

**IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE HIGH COURT, CAPE TOWN)**

Case Number: **24611/11**

In the matter between:

**JACOBUS DU PLESSIS BOTHA N.O.** **FIRST APPLICANT**

**ESTELLE BOTHA N.O.** **SECOND APPLICANT**

**GERHARD BOTHA N.O.** **THIRD APPLICANT**

(In their capacities as trustees for the time being  
of the **Kobot Besigheid Trust (IT 969/2009)**)

and

**MEMBER OF THE EXECUTIVE COUNCIL FOR  
EDUCATION, WESTERN CAPE** **FIRST RESPONDENT**

**THE GOVERNING BODY OF THE GROOTKRAAL  
UCC PRIMARY SCHOOL (OUDTSHOORN)** **SECOND RESPONDENT**

**GROOTKRAAL UCC PRIMARY SCHOOL  
(OUDTSHOORN)** **THIRD RESPONDENT**

**CENTRE FOR CHILD LAW**

**FOURTH RESPONDENT**

**THE COMMUNITY OF GROOTKRAAL**

**FIFTH RESPONDENT**

**THE INDEPENDENTE CHURCH OUDTSHOORN**

**SIXTH RESPONDENT**

**TRUI KIEWIETS**

**SEVENTH RESPONDENT**

**KATRINA MEI**

**EIGHTH RESPONDENT**

**EQUAL EDUCATION**

*Amicus Curiae*

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**HEADS OF ARGUMENT ON BEHALF OF THE FIFTH, SEVENTH AND  
EIGHTH RESPONDENTS**

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**INTRODUCTION:**

1.

This is not a complicated case. The bare bones are these:

The Grootkraal Community has been making use of a portion of land since the 1830's, in other words for a period of 185 years. A business trust became the new owner of the cadastral unit on which this land is situated in 2010. The trust now denies the Grootkraal Community their continued use of the land.

The question is whether our legal system protects the Grootkraal Community's rights to the use of the land.

2.

The applicants, the Trustees of the Business Trust, brought an urgent eviction application against the first respondent and "all those holding title under him".<sup>1</sup> It is clear from the application that the applicants knew that the land was used by the school and other groups and/or institutions.<sup>2</sup>

3.

The applicants base their right to eviction on the fact that the trust is the registered owner of the cadastral unit on which the land is situated.

4.

The Grootkraal Community joined this application through a court order as the Grootkraal Community also occupies and makes use of the land.

5.

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<sup>1</sup> Page 2 paragraph 2; page 7 paragraph 3.

<sup>2</sup> Page 37 paragraph 3; "including but not necessarily limited to second and third respondents".

It is the Grootkraal Community's case that:

- 5.1. The Grootkraal Community is an identifiable group of people who can, as a group, obtain rights to land.<sup>3</sup>
- 5.2. This right should be registered against the title deed of the property.<sup>4</sup>
- 5.3. The Grootkraal Community claims that their use of the land has always been with the understanding that the community has the right of occupation and use in accordance with a real right independent of and contrary to the rights of the original and subsequent owners of the Grootkraal farm.<sup>5</sup>

#### **THE GROOTKRAAL COMMUNITY:**

6.

- 6.1. The Grootkraal Community consists of the families and individuals who live and work on farms in the valley which is known as the Grootkraal Kombuys area and who identify with the Grootkraal Community.<sup>6</sup> The community was formed during the time of racial segregation and at a time

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<sup>3</sup> Page 344 paragraph 2 to page 347 paragraph 3.

<sup>4</sup> Page 347 paragraph 4.

<sup>5</sup> Page 350 paragraph 8 and further.

<sup>6</sup> Page 344 paragraph 2.

when no one in the community was allowed or was in a position to own land in the area. The members have always been poor, coloured, local farm workers.<sup>7</sup>

6.2. The community has three main characteristics which form its identity namely:

6.2.1. Most of the families in the community have lived in the area and have been part of the community for many generations. Many of the members are in some way related to each other;<sup>8</sup>

6.2.2. The Church at Grootkraal (in its different forms over the years) and the Grootkraal UCC Primary School (the third respondent in the case) are shared and important social institutions that bind the community together. The Church plays a central part in the community and most of the community members including children, parents and even grandparents attended the Grootkraal UCC Primary School;

6.2.3. The piece of land upon which the school and the Church are built and where they function (the land under dispute) lies at the heart of the Grootkraal Community. It is the only place where the

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<sup>7</sup> Page 345 paragraph 2.4.

