

DEPARTMENT OF LAND AFFAIRS

No. 339

27 March 2009

GENERAL NOTICE IN TERMS OF SECTION 11A OF THE RESTITUTION OF LAND RIGHTS ACT, 1994 (ACT NO. 22 OF 1994)

WHEREAS a land claim was lodged on behalf of the Zwartwater Community, which land claim was published in terms of Section 11(1) of the Restitution of Land Rights Act, Act No. 22 of 1994 (*"the Act"*)

and

WHEREAS during the investigation of the land claim, the Regional Land Claims Commissioner : Eastern Cape Province has reason to believe that the criteria set out in Section 11(1)(b) of the Act have not been met.

NOTICE is hereby given in terms of Section 11A(2) of the Act that at the expiry of **21 days** the notice of claim previously published under the terms of Section 11(1) of the Act in Government Gazette Notices Nos. 1425 of 2005 to 1539 of 2005 inclusive contained in Government Gazette No. 27892 of 19 August 2005 will be withdrawn unless cause to the contrary is shown to her satisfaction.

The details of the Government Gazette Notices Nos. 1425 of 2005 to 1538 of 2005 inclusive and to which this Notice relates are the following:

REFERENCE NO	:	6/2/2/D/86/0/0/2
CLAIMANT	:	MR. X H QALI on behalf of ZWARTWATER COMMUNITY
GAZETTE NOTICE	:	See first column of Schedule
PROPERTY DETAILS	:	See second and third columns of Schedule
DISTRICT	:	QUEENSTOWN
DEED OF TRANSFER	:	See fourth column of Schedule
BONDHOLDER	:	See fifth column of Schedule
REGISTERED OWNER	:	See sixth column of Schedule

The reason why the Regional Land Claims Commissioner believes that the criteria in Section 11(1) of the Act have not been met is that :

- (a) a new researcher was engaged to continue with the investigation upon the Section 13 mediation and negotiation process under the Act no longer being feasible;
- (b) the new researcher was requested to revisit the facts underlying the report of the original researcher and to have regard to the facts relating to the claimant community and the families making up that community as well as all evidence presented which demonstrated whether or not they had been dispossessed of a right in land after 19 June 1913, and if so, the nature of the right in land with specific reference to whether they enjoyed rights of ownership in land or other real or personal rights to occupy or use land as contemplated in the definition of "*right in land*" in Section 1 of the Act as read with the Constitutional Court pronouncement in regard to the content of that right in the case of **Department of Land Affairs & Others v Goedgelegen Tropical Fruits (Pty) Ltd** 2007 (6) SA 199 (CC);
- (c) the new research report indicated that the claimant community and their families had been dispossessed of rights in land prior to 19 June 1913 and was unable to ascertain that the claimant community or its constituent families were dispossessed of ownership in land or any other right in land after 19 June 1913;
- (d) upon considering the contents of the Report, the Regional Land Claims Commissioner : Eastern Cape invited the claimant community, without prejudice to their rights under Section 11A of the Act, to ascertain whether the claimant community or any part of that community were dissatisfied with the conclusion drawn by the new researcher, and if so, to produce information that may assist the Regional Land Claims Commissioner in considering the weight to be attached to the new research report;
- (e) the Regional Land Claims Commissioner is aware of the overcrowding in the area to which the claimant community and its family members were dispossessed, but this situation was as a consequence of the pre 19 June 1913 dispossession and relocation, and on the evidence produced during the investigation, she has reason to believe that no members of the community nor their families were dispossessed of a right in land after 19 June 1913 as required under Section 2(1)(a) of the Act.

NOTICE is further given that at the expiry of the aforesaid **21 day** period, the Regional Land Claims Commissioner shall, unless cause to the contrary has been shown to her satisfaction, withdraw the notice of claim in accordance with the provisions of Section 11(3) of the Act.

