



STELLENBOSCH
STELLENBOSCH • PNIEL • FRANSCHHOEK
MUNISIPALITEIT • UMASIPALA • MUNICIPALITY

CONVEYANCER CERTIFICATE

I/We JAN ANDREAS ADRIAAN KRUGER (0 4 2 2 9)

(conveyancer's name and surname)

Practising at:

COUZYH HERTZOG & HORAK INC
321 MIDDLE STREET
BROOKLYN
PRETORIA
0181

(firm and place of practice)

In respect of:

THE REMAINDER OF PORTION 28 OF THE FARM WELMOED ESTATE NUMBER
468, IN THE MUNICIPALITY AND DIVISION OF STELLENBOSCH, WESTERN CAPE
PROVINCE

(full property description (erf / farm) as it appear in title deed of same)

Hereby certify that a search was conducted in the Deeds Registry, regarding the said property (ies) (including both current and earlier title deeds/pivot deeds/deeds of transfer):

1. DEED OF TRANSFER T24050/2019
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.

For example Deed of Transfer T12345/2000 or Certificate of Registered Sectional Title ST1234/2000 (description of title deed number and date)



A. IDENTIFY RESTRICTIVE TITLE CONDITIONS (if any)

Categories		Are there deed restrictions (indicate below)		Title Deed and Clause number if restrictive conditions are found
1.	Use of land	Y	<input checked="" type="checkbox"/>	
2.	Building lines	Y	<input checked="" type="checkbox"/>	
3.	Height	Y	<input checked="" type="checkbox"/>	
4.	Number of Dwellings	Y	<input checked="" type="checkbox"/>	
5.	Bulk floor area	Y	<input checked="" type="checkbox"/>	
6.	Coverage/built upon area	Y	<input checked="" type="checkbox"/>	
7.	Subdivision	Y	<input checked="" type="checkbox"/>	
8.	Servitudes that may be registered over or in favour of the property	<input checked="" type="checkbox"/>	N	
9.	Other Restrictive Conditions	<input checked="" type="checkbox"/>	N	



B. INDICATE AFFECTED PARTIES AS PER TITLE DEED (if any)

in respect of which it was found that there are/are no restrictive conditions with reference to Section 33(4) (a, b or c) of the Land Use Planning By-law (2015) registered against such property (ies) prohibiting it from being utilised/developed for the following purposes (as elaborated in the accompanying application):

a. Organ(s) of State that might have an interest in the restrictive condition	
b. A person whose rights or legitimate expectations will be affected by the removal/suspension/amendment of a restriction condition.	THIS CERTIFICATE MUST BE READ IN CONJUNCTION WITH THE "MOTIVATION IN SUPPORT OF LAND DEVELOPMENT APPLICATION FOR PORTION 28 OF THE FARM WELMOED ESTATE NO 468, STELLENBOSCH" COMPILED BY
c. All persons mentioned in the deed for whose benefit the restrictive condition applies	VIRDUS WORKS (PTY) LTD,

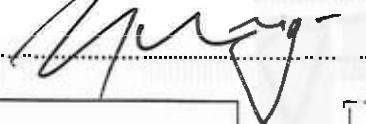
C. PROCESS BY WHICH RELEVANT CONDITIONS WILL BE ADDRESSED

(please tick appropriate box)

Application in terms of Section 15 of the Stellenbosch Municipal Land Use Planning By-Law (2015)	Notarial Deed of Cancellation (Submit Copy of Signed Agreement)	Action by way of court order (Submit Copy of the Court Order)	If Other, Please Specify

Signed at PRETORIA (Place) on this 8th (Day) AUGUST (Month) of 2023

Full names and Surname: JAN ANDREAS ADRIAAN KRUGER

Signature: 

P O BOX 2509
BROOKLYN S QUARE
0075

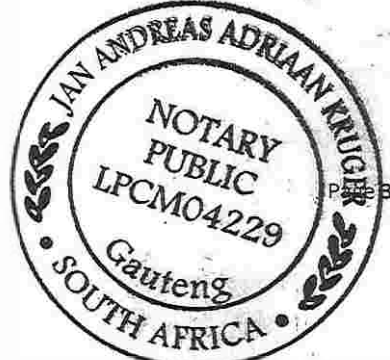
*Kindgraasertifikaat van die Oorkonde, Official stamp
initiahere*
COUZYN HERTZOG & HORAK INC

