

APRIL 2018

NEWSLETTER

Can you share a borehole? Discover your praedial servitude rights.

A praedial servitude is a limited right, which the owner of a property ("dominant property") has over another property ("servient property"). The creation of the servitude entitles the owner of the dominant property to certain rights over the servient property. These rights are however subject to the principles of reasonableness.

The servitude is registered as a notarial cession against the title deeds to both properties and therefore is enforceable against third parties and protects both owners of the respective properties. This is especially necessary if the properties are sold or transferred. The right attaches to the land and are included as conditions in the title deeds to the properties and therefore are enforceable by and against future owners of the land.

Some common types of urban servitudes

Borehole servitude

This issue has become very topical in the Western Cape due to the ongoing drought as many people are resorting to sinking boreholes or well points as an alternate source of water. Due to the costs related to sinking these boreholes, they are often shared by neighbours with informal agreements as to times and frequency of use. The risk with such an arrangement arises when the owner of the property on which the borehole is situated, sells the property. There is no protection for the neighbouring properties to access the borehole if the new owner is resistant.

By registering a notarial deed of servitude, which sets out the rights, and obligations of the parties, all participating owners are secured. Their rights will be enforceable against future owners of both properties.

Right of way

As the name suggests, it secures the right to have passage over another property. An example would be when a property is subdivided to create a panhandle, which is used as a common driveway. The panhandle will be registered as the property of one of the owners with a servitude being granted to the other owner to use the driveway to access their property. In such a case, the dominant property must ensure unrestricted access to the servient owner. For example, a gate cannot be erected without both parties being given a key or a means to open the gate.

Light and view servitudes

Properties in the Western Cape and particularly along the Atlantic Seaboard attract huge prices, largely due to the unrestricted views of the Ocean and Mountain.

A servitude of light is a right of access to light from another property, which is unimpeded by buildings or trees.

A servitude of view is the right to an unimpeded view, restricting the owner of the servient property from planting trees or building an extension, which will obstruct the views of the dominant land.

Unless the issue is regulated in terms of an agreement, a neighbouring owner is not restricted in their use of their property except by the zoning and building regulations governing the property.



Encroachment servitude

Often a wall is accidentally built skew or encroaches upon the adjacent property to circumvent an obstruction such as having to avoid cutting down a tree. If the property owners intend selling either property, this fact would have to be disclosed to a potential buyer. This encroachment would either have to be rectified by physically removing the encroachment or regulating the situation by agreement between the two owners. If an agreement is reached, it should be registered against the properties in the form of a notarial cession of encroachment servitude, which will make it enforceable against future owners.

Projection servitude

This entitles the dominant owner to have a balcony or other projection over the neighbour's property. The servitude will regulate the size of the projection and the obligations of maintenance of the structure.

Creation of a servitude

- A written agreement between the parties. The rights and obligations have to be negotiated and it often involves a market-related price being paid as the granting thereof adds value to the dominant property
- A surveyed diagram may be necessary
- A notarial deed of cession will have to be signed and executed before a notary public and be registered at the deeds office.
- If the servient property is mortgaged, the consent of the bank would have to be obtained.

Author: Anita Ranchod, C & A Friedlander Inc. - Notarial Practice

Source: http://caf.co.za/can-you-share-a-borehole-discover-your-praedial-servitude-rights/

PROPERTIES OF THE MONTH

FOR SALE: ZAR 12 000 000.00

WEB REF: RL754 | https://www.marion-taylor.com/results/residential/for-sale/atlantic-seaboard/camps-bay/apartment/753/



HIGHLY SOUGHT-AFTER, A RARE OPPORTUNITY. SECURE VIEWS.

A piece of paradise in the beautiful and sheltered Balie Bay. Situated on the seaside of the



road and a short walk to the Camps Bay beachfront and restaurant strip, this 197 square meter apartment offers expansive and elevated views overlooking the bay and Atlantic Ocean. Spark your imagination and tweak the senses, a place that dreams are made of! Enjoy relaxing on the large deck, in the private garden or in your very own swimming pool.

Entertainer's dream, seldom available outdoor space in this special location. Cape Town's most unspoiled beaches are a stones' throw away. Spacious living areas all lead to the large balcony. Enjoy a roaring fire while watching the storms roll in over the ocean in winter. Two bedrooms, two bathrooms. Separate study.

