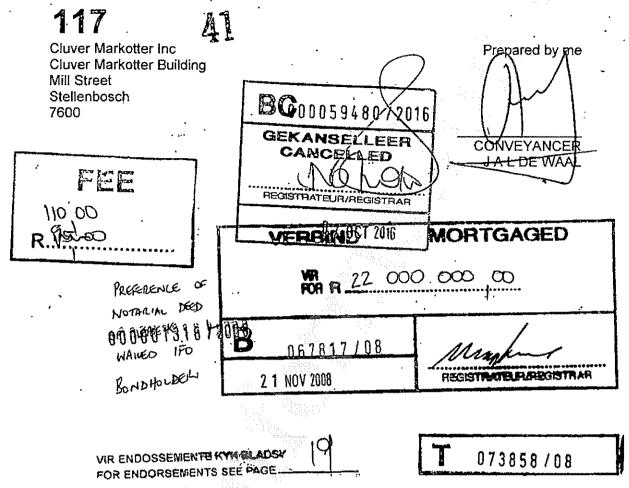
TITOS



#### **DEED OF PARTITION TRANSFER**

(in terms of Section 26 of the Deeds Registries Act, 1937 (No 47 of 1937))

#### BE IT HEREBY MADE KNOWN THAT:

**THAT** 

#### MICHELLE VAN WYK

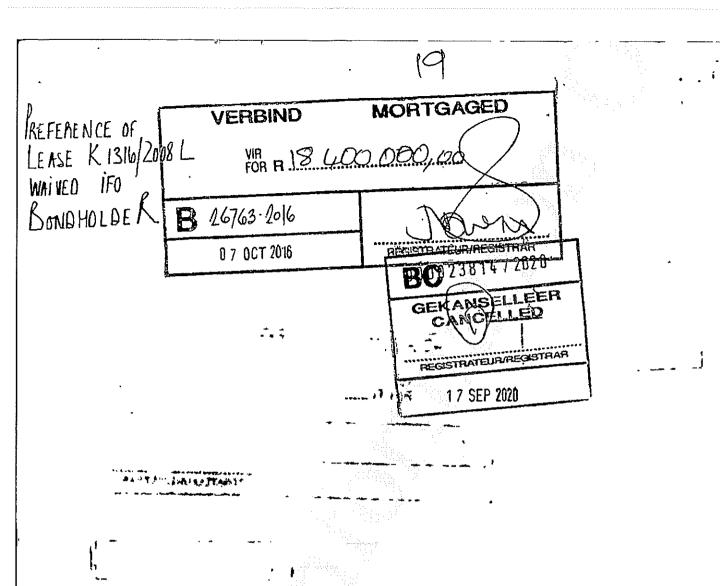
appeared before me the REGISTRAR OF DEEDS at CAPE TOWN, he, the said Appearer, being duly authorised thereto by virtue of:

a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008 granted to him by:

1. BOSCHENDAL FOUNDERS ESTATE 2 (PROPRIETARY) LIMITED NO. 2006/023676/07

DATA/VERIFY 27 NOV 2008 WARNAYK JENNIY 2 6 NOV 2008

MASIUT





a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008 granted to him by:

### 2. BOSCHENDAL FOUNDERS ESTATE 3 (PROPRIETARY) LIMITED NO. 2006/023695/07

**AND** 

a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008 granted to him by:

### 3. BOSCHENDAL FOUNDERS ESTATE 4 (PROPRIETARY) LIMITED NO. 2006/023167/07

AND

a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008 granted to him by:

## 4. BOSCHENDAL FOUNDERS ESTATE 5 (PROPRIETARY) LIMITED NO. 2006/023139/07

AND

- a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008 granted to him by:
- 5. BOSCHENDAL FOUNDERS ESTATE 6 (PROPRIETARY) LIMITED NO. 2006/023078/07



a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008 granted to him by:

6. BOSCHENDAL FOUNDERS ESTATE 7 (PROPRIETARY) LIMITED NO. 2006/022999/07

**AND** 

a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008 granted to him by:

7. BOSCHENDAL FOUNDERS ESTATE 8 (PROPRIETARY) LIMITED NO. 2006/023032/07

**AND** 

a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008 granted to him by:

