

Posbus 96  
Kaapmuiden  
1295

1999-05-14

Voorsitter  
Laer-Kaap Besproeiingsraad  
Posbus 382  
MALELANE  
1320

Meneer

### SERWITUUT: LOW'S CREEK DAM

Hiermee verleen ek toestemming aan die Laer-Kaap Besproeiingsraad tot die reg om 'n serwituut te registreer oor my eiendom vir die oprigting van die Low's Creek opgaardam.

Hierby aangeheg, 'n afskrif van die titelakte van die eiendom hier ter sprake vir aanwending deur die Laer-Kaap Besproeiingsraad vir die registrasie van sodanige serwituut.

Die eiendom hier ter sprake is soos volg:

GED 1+2 VAN ESPERADO ANNEX 222 JLI

Die uwe

*H.A. Kotze*

H A KOTZE

GED. 1 → WIAL  
GED 2 → Malelane

Opgestel deur my;

AKTEVERVAARDIGER

J H P VAN ROOYEN

VIR ENDOSSEMENTE KYK BLADSY  
FOR ENDORSEMENTS SEE PAGE - 11 - ET SEQ

23/11 1989

23/11 1989

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T R A N S P O R T A K T E

ERMEE WORD BEKEND GEMAAK:

DAT ~~JAN HENDRIK PETRUS VAN ROOYEN~~ **GERHARD BECKER**  
verksyn het voor my, die Registrateur van Aktes vir Transvaal, te Pretoria, waartoe hy die genoemde Komparant behoorlik gemagtig is kragtens n Volmag aan hom verleen deur die Kurator van -

DIE BOEDEL VAN JOHANNES STEPHANUS MALHERBE

Identiteitsnommer 491117 5024 00 3

getroud buite gemeenskap van goedere

BLANKE GROEP

aangestel deur die Meester van die Hooggeregshof kragtens Artikel 28 van die Wet op Landboukrediet 1966.

Gedateer 23 Oktober 1989 en geteken te PRETORIA.

EN die genoemde Komparant het verklaar dat sy Prinsipaal waarlik en wettiglik verkoop het en dat hy in sy voornoemde hoedanigheid hiermee in volle en vrye eiendomme sedeer en transporteer aan en ten gunste van -

TEKORT BELEGGINGS BK  
CK85/08386/23

(HERMAN KOTZE)

BLANKE GROEP

diese Opvolgers in Titel of Regverkrygendes:

EEN:

GEDEELTE 1 VAN DIE PLAAS ESPERADO ANNEX 222,  
Registrasie Afdeling J.U., Transvaal;

GROOT : 62,8709 (TWEEN EN SESTIG komma  
AGT SEWE NUL NEGE) hektaar;


AANVANKLIK OORGEDRA kragtens Akte van  
Verdelingstransport T19031/1961 met  
Kaart daarby aangeheg en gehou kragtens  
Akte van Transport T40518/1982

ONDERHEWIG aan die volgende voorwaardes:

A. "The Former Portion B of the farm ESPERADO ANNEX 252 in the Registration Division J.U., in the district of Barberton, indicated by the figure e innerbank of Kaap river c middle of Louws Creek d e on diagram No 4054/1960 annexed to Certificate of Consolidated Tile No 19030/1961 dated the 28th August 1961 (of which the property hereby transferred forms a portion) is subject to the following conditions:

(a) That all rights to minerals, mineral products, mineral oils and metals and precious stones on or under the land shall be and are reserved to the State.

