

RENQE KUNENE INC. Prokureur/Attorney
1592
TEL: (012) 343 9952/6

DEED OF TRANSFER

in favour of
BANGWAKETSI BORAA MOTINGOE
over
THE FARM ROOIDRAAI 85



RENQE KUNENE INC.
334 FARENDEN STREET
ARCADIA
0083
Tel: (012) 343 9952/6

1592

RENQE KUNENE INC.
27th FLOOR
SAAU BUILDING
Cnr. SCHOEMAN & ANDRIES STREETS
PRETORIA
0001

Prepared by me

CONVEYANCER
KUNENE LNG

SEELREG
STAMP DUTY
FOOI
FEES R. 110,00.



000072029 / 2009

BE IT HEREBY MADE KNOWN THAT
LANDIWE NOELINE GLENICE KUNENE

appeared before me, REGISTRAR OF DEEDS at Pretoria, he the said Appearer being duly authorised thereto by a Power of Attorney signed at PRETORIA on 26th October 2009 and granted to her by

THE DEPARTMENT OF LAND AFFAIRS

SANTJIE
2009-11-17
PRETORIA

And the Appearer declared that his said principal had awarded in terms of The Restitution of Land Rights Act no.22 of 1994, the undermentioned property and that she, the said Appearer, in her capacity aforesaid, did, by these presents, cede and transfer to and on behalf of

**BANGWAKETSI BORRA MOTINGOE TRUST
IT 11803**

its Successors in Office or assigns, In full and free property

1. REMAINING EXTENT OF PORTION 25(A PORTION OF PORTION 11) OF THE FARM ROOIDRAAI 85
REGISTRATION DIVISION IQ
NORTH WEST PROVINCE ✓

MEASURING 95,2481 (NINE FIVE comma TWO FOUR EIGHT ONE)
HECTARES

FIRST REGISTERED BY CERTIFICATE OF REGISTERED TITLE
NO.4694/1937 WITH DIAGRAM RELATING THERETO AND HELD BY DEED
OF TRANSFER NO.T7134/2007.

ONDERHEWIG aan die volgende voorwaardes

1. "The said portion (which includes the said portion 2) of portion of the said farm shall be entitled to the advantages and shall also be subject to the stipulations and conditions Under certain Deed of Agreement which Deed was entered into at Potchefstroom on the 30th May, 1903 and Johannesburg on the 26th June, 1903, and copy whereof is annexed to Deed of Transfer No.25122/1947, dated the 19th August, 1947.
2. The owner of the property hereby transferred is entitled to the right to drive all his cattle from his property across the remaining extent of portion of portion of ROOIDRAAI 85, measuring 65,7483 hectares, held by Transfer no.4695/1937 DATED THE 13TH March, 1937, to that section of the said remaining extent abutting on the Mooi River for the purpose of watering them"
3. Kragtens Akte van Sessie Nr.K2253/1980 registreer op 29 August is 'n serwituut van waterleiding (Kanaal), gesedeer aan die Republiek van Suid-Afrika.
4. ONDERWORPE aan die voorbehoud ten gunste van LEONORA CECILIA SCHOEMAN gebore GENNES op 23 Januarie 1917, weduwee, van alle regte tot minerale en edelgesteentes in die eiendom hiermee getranspoteer, ten aansien waarvan Sertifikaat van mineraleregte Nr.K.2126/1982 R.M.geregisteer, op 11 Augustus 1982 teñ opsigte van EEN/HALWE aandeel in die eiendom hiermee getranspoteer.

EN VERDER ONDERHEWIG aan sodanige voorwaardes soos in genoemde Aktes vermeld staan of na verwys word.

2. REMAINING EXTENT OF PORTION 10(A PORTION OF PORTION 2) OF THE FARM ROODRAAI 85
REGISTRATION DIVISION IQ
NORTH WEST PROVINCE
MEASURING 830,8149 (EIGHT THREE ZERO comma EIGHT ONE FOUR NINE) HECTARES

FIRST TRANSFERED BY DEED OF TRANSFER NO.T4382/1899 WITH DIAGRAM RELATING THERETO AND HELD BY DEED OF TRANSFER NO.T7134/2007.

