



BERGENZICHT COUNTRY ESTATE

HOME OWNERS ASSOCIATION

RULES AND REGULATIONS

TABLE OF CONTENTS

1.	INTRODUCTION	3
2.	DEFINITIONS	4
3.	CONDUCT RULES / GOOD NEIGHBOURLINESS	4
4.	LETTING AND RESELLING PROPERTY	13
5.	GENERAL.....	16
6.	ARCHITECTURAL RULES AND LANDSCAPE REQUIREMENTS.....	18
	APPENDIX A: LIST OF DEFINED OFFENCES AND PENALTIES.....	20

1. INTRODUCTION

Bergenzicht Country Estate is part of the greater Bergenzicht gated community development in Paarl, Western Cape. It will function independently and is close to amenities.

The Rules and Regulations were created and are enforced for the protection and to sustain this lifestyle and your capital investment.

- 1.1 These rules are designed to promote and protect the high quality lifestyle and the security to which residents of Bergenzicht Country Estate aspire. The prime objective of these Rules and Regulations is to preserve and enhance security, the harmonious internal and external control, the aesthetics and the environment.
- 1.2 The rules have been established in accordance with the Memorandum and Article of Association of the Bergenzicht Country Estate Home Owners Association (BCEHOA) .
- 1.3 The Architectural Design Guideline, received separately from the Developer, shall be deemed to be incorporated in and to form part of these rules.
- 1.4 It is the responsibility of the registered owners units at Bergenzicht Country Estate to ensure that members of their families, as well as their tenants, visitors, friends, invitees, contractors and employees abide by these rules.
- 1.5 Harmonious community living is achieved when residents use and enjoy their private property as well the public areas of Bergenzicht Country Estate. General consideration of all residents by and for each other will greatly assist in assuring harmonious relations on Bergenzicht Country Estate.
- 1.6 In the event of annoyances or complaints, the parties involved should attempt as far as possible to settle the matter between them, exercising tolerance and consideration. When a problem cannot be resolved, the matter should be brought to the attention of the Directors for further recommendation in terms thereof. The Directors, who meet on a monthly basis, will entertain written submission only.
- 1.7 The decision of the Directors is final and binding in respect of the interpretation of these rules.
- 1.8 These rules are subject to change from time to time at the discretion of the Directors.
- 1.9 The Board of the BCEHOA shall have the right in the event of a breach of a rule by an owner, his family, tenants, visitors, invitees, employees, contractors, contractors' subcontractors, and delivery persons, after giving verbal or written notice, depending on the nature of the breach, to remedy the breach, to take such action against the defaulting owners as they deem fit, including but not limited to:
 - 1.9.1 To remedy the breach at the defaulting owner's cost, and/or
 - 1.9.2 Impose of a fine as the Board deem appropriate against the defaulting member (any penalties that may be imposed will be added to the defaulting owners levy account [Please refer to the schedule of penalties of listed transgressions as attached in Annexure "A". This list is not exhaustive of the transgressions]); and/or
 - 1.9.3 Take such other action, including Court proceedings, as the Board deem fit; and/or

- 1.9.4 Deny or restrict access of the member to the Estate.

2. DEFINITIONS

- 2.1 Bergenzicht Country Estate Home Owners Association (BCEHOA) – a duly registered company established in terms of the Companies Act, Act 71 of 2008, with a Memorandum of Incorporation and established in terms of Section 29 of the Land Use Planning Ordinance No 15 of 1985.
- 2.2 Governing Documents – refers to the Memorandum of Incorporation and Rules and Regulations and Architectural Rules and Guidelines which define the use of the property and spell out the protections made for the benefit of all Owners. Owners are responsible for examining and being familiar with these documents. The governing documents are recorded and available FROM THE ESTATE MANAGER and each member, the activities on each individual stand and common areas are bound by these documents. The same conditions apply to all tenants, visitors and guests and Homeowners are liable for the conduct of their tenants and guests.
- 2.3 BCEHOA Management – refers to the management staff of Bergenzicht Country Estate which manages the common areas, perimeter security and the business transactions of the Association.
- 2.4 Member – the legal owner of a unit within Bergenzicht Country Estate.
- 2.5 Recreational Facilities – may include, but may not be limited to, the common landscaped areas, jungle gyms and park.
- 2.6 Pets – refers to dogs, cats and other domestic animals. The definition does not provide for livestock, poultry or pets that may be classified as “exotic”.
- 2.7 Resident – refers to any bona fide occupant of a dwelling located within Bergenzicht Country Estate whether a current tenant or legal owner.

