

SALE
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G/M Bond	

Mooney Ford Attorneys
7th Floor, Permanent Building
343 Smith Street
Durban
4001

Prepared by me

CONVEYANCER
SIMON, LM

2012-03-07

DEED OF TRANSFER

T 005950/2012

BE IT HEREBY MADE KNOWN THAT
CLIVE ANTHONY WILLS

appeared before me, REGISTRAR OF DEEDS at Pietermaritzburg, the said appearer being duly authorised thereto by a Power of Attorney which said Power of Attorney was signed at Durban on 15th December, 2011 granted to him by

208 Gale Street (Proprietary) Limited
Registration Number 2002/008673/07

Vir ENDOSSEMENTE KYN BLADY
FOR ENDORSEMENTS SEE PAGE 8

And the appearer declared that his said principal had, on 23 November 2011, 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:

Marcia Properties CC
Registration Number CK1986/002539/23

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

1. **Erf 7080 Durban**
Registration Division FU
Province of KwaZulu-Natal

IN EXTENT 4047 (FOUR THOUSAND AND FORTY SEVEN) square metres

FIRST TRANSFERRED by Deed of Transfer Number T3870/1940 with diagram annexed thereto, and held by Deed of Transfer Number 27971/2004.

The said piece of land is transferred: -

- (a) SUBJECT to all the terms of the original Deed of Grant Number 1737, in so far as same are now applicable.
- (b) WITH THE BENEFIT of a servitude, as created in the said Deed of Transfer Number 3870/1940, for railway service purposes affecting that portion of the adjoining Town Lands which is marked "Siding Servitude" on the outline copy of the diagrams of Durban Town Lands Number 1737, and of Bay Foreshore Lands Number 5350, filed of record in the office of the Surveyor General as Plan Number D 19, and is partly indicated on the diagram S.G. Number 2722/1935 of the said Lot 203, with the right to use the Railway Siding constructed and to be maintained thereon at the expense of the Corporation (hereinafter called the Service Siding) and with the further right to connect up the said Service Siding with a branch siding to be constructed and maintained at the sole cost and expense of the Owner. Such branch siding, if constructed, shall enter upon the land at any point on the boundary lettered C D on the diagram of the said Lot 203.

The initial cost of supplying and laying points and crossing blocks and rail connecting point and crossing blocks in order to link up the branch siding with the Service Siding as aforesaid shall be borne by the Owner, and the Corporation shall thereafter maintain and renew the said points and crossing blocks, the cost of such maintenance and renewal being provided for and included in the amount payable by the Owner under this clause.

The owner shall himself enter into such Agreement as may be necessary for such branch siding with the South African Railways & Harbours Administration.

The owner of the lot or any successor in title shall in addition to any other amounts due and payable in terms of this sale make payment as provided



hereunder to the Corporation in respect of the right to use the said Service Siding, and that whether use is made of the Service Siding or not, it being distinctly understood by the Owner that such payments are not further consideration for the sale of the lot but re-imbusement to the Corporation for amounts expended and to be expended by it on the Service Siding:-

One Rand and Eighty Cents per annum on each linear 0.91 metres of such portion of the Service Siding as faces the lot; such sum per annum on each linear yard having been calculated pro rata in frontage on the capital cost to the Corporation of the whole length of the said Service Siding and on the estimated cost of maintenance and renewals for which the Corporation shall be responsible as aforesaid.

The charge of One Rand and Eighty Cents per linear 0.91 metres shall remain fixed for a period of twenty five years dating from the date of sale (14th day of January 1936) and at each recurring period of twenty five years the charge shall be brought under review and the City Council may at its discretion increase, reduce or retain the same.

Payments in accordance with the foregoing shall be made at the office of the City Treasurer in Durban within seven days from the date of receipt by the owner of the City Council's account for same.