Tel: 012 460 5090

Email: jan@couzyn.co.za

Cell: 083 610 1105

JAN ANDREAS ADRIAAN KRUGER
NOTAIRE / NOTARY
KOMMISSARIS VAN EDE / COMMISSIONER OF OATHS
PRAKTISERENDE PROKUREUR RSA / PRACTISING ATTORNEY RSA
AKTEVERVAARDIGER / CONVEYANCER
COUZYN HERTZOG & HORAK ING/INC
Middelstraat 321 Middel Street, Brooklyn Pretoria



DEEDS REPORT

FOR THE ESTABLISHMENT OF A TOWNSHIP SITUATED ON
THE REMAINDER OF PORTION 28 OF THE FARM WELMOED ESTATE NUMBER 468,
MUNICIPALITY AND DIVISION OF STELLENBOCH, WESTERN CAPE PROVINCE

1. PROPERTY

The township to be established is situated at:

THE REMAINDER OF PORTION 28 of the farm WELMOED ESTATE NUMBER 468, in the Municipality and Division of STELLENBOSCH, WESTERN CAPE PROVINCE;

IN EXTENT 45,5075 (FORTY FIVE comma FIVE NIL SEVEN FIVE) Hectares;

Presently held by the Trustees for the Time being of the BILLY VISSER TRUST (Registration Number IT5284/1996) in terms of Deed of Transfer Number T24050/2019 (Annexure "A")

Portion 28 was formerly known as Lot 9, as per SG Diagram A700/1930 (Annexure "C")

Deeds search in respect of the property (Annexure "D")

According to the extending clause in the said Title Deed T24050/2019 the property was FIRST TRANSFERRED by Deed of Transfer Number T595/1931 with diagram annexed thereto (Annexure "E")

DISCUSSION:

The applicant for the establishment of the township is UNIQON DEVELOPERS PROPRIETARY LIMITED who will have to take transfer of the properties, but in the interim can apply for the establishment of the township on condition that the current registered owners grant the necessary power of attorney to the Town Planner to make such

application. In the event of the properties then being transferred in the name of the applicant the conditions of establishment will be amended to show the correct applicant.

RECOMMENDATION:

The application for the establishment of the township must be submitted in terms of the Power of Attorney of the current registered owners which has been granted to the Town Planner and the applicant will then be amended at a later stage.

2. NAME OF THE TOWN TO BE ESTABLISHED

The name of the so to be established town is **WELMOED VILLAGE**.

3. CONDITIONS OF TITLE

The aforementioned property is subject to the conditions contained on pages 6 and 7 of Title Deed Number T24050/2019 (Annexure "A").

RECOMMENDATION:

The existing Conditions of Title in respect of the establishment of the township will be treated in the same order as it appears in the Title Deed.

3.1 CONDITION A – T595/1931

According to the extending clause in the said Title Deed T24050/2019 the property was FIRST TRANSFERRED by Deed of Transfer Number T595/1931 with diagram annexed thereto (Annexure "E")

RECOMMENDATION:

The existing Conditions of Title in respect of the establishment of the township will be treated in the same order as it appears in the Title Deed.

3.1.1 CONDITION A

The property is in terms of this condition subject to the conditions as referred to in Deed of Transfer Number T15427/1948. The said title deed is not available in the Deeds Office, Cape Town. For an unknown reason it seems to be filed in Kimberley and is also not available in that Deeds Office.

In terms of the Deeds Registries of the former Cape Province, this deed is referred to as the "pivot deed" and it is a reference to general conditions contained in a specific deed. The pivot deed, under normal circumstances, refers to the first deed in terms of which the property was registered and remains unchanged, except in certain conditions. Where a condition created before 01 September 1937 lapses or is cancelled or the property is deprived thereof, the fact of such lapsing or cancellation or deprivation may (depending on circumstances) be recorded by means of an appropriate endorsement (as the case may be) on the existing title deed (Deed 1), thereafter the condition must be omitted from the "new deed" (Deed 2) and the new deed (Deed 2) must contain a "not subject" clause in respect of the condition which has lapsed or been cancelled. The pivot will remain unaltered in this deed (Deed 2). Upon transfer of the property from this deed (Deed 2) to the next owner by means of (Deed 3) the "not subject" clause in (Deed 2) will be dropped from (Deed 3) and the pivot will be changed in (Deed 3). The pivot in (Deed 3) will become the title reference of (Deed 2). How does the explanation above apply to Portion 27?