The Regional Land Claims Commissioner : Eastern Cape
P.O. Box 1375
East London
5200
Tel: (043) 700 6000
Fax: (043) 743 3687

L. Faleni
Regional Land Claims Commissioner

SCHEDULE

NO.	GOVERNMENT GAZETTE NO.	PROPERTY	SIZE	DEED OF TRANSFER	BOND HOLDER	REGISTERED OWNER
1.	1425/2005	Remainder of Farm No.41	471.0498h	T4368/1997		Van Vuuren Familie Trust
2.	1426/2005	Portion 2 of Farm No.41	270.4100h	T43681/1997	Standard Bank	Van Vuuren Familie Trust
3.	1427/2005	Portion 3 of Farm No.41	157.0380h	T43681/1997	Standard Bank	Van Vuuren Familie Trust
4.	1428/2005	Portion 4 of Farm No.41	105.4010h	T33426/1979	ABSA	NJ Cobett
5.	1429/2005	Remaini-ng Extent of Farm No.42	1522.1373h	T30647/1969		NJ Cobertt
6.	1430/2005	Portion 1 of Farm No.42	182.4413h	T33426/1979		NJ Cobertt
7.	1431/2005	Remai-nder of Farm No.43	544.1219h	T36448/1982 T36449/1982		Daniel Wentzel
8.	1432/2005	Remai-nder of Farm No.44	1371.0165h	T66234/1997	Land Bank	Daniel Wentzel
9.	1433/2005	Remai-nder of Farm Weltevred-en No.45	645.2770h	T5084/1976	Land Bank	Hermanus Geyer
10.	1434/2005	Portion 1 of Farm No.45	846.3178h	T17981/1972		SJ Corbett
11.	1435/2005	Portion 2 of Farm No.45	201.9902h	T27865/1982	Land Bank	Hermanus Geyer
12.	1436/2005	Portion 3 of Farm No.45	13.5017h	T10624/1967	Land Bank	Hermanus Geyer
13.	1437/2005	Portion 4, a portion of Portion 2 of the Farm Weltevre-den No.45	115.1295h	T10624/1967	Land Bank	Hermanus Geyer
14.	1438/2005	Portion 5, a portion of Portion 1 of No.45	8.5653h	T18676/1954	Land Bank	Hermanus Geyer
15.	1439/2005	Remai-nder of Farm No.48	587.9122h	T4755/1959	Land Bank	Hermanus Geyer
16.	1440/2005	Portion 5 of Farm No.48	412.2360h	T98593/1998	Land & Agric. Bank of South Africa	C Pretorius
17.	1441/2005	Portion 6 of Farm No.48	333.4550h	T98594/1998	Land & Agric. Bank of South Africa	C Pretorius
18.	1442/2005	Portion 1 of Farm No.49	193.7914h	T4225/1976		JL Geyer
19.	1443/2005	Portion 3, a portion of Portion 2 of Farm No.49	417.0052h	T75575/1990	ABSA Bank	AF Wiggill

