

Cedar Creek Estate
HOMEOWNERS ASSOCIATION

RULES OF CONDUCT

(MADE BY THE BOARD OF DIRECTORS OF THE
Cedar Creek Estate Home Owners Association
IN TERMS OF THE ARTICLES OF ASSOCIATION)

Reg. No.: 2002/019331/08

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***DIRECTORS: PE BOTHMA; DRA BUHR; GH MOSTERT; A PYPER;
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CEDAR CREEK ESTATE

1. DISCLAIMER

Any person wishing to enter the Cedar Creek Estate and / or make use of the Private Open Spaces of Common Facilities in the Estate, does so at his / her own risk. The Cedar Creek Estate Homeowners Association and the registered Owners, their agents, employees and appointees, shall not be liable for any injury, loss or damage sustained by any owner, any other person or property arising from any cause whatsoever, including without limitation thereto, the negligence of any of the above persons or the intentional acts of any agents, employees and appointees. Without in any manner derogating from the above, all entrants to the Estate make use of the streets thereon, whether public or private, at his / her own risk. Whilst every effort is made to secure and monitor the Estate, the Homeowners Association and registered Owners, all their agents, employees or appointees shall not be deemed to have warranted the safety of any owner or other persons or property (whether moveable or immovable) on the Estate.

2. WARNING

The Estate has a security system comprising perimeter security, access control and physical patrolling. The system has a detection purpose only. It serves as a deterrent and is not guaranteed to prevent any intrusion into the Estate.

In some areas on the perimeter the fence is electrified and could cause injury if touched

3. RESERVATION

RULES

These rules have been drawn to be fully applicable once the Estate has been entirely established. Some facilities may not be available at the onset but will be phased in during a time frame to be agreed with the developer.

Conditions of these Rules which refer to facilities not yet provided should only be considered applicable once the facility has been provided.

FACILITIES

Persons moving into the Estate during the construction phase whether to build or to reside acknowledge that:

- a) the Estate is still in the process of being established;
- b) no one will have any claim against the Homeowners Association / Developer or their employees for work still in progress towards the establishing of the Estate;
- c) the developer has agreed not to intentionally delay the provisioning of any facilities; and
- d) no reduction or refund on levies payable would be considered as a result of the work still in progress

CEDAR CREEK ESTATE HOMEOWNERS ASSOCIATION

14 MAY 2007

RULES OF CONDUCT

INTRODUCTION

1. The objective of the Cedar Creek Estate Homeowners Association is to provide a high quality lifestyle for the residents and the intention of these rules is to cater for the protection of this envisaged lifestyle.
2. The Rules contained herein have been established in terms of the Memorandum and Articles of Association of the Cedar Creek Estate Homeowners Association and they are binding upon all occupants and owners of stands or “erven” in the Estate. Owners, occupants and residents are also bound by any decision taken by the Board of Directors in interpreting and enforcing these Rules.
3. In respect of the interpretation of these Rules, the decision of the Board is final and binding. In the interpretation of any rule, words will carry the normal meaning, as found in the general tongue.
4. The registered owners of properties in the Estate are responsible for ensuring that members of their families, tenants, visitors, friends and all their employees including contractors who work for them abide by these Rules.
5. Happy and harmonious community living is only achieved when residents use and enjoy their private property as well as the public areas of the Estate in a considerate manner.
6. These Rules are subject to change in terms of the articles of Association of the Homeowners Association.
7. The pride of the Estate depends on the extent of the contribution of every occupant towards maintaining a pleasant and safe environment as well as a neat and attractive streetscape.
8. The security of the Estate is regarded as of paramount importance.
9. Certain areas in Cedar Creek Estate are protected for nature conservation purposes and special care. Everyone involved in the Estate is urged to make a positive contribution towards the long term conservation of the protected areas.

Erven are considered “no-go” areas as these areas are environmental sensitive and have been demarcated and fenced. Compliance by everyone to the requirements of the Management Plan will be monitored by officials from Department Agriculture, Conservation and Environment. Heavy fines could be issued to persons not complying with the requirements

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PART I - GENERAL CONDUCT

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1.1 DEFINITIONS

In these Rules, unless the context indicates otherwise, the following words and expressions have the meanings attached thereto:

1.1.1 BUILDING CONTRACTOR

Any person who engages in the construction of a new dwelling or additions to, or the alteration or renovation of, an existing dwelling or the erection of a pergola, fence or boundary wall or the laying of paving, whether for himself or on contract or subcontract for an owner.

1.1.2 BUILDING PLANS

Building plans for the construction of a new dwelling or for additions to, or the alterations or renovation affecting the exterior aesthetic appearance of, and existing dwelling or for the erection of a pergola, fence or boundary or retaining wall or the laying of paving.

1.1.3 COMMON FACILITIES

Those facilities erected or constructed by the Cedar Creek Estate Homeowners Association on its property and that may be used by all occupants for the purposes, and on the conditions, determined by the Homeowners Association from time to time.

1.1.4 CONSTITUTION

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The Memorandum and Articles of Association of the Cedar Creek Estate Homeowners Association as amended from time to time.

1.1.5 CONTROLLING ARCHITECT

The architect appointed from time to time by the Excom for aesthetic control of all building plans prior to submission thereof for municipality approval.

1.1.6 EMPLOYEE

Any person employed on a temporary or regular basis in the Estate by Excom, the Managing Agents, and the Estate Manager.

1.1.7 ERF

Any piece of land in the Estate with its own number as it appear on the Surveyor-General's general plan and the title deed of which is registered separately in the Deeds Office, and includes a section in a Sectional Title Scheme.

1.1.8 ESTATE

The township area known as Cedar Creek Country Estate.

1.1.9 THE EXCOM

The Members of the Executive Committee appointed and elected from time to time in accordance with the provisions of the Articles of Association.

1.1.10 LEVY

The monthly subscription levied by the Excom to defray the costs of managing and administering the activities of the Cedar Creek Estate Homeowners Association.

1.1.11 MANAGING AGENT

The agent appointed by the Excom to assist it with the day-to-day administration of the Estate, its affairs, transactions and finances.

1.1.12 MUNICIPALITY

The City of Jhb Municipality.

1.1.13 OCCUPANT

Any person residing in the Estate, irrespective of whether he / she is an owner, a family member or relative of an owner, or a tenant or boarder occupying property of and owner in terms of a lease or any other agreement.

1.1.14 OWNER

The registered owner of a single residential property or a residential sectional title property in the Estate.

1.1.15 PRIVATE OPEN SPACE

Land reserved for the purposes of parks, sport, playing, resting or other forms of recreation, the access to which is controlled by the Excom.

1.1.16 SERVICE PROVIDER

Any person who performs a maintenance, installation or repair service in connection with a property in the Estate, whether for himself or herself or on contract or subcontract for an occupant or the Cedar Creek Estate Homeowners Association.

1.1.17 CEDAR CREEK ESTATE HOMEOWNERS ASSOCIATION

Cedar Creek Estate Homeowners Association established in terms of Section 21 of the Companies Act. (Reg No 2005/016517/08)

1.1.18 DEVELOPER

ABSA Property Development (Pty) Ltd.

1.1.19 PROTECTED AREAS

Certain demarcated areas in Cedar Creek Estate have been declared protected areas in terms of Regulations R1182 and R1183 of the Nature Conservation Act.

1.2 OWNER'S RESPONSIBILITY

1.2.1 An owner must ensure that all members of his / her family and his / her tenants, boarders, visitors, employees, building contractors, subcontractors, service providers and persons delivering to their property comply with these Rules, notwithstanding any contrary provision contained in a lease or grant of rights to occupancy.

1.2.2 If owners sells or lets their property or any part thereof they must ensure that the buyer, tenant or boarder is provided with a copy of these rules.

1.2.3 Owners may not use their property or any part of the private open spaces or common facilities, or permit it to be used, in any manner or for a purpose that will cause a nuisance or create a disturbance, or that will be injurious to the reputation of the Estate.

1.2.4 The volume of music or electronic instruments should be tuned to a level so as not to be heard on adjacent properties.

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- 1.2.5 Partying has to be conducted with the minimum noise generation and no music; noise or merrymaking may be heard outside the boundaries of the applicable stand, between midnight and 08:00.
- 1.2.6 Residents / Owners must address complaints of disturbances to the person causing such disturbance, Metro Police or SAPS. Any noise above 6.5 decibels is considered a disturbance.
- 1.2.7 The DIY mechanical maintenance of resident's vehicles will be conducted out of sight from the Estate streets and may never cause disturbance and intrusion to neighbours and or other Estate residents. Test-driving of serviced vehicles, should best be conducted outside the Estate.
- 1.2.8 The prescriptions of 1.2.7 apply *mutatis mutandis* to the DIY maintenance of any internal combustion engine vehicle, craft or implement.
- 1.2.9 The use of power saws, lawnmowers, bush cutters, weed eaters and the like (electric mowers are preferred), will only be indulged between the following hours:

May - August	07:30 - 18:00
September - April	07:00 - 19:00

Sundays are regarded as "private time" and such activities and use of powered implements are restricted to mornings, i.e. only between 09:00 - 12:00.