ONDERHEWIG aan die volgende voorwaardes

- A. SUBJECT in favour of the Remaining Portion of the Eastern half of the said Farm, to a perpetual servitude of dam and water furrow as noted on the Diagram of the Northern portion with this limitation that the owner of the said Northern portion may place over the said furrow one or more pipes to irrigate the land situated below it, the water in this furrow to run free to the remaining portion, against the owner of the aforesaid Northern portion for any damage done to this furrow by the latter's cattle.
- B. SUBJECT to the right granted in favour of the Electricity Supply Commission to convey electricity over the property together with ancillary rights and subject to such conditions as will more fully appear on reference to Notarial Deed of Servitude no.378/1852 S dated 17th May, 1952 as amended by Notarial Deed of Amendment of Servitude No.K.10609/1976 S dated 17th March 1976.
- C. ONDERHEWIG aan 'n serwituut van waterleiding en om material te stort, gesedeer aan de REPUBLIEK VAN SUID-AFRIKA Kragtens Akte van Sessie No.K2578/1980 S gedateer 11 Oktober 1980.
- D. ONDERWORPE aan n' serwituut aan reg en weg ongeveer 48 meter by 5 meter gesedeer aan die REPUBLIEK VA SUID-AFRIKA Kragtens Akte van Sessie K2793/86 S gedateer 15 Augustus 1986.

EN VERDER ONDERHEWIG aan sodanige voorwaardes soos in genoemde Aktes vermeld staan of na verwys word.

3. PORTION 13(A PORTION OF PORTION 3) OF THE FARM ROODRAAI 85
REGISTRATION DIVISION IQ
NORTH WEST PROVINCE
MEASURING 504,3874 (FIVE ZERO FOUR comma THREE EIGHT SEVEN FOUR) HECTARES

FIRST TRANSFERED BY DEED OF TRANSFER NO.T11799/1907 WITH DIAGRAM RELATING THERETO AND HELD BY DEED OF TRANSFER NO.T7134/2007.

ONDERHEWIG aan die volgende voorwaardes:

- A. The portion hereby transferred shall be entitled to the benefit and also subject to the terms and conditions contained in certain Deed of Agreement made and entered into by and between the said UNITED BUFFELSDOORN MINES LIMITED and three others, dated at Potchefstroom on 30th May 1903 and at

Johannesburg on 26th June 1903, a copy whereof is annexed to Deed of Transfer No.T21490/1942 and marked "A".

- B. SUBJECT to the right granted in favour of the Electricity Supply Commission to convey electricity over the property together with ancillary rights and subject to such conditions as will more fully appear on reference to the said Notarial Deed of Servitude no 378/1952 S dated 17th May 1952, as amended by Notarial Deed of Amendment of Servitude No.K.10609/1976 S dated 17th March 1976.
- C. By proclamation no 294, dated 22nd October 1948, a portion of the property hereby transferred, which, together with Portions of Portion 12 (a Portion of Portion 3) of the said farm ROOIDRAAI 85, Registration Division I Q, North West measures approximately 89,5861 hectares was deproclaimed as an alluvial digging for precious stones in terms of Section 30 of Act No.44 of 1927.
- D. The remaining extent of the property hereby transferred, was deproclaimed as an alluvial digging for precious stones in terms of the said Section 30 of Act No 44 by virtue of proclamation No 159/1956 dates 10th August, 1956.
- E. ONDERHEWIG aan 'n serwituut van waterleiding en om material te stort, gesedeer aan die REPUBLIEK VAN SUID-AFRIKA Kragtens Akte van Sessie No.K2578/1980 S gedateer 11 Oktober 1980

EN VERDER ONDERHEWIG aan sodanige voorwaardes soos in genoemde Aktes vermeld staan of na verwys word.