3.1.1.1 Portion 27 was first registered by Deed of Transfer no. T595/1931 (Deed 1) (Annexure "E");

- 3.1.1.2 T595/1931 (Deed 1) was therefore the pivot deed of the property;
- 3.1.1.3 T595/1931 (Deed 1) on page 2 contained a restrictive condition that that *"no General Dealer's business may be operated on Portion 27 for a period of 10 years from 1 April 1930"*. The aforementioned condition lapsed by effluxion of time on 31 March 1940;
- 3.1.1.4 Portion 27 (and Portion 28) was subsequently transferred to the Monica Selekovitz Trust on 14 July 1948 in terms of Deed of Transfer No. T15427/1948 (Deed 2). Even though a copy of the said deed is not available, the condition (that has lapsed) referred to in clause 3.1.1.3 must have been recorded as a "Not Subject to....." condition as per the Cape Town Deeds Office practice as described above;
- 3.1.1.5 Portion 27 (and Portion 28) was transferred to DJ Visser on 9 November 1977 in terms of Deed of Transfer No. T28537/1977 (Deed 3). With this transfer the pivot deed of the Portion 27 was changed to T15427/1948, namely Deed 2 as explained above;
- 3.1.1.6 Prior to 1937 and in terms of the pivot deed system, no conditions were carried forward in a title deed. All conditions recorded in T595/1931, was carried forward, which has been dealt with in this report. In the event the 1948 title deed contained any newly imposed restrictive conditions, such conditions would have been carried forward in subsequent title deeds of the property or any subdivisions thereof.

RECOMMENDATION:

There is no condition to be dealt with under this heading.

3.1.2 CONDITION B (1-3)

In terms of this condition the aforementioned property is entitled to a water furrow as described in (1), (2) and (3) which conditions can be summarized as follow:-

- (1) Lot 7B (R/E of Portion 27) is entitled to the said water furrow (RL Kramer) as indicated on the diagram of the said Lot 7B (SG Diagram Number A699/1930 – Annexure "B")

Lot 6 is entitled to the said water furrow (J R Bosman)

The water furrow shall be maintained and kept in order by the owners of the said Lot 7B, the Remaining Extent and Lot 6

- (2) The Remaining Extent of the farm is subject to the said water furrow (RL Kramer)
(Land Surveyor to provide diagram for the Remaining Extent)

Lot 7B is entitled to the said water furrow

Lot 6 is entitled to the said water furrow

The water furrow shall be maintained and kept in order by the owners of the said Lot 7B, the Remaining Extent and Lot 6

- (3) Lot 6 is subject to the said water furrow

Lot 12 is subject to the said water furrow

(Land Surveyor to provide diagrams for the said Lots 6 and 12)

Lot 7B is entitled to the said water furrow

The water furrow shall be maintained and kept in order by the owners of the said Lot 7B, the Remaining Extent and Lot 6

RECOMMENDATION

In terms of these conditions the property is entitled to use the water furrow as indicated. The Land Surveyor must plot these properties and servitudes as described on the mentioned diagrams to ascertain the current use and existence of the said water furrow. The properties mentioned relates to Lot 6, Lot 12 and Remaining Extent. The servitudes must be taken into account on the development plan of the township.

Is it possible that the furrow(?) indicated in orange on SG Diagram A699/1930 (Annexure "B") mentioned above, refers to the furrow as mentioned under the heading "Recommendation" (see paragraph 3.1.12 hereunder).

3.1.3 CONDITION C

In terms of this condition the property is subject to a servitude relating to certain conditions regarding roads, fishing, water, furrows, with ancillary rights, as will more fully appear from Deed of Transfer Number 9028/1933 (Annexure "F") and

Deed of Transfer Number 8241/1938 (Annexure "G") with SG Diagram Number 2913/1938 (Annexure "G1").

