

t: +27 (0) 11 219 6200  
f: +27 (0) 11 219 6238  
Ground Floor, Boundary Place  
18 Rivonia Road, Cnr Rivonia Road and Boundary Road,  
Illovo, 2196  
PO Box 3274, Parklands, 2121  
DX 6 Parktown North

gertm@stbb.co.za | www.stbb.co.za

**Your Ref:**

**Our Ref:**

**Date:** 26 February 2019

**CONVEYANCER'S CERTIFICATE  
IN RESPECT OF PORTION 159 OF THE FARM DIEPKLOOF 319 REGISTRATION DIVISION IQ  
GAUTENG PROVINCE**

I, the undersigned,

**JOHANNES GERHARDUS STEPHANUS MINNAAR**

hereby certify that I am a duly qualified and admitted conveyancer and sign this certificate in order to indicate:

**GENERAL**

1. the description of the land on which the proposed township establishment will take place;
2. the various title conditions contained in the title deed relating to the land on which this township will be established;
3. the way in which these title conditions must be disposed of for township establishment purposes;
4. the particulars of the registered owner of the land;
5. the particulars of the township applicant;
6. the particulars of the local authority;
7. conveyancing steps to be followed before or simultaneously with the opening of the township register.

**Attorneys Notaries & Conveyancers**

**Directors:** Darren Brander | Tiaan Esterhuyse | Karl-Heinz Göhring | Anastasia Haji-Pavlou

**Senior Associates:** Y Baia | L Ferreira | S Harvey

**Associates:** S Bharath | G Enslin | K Tsebe

**Executive Consultants:** Gert Minnaar | Tony Newell | Richard van Schalkwyk | Kristo Scholtz | Pieter Smith | Kim Zolty

Cape Town: 021 406 9100 | Bedfordview: 011 453 0577 | Blouberg: 021 521 4000 | Centurion: 012 001 1546 | Claremont: 021 673 4700 | East London: 043 721 1556 | Fish Hoek: 021 784 1580 | Fourways: 010 001 2632 | Helderberg: 021 850 6400 | Illovo: 011 219 6200 | Tyger Valley: 021 943 3800

Registration No: 2007/007774/21

VAT Reg No: 4540235860

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1. Property description

It appears from information received from information received from Atlega Development Practitioners that the proposed township will be established on the following property:

Portion 159 of the farm DIEPKLOOF 319  
Registration Division I.Q., Gauteng Province  
Measuring 30,5292 (Thirty Comma Five Two Nine Two) hectares  
Held by Certificate of Consolidated Title T169982/2007

2. Title conditions

**The following title conditions are recorded against Certificate of Consolidated Title T169982/2007 in respect of Portion 159 of the farm DIEPKLOOF 319, Registration Division I.Q., Gauteng Province**

A. Specially subject to the following conditions:

- (a) The land is proclaimed land and as such is subject to the provisions of the Gold Law now or hereafter to be in force affecting such land, and subject to all mining titles and to all rights attaching to them under the Gold Laws on and under the area of the said land. The CROWN MINES LIMITED, or its successors in title, retains and reserve to itself all rights to minerals and rights to mine, as also all rights which may be allotted to the freehold owner, arising from rights to minerals, such as its rights to one half of the claim licence moneys received by the State in respect of the gold mining claims, but this reservation shall not apply in respect of any licence moneys payable by the owner to the State in respect of the said land in respect of which Certificate of Mineral Rights 269/1948 RM was issued on 23 May 1948. Notwithstanding anything to the contrary contained in the aforesaid reservation of rights to minerals, the transferee and its successors in title or assigns to the land hereby transferred, shall at all times be entitled to establish and maintain Townships, Agricultural Holdings, Locations and other settlements on the said land and to construct or cause or permit to be constructed thereon streets, houses, buildings, erection and structures of all kinds.
- (b) As the land may be undermined and is adjoining or adjacent to land which has been and is being undermined, neither CROWN MINES, LIMITED, nor its successors in the title to the remaining extent of a portion of the farm "DIEPKLOOF" 319 I.Q., district Johannesburg, measuring 1383,1478 morgen, held by the Company by Deed of Transfer No. 5386/1930, dated 4<sup>th</sup> June, 1930, nor the holder of any mining title over the land or any adjoining or any adjacent land shall be liable or responsible for any damage or injury caused by past or future mining operations beneath the land or any adjoining or any adjacent land.
- (c) The owner of the land shall not directly or indirectly interfere with or in any way restrain or prevent gold mining operations being carried on beneath the surface of the said land by the CROWN MINES, LIMITED, or its successors in title to the minerals reserved, whether the surface be occupied by buildings, roads or otherwise.
- (d) THE CROWN MINES, LIMITED, or its successors in title to the said remaining extent or portion of the farm "DIEPKLOOF" 319 I.Q. Transvaal shall not be responsible for any damage caused to the Transferee or its successors in title or any occupiers of the said land from the dumps in the vicinity thereof or from the flowing of water or sand