<sup>8</sup> Page 345 paragraph 3.1.

members of the community can get together as a group, it is the venue where all the community activities take place. It is the center within and around which the Grootkraal community have created and continue to maintain their unique identity. It contains their history, their living present and their future as a community. The loss of the use of this land in effect will mean the loss of the Grootkraal community as an entity.

### **THE PROPERTY:**

#### 7.

- 7.1. The Trust is the owner of the cadastral units known as the farm Grootkraal, being Portion 40 of the farm De Kombuys No. 28 and a ninth share in Portion 1 of the farm Groenfontuyn No 28 (herein after "Grootkraal") size .....<sup>9</sup>
- 7.2. The ownership of the cadastral units had been in the hands of the Van der Veen family since at least the early 1800's.
- 7.3. The Trust became the owner of the property through an auction that was held in 2009.

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<sup>9</sup> Page 7 paragraph 3.

- 7.4. When the Trust bought the property on the auction it was made aware of the fact that a portion of the property was being used by the Grootkraal Community for their Church and their school and that they intended to continue to do so.<sup>10</sup> Although the applicants deny knowledge of this, it will be argued from the facts of this case that the Court is entitled to draw the inference that the applicants were well aware of the Community's use of the land.
- 7.5. The portion of land in question is the 4147 m situated at the intersection of the national road to the Congo Caves and the national road to Meiringspoort as indicated on the aerial photograph as well as the plan prepared by the surveyor, John Bailey.<sup>11</sup>

#### **USE OF THE LAND:**

#### 8.

- 8.1. A church was built for the Grootkraal community in the early 1830's and has been used as such ever since.<sup>12</sup>

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<sup>10</sup> Page 134 paragraph 12; page 140 paragraph 42.

<sup>11</sup> Page 346 paragraph 3.3.

<sup>12</sup> Page 136 paragraph 23.

- 8.2. A school was established for the Grootkraal community in the church building in 1931 and later became a Government School.<sup>13</sup>
- 8.3. The Department of Education at some point entered into a lease agreement with the Church and paid a monthly rental to the church. This later changed (after the fiasco between Coetzee and Van der Veen) after which the rental was paid to Mr.Hans Van der Veen as the executor of the estate.<sup>14</sup>
- 8.4. The Grootkraal Community conduct all their community related activities on the land. The use of the land by the community has always occurred openly and with the full knowledge of the original and subsequent owners of Grootkraal.<sup>15</sup>
- 8.5. There can be no doubt that the intention of the Van der Veen family was always to grant the community the permanent right of use on the land.<sup>16</sup>

### **HISTORY OF THE VARIOUS CHURCHES:**<sup>17</sup>

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<sup>13</sup> Page 137 paragraph 26 and page 138 paragraph 31.

<sup>14</sup> Page 140 paragraph 41; page 148 paragraph 31.

<sup>15</sup> Page 349 paragraph 7; page 348 paragraph 5.

<sup>16</sup> Page 350 paragraph 8.

<sup>17</sup> SEE Pages 136 to 140 paragraph 23 and further for the detailed history.

- 9.1. The London Missionary Society established a church in Pacaltsdorp for farm workers and indigenous people. The Church had three mission stations of which one was established at Grootkraal. A church was built on the property of the then owner Mr van Der Veen.
- 9.2. In or about 1838 the three mission stations declared their independence from the London Missionary Society and were then known as the "Indepedente Kerke".
- 9.3. During the 1960's the Grootkraal church joined the UCC, an umbrella organization representing various churches.
- 9.4. During 1994 a split occurred in the Church and the Church building and the two manses were divided between the two groups. The Grootkraal section, under the leadership of Rev de Klerk, retained control of the church building and continued as an independent church.
- 9.5. During the course of this litigation the Grootkraal community once again decided to change the denomination of their church. It is because of this change that the sixth respondent no longer takes part in the litigation.

- 9.6. From this history it is clear that the Grootkraal community has its own identity and functions as an independent group.
10. The question is whether the applicants, relying on their ownership of the cadastral unit on which the community has exercised their right of use, is entitled after all these years to deny them this use or whether the community, relying on their use of the land since the 1830's, is entitled to protection and even registration of their right?
11. In what follows we discuss the general principles of servitudes, and how these principles, as currently applied, may perhaps not lead to justice. We then propose a constitutional solution.

