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|-------------|---------------------------|
| F E E       |                           |
| Amount Paid | <del>R500.00</del> R95.00 |
| Date        |                           |
| By          |                           |

*JS*

CADOCST14423.need  
Prepared by me,

*[Signature]*  
Conveyancer  
DE VILLIERS A P M ✓

2000 -11- 03

**DEED OF TRANSFER NO:**

000054626 / 2000

**BE IT HEREBY MADE KNOWN:**

THAT

appeared before me, the REGISTRAR OF DEEDS at PIETERMARITZBURG he, the said Appearer, being duly authorised thereto by virtue of a Power of Attorney signed at Edenvale on the 14th May 1999

and granted to him by -

**TANKER SERVICES GERMISTON PROPERTIES (PROPRIETARY) LIMITED**

No. 55/02072/07

*AA*

*[Handwritten mark]*

*[Handwritten mark]*

*[Handwritten mark]*

AND the said Appearer declared that the undermentioned transferee acquired on 23 May 1997, the said properties under a Rationalisation Scheme approved in terms of the provisions of Section 39(2) of the Taxation Laws Amendment Act 1994, (Act 20 of 1994) and that he, the said Appearer in his capacity aforesaid, did by these presents cede and transfer to and on behalf of-

**IMPERIAL GROUP (PROPRIETARY) LIMITED**  
No. 83/09088/07

its successors in title or assigns, in full and free property:

(1.)

PORTION 13 (OF 2) ERF 1063 SEA VIEW, REGISTRATION DIVISION FT, IN  
THE CITY OF DURBAN, ~~ENTITY~~  
PROVINCE OF KWAZULU-NATAL  
IN EXTENT: 1,2383 (ONE COMMA TWO THREE EIGHT THREE) HECTARES

FIRST REGISTERED BY CERTIFICATE OF REGISTERED TITLE NO. 10779/1954  
WITH DIAGRAM RELATING THERETO AND HELD BY DEED OF TRANSFER  
T 13240/93

**THIS LAND IS TRANSFERRED:**

- (a) Subject to all the terms and conditions in so far as still in force and applicable contained in the original Government Grant No. 845/1848.
- (b) Subject to a sewer and drain servitude lettered L.N.M.K. and O.P.Q.R. on the diagram S G No. 77/54 of the said Portion 3 of B of LAMONT of abiklno of the Farm Sea View No. 845, in favour of the City Council of the City of Durban, as created in said Deed of Transfer No. 6259/1965.
- (c) Subject to an electric power transmission line servitude as shown by the figure A.B.C.D on Servitude Diagram No. 3166/1964, in favour of the City Council of the City of Durban, as created in said Deed of Transfer No. 6259/1965.
- (d) With the benefit of a sewer and drain servitude as shown and lettered M.N.Q.R. on said diagram S G No. 77/54, over the Remainder of B Lamont of abiklno of the Farm Sea View No. 845, as created in said Deed of Transfer No. 6259/1965.
- (e) Subject to the following special conditions which shall be enforceable by the City Council of the City of Durban (hereinafter referred to as the City Council), as created in said Deed of Transfer No. 6259/1965:-

- 1. (i) The lot shall not be transferred to any successor in title without the written consent of the City Council which consent shall not be

- unreasonably withheld.
- (ii) No subdivision of the lot will be permitted.
2. (i) The lot and the buildings to be erected thereon, shall be used only for such industrial, manufacturing or factory purposes as may be approved from time to time by the City Council of Durban, which expressly reserves the right to approve the particular class of business or undertaking to be established on the lot.
- (ii) No trade, business, industry, manufacture, process or occupation shall be carried on upon the said land if, in the course of such trade, business, industry, manufacture, process or occupation, any offensive liquid or waste water is, or is liable to be produced or discharged therefrom, or is likely to become offensive or to cause a nuisance, until such arrangements have been made, to the satisfaction of the City Council, as will effectually prevent such offensive liquid or waste water being or causing a nuisance on the said land, or being or causing or becoming a nuisance after leaving or being discharged or conveyed from the said land, or being conveyed into any supply of water, which is used for drinking or other domestic purposes, or into any public river or stream, whether directly or by percolation or otherwise. In the event of any arrangements as aforesaid proving to be insufficient or inadequate in any respect, any such trade, business, industry, manufacture, process or occupation shall forthwith be discontinued upon receipt of written notification to that effect, until such time as further arrangements have been made to the satisfaction of the City Council aforesaid.
- (iii) Storage of materials of any sort and all forms of manufacturing processes shall be confined to buildings erected on the lot for the purpose or alternatively, shall be satisfactorily screened from view from the roads in a manner which meets with the unqualified approval of the City Council. Failure to meet the City Council's requirements in this regard shall be considered as a breach of the conditions.
3. Buildings shall be erected on such level, to the building line of 4,57 metres and to such elevation as may be prescribed by the City Council whether by By-Law or otherwise.
4. Buildings, which shall be of brick, stone, concrete or other hard, permanent and fireproof material to the rateable value of at least R42 840,00 (FORTY TWO THOUSAND EIGHT HUNDRED AND FORTY RAND) shall be erected upon the lot by the owner within two (2) years from the date of sale (which for the purposes of this condition is to be taken as 21 September 1964), provided always that the owner, if, at the expiry of the period of two (2) years aforesaid it shall have partially erected buildings on the said lot of a value less than the amount prescribed herein, shall be entitled, upon application to the City Council, in writing, to obtain such extension of time (which shall in no case exceed two (2) years) for the purpose of completing such buildings to the value aforesaid as the City Council (subject, if need be, to the consent of the Administrator) shall consider reasonable.

