTINUED ON SEPARATE DEED VATSER
ESTAS VERBALES OF APOBECOLINE VOL. 100000000

NOTO CONTINUED ON SEPARATE DEED VATSER
ESTAS VERBALES OF APOBECOLINE VOL. 100000000


BLADSY/PAGE

ENDOSSEMENT OP
ENDORSEMENT ON

T 9074/1968

EIENDOMPROPERTEIT

3497

dyng

Carj 4438 mess. 5043 m²

GETRANSPORTEERD
TRANSFERRED

21-4-1977

Aanb. G.L.H.

No. 1.9048/

Restant

Remainder

6074 24 m

C. C SMIT

Asslt.-Registeraar/Asslt. Registrar

264437 m⁰⁰⁰ 2583 m²

GETRANSPORTEERD
TRANSFERRED

19-6-1977

Aan

W. J. Visser

No. T 3880/17

Restant

Remainder

3491 m²

C. H. WIESE

Asslt.-Registeraar/Asslt. Registrar

ERF 19978 = 338 M²

GETRANSPORTEERD AAN

TRANSFERRED TO

GEORGE MUNICIPALITY

RESTANT/REMAINING

338 M²

T 7800/2004

12 AUG 2004

REGISTERAR/REGISTRAR

Raubenheimers Inc
PO Box 21
60 Cathedral Street
George
6530

Prepared by me

Rock

CONVEYANCER
ANN MARJORY COETZEE

Fee endorsement		Office fee
	Amount	
Purchase price/Value	R. 1630 000.00	R. 900 00
Mortgage capital Amount	R.	R.
Reason for exemption	Exempt I.I. 2	
	Cat.	section Act.

GETRANSPOORTEER AAN	TRANSFERRED TO
IN ERROR	
RESTANT/REMAINDER	
	REGISTRAR/REGISTRAR

DEED OF TRANSFER

BE IT HEREBY MADE KNOWN THAT

RONEL ELS

T 00004856072014

appeared before me, REGISTRAR OF DEEDS at Cape Town, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at George on 17 July 2014 granted to him by

GRAHAM PETER JOHNSON
IDENTITY NUMBER 590627 5141 08 6
MARRIED OUT OF COMMUNITY OF PROPERTY

11 SEP 2014
DEED/CAPTURE
DIVISION/REGISTRATION

And the appearer declared that his said principal had, on 28 May 2014, truly and legally sold by Private Treaty, and that he, the said Appearer, in his capacity aforesaid, did, by virtue of these presents, cede and transfer to and on behalf of:

**THE TRUSTEES FOR THE TIME BEING OF THE
FOUCHE ADVENTURE TRUST
REGISTRATION NUMBER IT469/2010**

its Successors in Office or assigns, in full and free property

**REMAINDER ERF 4828 GEORGE
IN THE MUNICIPALITY AND DIVISION OF GEORGE
WESTERN CAPE PROVINCE**

IN EXTENT 1000 (ONE THOUSAND) SQUARE METRES

**FIRST TRANSFERRED BY DEED OF TRANSFER NUMBER T28236/1970
WITH DIAGRAM NUMBER 672/70 RELATING THERETO AND HELD BY
DEED OF TRANSFER NUMBER T11306/2010.**

A. SUBJECT to the conditions referred to in Deed of Transfer Number T5762/1911.

B. SUBJECT FURTHER to the following conditions contained in Deed of Transfer Number T28235/1970, imposed by the Administrator of the Cape of Good Hope in terms of Section 9 of Ordinance 33 of 1934, when approving of the subdivision of Erf 4439, GEORGE, namely:

- "(a) The owner of this erf shall without compensation be obliged to allow electricity cables and/or wires and main and/or other waterpipes and the sewage and drainage, including stormwater of any other erf or erven to be conveyed across this erf, if deemed necessary by the local authority and in such manner and position as may from time to time be reasonably required. This shall include the right of access to the erf at any reasonable time for the purpose of constructing, altering, removing or inspecting any works connected with the above.
- (b) The owner of this erf shall be obliged, without compensation, to receive such material or permit such excavation on the erf, as may be required to allow use of the full width of the street and provide a safe and proper slope to its bank owing to difference between the levels of the street as finally constructed and the erf, unless he elects to build retaining walls to the satisfaction of and within a period to be determined by the local authority.

