

# APPENDIX H

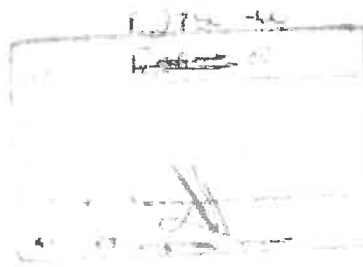
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## Witvlei Boerdery Trust Deed

4

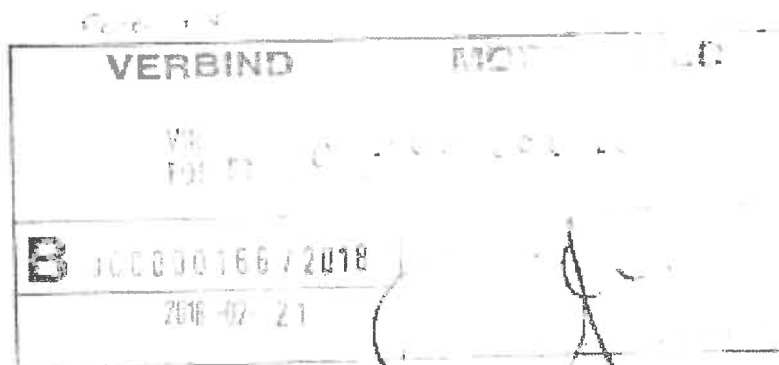
Duncan & Rothman

VAN930/0013/LA/1g



Opgestel deur my,

Transportbesorger  
LILIAN AZEVEDO



## TRANSPORTAKTE

Hiermee word bekend gemaak dat

**IZAK CORNELIUS POTGIETER**



Aktebesorger, voor my, Registrateur van Aktes, Kimberley, verskyn het, behoorlik daartoe gemagtig deur 'n volmag geteken te Kakamas op 7 September 2016 en aan hom verleen deur

Die Trustees indertyd van  
**ROSYNEBOS TRUST**  
Registrasienommer IT 9/97

En die komparant het verklaar dat die genoemde prinsipaal op 17 Augustus 2016 waarlik en wettig verkoop het en dat hy, die genoemde komparant, in sy voornoemde hoedanigheid hiermee sedeer en transporteer aan en ten gunste van

**Die Trustees van  
WITVLEI BOERDERY TRUST  
Registrasienuommer IT452/1994**

hul opvolgers in titel of regverkrygendes, in volkome en vrye eiendom

1. **Gedeelte 5 van die plaas Rozynen Bosch Nummer 104  
Geleë in die Munisipaliteit Kai IGarib, Afdeling Konhardt, Provinsie Noord-Kaap  
Groot: 4986,8214 (Vier Duisend Nege Honderd Ses en Tagtig Komma Agt Twee  
Een Vier) Hektaar**

AANVANKLIK geregistreer kraglens Sertifikaat van Verenigde Titel Nummer T 6918/1986 met Kaart Nummer 4135/1985 wat daarop betrekking het en gehou kraglens Transportakte Nummer T 110477/1997.

- I. Wat betref die figuur gemerk U B C D S T aangedui op Kaart Nr 4135/1985.
  - A. ONDERHEWIG aan die voorwaardes vervat in Grondbrief uitgereik kraglens die bepaling van Wet 15 van 1867 op 14 Augustus 1891 (Carnarvon Erfpagte Boekdeel 6 Nummer 27) wat soos volg lees
    - i. That all roads and thoroughfares being or existing on the land, and described in the plan or diagram of the same, shall remain free and uninterrupted, unless the same be closed or altered by competent authority
    - ii That if at any time it should appear to the State President upon petition of any adjacent or neighbouring proprietor, that such adjacent or neighbouring proprietor requires a way or road of necessity to or from the land of such adjacent or neighbouring proprietor, the owner of the land purchased under this Act upon which such road is required, shall be bound to grant such way or road of necessity, and to point out the direction and width thereof: Provided that in case of a dispute or difference regarding such road, or its

sufficiency, the direction and width of road shall be decided upon by the Divisional Council of the Division in which the land is situated; Provided, further, that the said owner shall not be bound to allow such road or thoroughfare across land which shall at the time be in a state of cultivation or improvement, and that compensation for the right-of-way and any damage done shall be paid for by the person or persons for whose benefit and upon whose application the said road is made according to determination by arbitration.