4. PORTION 12 (A PORTION OF PORTION 3) OF THE FARM ROOIDRAAI 85
REGISTRATION DIVISION IQ
NORTH WEST PROVINCE
MEASURING: 195,4806 (ONE NINE FIVE comma FOUR EIGHT ZERO SIX)
HECTARES ✓

FIRST TRANSFERED BY DEED OF TRANSFER NO.T11801/1904 WITH
DIAGRAM RELATING THERETO AND HELD BY DEED OF TRANSFER
NO.T7134/2007.

- A. ONDERHEWIG aan voorwaardes A en B meer ten volle uiteengesit onder Paragraaf 3 hiervan en VERDER ONDERHEWIG aan die volgende voorwaardes:
- B. By proclamation no 294, dated 22nd October 1948, a portion of the property hereby held, which, together with Portions of Portion 13(a Portion of Portion 3) of the said farm ROOIDRAAI 85, Registration Division IQ, North West, and the Remaining Extent of Portion 3 of the Farm ROOIDRAAI No.85,Registration Division IQ, North West measures approximately 89,5861 hectares was deproclaimed as an alluvial digging for precious stones n terms of Section 30 of Act No.44 of 1927.
- C. ONDERHEWIG aan 'n serwituut van waterleiding en om material te stort, gesedeer aan die REPUBLIEK VAN SUID-AFRIKA Kragtens Akte van Sessie No.K2578/1980 S gedateer 11 Oktober 1980
- D. Kragtens Notariele Akte K 6994/92 S, is die reg aan ESKOM verleen om elektrisiteit oor die hierinvermelde eiendom te vervoer, tesame met bykomende regte, en onderworpeaan voorwaardes, soos meer volledig sal blyk uit gesegde Akte en Kaart, afskrif waarvan daaraan geheg is, gedateer 22 Desember 1992.

EN VERDER ONDERHEWIG aan sodanige voorwaardes soos in genoemde Aktes vermeld staan of na verwys word.

5. REMAINING EXTENT OF PORTION 3 OF THE FARM ROOIDRAAI 85
REGISTRATION DIVISION IQ
NORTH WEST PROVINCE
MEASURING 140,8013 (ONE FOUR ZERO comma EIGHT ZERO ONE THREE)
HECTARES

FIRST TRANSFERED BY DEED OF TRANSFER NO.T1293/1873 WITH
DIAGRAM RELATING THERETO AND HELD BY DEED OF TRANSFER
NO.T7134/2007.

ONDERHEWIG aan voorwaarde A meer volledig uiteengesit onder Paragraaf 3
hiervan en VERDER ONDERHEWIG aan die volgende voorwaardes:

- A. By proclamation no 294, dated 22nd October 1948, a portion of the property hereby transferred, which, together with Portions of Portion 13(a Portion of Portion 3) of the said farm ROOIDRAAI 85, Registration Division IQ, North West, and portion 12 (a Portion of Portion 3) of the said farm ROOIDRAAI No.85, Registration Division IQ North West measures approximately 89,5861 hectares was deproclaimed as an alluvial digging for precious stones in terms of Section 30 of Act No.44 of 1927.
- B. 'n Gedeelte(s) groot ongeveer 1330 vierkante meter van binnegmelde eiendom is onteien deur die SUID-AFRIKANSE SPOORWEE EN HAWENS ADMINISTRASIE kragtens Onteieningskennisgewing No.EX 501/1979.
- C. ONDERHEWIG aan n' serwituut van waterleiding en om material te stort, gesedeer aan die REPUBLIEK VAN SUID AFRIKA Kragtens Akte van Sessie No.K2578/1980S gedateer 11 Oktober 1980.

EN VERDER ONDERHEWIG aan sodanige voorwaardes soos in genoemde Aktes vermeld staan of na verwys word.

