

**CONVEYANCING
PART 1
10 MAY 2017

MEMORANDUM**

GENERAL NOTE AND DISCLAIMER: This memorandum serves as a guideline to candidates to prepare for the conveyancing examination. The information is provided in good faith by the Law Society of South Africa (LSSA) and the LSSA, the drafters and the examiners will not be liable for any errors or omissions.

The content of the memorandum may not reflect the most current developments. Further, there may be justifiable variations in practice which are brought out in the answers.

The purpose of questions that require drafting is to ensure that the candidate can properly draft documents to be registered. Answers that are not exactly the same as those contained in this memorandum but which are nonetheless correct, will be marked accordingly.

QUESTION 1

1.1 The purchaser confirms having been informed that the property is subject to a servitude of right of way, 3 (three) metres wide along the northern boundary thereof, in favour of the Remaining extent of Erf Durbanville, situate at Registration Division J.R, Province of Gauteng, measuring 1 500 (One thousand five hundred) square metres, which servitude has not been registered but which will be registered simultaneously with the registration of transfer of the property into the name of the Purchaser.

Candidates, please follow the practice in your respective Provinces with regard to the description of the property

1.2 The servitude can be registered:

- a) by means of a bilateral notarial deed entered into by and between the owner of the dominant tenement and the present or new owner of the property which is sold; or

- b) directly in the deed of transfer. This is done by creating the condition in the power of attorney to pass transfer to the purchaser. The registered owner of the land in favour of which the servitude is to be registered must personally or through an agent appear before the Registrar of Deeds and accept the servitude in favour of the land. The purchaser must consent in writing to such servitude being embodied in the deed of transfer

- 1.3 The granting of the servitude over the land is an acquisition for transfer duty purposes. As no consideration is payable, transfer duty shall be calculated on the fair value of the servitude. In practice the parties normally agree on a nominal value on the servitude in their declaration. SARS always has a right to question this and place its own value thereon.

QUESTION 2.1



Prepared by me

CONVEYANCER

Joe Soap

POWER OF ATTORNEY TO PASS TRANSFER

We, the undersigned

JOHN JACKSON

In my capacity as nominee of Best Bank Limited, registration number 1960/112233/06

And

LAUREN SMITH

In our capacities as co-executors in the estate of the Late Mavis Bates, Estate Number 982/2016, and duly appointed by virtue of Letters of Executorship issued by the Master of the High Court at Durban on 20 July 2016

Do hereby nominate, authorise and appoint Peter Pan with power of substitution to be our true and lawful agent to appear before the Registrar of Deeds at Durban and then and there as our act and deed, to declare that:

WHEREAS Mavis Bates died on 8th May 2016.

AND WHEREAS in terms of the Last Will and Testament, dated 1st January 2016, of the said late Mavis Bates, the within-mentioned Transferees are entitled to the undermentioned property subject to the condition mentioned below, and to pass transfer to:

- 1) Lauren Smith
Identity Number 581010 0093 001
Married out of community of property

- 2) Pam Bates
Born on 18 August 1950
Identity Number 500918 0039 089
Unmarried

- 3) Vivienne Hart
Identity Number 461204 0481 085
Married, which marriage is governed by the Laws of England

OF the following property:

A unit consisting:

- a) Section no 11 as shown and more fully described on Sectional Plan No SS273/1988 in the scheme known as Tulips in respect of the land and building or buildings situate at Durban, eThekweni Municipality, of which section the floor area, according to the said Sectional Plan is 215 (two hundred and fifteen) square metres in extent, and

- b) An undivided share in the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan;

HELD by Deed of Transfer ST 455/1988

TOGETHER WITH an exclusive use area, described as carport CPT8, held under Notarial Deed of Cession SK345/1988S

SUBJECT to the following condition contained in the aforesaid Last Will and Testament, reading as follows:

“The inheritance of my heirs shall not form part of the community of property of a present or future marriage”.

AND FURTHER to cede and transfer the said property in full and free property to the said transferees and to renounce all the right title and interests which the estate of the late Mavis Bates heretofore had in and to the said property, and to do whatsoever shall be necessary as effectively as we could do if personally present and hereby promising to ratify and confirm all that our Agent shall lawfully do by virtue hereof, and finally acknowledging the value of the property to be the sum of R 500 000.00 (Five Hundred Thousand Rand).

Signed at Durban this 20th day of August 2016.