8. BOSCHENDAL FOUNDERS ESTATE 9 (PROPRIETARY) LIMITED NO. 2006/022753/07

**AND** 

- a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008 granted to him by:
- 9. BOSCHENDAL FOUNDERS ESTATE 10 (PROPRIETARY) LIMITED NO. 2006/023527/07



a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008 granted to him by:

#### 10. BOSCHENDAL FOUNDERS ESTATE 11 (PROPRIETARY) LIMITED NO. 2006/023498/07

**AND** 

a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008 granted to him by:

# 11. BOSCHENDAL FOUNDERS ESTATE 12 (PROPRIETARY) LIMITED NO. 2006/023252/07

AND

a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008 granted to him by:

### 12. BOSCHENDAL FOUNDERS ESTATE 13 (PROPRIETARY) LIMITED NO. 2006/023209/07

AND

- a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008 granted to him by:
- 13. BOSCHENDAL FOUNDERS ESTATE 14 (PROPRIETARY) LIMITED NO. 2006/023333/07



a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008 granted to him by:

#### 14. BOSCHENDAL FOUNDERS ESTATE 15 (PROPRIETARY) LIMITED NO. 2006/023240/07

AND

a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008 granted to him by:

### 15. BOSCHENDAL FOUNDERS ESTATE 16 (PROPRIETARY) LIMITED NO. 2006/015486/07

**AND** 

a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008 granted to him by:

### 16. BOSCHENDAL FOUNDERS ESTATE 17 (PROPRIETARY) LIMITED NO. 2006/023258/07

**AND** 

a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008 granted to him by:

### 17. BOSCHENDAL FOUNDERS ESTATE 18 (PROPRIETARY) LIMITED NO. 2006/023254/07

\*

AND

a Power of Attorney signed at STELLENBOSCH on 26 SEPTEMBER 2008 granted to him by:

#### 18. BOSCHENDAL FOUNDERS ESTATE 19 (PROPRIETARY) LIMITED NO. 2006/022621/07

AND the said Appearer declared that whereas his said Principals heretofore held and possessed in joint ownership:

REMAINDER FARM NO 1685 BOSCHENDAL in the Municipality
STELLENBOSCH, Division PAARL, Province of the WESTERN CAPE

IN EXTENT: 411,2168 (FOUR HUNDRED AND ELEVEN COMMA TWO ONE SIX EIGHT) HECTARES

HELD by the Transferee by virtue of Deed of Transfer No T 0738 24/08 /2008 in equal shares

AND WHEREAS the said joint owners have agreed on 4 September 2008 to partition the said land by sub-dividing the same according to their respective interests therein and receiving transfer in severalty of such sub-divided portions;

**NOW, THEREFORE,** the said Appearer in his capacity aforesaid and in pursuance of the above in part recited agreement, declared that he did by these presents, cede and transfer in full and free property unto and on behalf of the said

BOSCHENDAL FOUNDERS ESTATE 5 (PROPRIETARY) LIMITED NO. 2006/023139/07

Its successors and titles or assigns,

M

PORTION 5 of the FARM NO 1685 BOSCHENDAL in the Municipality of STELLENBOSCH, Division PAARL, Province of the WESTERN CAPE

IN EXTENT: 26,2549 (TWENTY SIX COMMA TWO FIVE FOUR NINE)
Hectares

AS WILL APPEAR from the annexed Diagram S.G. No 7524/2007 and held by Deed of Transfer Np713 8 5 4 / (0.8) /2008

- A. SUBJECT to the conditions referred to in Deed of Transfer No. T 11413/1897.
- B. By Notarial Deed No. K 190/2001S the above property is ENTITLED to:
  - A water pipeline servitude 2,00 metres wide, the north western boundary whereof is represented by the line w1x1y1G on Diagram No. 3176/2000 annexed to Deed of Transfer No. T 17276/ 2001
    - together with a general right of way to gain access to the said pipeline servitude over Portion 1 of the Farm No. 1631, Stellenbosch Municipality, Division of Paarl in extent 102,4981 Hectares held by Deed of Transfer No. T 17276/ 2001.
  - A water pipeline servitude 2,00 metres wide the western boundary whereof is represented by the line bcdefgh on Diagram No. 3179/2000 annexed to Deed of Transfer No. T 17276/ 2001

together with a general right of way to gain access to the said pipeline servitude over Portion 4 of the Farm No. 1631, Stellenbosch Municipality, Division of Paarl, in extent 30,3951 Hectares held by Deed of Transfer No. T 17276/ 2001.