### **SERVITUDES:**

.12.

1. A servitude is a limited real right which entitles its holder either to use and enjoy another's property or to insist that such another person shall refrain from exercising certain entitlements following from his or her ownership over and in respect of his or her property. The essence of a servitude therefore is that it confers 'a real right to an advantage out of the property of another'.<sup>18</sup>

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<sup>18</sup> SEE *Lorentz v Melle* 1978 (3) SA 1044 (T) 149 C; Silberberg and Schoemans "The Law of Property" 4<sup>th</sup> Edition page 297 paragraph 14.1.

2. Roman Dutch Law distinguishes between praedial and personal servitudes. A praedial servitude relates to at least two pieces of land whereas a personal servitude is constituted in favour of a particular individual on whom it confers the right to use and enjoy another's property. There is a further possible category of servitudes namely public servitudes which may be for the benefit of the general public or for a certain group within the general public.
3. There is no *numerus clausus* of servitudal rights. The question as to whether or not a right is a servitude in any given case must be resolved by reference to the principles in order to determine the nature of a real right as a protected interest. It is a matter of judicial policy as to whether or not a particular right will be recognized as a real right or not.
4. A servitude may be created in one of the following ways:
  - 4.1. An original grant by the State.
  - 4.2. By an agreement.
  - 4.3. By statute.
  - 4.4. By prescription.
5. A servitude of way of necessity originates from an order of court.

## **SERVITUDE BY AGREEMENT:**

### 13.

13.1. Normally a servitude created by agreement is followed by registration in terms of the Deeds Registries Act No 47 of 1937 or by the registration of a notarial deed accompanied by the appropriate endorsement against the title deed of the servient tenement.<sup>19</sup> However, an unregistered servitude is valid *inter partes* and will be enforced against third parties who have knowledge of it.<sup>20</sup>

13.2. In the matter of *Van der Bergh v Van Tonder*,<sup>21</sup> the court found that a purchaser of the servient who has actual knowledge of the servitude is bound to consent to its registration.

13.3. The court also found in matters where the innocent purchaser has knowledge of the servitude that the principle whereby the purchaser is held bound by the servitude is that in the circumstances of the case his

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<sup>19</sup> SEE Section 65(1) of Act 47 of 1937.

<sup>20</sup> SEE *Búhrman v Nkosi* 2000 (1) SA 1145 (T).

<sup>21</sup> 1963 (3) SA 558 (T).

repudiation thereof is *mala fide* notwithstanding the absence of registration.<sup>22</sup>

13.4. A personal servitude in favor of a legal entity as opposed to a person expires after 100 years.<sup>23</sup>

### **SERVITUDE THROUGH PRESCRIPTION:**

#### 14.

14.1. Rights in land (including servitudes) can be acquired through acquisitive prescription. However public servitudes cannot be acquired by prescription as prescription is based on the actions of individuals.<sup>24</sup>

14.2. Although prescription is governed by the Prescription Act of 1969 and where applicable the Prescription Act of 1943,<sup>25</sup> the provisions of the acts, as far as acquisitive prescription is concerned, are very similar and have

<sup>22</sup> SEE *Grant v Stone Street* 1968 (4) SA 1 (A) at 23 and further.

<sup>23</sup> *Grotius* 2 39 15; *Van Leeuwen* CF 1 2 15 22; in *Durban City Council v Woodhaven Ltd* 1987 (3) SA 555 (A) at 562 this rule is questioned.

<sup>24</sup> SEE *Ludolf v Wegner* (1888) 6 SC 193; *Nesput v Clayton* 1957 (1) SA 382 SR; *Malherbe v Van Rensburg* 1970 (4) SA 78 (C); *Forelendam v Jacobsbaai Coastal Farms* 1993 (4) SA 138 (C) at 143G – 144 B; Section 9 of the Prescription Act 68 of 1969.

<sup>25</sup> Act 65 of 1969 and Act 18 of 1943.