6. REMAINING EXTENT OF PORTION 1 OF THE FARM RYSMIERBULT 88
REGISTRATION DIVISION IQ
NORTH WEST PROVINCE
MEASURING 317,6296 (THREE ONE SEVEN comma SIX TWO NINE SIX)
HECTARES

FIRST REGISTERED BY CERTIFICATE OF PARTITION T7526/1921 WITH
DIAGRAM RELATING THERETO AND HELD BY DEED OF TRANSFER
NO.T7134/2007.

- A. ONDERHEWIG aan die volgende regte en serwitute:
- a. The aforesaid portion A and portion B C and D measuring respectively 319,6510 hectares, 333,1909 hectares and 319 hectares held respectively by JOHANNES LODEWICUS NORTJE, SAREL PETRUS KLEYNHANS and JAN GERHADUS LODEWICUS SWANEPOEL under Deeds of Transfer Nos 7527/1921, 7528/1921 and 7529/1921 dated 25th July 1921, will each be entitled to two days water out of every twelve days, Sunday excluded, from the water furrow out of the Mooi River coming from the Remaining Extent of the said Farm measuring as such 639,6582 hectares held by JAN HENDRIK COETZEE under Deed of Transfer No.7530/1921 dated 25th July 1921 and the said Remaining Extent will be entitled to four days water out of every twelve days from the said water furrow, Sundays excluded. Towards the upkeep of the water

furrow shall be contributed by the owners in proportion to the extent of each one's land and the owners will mutually have the right of access to each other's land to repair the water furrow and keep the same in good order.

- b. The respective aforesaid Portions of land will further be mutually subject and entitled to the use of the water furrow in so far as the same runs through the respective portions in so far as applicable.
- c. The respective higher owners shall always during their turns of leading water, allow a stream for drinking, to run free from the benefit of the owners of the lower lying portions.

- B. SUBJECT to Notarial Deed No K1059/1976S whereby the rights has been granted to the Electricity Supply Commission to convey electricity over the property together with ancillary rights and subject to such conditions as will more fully appear on reference to the said Notarial Deed and Diagram annexed thereto.
- C. ONDERHEWIG aan 'n serwituut van waterleiding en om material te stort, gesedeer aan die REPUBLIEK VAN SUID-AFRIKA Kragtens Akte van Sessie No.K2578/1980S gedateer 11 Oktober 1980.

EN VERDER ONDERHEWIG aan sodanige voorwaardes soos in genoemde Aktes vermeld staan of na verwys word.

7. REMAINING EXTENT OF THE FARM ZAMENKOMST 86
REGISTRATION DIVISION IQ
NORTH WEST PROVINCE
MEASURING: 345,5423 (THREE FOUR FIVE comma FIVE FOUR
TWO THREE) HECTARES

FIRST REGISTERED BY CERTIFICATE OF REGISTERED
TITLE T11792/1904 WITH DIAGRAM RELATING THERETO AND HELD BY
DEED OF TRANSFER NO. T7134/2007.

- A. SUBJECT SPECIALLY to the servitude that the joint owners of ZAMENKOMST must keep the large water furrow in good order and clean and shall make no wash places in the furrows or throw any filth therein, but each owner must make provision to have his wash dams outside the furrows.
- B. SUBJECT also to the provisions of certain Notarial Contract No 612/1895 dated 5th July 1895 whereby the Mineral Rights in the ground hereby transferred, are ceded to the United Buffelsdoorn Mines Limited, and to the provisions contained in certain Deed of Servitude No 267/1904 on 24th December 1904, relating to certain water and water furrows as more fully set out in the said Deed of Servitude.

- C. In terms of Proclamation 364/66 which appeared in Government Gazette dated 23rd December 1966, a portion of the said property measuring approximately 122,4841 hectares, has been deproclaimed as a diggings for alluvial and precious stones. Vide Proclamation 364/66 and R M T M C C 12/3/126 on file ZAMENKOMST no.86,IQ
- D. 'n Serwituut van waterleiding en om materiaal storting is gesedeer aan die REPUBLIEK VAN SUID-AFRIKA Kragtens Akte van Sessie No.K2578/1980 gedateer 11 Oktober 1980

EN VERDER ONDERHEWIG aan sodanige voorwaardes soos in genoemde Aktes vermeld staan of na verwys word.