- 1.2.10 After having received reasonable notice from the Estate Manager, an owner must allow a person authorized thereto by the Estate Manager to enter his / her Erf to: -
 - 1.2.10.1 Prune trees, shrubs and plants which interfere with the proper functioning of the security system; or
 - 1.2.10.2 Repair or carry out maintenance of any pipes, wires, cables and ducts existing on the erf concerned and being used or capable of being used in connection with any private open space or common facility, including the security system.

1.3 SECURITY MEASURES: ESTATE SECURITY

1.3.1 SECURITY RULES

In the interest of providing an effective security system, the rules relating to security as laid down by the Directors from time to time shall be adhere to at all times, and residents shall at all times treat the security personnel in a co-operative and patient manner

1.3.2 ESTATE SECURITY IS DESIGNED TO FUNCTION AS FOLLOWS:-

- 1.3.2.1 To provide an access control system. (Residents are responsible for their own safety and protection of their own private property.)
- 1.3.2.2 access control will be manned 24 hours per day;
- 1.3.2.3 on application residents will be issued with access cards at a fee determined by the Directors from time to time - the security guard will allow vehicles with access cards free access to the Estate;
- 1.3.2.4 residents who are not in possession of an electronic access card must sign the Access Control Register every time they wish to enter the Estate;
- 1.3.2.5 contractors having business in the Estate together with their permanent and Temporary workers will be issued with contractor's access cards and contractor's employee access permits. A fee determined by the Directors from time to time is payable in respect of contractor's access cards;
- 1.3.2.6 if possible, the security centre at the gate should be advised in advance of the pending arrival of visitors, and particulars relating to vehicle registration numbers and the address to be visited;
- 1.3.2.7 at night, the Estate will be patrolled on a random basis by security guards;
- 1.3.2.8 all residents, tenants, night watchmen, domestic workers and other persons who reside on the Estate must register with the security centre and complete the required data sheets;
- 1.3.2.9 The perimeter wall and electric fencing serve as a deterrent and detection function and are not guaranteed to prevent a determined attempt at intrusion into the Estate.

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1.3.3 PRIVATE SECURITY

Residents / Owners are welcome to employ private security companies should they wish to Do so; this however in no way excludes them from membership obligations as members of the Cedar Creek Homeowners Association. Residents / Owners are also to please note, that all private security is the responsibility of the Resident / Owner. Residents / Owners must ensure that no more than one security board is place on the perimeter wall of the erf. The HOMEOWNERS ASSOCIATION will remove, and dispose of any excess boards.

1.3.4 ACCESS CONTROL

The entrance to the Estate has been equipped with a computerised access control system for the safety or residents. The co-operation of all residents is needed to ensure the successful operation of the system.

1.3.4.1 THE ACCESS SYSTEM

1.3.4.1.1 RESIDENTS

Residents, as well as contractors and sub-contractors who would be involved for long periods in the Estate gain access by using an electronic access card. The system is computerised and the card is simply held against a reader at the entrance or exit point where after the boom opens automatically. Each access card is issued to a specific person and is programmed as such. Access cards are only issued to residents, contractors and sub-contractors.

Access cards are not transferable.

1.3.4.1.2 EMPLOYEES

Night watchmen employed by contractors, gardeners and domestics are issued with an access permit. A clear photocopy of the applicant's identity document (reduced to 70%) must be provided to the Estate Manager for this purpose.

1.3.4.1.3 EMPLOYEES OF CONTRACTORS

Employees of contractors will only be allowed entry is accompanied by their employee or his duly appointed representative.

1.3.4.1.4 SHORT-TERM CONTRACTORS

Short-term contractors (five business days or less) must complete and sign the Access Control Register each time the Estate is entered. The contractor will be issued with a "visitors permit" each time that the Estate is entered. Exit will not be granted without the "visitors permit" being returned.

1.3.4.1.5 VISITORS AND DELIVERY VEHICLES

Visitors and drivers of delivery vehicles must complete and sign the Access Control Register before access to the Estate can be obtained. The driver of these vehicles will be issued with a "visitor's permit" by the security officer. These permits must be returned to the security officer on leaving the Estate. Should a resident receive a visitor for a longer period than 24 hours security must be notified of the period at the time when the "visitor's card" is issued.

Lost access cards and / or permits must be reported to the Estate Manager at the Estate Office or the Managing Agents immediately, so that they can be cancelled.

1.3.4.2 ISSUING OF ACCESS CARDS AND PERMITS

Applications for access cards and permits must be lodged with the Estate Manager (Estate Office) or the Managing Agents.

1.3.4.3 COST OF ACCESS CARDS AND PERMITS

1.3.4.3.1 ACCESS CARDS

Access cards cost R75.00 each (refund value NIL).

Cardholders must pay R75.00 for the replacement of lost or damaged cards.

1.3.4.3.2 ACCESS PERMITS

The following access permits are issued free of charge:-

- Visitors permits.

The following permits must be paid for:-

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- Permits for Employees (laminated card).
Price R50.00 each (refund value NIL).

- 1.3.4.4 **CARDS AND PERMITS NO LONGER IN USE**
Cards and permits, which become redundant, must be returned to the Estate Manager to be deactivated and / or destroyed.
Please note that there is **no refund** for access cards and permits returned.
- 1.3.4.5 **ARRIVALS AT THE GATE WITHOUT AN ACCESS CARD OR PERMIT**
Holders of access cards or permits who arrive at the gate without a card or permit will not be allowed access, without completing the Access Control Register.
- 1.3.4.6 **PERIOD OF VALIDITY OF ACCESS CARDS AND PERMITS**
- 1.3.4.6.1 Access cards - Indefinite
- 1.3.4.6.2 Access permits:-
- 1.3.4.6.2.1 Permits for employees expire on 31 March each year after which a new application must be submitted. In such cases the permits are issued free of charge.
- 1.3.4.6.2.2 Permits issued for a specific period and expire on the programmed expiry date.
- 1.3.4.7 **APPLICATION FOR ACCESS CARDS / PERMITS**
Applications must be submitted in writing, the following forms are used for this purpose:-
- 1.3.4.7.1 **RESIDENTS**
Complete “Personal Particulars required for the Register of Owners” form which is obtainable from the Estate Manager’s office or Managing Agents. Please indicate the number of access cards and / or permits required on this form. Live-in domestic workers and gardeners, and regular non-residing workers must be in possession of an access permit. Electronic access cards are only available from the Estate Manager.
- 1.3.4.7.2 **CONTRACTORS AND SUB-CONTRACTORS**
Complete “Contractors Registration Details” form which is obtainable from the Estate Manager’s office or Managing Agents. Please indicate the quantity of access and / or permits required on this form.
In the event of a contractor also being the registered owner of a stand both the abovementioned forms must be completed.
- 1.3.4.8 **PRECONDITIONS TO BE A CARD OR PERMIT HOLDER**
Access cards or permits can only be issued to residents / contractors whose financial liabilities towards the Homeowners Association have been met in full. Levies and building deposits must be paid up to date before access cards / permits can be issued.
The access cards / permits of persons who fall in arrear with these payments will be disabled until their accounts have been settled. The only alternative way that these persons could obtain access to the Estate is by completing and signing the Access Control Register. This Rule is an instruction from the Board and the Security Officers at the entrance have no discretion on this matter.
The identification documents of all applicants must be available for inspection by the Estate Manager. **No access card / permit can be issued to a person without a valid identification document.**
- 1.3.5 **VISITORS TO RESIDENTS**
- 1.3.5.1 Visitors to residents must duly complete and sign the Access Control Register, receive a “visitors card” when entering the Estate.
- 1.3.5.2 Visitors must return the “visitors card” on egress, failure to do so will result in security refusing exit. The visitor will at all times comply with the instructions of the security members at the main gate.
- 1.3.5.3 Security will not allow access to any visitor under the influence of alcohol, drugs or in any other suspicious circumstances.

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1.3.6 DOMESTIC WORKERS / DOMESTIC'S SPOUSES / GARDENER (FULL TIME)

1.3.6.1 The resident must complete the required application / registration forms obtainable from the Estate Manager supported with all required documentation.

1.3.6.2 A domestic worker, domestic's spouse, full time gardener will be issued with a clip on laminated ID card that must be carried at all times.

1.3.7 HOUSE ALARMS

1.3.7.1 All residents are encouraged to install an alarm system in their residence.

1.3.8 FIREWORKS AND FIREARM USE

1.3.8.1 **NO** fireworks will or may be set off within the boundaries of the Estate.

1.3.8.2 As the discharge of fireworks has been prohibited by bylaw, criminal charges will be brought against any perpetrator. An internal fine of R500.00 will be levied.

1.3.8.3 Discharging a firearm in a residential area has been outlawed and is, therefore, prohibited in the Estate. Criminal charges will be instated in all cases of unlawful gun discharges.

1.3.8.4 Discharge of a firearm for any purpose or reason other than self-defence and emergencies will be met with criminal charges and the perpetrator will be fined internally to a minimum of R1 000.00.