or slime over the said area from any slimes dams or sand dumps adjoining or adjacent to the said area or from any water flowing therefrom.

- B. The former Remaining Extent of Portion 16 of the said farm Diepkloof, measuring 163,9287 hectares of which the property held hereunder forms a portion, is subject to the following.

Onderhewig aan 'n kraglynserwituut met bykomende regte en onderhewig aan voorwaardes ten gunste van ESKOM soos vollediger sal blyk uit Notariële Akte van Serwituut K2348A/1981S.

***Note – The examiners in the Deeds Office are now demanding the amplification of existing registered title conditions by the insertion of references to the figures of the servitude areas as depicted on the relevant diagrams.***

***It may be required for this title condition to be amplified by the insertion of references to the figures of the servitude areas as depicted on the relevant diagrams prior or simultaneously with any registration in the Deeds Office to read as here below:***

Onderhewig aan 'n kraglynserwituut 20 meter wyd met bykomende regte en onderhewig aan voorwaardes ten gunste van ESKOM soos aangedui deur die figuur A a P Q A op die aangehegte kaart SG No 4685/2002 en soos vollediger sal blyk uit Notariële Akte van Serwituut K2348A/1981S.

- C. The former Portion 158 (a portion of Portion 109) of the said farm Diepkloof, indicated by the figure E F G H J K L M N P g E on the said diagram SG No 4685/2002, is subject to the following conditions:
1. (a) The transferee shall use the Properties solely for purposes of upgrading the Elias Motsoaledi Informal Settlement by the development of low-cost housing and related municipal infrastructure.
  - (b) Should the properties not be used for the purposes referred to in Clause (a) above, the properties shall revert to the Transferor. All costs giving effect to the reversion shall be for the account of the Transferee or its successors in title.
  - (c) The parties agree that the donation of the properties is further subject to a pre-emptive right in favour of the transferor whereby the transferee or its successors in title grants the transferor the right of first refusal to acquire its land for the transferor's needs, free of charge, whenever the Council decides to dispose of any superfluous land vested in it, and whenever the State identifies Council land for the domestic purposes of the State and such land is found to be superfluous to the domestic needs of the Council, up to a value equivalent to the value of the donated land, duly escalated to its future value, as at the date of any such acquisitions.
  2. Subject to a 2,00 metres wide servitude in perpetuity over the property in favour of AECI Limited for the purpose of constructing, laying and maintaining a gas pipeline with ancillary rights, the centre line of which servitude is indicated by the line b d e f on the said diagram SG No 4685/2002 as will more fully appear from Notarial Deed of Servitude K1241/1995S with diagram annexed thereto.