Witnesses:

1. _____

JOHN JACKSON: Co-executor

2. _____

LAUREN SMITH: Co-executor

NOTE: The exclusive use area, described as CPT8 for use as a carport, shall be transferred by the registration of a notarial deed of cession entered into by the parties – (section 27(4) of the Sectional Title Act).

NOTE FURTHER THAT THE PROPERTY DESCRIPTION MUST CONFORM WITH THE PRACTICE IN THE RESPECTIVE PROVINCE WHERE THE CANDIDATE WRITES. That is why only reference is made to the exclusive use area in this power of attorney and it is not recited in full.

QUESTION 2.2

Documents to be lodged:

- i) New Deed of Transfer
- ii) Existing Title Deed to the property
- iii) Power of attorney to Transfer
- iv) Conveyancer's Certificate in terms of Section 15 B (3)(a) of Sectional Titles Act, 95 of 1986
- v) Clearance certificate issued by the local authority for the unit and exclusive use area
- vi) Transfer duty exemption certificate in respect of the unit and exclusive use area
- vii) Conveyancer's certificate in terms of Section 42(1) of Administration of Estate's Act, 66 of 1965
- viii) Certified copy of the will (certified by the Master and endorsed as accepted by him / her).

- ix) Certified copy of the affidavit of next-of-kin (certified by the Master), to prove heirs in view of the fact that the children are not named in the will.
- x) Existing Mortgage Bond must be lodged for disposal together with consents to cancellation
- xi) Notarial cession to cede exclusive use area CPT8 to heirs
- xii) Affidavit by Pam Bates re: discrepancy in her ID and date of birth

QUESTION 3.1

And the Appearer declared that –

WHEREAS the late James Blunt died intestate on 19 September 2001;

AND WHEREAS his four children Tom Burns, Dick Blunt, Sally Hayne and Sue Black are the sole intestate heirs in terms of Section 1(1)(b) of the Intestate Succession Act, Act 81 of 1987;

AND WHEREAS the heirs entered into a redistribution agreement on 10 March 2002 in terms of which the said Tom Burns and Dick Blunt will be entitled to the property subject to a right of habitation in favour of the said Sally Hayne and Sue Black;

NOW THEREFORE the Appearer hereby cedes and transfers to and on behalf of

1. Tom Burns

Identity Number 680605 5054 083

Married out of community of property

2. Dick Blunt

Identity Number 700419 0039 083

A Partner in a Civil Partnership out of community of property registered in terms of Civil Union Act 17/2006

Alternatively – married out of community of property

their heirs, executors, administrators or assigns

QUESTION 3.2

SUBJECT TO the right of habitation in favour of

1. Sally Hayne

Identity Number 710513 0089 083

unmarried

2. Sue Black
Identity Number 731111 5054 081
Married in community of property to
Joshua Black

as will more fully appear from Notarial Deed of Cession K..... S.


Habitatio must be ceded notarially because it is not created in favour of the transferor. See section 67 of the Deeds Registries Act of the transfer and cession of the Notarial Deed. The habitatio is excluded from the community of property in terms of the common law.

QUESTION 4.1

Prepared by me

CONVEYANCER

Peter Pan



**APPLICATION IN TERMS OF SECTION 40
OF THE ADMINISTRATION OF ESTATES ACT 66/1965**

I, the undersigned

Grant Strong
in my capacity as Executor in the estate of
the late Brian Strong, Estate number 4000/2003,
acting under letters of executorship granted to me by the
Master of the KwaZulu-Natal High Court, Durban on 15 January 2003

Do hereby, in terms of the above section, apply for the endorsement of

Mortgage Bond: B8642/1999

Passed by: Angela Botha
Identity number 400503 3020 08 1
Widow

In favour of: The said Late Brian Strong

For the sum of: R200,000.00 (two hundred thousand Rand) together with the further sum of
R50,000.00 (fifty thousand Rand) to secure contingent costs and payments

to the effect that the real rights in the said mortgage bond shall be administered by the Trustee appointed in terms of the Will of the late Brian Strong who died on 18 December 2012, on behalf of the beneficiaries appointed hereunder.