- III. That the State President shall at all times have the right to make roads, railways, dams, aqueducts, drains, and to conduct telegraphs over the land for the benefit of the public, and to take materials for these purposes; also to establish convenient outspans for the use of travellers, on payment to the proprietor of such sums of money as compensation as may be determined by arbitration. Provided that the arbitrators may set off against the loss or damage caused to the proprietor, the benefit, instant or prospective, which he shall or may derive in consequence of the construction of any of the said works.
- IV. That the State President shall at all times have the right of resuming the whole or a portion of the land hereby granted, if required for public purposes, on payment to the proprietor of such sum of money in compensation as may be mutually agreed upon by the parties concerned, or failing such agreement as may be determined by arbitration.
- V. That the State reserves to itself the right to limit the number of persons who may reside on the land; but no complaint that the number of persons residing on such land is excessive will be entertained unless the Divisional Council of the Division shall, after enquiry, certify that, in its opinion, the number of persons so residing is greater than can fairly be regarded as necessary for the proper working or management of the land by the grantee. With a view to afford the grantee full opportunity of meeting any complaint that may be preferred against him, due notice must be given him by the Divisional Council of the Division of the time and place at which the Council will make an inquiry into the facts of the case. Should it appear, after inquiry, that any complaint which may be made is well founded, the State may direct the removal of such number of persons as it may consider to be excessive and in the event of the grantee failing within one calendar month after such direction to remove or cause to be removed, such excessive number of persons, he shall be liable to a penalty of ten shillings a day for every person not removed.

- B. ONDERHEWIG verder wat betref een-halwe (1/2) aandeel in voormelde eiendom aan die voorwaardes waarna verwys word in Transportakte Nommer T 3480 gedateer 27 Junie 1893.
- II. Wat betref die figuur gemerk A U T S E F G H J K L M N P aangedui op Kaart Nommer 4135/1985:
- A. ONDERHEWIG aan die voorwaardes vervat in Grondbrief uitgereik kragtens die bepalinge van Wet 15 van 1887 op 14 Augustus 1891 (Camarvon Erfpakte Boekdeel 6 Nommer 27), wat soos volg lees:
- "I. That all roads and thoroughfares being or existing on the land, and described in the plan or diagram of the same, shall remain free and uninterrupted, unless the same be closed or altered by competent authority.
- II. That if at any time it should appear to the State President upon petition of any adjacent or neighbouring proprietor, that such adjacent or neighbouring proprietor requires a way or road of necessity to or from the land of such adjacent or neighbouring proprietor, the owner of the land purchased under this Act upon which such road is required, shall be bound to grant such way or road of necessity, and to point out the direction and width thereof: Provided that in case of a dispute or difference regarding such road, or its sufficiency, the direction and width of road shall be decided upon by the Divisional Council of the Division in which the land is situated, Provided, further, that the said owner shall not be bound to allow such road or thoroughfare across land which shall at the time be in a state of cultivation or improvement, and that compensation for the right-of-way and any damage done shall be paid for by the person or persons for whose benefit and upon whose application the said road is made according to determination by arbitration.
- III. That the State President shall at all times have the right to make roads, railways, dams, aqueducts, drains, and to conduct telegraphs over the land for the benefit of the public, and to take materials for these purposes, also to establish convenient outspans for the use of travellers, on payment to the proprietor of such sums of money as compensation as may be determined by arbitration. Provided that the arbitrators may set off against the loss or damage caused to the proprietor, the benefit, instant or prospective, which he shall or may derive in consequence of the construction of any of the said works.

IV That the State President shall at all times have the right of resuming the whole or a portion of the land hereby granted, if required for public purposes, on payment to the proprietor of such sum of money in compensation as may be mutually agreed upon by the parties concerned, or failing such agreement as may be determined by arbitration.