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- (b). That the State shall at all times have the right of resuming the whole or any portion of the land if required for public or mining purposes on payment to the owners of such sums of money as compensation as may be mutually agreed upon by the State and the owners or failing such agreement as may be determined by arbitration in manner provided by the Arbitration Ordinance 1904 (Transvaal).
- (c). That the public shall have the right to prospect and peg out mining claims under any existing or future mining laws; the rights which the public and the State now have or may hereafter have or be entitled to obtain under and by virtue of any Law relating to mining stands or to the prospecting, digging, mining for or exploiting of minerals, minerals products, precious stones, precious and base metals on the land or relating to the use of water or timber thereon shall not be impaired diminished or in any way affected by Deed of Grant No. 198/1923.
- (d). That the land may be thrown open for prospecting by the State in terms of Act 35 of 1908 (Transvaal) or any amendment thereof and that the grant of discoverer's claims in terms of that Act or any amendment thereof shall not entitle the owners to any compensation for the loss of surface area covered by such claims.
- (e). That the owners shall be entitled to fence the land in manner approved by the State, provided they shall allow thereto free access to any bona fide prospector in possession of and producing to them, a current prospector's permit or prospecting licence or to any holder of discoverer's claims and to their bona fide employees.
- (f). That the State shall at all times have the right in such manner and under such conditions as it may think fit to construct and form dams and reservoirs upon the
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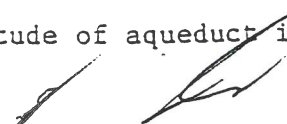
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land and to erect, make and construct telegraph and telephone lines, roads, railways, water furrows, pipe lines, canals and drains upon and conduct same through and over the land in the interest of the public or of the owner, lessee or occupier of or holder of a mining title on any land adjoining or in the neighbourhood of the land hereby transferred, and to take materials therefrom for the foregoing purposes on payment (save as may be otherwise provided by Law) to the owners of such sums of money as compensation for damage or damages actually sustained as may be mutually agreed to between the State and the Owners or failing such agreement as may be determined by arbitration in manner provided by the Arbitration Ordinance 1904 (Transvaal) provided that the ARbitrators may set off against the loss or damage caused to the owners the benefit instand or prospective, which they shall or may derive in consequence of the construction of any of the said works.

That the owners shall be entitled to take from any public stream on the land such water as they may reasonably require for domestic purposes and for watering their own stock running on the land but they shall not be entitled to take for any purposes than those aforementioned any water in any such stream without the written permission of the Minister of Mines or his authorised representative being first had and obtained. The State hereby specially reserves the right and power in addition to those already reserved herein (under clause (f) to enter upon the land at any time and to authorise other to do so for the purpose of making use of the water on the land by the building of reservoirs, dams, intakes, flumes and the like or by pumping or otherwise removing the same from the said land subject to compensation as set forth in clause (f) hereof.

(h). Subject and entitled to certain rights relating to the

use and enjoyment of certain water for water stock and for irrigation and domestic purposes, as will more fully appear from Notarial Deed No. 629/1936-S registered on the 11th September, 1926.

- B. (1). The property hereby transferred together with portions 2 and 4 of the said farm, each measuring 62, 8709 Hectares, held under Deed of Partition Transfer No. 19032/1961 are entitled to the following rights against the Remaining Extent of the said farm, measuring as such 0197,7722 Hectares, held under Deed of Partition Transfer No. 19034/1961, which rights shall be exercised in four equal shares by the owners of the said Portions 1, 2 and 4 and the said Remaining Extent namely:
- ( i ). the right to maintain in perpetuity an electricity generating plant and a pumping plant on a strip of land 15,74 metres wide on the said Remaining Extent, the centre line of the said strip being indicated by the straight line c d on diagram 4058 annexed to Partition Transfer No. 10932/1961.
  - ( ii ). the right in perpetuity to pump water by means of a pipeline over a strip of ground 3,78 metres wide on the said remaining extent, the centre line of the said strip being indicated by the straight line d e on said diagram 4058/60.
  - (iii). a servitude of aqueduct in perpetuity over the said remaining extent by means of a water furrow 3,78 metres wide, the centre line of the said water furrow being indicated by the curved line e f on said diagram 4058/60.
2. The property hereby transferred together with Portions 2 and 3 of the said farm, held under Deed of Partition Transfer No. 19031/1961 and Deed of Partition Transfer No. 19033/1961 respectively are entitled to a servitude of aqueduct in per-
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petuity over portion 4 of the said farm, measuring 62,8709 Hectares, held under Deed of Partition transfer No.19032/1961 by means of a water furrow 3,78 metres wide, the centre line of the said furrow being indicated by the curved line f g on said Diagram 4058/60.