@

C. **SUBJECT FURTHER** to the terms of the endorsement dated 15th December 1986 on said Deed of Transfer Number T11508/1980, which reads as follows:

"RESTANT

Kragtens T51462/86 is die Restant van die binnegemelde eiendom

ONDERHEWIG aan die volgende voorwaardes opgelê deur die Munisipaliteit van George by die goedkeuring van die onderverdeling van Erf 4828 GEORGE, kragtens die bepalinge van Artikel 9 van Ordonnansie nommer 33/1934 soos gedelegeer kragtens Ordonnansie nommer 13 van 1965, naamlik:

1. Die eienaar van hierdie erf is verplig om sonder betaling van vergoeding, toe te laat dat hoofgasleidings elektrisiteits-, telefoon- en televisiekabels en/of -drade, hoof- en ander waterpype en die rioolvuil en dreinerings, insluitende stormwater van enige ander erf of erwe, oor hierdie erf gevoer word en dat bopasinstallasies soos mini-substasies, meter kioske en dienspalpe daarop geïnstalleer word, indien dit deur die plaaslike owerheid nodig geag word, en wel op die wyse en plek wat van tyd tot tyd redelikerwys vereis word. Dit sluit die reg op toegang te alle redelike tye tot die eiendom in met die doel om enige werke met betrekking tot bogenoemde aan te lê, te wysig, te verwyder of te inspekteer.
2. Die eienaar van hierdie erf is verplig om sonder vergoeding op die erf die materiaal te ontvang of uitgrawings op die erf toe te laat al na vereis word, sodat die volle breedte van die straat gebruik kan word en die wal veilig en behoorlik skuins gemaak kan word weens die verskil tussen die hoogte van die straat soos finaal aangelê en die erf tensy hy verkies om steunmure te bou tot genoeë van en binne 'n tydperk wat die plaaslike owerheid bepaal."

2

WHEREFORE the said Appearer, renouncing all right and title which the said

GRAHAM PETER JOHNSON, Married as aforesaid

heretofore had to the premises, did in consequence also acknowledge him to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

The Trustees for the time being of FOUCHE ADVENTURE TRUST
Registration Number IT469/2010

its Successors in Office or assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights, and finally acknowledging the purchase price to be the sum of R1 620 000,00 (ONE MILLION SIX HUNDRED AND TWENTY THOUSAND RAND).


IN WITNESS WHEREOF, I the said Registrar, together with the Appearer, have subscribed to these presents, and have caused the Seal of Office to be affixed thereto.

THUS DONE and EXECUTED at the Office of the REGISTRAR OF DEEDS at Cape
Town on 10 SEP 2014

In my presence

REGISTRAR OF DEEDS

5-

VERBOD		MORTGAGED	
VRI FOR R		800.000,00	
B 000010415/2021			
16 APR 2021		REGISTRAR CLERK REGISTRAR	

CONVEYANCER'S CERTIFICATE

in terms of Section 38(1)(n) of the George Municipality: Land Use Planning By-law (2015)

I, the undersigned, ANN MARJORY COETZEE, a duly qualified and admitted conveyancer, practicing at Raubenheimers Inc., 60 Cathedral Street, George, Western Cape Province, do hereby certify that:

1. I have perused the conditions of title in respect of:

REMAINDER ERF 4828 GEORGE
IN THE MUNICIPALITY AND DIVISION OF GEORGE
WESTERN CAPE PROVINCE

IN EXTENT: 1 000 (ONE THOUSAND) SQUARE METRES

HELD BY DEED OF TRANSFER T48560/2014

registered in the name of

FOUCHE ADVENTURE TRUST
REGISTRATION NUMBER IT469/2010

2. I have perused the conditions of title in respect of:

REMAINDER ERF 3497 GEORGE
IN THE MUNICIPALITY AND DIVISION OF GEORGE
WESTERN CAPE PROVINCE

IN EXTENT: 3 153 (THREE THOUSAND ONE HUNDRED AND FIFTY THREE)
SQUARE METRES

HELD BY DEED OF TRANSFER T9074/1968

registered in the name of

JAMES GRAHAM
BORN 18 DECEMBER 1898

3. Remainder Erf 3497 George is a public road, which vests in the Municipality of George. I have been informed by the Municipality of George it has instructed its attorneys to attend to the vesting transfer.

4. I have been advised that application will be made for the following:

- i the **subdivision** in terms of Section 15(2)(d) of the Land Use Planning By-Law for George Municipality, 2015 of Remainder Erf 3497 George into Portion A of Erf 3497 George and the Remainder of Erf 3497;

@

- ii **closure of a public place** in terms of Section 15(2)(n) of the Land Use Planning By-Law for George Municipality, 2015, to close Portion A of Erf 3497 George zoned "Transport Zone II" from public to private use;
 - iii **exemption** in terms of Section 24(1)(d) of the Land Use Planning By-Law for George Municipality, 2015, to allow consolidation of Portion A of Erf 3497 George with Remainder Erf 4828 Georgea and allow automatic rezoning of Portion A to the zoning of Remainder Erf 4828 George, namely Single Residential Zone I (as Erf 3497 George and Portion A are currently public spaces).
5. there are no conditions contained in the abovementioned title deed which restrict the contemplated land uses in terms of the proposed application.
6. there is a bond in favour of Firstrand Mortgage Co RF (Pty) Ltd registered over the property.

Dated at GEORGE on 06 JULY 2023.



A M COETZEE
CONVEYANCER - LPC no. 83392