8. PORTION 1 OF THE FARM WITKOPPIE 87
REGISTRATION DIVISION IQ
NORTH WEST PROVINCE
MEASURING 16,1100 (ONE SIX comma ONE ONE ZERO ZERO)
HECTARES

FIRST TRANSFERRED BY DEED OF TRANSFER NO.T497/1891
WITH DIAGRAM RELATING THERETO AND HELD BY DEED OF
TRANSFER NO.T7134/2007

- A. SUBJECT SPECIALLY to the conditions appearing in the said Deed of Transfer No.497/1891 under letter (b) namely:

"That the joint owners of the farm WITKOPPIE must keep the large water furrows in good order and clean and shall make no wash places in furrows or throw any filth therein, but each owner must make provisions to have his wash dam outside the furrows.

- B. SUBJECT also to the provisions of certain Notarial Contract No612/1895 dated 5th July 1895 whereby the Mineral Rights in the ground hereby transferred, are ceded to the United Buffelsdoorn Mines Limited, and to the provisions contained in certain Deed of Servitude No 267/1904 registered on 24th December 1904, certain water and water furrow as more fully set out in the said Deed of Servitude.

EN VERDER ONDERHEWIG aan sodanige voorwaardes soos in genoemde Aktes vermeld staan of na verwys word.

AND FURTHER SUBJECT to new restrictive conditions of title

1. This property is transferred is subject to the following restrictive conditions imposed by DEPARTMENT OF RURAL DEVELOPMENT AND LAND REFORM (FORMERLY DEPARTMENT OF LAND AFFAIRS)

- 1.1 that Bangwaketsi Borra Motingoe Trust shall not, after registration of transfer of the Property into its name, dispose of or encumber the Property or any portion thereof without prior written authorisation of the Minister of Land Affairs. It is recorded that in this instance the Minister of Rural Development and Land Affairs shall have the right of first refusal. The Minister shall have 45 days to indicate in writing her intention in this regard.
- 1.2 that the Bangwaketsi Borra Motingoe Trust, in terms of section 17(1)(g) of the Local Government: Property Rates Act, 2004(Act 6 of 2004), shall not be liable for municipal rate (as defined in that Act) on the property for a period of ten(10) years from the date of registration of transfer into the name of the Bangwaketsi Borra Motingoe Trust

WHEREFORE the Appearer, renouncing all right and title which the said

THE DEPARTMENT OF LAND AFFAIRS

heretofore had to the premises, did in consequence also acknowledge it to be entirely dispossessed of, and disentitled to the same, and that by virtue of these presents, the said

**BANGWAKETSI BORRA MOTINGOE TRUST
IT 11803**

its Successors in Title or Assigns, now is and henceforth shall be entitled thereto, conformably to local custom, the State, however reserving its rights.

IN WITNESS WHEREOF, I the said Registrar, together with the Appearer q.q., have subscribed to these presents and have caused the Seal of Office to be affixed thereto.

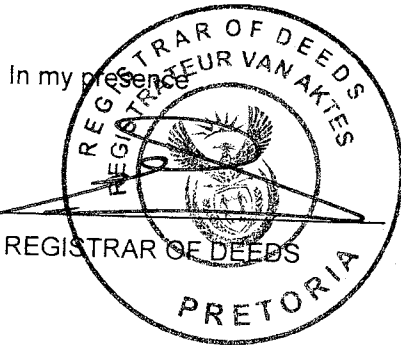
THUS DONE AND EXECUTED at the Office of the REGISTRAR OF DEEDS at Pretoria on

13 11 09

SAHA

[Handwritten Signature]

q.q.



[Handwritten mark]