V That the State reserves to itself the right to limit the number of persons who may reside on the land; but no complaint that the number of persons residing on such land is excessive will be entertained unless the Divisional Council of the Division shall, after enquiry, certify that, in its opinion, the number of persons so residing is greater than can fairly be regarded as necessary for the proper working or management of the land by the grantee. With a view to afford the grantee full opportunity of meeting any complaint that may be preferred against him, due notice must be given him by the Divisional Council of the Division of the time and place at which the Council will make an inquiry into the facts of the case. Should it appear, after inquiry, that any complaint which may be made is well founded, the State may direct the removal of such number of persons as it may consider to be excessive and in the event of the grantee failing within one calendar month after such direction to remove or cause to be removed, such excessive number of persons, he shall be liable to a penalty of ten shillings a day for every person not removed.

B. ONDERHEWIG verder wat betref een-halwe (1/2) aandeel in voormelde eiendom, aan die voorwaardes waarna verwys word in Transportakte Nummer T 3480 gedateer 27 Junie 1893

C. ONDERHEWIG VERDER aan die bepalinge van 'n endossement gedateer 28 Desember 1982 aangebring op Verdelingstransportakte nommer T 1280/1956 wat soos volg lees -

Kragtens Notariële Ooreenkoms gedateer 6 Junie 1980 geregistreer deur die Registrateur van Mynbriewe te Johannesburg op 23 November 1982 onder Prospekteerkontrak nommer 171/1982 het die binnegemelde eienaar aan Phelps Dodge Mining Limited die uitsluitlike reg verleen om in, op of onder die binnegemelde eiendom vir voorbehoude metale te prospekteer vir die tydperk tot 6 Junie 1983 met bykomende regte en onderhewig aan voorwaardes soos meer ten volle sal blyk uit gesegde Notariële Akte, 'n afskrif waarvan gelasseer is as K 1063/1982 PC.

- D. Kragtens Notariële Wysiging van Benoemingsooreenkoms gedateer 31 Augustus 1989 en geregistreer in die Mynbriewekantoor Johannesburg, in die Register van Prospekterkontrakte onder nommer 83/1989 op 12 Oktober 1989, is Notariële Prospekterkontrak nommer 171/1982 waarna verwys word in voorwaarde C hierbo, gewysig soos meer volledig sal blyk uit die gemelde Notariële Wysiging van Benoemingsooreenkoms waarvan 'n afskrif in hierdie kantoor geliasseer is as K 1044/1989 PC.
- E. Kragtens Notariële Akte van Sessie gedateer 26 Oktober 1994 geregistreer in die Mynbriewekantoor onder verwysing nommer 13/1995 op 22 Oktober 1995 en in die kantoor van die Registrateur van Aktes te Kaapstad as K 183/1995 PC, is die regte gehou onder Benoemingsooreenkoms nommer K 1083/1982 PC gesedeer aan Gold Fields Mining and Development Limited nommer 05/17171/06, soos meer volledig sal blyk uit gemelde Notariële Akte.

**2. Gedeelte 1 (Koekop) van die plaas Koegab Nommer 59**

**Geleë in die Munisipaliteit Kai !Garib, Afdeling Kenhardt, Provinsie Noord-Kaap;**

**Groot: 3854,4939 (Drie Duisend Agt Honderd Vier en Vyftig Komma Vier Nege Drie Nege) Hektaar;**

AANVANKLIK oorgedra kragtens Transportakte Nommer T 7114/1921 met kaart wat daarop betrekking het en gehou kragtens Transportakte Nommer T 110477/1997.

- A. Onderhewig aan die voorwaardes waarna verwys word in Transportakte Nommer T 7114/1921.
- B. Kragtens Notariële Akte van Serwituut Nommer K 548/2009 gedateer 5/2/2009 is die binnegemelde eiendom onderhewig aan;
- (a) 'n Pyplynserwituut 5 meter wyd oor 'n roete soos onderting ooreengekom tussen die partye, plus
- (b) 'n Serwituut van water onttrekking vir veesuiplingsdoeleindes uit die 2 boorgate op die dienende eiendom welke ge-identifiseer is tussen die partye

Ten gunste van Die Restant van die Plaas Koegab Nommer 59, groot 3773,4578 Hektaar en gehou onder T 45934/2002

Soos meer volledig sal blyk in genoemde notariële akte, en die endossement gedateer 1 Junie 2009 op Transportakte Nommer T 110477/1997.