NO.	GOVERNMENT GAZETTE NO.	PROPERTY	SIZE	DEED OF TRANSFER	BOND HOLDER	REGISTERED OWNER
20.	1444/2005	Portion 2 of Farm No.49	280.9232h	T25070/1994	Bankorp Ltd	FW Bukani
21.	1445/2005	Portion 4 of Farm No.49	70.6639h	T75575/1990	ABSA Bank	AF Wiggill
22.	1446/2005	Portion 6 of Farm No.49	465.1249h	T21794/1987	Standard Bank	JE Hodgskiss
23.	1447/2005	Portion 7 of Farm No.49	7.8457h	T66254/1992		Transnet Ltd
24.	1448/2005	Portion 8 of Farm No.49	1913sqm	T66254/1992		Transnet Ltd
25.	1449/2005	Portion 9, a portion of Portion 3 of Farm Rheedock-Fontein No.49	5.6755h	T41163/1993		Transnet Ltd
26.	1450/2005	Portion 10, a portion of Portion 1 of Farm No.49	3344sqm	T66507/1992		Transnet Ltd
27.	1451/2005	Farm No.53	507.2939h	T41238/1999		MN Prop. Trust
28.	1452/2005	Remaining Extent of Portion 1 of Farm No.55	271.5815h	T4225/1976		JL Geyer
29.	1453/2005	Remaining Extent of Portion 2 of Farm No.55	69.7658h	T56780/1988	Land Bank	AC Geyer
30.	1454/2005	Portion3, a portion of Portion 1 of Farm No.55	336.7317h	T56422/1998		FJ Serfontein
31.	1455/2005	Portion 4 of Farm No.55	468.9013h	T55871/2001		J du Plessis
32.	1456/2005	Portion 5 of Farm No.55	1 Morgen 7291 Sq Ft	T7451/1929		Transnet Ltd
33.	1457/2005	Portion 6 of Farm No.55	54.814 Sq Ft	T4468/1947		Transnet Ltd
34.	1458/2005	Portion 7 of Farm No.55	51.3136h	T5085/1976		Hendrik Petrus Geyer
35.	1459/2005	Portion 8 of Farm No.55	4.6515h	T66507/1992		Transnet Ltd
36.	1460/2005	Portion 9, a portion of Portion 3 of Farm No.55	3.2978h	T43026/1992		Transnet Ltd
37.	1461/2005	Portion 10, a portion of Portion 1 of Farm No.55	4.1665h	T44477/1992		Transnet Ltd
38.	1462/2005	Remainder of Farm No.56	471.3520h	T55870/2001		IJ Griebenouw
39.	1463/2005	Portion 1 of Farm No.56	281.9004h	T88646/1993	Land Bank	Christo Pretorius

N0.	GOVERNMENT GAZETTE NO.	PROPERTY	SIZE	DEED OF TRANSFER	BOND HOLDER	REGISTERED OWNER
40.	1464/2005	Portion 2 of Farm No.56	491.5951h	T55870/2001		IJ Griebenouw
41.	1465/2005	Portion 4 of Farm No.56	7.7792h	T73336/1992		Transnet Ltd
42.	1466/2005	Portion 2 of Farm No.57	438.2875h	T53351/1989	ABSA Bank	Jan Du Plessis
43.	1467/2005	Portion 3 of Farm No.57	157.5823h	T17981/1972		SJ Corbett
44.	1468/2005	Portion 4 of Farm No.57	277.5892h	T18593/1957, T36451/1982		Anna Jordaan, Hennie Wentzel
45.	1469/2005	Portion 5 of Farm No.57	553.9232h	T59115/1993		Hennie Wentzel
46.	1470/2005	Portion 6 of Farm No.57	119.3544h	T18593/1957, T36451/1982		Anna Jordaan, Hennie Wentzel
47.	1471/2005	Portion 7 of Farm No.57	7341sqm	T78900/1992		Transnet Ltd
48.	1472/2005	Farm No.58	292.1916h	T17981/1972		SJ Corbett
49.	1473/2005	Portion 1 of Farm No.59	643.4411h	T60327/1998		PW Kelbrick
50.	1474/2005	Portion 3 of Farm No.59	13.9900h	T60327/1998		PW Kelbrick
51.	1475/2005	Portion 4 of Farm No.59	484.4726h	T60327/1998		PW Kelbrick
52.	1476/2005	Remai-nder of Farm No.59	184.0349h	T112224/1997		C&Y Hattingh
53.	1477/2005	Portion 1 of Farm No.60	543.0477h	T81135/1993	Land Bank	BD Wentzel
54.	1478/2005	Portion 2 of Farm No.60	535.1041h	T81135/1993	Land Bank	BD Wentzel
55.	1479/2005	Remai-nder of Farm No.60	550.8229h	T12728/1978	Land Bank	BD Wentzel
56.	1480/2005	Farm No.61	1257.0320h	T95351/2002		LS Moorcroft
57.	1481/2005	Remai-nder of Farm No.63	851.7811h	T4598/1948		SADT
58.	1482/2005	Portion 1 of Farm No.63	388.8070 Morgen	T15084/1952, T15085/1952		SADT
59.	1483/2005	Portion 2 of Farm No.63	1 Morgen 558 Sq. Rd	T17306/1920		Transnet
60.	1484/2005	Portion 3 of Farm 63	180.9679h	T24453/1996		PW Kelbrick
61.	1485/2005	Remai-nder of Farm No.64	573.7751h	T24453/1996		PW Kelbrick