1.3.8.5 Events organised by the Homeowners Association or approved by the Board of Directors, may, after due consultation with all parties involved, include the usage or display items, such as laser but under no circumstances explosive devices of any nature

1.3.9 GENERAL

1.3.9.1 Residents will be allowed to have one "night-watchman" on each unoccupied stand during building periods. A resident may alternatively make use of an accredited security company as appointed by the Homeowners Association to post a security officer on the premises at the owner's expense. All night watchmen must be issued with a reflecting bib at the expense of the stand owner.

1.3.9.2 Residents are requested to inform the Estate Manager / Security if they will be away from their premises for a period of longer than 4 days. Full details must also be provided of the person / s that will be occupying the premises during that time. This information is required for the security to be able to contact the owner during his absence if needed. **The Homeowners Association accepts no responsibility for the premises.**

1.3.9.3 AMENDMENTS TO THE RULES OF CONDUCT

The Board of Directors can amend or add to the Rules from time to time.

1.3.9.4 CONTINUED CONTRAVENTION OF A RULE

The Directors reserve the right to take any action they deem fit in the event of a continued contravention of a rule. Such action can include ratification by the Homeowners Association, the cost of which will be charged to the transgressor, or the imposition of a fine and subsequent legal action or the withholding of clearance certificates. Legal costs incurred by the Homeowners Association in respect of any legal steps taken against an owner to remedy a breach will be for the account of that owner.

1.4 SECURITY WALL AND FENCE

1.4.1 No person may damage or remove any part of the security wall or fence.

1.4.2 No attachments may be made to the security wall or fence without the prior written approval of the Estate Manager.

1.4.3 No signage whatsoever may be erected against or on top of the security wall or fence.

1.4.4 Owners / Residents living on property adjacent to the Estate boundary or perimeter will ensure that a minimum area of 1.5m on the inside of the brick wall or palisade fence be kept clean of any *flora* to ensure that the electric fence maintenance and security patrolling can be carried out.

1.4.5 No residents may refuse access to their property if any form of maintenance (preventative or current) must be carried out to the boundary wall / palisade fence or security related equipment (trimming of plants).

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- 1.4.6 Repairs and maintenance times will be coordinated with the Estate Manager. Residents must be cooperative regarding any fence / wall related issues, as this poses a major security risk and impacts on all residents within the Estate.

1.5 LEVIES AND OTHER MONIES DUE TO THE HOMEOWNERS ASSOCIATION

1.5.1 LEVIES

1.5.1.1 DUE DATE

All levies are due and payable in advance on the first day of each calendar month.

1.5.1.2 INTEREST ON ACCOUNTS IN ARREAR

Interest will be raised on all accounts in arrear at an interest rate determined by the Directors from time to time.

1.5.1.3 PENALTY CHARGE FOR LETTERS OF DEMAND

The Directors may levy a penalty for the issuing of letters of demand at a rate determined by the Board from time to time.

1.5.1.4 HANDING OVER OF ACCOUNTS IN ARREAR

The Directors can hand levy accounts that are outstanding for 60 days and longer over to an attorney for collection and all costs incurred will be recovered from the applicable member.

1.5.1.5 TEMPORARY DISABLING OF ACCESS CARDS

The Directors can approve the temporary disabling of access cards if the levies payable by an owner are in arrears. Such owner will only be allowed access to the Estate after completion and signing of the Access Control Register. Cards will be enabled by the Estate Manager 24 hours after proof has been provided that the full outstanding account has been settled.

1.5.2 ADMINISTRATION

1.5.2.1 The administration of the Estate is solely the responsibility of the elected Board of Directors. They may decide to delegate certain or all of the managerial powers to the Managing Agent or Estate Manager.

1.5.2.2 An appointed Managing Agent will collect levies on behalf of the Homeowners Association.

1.6 UNSIGHTLY OBJECTS

1.6.1 Occupants may not cause or allow any object to be exposed on their property, which could, in the opinion of the Excom, be considered unsightly or detrimental to the appearance of the Estate when viewed from outside the property.

1.6.2 A washing line must not be erected, and washing may not be hung out, in such a way that it is visible from a street or common area.

1.6.3 Washing lines will be obscured from view and will only be allowed at the rear of the main house or furthest building.

1.6.4 No washing may be hung from windows.

1.6.5 No washing may be conducted in streams, pools or outside of buildings.

1.6.6 Occupiers may not place any sign, notice, billboard or advertisement of any kind whatsoever on any part of their property so that it is visible from outside the property without the written consent of the Board of Directors.

1.7 TRAFFIC CONTROL

The streets of Cedar Creek Estate are for the movements of all occupants, whether by foot, or mechanical means. Note that cars are considered to be part of the street environment, but not necessarily the dominating factor as cars must yield to pedestrians.

1.7.1 Pedestrians have right of way.

1.7.1.1 Parents are solely responsible if their children are playing in the streets of the Estate. This behaviour must be discouraged.

1.7.1.2 Residents are to note that pedestrians may cross streets at designated crossings in the Estate. Such crossings have right of way and pedestrians should be allowed to cross before motorists. Motorists must always approach crossings with caution. Pedestrian crossings are to be regarded as yield signs. Should pedestrians be noticed at these crossings, motorists must bring their vehicles to a complete standstill.

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- 1.7.1.3 The Estate Manager has the authority to apprehend and fine motorists who disregard these crossings.
- 1.7.1.4 The amount to which fines will be levied, will be decided by the Board of Directors from time to time and notice given, but is set to be a minimum of R150.00 for a first offence.
- 1.7.2 Unless specifically stated otherwise in these Rules, the normal statutory traffic laws apply in the Estate in accordance with Regulations of the Road Traffic Act, Act 75/1984.
- 1.7.3 A speed limit restricted to 30 km/h applies in the Estate.
- 1.7.4 Vehicles must at all times be operated with the utmost care in the Estate.
- 1.7.5 Vehicles may not be operated anywhere other than on the streets in the Estate or on private property.
- 1.7.6 Vehicles that, in the opinion of the Excom, produce excessive noise will be prohibited from entering the Estate and / or being operational in the Estate.
- 1.7.7 Bicycles may not be operated on sidewalks and pedestrian walkways.
- 1.7.8 Skateboards, roller blades and similar may not be used on streets, sidewalks and pedestrian walkways in the Estate.
- 1.7.9 Vehicles may not be left unattended in such a manner that they may cause an obstruction to other road users.
- 1.7.10 No unlicensed vehicle or non-roadworthy vehicle will be allowed to use the roads in the Estate.
- 1.7.11 No unlicensed drivers may be allowed to operate a road going mechanised vehicle on roads in the Estate.
- 1.7.12 No “veldt” motorcycles, such as scramblers, quad bikes, three wheelers etc. will be allowed to use the roads if they would not be allowed on a normal public road. Only licensed and roadworthy vehicles will be allowed. Unlicensed vehicles must be transported by trailer or by LDV.
- 1.7.13 Such use will be restricted in terms of noise emission and the Estate Manager has the sole delegated power to determine if such a vehicle is unnecessarily noisy or not. The Estate Manager may bar the use of that particular vehicle from further use on the Estate, until such time as the necessary modifications have been done thereto. The Estate Manager, prior to reuse on the Estate, must evaluate the vehicle. If the permission to resume use has not been received, the offender will be fined to an amount equal to the normal fine for violations applicable at the time of transgression.
- 1.7.14 Users of Ride-on lawnmowers have to adhere to the same rules as depicted in 1.7.12 and 1.7.13 supra. No such lawnmower, save for the official Estate mower in use to maintain the common areas of the Estate; will be allowed to utilise the roads or to be used as a mode of transport in the Estate.
- 1.7.15 Bicycles have preference in the usage of the Estate roads over that of cars. Children and cyclists must however adhere to all the rules of the road as well as the Rules of the state authorities regarding road usage.
- 1.7.16 No motorised modes of transport of whatever natures, save for the Estate maintenance vehicles, and are allowed in and on the designated paths.
- 1.7.17 Any transgression on the Road Traffic Act of South Africa, Act 75 of 1984 will be considered to be misconduct in terms of the Code of Conduct and the Homeowners Association have the right to introduce fines and enforce payment of fines for such misconduct in addition to any fine imposed by the authorities in terms of the Road Traffic Act, Act 75 of 1984.

1.8 PRIVATE OPEN SPACES AND COMMON FACILITIES

- 1.8.1 All Private Open Spaces and Common Facilities are for the benefit and use of all occupants who must be considerate **and take care** when using these areas.
- 1.8.2 Private Open Spaces and Common Facilities may not be damaged in any way.
- 1.8.3 Picnics are permitted in designated areas only.
- 1.8.4 No open fires or braais are permitted in Private Open Spaces.
- 1.8.5 Pets may not be allowed to enter water features.
- 1.8.6 No trees or other flora may be removed from or planted on **Private Open Spaces** without prior written permission of the Estate Manager.
- 1.8.7 Vehicles may not be parked on Parked Open Spaces without the prior written consent of the Estate Manager.
- 1.8.8 No rubble or refuse should be dumped or discarded in **any public area or open / vacant stands**. Contravention will be punishable with prosecution by way of the City Council’s bylaws. Further, the Homeowners Association will remove the rubble or refuse and in the case where the perpetrators are known, will do so at the costs of the perpetrator.
- 1.8.9 The Estate Manager may issue spot fines up to R250.00 for dumping or littering.