In the event of the buildings aforesaid being destroyed or damaged, either wholly or



in part, from any cause whatsoever, in such manner that their value is reduced to less than the value set out herein, the owner for the time being or its successors or successors in title shall be bound either to erect new buildings or to make such additions to any existing buildings, within a period to be fixed by the City Council, as will restore the value of the buildings upon the lot to at least the prescribed value.


5. The Owner shall pay the rates imposed and levied on the land from the date of sale (which for the purposes of this condition is to be taken as 21 September 1964) and on the buildings from the date of erection thereof. If the parties do not agree as to what date is the "date of erection," the date shall be fixed by the City Engineer's Certificate of Completion of the buildings.

If in the third and/or any subsequent year from the date of sale (notwithstanding any extension of time referred to in Condition 4 hereof which may be granted by the City Council for the purpose of completing buildings aforesaid), buildings on the said lot shall, from any cause whatsoever, be of a less value than that set out in Condition 4 hereof, or if in any such years there shall be no buildings at all upon the said lot, the Owner or its successors in title shall pay to the City Treasurer (in addition to and at the same time as it is due to pay the rates imposed and levied for that particular year) by way of rates an amount calculated upon the full value of the buildings for the erection of which provision is made in terms of the last preceding Condition 4 hereof, as though the said buildings of the prescribed value had, in fact been erected in terms of that condition.

6. In the event of the owner being in breach of any of these conditions, the City Council shall be entitled, but not obliged, to apply to the Supreme Court for relief, in such form as the City Council may deem fit, whether by way of application for an order to have the property re-transferred to the City Council, or otherwise.

Any such action taken under the foregoing provisions of this clause shall be without prejudice to the City Council's other legal rights arising out of the said breach.

In the event of any proceedings being taken in the Supreme Court, pursuant to this clause, the Owner shall, unless the Court otherwise orders pay the cost thereof incurred by the City Council.

7. No fuel-burning appliance shall be installed, and no process involving the combustion of fuel in any way other than in the engines of motor vehicles shall be carried on, on the lot or in any buildings or erections thereon, unless such appliance or process, as the case may be, has been approved by the City Council or one of its officers nominated for the purpose. The City Council or such other officer shall be entitled, in giving such approval, to impose such reasonable conditions as it or he may consider necessary to prevent the emission of smoke from or by such appliance or process to an undesirable extent, and any conditions so imposed shall be binding and shall take effect as if they had been incorporated herein.
  8. The City Council reserves to itself all the rights regarding stormwater drainage of the area and the adjoining district and of making drains and of carrying other City Council services through the land if such are necessary for the public good and convenience, but the City Council shall restore, as far as possible, any of the ground disturbed by the operations in connection with such drainage and/or services.
  9. In so far as it may be of application, the provisions of the Interpretation Act No. 33 of 1957 shall apply to the interpretation of any of the terms of these presents.
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- (g) Subject to a sewer and drain servitude lettered A.B.C.D.E. on Diagram S G No. 1797/1966, in favour of the City Council of the City of Durban, as created in Notarial Deed of Servitude No. 11/1967S.

10. By Notarial Deed No. K 186/94S the withinmentioned property shall not be subdivided, alienated, transferred, leased mortgaged or otherwise dealt with separate from Sub 3331 of the farm Mobeni No. 13538, in extent: 2004 (Two Thousand and Four) Square metres, in favour of the City Council of Durban.