- 3.1. A pipeline servitude 2 metres wide the north western boundary whereof is represented by the line Aa on Diagram No. 3182/2000 annexed to Deed of Transfer No. T 17276/2001.
- 3.2. A pipeline servitude 2 metres wide the north eastern boundary whereof is represented by the line ab on Diagram No. 3182/2000 annexed to Deed of Transfer No. T 17276/2001.
- 3.3. A pipeline servitude 2 metres wide the south western boundary whereof is represented by the line AM on Diagram No. 3182/2000 annexed to Deed of Transfer No. T 17276/2001

together with a general right of way to gain access to the said pipeline servitudes, over Portion 1 of the Farm No. 1632, Stellenbosch Municipality, Division of Paarl, in extent 4274 square metres held by Deed of Transfer No. T 17276/ 2001

Subject to conditions as will more fully appear from said Notarial Deed.

#### C. By Deed of Transfer No. T 17276/2001

ENTITLED to an electric power transmission servitude 2,00 metres wide, the centre line whereof is represented by the line tu on Diagram No. 3179/2000 annexed thereto over Portion 4 of the Farm No. 1631, Stellenbosch Municipality, Division of Paarl, in extent 30,3951 thereby transferred.

D. By Deed of Transfer No T17499/2004 the within property is ENTITLED to a general servitude of right of way over

M

(a) Portion 6 of the Farm Boschendal No. 1674, in the Stellenbosch Municipality, Division of Paarl, Western Cape Province in extent 42,4407 hectares

and

(b) Portion 7 of the Farm Boschendal No. 1674, in the Stellenbosch Municipality, Division of Paarl, Western Cape Province in extent 106,6670 hectares held thereunder to provide unrestricted access to the within property

As will more fully appear from said Deed of Transfer.

E. By Notarial Deed No K210/2004S dated 6 February 2004, as will appear from Deed of Transfer No T17501/2004, the withinmentioned properties are:

#### SUBJECT to

- (a) A pipeline servitude 3 metres wide for the purpose of conveying irrigation and domestic water pumped from the dams thereon over the within properties.
- (b) A general servitude of right of way 5 metres wide to provide access to the within properties for purposes of maintenance, repair, cleaning and replacement.

in favour of

M

 Portion 3 of the farm Boschendal No 1674 situate in the Stellenbosch Municipality, Division of Paarl, Western Cape Province.

In extent 115,9123 (one hundred and fifteen comma nine one two three) hectares

 Portion 4 of the farm Boschendal No 1674 situate in the Stellenbosch Municipality, Division of Paarl, Western Cape Province.

In extent 165,2636 (one hundred and sixty five comma two six three six) hectares

3. Portion 6 of the farm Boschendal No 1674 situate in the Stellenbosch Municipality, Division of Paarl, Western Cape Province.

In extent 42,4407 (forty two comma four four nought seven) hectares

4. Portion 7 of the farm Boschendal No 1674 situate in the Stellenbosch Municipality, Division of Paarl, Western Cape Province.

In extent 106,6670 (one hundred and six comma six six seven nought) hectares

5. Portion 11 of the farm Boschendal No 1674 situate in the Stellenbosch Municipality, Division of Paarl, Western Cape Province.

1

In extent 76,0665 (seventy six comma nought six six five) hectares.

6. Portion 13 of the farm Boschendal No 1674 situate in the Stellenbosch Municipality, Division of Paarl, Western Cape Province.

In extent 341,9417 (three hundred and forty one comma nine four one seven) hectares.

7. Portion 1 of the farm No 1647, situated in the Stellenbosch Municipality, Division of Paarl, Western Cape Province.

In extent 49, 5372 (forty nine comma five three seven two) hectares.