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- 1.8.10 A particular appeal is made to residents to develop the habit of picking up and disposing of any litter encountered in open spaces.
- 1.8.11 Fauna of any nature may not be harmed or trapped in any public area, be it by people or by dogs.
- 1.8.12 Residents are responsible for maintaining trees, plants and shrubs planted on their kerbside by the Homeowners Association. In the event of damage to same, or the demise thereof, the resident is requested to notify the Estate Manager, in order to have it replaced or treated.
- 1.8.13 Residents are expected to maintain a high standard of garden frontage and kerbside maintenance. Lawn must be kept short and edges trimmed. Hedges must be suitably shaped and may not consist of poisonous or pungent plants.
- 1.8.14 Residents must ensure that declared noxious flora is not planted or growing on their sidewalks or in gardens as well as to adhere to the indigenous Plants and Protection Act, Act 185 of 2000.
- 1.8.15 Swimming pool water may not be emptied onto the green areas but must be channelled into the storm water system. Permanent ducting has to be installed by residents who install pools on their premises.
- 1.8.16 The owners of vacant stands must keep them clean and veldt grass must be kept short to prevent fires as well as for security reasons. Veldt grass is not allowed to grow higher than 50cm. Grass taller than the prescribed height will be trimmed by the Homeowners Association and the expense thereof will be added to the monthly levy of the owner concerned.
- 1.8.17 If the length of veldt grass is not maintained, the Homeowners Association reserves the right to clean the stands at the owner's expense regularly as it causes a threat of fires and is a major security risk, without further notice to the owner.
- 1.8.18 Trimming of veldt grass is mandatory and express condition of the purchasing of a stand on the Estate. Trimming must be done on a regular basis, i.e.; before or as soon as the grass reached 50cm in height, it has to be trimmed immediately. Trimming by individual owners must be done to the satisfaction of the Homeowners Association. The Estate Manager should be informed of the fact that the owner had trimmed the grass on his / her stand and will inspect the premises to ascertain if it conforms to the Rules and Regulations.
- 1.8.19 Residents make use of open space areas, entirely at their own risk at all times, notwithstanding that these areas may or may not be maintained and / or supplied with facilities by the Homeowners Association.
- 1.8.20 Certain areas in the Estate are demarcated conservation areas and may not be used as common or private open spaces. A plan indicating the areas are obtainable from the office of the Estate Manager.

1.9 ESTATE AGENTS

1.9.1 ACCREDITATION

- 1.9.1.1 An Estate Agent is accredited after paying the prescribed fee and signing an agreement with the Homeowners Association, that such agent will abide by the stipulated procedures applicable to the sale and / or lease of property in the Estate, and after having familiarised him / herself with the concepts, rules and conditions under which a buyer and / or lessee purchases and / or leases property in the Estate.
- 1.9.1.2 Accreditation of Estate Agents may be reviewed by the Homeowners Association from time to time, and an updated list of accredited agents will be available at the offices of the Estate Manager or Managing Agents.
- 1.9.1.3 Agents may only operate on a "by appointment" basis, and must personally accompany a prospective buyer and are not allowed to erect any "For Sale" signage.
- 1.9.1.4 Only standard "Show" boards approved by the Homeowners Association's directors from time to time will be allowed.
- 1.9.1.5 All show boards are to be removed by 19:00 on the show day.
- 1.9.1.6 Boards found on stands after a show day, will be removed and impounded by the Homeowners Association.
- 1.9.1.7 An R500.00 fee is payable per Estate Agent (R250.00 refundable) on application.
- 1.9.1.8 A photo must be provided by the Estate Agent, to be fixed to the access card.
- 1.9.1.9 The fee mentioned in 1.9.1.7 can be revised by the Board from time to time.
- 1.9.2 **ACCREDITATION PROCEDURE DOCUMENT**
A copy of the Accreditation Procedure Document is obtainable from the Estate Manager or Managing Agents.

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1.10 SERVICE PROVIDERS

- 1.10.1 An occupant who wishes to employ a Service Provider for a single engagement or a series of irregular engagements must **notify the Estate Security Personnel at the Main Entrance and provide them with the name and expected arrival time of the Service Provider.** Such a Service Provider must complete the access control register on each entry.
- 1.10.2 Occupants must inform the Estate Security Personnel at the Main Entrance if they have engaged a Service Provider on a regular basis to perform a service at their property and provide the name of that Service Provider.
- 1.10.3 A Service Provider who has regular engagements in the Estate may register with the Estate Manager completing the prescribed application form, and may in the sole discretion of the Estate Manager be provided with access permits themselves and their employees.
- 1.10.4 Services Providers may not place a sign advertising their business on a property during the time working at a property.
- 1.10.5 A Service Provider may be present or operate only during the following working hours:
- | | | |
|---------------------|---|---------------|
| Monday to Thursdays | : | 06:00 - 18:00 |
| Friday | : | 06:00 - 16:00 |
| Saturday | : | 07:00 - 15:00 |
- 1.10.6 An application for permission to work outside the normal working hours, together with the written consent of all adjacent neighbours, must be lodged with the Estate Manager at least 5 (five) working days prior to the intended work, unless the Estate Manager, in a particular instance, agrees to a shorter period.
- 1.10.7 Sundays and public holidays and the period between 24 December and 2 January (both days included), are not normal working days and a Service Provider may not work in the Estate on these days. A Service Provider may, however, on application in the discretion of the Estate Manager be allowed to work on these days. The application, together with the written consent of all adjacent neighbours, must be lodged in writing to the Estate Manager.

1.11 MAINTENANCE OF STREETScape AND REFUSE REMOVAL.

1.11.1 STREETScape

- 1.11.1.1 Every owner has a responsibility to the Estate community as a whole to maintain the area between the road kerb and the boundary wall of his property, commonly referred to as the sidewalk. The City Council has informed the Board, that the kerbs and sidewalks no longer form part of the municipal upkeep and that home owners are liable and responsible for this upkeep.
- 1.11.1.2 Damage to the kerbside, traffic signs, lamp posts, meter boxes and other road marks, will be for the account of the offender or the legal guardians of minors or the principals of contractors committing offences.
- 1.11.1.3 The need for repairs of such damages is to be reported to the Estate Manager as soon as possible. The Estate Manager will notify the offender or alleged offender of the damage inflicted and the Estate will undertake the repairs at the cost of the offender.
- 1.11.1.4 Payment of such repairs will be levied against the monthly levy account payable to the Homeowners Association and will be added to the account of the offender for payment at the end of the ensuing month.
- 1.11.1.5 Parking on kerbsides and sidewalks should be minimised to allow free passage to pedestrians.
- 1.11.1.6 Kerbsides and sidewalks may not be used as storage facility for sand, top-dressing, gravel, bricks etc. It is the responsibility of the owner of the stand, to clear the kerbside or sidewalk within one working day, from date of accidental delivery thereon, in order to avoid fines. Initial wrongful delivery on any kerbside or sidewalk is subject to the minimum fine for first offenders, currently R150.00. This amount may be amended by the Board of Directors from time to time
- 1.11.1.7 Kerbsides and sidewalks are the responsibility of the owner or resident of the particular stand. On occupation of a stand, the new owner has to level, clean and establish the "permanent" sidewalk of the stand. Sidewalks and kerbsides should preferably only be covered with grasses such as lawn, kikuyu, Canada Green or cobble stone paving to allow free access to pedestrians. The fact that servitudes are registered on sidewalks should be acknowledged at all times.

- 1.11.1.8 In the event of non-compliance with this Rule, the Estate Manager will prepare the sidewalk and plant same with kikuyu or other lawn and the cost thereof, will be deducted from the building deposit or added to levy accounts. The owner will be given one week-prior notice, before the Estate Manager will commence with the preparation of the Sidewalk. No further notice will be given thereafter and the work will commence and be completed forthwith.
- 1.11.1.9 Garden fences / walls and outbuildings, which form part of the streetscape, must be maintained and painted where necessary. The neglect to do so will result in the Homeowners Association affecting the necessary upkeep, repairs or replacements or painting of structures, and the cost charged to the owner. Notice to such effect will be given at least seven days prior to execution thereof in order to have the resident / owner placed in a position to rectify same at own expense.
- 1.11.1.10 Caravans, trailers, boats, Wendy houses, tool sheds, equipment, tools, engine and vehicle parts as well as accommodation for pets should be sited out of public view.
- 1.11.1.11 Building material may not be dumped on the sidewalks under any circumstances; notwithstanding the fact that construction is in progress or that refuse or rubble removals have been ordered. All building materials / waste will be kept on the stand at all times.
- 1.11.1.12 Garden refuse, other rubbish, building waste or rocks may not be dumped on vacant properties and will be removed at the cost of the owner. The costs of contracted removal will be added to the owner's levy account.
- 1.11.1.13 No trees, plants or sidewalk lawn may be removed without the permission of the Estate Manager.
- 1.11.1.14 Planting of shrubs, trees, flowers or plants should not interfere with pedestrian traffic or obscure the vision of motorists. Should trees be planted on sidewalks, owners must liaise with the Estate Manager to prevent trees being planted on top of sewer and water main lines.