RECOMMENDATION

The conditions mentioned above were created in terms of the endorsement dated 11 August 1983 on the last page of Deed of Transfer Number T9028/1933 (Annexure "F"). The said servitudes are dealt with in Deed of Transfer Number T87363/1999 (Annexure "H") and has reference to **Portion 41** (a portion of Portion 27) and Portion 40 (a portion of Portion 28) of the farm. It seems that these conditions were supposed to be created in the title deed/s of the Remaining Extent of Portion 27 and 28 (and not been referred to in general terms), the said R/E of Portion 27 being subject and entitled to the conditions mentioned hereunder.

PORTION 41 (a portion of Portion 27) of the said farm, registered in the name of LYNDOKH DEVELOPMENT by virtue of Deed of Transfer Number T87363/1999 (Annexure "H") as will more fully appear from SG Diagram Number 2913/1938 (Annexure "G1") is subject and entitled to the following rights (Page 4 of the said Deed) :-

C (2) The right to use the existing road on the 'remainder' (R/E of Portion 27) indicated by the line a b on the said diagram;

NOTE: A Part of the R/E of Portion 27 was expropriated as a road (EX32/2007 – Minor Road 5203) (Annexure "EX2")

C (3) The right to water furrow indicated by the line e d, as well as any other existing furrows, on the said diagram;

NOTE: These servitude/s seems not to be indicated on SG Diagram 2913/1938 (Annexure "G1")

C (4) The restrictive condition that the R/E of Portion 27 may not be used as a Hotel, Boardinghouse or road-house;

NOTE: It might be necessary to cancel the said restriction in terms of the by-law or by obtaining a court order.

C (5) The right of pedestrian access to the Eerste River with fishing rights.

NOTE:

This right can be exercised as directed by the owner (transferor) from time to time. With reference to EX123/2016 (Annexure "EX5") and the available road reserve on District Road 1050 (Allandale Road), the condition will not have any impact on the proposed development.

3.1.4 CONDITION D

In terms of this condition the owners of R/E of Portion 13 (T58960/1983 - Annexure "I") and R/E of Portion 22 (T58959/1983 - Annexure "J") is entitled to lead water across the said property by means of a pipeline, as will more fully appear from Deed of Servitude Number K125/1989 (Annexure "K") as shown on SG Diagram Number 416/1985 annexed thereto (Annexure "K1").

RECOMMENDATION

This servitude must be taken into account on the layout plan of the township. See basis plan (Annexure "L").

3.1.5 CONDITION E

In terms of this condition the property is subject to a Water Pipe Line Servitude in favour of the Cape Metropolitan Council, as will more fully appear from Deed of Servitude Number K365/2000-S (Annexure "M") as shown on SG Diagram Number 7305/1979 annexed thereto (Annexure "M1") and endorsed on Deed of Transfer Number T25442/1987 (Annexure "N")

RECOMMENDATION

This servitude must be taken into account on the layout plan of the township. See basis plan (Annexure "L").

3.1.6 CONDITION F

In terms of this condition the property is subject to Expropriation Notice EX 31/2007 (Annexure "EX1") for road purposes (Main Rd 168). The said expropriation seems to refer to a road widening.

3.1.7 CONDITION G

In terms of this condition the property is subject to Expropriation Notice EX 32/2007 (Annexure "EX2") for road purposes (Minor Rd 5203).

The Expropriation Notice refers to "Remaining Extent of Portion 27". With reference to the sketch plan attached to the expropriation notice it appears as if the expropriation effects Portion 4 which was previously a part of the Remaining Extent of Portion 27.

3.1.8 CONDITION H

In terms of this condition the property is subject to Expropriation Notice EX 33/2007 (Annexure "EX3") for road purposes (Minor Rd 5204).

3.1.9 CONDITION I

In terms of this condition the property is subject to Expropriation Notice EX 83/2013 (Annexure "EX4") for road purposes (Main Rd 168). The expropriation seems to have been done with the view of constructing the second lane of the Baden Powell Road.

3.1.10 CONDITION J

In terms of this condition the property is subject to Expropriation Notice EX 123/2016 (Annexure "EX5") for road purposes (District Rd 1050) (Allendale Road).