3. CONDUCT RULES / GOOD NEIGHBOURLINESS

- 3.1 USE OF THE STREETS
- 3.1.1 All traffic rules that apply to South African Roads apply inside Bergenzicht Country Estate.
- 3.1.2 The streets of Bergenzicht Country Estate are for the use of all residents, whether it be on foot, roller-skate, bicycle, motorcycle, delivery vans or cars.
- 3.1.3 Please note that motorcycle, delivery vans and cars are considered to be part of the street environment, but not necessarily the dominating factor.
- 3.1.4 Parking on pavements is off-limit.
- 3.1.5 The speed limit is restricted to 20 km per hour, throughout the Estate.
- 3.1.6 Parents are responsible for ensuring that their children are made aware of the dangers relating to the use of streets and must take responsibility for their children’s safety.
- 3.1.7 Only licensed drivers may operate and drive engine powered vehicles in the streets on the Estate.

- 3.1.8 Pedestrians will frequently cross streets on the Estate and have the right of way. Motorists are reminded always to approach inter-sections or crossings with caution.
- 3.1.9 Cyclist must adhere to all the rules of the roads as well as these rules regarding road usage.
- 3.1.10 The use of motorcycles or other vehicles with noisy exhaust systems or unsafe for entering or exiting from the Estate, is prohibited.
- 3.1.11 The Board, through its authorised representatives, has the authority to apprehend and fine motorist who disregard the rules of road use contained herein.
- 3.1.12 All Residents are obliged to provide the Estate Manager with the following information on their personal vehicles i.e. cars, bakkies, trailers and/or motor cycles:
 - Make, Model, Colour and registration number
- 3.1.13 The amount to which penalties will be levied, will be decided by the Boards of Directors from time to time and notice given, Strict enforcement is maintained (see penalty schedule).
- 3.1.14 The streets are intended to allow the movement of all occupants, whether by foot or mechanical means. Note that motor vehicles are considered to be part of the street environment but not necessarily the dominant user.
- 3.1.15 The use of quad bikes, go-carts, off-road vehicles, etc. is not permitted within the Estate.
- 3.1.16 Residents are required to adhere to all standard rules of the road – e.g. Stop signs, use of traffic circles, etc.

3.2 BUSINESS RIGHTS

- 3.2.1 Any business activity or hobby, which could cause aggravation or nuisance to fellow residents, or which could compromise the security of the Estate, may not be conducted from any property. This includes auctions and jumble sales.
- 3.2.2 No business may be conducted from home without the written consent of the BCEHOA and then only if such business is permitted in terms of the applicable estate planning scheme.
- 3.2.3 All owners/tenants wishing to conduct businesses from home have to apply to the BCEHOA in writing, which will deal with any such application at the first Board Meeting after the submission of the application.
- 3.2.4 The following factors will play a role in the Board's decision:
 - 3.2.4.1 Will the business cause an influx of visiting vehicles into the Estate?
 - 3.2.4.2 Will it generate excessive noise?
 - 3.2.4.3 Will it have a negative impact on neighbouring stands?
 - 3.2.4.4 Does it have the potential to attract criminal elements into the Estate?
 - 3.2.4.5 Will it depend on onsite advertisement and high visibility?
 - 3.2.4.6 Will it fit in with the general character of the Estate?
 - 3.2.4.7 Will it enhance or reduce the desirability of the Estate for prospective investors?

- 3.2.4.8 What will the effect of the business be on the general value of units in the Estate?
- 3.2.4.9 Will the business require additional building construction?
- 3.2.4.10 How do the direct neighbours of the applicant feel about the intended business?
- 3.2.4.11 Will adequate parking be made available, so as to prevent sidewalk parking?
- 3.2.5 The Home Office may not exceed 60m² in total.
- 3.2.6 The Boards decision is final and no appeal is possible.
- 3.2.7 All business operations must adhere to the criteria and conditions as specified by the BCEHOA and to local municipal bye-law and regulations.

3.3 USE OF OPEN SPACE

- 3.3.1 No rubble or refuse may be dumped or discarded in any public area, including the parks, streets, pavements and reservoir environs, other than in receptacles where provided for this purpose.
- 3.3.2 Residents must leave open spaces they visit in as clean a condition as they found them. Residents are requested to develop the habit of picking up and disposing of any litter encountered in the open spaces.
- 3.3.3 Picnicking will only be allowed in designated areas.
- 3.3.4 Flora may not be damaged or removed from any public area.
- 3.3.5 Fauna of any nature may not be chased or trapped in any public area, be it by people, dogs, or other domestic pets.
- 3.3.6 The use of fireworks is prohibited within the boundaries of the Estate.
- 3.3.7 The discharge of any firearm, air rifle, bow and arrow, slingshot or any other potentially hazardous projectile on the Estate is strictly prohibited.
- 3.3.8 The use of alcoholic beverages in the open spaces, parks, lawns or any other public space is not permitted, and non-compliance is subject to prosecution in terms of Municipal bylaws for public open spaces and/or penalties imposed by the BCEHOA.
- 3.3.9 The erection of signage and distribution of promotional material is strictly forbidden within the confines of the Estate.
- 3.3.10 The use of all common property and open space areas by residents, their guests and visitors is entirely at their own risk at all times.
- 3.3.11 The disposal of cigarettes or cigarette buds on the common property is strictly prohibited.