- been accepted by the courts as being the same.<sup>26</sup> Any rules of the common law not inconsistent with these acts are also applicable.
- 14.3. A servitude is acquired through prescription if a person has exercised the rights of the holder of a servitude *nec vi nec clam nec precario* and adverse to the rights of the owner or, in terms of the 1969 Act, openly and as if she were entitled to do so for an uninterrupted period of 30 years.
- 14.4. The fact that possession must be without precarious consent means that there must have been some form of application by one party for a concession which is granted by the other party reserving the right to revoke that concession in terms of the particular conditions to which the grant is subject.<sup>27</sup>
- 14.5. A further requirement is that possession or use must be adverse to the owner. This requirement means that if the person in possession acknowledges the rights of the owner at any stage during the period of 30 years, possession ceases to be adverse to the owner and the requirements for acquisitive prescription are not met. As long as

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<sup>26</sup> SEE *Kruger v Gunther* 1995 (1) SA 344 N; *Cilliers v Geldenhuys* 2009 (2) SA 325 SCA paragraph 8.

<sup>27</sup> SEE *Malan v Nabygelegen Estates* 1946 AD 562 at 576; *Bisschop v Stafford* 1974 (3) SA 1 (A) 8A-B.

possession is continued with the intention of becoming the true owner use will be considered to be adverse.<sup>28</sup>

## **PUBLIC SERVITUDES**

### 15.

15.1. A public servitude is a right in favour of the public in general, or in favour of a portion of the public, for instance the right of outspan, the right to gather firewood or the right to use trek paths on a particular landed tenement.<sup>29</sup> There is some argument amongst academics whether such a right should be classified as a private real right or rather as a power granted by a public authority to the public in general.

15.2. It is generally accepted that public servitudes can be created by the grant of ownership of land by the State subject to the reservation of a public servitude, by registration against the title deeds of private land,<sup>30</sup> by a will,<sup>31</sup> or by legislation.<sup>32</sup>

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<sup>28</sup> SEE *Camble v Pietermaritzburg City Council* 1966 (2) SA 674 N; *Welgemoed v Coetzer* 1964 TPD 701 at 720.

<sup>29</sup> SEE *Meintjes v Oberholzer and Graaff-Reinett Municipality* (1859) 3 S 265.

<sup>30</sup> SEE Deeds Registry Act 47 of 1937 Section 65(1).

<sup>31</sup> SEE *Bamford v Minister of Community Development and State Auxiliary Services* 1981 (3) SA 1054 (C).

<sup>32</sup> SEE National Road Traffic Act 63 of 1996.

15.3. The existence of a public servitude can be asserted by proving "vetustas" or "immemorial user". Where a public servitude has been exercised by members of the public from time immemorial a rebuttable assumption arises that such servitude arose by virtue of a valid title even though there is no written proof of the validity of the title.<sup>33</sup>

15.4. In this matter it is indisputable that:

15.4.1. the Grootkraal community is a Community in its own right;

15.4.2. it has used the land for communal purposes from at least 1830 onward;

15.4.3. the origin of this use was an agreement between the owner of the property and the London Missionary Society, who acted on behalf of the Grootkraal community;

15.4.4. the precise terms of the agreement are unknown.

15.5. What seems to be in dispute is whether this Court can find:

15.5.1. If we are dealing with a personal servitude:

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<sup>33</sup> SEE *The Langebaan Ratepayers' and Residents' Association v Dormell Properties 391 (Pty) Ltd* (2013) 1 SA 37 (WCC).

- 15.5.1.1. that a community can be the holder of a servitudal right:
  - 15.5.1.2. that this right can last beyond the lifetime of the current members of the community;
  - 15.5.1.3. that the applicants had knowledge of the use at the time they acquired the property or, if not, that the right was already established through prescription (i.e. that the community used the land without precarious consent and adverse to the owner).
- 15.5.2. If we are dealing with a public servitude:
- 15.5.2.1. whether a public servitude can come into existence through an agreement between private parties;
  - 15.5.2.2. whether the applicants have rebutted the presumption raised by immemorial user.

**CONSTITUTIONAL SOLUTION:**

16.

Ownership of land is a real right. Roman Law knew only a closed system of real rights but the closed system of real rights did not exist in Roman Dutch Common Law.<sup>34</sup>

17.

There was some difference of opinion as to whether possession constitutes a real right amongst the Roman Dutch writers. Voet and Grotius regarded possession as a real right while Van der Linde and Huber maintained that it could not be so classified.<sup>35</sup>

18.

