

623J  
13/8/2011  
ANNEXURE "A"

IN THE HIGH COURT OF SOUTH AFRICA  
(WESTERN CAPE HIGH COURT, CAPE TOWN)

CASE NO: 12755/2011

In the matter between:

MARIUS JAKOBUS KLEYNHANS  
in his capacity as Trustee for the  
time being of The Kleynhans Family Trust

FIRST APPLICANT

and

HEATHER KLEYNHANS  
in her capacity as Trustee for the  
time being of the Kleynhans Family Trust

SECOND APPLICANT

CORNERCADE (PTY) LTD

THIRD APPLICANT

SHIRLEY MILLICENT KOSTER

FOURTH APPLICANT

TIELMAN NIEUWOUDT AGENBAG

FIFTH APPLICANT

AND



*[Handwritten signature]*  
17/08/2012

OVERSTRAND MUNICIPALITY

RESPONDENT

NOTICE OF COURT ORDER

**BE PLEASED TO TAKE NOTICE** that in this matter the Applicants have applied for an order that the Respondent must ensure that the Fernkloof Estate is fully protected by electrified fencing that is designed to prevent unauthorised access to the estate, within a period to be determined by the Court.

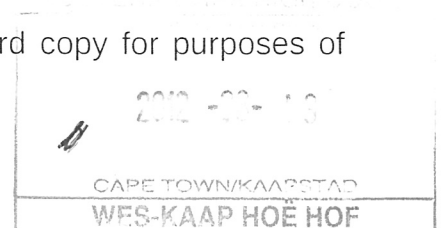
**BE PLEASED TO TAKE NOTICE** that in terms of a Court Order dated 13 August 2012, notice is hereby given to the following persons and entities of this application in order to establish whether they or any of their members wish to join as parties in this application:

- A The Owners of properties in the development known as Fernkloof Estate, Hermanus;
- B The Fernkloof Estate Master Property Owners Association (FEMPOA) and the precinct property owners associations in Fernkloof Estate;
- C The Hermanus Heights and Main Road Property Owners (Northern and Southern boundary owners) as appear from "ARK5" attached hereto; and
- D The Hermanus Golf Club.

WESTERN CAPE HIGH COURT  
 2012-08-13  
 CAPE TOWN/KAAPSTAD  
 WES-KAAP HOE HOF

**TAKE NOTICE FURTHER** that service of this Notice is to take place as follows:

1. The Deputy Sheriff is directed to serve a copy of this Notice as well as the Court Order on the following persons and entities in accordance with Rule 4(1)(a)(i) of the Uniform Rules of Court such service to take place within ten (10) days of the date of the Court Order:
  - 1.1 The Chairperson of the Hermanus Golf Club;
  - 1.2 The Chairperson of FEMPOA;
  - 1.3 The Chairperson of each of the individual precinct property owners associations in the Fernkloof Estate;
  - 1.4 Each of the property owners referred to in "ARK 5".
  
2. A copy of this Notice as well as the Court Order and the papers filed of record to date, shall be available for inspection by any person(s) or body, in downloadable format, on the official website of the Respondent at [www.overstrand.gov.za](http://www.overstrand.gov.za) and, in hard copy, at the Hermanus Municipal Library during official library hours. This constitutes the sole responsibility the Respondent will have in respect of the availability or provision of this information.
  
3. Any hard or electronic copies of the oabove which any such person(s) or body may wish to acquire from a source other than the aforesaid website, shall be obtainable, at the expense of such person(s) or body, by arrangement with the Applicants' Attorneys of Record, Michael Range & Associates, whose contact details appear at the end of this Notice, where a hard copy for purposes of inspection will also be available.



4. Any person(s) or body that claims to have a right to be joined in these proceedings shall depose to an affidavit setting out the grounds upon which it claims to have such a right, and file such affidavit with the Applicants' Attorneys within one hundred (100) days from date of the Court Order ("the 100-day period").
5. In the absence of such an affidavit being filed it will be assumed that a person(s) or body who acquired notice of this application, has elected to abide the decision of the Court and to have waived the right to be joined as party to these proceedings.
6. After the lapse of the 100-day period the Applicants and Respondent may approach the Honourable presiding Judge in chambers to make a ruling on who should be joined as parties to these proceedings and to provide a directive as to the further conduct of this matter.

DATED AT CAPE TOWN ON THIS 13<sup>th</sup> DAY OF AUGUST 2012

Michael Range & Associates

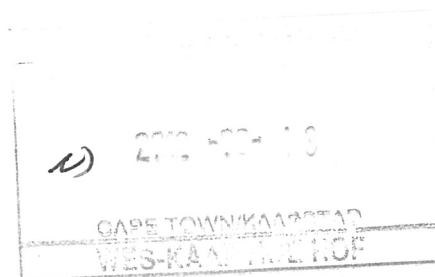
Attorneys for Applicants

101 Warrington Arcade

Harbour Road, Hermanus

Tel – 028 3130106

[litigation@rangelaw.co.za](mailto:litigation@rangelaw.co.za)



## AFFECTED GOLF COURSE BOUNDARY PROPERTY OWNERS

## SOUTHERN BORDER

ERF NO	NAME
1153	J & L Makepeace
1255	DA DE La Harpe Charton, C/O Poplar Grove
1257	ME Crews
1260	Coppersun Nineteen (Pty) Ltd
1263	HR Bracher
5332	BR & I Zeisner
1265	Jupiter Motor Cycles Properties (Pty) Ltd
1268	Velvet Moon Properties 69 (Pty) Ltd, C/O S Maintz
1267	Dr. BRD & G Easter
1286	Laritza Investments No 170 (Pty) Ltd
1285	AG Westbrook Family Trust

## NORTHERN BORDER

ERF NO	NAME
5967	WD & MJ Salida
5968	AJ Tyley & 4 Others
5969	JL Wallace
5970	Eagle Valley Properties 256 CC
5971	ME & LG Hooper
5972	MR Furst
5973	W & IC McGeachy
5974	JS & SJ Atkinson
5975	Tswalu Trust, C/O DI Hyman
5976	CJ Mouton
7681	WA Lewis
5979	M & J & H Hattingh & 2 Others
5980	IM & CJ Barrie
5981	B & JD Evans
5982	HJ Linney
9921	Royalstraat 3 Eiendomme CC, C/O Mr. IH Kinston
5986	PM Hulse
5987	C & HM Swart
5988	WJ & EO van Rensburg & Nykamp
5989	WJ & MR van der Hoeven
5990	TWJ Reid
5991	OP & ME Kopke
5992	Talana Trust
5993	JM & J Orr & Rhodes
5994	ELCO Trust
5995	HDV Elwes
5997	Tamjon Inv Trust
5842	DH Bryer
5841	R. Rosseau
5840	Saint Malo Securities Pty Ltd
5839	Prof. F. Coetzee
5838	R. Brynard

5837	CAVN Conroy
5836	NV van der Riet
5835	CJ & MM van Dyk
5834	Mrs. Durr Storm Michael-Trustees
5833	JV Ciolli
5832	JV Ciolli
5831	KS Bylsma
5830	S Klaucke
5828	Quantum Leap Inv 244 Pty Ltd, C/O JC Wright
5827	MR Furst
5826	Pybus Family Trust, C/O RN Pybus
5825	GAL Nel
5824	Bardix Discretionary Trust
5823	F & GJ Stroud
5822	VP de Villiers

2012-03-10  
CAPE TOWN/KAAPSTAD  
WES-KAAP HOË HOF