Exclusive and private garden and swimming pool. The entertainment area at the swimming pool includes a spacious terrace, kitchen, bathroom with toilet and shower. One 22sqm garage, one parking bay and good security. This is Camps Bay at its best. Offering an easy walk to beach location yet far enough away from the crowds and traffic. Small sectional title development of two units.

FOR MORE INFO

https://www.marion-taylor.com/results/residential/for-sale/atlantic-seaboard/camps-bay/apartment/753/

FOR SALE: ZAR 5 499 000.00

WEB REF: RL756 | https://www.marion-taylor.com/results/residential/for-sale/atlantic-seaboard/camps-bay/apartment/755/



NEWLY RENOVATED APARTMENT WITH SECURE, SWEEPING OCEAN AND MOUNTAIN VISTAS

Such an apartment rarely becomes available!! This gorgeous 2 bedroom apartment is located in a quiet enclave of Camps Bay in a small, secure, well-run and highly sought-after complex. The apartment enjoys exceptional 180 degree mountain, coastal and sea views. The kitchen is fully fitted with SMEG integrated appliances and boasts high quality finishes and fittings throughout with American Shutters in the living area. Attention has been paid to every detail, resulting in an exceptional property. An added bonus, there is underfloor heating and air conditioning throughout. 1 secure parking bay. Easy access to Camps Bay beachfront, Cape Town City Centre and Cape Town International Airport.

Ideal as an easy lock-up-and-go, or for a small family or professional couple to call their own! This wonderful property is a must-see and will go fast. Call me today to arrange a viewing.



FOR MORE INFO

https://www.marion-taylor.com/results/residential/for-sale/atlantic-seaboard/camps-bay/apartment/755/

FOR SALE: ZAR 25 995 000.00

WEB REF: RL738 | https://www.marion-taylor.com/results/residential/for-sale/atlantic-seaboard/camps-bay/house/737/



BREATHTAKING PRIVATE DESIGNER NORTH-FACING HOME BOASTING THE ULTIMATE IN SOPHISTICATED & LUXURIOUS LIVING.

Double volume ceilings, off-shutter concrete, polished concrete floors and Oak combine to create this exceptional, contemporary Villa. The floor-to-ceiling windows and sliding doors give a feeling of spaciousness and comfort with a seamless flow from indoors to out; maximising the breath-taking views that are to be enjoyed from every angle of this house. All bedrooms and living areas are wonderfully spacious and enjoy the very finest in fixtures and fittings. This dream property boasts the most magnificent entertainer's kitchen and open plan living areas with 2 closed combustion fireplaces, all spanning out onto multiple outdoor living spaces, a sheltered terrace and pool deck. The house enjoys a 10 meter lap pool and low maintenance garden. All 4 large en-suite bedrooms open onto terraces or a private deck. A self-contained sauna, gym, yoga studio, office, wine cellar, laundry and separate scullery complete this residence. Direct access from the 42 square meter secure double garage plus secure off-street parking for 2 cars. An added bonus: This "green" house has solar geysers and a Water Rhapsody rain harvesting system installed with 2 water tanks that service the house. 2 self-contained housekeeper's suites. Brilliant security throughout with lockable shutters, sophisticated alarm system and 24 hour surveillance cameras. All bedrooms have air conditioning, as well as the office, gym and yoga studio.

With neighbours on only two side of the house this north-facing property is ideally positioned, enjoying total privacy and not overlooked by any of it's neighbours. A rare opportunity to own such a unique property in Camps Bay!

FOR MORE INFO

https://www.marion-taylor.com/results/residential/for-sale/atlantic-seaboard/camps-bay/house/737/

FOR SALE: ZAR 25 995 000.00



WEB REF: RL731 | https://www.marion-taylor.com/results/residential/for-sale/camps-bay/camps-bay/apartment/730/



CAMPS BAY LIVING AT IT'S BEST. EXCEPTIONAL VIEWS. CLOSE TO CAMPS BAY BEACH.