In South African Law there is no closed system of real rights. Real rights can therefore be developed in accordance with modern use of property.<sup>36</sup>

19.

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<sup>34</sup> SEE Silberberg & Schoeman's "*Law of Property*" 4<sup>th</sup> Edition page 65 paragraph 4.2

<sup>35</sup> Foot 5 2 2; Grotius 1 60; Van der Linde Koopman Handboek 1 6 2; 1 13 1; Huber Hedendagse Rechtgeleerthyt 5 6 3

<sup>36</sup> *Danel (Pty) Ltd v Cape Explosive Works Limited* 1999 (2) 4190 at 343 D-E.

According to Van der Walt,<sup>37</sup> the concept of land ownership has changed and must continue to change because of the changing social, economic and political environment and the diverse societies that have to live and function alongside each other. The western capitalist idea of ownership must meet with and accommodate the concept of ownership in a more socialist and customary African society. Private ownership as a legitimate system depends on the measure of success with which it can adapt to or help to shape changes in society. It is therefore necessary that a new approach towards ownership be adopted. In view of the present and future needs of South African society, the idea of absolute ownership has in many instances become questionable. It has been suggested that the concept of ownership should be adapted to accommodate broader social needs: land, which is a limited resource, needs to serve the interests of the whole population and not only those of a privileged few.

## 20.

The social function of the law of property requires that private property rights do not apply in isolation, but in the context of a plurality of people with diverse and sometimes competing needs and interests that all live on the same land. Since the enactment of the Constitution, this process should be driven by constitutional values and principles. The common law of property should be “*scrutinised in the*

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<sup>37</sup> Van der Walt 1990 STELL LR 43.

*light of constitutional principles and ... develop[ed] and ,, applie[d] so as to promote the objective values of the constitutional rights provisions.<sup>38</sup>*

## 21.

In the matter of *Shoprite Checkers (Pty) Ltd v MEC for Economic Development Eastern Cape*,<sup>39</sup> Froneman J pointed out that the question of property is fiercely contested in South African society but that our continuing conversation around this issue should be to seek a workable concept of property within the framework of values and individual rights enshrined in the Constitution. The level of constitutional protection should depend on the kind of constitutional interest involved and the purpose associated with that type of property interest.<sup>40</sup> The court further points out that the contested nature of this conversation can be explained by our history and in the pre-constitutional understanding of property rights which upheld exclusive individual entitlement. *“Put simply, that is largely a history of dispossession of what indigenous people held, and its transfer to the colonizers in the form of land and other property, protected by an economic system that ensured the continued deprivation of those benefits on racial and class lines. That history of division probably also explains the concerns both the previously advantaged and disadvantaged still*

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<sup>38</sup> A J van der Walt *“Property and Constitution”* PULP: Pretoria, 2012, 96.

<sup>39</sup> 2015 (6) SA 125 (CC) paragraph 4.

<sup>40</sup> *Ibid.*

*have. The former fears that they will lose what they have; the latter that they will not receive what is justly theirs.*<sup>41</sup>

## 22.

The court then suggested that the answer lies in rooting the concept of property in the Constitution itself and not in falling back on preconceived notions of property not in line with the Constitution. It specifically points out that the task of the court is to seek and establish our own concept of property within the normative framework of the fundamental values and individual rights as set down in the Constitution. It points out that the level of constitutional protection regarding property would then be determined by the kind of constitutional property interest involved and the core purpose associated with that type of interest.<sup>42</sup>

## 23.

The Constitutional Court dealt in detail with this exercise in the matter of *First National Bank of South Africa Ltd t/a Wesbank v Commissioner, South African*

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<sup>41</sup> 2015 (6) SA 125 (CC) paragraph 34.

<sup>42</sup> 2015 (6) SA 125 (CC) paragraph 36.

*Revenue Service; First National Bank of South Africa Ltd t/a Wesbank v Minister of Finance.*<sup>43</sup>

24.

When interpreting the Bill of Rights, a Court must promote the values that underlie an open and democratic society based on human dignity, equality and freedom and when developing the common law or customary law the Court must promote the spirit, purport and object of the Bill of Rights.<sup>44</sup>

25.