RECOMMENDATION CONDITIONS F – J

All these conditions deal with expropriations for road purposes and all expropriations were done in terms of Section 27 of the Road Ordinance 19/1976.

The said expropriations must be taken into account on the development plan of the township.

3.1.11 CONDITION K

In terms of this condition the property is subject to the Last Will and Testament of the Late WILLEM JOHANNES VISSER

RECOMMENDATION

This condition will automatically lapse when the property is transferred to UNIQON DEVELOPERS PROPRIETARY LIMITED

3.1.12 Proposed New CONDITION L (unregistered servitude diagram)

In terms of this condition stand to be registered the property is subject to 3 servitudes as shown on SG Diagram Number 7191/1986 (Annexure "O") being –

- The line B C refers to the northwestern boundary of a 2m pipe line servitude
- A servitude area indicated by the figure C D E F G H j middle Eerste River k L M N O
- The line L P Q and T U indicates the middle line of a 2m pipe line servitude

RECOMMENDATION

This servitude as plotted on the basis plan being drawn by the Land Surveyor (Annexure "L"), and being created on SG Diagram Number 7191/1986 mentioned above, is an unregistered servitude/s and must be registered. It is however uncertain as to the extent thereof.

It seems to refer to the existing dam on the R/E of Portion 27 with furrows / pipelines connecting the dam to other property/ies.

Is it possible that the line B C mentioned above, refers to the furrow mentioned in Par. 3.1.2 ? The line represents a pipeline along Baden Powell Road and originating from the neighboring property/ies being inter alia the Spier property..

3.2 REMAINDER OF PORTION 28 of the farm WELMOED ESTATE NUMBER 468

The aforementioned property is subject to the conditions contained on pages 6 and 7 of Title Deed Number T24050/2019 (Annexure "A").

RECOMMENDATION:

The existing Conditions of Title in respect of the establishment of the township will be treated in the same order as it appears in the Title Deed.

3.2.1 CONDITION B

In terms of this condition the property is subject to a servitude relating to certain conditions regarding roads, fishing, water, furrows, with ancillary rights, as will more fully appear from Deed of Transfer Number 9028/1933 (Annexure "F") and Deed of Transfer Number 8241/1938 (Annexure "G") with SG Diagram Number 2912/1938 (Annexure "G2").

(See paragraph 3.1.3 above)

RECOMMENDATION

The conditions mentioned above were created in terms of the endorsement dated 11 August 1983 on the last page of Deed of Transfer Number T9028/1933. The said servitudes are dealt with in Deed of Transfer Number T87363/1999 (Annexure "H") and has reference to Portion 41 (a portion of Portion 27) and **Portion 40 (a portion of Portion 28)** of the farm. It seems that these conditions were supposed to be created in the title deed/s of the Remaining Extent of Portion 27 and Portion

28 (and not been referred to in general terms), the said R/E of Portion 28 being subject and entitled to the conditions mentioned hereunder.

PORTION 40 (a portion of Portion 28) of the said farm, registered in the name of LYNDOKH DEVELOPMENT by virtue of Deed of Transfer Number T87363/1999 (Annexure "H") as will more fully appear from SG Diagram Number 2912/1938 (Annexure "G2") is entitled to the following rights (Page 7 & 8): -

B. (2) The existing road on the 'remainder' (R/E of Portion 28) indicated by the line f e on the said diagram shall remain a common road;

NOTE: The line f e seems to be the western section of the same road indicated by the line a b to the east of the railway line being part of the R/E of Portion 27 and which was expropriated by EX32/2007 (Annexure "EX2") mentioned above. The road is situated on the R/E of Portion 28 of the farm and not on the Lyndoch property.

B. (3) and (4) The right of way to use the existing roads/ pedestrian access and the cancellation of the said entitlement;

It is important to take note of the said rights and the conditions under which the rights can/ may be cancelled.

NOTE: The rights referred to in B(3) and (4) and with reference to the definition of the 'transferor' in paragraph B(1)(a), have lapsed, the reason being that the whole of the remainder were sold by the said 'transferor'.