1.11.2 REFUSE REMOVAL

- 1.11.2.1 Refuse removal is the responsibility of the resident.
- 1.11.2.2 The timetable and prescriptions for domestic refuse removal, as published by the Town Council will apply and residents will have to place their refuse containers in the demarcated areas and during the indicated time periods.
- 1.11.2.3 Refuse bins may be placed on the sidewalk only in the morning of the day for which refuse collection is scheduled. If refuse is for whatever reason not collected on the scheduled day, the occupant must remove the bin to a place where they cannot be reached by foraging pets.
- 1.11.2.4 Refuse bins have to be removed from sight as soon as possible after collection and emptying by Council.
- 1.11.2.5 General garden refuse may not be placed on the kerbside or sidewalk, except if a collecting agent will remove it within a period of 8 hours.
- 1.11.2.6 The Estate Manager prior to the engaging of their services must approve such collecting agents and they will have to register for access and security control according to the Rules and Regulations applicable to contractors.
- 1.11.2.7 No garden refuse may be dumped on empty stands or any place in the Estate. Fines up to R2 000.00 will be levied in the event of unlawful dumping of refuse on empty stands and common areas.
- 1.11.2.8 Further, the refuse so unlawfully dumped, will be removed by the Estate Manager and the cost of such removal will be for the account of the perpetrator or his principal and / or identified owner or resident.
- 1.11.2.9 Refuse may never be burnt. Contravention of this Rule will cause fines of at least R150.00 to be issued.

1.12 PETS

- 1.12.1 An occupant may not keep:-
 - 1.12.1.1 Any poisonous, exotic or other undomesticated or wild pets; or
 - 1.12.1.2 Poultry, pigeons, aviaries or livestock.
- 1.12.2 Occupants must at least once a day remove any defecation of pets inside their stand.
- 1.12.3 Occupants may not neglect their pets by, for example, leaving it to feed for itself or failing to provide it with medical attention.
- 1.12.4 No person may inflict physical cruelty to a pet or subject it to violence.

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- 1.12.5 The local authority bylaws relating to pets will be strictly enforced. Contravention of same, will result in prosecution, fines or in persistent contravention cases, legal action will be taken with a view to obtain an order against a resident to comply...
Legal costs will be recovered from the owner of the property.
Any issues relating to noise levels of e.g. barking dogs are to be dealt with by the respective residents via the local authority channels regarding acceptable noise levels.
- 1.12.6 A maximum of 2 (two) dogs or 2 (two) cats may be kept on regular stand. Written permission may be obtained from the Board of Directors to exceed these limits. Application to exceed the maximums has to be submitted to the Board accompanied with the necessary motivation. The decision of the Board of Directors is final and no appeal is possible.
- 1.12.7 No pets are allowed to roam the streets. Roaming pets will be removed immediately, without notice to the owners and be handed to the municipal pound or SPCA. In the event of the owner being known to the Estate Manager, or the owner become known to the Estate Manager, a fine of up to R150.00 may be levied, depending on the circumstances leading to the animal being outside of the owner's stand.
- 1.12.8 Pets can only be walked on a leash in public areas.
- 1.12.9 Should any excrement be deposited in a public area, the immediate removal thereof shall be the sole responsibility of the proud owner of the pet. Neglect to comply may result in a fine up to R150.00.
- 1.12.10 Every pet must wear a collar with a tag indicating the name, telephone number and address of its owner. Stray pets without identification tags will be apprehended and handed to the municipal pound or SPCA.
- 1.12.11 The owner will be responsible for any damage or injury to property / persons / other animals within the Estate by his / her dogs.

1.13 BUSINESS ACTIVITIES

- 1.13.1 No person may conduct a business or practice a trade on or from a residential erf or residential sectional title property in the Estate without the prior written approval of the Board of Directors and the Municipality. The Estate Manager does not have the authority to allow or approve business rights on the Estate.
- 1.13.2 No signage or advertisement of any business may be displayed on private or communal properties. Only one sign per residence is allowed in respect of armed response companies for identification purposes
- 1.13.3 No business activity or hobby, which would cause aggravation or nuisance to fellow Occupants, may be conducted, including auctions and jumble sales.
- 1.13.4 All applications to conduct business activities from stands within the Estate must be submitted in writing, to the Estate Manager, who will place the application to be heard, on the next ensuing Board Agenda with the Managing Agents. Results will be received by way of Board Resolution within 48 hours from date of the Board Meeting. The Board's decision is final and no appeal is possible. Re-application will be entertained, in the event of new or additional information becoming available.
- 1.13.5 If an applicant is not an owner of the erf or sectional title property concerned, written permission of the owner for such application must accompany the application.
- 1.13.6 The following are criteria that will be taken into consideration when the Board entertains an application:
 - 1.13.6.1 Will the business cause an influx of visiting vehicles onto the Estate?
 - 1.13.6.2 Will the business generate noise and what would the extent of the noise be?
 - 1.13.6.3 What would the effect of the business on the immediate neighbouring stands be?
 - 1.13.6.4 Will the business enhance the desirability for criminal elements (Jewellery manufacturing etc.)?
 - 1.13.6.5 Would the business be dependent on advertisement and high visibility?
 - 1.13.6.6 Is the business beneficial to the general character of the Estate?
 - 1.13.6.7 Would the business enhance the desirability of the Estate, for prospective investors?
 - 1.13.6.8 Will the business enhance the general value of the Estate, not have any effect on it, or be detrimental thereto?
 - 1.13.6.9 Would the business require additional building construction on the intended premises?
 - 1.13.6.10 Did the direct neighbours of the applicant consent to the conducting of the intended business on the applicant's stand?
 - 1.13.6.11 Is there adequate parking as to prevent sidewalk parking?

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1.14 CLEARANCE AND OTHER CERTIFICATES

1.14.1 The Managing Agent may not issue a clearance certificate or any other certificate required for purposes of the transfer of a property if:-

- 1.14.1.1 The offer to purchase does not contain a clause binding the purchaser to the provisions of the Articles of Association;
- 1.14.1.2 All monies due to Cedar Creek Estate Homeowners Association have on the date of registration not been paid; or
- 1.14.1.3 There has been a breach of any of these Rules or of Articles of Association that has not been remedied, or for the remedying of which provision has been made, to the satisfaction of the Board of Directors.

1.15 FINES

15.1 The Homeowners Association have the right to introduce and enforce payment of fines against transgressors of any of the conditions of the Rules and Regulations contained in this document or its annexures or amendments.

15.2 All prescriptions not adhered to, whether indicated as carrying a fine or not, will be subject to a fine of at least R150.00. Persistent transgression of any conditions of the Rules and Regulations may result in legal action being taken by the Board to interdict an owner to refrain from further transgressions or to seek alternative legal relief. Legal costs are for the account of the transgressor.

15.3 Where any of the rules as stipulated by the Homeowners Association have been broken and a fine levied, such fine will form part of the next monthly levy due and will be due and payable on the due dates of the payment of the levy.

15.4 The Estate Manager may impose any fine referred to in these Rules and Regulations and may delegate such authority to any person with the written permission of the Board of Directors.

15.5 The normal appeal procedures may be followed in the event of dispute of facts.

1.16 DECISIONS AND APPEALS

1.16.1 No resident / owner may refuse receipt and / or delivery of any notices in terms of the Rules and Regulations. Refusal will result in the placement of the notice in the normal fashion, in attachment to the gate and / or front door of the above. Such service will be effected by the security firm appointed by the Homeowners Association and will be sufficient service of such notice.

1.16.2 In the event of appeals or contesting of the facts relating to any fine imposed or decision made by the Estate Manager written representation must be addressed to the Board which appeal or defence will be dealt with at the first Board Meeting subsequent to receiving such written representation.

1.16.3 The decision of the Board of Directors is final and no further appeal is permitted thereafter.

PART II - ARCHITECTURAL DESIGN GUIDELINES

NOTE

The aim of the Cedar Creek guidelines is to establish a harmonious and aesthetically pleasing environment, relevant to a South African architectural language and lifestyle.

The guidelines serve to promote a development known for its design and ultimately its own unique “sense of place”, and in this way to set a standard of high quality lifestyle for occupants and protect property values.

The Board of Directors has appointed an Architect to scrutinise all Building Plans for compliance with the applicable Architectural Guidelines prior to submission thereof for Municipality approval.

1. INTRODUCTION
 2. BUILDING DESIGN GUIDELINES
 3. APPROVED BUILDING MATERIALS AND DESIGN STYLES
 4. TOWN PLANNING CONTROLS
 5. TREATMENT OF STAND BOUNDARIES
 6. LANDSCAPING
 7. CONSTRUCTION ACTIVITIES
 8. GENERAL
 9. BUILDING PLAN SUBMISSION
 10. TIME FRAME
-

1. INTRODUCTION

- 1.1 All plans should be prepared by a Registered Architect or a Registered Architectural Designer and be submitted for approval to the Aesthetics Committee of the Homeowners Association, nominated by the CCHOA (See item 9 Building Plan Submission). Only after this approval has been obtained can the plans be submitted to the local authority. It is the owner’s responsibility to ensure that all plans are submitted and approved by both authorities prior to construction.