Seize the opportunity to own this prestigious property in Camps Bay. Boasting uninterrupted views of Camps Bay Beach and the Atlantic Ocean beyond, make this exceptional property your haven. Set on the first floor of an exclusive development of 2 units, this modern 361sqm apartment offers lift access, four spacious en-suite bedrooms, generous open-pan living areas which span onto the large terrace and 13 meter lap pool; ideal spaces for entertaining! The apartment is completely automated via the Alexa App and enjoys a sophisticated surround sound system throughout. Secure parking for 3 cars, shared wine cellar and laundry. An easy lock up and go, or a comfortable family home - this property is as diverse as it is magnificent!

FOR MORE INFO

https://www.marion-taylor.com/results/residential/for-sale/camps-bay/camps-bay/apartment/730/

PROPERTY OF THE MONTH

LONG TERM RENTAL- ZAR 65 000.00 PER MONTH

WEB REF: RL751 https://www.marion-taylor.com/results/residential/to-let/atlantic-seaboard/bakoven/villa/750/





5 BEDROOM VILLA TO LET IN BAKOVEN

Luxurious & Private Villa with Easy Access to Beta and Bakoven Beaches

Situated in the exclusive enclave of Bakoven, this modern, furnished five bedroom home is one of a handful of its type. Let the family spread out onto the many terraces, pool and garden or beach while you retreat to the sun-filled main bedroom with it's private terrace. The only sound you will hear is the lapping of the waves.

The spacious lounge with fireplace, dining room, study and open plan kitchen (with seperate laundry) span out onto the pool, garden and covered terrace. This property offers a single garage and off-street parking for an additional vehicle. The house is pet friendly.

Available mid June for a long term rental. The monthly rental includes DSTV, Fibre Internet and excellent security with a guard stationed next to the house. The property is serviced by well-point water.

A stones throw from Camps Bay's trendy strip and an easy walk to the shops, restaurants and night life. This sophisticated suburb has something for everyone!

FOR MORE INFO

https://www.marion-taylor.com/results/residential/to-let/atlantic-seaboard/bakoven/villa/750/

LONG TERM RENTAL- ZAR 21 500.00 PER MONTH

WEB REF: RL750| https://www.marion-taylor.com/results/residential/to-let/atlantic-seaboard/camps-bay/apartment/749/





2 BEDROOM APARTMENT TO LET IN CAMPS BAY

Furnished 2 bedroom apartment available immediately for a long term rental. Stunning views over Camps Bay beach and easy access to the Camps Bay restaurant strip. Fully equipped kitchen with modern appliances. The main bedroom and the lounge open onto the balcony. Situated in a quiet area in one of Camps Bay's most sought-after apartment blocks. Single garage.

FOR MORE INFO

https://www.marion-taylor.com/results/residential/to-let/atlantic-seaboard/camps-bay/apartment/749/

LONG TERM RENTAL- ZAR 45 000.00 PER MONTH

WEB REF: RL743| https://www.marion-taylor.com/results/residential/to-let/atlantic-seaboard/camps-bay/house/742/



3 BEDROOM HOUSE TO LET IN CAMPS BAY

Marvellous modern Camps Bay home. Superb location on quiet street but minute away from best of Camps Bay beaches and shopping.

Extensive outdoors balcony area partially covered for outdoors alfresco evenings. Cosy sunken living room area and built in kitchen cupboards with trendy finishes.



Three bedrooms all with views , two bedrooms ensuite. Separate entrance and balcony for ensuite bedroom - perfect for guests.

Braai area and well-tended pool. Newly carpeted and newly renovated bathrooms. Easy care landscaped back yard area with separate domestic room complete with bathroom and shower.

Wifi and secure ,two parking bays and garage

FOR MORE INFO

https://www.marion-taylor.com/results/residential/to-let/atlantic-seaboard/camps-bay/house/742/

LONG TERM RENTAL- ZAR 14 500.00 PER MONTH

WEB REF: RL755| https://www.marion-taylor.com/results/residential/to-let/atlantic-seaboard/camps-bay/apartment/754/



1 BEDROOM APARTMENT TO LET IN CAMPS BAY

Beautifully Renovated Apartment in Camps Bay With Secure Parking Bay

This tastefully furnished and modern apartment boasts comfortable and spacious open-plan living areas, with beautiful ocean and mountain views from the balcony. The bedroom is ensuite and the apartment also has a safe. The renovated kitchen is fitted with brand new appliances. Good security and one secure parking bay.