Signed at Durban on 17 May 2017

Brian Strong

QUESTION 4.2

Prepared by me

CONVEYANCER
Peter Pan

CONSENT TO ENDORSEMENT OF PART PAYMENT

I, the undersigned

Grant Strong, in my capacity as Trustee of the Brian Strong Will Trust IT 453/2004, duly authorised hereto by virtue of a Resolution and the Letters of authorisation issued to me by the Master of the KwaZulu-Natal High Court, Durban on the 15th May 2002;

The legal holder of the undermentioned bond, namely –

Number:	B 5081/1995
Passed by:	Angela Botha
	Identity number: 400622 5080 006
	Married out of community of property
in favour of:	The Brian Strong Family Trust
	IT Number: 15/2005
for the sum of:	R300,000.00 (three hundred thousand rand)

do hereby consent to a part payment of R75,000.00 (Seventy Five Thousand Rand) being registered against the abovementioned bond.

SIGNED at PRETORIA on this 3rd day of December 2002

As witnesses:

1.

.....

Grant Strong

2.

QUESTION 5

Erf 100 Goodwood Township

Registration Division JR, Gauteng Province

Measuring 742 (seven hundred and forty two) square metres

As will appear from annexed from annexed diagram S.G. No. 5/2008

Subject to the following conditions:

1. Subject to a servitude for municipal services in favour of the local authority, 2 (two) metres wide, the northern boundary of which servitude is indicated by the line lmn on the said diagram S.G. No 5/2008, as will more fully appear from notarial deed of servitude K169/2004S.
2. The former Erf 1 Goodwood, depicted by the figure ABEF on the said diagram S.G. No 5/2008 is subject to the following condition, namely:

Subject to a power station servitude in favour of Eskom, 3 (three) square metres in extent, represented by the figure wxyz on the said diagram S.G No 5/2008 and as will more fully appear from notarial deed of servitude K243/2000S.

OR

Erf 100 Goodwood

Situate in the City of Cape Town, Cape Division, Province Western Cape

Measuring 742 (seven hundred and forty two) square metres

As will appear from annexed diagram S.G No 5/2008

Subject to the following conditions:

- 1 As regards the figure ABEF on the said diagram S.G. No 5/2008:

Subject to a power station servitude in favour of ESKOM, 3 (three) square metres in extent, represented by the figure abcd on diagram S.G No 1/2006 and as will more fully appear from notarial deed of servitude K243/2000S

Depicted by the line lmn on diagram S.G No 5/2008.

2 As regards the whole property:

Subject to a servitude for municipal services in favour of the local authority, 2 (two) metres wide, the northern boundary of which servitude is indicated by the lines vw on Diagram S.G No 1/2006 and xy on Diagram S.G No 2/2006 respectively, as will more fully appear from notarial deed of servitude K169/2004S.

Depicted by the line lmn on Diagram S.G No 5/2008.

OR

Erf 100 Goodwood
Registration Division GV,
Province of KwaZulu-Natal
Measuring 742 (seven hundred and forty two) square metres

As will appear from annexed diagram S.G No 5/2008

THIS PROPERTY IS HELD

A. As to the whole

1. Subject to a power station servitude in favour of ESKOM, 3 (three) square metres in extent, represented by the figure wxyz on the said diagram S.G No 5/2008 and as will more fully appear from notarial deed of servitude K243/2000S.
2. Subject to a servitude for municipal services in favour of the local authority, 2 (two) metres wide, the northern boundary of which servitude is indicated by the line lmn on the said diagram S.G No 5/2008, as will more fully appear from notarial deed of servitude K 169/2004S.

Kindly note that the conditions may also be depicted IN TOTO under each component figure.

QUESTION 6

Prepared by me

CONVEYANCER

Joe Soap

CESSION OF MORTGAGE BOND

I, the undersigned

Jaques Kallis

In my capacity as executor and acting under Letters of Executorship No. 4321/2014 in the Estate of the Late David Smith issued by the Master of the High Court, Pretoria on 12th July 2014

The said late David Smith being the legal holder of the undermentioned bond namely:

NUMBER: B7132/1999

PASSED BY: Mark Jordan

Identity Number: 621224 0179 08 8

Unmarried

IN FAVOUR OF: David Smith

Identity Number: 37117 5033 08 7

Married out of Community of Property

AMOUNT: R600 000.00 (six hundred thousand rand)

Do hereby cede all the right, title and interest in the above-mentioned bond to:

Mary Smith

Identity number 410413 0179 08 5

Unmarried

(the usufructuary)

In accordance with the Will of the late David Smith dated 9 April 2000.

SIGNED on 15 July 2014 at Pretoria.