When applying a provision of the Bill of Rights a Court, in order to give effect to that right, must apply or if necessary develop, the common law to the extent that legislation does not give effect to that right; it may develop the common law to limit the right provided that the limitation is in accordance with Section 36(1) of the Constitution.<sup>45</sup>

26.

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<sup>43</sup> 2002 (4) SA 768 (CC); See also the discussion by J van der Merwe "On the relativity of property rights in the Constitution " 2016 De Rebus (sept) DR 32.

<sup>44</sup> Section 39(2) of the Constitution of the Republic of South Africa, 1996.

<sup>45</sup> Section 8(3) of the Constitution of the Republic of South Africa 1996.

Moseneke D C J described the impact of Section 39 on the development of the common law as follows:

*“It is highly desirable and in fact necessary to infuse the law of contract with constitutional values, including values of ubuntu, which inspire much of our constitutional compact. On a number of occasions in the past this court has had regard to the meaning and content of the concept of ubuntu. It emphasises the common nature of society and ‘carries in it the ideas of humanness, social justice and fairness’ and envelopes ‘the key values of group solidarity, compassion, respect, human dignity, conformity to basic norms and collective unity’ ”<sup>46</sup>*

27.

Van der Walt sets out the tension discussed above as follows:

*“The meaning of Section 25 has to be determined, in each specific case, within an interpretive framework that takes due cognisance of the inevitable tensions that characterize the operation of the property clause. This tension between individual rights and social responsibilities has to be the guiding principle in terms*

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<sup>46</sup> *Ever Fresh Market Virginia (Pty) Ltd v Shoprite Checkers (Pty) Ltd* 2011 ZACC 30(CC) paragraph 71.

*of which the section is analyzed, interpreted and applied in every individual case*<sup>47</sup>.

Elsewhere he adds that this process must also have regard to “*the historical, social and constitutional context*” (our emphasis) within which property operates.<sup>48</sup>

28.

This approach of developing property law in light of the history of occupation and use of land under apartheid; the current social context; the constitutional context (rights and values) and the tension between individual rights and social responsibilities was applied by the Constitutional Court in *Port Elizabeth Municipality v Various Occupiers*.<sup>49</sup>

**Development of the common law:**

29.

It is submitted that the question whether the applicants are entitled simply to evict the Community, church and school or whether instead the Community has

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<sup>47</sup> A J Van der Walt “*The Constitutional Property Clause*” JUTA: Kenwyn, 1997 (Van der Walt 1997)

<sup>48</sup> A J van der Walt “*Constitutional Property Law*” JUTA: Kenwyn, 3<sup>rd</sup> ed 2011, 51 (Van der Walt 2011).

<sup>49</sup> (2005) 1 SA 217 (CC) paras 8 – 20.

acquired a real right in the form of either a personal or a public servitude should be determined with due regard to:

- 29.1 the historical fact that the Community, were it constituted of white people, would in the ordinary course of events long since have acquired real rights to the land in dispute and was prevented from doing so only by the historical reality of apartheid;
- 29.2 the constitutional rights of the Community and its members to have equitable access to land (section 25(5) of the Constitution of the Republic of South Africa, 1996); to security of tenure (section 25(6)); to human dignity (section 10); to freedom of association (section 18); and to enjoy and practice their culture and religion and form associations through which to do so (section 31); as well as the values of human dignity, *ubuntu* and solidarity that undergird these constitutional rights; and
- 29.3 the need to recognise the social interest in allowing the Community to continue their use, with the concomitant social responsibility on the applicants to allow that, despite their individual property right, particularly in light of the fact that the land in dispute constitutes a very small and commercially unimportant part of the applicants' property.

In this light, we submit that the principles of servitudes must be adjusted so as to make provision for the acquisition of a servitude of use –

28.1. where a specific community has made use of land belonging to another for a substantial amount of time;

28.2. with or without the permission of the owner;

28.3. with or without the knowledge of a new owner;

**CONCLUSION:**

Seen through the prism of our Constitution it is difficult to envision any other outcome in this matter but that the Grootkraal community be allowed to continue to use the land for their communal purposes and that this right be protected through the registration of a servitude, whether a personal servitude acquired through prescription or a public one, on the basis of *vetustas*, on the title deed of the property as applied for by the Community.

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**A DE VOS SC**

**JFD BRAND**

**Chambers**

Knysna

**16 March 2017**