The apartment is available from the 15th of July 2018 for short term or long term.

An easy 2 minute walk to the closest MyCiti bus stop. Close to Camps Bay's famous beach, fine dining restaurants and conveniently located near to the Friendly Grocer and Hussar Grill Steak Restaurant.

Wifi, Netflix and housekeeper available at an extra charge.

FOR MORE INFO

https://www.marion-taylor.com/results/residential/to-let/atlantic-seaboard/camps-bay/apartment/754/



SHORT TERM RENTAL- FROM ZAR 5000.00 PER NIGHT

WEB REF: HL59| https://www.marion-taylor.com/results/holiday/letting/atlantic-seaboard/camps-bay/villa/59/



3 BEDROOM SELF CATERING VILLA IN CAMPS BAY

Come to Cape Town and make this newly built, modern Villa your home from home for the duration of your stay. With sweeping, unobstructed views over Camps Bay Beach, Lions Head and the Twelve Apostles, this house has the best views that Camps Bay has to offer! The house offers 2 lounges (one TV room and one formal lounge with a gas fireplace), 4 en-suite bedrooms, seamless indoor/outdoor living, pool and braai area. Dual air-conditioning and heating units in all bedrooms, and underfloor heating in the bathrooms. Good security and integrated music system. Book now and make this a holiday never to be forgotten!

April - October 2018: R5000.00 per day November 2018 - March 2019: R15 000.00 per day

FOR MORE INFO

https://www.marion-taylor.com/results/holiday/letting/atlantic-seaboard/camps-bay/villa/59/

SHORT TERM RENTAL – FROM ZAR 8000.00 PER NIGHT

WEB REF: HL58 | https://www.marion-taylor.com/results/holiday/letting/atlantic-seaboard/clifton/house/58/





4 BEDROOM SELF CATERING HOUSE IN CLIFTON

Perfectly appointed 4 bedroom home, stunning deck and garden area with uninterrupted sea views. Clifton is a sought-after, upmarket area known for its sheltered beach attracting a chic up-market crowd.

A unique feature of Clifton Sunsets is its location: Situated on Kloof Road, overlooking the world famous Clifton Beaches and within walking distance to Camps Bay beachfront, this is truly a picture perfect self-catering holiday rental for couples, singles or families. As you enter the property, you are welcomed by a well-spaced dining and lounge area leading onto a patio with breathtaking Sea Views, outdoors dining area and swimming pool. The open plan kitchen is fully equipped with everything you could possibly need. Two pools on the property, as well as a functioning spa for you took book your appointment for indulgence.

There are 3 bedrooms in the main property and an additional bedroom located on the top level with its own separate entrance.

This property is ideal for those looking for an authentic beach getaway. Clifton is a sought-after, upmarket area known for its sheltered beach attracting a chic upmarket crowd.

FOR MORE INFO

https://www.marion-taylor.com/results/holiday/letting/atlantic-seaboard/clifton/house/58/

SHORT TERM RENTAL- FROM ZAR 9000.00 PER NIGHT

WEB REF: HL60 | https://www.marion-taylor.com/results/holiday/letting/atlantic-seaboard/camps-bay/villa/60/





5 BEDROOM VILLA TO LET IN CAMPS BAY

Magnificently located on the shores of the Atlantic Ocean with views of Twelve Apostles mountain range and Table Mountain and walking distance to best beaches in Cape Town. This Villa is a luxury 5 bedroom house, with two lounges, a dining area, spanning balcony/terrace, swimming pool and entertainment area with large flat-screen TV, DSTV (full bouquet) unlimited Internet - Wi-Fi access.

The newly renovated, self-catering kitchen is fully equipped. There is a double lock up garage and two off-street parking bays and excellent security. Only 90 meters to the exclusive Bakoven Beach.

Accommodation is on a self-catering basis perfectly suited to international and local tourists, families and corporate groups.

FOR MORE INFO

https://www.marion-taylor.com/results/holiday/letting/atlantic-seaboard/camps-bay/villa/60/

PROPERTY TRANSFERS:

For your interest, we provide transfer stats for the same period in 2017 & 2018 below.