3.4 NOISE

- 3.4.1 The volume of music or electronic instruments should be kept at a level so as not to create a nuisance to neighbours. Parties must be conducted with a minimum of noise generation and

no music or noise caused by merrymaking shall be heard beyond the boundaries of the applicable unit between the hours of 22h00 and 08h00 in weekdays and 23h00 and 09h00 on weekends.

3.4.2 The do-it-yourself repair and maintenance of motor vehicles, or any other internal combustion engine vehicle, craft or implement, is strictly forbidden.

3.4.3 The use of power saws, lawn mowers and so forth (electric mowers are preferred), should only be undertaken between the following hours:

3.4.3.1 Monday – Friday: 08:00 – 19:00

3.4.3.2 Saturdays: 09:00 – 15:00

3.4.3.3 No mechanical maintenance, the use of power saws, lawn mowers and so forth is permitted on Sundays.

3.4.4 Contravention of any of the above provisions shall be punishable by a fine as per Appendix A.

3.5 FIREWORKS

3.5.1 No fireworks may be set off within the boundaries of the Estate.

3.5.2 Criminal charges may be brought against perpetrators and an internal fine as per Appendix A.

3.6 PETS

3.6.1 Let your pet not be a bone of contention between you and your neighbours.

3.6.2 The local authority by-laws relating to pets will be strictly enforced.

3.6.3 Residents may not keep more than two dogs or cats (i.e. 2 dogs or 2 cats, or 1 dog and 1 cat) on their property and the written permission of the BCEHOA, must be obtained before occupation. The breed of each pet, its' colouring and name must be lodged at the Estate Managers office and the office to be notified when a pet no longer resides at a particular unit.

3.6.4 Poultry, pigeons, aviaries, wild animals or livestock may not be kept on the Estate.

3.6.5 Should any excrement be deposited in a public area, the immediate removal thereof shall be the sole responsibility of the owner of the pet. Neglect to comply may result in a fine as per Appendix A.

3.6.6 Every pet must wear a collar with a tag indicating the name and telephone number of its owner.

3.6.7 No pets are allowed to roam the streets. Roaming pets will be removed immediately, without notice to the owner and be handed to the SPCA.

3.6.8 In the event of the owner being known to the Estate Manager, or the owner becoming known to the Estate Manager, a fine as per Appendix A may be levied, depending on the circumstances leading to the animal being outside of the owners stand.

- 3.6.9 Pets must be walked on a leash in public areas. All streets, parks and open areas are defined as public areas.
- 3.6.10 The BCEHOA reserves the right to request the owner to remove his pet should it become a nuisance on the Estate.
- 3.6.11 The owner will be responsible for any damage or injury caused to property/persons/other animals within the Estate by his/her animals.
- 3.6.12 The BCEHOA expects residents to ensure that the necessary consideration towards neighbours is demonstrated in the area of excessive barking of dogs, and loud noises from other pets – parrots, etc. Residents are expected to resolve any problem issues between themselves in a manner that is consistent with the consideration and mutual co-operation that is an inherent part of community living. Where there are disputes that for any reason cannot be so resolved, various remedies exist in law, which remedies the BCEHOA is able to advise on.
- 3.6.13 Any resident, who vacates their premises and leaves domestic animals behind, will be prosecuted to the full extent of the law.

3.7 ENSURING A PLEASING STREETScape

- 3.7.1 The collective pride of the Estate is dependent upon the contribution of every owner to create a neat and pleasing streetscape. Residents are expected to maintain a high standard of garden and pavement maintenance.
- 3.7.2 Garden fences and/or walls and outbuildings forming part of the streetscape, should be regularly maintained and painted where necessary.
- 3.7.3 Remember the BCEHOA has the right to effect repairs at the cost of the owner should it be considered necessary.
- 3.7.4 Building material may under no circumstances be dumped on the sidewalks or streets.
- 3.7.5 The owner will be liable for any damages in this regard.
- 3.7.6 No trees, plants or groundcover may be damaged, removed or planted from the sidewalk without permission from the BCEHOA. Planting should not interfere with pedestrian traffic or obscure the vision of motorists and structures such as fountains, rocks, large pots and planters may not be built or erected on sidewalks outside the stand boundary. Residents are responsible for maintaining trees, plants and shrubs planted inside their boundary.
- 3.7.7 Those residents who choose to establish a garden outside their boundary walls i.e. Gardens abutting the pavements, must be kept neat and tidy at all times by the respective owner; failing which the BCEHOA shall have the right to clean the garden at the owner's cost.
- 3.7.8 No Wendy houses or tool sheds may be erected. If the owner refuses to remove such structures, the BCEHOA may remove such structures at the cost of the owner.