- (3.) The property hereby transferred together with portion 2 of the said farm held under Deed of Portition Transfer No. 19031/1961 are entitled to a servitude of aqueduct in perpetuity over portion 3 of the said farm, measuring 62,8709 Hectares held under Deed of Partition Transfer No. 19033/1961, by means of a water furrow 3,78 metres wide the centre line of the said furrow being indicated by the curved line e f on diagram No. 4057/60 annexed to aforesaid Deed of Partition Transfer No. 19033/1961.
- (4.) The property hereby transferred in entitled to a servitude of aqueduct in perpetuity over Portion 2 of the said farm ESPERADO ANNEX aforesaid, measuring 62,8709 Hectares, held under Deed of Partition Transfer No. 19031/1961 by means of a water-furrow 3,78 metres wide the centre line of which furrow is indicated by the curved line e f g on diagram No. 4056/60 annexed to the aforesaid Deed of Partition Transfer No. 19031/1961.
- (5.) The property hereby transferred is entitled to the right to construct and maintain in perpetuity a dam for the storage of water of a capacity of eleven comma two five mega litres on Portion 2 of the farm ESPERADO ANNEX aforesaid, measuring 62,8709 Hectares, held under Deed of Partition Transfer no. 19031/1961 at such a site as may be agreed upon coupled with the right to lead water between the said dam and the waterfurrow mentioned in paragraph (4) hereof, by means of a water-furrow 3,78 metres wide along such a route as may be agreed upon.

EN VERDER ONDERHEWIG AAN SODANIGE voorwaardes as in gemelde Aktes vermeld staan of na verwys word.

TWEE:

GEDEELTE 2 van die plaas ESPERADO ANNEX 222,  
Registrasie Afdeling J.U., Transvaal;

GROOT : 62,8709 (TWEE EN SESTIG komma AGT  
SEWE NUL NEGE) hektaar;

AANVANKLIK OORGEDRA kragtens Akte van Verdelings-  
Transport T19031/1961 met kaart daarby aangeheg en  
gehou kragtens Akte van Transport T40518/1982

- A. ONDERWORPE aan voorwaardes A (a), (b), (c), (d), (e), (f), (g) en (h) uiteengesit in paragraaf 1 hierbo;
- B. (1) The property hereby transferred together with portions 1 and 4 of the said farm, each measuring 62,8709 (SIXTY TWO comma EIGHT SEWEN NOUGHT NINE) hectare, held under Deeds of Partition Nos 19031/1961 and 19032/1961 respectively, are entitled to the following rights over the Remaining Extent of the said farm, measuring as such 197,7722 (ONE NINE SEVEN comma SEVEN TWO TWO) hectare, held under Deed of Portition Transfer NO. 1903301961, which rights shall be exercised in four equal shares by the owners of the said Portion 1, 2 and 4 and the said Remaining Extent, namely:
- (i) The right to maintain in perpetuity an electricity generating plant and pumping plant on a strip of land 15,74 metres (FIFTEEN comma SEVEN FIVE) wide on the said Remaining Extent, the centre line of the said strip being indicated by teh straight line c d on diagram 4058/60 annexed to PartitionTransfer No. 19032/1961,
- (ii) The right in perpetuity to pump water by means



of a pipeline over a strip of ground 3,78 (THREE COMMA SEVEN EIGHT) metres wide on the said REMAINING EXTENT, the centre line of the said strip being indicated by the straight line d e on said diagram 4058/60.

(iii). A servitude of aqueduct in perpetuity over the said REMAINING EXTENT by means of a water furrow 3,78 (THREE COMMA SEVEN EIGHT) metres wide the centre line of the said water furrow being indicated by the curved line e f on said diagram 4058/60.

(2). The property hereby transferred together with portions 1 and 3 of the said farm, held under Deeds of Partition Transfers Nos. 19031/1961 and 19033/1961 respectively are entitled to a servitude of aqueduct in perpetuity over Portion 4 of the said farm, measuring 62,8709 (SIX TWO COMMA EIGHT SEVEN NOUGHT NINE) Hectare, held under Deed of Partition Transfer No. 19033/1961 by means of a water furrow 3,78 (THREE COMMA SEVEN EIGHT) metres wide, the centre line of the said furrow being indicated by the curved line f g on said diagram 4058/60.