(hereinafter called Portion 1/1647)

8. The remainder of the Farm Old Bethlehem No. 153 situated in the Stellenbosch Municipality, Division of Stellenbosch, Province of the Western Cape

In extent 78,2330 (seventy eight comma two three three nought) hectares

 Portion 1 of the Farm Old Bethlehem No. 153 situated in the Stellenbosch Municipality, Division of Stellenbosch, Province of the Western Cape.

In extent 13,1701 (thirteen comma one seven nought one) hectares.



 Portion 2 of the Farm Old Bethlehem No. 153 situated in the Stellenbosch Municipality, Division of Stellenbosch, Province of the Western Cape.

In extent 20, 2962 (twenty comma two nine six two) hectares.

 Portion 4 of the Farm Old Bethlehem No. 153 situated in the Stellenbosch Municipality, Division of Stellenbosch, Province of the Western Cape.

In extent 27, 6944 (twenty seven comma six nine four four) hectares.

12. Portion 5 of the Farm Old Bethlehem No. 153 situated in the Stellenbosch Municipality, Division of Stellenbosch, Province of the Western Cape.

In extent 28,5183 (twenty eight comma five one eight three) hectares.

13. Portion 6 of the Farm Old Bethlehem No. 153 situated in the Stellenbosch Municipality, Division of Stellenbosch, Province of the Western Cape.

In extent 91,5997 (ninety one comma five nine nine seven ) hectares

14. Portion 7 of the Farm Old Bethlehem No. 153 situated in the Stellenbosch Municipality, Division of Stellenbosch, Province of the Western Cape.



In extent 11,7002 (eleven comma seven nought nought two) hectares.

 Portion 9 of the Farm Old Bethlehem No. 153 situated in the Stellenbosch Municipality, Division of Stellenbosch, Province of the Western Cape.

In extent 17,8637 (seventeen comma eight six three seven) hectares.

 Portion 10 of the Farm Old Bethlehem No. 153 situated in the Stellenbosch Municipality, Division of Stellenbosch, Province of the Western Cape.

In extent 21,2846 ( twenty one comma two eight four six) hectares

17. Portion 11 of the Farm Old Bethlehem No. 153 situated in the Stellenbosch Municipality, Division of Stellenbosch, Province of the Western Cape.

In extent 19,1588 (nineteen comma one five eight eight) hectares

 Portion 12 of the Farm Old Bethlehem No. 153 situated in the Stellenbosch Municipality, Division of Stellenbosch, Province of the Western Cape.

In extent 69,6436 (sixty nine comma six four three six) hectares

1

 Portion 13 of the Farm Old Bethlehem No. 153, situated in the Stellenbosch Municipality, Division of Stellenbosch, Province of the Western Cape.

In extent 29,8347 (twenty nine comma eight three four seven) hectares.

The aforesaid properties 1-19 all HELD by Deed of Transfer No T17499/2004

20 Portion 2 of the Farm 1647 situated in the Stellenbosch Municipality, Division of Paarl, Province of the Western Cape.

In extent 69, 2495 (sixty nine comma two four nine five ) hectares.

Held by Deed of Transfer No T17500/2004

#### 2. ENTITLED to the benefit of

- (a) A pipeline servitude 3 metres wide over the 20 properties described in Condition A above for the purpose of conveying irrigation and domestic water pumped from the dams thereon over such properties.
- (b) A general servitude of right of way 5 metres wide over the 20 properties described in Condition A above to provide access thereto for purposes of maintenance, repair, cleaning and replacement.

SUBJECT to such conditions as will more fully appear from such Notarial Deed.



F. By Notarial Deed of Servitude of Restraint No K787/2005S dated 13 July 2005, as will appear from Deed of Transfer No T17501/2004, the above properties are subject to a servitude of restraint on competing business in favour and enforceable by DGB (Proprietary) Limited, No. 1946/021311/07, as the Lessee of lease over Farm Le Rhone, being Portion 12 of the Farm 1674 in extent 188,3148 hectares and held by Notarial Deed of Lease No K785/2005L for as long as the lease is in force.

