

**-LAND SALE AGREEMENT-
MKATABA WA MAUZIANO YA SHAMBA**

**MADE BETWEEN;
KATI YA;**

SAMWELI DIMISIMALI LUKWANDALI

**AND
Na**

ZHONGTENG CONSTRUCTION MATERIAL COMPANY LIMITED

**FOR THE SALE OF LANDED PROPERTY (UNSURVEYED) LOCATED AT SAENI
VILLAGE, MISUGUSUGU WARD - KIBAHA MUNICIPALITY, COASTAL
REGION.**

*(Kwa Mauziano ya Shamba (halijapimwa) lililopo Kijiji cha Saeni, Kata ya Misugusugu,
Halmashauri ya Wilaya Kibaha - Pwani)*

DRAWN BY:



Chabruma Street, Ali Hassan Mwinyi Road, JANGID Plaza, 3rd Floor, Room No. 303, P. O.
Box 32080, Dar Es Salaam.

+255(22)2761756 | +255717443616

info@winstlaw.co.tz | www.winstlaw.co.tz

LAND SALE AGREEMENT

MKATABA WA MAUZIANO YA SHAMBA

(THIS AGREEMENT is made this 07th day of December 2023)
(Mkataba huu umefanywa Leo tarehe _____ mwezi _____ 2023)

By and Between;
Baina ya;

1. **SAMWELI DIMISIMALI LUKWANDALI Mkazi wa Saeni, Misugusugu Wilaya ya Kibaha – Pwani** Ambaye ni mtu asilia mwenye asili na uraia wa Jamhuri ya Muungano wa Tanzania na akiwa amepewa uhalali wa kisheria (Power of Attorney) kufanya mauziano haya kwa niaba ya **Yesaya Juma Mbilinyi na Mbaraka Salum Mohamed.** (Ambaye katika Mkataba huu atajulikana na kutambulika kisheria kama “MUUZAJI”) Kwa upande mmoja;

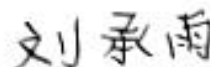
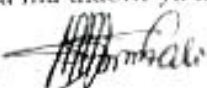
SAMWELI DIMISIMALI LUKWANDALI of Saeni, Misugusugu, Kibaha District – Coastal Region, a natural person of the United Republic of Tanzania (hereinafter called the ‘VENDOR’ and who has been legally authorized through the Power of Attorney to conduct these transactions for and on behalf of **Yesaya Juma Mbilinyi and Mbaraka Salum Mohamed.**” which expression shall, where the context requires, include assigns and successors in title) of one part; **And/Na;**

2. **ZHONGTENG CONSTRUCTION MATERIAL COMPANY LIMITED, wa S.L.P 32080, Dar es Salaam** wenye makazi yao yakiwa **ADA ESTATE, ALI Hassan Mwinyi Road – Dar es Salaam, Tanzania,** kampuni iliyosajiliwa chini ya sheria za Jamhuri ya Muungano wa Tanzania, pamoja na makao makuu ya ofisi yake yaliyopo katika mkoa wa Dar es salaam, Tanzania (Ambaye katika Mkataba huu atajulikana na kutambulika kisheria kama “MNUNUZI”).

ZHONGTENG CONSTRUCTION MATERIAL COMPANY LIMITED, of P.O Box 32080, Dar es Salaam with its physical address located at ADA ESTATE, Ali Hassan Mwinyi Road, Kinondoni – Dar es Salaam, Tanzania. (hereinafter called the ‘PURCHASER’) the company registered under the Laws of the United Republic of Tanzania which expression shall, where the context requires, include assigns and successors in title of the other part;

AMBAPO/ WHEREAS;

- A. Bila shuruti wala vitisho pande zote mbili zimeridhia na kwa masharti ya Mkataba huu kwamba **MUUZAJI** ana nia thabiti ya kuuza Shamba, na **MNUNUZI** ana nia thabiti ya kununua shamba hilo.



Without any undue influence or cohesion, both parties have agreed to be bound by the terms of this agreement, that the Vendor intends to sell the said farm and the Purchaser wishes to purchase the said farm.

AMBAPO SASA INASHUHUDIWA KUWA/ AND THEREFORE IT IS WITNESSED HEREUNDER:-

1. **MUUZAJI** kwa umiliki binafsi na kwa mamlaka ya kisheria aliyopewa na wamiliki wenzake ambao ni **Yesaya Juma Mbilinyi** na **Mbaraka Salum Mohamed**, ni Mmiliki halali wa shamba lililopo Kijiji cha Saeni, Halmashauri ya Wilaya Kibaha, Mkoa wa Pwani Lenye ukubwa wa Ekari Mbili nukta Tano (2.5) (*Kwenye mkataba huu litatambulika kama shamba*). Nakala ya mamlaka ya kisheria aliyopewa inaambatanishwa na mkataba huu na kuwa sehemu ya mkataba.
- 1.1 Umiliki wao ukithibitishwa na viongozi wa Serikali ya kijiji cha Saeni ambao ni Mwenyekiti wa Serikali ya Kijiji na Afisa Mtendaji Kata kupitia barua zilizoambatanishwa katika mkataba huu na yenyewe kuwa sehemu ya mkataba huu. Vile vile ukubwa huo unathibitishwa na mchoro uliochorwa na afisa ardhi.