~~AND SUBJECT FURTHER TO SUCH CONDITIONS AS ARE REFERRED TO IN THE AFORESAID DEED/S.~~

(2.)

ERF 275 STUARTSTOWN (EXTENSION NO.2) REGISTRATION DIVISION E T,  
IN THE IXOPO TRANSITIONAL COUNCIL AREA  
PROVINCE OF KWAZULU-NATAL

IN EXTENT 2 648 (TWO THOUSAND SIX HUNDRED AND FORTY EIGHT) Square  
Metres;

FIRST TRANSFERRED BY DEED OF TRANSFER T 24160/1982 WITH GENERAL  
PLAN S G NO. 3169/1973 RELATING THERETO AND HELD BY DEED OF  
TRANSFER T 13240/93

**THIS LAND IS TRANSFERRED:**

- A. Subject to the terms and conditions of the original Government Grant No. 2227/1860, as are still in force and applicable.
- B. Subject to the terms and conditions imposed by the Administrator under Ordinance No. 27/1949, as amended, as created in Deed of Transfer No. 24160/1982, namely:-
1. Except with the consent of the Administrator the lots shall not be used for other than residential purposes.
  2. No semi-detached house, tenement house, boarding house, hotel or block of residential flats and not more than one dwelling house together with such outbuildings as are ordinarily used in conjunction therewith shall be erected on the lot without the consent of the Administrator. Upon registration of title of any subsequent subdivision of the said lot which shall have been approved by the Administrator, this condition shall lapse in respect of such subdivision and thereafter shall apply to the remainder only.
  3. No building whatsoever, unless permitted under exceptional circumstances and in writing by the local authority shall be erected on the lot within a distance of 7,5 metres from any boundary abutting on a street nor within a distance of 2 metres from any other boundary.
  4. The local authority shall, without compensation, have the right to erect, lay and

maintain electric wires and/or water supply piping over or under the lot along any boundary thereof other than a road frontage and within a distance of 2 metres from such boundary and shall have reasonable access thereto for the purpose of maintenance, removal or extension. Maintenance shall include trimming, cutting or otherwise dealing with the trees so as to prevent interference with the electric wires.

The right conferred by this condition shall be exercisable by any local authority or other body or person legally authorised to supply electric current or water for the benefit of the inhabitants of the township.

If the owner of the lot be aggrieved by the unreasonable exercise of these rights he shall have the right of appeal to the Administrator, whose decision shall be final.

5. The local authority shall, without compensation, have the right to construct and maintain sewers and drains over or under the lot along any boundary thereof other than a road frontage and within a distance of 2 metres from such boundary and shall have reasonable access thereto for the purpose of maintenance, removal or extension, and the owner of the lot shall, without compensation, be obliged to allow the sewerage and drainage of any other lot or street to be conveyed along such sewers and drains; provided that if the owner of the lot be aggrieved by the unreasonable exercise of these rights he shall have the right of appeal to the Administrator, whose decision shall be final.
6. The owner of the lot shall, without compensation, be obliged to permit such deposit of material or excavation on the lot as may, in connection with the formation of any street in the township and owing to differences in level between the lot and the street, be deemed necessary by the local authority, in order to provide a safe and proper slope to the cut and fill commencing from the boundary of the lot unless he shall elect, at his own cost, to build a retaining wall to the satisfaction of the local authority.
7. Where two or more lots or portions thereof subject to similar conditions imposed at the instance of the Administrator are consolidated, such conditions shall apply to the consolidated area as a whole.

~~C. Subject to the following condition which is in favour of and enforceable by the Ixopo Health Committee, as created in Deed of Transfer No. 24160/1982, namely:-~~

~~"The Transferee shall not transfer the property without the consent of the Ixopo Health Committee."~~

(3.)