B. (5) The Transferee (Lyndoch) shall be entitled to all water from the Spring situate on the remainder, with the right to lead water through the pipe line as will more fully appear from the said SG Diagram 2912/1938 (Annexure "G2");

B. (6) The Transferee (Lyndoch) shall be entitled to all water from the bore-hole and windmill situate on the remainder, and to store water in the reservoir, with the right to lead water through the pipe line as will more fully appear from the said SG Diagram 2912/1938;

B. (7) This condition refers to the right to access in order to maintain the servitudes mentioned in B.(5) and (6) above.

NOTE: I could not find any proof that the servitudes as mentioned in B(5), (6) and (7) was cancelled. Physical inspection and negotiations with the Lyndoch owners might be the only way to ascertain the existence and extent of the rights.

B. (8) The right to water furrow indicated by the line k s j, as well as any other existing furrows, on the said diagram;

NOTE: The line k s j does not indicate a description of a furrow. Once again a physical inspection and negotiations with the Lyndoch owners might be the only way to ascertain the existence and extent of the rights.

C. (9) The restrictive condition that the remainder (R/E of Portion 28) may not be used as a Hotel, Boardinghouse or road-house;

NOTE: It might be necessary to cancel the said restriction in terms of the by-law or by obtaining a court order.

B. (10) The right of pedestrian access to the Eerste River with fishing rights.

NOTE: This right can be exercised as directed by the owner (transferor) from time to time. With reference to EX123/2016 (Annexure "EX5") and the available road reserve on District Road 1050 (Allandale Road), the condition will not have any impact on the proposed development.

3.2.2 CONDITION C

In terms of this condition the owners of R/E of Portion 13 (T58960/1983-Annexure "I") and R/E of Portion 22 (T58959/1983 - Annexure "J") is entitled to lead water across the said property by means of a pipeline, as will more fully appear from Deed of Servitude Number K123/1989 (Annexure "P") as shown on SG Diagram Number 417/1985 annexed thereto (Annexure "P1").

(See paragraph 3.1.4 above)

RECOMMENDATION

This servitude must be taken into account on the layout plan of the township. See basis plan (Annexure "L").

3.2.3 CONDITION D

In terms of this condition the property is subject to a Water Pipe Line Servitude in favour of the Cape Metropolitan Council, as will more fully appear from Deed of Servitude Number K366/2000-S (Annexure "Q") as shown on SG Diagram Number 7303/1979 annexed thereto (Annexure "Q1") and endorsed on Deed of Transfer Number T25442/1987 (Annexure "N")

(See paragraph 3.1.5 above)

RECOMMENDATION

This servitude must be taken into account on the layout plan of the township. See basis plan (Annexure "L").

3.2.4 CONDITION E

In terms of this condition the property is subject to a Water Pipe Line Servitude, as will more fully appear from Deed of Servitude Number K165/2019-S (Annexure "R") as shown on SG Diagram Number 1714/2014 annexed thereto (Annexure "R1").

RECOMMENDATION

This servitude must be taken into account on the layout plan of the township. See basis plan (Annexure "L").

3.2.5 CONDITION F

In terms of this condition the property is subject to Expropriation Notice EX 82/2013 (Annexure "EX6") for road purposes (Main Rd 168).

- 4.4 Portion 41 (a portion of Portion 27) – Lyndoch Development (T87363/1999)
- 4.5 Portion 51 – Suid-Afrikaanse Spoorpendelkorporasie Ltd (T7167/1953)
- 4.6 Portion 52 – Vetho Apartment Hotels CC (T34398/2018)
- 4.7 Portion 54 – Regional Services Council –Cape Metropole (T19240/1964)

5. **PERMISSION OF THE DEPARTMENT OF AGRICULTURE**

The necessary consent for establishment of the Township must be obtained from the said Department.

6. **MINERAL RIGHTS**

The Mineral Rights in respect of the property have not been reserved.

RECOMMENDATION

In the light of the stipulations of the Mineral and Petroleum Resources Development Act, 2002, the consent to the establishment of the township must, in terms of Section 53 of the said Act, be obtained from the applicable Department. (Annexure "T")

7. **BOND HOLDER**

No bond



J.A.A. KRUGER
CONVEYANCER

17.04.2023