IN THE LAND CLAIMS COURT OF SOUTH AFRICA (JOHANNESBURG)

CASE NO: LCC 100/2022

ON THIS THE 27th DAY OF JULY 2022 BEFORE THE HONOURABLE NCUBE J

MOGALE CITY LOCAL MUNICIPALITY

In the matter between:

MARGARET MOKGOMOLA
FURTHER ESTA OCCUPIERS,
PORTION 77 OF THE FARM
NOOITGEDACHT 534 J.Q

MAXXLIVING (PTY) LTD
(REGISTRATION NUMBER: 2017/652880/07)

FIRST APPLICANT
SECOND APPLICANT

FIRST RESPONDENT

SECOND RESPONDENT

COURT ORDER

HAVING considered the draft consent order and having heard Counsel for the Applicant;

THIRD RESPONDENT

IT IS ORDERED THAT: -

1. The Draft Consent Order marked "X" be and it is hereby made an order of court.

BY ORDER OF COURT

REGISTRAR

LAND CLAIMS COURT



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In the matter between:

MARGARET MOKGOMOLA FURTHER ESTA OCCUPIERS, PORTION 77 OF THE FARM NOOITGEDACHT 534 J.Q

and

MAXXLIVING (PTY) LTD

(REGISTRATION NUMBER: 2017/652880/07)

CRIMSON KING PROPERTIES 74 (PTY) LTD

(REGISTRATION NUMBER: 2005/010773/07)

MOGALE CITY LOCAL MUNICIPALITY

FIRST APPLICANT

SECOND APPLICANT

FIRST RESPONDENT

SECOND RESPONDENT

THIRD RESPONDENT

DRAFT ORDER

BY CONSENT between the parties,

IT IS ORDERED THAT:-

- The First Respondent shall construct 15 brick and mortar homes with windows for the families listed in Annexure "TFS01" attached hereto ("the ESTA occupiers") within 90 days of the order.
- 2. The structures will be a minimum of 24 square meters each. To the extent that any of the occupiers can demonstrate by reference to the footprint of erstwhile structures, photographs or other evidence that their homes were larger than 24 square metres, the structures will be of such larger dimension.
- 3. The structures will be situated on Portion 77 of the Farm Nooitgedacht 534 JQ where the occupiers currently reside. The location of the new site is indicated on the map attached as "FN1" and the total size of the new location shall be no less than 1005 square metres.
- 4. Ownership in the new structures to be erected will be transferred to the ESTA occupiers at the First and Second Respondents' expense. The First and Second Respondent shall uphold the Applicants' rights in terms of the Extension of Security of Tenure Act 62 of 1997 until such time as the Applicants may become owners either individually or through an appropriate legal entity.
- 5. Insofar as the new structures may fall within a housing estate to be developed, the First and Second Respondents shall ensure that the ESTA occupiers do not become liable for levies to any homeowners' association or similar body corporate.
- 6. The First Respondent will ensure that the new site is accessible by car.
- 7. The First and Second Respondents undertake to request, within 7 days of the

order, that chemical toilets be provided to the Applicants by the Third Respondent. If the Third Respondent refuses or neglects to do so, the First and Second Respondents will provide sanitary services to the Applicants.

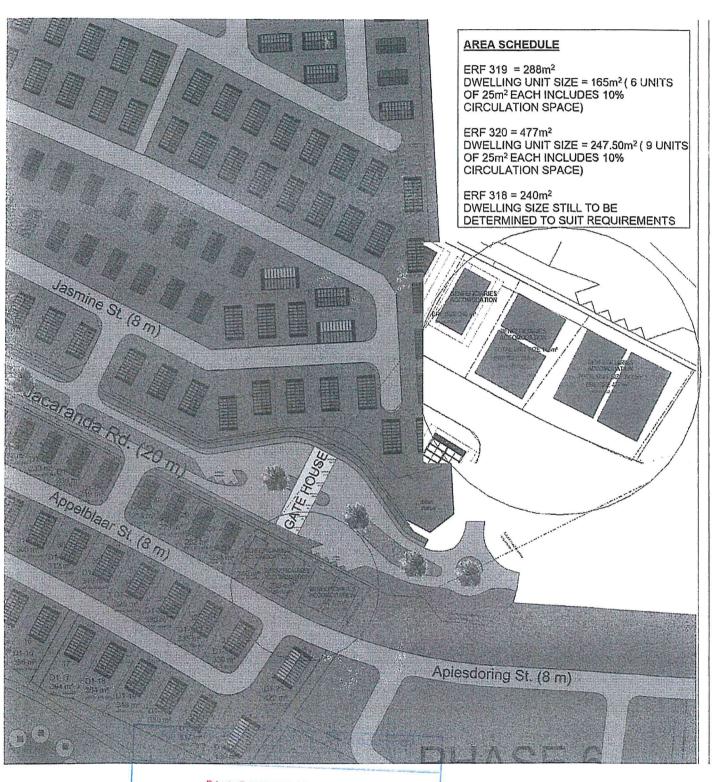
- 8. The First Respondent is to provide a JoJo tank to the Applicants at the new site. The First and Second Respondents undertake to request, within 7 days of the order, that the Third Respondent service the JoJo tank. If the Third Respondent refuses or neglects to do so, the First and Second Respondents will be liable for servicing the JoJo tank.
- The First and Second Respondents shall not object to Eskom/the Third Respondent providing electricity supply to the new site.
- 10. The First and Second Respondents shall not evict the Applicants from their homes without a court order.
- 11. The First and Second Respondents are interdicted from causing or instructing any other party to cause any damage to the Applicants' homes situated at the new site.
- 12. The First and Second Respondents are interdicted from disturbing the Applicants' access to and use of their homes in any way whatsoever.
- 13. The First Respondent shall provide, within 72 hours, temporary housing units for all the occupiers listed in "TFS01", which housing will not be less than 24 square meters per household.
- 14. The temporary housing is to be situated on the new site.
- 15. Two temporary units are to be provided to the Mokgomola/Kgatla household upon which the family will relocate to this accommodation and the existing structures will be demolished.

- 16. The First Respondent is to make payment in the amount of R100,000.00 (One Hundred Thousand Rand) to be divided equally between the adult occupiers identified in Annexure "TFS01". The amount will be paid into the trust account of Gilfillan du Plessis Attorneys Inc. no later than 30 September 2022.
- 17. The First Respondent is to pay a contribution to the Applicant's legal costs in the amount of R72,200.00 (Seventy-Two Thousand and Two Hundred Rand) to the Applicants' attorneys of record, Lawyers for Human Rights, by no later than 30 September 2022.

BY THE COURT

REGISTRAR

Annexure FN1



Private Bag X10060, Randburg 2125

2022 -07- 28

LCC-002

REGISTRAR OF THE LARD CLAIMS COURT OF SOUTH AFRICA RANDBURG

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