### 3. Disposal of the title conditions for township establishment purposes

#### 3.1 *The following title conditions refer to the reservation of rights to minerals*

Conditions A (a) to (d) on pages 2 to 4 of Certificate of Consolidated Title T16998/2007

*These title conditions have lapsed and will not form part of the title conditions in the township title for the proposed township*

*Since 1 May 2004 the Deeds Office no longer perform the functions relating to the registration of rights to minerals because Section 2 of the Mining Titles Registration Act, 1967 (No 16 of 1967) was amended to replace the Deeds Office from 1 May 2004 by the Mineral and Petroleum Titles Registration Office as the office for the registration of all mineral and petroleum and all other related rights, deeds and documents*

*The township applicant whose intention it is to use the surface of this property for township establishment purposes, must in any event apply in terms of section 53 of the Mineral and Petroleum Resources Development Act, 2002 (No 28 of 2002) to the Minister of Mineral Resources for such approval after an investigation first identified which mining and mineral resources could be detrimentally affected by such township establishment. Alternatively the township applicant can circulate the township application to the Department of Mineral Resources and await its comments at that later point in time*

#### 3.2 *The following title condition relates to an electrical power transmission servitude in favour of ESKOM for which the exact route and/or situation of the servitude has been determined and it can be plotted.*

Condition B on page 4 of Certificate of Consolidated Title T8731/1947 relating to Notarial Deed K2348A/1981S.

*The land surveyor's servitude certificate must indicate if this electrical power transmission servitude affects the proposed township area through the situation thereof. If so, it must be accommodated in the lay-out plan of the proposed township and the conditions of establishment must indicate which erven and/or streets are affected by it.*

*However, if this servitudes does not affect the proposed township area through the situation thereof the conditions of establishment must indicate that it will not be carried forward to the title deeds of the erven in this township*

#### 3.3 *The following title conditions restrict the use of a portion of the land to be used solely for purposes of upgrading the Elias Motsoaledi Informal Settlement, failing which it shall revert back to the Donor of the former Portion 158 (portion of Portion 109) of the said farm DIEPKLOOF*

Conditions C.1 (a) to (c) on pages 4 to 5 of Certificate of Consolidated Title T8731/1947

*The conditions of establishment for the proposed township must indicate that Conditions C.1 (a) to (c) on pages 4 to 5 of Certificate of Consolidated Title T8731/1947 must be cancelled, removed or suspended simultaneously with the opening of the township register of the proposed township established on Portion 159 of the said farm DIEPKLOOF*

*The township applicant must obtain a letter from the relevant authority processing this township application confirming that the former Portion 158 (portion of Portion 109) of the*

*said farm DIEPKLOOF is used solely for the purposes of upgrading the Elias Motsoaledi Informal Settlement*

*This letter will then be used by the conveyancers to cancel Conditions C.1 (a) to (c) on pages 4 to 5 of Certificate of Consolidated Title T8731/1947 in terms of section 68(1) of the Deeds Registries Act, 1937, No 47 of 1937) simultaneously with the opening of the township register of the proposed township established*

- 3.4 *The following title condition relates to a gas pipeline servitude in favour of AECI LIMITED for which the exact route and/or situation of the servitude has been determined and it can be plotted.*

Condition C.2 on page 5 of Certificate of Consolidated Title T8731/1947 relating to Notarial Deed K1241/1995S.

*The land surveyor's servitude certificate must indicate if this gas pipeline servitude affects the proposed township area through the situation thereof. If so, it must be accommodated in the lay-out plan of the proposed township and the conditions of establishment must indicate which erven and/or streets are affected by it.*

*However, if this servitudes does not affect the proposed township area through the situation thereof the conditions of establishment must indicate that it will not be carried forward to the title deeds of the erven in this township*

4. Particulars of the Registered Owner

City of Johannesburg Metropolitan Municipality

5. Particulars of the Township Applicant

City of Johannesburg Metropolitan Municipality

6. Particulars of the Local Authority

City of Johannesburg Metropolitan Municipality

7. Conveyancing steps to be followed before or simultaneously with the opening of the township register

7.1 Cancellation of Conditions C.1 (a) to (c) on pages 4 to 5 of Certificate of Consolidated Title T8731/1947 in terms of section 68(1) of the Deeds Registries Act, 1937, No 47 of 1937)

7.2 Opening of the township register and the registration of the General Plan

SIGNED at ILLOVO on 26 February 2019



CONVEYANCER