As will morefully appear from the said Notarial Deed.

- G. By Notarial Deed of General Servitude Rights of Access and Traversing Rights, Sewerage, Effluent, Electricity and Water Rights No K 786/2005S dated 13<sup>th</sup> July 2005, as will appear from Deed of Transfer No T17501/2004, the above properties are subject and entitled, as the case may be, to the following servitudes in favour of DGB (Proprietary) Limited, No. 1946/021311/07 its administrators and assigns and successors-in-title (hereinafter referred to as the "TENANT", in its capacity as tenant under Lease No K785/2005L (registered this day), for the duration of the said lease:
  - (a) subject and entitled as the case may be, to a servitude of mutual access and traversing rights;
  - (b) subject to an electricity servitude over Portion 9 of the Farm Boschendal No 1674, extending 80,1969 (eighty comma one nine six nine) hectares (para 5 of T17501/2004);
  - (c) subject to a sewerage servitude;
  - (d) subject to a servitude relating to effluent;
  - (e) subject to a servitude relating to water usage in respect of Portion 8 of the Farm Boschendal No 1674, extending 50,2598 (fifty comma two five nine eight) hectares (para 4 of T17501/2004) and Portion 9 of the Farm Boschendal No 1674, extending 80,1969 (eighty comma one nine six nine) hectares; and



(f) subject to the condition that the owner of the property shall be obliged to register of all or any of the abovementioned servitudes, as may be applicable, in favour of the TENANT in the event that the TENANT takes transfer of the ownership of any or all of the properties (which shall include portion 12 of the Farm Boschendal No 1674, extending 188,3148 (one eight eight comma three one four eight) hectares or any portion thereof),

as will more fully appear from the said Notarial Deed.

- H. BY VIRTUE of Notarial Deed of Lease No K 13 16 (2) /2008L, as will appear from Certificate of Consolidated Title No T 13852 (2) /2008, the withinmentioned property is subject to a Long Term Notarial Lease Agreement for a period of 99 years as from 1 July 2007 in favour of Boschendal Winery (Proprietary) Limited, No 2004/020895/07. As will more fully appear from the said Notarial Deed with Diagram SG No 3515/2008 annexed.
- SUBJECT FURTHER to the following condition imposed by the Stellenbosch Municipality in terms of Section 42(1) of the Land Use Planning Ordinance (No 15 of 1985), upon the approval of the subdivision of Portions 2, 5, 8 and 9 of the Farm Boschendal No 1674 in the Municipality of Stellenbosch, Division Paarl, Province of the Western Cape, as will appear from Deed of Transfer No T 7 3 8 5 4 2/2008:
  - (a) The property shall not be alienated without the written consent of BOSCHENDAL ESTATE FOUNDERS' ESTATES PROPERTY MEMBERS ASSOCIATION (Registration No: 2008/010914/08) (Association Incorporated under Section 21 of the Companies Act, No 61 of 1973) (hereinafter referred to as BEFEPOA), having been obtained to the effect that there has been full compliance by the registered owner of the property with Articles 5.2 to 5.9 (both



inclusive) of the Memorandum and Articles of Association of BEFEPOA.

- J. SUBJECT AND ENTITLED to the following condition imposed by the Stellenbosch Municipality in terms of Section 42(1) of the Land Use Planning Ordinance (No 15 of 1985), upon the approval of the subdivision of Portions 2, 5, 8 and 9 of the Farm Boschendal No 1674 in the Municipality of Stellenbosch, Division Paarl, Province of the Western Cape:
  - (a) As the case may be, a servitude right of access or egress 2,5 (two comma five) metres wide or 3 (three) metres wide, whichever is applicable, over and in favour of the withinmentioned property.
- K. SUBJECT FURTHER to the following condition imposed by the Joint Owners of Remainder Farm No 1685 Boschendal in terms of the Partition Agreement dated 4 September 2008:
  - (a) After subdividing the property into the 18 portions, as referred to in the Consent by the Department of Agriculture in terms of the Subdivision of Agricultural Land Act, 1970, No 39884, the said properties shall not be further subdivided.

