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4/10/23

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

CASE NO: 16215/22

ON MONDAY 04 SEPTEMBER 2023

BEFORE THE HONOURABLE MS JUSTICE FORTUIN

In the matter between:

SHERIFF FOR HIGH AND LOWER COURTS CAPE TOWN WEST
2023 -09- 07
N.N.NTSIBANTU BALJU VIR DIE HOËR EN LAERHOWE

CATHERINE JUDY BROWN

Applicant

and

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA WESTERN CAPE DIVISION, CAPE TOWN
GROUNDSWELL DEVELOPMENTS AERICA (PTY) LTD Private Bag 4020, Cape Town 8000
(Registration no 2017/331447/07)
2023 -09- 04
WCD-009
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA WESTERN CAPE DIVISION, CAPE TOWN

GROUNDSWELL DEVELOPMENTS AERICA (PTY) LTD

(Registration no 2017/331447/07)

First Respondent

JEAN PIERRE NORTJE

Second Respondent

HORIZON GROUP (PTY) LTD

(Registration no 2018/537105/07)

Third Respondent

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DRAFT ORDER

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Having perused the papers filed of record ~~heard~~ ^{and} having heard Counsel for the Applicant and having heard the Second Respondent in person an order in the following terms is made:

1. The Agreement of Sale of Property concluded between the Applicant and the First Respondent on 21 March 2020, a copy of which is annexed marked "CB2" to the founding affidavit, is declared invalid and of no force and effect.

2. The Respondents are ordered to grant vacant possession of the premises situated at 30 Mount Nelson Road, Sea Point (Erf 363, Cape Town and hereinafter the "Property"), the subject matter of the abovementioned Agreement of Sale of Property, to the Applicant within 30 calendar days of this order.
3. The builder's lien relied on by the Third Respondent in respect of the Property is declared to be void and of no legal force or effect.
4. That the respondents are ordered to pay the costs of this application jointly and severally.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA WESTERN CAPE DIVISION CAPE TOWN		BY ORDER OF COURT
Private Bag X9020, Cape Town 8000		
	2023-09-04	
WCD-000		COURT REGISTRAR
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA WESTERN CAPE DIVISION CAPE TOWN		

Jordaan & Ferreira Inc
C/O F A Hanekom Inc
Suite 304
3rd Floor
1 Thibault Square Building
Lower Long Street
Cape Town
Tel 021 8510084
Box 288