

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

In the matter between:

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

FIRST APPLICANT

SECOND APPLICANT

and

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

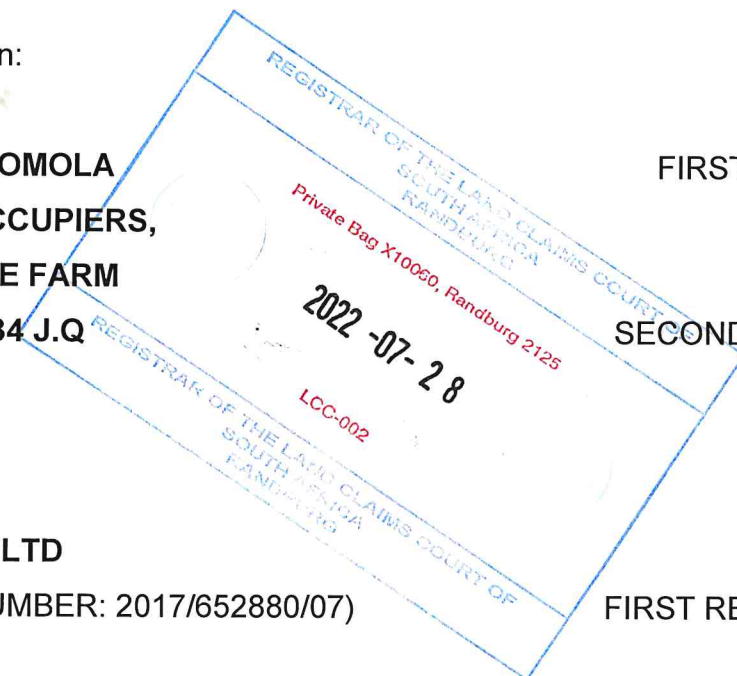
FIRST RESPONDENT

CRIMSON KING PROPERTIES 74 (PTY) LTD
(REGISTRATION NUMBER: 2005/010773/07)

SECOND RESPONDENT

MOGALE CITY LOCAL MUNICIPALITY

THIRD RESPONDENT



COURT ORDER

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

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

A handwritten signature in black ink, appearing to read "P.S. Audlan", written over a horizontal line.

REGISTRAR

LAND CLAIMS COURT

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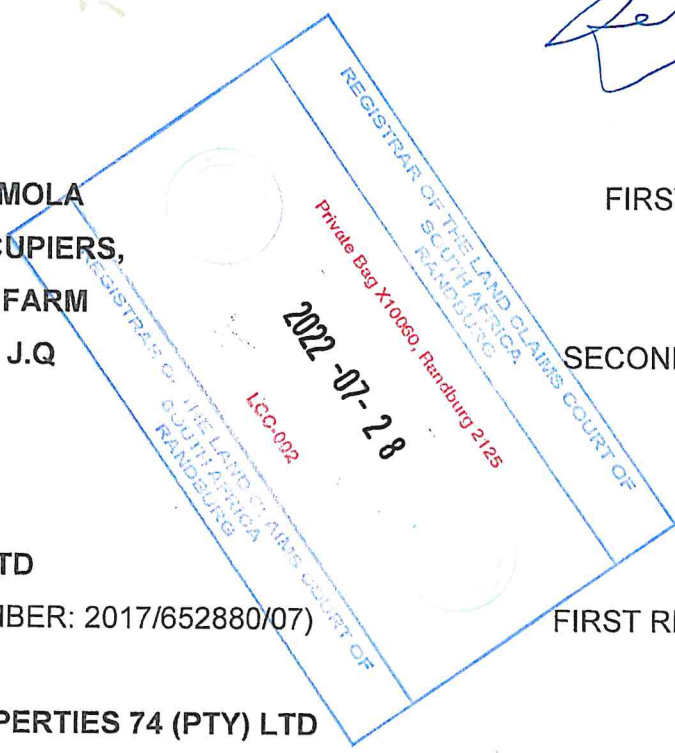
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CRIMSON KING PROPERTIES 74 (PTY) LTD
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SECOND RESPONDENT

MOGALE CITY LOCAL MUNICIPALITY

THIRD RESPONDENT



DRAFT ORDER

BY CONSENT between the parties,

IT IS ORDERED THAT:–

1. 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.
9. 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.