(3). The property hereby transferred together with portion 1 of the said farm held under Deed of partition Transfer No. 19031/1961 are entitled to a servitude of aqueduct in perpetuity over Portion 3 of the said farm measuring, 62,8709 (SIX TWO COMMA EIGHT SEVEN NOUGHT NINE) hectare held under Deed of Partition Transfer No. 19033/1961 by means of a water furrow 3,78 (THREE COMMA SEVEN EIGHT) metres wide, the centre line of the said furrow being indicated by the curved line e f on Diagram 4057/60 annexed to Deed of partition Transfer No. 19033/1961.

C. The property hereby transferred is subject to a servitude of aqueduct in perpetuity in favour of Portion 1 of the said farm ESPERADO ANNEX measuring 62,8709 hectare, as held

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under of Transfer No 23352/1961 dated 2nd November 1961, over the property hereby transferred, by means of a water-furrow 3,78 (THREE comma SEVEN EIGHT) metres wide, the centre line of which furrow is indicated by the curved line e f g on diagram No 4056/60 annexed to Deed of Partition Transfer 19031/1961; which said conditions was created in Deed of Transfer 23352/1961.

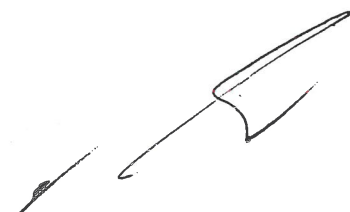
D. The property hereby transferred is subject to the right in favour of Portion 1 of the said farm ESPERADO ANNEX measuring 62,8709 hectare, as held under Deed of Transfer No 23352/1961 dated 2nd November 1961, to construct and maintain in perpetuity a dam for the storage of water of a capacity of 11,25 (ELEVEN comma TWO FIVE) mega litres on the property hereby transferred, at such a site as may be agreed upon coupled with the right to lead water between the said dam and the water-furrow mentioned in paragraph C hereof, be means of a water-furrow 3,78 metres wide along such a route as may be agreed upon.

EN VERDER ONDERHEWIG aan al sodanige voorwaardes as wat in genoemde Aktes vermeld staan of na verwys word.

WESHALWE die Komparant afstand doen van ale die reg en titel wat sy Prinsipaal voorheen op genoemde eiendom gehad het en gevolglik ook erken dat hy geheel en al uit die besit daarvan onthef is en nie meer daartoe geregtig is nie, en datragtens hierdie Akte, die genoemde -

#### TEKORT BELEGGINGS BK

diese Opvolgers in Titel of Regverkrygendes tans en voortaan daartoe geregtig sal wees ooreenkomstig plaaslike gebruik, behoudens die regte van die Staat, en ten slotte erken het dat die koopprys die som van R760 000,00 (SEWEHONDERD EN SESTIG-DUISEND RAND) bedra, en dat die datum van verkoping die 18de dag van AUGUSTUS 1989 was.



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TEN BEWYSE WAARVAN ek, die genoemde Registrateur van Aktes tesame met die Komparant hierdie Akte onderteken en met die Ampseël bekragtig het.

ALDUS GEDOEN en GETEKEN op die Kantoor van die Registrateur van Aktes te PRETORIA, Transvaal op

17 11 89

In my teenwoordigheid:

*Becker*  
q.q.

*J. van Melle*  
REGISTRATEUR VAN AKTES

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*[Handwritten signature]*

Para 1 & 2.

B.....72708191.....

**VERBIND MORTGAGED**

vir for R.....500.000-00.....

Aktekantoor Deeds Office 20 09/91

Registrateur Registrar *[Signature]*

Parcs ①+② - M.A.E.

B.....

**VERBIND MORTGAGED**

vir for R.....700 000,00.....

Aktekantoor Deeds Office PRETORIA

Registrateur Registrar *[Signature]*

DATUM DATE 02 09/92

Para 1 en 2 M.A.E.

B.....

**VERBIND MORTGAGED**

vir for R.....750 000,00.....

Aktekantoor Deeds Office PRETORIA

Registrateur Registrar

DATUM DATE.....