2. BUILDING DESIGN GUIDELINES

- 2.1 The purpose of these design guidelines is to encourage individual architectural creativity within a unity of materials, finishes and architectural language, ensuring that the overall development harmonises and creates a balanced lifestyle for all residents.

It is the aim of these guidelines to promote a unique South African Architectural approach to design at Cedar Creek, allowing architects and designers creative freedom within a cohesive overall language, through the use of natural materials, light, and strong architectural form. Each house should respond to its site and client’s individual brief within a context sympathetic to the whole.

To this end borrowed classical detailing and applied “styles” are strongly discouraged. Designers should rather seek to create original architecture using principles of good design.

The guidelines below serve to protect neighbours’ rights to privacy and light, to prevent over bulking of the estate and to encourage a variety of roof scapes and street scapes, rather than to lay out a prescribed “style”. It is up to the individual architect to contribute to the successful execution of the developers’ aim and the supervising architects will also assist in attaining this goal.

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3. APPROVED BUILDING MATERIALS AND DESIGN STYLES

As a general rule the principle of ‘truth to materials’ should be applied at Cedar creek. i.e. materials such as stone, concrete, wood, steel and glass are encouraged to be expressed for the properties of the material. Hence no artificial fake rock cladding, fibre cement columns and pseudo classical moulding details will be permitted. Shutters should be working shutters, not applied fixed decoration. A use of texture is encouraged, as is the use of heavy masonry to create depth and shadow to elevational treatment, utilising the harsh south African sunlight as a design element. Change of finish and colour may be used to delineate different planes or forms in the design.

Pigmented plaster, natural stone, off shutter concrete and raw sealed stock brick, combined with plaster and paint or pigmented plaster is encouraged. Should the architect be required to design a more classical home, simple rules of classical proportion in a modern context will be encouraged, looking toward the work of Herbert Baker or the new classicists such as Ken Tate. Wide overhanging roofs, farmhouse style houses, natural tactile finishes will be encouraged in more traditional homes, rather than the applied details of such borrowed “styles” as “Georgian” or “Tuscan”.

3.1 ROOFS

The following roof coverings are encouraged:

- Concrete roof tiles in earth tones
- Approved Metal Sheeting that has been pre painted e.g. Chromodeck
- Slate roof tiles
- Natural clay tiles or shingles
- Flat concrete roof with non-reflecting finish,(provided roofs are at different heights)
- Combinations of flat and pitched roof forms
- Thatch roofs : (preferably combined with flat roofs and only provided min 4.5m building lines and lightning protectors are applied)

The following Roof coverings are Prohibited:

- unpainted steel reflective roofs (due to their reflective nature for neighbours)

All roof colours must be natural earth colours, Grey or Charcoal, and approved by the Aesthetics Committee. No black or primary colours on roof finishes are permitted.

Roof Pitch: According to the individual design of the house

Roof overhangs: According to the individual design of the house:

Wide roof overhangs are encouraged.

Clipped eaves with gutters are allowed if roof sheeting is used, but corbel detailing with no gutters are strongly discouraged.

3.2 WALLS

- Walls may be plastered and painted or pigmented plaster. Earth toned colours are encouraged. Colours must be submitted for approval. Note: Scratch plaster is discouraged as it leaves dirt marks in walls and is dated.
- Face brick (only red face brick to approved sample) and raw clay stocks may be used in panels as part of a particular design, provided they do not constitute more than 30% of the elevation. Samples must be approved by the aesthetic committee.
- Natural stone and other stone will be permitted but samples must be approved by the Aesthetics Committee. Dry stone packing is encouraged.
- All screen walls must be completed and finished on both sides.

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- Any other building materials must be approved by aesthetical committee, e.g. gabion walling, steel and latte fencing, metal cladding (if non reflective e.g. rusted etc.)
- Thick walls creating deep shadows are encouraged.

Prohibited

Spanish wave plaster work.
 Plaster to Look like stone work
 Artificial rock cladding:
 Face brick except in panels as stipulated above.
 Paint in primary or bright colours

WINDOWS:

In keeping with the particular design

The following window treatments are encouraged:

- Windows may be of timber or aluminium or steel for large sections of window if applicable to a certain design.
- Painted, powder coated or treated to suit house. No black or anodised aluminium

Large glass panels on garden elevations are encouraged, counterbalanced with punched Deep inset glazing on street scapes.

Prohibited

Anodised aluminium
 Glass bricks
 Concrete wimbles
 Ornate window surrounds and sills.
 Unbalanced placement of windows in relation to each other and wall space, particularly on street and green belt elevations.

ARCHITECTURAL ELEMENTS AND DETAILS TO BE ENCOURAGED:

The building should respond to the topography of the site and therefore level changes are encouraged on sloping sites.

Plans that are composed of a series of rectangular or square major forms that are connected to one another by the use of minor plan forms are encouraged. Arbitrary angles and flying beams are

Major plan forms may have mono pitched or centrally pitched roofs, or flat roofs at varying heights. Minor plan forms may be glass links with flat roofs, or mono pitched verandas, perpendicular to major plan forms.

Elements to be encouraged:

Textural elements, raw clay brickwork, pigmented plaster
 Dry packed stone walling
 Mono pitched metal roof structures, wide overhangs
 floor to ceiling fenestration, balanced with thick masonry walls, creating deep shadows
 Sculptural chimney detailing,
 simple reflective water features
 Working sliding screens and shutters,
 Use of steel and metal work as sculptural elements

3.4. PROHIBITED BUILDING MATERIALS and DETAILS

In an effort to encourage an individual and original South African architectural style on the estate, only a few materials and details are prohibited.

Unpainted plaster (except cement oxide or if shown on approved elevations);

- Split pole fencing; precast concrete walling
- Razor wire, security spikes or similar features
- Face brick other than as specified above. No klinker brick
- Asbestos
- Carports unless designed as part of the architectural language of the house, approval of which shall be at the discretion of the CCHOA aesthetic committee.
- Round fibre cement columns
- (note: properly proportioned columns may be allowed at the discretion of the aesthetics committee, if left in natural concrete, well proportioned and in keeping with an overall design, but then only on a garden elevation and not on street elevations. No double volume round columns on the street will be allowed.
- Applied non functioning shutters
- Paint techniquing.
- “ Tuscan” corner detailing (i.e. horizontal brick coining)
- Applied ornate classical mouldings and pediments
- Brookie lace or Victorian detailing
- Stainless steel cladding
- Mirrored or Tinted glass in colours other than grey, laminated safety glass
- Glass bricks and “ win blocks”
- Timber “sculptured” front doors depicting elephants or “modern” wood sculptures.
- Artificial rock cladding

LANDSCAPING AND WATERFEATURS

Note approval from the Aesthetics committee is required for any water features or sculptures to be built on street elevations.

The architect appointed by the CCHOA shall have the final say as to the aesthetic appeal and interpretation of these guidelines for any particular stand. Relaxation of any guideline for a particular property, at the architect’s discretion, shall not set a precedent or absolve any other owner from adhering to that guideline.

4. TOWN PLANNING CONTROLS

4.1 COVERAGE and HEIGHT

- 4.1.1 Maximum of one dwelling per erf. An additional flatlet of max 75sqm may be allowed on erven over 1000sqm, provided any necessary 2nd dwelling approval is obtained from Local Authority.
- 4.1.2 Maximum height - two storeys, and **8.5m** above natural ground level. i.e. the highest point of the roof at any point is not to exceed 8.5m above the existing natural ground level directly below that point. In the case of extremely steep e.g. river frontage stands the aesthetic committee may at their entire discretion allow e.g. a half basement to accommodate the fall of the site and a particular design, provided the height restriction is adhered to over the majority of the stand and neighbours privacy rights are not adversely affected.

A MAX PLINTH HEIGHT OF 600mm above ngl on boundaries to neighbouring properties and 1.2m on boundaries adjoining greenbelts and streets shall be strictly

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adhered to. The purpose of this is to prevent overlooking at ground floor level into a neighbouring garden.

- 4.1.3 Single storey dwellings - maximum coverage allowed will be 60%.
- 4.1.4 Double storey dwellings - the ground floor coverage of double storey dwellings shall not exceed 50% of the area of the stand and the first floor shall not exceed 75% of the ground floor coverage. (This 75% shall be the roofed area of the first floor, including double volumes.)
- 4.1.5 No dwelling may be smaller than 200m² excluding garages and outbuildings.

4.2 BUILDING LINES

Single Storey portion of the Dwellings:

Street Boundary: 3 meters from the street boundaries
Side Boundary: 2 meters from each side boundary;
Back Boundary: 2 meters from the back boundary.

Garages 5 meters from street boundary if facing street
3 meters from street boundary if parallel to street

Double Storey portion of Dwellings:

Street Boundary: 5 meters from the street boundaries;
Side Boundary: 3 meters from each side boundary;
Back Boundary: 3 meters from the back boundary.

Thatch Roof Dwelling: 4.5 meters from all boundaries

In case of a side or back boundary, bordering onto a public open space, the following building lines will apply:

Single Storey : 3 meters from the public open space;
Double Storey: 5 meters from the public open space;

In the case of **corner stands**, stands bordering on 2 (two) or more street boundaries, stands bordering on 2 (two) or more green areas or stands bordering on street boundaries and 2 (two) or more green areas, application can be made for a relaxation. Relaxation will only be allowed for 1 (one) of these boundaries in the discretion of the CCHOA and the Aesthetic Committee.

