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Prepared by me,

*LBG*  
Conveyancer,  
LEWIS B G

VERBIND		MORTGAGED	
VIR		FOR R 1 225 000-00	
B	05 35144		
	2005-06-28		REGISTRAR OF DEEDS

2005-06-28

T	05 32184
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## DEED OF TRANSFER

BE IT HEREBY MADE KNOWN :

**SUSAN MARY STANFORD**

THAT

appeared before me, REGISTRAR OF DEEDS at PIETERMARITZBURG the said Appearer being duly authorised thereto by a Power of Attorney signed at LA LUCIA on 29 April 2005 and granted by:

**BARRY CLIVE CARR**

Identity Number 420506 5024 08 6  
Married out of community of property

**AND** the Appearer declared that his/her said Principal had truly and legally sold on 21 April 2005 and that, the said Appearer in his/her capacity aforesaid, did by these presents, cede and transfer, to and on behalf of:

**BRENDON SEAN PENN**

Identity Number 701123 5031 08 5

Married out of community of property

his heirs, executors, administrators or assigns in full and free property

PORTION 15 OF ERF 3191 DURBAN NORTH, REGISTRATION DIVISION F.U.,  
PROVINCE OF KWAZULU-NATAL

In Extent 1 932 (ONE THOUSAND NINE HUNDRED AND THIRTY TWO) square metres;

First transferred by Deed of Transfer No. 8587/1949 with the Diagram annexed thereto and held by Deed of Transfer No. T 3850/1978

**THIS PROPERTY IS TRANSFERRED:-**

- A. Subject to such of the conditions of the original Government Grant No. 1537 dated the 7<sup>th</sup> December 1848 as are still applicable.
- B. With the benefit, created in the said Deed of Transfer No. 8587/1949, of a 3,05 metre servitude for sewerage and drainage purposes over the Remainder of Subdivision 1 of 17 No. 1537, as shown on the General Plan No. 59 x 23 filed in the Surveyor General's office, Natal.
- C. Subject to the following special conditions, created in the said Deed of Transfer No. 8587/1949, which unless otherwise indicated shall be enforceable by the City Council, namely: -:
  - (1) No subdivision of the lot will be permitted and only one entirely detached private residence with the necessary outbuildings will be allowed on the lot. The erection of one building containing two or more residential flats is prohibited by the terms of this condition.
  - (2) The lot shall not be used for business purposes of any kind whatsoever and shall be used for residential purposes only.
  - (3) Buildings which are to be of brick, stone, concrete or of other hard, permanent and fireproof material to the value of at least Three Thousand Two Hundred Rand (R3 200,00) shall be erected upon the lot by the owner within two years from the date of sale (8<sup>th</sup> January, 1949) provided always that the owner, if at the expiry of the period of two years aforesaid, he shall have partially erected buildings on the said lot of a value less than R3 200,00 shall be entitled upon application to the City Council in writing to obtain, subject to the consent of the Administrator, such extension of time for the purpose of completing such buildings to the value aforesaid as the City Engineer shall recommend as reasonable. All buildings shall be erected to such level, to such building line and to such elevation, as shall be determined by the City Council.

In the event of the buildings aforesaid being destroyed or damaged, either wholly or in part from any cause whatsoever, in such a manner that their value is reduced to less than R3 200,00 the owner shall be bound either to erect new buildings or 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 on the lot to at least R3 200,00.

- (4) The Owner shall pay the rates imposed and levied on the land from the date of sale and on the buildings from the date of erection thereof. If in any year from the third or any subsequent year from the date of sale, or if in any year prior to the expiration of any extended period as aforesaid the buildings on the said lot shall be of a less value than that set out in the preceding clause, or if in any such years there shall be no buildings at all upon the said lot, the owner for the time being shall pay to the City Council, in addition to and at the same time as he is due to pay the rates imposed and levied for that particular year, a sum equivalent to the difference between the sum which would have been payable as rates in respect of buildings of a rateable value of R3 200,00 and the sum he is liable to pay as rates upon the buildings actually erected, or a sum equivalent to that which would have been payable upon buildings valued for rating purposes at R3 200,00, according as there are or are not buildings upon the said lot. If at the end of the said period as aforesaid, buildings to the value set out in the preceding clause shall not then have been erected, the City Council may impose and levy rates upon the said sum of R3 200,00 in each and every subsequent year in addition to the rates imposed and levied upon the value of the land, without prejudice, however, to any other rights conferred upon the City Council by these presents.

If the foregoing building clause has ceased to be effective owing to the erection of buildings it may be renewed by the City Council either wholly or in part, if from any cause whatsoever the buildings on the property shall be demolished or destroyed, either wholly or sufficiently to reduce their value below the said sum of R3 200,00.

In the event of the owner failing to erect or to complete buildings to the value and within the time prescribed in condition (3) hereof, he shall be entitled to submit application to the City Council for relief from payment of rates on the building clause value and the City Council shall, if it is satisfied that such failure to erect or to complete buildings is solely attributable to the owner's inability, after having submitted application, to obtain a building permit in terms of the Government Building Control Regulations, seek the consent of the Administrator to enable it to grant the owner relief from the liability for the payment of such rates for so long a period as the owner has been unable to obtain the necessary permit.

- (5) Should the owner at any time be in breach of any of the conditions set out above, the City Council shall, upon notice to the registered owner, be entitled to apply 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 retransfer the said land to it without any liability on the part of the City Council to repay the purchase price or any portion thereof, or to pay any compensation whatsoever in respect of any buildings which may have been erected upon the lot at the date of such order, or otherwise howsoever and to recover from such registered owner the expenses of and incidental to such order and the expenses of and incidental to the retransfer as aforesaid to the City Council.

In the event of the City Council applying for an Order of Court directing a retransfer of the lot to it as herein provided, and in the event of the lot being mortgaged, such application to Court shall be made without prejudice to the mortgagee's rights under the bond or bonds.

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

**BARRY CLIVE CARR**

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

**BRENDON SEAN PENN**

his heirs, executors, administrators 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 **R1 725 000,00 (ONE MILLION SEVEN HUNDRED AND TWENTY FIVE THOUSAND RAND)** .

**IN WITNESS WHEREOF** I, the said Registrar, together with the Appearer, q.q. 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

2005-05-28

  
q.q

In my presence,

  
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REGISTRAR OF DEEDS