The Vendor and by the legal authority granted by co-owners, namely **Yesaya Juma Mbilinyi and Mbaraka Salum Mohamed** is the legal owner of the farm located in Saeni Village, Kibaha District Council, Pwani Region, with a size of Two and a half (2.5) acres (referred to as the 'farm' in this agreement), the owners who have been introduced to be the rightful owners by the letter from village chairman, which is attached to this agreement. and the sketch for the said farm is attached as well together with the power of attorney forming part of this agreement

2. Mipaka yake ni kama ifuatavyo;

Mashariki: Kumepakana na Barabara

Magharibi: Kumepakana na Donard Mwangi

Kaskazini: kimepakana na Charles Thomas and Donard Mwangi

Kusini: Kumepakana na Familia ya Hasani Bogasi

The boundaries of the said farm are;

Eastern: sided by Road

Western: sided by Donard Mwanga

Nothern: sided by Hasani Bogasi family

Southern: sided by Charles Thomas and Donard Mwanga


3. Muuzaji anakubali kumuuzia shamba hilo MNUNUZI kwa bei ya shilingi za Kitanzania **Millioni Mia Ishirini**, (TZS 120,000,000/=) ambapo mnunuzi atalipa kiasi hicho kwa awamu mbili, yaani awamu ya kwanza atalipa kiasi cha shilingi za Kitanzania **milioni sitini** (TZS 60,000,000/=) baada ya kusaini makubaliano haya kwa njia ya bank, na awamu ya pili itakua ni shilling za Kitanzania Milioni sitini tu (TZS 60,000,000/=) itakayolipwa baada kukamilisha taratibu zote za kupata hati kutoka kwenye mamlaka husika ya uwezekazaji (Tanzania Investment center).

The Vendor hereby agrees to sell the said farm at the consideration of Tanzanian shillings one hundred and twenty million only (TZS 120,000,000/=) whereby the Purchaser shall pay the said consideration in two installments. whereby the first installment of TZS 60,000,000/= shall be paid soon after signing this agreement, and the last installment of TZS 60,000,000/= shall be paid after the Purchaser acquiring and obtained the derivative right by Tanzania Investment center.

- 3.1 MUUZAJI wanaridhia kulipwa kiasi hicho tajwa kwa njia ya bank, na akaunti hiyo ni Jina; **SAMWELI DIMISIMALI LUKWANDALI**, akaunti namba: **80110019902**, **NMB BANK - MLANDIZI BRANCH**, iliyoidhinishwa kwa pamoja na wauzaji.

The Vendor agrees to be paid the mentioned amount through the bank, and the account with name **SAMWELI DIMISIMALI LUKWANDALI**, account number is **80110019902**, **NMB BANK - MLANDIZI BRANCH**, approved by the seller.

[Page Muuzaji 

Mnunuzi 

3.2 Kwamba Muuzaji anaahidi kushirikiana na Mnunuzi katika hatua zote za kuomba mabadiliko ya matumizi ya ardhi kutoka kwenye mashamba na kuwa eneo la viwanda, hatua za upima na umilikishwaji wa ardhi tajwa.

The vendors undertake to collaborate with the Buyer in all stages of applying for the change of land use from farms to an industrial area, including surveying and the transfer of the mentioned land.


3.3 Kwamba malipo tajwa yatadhibitika yamelipwa kwa Muuzaji baada ya risiti ya kuweka kiasi hicho cha fedha kwa wauzaji kuwasilishwa kwa wauzaji wenyewe na kuthibitika.

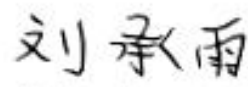
That the mentioned payment will be confirmed as paid to the Vendor after a receipt for depositing that amount and verified by the vendors.

4. **MUUZAJI** anaahidi kuwa katika kutekeleza matakwa ya mkataba huu, kuanzia leo na kuendelea **Shamba** hilo na **vilivyomo** vyote ni mali ya **MNUNUZI**. Vilevile Mnunuzi atatakiwa kusafisha shamba hili na kuendelea kutafuta vibali husika mara baada ya kusaini makubaliano haya.