CAMPS BAY/BAKOVEN MARCH 2017

10	PETREL CLOSE	15,000,000.00
33	MEDBURN ROAD	12,995,000.00
24	FISKAAL ROAD	7,900,000.00
46	BROOK STREET	24,000,000.00
27	RAVENSTEYN ROAD	9,300,000.00
20	FINCHLEY ROAD	17,500,000.00
21	HELY HUTCHINSON AVENUE	7,600,000.00
4028	SS THE GLEN (12/2008)	8,500,000.00



4	SS OUDEKRAAL VIEWS (230/2004)	17,000,000.00		
CAMPS BAY/BAKOVEN MARCH 2018				
39 3 34 305 202 18	SEDGEMOOR ROAD BETA CLOSE HELY HUTCHINSON AVENUE SS THE GLEN (12/2008) SS EBB TIDE (487/2009) SS ROODEBERG (11/1983)	8,700,000.00 32,000,000.00 12,200,000.00 8,200,000.00 22,743,000.00 6,500,000.00		
CLIFTON MARCH 2017				
90 4 7 1	FOURTH BEACH WAY SS LA CORNICHE (191/1981) SS CLIFTON BREAKERS (270/1993) SS PROTEGE (395/1993)	5,400,000.00 10,700,000.00 17,600,000.00 6,500,000.00		
CLIFTON MARCH 2018				
37 29 4 502 501 402 202 102	THIRD BEACH ROAD THIRD BEACH ROAD SS CLIFFROCK (164/2017) SS CLIFTON TERRACES (54/2018)	44,350,000.00 42,000,000.00 25,000,000.00 40,000,000.00 40,000,000.00 28,000,000.00 32,000,000.00 34,500,000.00 30,500,000.00		
BANTRY BAY MARCH 2017				
6 10 51 11 1 18 24 2 28 301	AVENUE KOOSANI STREET EDGEWATER ROAD VICTORIA ROAD RAVINE ROAD SS TOSCANA (117/2001) SS NEVADA (127/1986) SS BANTRY PLACE (562/1998) SS 9 CRAIGROWNIE ROAD (186/2014) SS TOONTJIESRIVIER (351/1991) SS THE BANTRY BAY (247/2013)	6,550,000.00 6,700,000.00 40,000,000.00 19,750,000.00 14,000,000.00 6,000,000.00 14,650,000.00 7,750,000.00 11,500,000.00 8,200,000.00		



BANTRY BAY MARCH 2018

41	VICTORIA ROAD	70,000,000.00
3	SS BANTRY PLACE (562/1998)	23,500,000.00

WATERFRONT MARCH 2017

506 SS JULIETTE (732/2005) 14,763,000.00

WATERFRONT MARCH 2018

3426	SS GULMARN (20/2004)	9,006,000.00
505	SS NO. 2 SILO (342/2013)	8,500,000.00
201	SS GULMARN (20/2004)	8,322,000.00
402	SS JULIETTE (732/2005)	14,500,000.00

Transfer stats sourced from Lightstone E&OE

PROPERTY OF THE MONTH

SELF CATERING HOLIDAY ACCOMMODATION

CAMPS BAY

"KETTLE'S HOUSE"

FOUR POSTER INDULGENCE, SUPER VIEWS



http://www.kettleshouse.com/accommodation.html



LUXURIOUS UNDERSTATED ELEGANCE, SUPER VIEWS, SPACIOUS



http://www.kettleshouse.com/accommodation.html
SUNDOWNER PRIVACY AND LUXURY, PRIVATE BALCONY



http://www.kettleshouse.com/accommodation.html

COOL AND QUIET LUXURY, PRIVATE BALCONY, SEA VIEWS FROM THE BALCONY





http://www.kettleshouse.com/accommodation.html

SUPER LUXURY, SUPER SPACE, SUPER VIEWS, PRIVATE BALCONY



http://www.kettleshouse.com/accommodation.html

LUXURIOUS AND TRANQUIL





http://www.kettleshouse.com/accommodation.html

NEWS:

S.A FAST FACTS - 2017 UPDATE

Our major source of information is the Global Competitiveness Report 2016/2017, the Economist and www.Eighty20.co.za.

In 2017 South Africa ranks as the 47th **MOST COMPETITIVE** out of 138 countries, an improvement of 9 places over 2015 (56th out of 144 countries). Source: WEF Global Competitiveness Report.