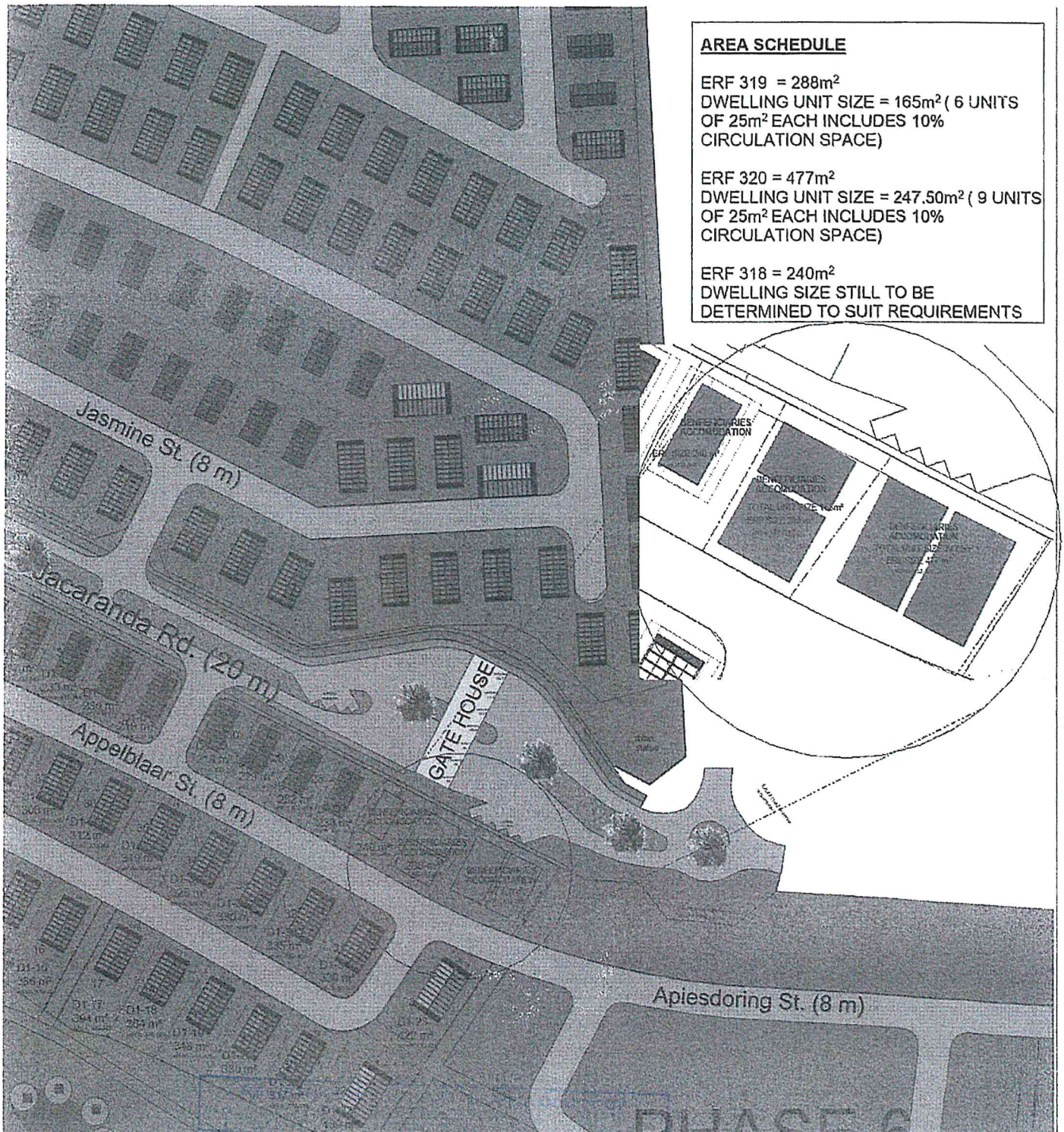
16. The First Respondent is to make payment in the amount of R100,000.00 (One Hundred Thousand Rand) to be divided equally between the adult occupiers identified in Annexure "TFS01". The amount will be paid into the trust account of Gilfillan du Plessis Attorneys Inc. no later than 30 September 2022.
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- 2 8

LCC-002

REGISTRAR OF THE LAND CLAIMS COURT OF
SOUTH AFRICA
RANDBURG

TF5 01

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By Houses 13 July 2022	ID number/ DoB	Age	Date started living on the Property	Monthly income	Rep #	Number of rooms	Damage to building	Agreement/Notes
Lulu J Sebola	5 203 090 246 088	70	1989	R 1 980	14	2	Wrecked	AA5: One signature is 14 years old, the other 19. No evidence that hospitalised grandmother has given consent.
Other Household members								
Boitumelo Sebole	9 912 211 234 080	23		Grant				
Itiseng Shaun Rademan	2008/08/18	14						
Basetsana Sebola	2003/08/16	19						
Mbali Sebola	2018/04/23	4						
Head of Household								
Maria Meisie Kwapeng	5 903 031 021 082	63	1982	R 1 900	10	3	Wrecked - contrary to AA 2: see picture in replying affidavit	
Other Household members								
Miriam Kwapeng	790 909 023 082	43		Grants	4	8	Wrecked	
Adwell Shabangu	1977/03/11	45		Grants				
Lilian Kwapeng	2002/11/19	20		Grants				
Lucky Paul Kwapeng	8 506 175 757 085	37		Grant				
Jimmy Kwapeng	8 210 065 305 085	40		Grant	2	3	Wrecked	
Bussisiwe A Kwapeng	9 207 050 309 089	30		Grant				
Head of Household								
Samson Jabu Mtshweni	6 712 245 706 084	55	2000	R 3 600	15	5	Wrecked	
Other Household members								
Ququ Mtshweni	2 002	20		Grant				

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L5

Trevor Komana	7 404 145 509 088	48	1998	R 2 500	3	1	Still standing but structurally damaged - see picture	
Other Household members								
Bridley Komane	2000/02/12	22		Grant				
Mmeladi Poto	2011/04/14	11						
Head of Household								
Frans Komape	6 005 125 757 081	62		Grant	8	4	Wrecked	AA4: This is signed by Lucas Ntshaba who is known to the Komape family. However, none of them agreed to this agreement and Lucas Ntshaba does not represent them.
Other Household members								
Thandi Komape	9 305 090 547 088	29	1993	R 4 700				
No. of houses/separate rooms = 15								
No. of adult occupants = 27								
No. of child occupants = 7								

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