#

WHEREFORE the Appearer, renouncing all the right and title his Principals heretofore jointly had to the premises, on behalf of aforesaid, did, in consequence, also acknowledge his said Principals with the exception of the above transferee to be entirely dispossessed of and disentitled to the land hereby transferred; and that, by virtue of these presents, the said

### BOSCHENDAL FOUNDERS ESTATE 5 (PROPRIETARY) LIMITED NO. 2006/023139/07

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 his remaining Principals to have received as a consideration transfer on this day of their respective share in the landed property partitioned as aforementioned.

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 2008

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a.a.

In my presence

REGISTRAR OF DEEDS

CERTIFIED COPY FOR REGIST FOR SURVEYOR-GENERAL S

Surveyors	SIDES		ANGLES OF DIRECTION	1		CO-ORDINATES System WG 19° X		8.G. No.
9	Metres		1		<u>'</u>	oyston n		7524/2007
			Constants :			0,00	0,00	Approved.
Friedlaender, Burger & Volkmann - Land	AB	526,00	229 00 00	Α	+	5684,05	+ 3749680,71	for Surveyor - General Date: 19-2-09 SHEET 1 OF 2 SHEETS
	BC	89,83	319 07 20	8	+	5287,07	+ 3749335,63	
	CD	88,12	7 25 00	C	+	5228,27	+ 3749403,55	
	DE	243,96	325 06 50	D	+	5239,65	+ 3749490,93	
	EF	197,83	326 55 00	E	+	5100,12	+ 3749691,05	
	FG	81,56	52 53 50	F	+	4992,13	+ 3749856,81	
	GH	115,35	91 29 10	G	+	5057,18	+ 3749906,01	
	HJ	75,48	177 32 20	Н	+	5172,49	+ 3749903,02	
	JK	81,20	175 08 50	J	+	5175,73	+ 3749827,61	
	KL	72,90	157 15 30	K	+	5182,60	+ 3749746,70	
	LW	38,03	133 15 10	L	+	5210,78	+ 3749679,47	
	MN	51,98	89 52 00	M	+	5238,48	+ 3749653,41	
	NP	103,63	11 55 00	N	+	5290,46	+ 3749653,53	
	PQ	119,94	35 56 30	P	+	5311,86	+ 3749754,93	
	<b>Q</b> FR	51,23	7 41 40	Q	+	5382,26	+ 3749852,04	
	RS	207,79	338 47 30	R	+	5389,12	+ 3749902,81	
	<b>Ş</b> T	212,62	52 27 50	S	+ :	5313,95	+ 3750096,53	
	TU	195,11	149 02 00	T	+	5482,55	+ 3750226,07	
	UV	141,16	130 43 30	U	+	5582,94	+ 3750058,77	
	VW	148,19	204 13 10	٧	+	5689,92	+ 3749966,67	
	₩X	25,70	159 38 20	W	+	5629,13	+ 3749831,52	
	ΧY	60,23	223 12 10	X	<b>+</b> : '.	5638,07	+ 3749807,43	
	YA	120,27	133 31 10	Y	+	5596,84	+ 3749763,53	
	**************************************							
		497	PNIEL	Δ	+	3832,38	+ 3751650,78	
		498	RHODESDAM	Δ	+	4138,34	+ 3749355,50	
			A Control of the Cont					

#### Note:

The figure AatzCDEFGHJKLMNPQRSTUVWXY represents a leasehold area 'vide Diagram No. 7519/2007, D/T

The figure ABCDEFGHJKLMNPGRSTUVWXY represents (26,2549 hectares

of land, being

#### PORTION 5 OF THE FARM NO. 1685 BOSCHENDAL

Situate in the Stellenbosch Municipality Administrative District of Paarl ... Surveyed in Aug. 2000 - Jun. 2003, Oct. - Nov. 2006 & Oct. 2007 by me

Province of Western Cape

Pr Land Surveyor PLS 0080 D P Burger

This diagram is annexed to The original diagram is File No. Parl. 1685 No. 7518/2007 S.R. No. 3226/2007 Dated Comp. BH-8BDO (3767) i.f.o. Annexed to BH-8DBB (3779) . 2 1 NOV 2008 Filed as Plan No. 7518/2007 Registrar of Deeds LPI C0550000