(c) SUBJECT to the following special conditions, as created in the said Deed of Transfer Number 3870/1940, namely :-

1. The owner shall take the land as it stands, and the Corporation shall not be liable, for any damage to land or buildings caused by tides, floodings, gales or any other cause of whatsoever nature.
2. The land and any buildings to be erected thereon shall be used for industrial manufacturing, factory and /or business purposes and for no other purpose, the City Council retaining the right to approve of the particular class of business, etc, to be established on the site
3. It is recorded that the lot shall not be subject to a building clause, provided it is held under one ownership and used as one property with the adjoining Lot 204a, Block C. Nothing in this clause, however, shall be construed so as to prevent the owner from erecting any buildings in and upon the lot.

In the event, however, of the lot neither being held under one ownership nor being used as one property combined with Lot 204a, Block C aforesaid, then buildings to the value of at least Four Thousand Rand (R4,000) shall be erected upon the lot by the owner within one year from either the date of sale effecting separate ownership between the lot and the adjoining Lot 204a, Block C, or the date fixed by the City Valuator and Estates Manager in his sole discretion, as the date on which the two lots aforesaid ceased to be used as one combined property, provided always that the owner, if at the expiry of the said period of one year he shall have partially erected buildings on the said lot of a value less than Four Thousand Rand (R4,000) shall be entitled to apply to the City Council in writing for an extension of time for the purpose of completing such buildings to the value aforesaid. If any extension be granted by the City Council the period thereof shall not exceed six (6) months.

4. The owner shall pay the rates imposed and levied on the land from the date of the Administrator's Consent to the sale (14th day of January



1936) and on the buildings from the date of erection thereof, all in terms of the Municipal Rating Laws from time to time in force. If in any year after the expiry of the period of one year provided for in the immediately preceding clause Number 3 or if an extension of time referred to in the said clause Number 3 hereof for the completion of buildings to the value aforesaid is granted, then the owner shall, after the expiry of the said period of twelve months within which buildings to the aforesaid value are to be erected, pay to the Corporation in addition to and at the same time as he is due to pay rates imposed and levied for that particular year, a sum equal to the difference between that which would have been paid as rates in respect of buildings of a rateable value of Four Thousand Rand (R4,000) and the amount due upon the value of the buildings actually erected.

5. Should the owner for the time being be in breach of any of the above conditions, the Corporation shall be entitled to apply, upon notice to the owner, to the Supreme Court of South Africa, Natal Provincial Division, by way of motion or otherwise as the said Court may in its discretion, direct, for an Order authorising the Registrar of Deeds to re-transfer the said land to it. In the event of any such re-transfer, the Corporation shall not be liable to refund the purchase price or any portion thereof, or to compensate the owner in respect of any buildings erected upon the said lot. Moreover the Corporation shall be entitled to recover from the owner the expenses of and incidental to any such application to Court, and the expenses of and incidental to the re-transfer to it.

and

2. **Erf 7079 Durban**
Registration Division FU
Province of KwaZulu-Natal

IN EXTENT 5484 (FIVE THOUSAND FOUR HUNDRED AND EIGHTY FOUR)
square metres

FIRST TRANSFERRED by Deed of Transfer Number 3488/1935 with diagram annexed thereto, and held by Deed of Transfer Number T27971/2004

THE said piece of land is transferred -

- (a) SUBJECT to all the terms of the original Government Grant Number, 1737 in so far as same are now applicable.
- (b) SUBJECT to the following special conditions, as created in the said Deed of Transfer Number 3488/1935, namely:-
 1. The owner shall take the land as it stands, and the Corporation shall not be liable for any damage to land or buildings caused by tides, floodings, gales or any other cause of whatsoever nature.
 2. The land and the buildings to be erected thereon shall be used for industrial, manufacturing, factory and /or business purposes and for no other purpose the City Council retaining the right to approve of the particular class of business, etc., to be established on the site.