**3. Twee Derde (2/3) Aandeel in**

**Die Restant van Gedeelte 2 (Lodewyks Kop) van die Plaas Koegab Nommer 59**

**Gelê in die Munisipaliteit Kai I Garib, Afdeling Kenhardt, Provinsie Noord-Kaap;**

**Groot: 1454,4862 (Een Duizend Vier Honderd Vier en Vyftig Komma Vier Agt Ses Twee) Hektaar**

AANVANKLIK oorgedra kragtens Transportakte Nommer T 7113/1921 met Kaart nommer 1757/1921 wat daarop betrekking het en gehou kragtens Transportakte Nommer T 110477/1997

- A. ONDERHEWIG aan die voorwaardes waarna verwys word in Transportakte Nommer T 7113/1921.
- B. GEREGTIG op die voordele van die volgende endossement gedateer 22 Februarie 1964 op Transportakte Nommer T 10394/1963, wat soos volg lees:

Kragtens Notariële Akte Nommer 70/1964 gedateer 10/1/1964 en hede geregistreer

- (A) Is die restant van Lodewyks Kop groot as sulks – 1698.1108 morg besit kragtens para 2 van transport 10394/1963

Geregtig aan

- (a) Die gebruik van die helfte van die water uit die boorgat gemerk C op serwituutkaart nommer 2381/1963;
- (b) 'n Sirkelvormige serwituutgebied met 'n straal van 30 Kaapse voet. Middelpunt C, op gemelde serwituutkaart, vir die instandhouding en herstel van pomp Reservoir en krippe en
- (c) 'n Serwituutpylyn 10 Kaapse voet wyd, met 'n lyn AB as middel, vir die lê van 'n pyplyn tussen punte A en C soos aangedui op gemelde Serwituutkaart oor Gedeelte 3 ('n



gedeelte van Lodewyks Kop) van die plaas Koegab besit kragtens paragraaf 2 van transport nommer 685/1963.

- (B) is gedeelte 3 (’n gedeelte van Lodewyks Kop) van die plaas Koegab, gehou soos voormeld, geregig aan ’n reg van weg soos voormelde, geregig aan ’n reg van weg soos aangedui sal word deur die geregistreerde Eienaars van die dienende grond, oor:-

Die Restant van Lodewyks Kop groot as sulks: 1698,1108 morg, gehou soos voormeld onderhewig aan voorwaardes soos meer volledig sal blyk uit gemelde Notariële Akte.

- 4. Gedeelte 4 van die plaas Rozynen Bosch Nr 104  
Geleë in die Munisipaliteit Kal !Garib, Afdeling Kenhardt, Provinsie Noord-Kaap;  
Groot: 1516,6520 (Een Duisend Vyf Honderd en Sestien Komma Ses Vyf Twee Nul)  
Hektaar**

AANVANKLIK oorgedra kragtens Transportakte Nommer T 6917/1986 met Kaart Nommer 4134/1985 wat daarop betrekking het en gehou kragtens Transportakte Nommer T 109646/1997

- A. ONDERHEWIG aan die voorwaardes vervat in Grondbrief uitgereik kragtens die bepalings van Wet 15 van 1887 op 14 Augustus 1891 (Carnarvon Erfpakte Boekdeel 6 Nommer 27) wat soos volg lees:-
1. That all roads and thoroughfares being or existing on the land, and described in the plan or diagram of the same, shall remain free and uninterrupted, unless the same be closed or altered by competent authority.
  2. That if at any time it should appear to the State President upon petition of any adjacent or neighbouring proprietor, that such adjacent or neighbouring proprietor requires a way or road of necessity to or from the land of such adjacent or neighbouring proprietor, the owner of the land purchased under this Act upon which such road is required, shall be bound to grant such way or road of necessity, and to point out the direction and width thereof: Provided that in case of a dispute or difference regarding such road, or its sufficiency, the direction and width of road shall be decided upon by the Divisional Council of the Division in which the land is situated. Provided, further, that the said owner

shall not be bound to allow such road or thoroughfare across land which shall at the time be in a state of cultivation or improvement, and that compensation for the right-of-way and any damage done shall be paid for by the person or persons for whose benefit and upon whose application the said road is made according to determination by arbitration.