NOTE: There are 235 countries globally, but only 138 have sufficient information for data to be collected and compiled.

The Global Competitiveness report compares 12 'pillars' of competitiveness using 120 measures. The Table below compares SA with Africa and Advanced Economies on the 12 'pillars'.

https://www.sagoodnews.co.za/sa-fast-facts/

2018: A BETTER YEAR - YES OR NO?

17 REASONS WHY THE ANSWER IS "YES"

In breezing through the Sunday papers, notably the Sunday Times and City Press I was struck by Mavuso Msimang's question "is the clean-up in progress?" So I did a quick search, there is a lot going on.....and while there is no certainty.....there is hope, as the 17 points below illustrate.

https://www.sagoodnews.co.za/17-reasons-2018-will-better-year/

CITY OF CAPE TOWN OFFICIALLY OPENS NEW 35M LITRE WATER RESERVOIR

While the dreaded Day Zero has long since been pushed back to 2019, the water situation in and around the City of Cape Town is far from stable. While the rain is yet to pour, some good news has arrived in the form of a reservoir.

The new reservoir has officially been opened by the City after being completed at a total cost of R53m. Sitting next to an existing 15m litre reservoir in the area, the new has been connected to the old, effectively creating a single 50 million litre reservoir.

https://www.thesouthafrican.com/city-of-cape-town-new-water-reservoir/

WHAT'S HOT:

KID-FRIENDLY RESTAURANTS IN CAPE TOWN



Does the idea of a child-friendly restaurant in Cape Town fill you with dread? For many, the concept conjures up soggy sandwiches, sticky tables and crayon-scrawled placemats. But there's no reason why adults should suffer in order for the kids to have fun; that's an archaic way of thinking. The following Cape Town restaurants are both kid-friendly and appealing to grown-ups too.

https://www.capetownmagazine.com/wine-and-dine/kid-friendly-restaurants-in-capetown/117 22 18677

DECOREX CAPE TOWN 2018

Unharnessed creativity and the latest in quality design trends are set to flow through the Mother City as the 20th edition of Decorex Cape Town kicks off at the Cape Town International Convention Centre from 27 April to 1 May 2018.

This well-entrenched exhibition is the ideal place for those looking to interact with leaders in the field of décor and design while drawing on world-class inspired creations and sampling the latest in lifestyle products. For home renovations, office refurbishments, the establishment of world-class boutique hotels – and everything in between – Decorex Cape Town offers a range of inspired décor solutions, all in one setting.

http://www.capetown.travel/calendar/decorex-cape-town

WELL WORN AT CAVALLI WEAVES A TALE OF ART AND ZEITGEIST

Cavalli, the Cape wineland's finest art destination, continues to captivate both art lovers and avid foodies, this time with 'Well Worn', an eclectic display of intricate fashion and textile design. Participating artists are set to explore fashion as a manifestation of contemporary culture during this compelling exhibition which opens at the Gallery at Cavalli on the 4th of February and runs until the 27th of May 2018.

If art serves as a mirror to our civilization, what truer way is there to reflect on our Zeitgeist than to examine art in its closet form to us – through fashion and textiles. Fashion is a true manifestation of the times and of our current psychological, social political and visual existence.

 $\underline{\text{http://www.capetown.travel/calendar/well-worn-at-cavalli-weaves-a-tale-of-art-and-zeitgeist}}$

100% DESIGN SOUTH AFRICA 2018 CHAMPIONS LOCAL CERAMICS WITH 100% CLAY

For its 2018 pavilion at Decorex Cape Town, set to run from the 27th of April to the 1st of May 2018, 100% Design South Africa will bring leading local handmade ceramics to the fore with a striking exhibition concept, curated by Cathy O'Clery of Platform Creative Agency.

http://www.capetown.travel/calendar/100-design-south-africa-2018-champions-local-ceramics-with-100-clay





CAMPS BAY WATCH CITIZEN POLICING PLEASE SUPPORT THIS GREAT INITIATIVE. ENSURING A SAFER ENVIRONMENT FOR ALL.

A safer community is everyone's responsibility.

Please contact Janette Hodgkinson: janette.hodgkinson@campsbaywatch.org

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