Nº.	GOVERNMENT GAZETTE NO.	PROPERTY	SIZE	DEED OF TRANSFER	BOND HOLDER	REGISTERED OWNER
62.	1486/2005	Remai-nder of Farm No.65	329.8398h	T17980/1972	ABSA Bank	JN Corbett
63.	1487/2005	Portion 1 of Farm No.65	1 Morgen 281.8 sq roods	T1089/1907		Transnet
64.	1488/2005	Portion 2 of Farm No.65	313.4427h	T4685/1957		SB Breetzke
65.	1489/2005	Remai-nder of Farm No.66	300.0723h	T7137/1965		SB Breetzke
66.	1490/2005	Portion 2 of Farm No.66	240 square rood 7.7 square feet	T7137/1965, T9314/1953, and T9315/1953		SB Breetzke
67.	1491/2005	Portion 6 of Farm No.66	300 square roods	T7137/1965, T9314/1953, and T9315/1953		SB Breetzke
68.	1492/2005	Portion 7 of Farm No.66	50 square roods	T7137/1965, T9314/1953, and T9315/1953		SB Breetzke
69.	1493/2005	Portion 9 of Farm No.66	286 Morgen 548 Sq Rd	G44/1955		SB Breetzke
70.	1494/2005	Portion 10 of Farm No.60	221.5163h	T90505/2000	Land Bank	BG Breetzke
71.	1495/2005	Portion 13 of Farm No.66	1.8207h	T7137/1965, T9314/1953, T9315/1953		SB Breetzke
72.	1496/2005	Portion 14 of Farm No.66	56 Sq Rds 37 Sq Ft	T7137/1965, T9314/1953, T9315/1953		SB Breetzke
73.	1497/2005	Portion 15 of Farm No.66	314.1398h	T24453/1996		PW Kelbrick
74.	1498/2005	Portion 16 of Farm No.66	25.7064h	T1806/1933		Stormberg Divisional Council
75.	1499/2005	Portion 17 of Farm No.66	49.9090 Morgen	G44/1955		SB Breetzke

N0.	GOVERNMENT GAZETTE NO.	PROPERTY	SIZE	DEED OF TRANSFER	BOND HOLDER	REGISTERED OWNER
76.	1500/2005	Portion 19 of Farm No.66	4819 sqm	T21215/2004		JAP Van Pletzen
77.	1501/2005	Portion 20 of Farm No.66	1410 sqm	T78901/1992		Transnet
78.	1502/2005	Portion 21 of Farm No.66	1066 sqm	T78901/1992		Transnet
79.	1503/2005	Portion 22 of Farm No.66	1.1168h	T3151/1993		Transnet
80.	1504/2005	Remai-nder of Farm No.67	673.7909h	T90505/2000	Land Bank	BG Breetzke
81.	1505/2005	Portion 1 of Farm No.67	523.8654h	T90505/2000		BG Breetzke
82.	1506/2005	Portion 2 of Farm No.67	471.0924h	T116133/1998	Land Bank	Jaycee Trust
83.	1507/2005	Remai-nder of Farm Marino Rust No.68	734.9045h	T69366/2002		Ntuthuko Communal Property Association
84.	1508/2005	Portion 2 of Farm Welter-vreden No.176	89.7151h	T30648/1969		JC Landman
85.	1509/2005	Portion 3 of Farm No.176	2.25 Morgen	T6294/1944		Stormberg Divisional Council
86.	1510/2005	Portion 4 of Farm No.176	205.4029 Morgen	T30648/1969		JC Landman
87.	1511/2005	Portion 5 of Farm No.176	38.1169h	T36430/1992	ABSA Bank	SF de V & GE Matoti
88.	1512/2005	Portion 7 of Farm No.176	62.5730h	T87372/2002	(First Rand) First National Bank	Morgan Creek Prop. II (Pty) Ltd
89.	1513/2005	Portion 8 of Farm No.176	8.5655h	T43181/2003	Unibank	HPC Terblanche
90.	1514/2005	Portion 9 of Farm No.176	8.5646h	T86227/1998	Standard Bank of South Africa	Start Academy Funding Trust
91.	1515/2005	Portion 13 of Farm No.176	26.1657h	T87372/2002	(First Rand) First National Bank	Morgan Creek Prop. II (Pty) Ltd