3. That the State President shall at all times have the right to make roads, railways, dams, aqueducts, drains, and to conduct telegraphs over the land for the benefit of the public, and to take materials for these purposes; also to establish convenient outspans for the use of travellers, on payment to the proprietor of such sums of money as compensation as may be determined by arbitration. Provided that the arbitrators may set off against the loss or damage caused to the proprietor, the benefit, instant or prospective, which he shall or may derive in consequence of the construction of any of the said works.
4. That the State President shall at all times have the right of resuming the whole or a portion of the land hereby granted, if required for public purposes, on payment to the proprietor of such sum of money in compensation as may be mutually agreed upon by the parties concerned, or failing such agreement as may be determined by arbitration.
5. That the State reserves to itself the right to limit the number of persons who may reside on the land; but no complaint that the number of persons residing on such land is excessive will be entertained unless the Divisional Council of the Division shall, after enquiry, certify that, in its opinion, the number of persons so residing is greater than can fairly be regarded as necessary for the proper working or management of the land by the grantee. With a view to afford the grantee full opportunity of meeting any complaint that may be preferred against him, due notice must be given him by the Divisional Council of the Division of the time and place at which the Council will make an inquiry into the facts of the case. Should it appear, after inquiry, that any complaint which may be made is well founded, the State may direct the removal of such number of persons as it may consider to be excessive and in the event of the grantee failing within one calendar month after such direction to remove or cause to be removed, such excessive number of persons, he shall be liable to a penalty of ten shillings a day for every person not removed.

B ONDERHEWIG verdor wat betref een halwe (1/2) aandeel in voormelde eiendom, aan die voorwaardes waarna verwys word in Transportakte Nummer T 3480/1893

- C. ONDERHEWIG VERDER aan die bepalings van 'n endossement gedateer 4 Maart 1985 aangebring op Verdelingstransportakte nommer T 1280/1956, watter endossement soos volg lees :-

Kragtens Hemuwingsakte van Benoemingssooreenkoms gedateer 14 November 1984 en geregistreer in die Mynbriewe kantoor Johannesburg op 13 Februarie 1985 in die register van die Prospekteerkontrakte as nommer 14/1985, word die Notariële Ooreenkoms waarna verwys word in die endossement gedateer 28 Desember 1982 (nommer K 1083/1982 PC) ewigdurend hemu en is nie beëindigbaar deur die eenaar of sy regsopvolgers nie, welke gesegde Hemuwingsakte van Benoemingssooreenkoms in hierdie kantoor geliasseer is as nommer K 182/1985 PC.

- D. ONDERHEWIG VERDER aan die voorwaardes vervat in Notariële Akte van Sessie gedateer 26 Oktober 1994, geregistreer in die Mynbriewe kantoor onder nommer 1/1995 op 22 Oktober 1995 en in die kantoor van die Registrateur van Aktes te Kaapstad as K 183/1995 PC, dat die regte gehou deur Red Hill Mines Limited kragtens Notariële Benoemingssooreenkoms K 825/1989 PC, naamlik, die reg om te prospekteer vir goud en silwer op die bogenoemde eiendom, gesedeer is aan Gold Field Mining and Development Limited nommer 05/17171/06, soos meer volledig sal blyk uit die genoemde Notariële Akte.

Weshalwe die komparant afstand doen van al die regte en aanspraak wat die genoemde

Transportgewers

voorheen op die eiendom gehad het, en gevolglik ook erken dat die genoemde

Transportgewers

geheel en al van die besit daarvan onthef is en nie meer daarop geregtig is nie, en dat kragtens hierdie akte die genoemde

Transportnemers

hul opvolgers in titel of regverkrygendes, lams daarop geregtig is, en voortaan daarop geregtig sal wees ooreenkomstig plaastike gebruik, behoudens die regte van die Staat, en ten slotte verklaar dat die koopprijs ten bedrae van **R12 000 000,00 (Twaalf Miljoen Rand)** ten volle betaal of verseker is.

Ten bewyse waarvan ek, die genoemde Registrateur van Aktes, saam met die Komparant, q.q., hierdie akte onderteken en met die ampseël bekragtig het

Aldus gedoen en geteken in die kantoor van die Registrateur van Aktes, te Kimberley, op

q.q.

2016-12-21

In my teenwoordigheid,

Reg:strateur van Aktes