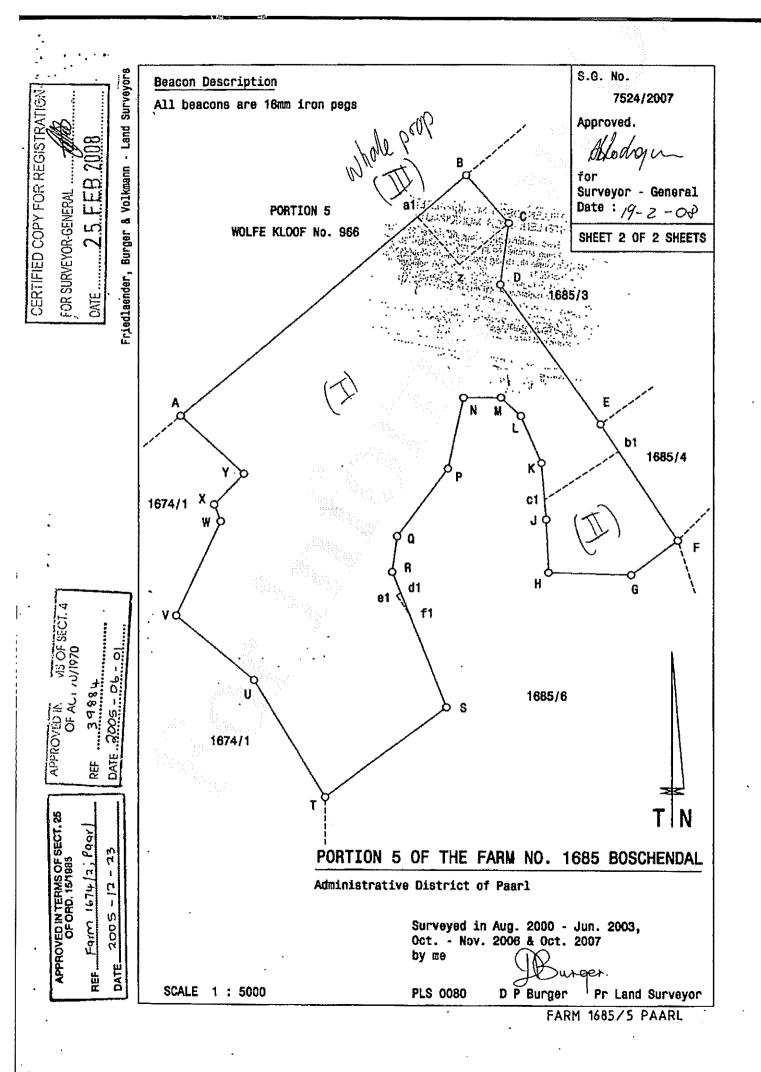
FARM 1685/5 PAARL

#### STELLENBOSCH MUNISIPALITEIT STELLENBOSCH MUNICIPALITY

STELLENBOSCH MUNICIPALITY

Ent / Erwe onderverdeet kragtons Artikel 25 van
Ent / Erven subdivided in terms of Section 25 of
Ordonnansie Nr. 15 van 1935 en Nerin Ultengesit,
Ordinance No. 15 of 1935 and herein reflected in
in order vir registraste ingevolge Artikel 31 (1)
order for registration in terms of Section 31 (1)

Municipal Bestly der Datte
Municipal Manager Date



STELLENBOSCH MUNISIPALITEIT STELLENBOSCH MUNICIPALITY

STELLENBOSCH MUNICIPALITY

Ert / Erwa onderverdeat kregtens Artikol 25 van
Ert / Ervan subdivided in terms of Section 25 of
Ordonnansie Nr. 15 van 1985 en Nietin uiteengask.
Ordonnansie Nr. 15 van 1985 and herein reflected in
Ordonance No. 15 of 1985 and herein reflected in
In order vir registrasie ingevolge Artikol 31 (1)
order for registration in terms of Section 31 (1)

(Munisipale ligstlyttder Date
Municipal Managht