As witnesses

1 _____

2 _____

J KALLIS (executor)

QUESTION 7.1

A sectional owner ceases to be a member of the body corporate when he / she ceases to be the owner of a unit in the scheme. If the owner failed to cede his /her interest in an exclusive use area still registered in his / her favour before his /her membership ceased, such right vests in the body corporate free from any mortgage bond. In this scenario A will therefore no longer be the owner of the exclusive use area, as that right now vests in the body corporate. In order for the exclusive use area to be ceded to the new purchaser, it must first be registered into the name of the body corporate by the registration of a Certificate of Real Right of Exclusive Use in the body corporate's favour. Thereafter the body corporate will cede the exclusive use area to the new purchaser. Section 27 (4) (b) and Section 27 (4) (c) of the Sectional Titles Act No 95/1986 provide the procedure to be followed.

SECTION 7.2

In terms of section 27 (4) (b), if an owner ceases to be a member of the body corporate, any right to an exclusive use area still registered in his / her name vests in the Body Corporate free from any mortgage bond or registered real right.

Documents to be lodged:

1. Original Notarial deed of Cession SK for Parking Bay PB4
2. Application for the issuing of a certificate of real right of exclusive use in favour of the body corporate
3. Certificate of Real Right of Exclusive Use Area in the name of the Body Corporate
4. A certificate of compliance by the body corporate in respect of any law dealing with vesting
5. Sectional mortgage bond registered over the exclusive use area for endorsement

QUESTION 7.3

Prepared by me
Joe Soap
Conveyancer

APPLICATION UNDER SECTION 27(4)(c) OF THE SECTIONAL TITLES ACT, 1996

We,

Insert names

The undersigned trustees of the Body corporate of the scheme known as The Gates SS duly authorised by virtue of a unanimous resolution taken at a meeting of the Members of the Body Corporate on the

Hereby apply for the issuing of a certificate of real right of exclusive use area in respect of:

An exclusive use area described as Section Number 4 measuring 12 square metres being as such part of the common property comprising the land and the scheme known as The Gates in respect of the land and building or buildings situate at Durban, in the eThekweni Municipality, as shown and more fully described on sectional plan SS 44/2014 held under Notarial Deed of Cession of Exclusive Use Area SK144/2014s

Which right vests in the said body corporate in terms of section 27 (4) (c) of the Sectional Titles Act 1986.

Address

Trustees

QUESTION 7.4

Yes. If A is still the owner of another unit in the scheme, the right of the exclusive use area registered in his favour will not vest in the body corporate, but will still vest in A.

The provisions of section 14 read in conjunction with section 33 of the Deeds Registries Act must be adhered to. Cession of the exclusive use area should therefore then take place from A to B to C until the last person entitled to the exclusive use area (section 14). If a person is unable to procure

registration of the cession of exclusive use area, he / she may apply to court by petition for an order authorizing the registration (cession) in his / her name of such property (exclusive use area).

QUESTION 8.1

Prepared by me

CONVEYANCER

Joe Soap

**APPLICATION FOR ENDORSEMENT IN TERMS OF SECTION 45(1) OF THE DEEDS
REGISTRIES ACT, 47 OF 1937**

We, the undersigned

Peter Fourie, in my capacity as executor in the estate of the late Yvonne Loots, estate number 1201/2010, duly appointed by virtue of letters of Executorship issued to me by the Master of the High Court, Durban on 28 August 2010

and

Albert Loots

Identity Number 431108 5093 087

Unmarried

In my capacity as surviving spouse of the deceased to whom I was married in community of property.

Do hereby declare as follows:

WHEREAS in terms of the joint will dated 1 March 1970, executed at Kimberly, of the said Albert Loots and the said Yvonne Loots (who died on 3 January 2010) their respective estates were massed and the whole of such massed estate, including the land described below was bequeathed to the said Albert Loots, subject to the following special conditions:

1. We bequeath the whole of our massed Estate to the survivor of us, provided that upon the death of the survivor of us, the whole of the estate of the survivor shall devolve upon our children born of our marriage in equal shares.
2. Any benefit conferred under the Will upon any beneficiary shall devolve upon such beneficiary as the sole and absolute property of such beneficiary and shall not form part of any community

of property which may then exist or which might thereafter come to being between such beneficiary and his/her then spouse or any future spouse

AND WHEREAS the said ALBERT LOOTS has adiated;

NOW THEREFORE, we do hereby apply in terms of Section 45(1) for the endorsement of Deed of Transfer No ST100/1990, holding:

A unit consisting of:

- (a) Section Number 1 as shown and more fully described on sectional Plan SS 45/2000 in the scheme known as Tulips in respect of the land and building or buildings situate at Durban, eThekweni Municipality, of which section the floor area according to the said sectional plan is 120 (one hundred and twenty) square metres in extent: and
- (b) An undivided share in the common property in the scheme apportioned to the said section in accordance with the participation quota as endorsed on the said sectional plan

To the effect that I, the said Albert Loots, shall be entitled to one-half share of the above-mentioned property by virtue of the marriage in community of property, and one-half share of the aforementioned property by virtue of the massed estate of the Late Yvonne Loots and myself and the said Albert Loots, as if I had taken formal transfer into my own name of the share of the deceased spouse, subject, however, as regards the whole of such land, to the above-mentioned special conditions contained in the aforesaid mutual Will and Testament.

We do hereby declare that the value of the one-half share hereby transferred amounts to R1 000 000.00 (one million rand).

Thus done and signed at Durban on the 9th September 2012

As witnesses:

1 _____

2 _____

EXECUTOR

ALBERT LOOTS

Property description and situation to conform to the practice as per your Province.

QUESTION 8.2

- 1) Original Title Deed – ST100/1990 (to be endorsed)
- 2) Conveyancer's Certificate in terms of Section 42(1) of the Administration of Estates Act
- 3) Copy of joint Will certified by the Master and endorsed by him / her regarding its acceptance
- 4) Proof of adiation, either a copy of a document of adiation certified by the Master, or a conveyancer's certificate, or a statement, duly attested, by the surviving spouse
- 5) Application in terms of section 45(1) of the Deeds Registries Act for endorsement of the title deed.
- 6) Transfer Duty Exemption certificate
- 7) Rates clearance certificate
- 8) Conveyancer's certificate in terms of Section 15 (B) (3)

QUESTION 8.3*ALTERNATIVE 1: Description of the parties*

- 1 Albert Loots
Identity number 431108 5093 087
Unmarried
As to ½ share, and
- 2 Roberta Smith
Identity number 660109 0007 063
Married in community of property to Louis Smith, with exclusion of the community of property in respect of the land hereinafter described by reason of a condition in the joint will of the late Yvonne Loots and Albert Loots dated 1 March 1970
As to 1/6th share.
- 3 John Loots
Born on 11 March 1960
Unmarried (as a mental patient)
As to 1/6th share
- 4 Adam Loots
Identity number 710912 5054 081
Born on 12 November 1971
Unmarried
As to 1/6th share

Their heirs, executors, administrators and assigns.

Property description

As in 8.1 above.

ALTERNATIVE 2: description of the parties and property

As an alternative transfer may be given to the children of the deceased ½ share and an endorsement will be effected by the deeds registry on the title deed ST100/1990 to the effect that the remaining ½ share in the property vests solely in ALBERT LOOTS – Endorsement will be in terms of Section 3(1) (v) Act 47/37 and vesting will be described as follows in Deed of Transfer to children.

- 1 Roberta Smith
Identity Number 660109 0007 063
Married in community of property to Louis Smith which community of property is excluded in respect of the undermentioned property by virtue of the conditions contained in the Will of the Late Yvonne Loots dated 1 March 1970
- 2 John Loots
(born on 11 March 1960)
Unmarried (a mental patient)
- 3 Adam Loots (born on 12 November 1971)
Identity number 710912 5054 081
Unmarried

Their heirs, executors, administrators or assigns

½ (one half) share in and to

Property description

As per 8.1 above.

QUESTION 9**FINAL STATEMENT OF ACCOUNT****SELLER**

Description	VAT	Debit	Credit
BY: Purchase price			R2 000 000.00
TO: Paid Agent's Commission		R150 000.00	
TO: Rates - April 2017		R5 000.00	
TO: Rates 1-9 May 2017		R1 451.61	
BY: Occupational Rental - April 2017			R15 000.00
TO: Paid Occupational rental - April 2017		R15 000.00	
BY: Occupational rental (1-9 May 2017)			R4 354.84
TO: Paid occupational rental (1-9 May 2017)		R4354.84	
TO: Paid Best Bank		R1 200 000.00	
TO: Paid bond cancellation costs		R3 500.00	
TO: Paid Speedy electrical		R2 500.00	
TO: Expert fumigators		R1 000.00	
Ford Motors		R150 000.00	
Subtotal		R1 527 806.45	R2 019 354.84
VAT			
Total		R1 527 806.45	R2 019 354.84
Due to you		R491 548.39	