The architect and owner shall ensure they are not contravening any servitudes in the title deeds of their property.

The application for **relaxation of boundaries** must be submitted to the CCHOA together with the written consent from the adjacent neighbours together with the submission of the building plans. No application for relaxation will be considered without the necessary consents. The following is the only relaxation that will be allowed by the CCHOA:

Single Storey Dwelling: To a minimum of 1 (one) meters from the side boundaries;
Double Storey Dwelling: To a minimum of 2 (two) meters from the side boundaries;

The above relaxations will be considered only provided the building is stepped along the boundary. Relaxation will not be considered for the entire length of the building.
No relaxation for the back boundary.

Thatch Roof Dwelling: No relaxation for any of the boundaries.

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4.3 PRIVACY

The privacy of surrounding properties must be considered. As a general guideline all windows bordering directly onto neighbouring boundaries are to be sand blasted. No first floor balconies shall overlook directly onto a neighbouring stand and side walls of balconies close to neighbours may be required to have 1800 high screen walls.

This is for the benefit of the entire estate. The CCHOA wishes to encourage a feeling of good neighbourliness within the estate, and a balance between privacy and community life, so that houses are not hidden behind massive walls. The architect appointed by the CCHOA shall have the final say as to whether a privacy issue is reasonable or unreasonable.

- 4.4 Staff accommodation shall be contained under the same roof and integrated into the overall design.
- 4.5 Outbuildings and additions must match the original building design in style, elevation and material use.
- 4.6 Washing lines and refuse areas must be screened off with a 2 meter high wall of the same material as the external finishes of the house.
- 4.7 Dog kennels, caravans, boats or trailers must be placed / parked in approved undercover parking and screened from public view.
- 4.8 No pre-fabricated garden sheds or "Wendy houses" will be allowed on the Estate without the prior written approval of the CCHOA and these must be positioned within the building lines of the erf, out of public view.
- 4.9 No shade netting may be used for carports or any other coverage.
- 4.10 Solar heating panels, if used, should be incorporated into the building and form part of the basic structure and should be clearly shown and annotated on the approval drawings.
- 4.11 Awnings, TV aerials, air-conditioning units, satellite dishes, and other items, which do not form part of the basic structure, are to be clearly shown and annotated on the approval drawings. If the positioning of the aforementioned can not be shown at the time of the lodging or approval of the drawings or building plans then the written consent of the CCHOA must be obtained after the approval of the drawings and plans but before the aforementioned are attached to the basic structure. Air conditioning units particularly must be placed at ground floor level and out of public view.
- 4.12 Plumbing must be screened, and plumbing of double storey dwellings shall at all times be enclosed in ducts as part of the design of the house
- 4.13 No external lighting to adversely affect neighbours
- 4.14 No deviations from the approved drawings will be permitted unless the deviation is resubmitted and approved in writing by the Aesthetic committee.

5. TREATMENT OF STAND BOUNDARIES

It is appreciated that the diverse nature of single residential neighbourhoods will lead to a variety of treatments to the street boundary.

5.1 STREET BOUNDARY

The street boundary should preferably be open or be enclosed with a palisade type fence with or without brick pillars to a maximum height of 1.8 meters. If the boundary contains a solid wall of whatever kind for the sake of privacy then the solid wall may not exceed 50% of the total length of the boundary.

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5.2 SIDE SPACE

The side walls between properties may be a maximum of 2 meters high over the entire extent of the boundary, from the new ground level, and a max of 3m from the original NGL. This is to encourage residents not to cut and fill their sites by more than 1m against a neighbouring property, resulting in massive retaining walls. The Aesthetic committee will look at existing contours and decide each case on its merits.

All boundaries bordering onto parks and storm water green belts will be handled in the same way as the street boundaries as mentioned under item 5.1

6. PAVING AND LANDSCAPING

- 6.4.1 Landscaping on sidewalks must be undertaken within the integrated landscape language of the Cedar Creek Estate.
- 6.4.2 The landscaping theme of The Cedar Creek Estate is to be encouraged in the use of indigenous trees and plants.
- 6.4.3 All driveways must be paved. Preference will be given to clay brick paving, coloured concrete cobble paving. Some loose stone may be allowed, but no crusher run or tarred driveways are permitted.
- 6.4.4 The use of hedgerows is recommended and the planting of indigenous trees and shrubs is encouraged where possible. Trees to be planted in the road reserve must follow the guidelines set for that street, if applicable.
- 6.4.5 Planting of hedgerows is also encouraged where palisade fencing is used.
- 6.4.6 No trees, plants or sidewalk lawn may be removed without prior approval of the CCHOA.
- 6.4.7 No shrubs, trees, flowers or plants may be planted on sidewalks without prior approval of the CCHOA.

7. CONSTRUCTION ACTIVITIES

As the building within the residential estate will be constructed over a considerable time period, the following guidelines have been formulated for the benefit of residents:

- 7.1 All building materials are to be stored within the site boundary; no material is to be off-loaded onto the road or road reserve.
- 7.2 No advertising or sub-contractors boards will be permitted. Only the approved contractor and architect's board will be permitted.
- 7.3 No workmen will be permitted on site between the hours of 18H00 and 06H00. With prior arrangement with the CCHOA, a night watchman may be permitted to remain on site to safeguard building materials.
- 7.4 All contractors must provide screened ablution facilities for the workmen and sub-contractors under his control.
- 7.5 Construction hours are restricted from 06H00 to 18H00 Monday to Friday and with prior approval, from 06H00 to 13H00 on Saturdays. No construction activity is to take place on Public Holidays or Sundays except with the prior written approval of the CCHOA. With special consent of the CCHOA, building activities may be extended to 18:30 during the months of September to end March.

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- 7.6 Delivery routes and hours may be redefined from time to time by the CCHOA and all contractors are to obtain these restrictions from the managing agent. If a separate entrance is made available for construction vehicles, only that route may be used.

No articulated trucks hauling an additional trailer are permitted on site. Fines may be levied from time to time by the CCHOA for contractors and delivery vehicles that spill material en-route, damage roadways and kerbs, stain tarmac and generally create nuisance within the estate.

Contractors are to sign a code of conduct available from the Estate management prior to commencing work on site. This Code of conduct is subject to amendment by the Estate management from time to time.

The speed limit is 30 km/h and speeding and reckless driving will not be tolerated. Due care must also be taken by all vehicles not to block the thoroughfare of roads.

No pets, birds, or domestic animals of the contractors' will be permitted onto the Estate.

Noise and dust reduction is essential, and contractors shall endeavour whenever possible to limit unnecessary noise, especially employee loud talking, shouting or whistling, radios, sirens or hooters, motor revving etc.

Contractors are expected to conduct their operation in a reasonable and co-operative manner. Should the Homeowners Association have any concern with the conduct of the contractor, his sub-contractor or his suppliers and any of their employees, the Homeowners Association may rectify as deemed necessary and / or reserve the right to suspend building activity either indefinitely or until such undesirable conduct is rectified, which it may do so at any time and without notice, and without recourse from the owner and / or contractor and / or sub-contractor, and / or supplier.

8. GENERAL

- 8.1 The developer will secure the entire township and provide secured gate control. Because building activities will take place, owners must ensure that their residences are properly secured. It is recommended that Contractors provide their own lockable sheds. The CCHOA will not be responsible for goods and equipments on site. One night watchman may be allowed to sleep over per site by special arrangement with the managing agents.

- 8.2 No private boreholes will be allowed.

- 8.3.1 The day to day running of the estate will be managed by **Effective Estate Management**. All queries regarding levies or any enquiry relating to the running of the estate must be directed to **Carol Katz** at :

Effective Estate Management
The Management Office ,
Riverglades Estate
67 Juweel St, Jukskei Park

TEL: 011 658 1467/ 082 856 8178
FAX: 011 6581079
POSTAL: PO Box 912 Fourways 2055
E MAIL: carol@eemoffice.co.za

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9. BUILDING PLAN SUBMISSION

The following must be adhered to before building plans will be considered for inspection:

All design documentation must be submitted to the Estate management for approval by the Aesthetics Committee prior to submission to the local authorities. The following shall be the submission procedure:

9.1 PLAN APPROVAL FEE

- 9.1.1 With effect from 1 April 2007, a plan approval fee of **R1 500-00** per erven is payable to the CCHOA Architects on submission of plans to the Office of the Estate Management.

Carol Katz at:
Effective Estate Management
The Management Office ,
Riverglades Estate
67 Juweel St, Jukskei Park

TEL: 011 658 1467/ 082 856 8178
FAX: 011 6581079
POSTAL: PO Box 912 Fourways 2055
E MAIL: carol@eemoffice.co.za

Note: These plans must be submitted with payment on or before Friday 12 noon of every week and the Aesthetics Committee will meet on Mondays.