N0.	GOVERNMENT GAZETTE NO.	PROPERTY	SIZE	DEED OF TRANSFER	BOND HOLDER	REGISTERED OWNER
92.	1516/2005	Remai-nder of Farm Carel's Rust No.181	800.2115h	T31181/1994	Land Bank	CC & JE Basson
93.	1517/2005	Portion 2 of Farm No.181	55.0128h	T22679/1985		Jl Griebenouw
94.	1518/2550	Farm Prim Gradia No.194		T4628/1960		NJ Corbett
95.	1519/2005	Remai-nder of Farm No.195	219.8296h	T11029/1985, T10396/2003		National Governme-nt of South Africa
96.	1520/2005	Portion 3 of Farm No.195	3.8573h	T37129/1988, T10396/2003		National Governme-nt of South Africa
97.	1521/2005	Portion 4 of Farm No.195	169.5933h	T37129/1988, T10396/2003		National Government of South Africa
98.	1522/2005	Portion 5 of Farm No.195	2.4429h	T630A/1992		Telkom SA Ltd
99.	1523/2005	Portion 8 of Farm No.195	146.7075h	T27272/1987, T2796/2001		Republic of South Africa
100.	1524/2005	Portion 12 of Farm No.195	655.7600h	T54801/2003		Thor: ill Farms Communal Property Trust
101.	1525/2005	Portion 2 of Farm No.198	41 Morgen 266 Sq Rds	T12584/1953		FG Barrow
102.	1526/2005	Portion 4 of Farm No.198	58.0693h	T109698/2004	ABSA Bank	F Nel
103.	1527/2005	Portion 5 of Farm No.198	562.4771h	T60791/1999		PW Prinsloo Family Trust
104.	1528/2005	Portion 7 of Farm No.198	434.0346h	T60791/1999		PW Prinsloo Family Trust
105.	1529/2005	Portion 8 of Farm No.198	21.4143h	T109698/2004	ABSA Bank	F Nel
106.	1530/2005	Remai-nder of Farm No.199	243.5754h	T19548/1976		HP Odendaal
107.	1531/2005	Portion 1 of Farm No.199	179.9418h	T21450/2004		Mandla Buhe Prop. Holdings cc
108.	1532/2005	Portin 3 of Farm No.199	42.9110h	T56753/1991	Unibank	Bunting Prop. cc
109.	1533/2005	Portion 4 of Farm No.199	202.7582h	T14374/1968		JC Landman
110.	1534/2005	Portion 5 of Farm No.199	42.9121h	T14378/1968	BK Savings Bank	VC van Rensburg
111.	1535/2005	Portion 6 of Farm No.199	245.8613h	T15429/1980		HP Odendaal
112.	1536/2005	Portion 7 of Farm No.199	191.8632h	T6273/1994		Henry Casey Testamentary Trust
113.	1537/2005	Remainder of Farm No.200	123.4703h	T56171/1989	First National Bank	LI van der Merwe
114.	1538/2005	Portion 2 of Farm No.200	2.2841h	T25543/1981	First National Bank	LI van der Merwe
115.	1539/2005	Farm No.201	71.7778h	T14974/1991		TE Burger