3. All buildings shall be erected on such level and to such building line as may be determined by the Corporation.
4. Buildings to the value of at least Twenty Thousand Rand (R20,000) shall be erected upon the lot by the owner within two years from the date of sale (19th day of January 1935) provided always that the owner, if at the expiry of the said period of two years he shall have partially erected buildings on the said lot of a value less than R20,000 shall be entitled to apply to the City Council in writing for an extension of time for the purpose of completing such buildings to the value aforesaid. If any extension be granted, the period thereof shall not exceed twelve months.
5. The owner shall pay the rates imposed and levied on the land from the date of sale in terms of the Municipal Rating Laws and on the buildings from the date of erection thereof, if the owner applies for and obtains the extension of time referred to in Condition 4 hereof for the completion of buildings to the value aforesaid, the owner shall in the third year from the date of sale pay to the Corporation in addition to and at the same time as he is due to pay rates imposed and levied for that particular year, a sum equal to the difference between that which would have been paid as rates in respect of buildings of rateable value of R20,000 and the amount due upon the value of the buildings actually erected.
6. It is recorded that the land faces a Railway Siding constructed at the instance of the Corporation and to be maintained in perpetuity by it, which siding is termed the Service Siding, and the owner shall, in addition to any other amounts due and payable by him under and in terms of this sale, make payment as provided hereunder to the Corporation and that whether he makes use of the said Service Siding or not

The payment as mentioned above shall be calculated as follows:-

One Rand and Eighty Cents per annum on each linear 0.91 metres of such portion of the Service Siding as faces the lot: such sum per annum on each linear yard having been calculated pro rata in frontage on the capital cost to the Corporation of the whole length of the said Service Siding and on the estimated cost of maintenance and renewals for which the Corporation shall be responsible as aforesaid.

Payments under this clause shall be made at the Office of the City Treasurer in Durban, within seven days from the date of receipt by the owner of the City Council's account for same.

7. (i) the owner shall have the right to construct and maintain at his own sole cost and expense a private siding from the said Service Siding into the land and the owner, should he so construct such private siding, shall and hereby does indemnify the City Council against any loss or damage howsoever sustained by the City Council in connection with such private siding and against all actions, claims and demands whatsoever which may be brought against or made upon the Corporation by any third party or parties in respect of any act, matter or thing arising out of or in connection with the said siding. The owner shall himself enter into such agreement as may be necessary for such private siding with the South African Railways and Harbours Administration.
- (ii) The initial cost of supplying and laying points and crossing blocks and rail connecting point and crossing blocks in order to link up

the private siding of the owner with the Service Siding as aforesaid shall be borne by the owner and the Corporation shall thereafter maintain and renew the said points and crossing blocks, the cost of such maintenance and renewal being provided for and included in the amount payable by the owner under clause 6 hereof.

- (iii) The charge of One Rand and Eighty Cents per linear 0.91 metres shall remain fixed for a period of twenty five years dating from the date of sale and at each recurring period of twenty five years the charge shall be brought under review and the City Council may at its discretion increase, reduce or retain the same.
8. Should the owner for the time being be in breach of any of these conditions, the corporation shall be entitled to apply, upon notice to the owner, to the Supreme Court of South Africa, Natal Provincial Division, by way of motion or otherwise as the said Court may in its discretion direct, for an order authorising the Registrar of Deeds to re-transfer the said land to it. In the event of any such re-transfer the Corporation shall not be liable to refund the purchase price or any portion thereof, or to compensate the owner in respect of any buildings erected upon the said lot. Moreover the Corporation shall be entitled to recover from the owner the expenses of and incidental to any such application to Court, and the expenses of and incidental to the retransfer to it.



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

208 GALE STREET (PROPRIETARY) LIMITED
Registration Number 2002/008673/07

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


MARCIA PROPERTIES CC
Registration Number CK1986/002539/23

or its Successors in Title 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 R20 000 000,00 (TWENTY MILLION 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 Pietermaritzburg on

2012-03-07



q.q.