- 9.1.2 Each time plans are resubmitted for consideration due to amendments to previously submitted plans an additional **R300.00** plan fee will be payable. This also applies to as built plans for changes during construction.
- 9.1.3 Three Site inspections will be performed by the managing agents. Should the estate's appointed architects be required to attend a site meeting, or a meeting to settle disputes between neighbours, an additional site inspection fee of **R500.00** will be payable in respect of each such inspection to the architects.

The SG diagrams and services drawings will be available electronically from the architects at a service fee of **R100**.

9.2 BUILDING DEPOSITS

- 9.2.1 A building performance deposit of **R5 000-00** must be paid to CCHOA and will be held in trust (interest free) pending completion of the building works and the issuing of an occupation certificate. **R500** of this deposit will be retained by the Estate Management for building inspections. **R4500** will be refunded provided it is not used as set out in 9.2.2.

In addition a non-refundable payment of **R1 000-00** towards the road maintenance fund is payable simultaneously with the building deposit. (i.e. **R6000 deposit in total, R4500 refundable**)

- 9.2.2 The **R4500** refundable deposit will be used if there is a breach on non-performance to remove rubble or make good any damage caused by the owner, contractor or sub-contractors or suppliers, including kerbing, landscaping, community services, roads, irrigation etc. and for any outstanding spot fines.
- 9.2.3 The **R4500** refundable building performance deposit shall be released on submission to the managing agent of a Local Authority's Certificate of Completion and Occupancy, and shall be refunded within fourteen (14) days once the managing agent has certified that the erf and surrounding area has been properly restored.

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- 9.2.4 The CCHOA reserves the right to forfeit the deposit and claim any additional amount from the owner if the above is not fully adhered to.

9.3 SUBMISSION OF PLANS

9.3.1 All plans necessary for City Council approval must be submitted together with an extra rendered paper copy to be kept for record purposes by the CCHOA. Plan approval fees charged by the City of Jhb Metropolitan Municipality are for the owner's account.

9.3.2 In the event of the owner of the property applying for relaxation of boundaries, no such application will be accepted without the prior written consent of the neighbours being obtained by the owner as are prescribed by the Building Plan Section of the City of Jhb Metropolitan Municipality.

9.3.3 SKECTH PLAN SUBMISSION

Submit drawings with the following information:

SITE PLAN: showing

- Stand No
- North Point
- Boundary distances
- Building Lines
- Ground Floor Foot print
- Distances to boundaries
- Contours: annotated to same levels as house.
- Datum Point 000 correlating to levels of house.
- Layout of driveway and access on site. It is the owner/ designers responsibility to ensure that this does not clash with existing street lamps, storm water culverts etc.
- Street and Access to site, guest parking
- Paving , Landscaping areas
- Boundary wall detailing , indicating percentage of open/ palisade
- Positions of storm water culverts, street lights and electrical boxes on site
- Proposed pool pump position
- Existing trees: retained and removed
- Position of screened drying yard
- Storm Water control

AREA SCHEDULE: showing

- Coverage
- Area of Ground floor
- Area of First Floor
- Percentage of First Floor/Ground Floor ratio (75%)

FINISHING SCHEDULE: showing

- Wall finish: material (e.g. type of plaster finish) and colour
(Note: List colour spec. Final colours to be approved on site from samples by the Aesthetic Committee prior to painting)
- Window material and colour
- Balustrade material and colour
- Roof Tile material, profile and colour
- Cladding if applicable

GROUND FLOOR PLAN

FIRST FLOOR PLAN

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Indicating concealed drainage:
1800 screen walls to balconies if applicable

Roof Plan Indicating down pipe positions:

One section indicating height of house above NGL less than 8.5m, and plinth height.

Rendered Street Elevation/ 3d artists impression indicating proposed materials/massing
Rendered Green Belt Elevation/ 3d artist's impression if applicable.

- Contours on the site plan/ setting out plan, referenced to the same levels as the house, with a clearly marked datum level , ensuring that the maximum plinth height above ngl does not exceed 600mm on neighbouring properties and 1.2 m on greenbelts / streets.
- A 3d artist's impression or rendered elevation of the house indicating the massing of the building and an understanding of the 3d realisation.

9.3.4 All plans must be dropped at the Estate Managers office before Friday at 12 for scrutiny.

10 TIME FRAME

The construction of improvements must commence within 2 (two) years from the date of first registration of transfer of ownership or such extended period agreed to by the CCHOA (Thus, within 2 (two) years from the date the property is transferred from the Developer to the first purchaser). The construction must be completed and a certificate of occupation issued by the Local Authority within 12 months from the date of commencement of any building activity. Should this not be adhered to, the CCHOA will have the right to introduce penalties, to a maximum of double the monthly levies. In order to reduce inconvenience to neighbours as well as unsightliness, construction must proceed without lengthy interruptions and be handled in such a way that the end of each phase should be aesthetically acceptable to the CCHOA.

The design of the dwelling unit and the entire stand must show sensitivity to the existing natural features, flora and topography. Permission must be obtained from the CCHOA before existing trees are removed and all existing trees are to be shown on the site plan. Surrounding structures must be taken into account in the design process.

SUBDIVISION

No erf shall be subdivided or rezoned. Should 2 erven be consolidated, each erf will still be subject to separate levies. Once an erf is consolidated, it shall not then be re subdivided.

DISCLAIMER

The restrictions set out above are in addition to any restrictions imposed in terms of conditions of title, town planning schemes, national or any other building regulations. Notwithstanding that any plans or improvements may comply with any such restrictions imposed by third parties, the approval of any plans or improvements shall be at the sole discretion of the CCHOA, via the appointed architects. Similarly compliance with the restrictions imposed by the CCHOA, shall under no circumstances absolve the owner of a property within the estate from the need to comply with restrictions imposed by third parties, nor shall the CCHOA approval be construed as permitting any contravention of restrictions imposed by any local authority having legal jurisdiction.

Approval by the CCHOA and their appointed architect's is solely in terms of these guidelines and should not in any way be seen as approval or checking of building plans for structural integrity, national building regulations or design faults, although the Estate Architects may at their discretion point out any such faults during the process of scrutinising the plans.

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The interpretation of these rules and decision on whether or not a plan for a dwelling and the ongoing construction of the dwelling complies with these guidelines and maintains a high degree of aesthetic integrity and harmony, both in relation to the surrounding environment and with other buildings in the estate, remains the sole discretion of the appointed architects.

Should changes from the plans be made on site, revised plans are to be submitted to the estate architects. An additional fee shall be payable as set out in 9.1.2. Non compliance with approved building plans may result in stopping of construction on site and access of builders being denied until the non compliance is rectified, particularly if the deviation contravenes these guidelines.

The Aesthetics Committee of the CCHOA reserves the right to change the plan submission procedure at any stage.

10. ACKNOWLEDGEMENT BINDING ON ALL OWNERS

The owner and his/her contractor and sub-contractors will be bound by these Architectural Guidelines and any amendments thereto from time to time, and no elevation or relaxation will be permitted without the prior written approval of the CCHOA.

In the case where the property is sold or leased, the seller or lesser must ensure that the buyer or lessee receives a copy of these guidelines and which is binding on the buyer or lessee.

PART V - ACKNOWLEDGEMENT

ACKNOWLEDGEMENT

The above document is fully understood and the contractor and owner undertake to comply with the above points, in addition to any further controls which may be instituted by the Homeowners Association or the developer from time to time in the form of a written notification and to ensure compliance by any sub-contractors employed by the contractor, and any suppliers to either contractors, sub-contractors or owners.

It is hereby placed on record that should the owners, the contractors or any sub-contractors fail to comply with the terms and conditions of this document, the owner as the responsible party would be in breach of agreement, and should the owner fail to remedy such breach within 7 (seven) days from date of delivery of a notice by the Homeowners Association to this effect, the Homeowners Association will have the right inter alia:

Apply for an interdict on an urgent basis to prohibit any further building works on the premises and / or to rectify any transgressions, the legal costs thereof will be borne by the owner.

Will be entitled in addition to clause ____ to calculate any damages that the Homeowners Association has suffered on account of the breach of contract by the owner and be entitled to without derogating from any other remedies available to the Homeowners Association in Law, institute a claim for damages suffered as a result of such breach of contract, which costs will also be borne by the owner.

Will be entitled in addition to clause ____ and / or ____ to, in terms of the Articles of Association, impose a system of fines and other penalties as resolved by the Homeowners Association from time to time.

Will be entitled in addition to clause ____ and / or ____ and / or ____ to perform the work and / or services which is required to be done or provided, or to rectify the breach, at the expense of the member, together with interest calculated thereon at prime bank rates, for the period date of expenditure to date of payment.

These options will not limit any other remedies that the Homeowners Association and / or the developer may have in law.

.....
NAME OF OWNER

.....
CONTRACTOR - CO NAME

.....
REPRESENTATIVE

.....
REPRESENTATIVE

.....
SIGNATURE

.....
SIGNATURE

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DATE

.....
DATE

***DIRECTORS: PE BOTHMA; DRA BUHR; GH MOSTERT; A PYPER;
GJL VAN DER MERWE; TNJ VAN DER WALT***

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***DIRECTORS: PE BOTHMA; DRA BUHR; GH MOSTERT; A PYPER;
GJL VAN DER MERWE; TNJ VAN DER WALT***