

**IN THE SOUTH GAUTENG HIGH COURT  
(JOHANNESBURG)**

CASE NO: 2011/39620  
P/H NO: 0

JOHANNESBURG, 02 October 2012  
BEFORE THE HONOURABLE JUDGE NICHOLLS

*In the matter between:-*

**CAPCUBED BRIDGING FINANCE (PTY) LIMITED**

*Applicant*

*and*

**28 LADY ELLEN CRESECNT**

*Respondent*

*HAVING read the documents filed of record and having considered the matter:-*

**IT IS ORDERED THAT:-**

1. *The Rule Nisi is discharged.*
2. *The settlement agreement annexed hereto and marked "X" is made an Order of Court.*

**BY THE COURT**

**REGISTRAR**

/sg

GRIFPIER VAN DIE SUID-GAUTENG HOOGGERECHTSHOF JOHANNESBURG	
PRIVAATSAK/PRIVATE BAG X7 ORDER	
2012-10-22	002
ORDER JOHANNESBURG 2000	
REGISTRAR OF THE SOUTH GAUTENG HIGH COURT: JOHANNESBURG	

IN THE SOUTH GAUTENG HIGH COURT  
(JOHANNESBURG)

125  
X  
W. Mitchell  
2/10/12

Case No. 11/39620

In the matter between:

**CAPCUBED BRIDGING FINANCE (PTY) LTD**

Applicant

And

**28 LADY ELLEN CRESCENT**

Respondent

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**DRAFT ORDER**

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Having read the papers filed of record and having heard Counsel in the matter the following is ordered:

1. The Rule nisi is discharged; and
2. The settlement agreement annexed hereto and marked "X" is made an order of court.

By Order



IN THE HIGH COURT OF SOUTH AFRICA  
(SOUTH GAUTENG HIGH COURT, JOHANNESBURG)

Case No: 2011/39620

In the matter between

CAPCUBED BRIDGING FINANCE (PTY) LTD  
(Registration No. 2008/016457/07)

Applicant

28 LADY ELLEN CRESECNT CC

Respondent

(Registration No. 1995/041441/23)

(Registered Address: 9 Avenmore Centre, 277 Avondale Road, Morningside, Gauteng.)

(Principal Place of Bussiness: 19 Clew Street, Monument, Krugersdorp.)

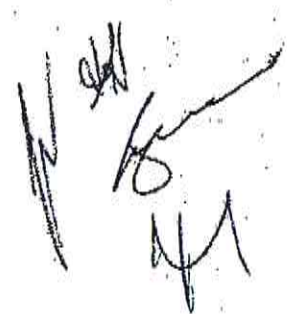
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DEED OF SETTLEMENT

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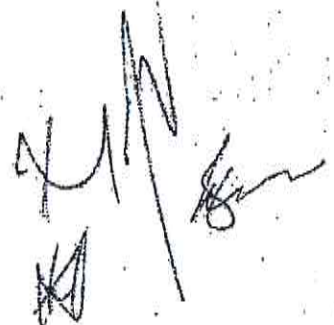
BE PLEASED TO TAKE NOTICE that the abovementioned Applicant and Respondent have entered into a settlement of the proceedings under the above case number, on the following basis:

1. Respondent acknowledges that it is indebted to Applicant in an amount of R2 450 000.00 (Two Million Four Hundred and Fifty Thousand Rand) in respect of the capital, interest and ancillary charges of the Applicant's claim.



2. The Respondent will make payment to Applicant by making payment to Jacques Viljoen Attorneys Trust Account held at Standard Bank, Tyger Manor branch in the name of Jacques Viljoen Attorneys Trust Account, Account number: 072 891 653 of the following amounts on the following dates:

- 2.1 An amount of R150 000.00 on 31 October 2012.
- 2.2 An amount of R150 000.00 on 30 November 2012.
- 2.3 An amount of R200 000.00 on 1 February 2013.
- 2.4 An amount of R200 000.00 on 1 March 2013.
- 2.5 An amount of R200 000.00 on 1 April 2013.
- 2.6 An amount of R200 000.00 on 1 May 2013.
- 2.7 An amount of R200 000.00 on 1 June 2013.
- 2.8 An amount of R200 000.00 on 1 July 2013.
- 2.9 An amount of R200 000.00 on 1 August 2013.
- 2.10 An amount of R200 000.00 on 1 September 2013.
- 2.11 An amount of R200 000.00 on 1 October 2013.
- 2.12 An amount of R200 000.00 on 1 November 2013.
- 2.13 An amount of R150 000.00 on 1 December 2013.

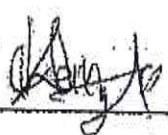
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3. Payment of the aforesaid amounts by the Respondent to Applicant will be in full and final settlement of Applicant's claim against the Respondent.
4. In the event of the Respondent failing to comply with any of its obligations arising from this Deed of Settlement, Applicant will be entitled to proceed with the liquidation proceedings under the above case number, on the papers filed of record to date, duly supplemented if need be.
5. The application under the above case number will be removed from the roll of matters on 2 OCTOBER 2012 at 10h00 or as soon thereafter as Counsel for Applicant may be heard, subject to clause 6 below.
6. The terms of this settlement will be made an order of Court under the above case number at the instance of Counsel of Applicant on 2 OCTOBER 2012 at 10h00 or so soon thereafter as Counsel for Applicants may be heard.

DATED AT BELLVILLE ON THIS 1<sup>ST</sup> DAY OF OCTOBER 2012.

As witnesses:

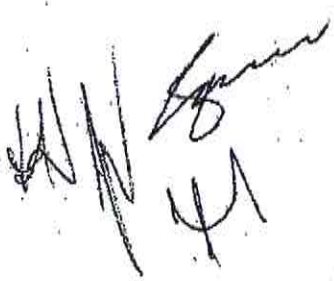
1.   
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2.   
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\_\_\_\_\_

JACQUES ECKENER VILJOEN  
(on behalf of Applicant duly authorised hereto)


JACQUES VILJOEN ATTORNEYS  
Attorneys for Applicant  
Unit 2, Canal Edge Two

  
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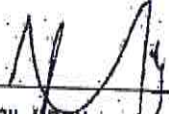
Tyger Waterfront  
Tygerberg  
BELLVILLE  
(Ref: Viljoen/ CAP4/0001  
C/O GAVIN SIMPSON ATTORNEYS  
Suite 219, Killarney Mall Office Towers,  
60 Riviera Road,  
KILLARNEY

DATED AT BELLVILLE ON THIS 1<sup>ST</sup> DAY OF OCTOBER 2012.

As witnesses:

1.   
\_\_\_\_\_

2.   
\_\_\_\_\_

  
\_\_\_\_\_  
CECIL VREN  
(on behalf of Respondent, duly  
authorised hereto)