ERF 134 STUARTSTOWN (EXTENSION NO.1), REGISTRATION DIVISION ET, IN THE IXOPO TRANSITIONAL COUNCIL AREA, PROVINCE OF KWAZULU-NATAL

IN EXTENT 2 729 (TWO THOUSAND SEVEN HUNDRED AND TWENTY NINE) Square Metres;

FIRST TRANSFERRED BY DEED OF TRANSFER T 187/1975 WITH DIAGRAM RELATING THERETO AND HELD BY DEED OF TRANSFER T 13240/93


**THIS LAND IS TRANSFERRED:**

- A. Subject to the terms and conditions of the original Government Grant No. 4287/1876, as are still in force and applicable.
- B. Subject to the following conditions imposed at the instance of the Administrator for the Province of Natal in terms of Ordinance No. 10 of 1934, as created in said Deed of Transfer No. 187/1975, namely:-

- a) Except with the consent of the Administrator, the lot shall not be used for other than residential purposes.
- b) No row of tenement houses, boarding house, hotel or block of residential flats and not more than one dwelling house together with such outbuildings as are ordinarily used in conjunction therewith, shall be erected on the lot without the consent of the Administrator. Upon registration of title of any subsequent subdivision of the said lot which shall have been approved by the Administrator, this condition shall lapse in respect of such subdivision and thereafter shall apply to the remainder only.
- c) No building or structure of any kind whatsoever shall be erected on the lot unless the walls thereof are constructed of burnt brick, stone or concrete or of other permanent or fireproof material approved by the local authority; provided that a building, structure or fence of iron or asbestos sheeting or similar material fixed to a framework of wood or metal shall not be permitted.
- d) No building whatsoever, unless permitted under exceptional circumstances and in writing by the local authority shall be erected on the lot within a distance of SEVEN comma SIX TWO (7,62) metres from any boundary abutting on a street nor within a distance of ONE comma EIGHT THREE (1,83) metres from any other boundary. On consolidation of any two or more lots, this condition shall apply to the consolidated area as a whole.
- e) The local authority shall, without compensation, have the right to erect, lay and maintain electric wires and/or water supply piping over or under the lot along any boundary thereof other than a road frontage and within a distance of ONE comma EIGHT THREE (1,83) metres from such boundary and shall have reasonable access thereto for the purpose of maintenance, removal or erection.

The rights conferred by this condition shall be exercisable by any local authority or other body or person legally authorised to supply electric current or water for the benefit of the inhabitants of the township.

If the owner of the lot be aggrieved by the unreasonable exercise of these rights he shall have the right of appeal to the Administrator, whose decision shall be final.

- f) The local authority shall, without compensation, have the right to construct and maintain sewers and drains over or under the lot along any boundary thereof other than a road frontage and within a distance of ONE
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comma EIGHT THREE (1,83) metres from such boundary and shall have reasonable access thereto for the purpose of maintenance, removal or extension, and the owner of the lot shall, without compensation, be obliged to allow the sewerage and drainage of any other lot or street to be conveyed along such sewers and drains; provided that if the owner of the lot be aggrieved by the unreasonable exercise of these rights he shall have the right of appeal to the Administrator, whose decision shall be final.

- g) The owner of the lot shall, without compensation, be obliged to permit such deposit of material or excavation on the lot as may, in connection with the formation of any street in the township and owing to differences in level between the lot and the street, be deemed necessary by the local authority, in order to provide a safe and proper slope to the cut and fill commencing from the boundary of the lot unless he shall elect, at his own cost, to build a retaining wall.

- C. Subject to the following condition imposed at the instance of and enforceable by the Ixopo Health Committee, as created in said Deed of Transfer No. 187/1975, reading as follows:

No buildings shall be erected on the said land unless they comply with the building regulations of the Ixopo Health Committee and cover an area inclusive of outbuildings of not less than ninety three (93) square metres and if after a period of two (2) years from the date of sale of the said land to the Transferee, the combined value of buildings on the land constructed as aforesaid is less or becomes less than a required value of Ten Thousand Rand (R 10 000,00), or if there be no such buildings on the land the, thereafter, and in all subsequent years for the purpose of levying the general rate payable to the Ixopo Health Committee by the Transferee or his Successors in Title, there shall be deemed to be buildings of such required value on the land and all the valuation and rating provisions of Section III as read with Section 231 of the Local Government Ordinance No. 21 of 1942 or any amendment thereof shall apply to the land and be binding upon the owner or his Successors in Title.


- D. Subject to an Expropriation of a 3,00 metre wide Sewer and Drain Servitude in favour of Ixopo Health Committee, as will more fully appear on reference to EX 577/89.

(4.)