In my presence



REGISTRAR OF DEEDS



Exc

8



TRANSFER DUTY
VALUE-ADDED TAX

TD5

RECEIPT

Declaration by transferor and transferee where a transaction is subject to VAT and exempt from Transfer Duty in terms of section 9(15) of the Transfer Duty Act.

Transfer Duty Act, 1949 and Value-Added Tax Act, 1991

Part 2

Our Reference : 1722134

Details of seller(s) or transferor(s)

Full name: 208 GALE STREET (PROPRIETARY) LIMITED
ED

Identity/Trust/CC/Company Number: 020027000073700 Income tax reference number: 0000000000000000

If you are a VAT Vendor, state your VAT Registration Number: NO 000000000000 If you are not registered for Income Tax, state your annual income from all sources: 0000000000

Marital Status: N/A

Spouse name:

Marital Notes:

Details of purchaser(s) / Transferee(s)

Full name: MARCIA PROPERTIES CC

Identity/Trust/CC/Company Number: 0190000000000000 Income tax reference number: 0000000000000000

If you are a VAT Vendor, state your VAT Registration Number: NO 000000000000 If you are not registered for Income Tax, state your annual income from all sources: 0000000000

Marital Status: N/A

Spouse name:

Marital Notes:

Property Details (As per Deeds registry)

Description of Property (as per deeds registry): 208 GALE STREET, DURBAN, REGISTRATION DIVISION FD, PROVINCE OF KWAZULU-NATAL, IN EXTENT 40, 47 (FOUR THOUSAND AND FORTY SEVEN) SQUARE METRES

Nature of property: If improved indicate: 208 GALE STREET, DURBAN

Postal Code: 4000

For further details, see APPENDUM (A)

Details of purchase transaction

Date of transaction: 22 NOV 2011 Bought by:

Total Consideration: R 20000000.00

Calculation of VAT payable

VAT Rate

Z E R O

Calculated VAT payable

R 0.00

1. The output tax will be declared in the VAT201 return for the

period

R 0.00

2. The supply is that of a going concern which qualifies for the zero rate

R 0.00

Name of

Conveyancer firm

MOONEY FORD ATTORNEYS

Conveyancer

Reference No

J S M 7 9 5 7

Reference No

1 7 2 2 1 3 4 7 4 7 8

Telephone

0 3 1 3 0 4 9 8 8 1

Declaration by Conveyancer / Attorney

I LOUIS MEYER SIMON (full name) hereby certify that this is a true copy of the transfer duty receipt / exemption certificate, drawn from the SARS website (e-filing only).

Signature

Date

24 February 2012

Addendum (A) - Property Details (As per Deeds registry)

Description of Property (as per deeds registry)

ERP 7079 DURBAN REGISTRATION DIVISION FW PROVINCE OF KWAZULU-NATAL IN EXTENT OF 54 (FIVE THOUSAND FOUR HUNDRED AND EIGHT (4 FOUR) SQUARE METRES

Nature of property

If improved Indicate

208 GALE STREET, DURBAN

Postal Code 4001



eTHEKWINI MUNICIPALITY

In terms of section 118 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000). It is hereby certified that all amount that became due to eThekweni Municipality in connection with the under mentioned property situated within that municipality for municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties during the two years preceding the date of application for this certificate, have been fully paid.

The following sums remain charges upon the property by virtue of section 118(3) of the local government: Municipal Systems Act. 2000(Act 32 of 2000):-

RCA No: 246363
RCC No: 189103
Date: 2012/02/23
Valid Until: 2012/04/23

Registered Owner/Seller: 208 Gale Street (Proprietary) Limited

Purchaser: Marcia Properties CC

Description of Property Erf 7079 of Durban; Registration Division FU; Province of KwaZulu-Natal

SubCodes ERF 7080 of Durban

Conveyancer M FP ADMINISTRATION PTY (LTD) -
DURBAN
RCC Delivery Method : Other

p.p 
DEPUTY CITY MANAGER : TREASURY