		R2 019 354.84	R2 019 354.84
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**FINAL STATEMENT OF ACCOUNT
PURCHASER**

Description	VAT	Debit	Credit
BY: Deposit and transfer costs			R650 000.00
BY: Interest on deposit			R2 500.00
BY: Bond			R1 800 000.00
TO: Paid Purchase price		R2 000 000.00	
TO: Paid transfer fees		R65 000.00	
TO: Postages and petties		R600.00	
TO: Rates certificate		R400.00	
TO: Paid rates (10-31 May 2017)		R3548.39	
TO: Paid rates (June 2017)		R5 000.00	
TO: Deed's fee		R990.00	
TO: Transfer duty		R60 500.00	
TO: Occupational rental – April 2017		R15 000.00	
TO: Occupational rental – (1-9 May 2017)		R4 354.84	
Subtotal		R2 155 393.13	R2 452 500.00
VAT			
Total		R2 155 393.13	R2 452 500.00
Due to you		R297 106.90	
		R2 452 500.00	R2 452 500.00

1. TRANSFER DUTY

UP TO R900 000.00

EXEMPT

R900 000.00 TO R1 250 000.00	3%	R10 500.00
R1 250 000.00 TO R1 750 000.00	6%	R30 000.00
R1 750 000.00 TO R2 000 000.00	8%	R20 000.00

R60 500.00

2. RATES PER MONTH	R5 000.00
(Seller) – 1-9 May 2017	R1 451.61
(Purchaser) – 10-31 May 2017	R3 548.39

3. OCCUPATIONAL RENTAL	R15 000.00 per month
1-9 May 2017	R4 354.84

QUESTION 10

Prepared by me

 CONVEYANCER

Joe Soap

POWER OF ATTORNEY AND PARTITION AGREEMENT

We, the undersigned

- JOHN YOUNG
 IDENTITY NUMBER: 600720 0121 08 0
 And
 SUZIE YOUNG
 IDENTITY NUMBER: 611020 0212 08 8
 MARRIED IN COMMUNITY OF PROPERTY TO EACH OTHER
- SHAUN YOUNG
 IDENTITY NUMBER: 751212 0212 08 3
 MARRIED OUT OF COMMUNITY OF PROPERTY

Being the joint owners of:

ERF 986 DURBAN
REGISTRATION DIVISION FU
PROVINCE OF KWAZULU-NATAL
IN EXTENT 2500 (TWO THOUSAND FIVE HUNDRED) SQUARE METRES

Held by Deed of Transfer T 3003/1982 by us in equal shares

Do hereby declare that we have agreed to partition the said property by subdividing it and by allocating to each of us a defined portion thereof as set out hereunder, subject to or in favour of, as the case may be, of the new conditions set out below.

And that we hereby nominate constitute and appoint TOM CAT with power of substitution to be our true and lawful agent to transfer the sub divided portions to us in severalty as follows:

1. Allocated to:
John Young
Identity Number:
And
Suzie Young
Identity Number:
Married in community of property to each other

The following property:

Portion 1 of Erf 986 Durban
Registration Division FU
Province of KwaZulu-Natal
In extent 1750 (One Thousand Seven Hundred and Fifty) square metres
As shown on Diagram S G No 55/2011

2. Entitled to:
Shaun Young
Identity Number:
Married out of community of property

The following property:

Remainder of Erf 986 Durban
Registration Division FU

Province of KwaZulu-Natal

In extent 750 (Seven Hundred and Fifty) square metres

Subject to the following condition in favour of Portion 1 of ERF 986 Durban:

The owner of the Remainder of Erf 986 Durban, in extent 750 (Seven Hundred and Fifty) square metres, or his successors in title shall not be entitled to erect any building or other structure of any kind extending higher than 8 metres above the level of the ground on which it stands, nor shall he allow any trees or other plants to grow on the said Remainder of ERF 986 Durban, exceeding a height of 8 (eight) metres above the level of the ground on which it stands without the written consent of the owner of Portion 1 of Erf 986 Durban first having been had and obtained.

And we do hereby declare that neither we nor any other persons on our behalf received or paid any consideration or any other form of compensation for or in respect of the partition and simultaneous transfer of the property.

SIGNED AT DURBAN ON THE

AS WITNESSES

1. _____

2. _____

The servitude created is a praedial servitude and the condition must be reflected below the servient and dominant tenement.