PORTION 2 OF THE FARM LOT FP 379 NO. 10055, REGISTRATION DIVISION  
FS,  
PROVINCE OF KWAZULU-NATAL

IN EXTENT: 2,2268 (Two comma Two Two Two Six Eight) Hectares

FIRST TRANSFERRED BY DEED OF TRANSFER T 20781/1986 WITH DIAGRAM  
S G NO. 4769/1985 RELATING THERETO AND HELD BY DEED OF TRANSFER T  
13240/93





**THIS LAND IS TRANSFERRED:**

1. Subject to such of the conditions of the original Government Grant No. 10055/1922, as are now in force and applicable, and more particularly to the following.-
  - (a) The grantee, anything in the Mines Act 1899 to the contrary notwithstanding, shall not have any right whatever in or to any minerals, coal or precious metals or stones, found in or upon the said land granted to him, or any right to mine for, remove or dispose thereof, the entire ownership thereof and dominium over the same, and all such rights as aforesaid being absolutely reserved to and vested in the Government.
  - (b) The Government reserves to itself all rights to and in respect of any streams and water rising upon or flowing over or through the land, and shall be entitled to take any such water and lead and carry it to any other lands for the use of the railway or for any other purposes, provided that in case such water be used for railway or other public purposes the Government shall not take more than half such water unless it shall be determined by the Inspector or other person appointed by the government, that if a larger quantity be taken, sufficient will be left for domestic purposes and for irrigating any of the land which may be in cultivation, and provided also, that the water shall not be taken for the purpose of irrigating other lands unless an equivalent proportion is left for irrigating any portion of the land which may be under cultivation.
  
2. Subject to the Ancillary Rights in and to a transmission line servitude in favour of the Electricity Supply Commission as created in Deed of Servitude No. 1420/1976S.
  
3. Subject to the terms and conditions imposed by the Administrator of Natal in terms of Ordinance No. 27/1949, as amended, as created in Deed of Transfer No. T 20781/1986, and reading as follows :-
  - (a) Except with the consent of the Administrator, the land shall not be used for other than a transport depot and related purposes.
  - (b) No row or tenement house, boarding house, semi-detached house, hotel or block of residential flats and not more than one dwelling house, together with such outbuildings as are ordinarily used in conjunction therewith, shall be erected on the land without the consent of the Administrator. Upon registration of title of any subsequent subdivision of the said lot which shall have been approved by the Administrator, this condition shall lapse in respect of such subdivision and thereafter shall apply to the remainder only.
  - (c) The owner of the land shall, without compensation, be obliged to permit the erection, laying and maintenance of electric wires and/or water supply piping over or under the land along any boundary thereof other than a road frontage and within a distance of 1,8 metres from such boundary, as well as reasonable access thereto for the purpose of maintenance, removal or extension. Maintenance shall include trimming, cutting or otherwise dealing with trees so as to prevent interference with the electric wires.

This condition is constituted in favour of the Administrator until such time as a local authority is established and thereafter in favour of such local authority.

The rights conferred by this condition shall be exercisable by any local authority or other body or person legally authorised to supply electric current or water for the benefit of the inhabitants of the township.

If the owner of the land be aggrieved by the unreasonable exercise of these rights, he shall have the right of appeal to the Administrator, whose decision shall be final.

- (d) The owner of the land shall, without compensation, be obliged to permit the construction and maintenance of sewers and drains over or under the land along any boundary thereof other than a road frontage and within a distance of 1,8 metres from such boundary, as well as reasonable access thereto for the purpose of maintenance, removal or extension, and the owner of the land shall, without compensation, be obliged to allow the sewerage and drainage of any other land or street to be conveyed along such sewers and drains; provided that if the owner of the land be aggrieved by the unreasonable exercise of these rights he shall have the right of appeal to the Administrator whose decision shall be final.

This condition is constituted in favour of the Administrator until such time as a local authority is established and thereafter in favour of such local authority.

- (e) Where two or more pieces of land subject to similar conditions, imposed at the instance of the Administrator, are consolidated, such conditions shall apply to the consolidated area as a whole.

4. Subject to the condition imposed by the Administrator as Controlling Authority in terms of Section 1 1 (3) and (6) of the Ribbon Development Act No. 21 of 1940, as created in Deed of Transfer No. T 20781/86, reading as follows:-

No new building or structure whatsoever other than a fence, hedge or wall which does not rise higher than 1,5 metres above the surface of the land on which it stands shall be erected on the land within a distance of 15 metres from the road reserve boundary of Main Road 123 without the written approval of the Controlling Authority as defined in Act No. 21 of 1940.

5. Subject to the condition imposed by the Minister of Agricultural Economics and Water Affairs and contained in Consent No. 12847, as created in Deed of Transfer No. T 20781/1986, reading as follows :-

Except with the written consent of the Minister of Agricultural Economics and of Water Affairs, this portion may only be used for the purposes of a Transport Depot and purposes incidental thereto.