The Vendor hereby warrants on fulfilling the terms of this agreement, that from the date of signing this agreement, the said farm and the belongings and developments within the farm are the properties of the Purchaser. And the Purchaser shall clear the entire sold farm soon after signing this agreement.

5. **MUUZAJI** anamhakikishia **MNUNUZI** kuwa shamba hilo ni Mali yake na ya wale anaowawakilisha na halina madai yoyote wala mgogoro wowote na anaahidi kwa niaba yake na ya wale anaowawakilisha, kumlinda na kushughulikia kwa gharama zao wenyewe endapo madai yoyote yatajitokeza yakiwa yameanza kabla au baada ya kusaini mkataba huu pamoja na kurudisha kiasi kilicho lipwa na fidia ya usumbufu.

Page Muuzaji 

Mnunuzi 

The Vendor hereby Warrants the Purchaser, that the said farm is their farm, has no encumbrances, or any disputes, and shall at all times protect the interest of the Purchaser for any dispute and reimburse the paid consideration together with interest at commercial rate, after signing this agreement.

6. Kwamba makubaliano haya ni ya kudumu na yatazibana pande zote mbili na hata warithi, ndugu na wawakilishi wao. Na Muuzaji ana mhakikishia mnunuzi kuwa wake zao, Watoto au wategemezi wao wameridhia kuuzwa kwa shamba hilo.

Parties hereby agree that this agreement is of eternity and shall bind both parties with their relatives and the heirs. The Vendor warrants the Purchaser that their wives and children have consented to this sale of the farm.

7. Kwamba pande zote zinaridhia kuwa gharama ya kodi ya Serikali katika makubaliano haya itagharamiwa na Mnunuzi kama itakavyo tathminiwa na mamlaka ya mapato Tanzania (TRA).

The parties further agree that the tax charges shall be borne by the Purchaser at the proportion as assessed by TRA officers.


8. Kwamba mkataba huu unalindwa na sheria za Tanzania zinazohusu mikataba pamoja na mabadiliko yake yatakayojitokeza kwa mujibu wa sheria za Tanzania.

That this agreement is under the laws of the United Republic of Tanzania.

9. Kwamba endapo mgogoro wowote utajitokeza kati ya pande mbili basi mgogoro huo utatatuliwa kwa sheria za nchi zitakazo kuwepo wakati huo.

If any dispute should arise, the parties shall resolve the same amicably. For any non-settlement, the dispute shall be referred to litigation, and the Laws of the united Republic of Tanzania shall apply.

KWA KUSHUHUDIA pande zote mbili zinaweka sahihi zao Leo tarehe, mwezi na mwaka kama inavyoonekana hapa chini/ **"TO ATTEST, both parties are signing their signatures today, on the date, month, and year as shown below:"**

Page Muuzaji 

Mnunuzi

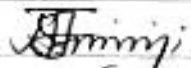
刘承雨

SIGNED AND DELIVERED at Dar es Salaam by the said
the said SAMWELI DIMISIMALI LUKWANDALI
who are identified to me by.....
the latter being known to me personally this.....^{07th} day of
December 2023


VENDOR


SHUHUDA/WITNESS;

JINA: YESAYA JUMA MBILINYI


SAHHI 

SHUHUDA/WITNESS;

JINA: MBARAKA S. MOHAMED

SAHHI 

MBELE YANGU:

Jina: MANTANA P. NYAMBASI Saini:  Wadhifa: **WAKILI**



**SIGNED, STAMPED, AND DELIVERED BY
THE PURCHASER**

**ZHONGTENG CONSTRUCTION MATERIAL
COMPANY LIMITED:**

STAMP

Signature: 刘承雨

Name: CHENG YULIU


Designation: DIRECTOR/SECRETARY

Signature:

Name:

Designation: DIRECTOR/SECRETARY

MBELE YANGU:

Jina: MANTANA P. NYAMBASI Saini:  Wadhifa: **WAKILI**



**IAKUBALIANO HAYA YAMEPITIWA NA KUSHUHUDIWA NA HALIMASHAURI YA
KIJJI CHA SAENI- (MISUGUSUGU) KIBAHA PWANI**

THIBITISHO HUU UMETIWA SAINI NA MUHURI LEO HII TAREHE 15/12/2023

NA JUNA -M. NGUETHO
IEO: MWENYEKITI WA KIJJI

SAINI 

NA ANWEY -Y. MUMAMBIKI
IEO: MTENDAJI WA KIJJI

SAINI 

AFISA MTENDAJI
MTAA WA SAENI
KIJJI CHA SAENI, KIBAHA
TAREHE: 15/12/2023

age Muuzaji



Mnunuzi

刘承雨