- 3.7.9 Caravans, trailers, boats, equipment, tools, engine and vehicle parts, as well as accommodation for pets, should be located out of view and screened from neighbouring properties and the street.
- 3.7.10 Residents must maintain their properties in a manner that is consistent with the standard and image of the Estate. Special attention must be given to cracked or broken window glass, plaster condition as applicable and painting condition of the property exterior and boundary walls.
- 3.7.11 Residents must ensure that declared noxious flora is not planted or growing in their gardens.
- 3.7.12 Irrigation of sidewalks is permitted but systems fit for purpose must be used and no water may run off nor spay directly onto the streets.

3.8 GENERAL RULES

- 3.8.1 Washing lines must be suitably screened from neighbouring properties.
- 3.8.2 Refuse, refuse bins, etc. (except on official collection days) may not be placed on the pavement. Garden refuse must be removed on the same day.
- 3.8.3 Advertisements or publicity material may not be exhibited or distributed unless the consent of the BCEHOA has been obtained. Only 2 estate Agent signs per unit will be allowed within the estate. Boards may only be allowed outside the estate within specified areas as defined by the BCEHOA. All signs should be approved by the BCEHOA.
- 3.8.4 Owners must ensure that domestic workers and other employees do not loiter on the Estate and specifically not at any prominent places such as at the gates, streets, communal lawn, etc.
- 3.8.5 All domestic workers will be obliged, via their employer, to provide a copy of their Identity Document, to the estate managers offices. If a domestic is no longer employed on the estate, the respective owner must notify the estate office immediately.
- 3.8.6 Floodlights must be adequately screened or positioned so as not to cause discomfort to neighbours.
- 3.8.7 Dogs are to be exercised on a leash only and are to be restricted to streets and walkways. (See also requirements relating to pets).

3.9 COMPLAINTS / ARBITRATION

- 3.9.1 In the event of annoyances or complaints, the parties involved should attempt as far as possible to settle the matter between themselves, exercising due tolerance, reasonableness and consideration.
- 3.9.2 Where a dispute cannot be resolved, and in particular a dispute between neighbours, the procedure shall be the following:

- 3.9.2.1 A written submission has to be made by the parties involved in the dispute to the Directors of the BCEHOA;
- 3.9.2.2 The Directors may at their sole discretion decide if they will arbitrate in the matter or not;
- 3.9.2.3 In the event that the Directors are of the view that they are entitled to arbitrate in the matter, the decision of the Directors shall be final and binding in respect of the resolution of the dispute;
- 3.9.2.4 In the event that the Directors are of the view that they are not prepared to arbitrate in the matter, the Directors may either:
 - i. Inform the parties involved that the Directors are not prepared to arbitrate in the matter and the parties will have to resolve the dispute themselves and/or by legal action and/or arbitration;
 - ii. The Directors may refer the matter to an independent arbitrator, at the Directors discretion, in which event the arbitrator's fees shall be paid in advance in equal shares by the parties to the dispute;
 - iii. In this regard, the arbitrator's decision shall be final and binding and the arbitrators shall be entitled to make an award in regards to legal costs.
 - iv. No party and/or resident shall have any claim of whatsoever against the Home Owners Association as a result of a decision taken by the Home Owners Association regarding the interpretation of these rules.

3.10 SECURITY

'Every time you break security protocol and regulations, you are making it easier for criminals to do the same". (Ex-cop)

3.10.1 General:

- 3.10.1.1 Main Gate: To be used for Owners, Visitors, Emergency vehicles, Approved Contractors, Workers and deliveries.
- 3.10.1.2 Security protocol at the gates must be adhered to at all times.
- 3.10.1.3 Any person entering the estate is required to treat all security officers in a co-operative and patient manner. No "outburst" or any form of verbal abuse towards security officers will be tolerated. The security guards are doing a difficult job.
- 3.10.1.4 Proper identification for permanent workers of Owners must be conscientiously enforced by every owner with respect with to people in his/her employ. (see 3.8.5 above)

- 3.10.1.5 All owners must ensure that approved contractors in their employ adhere specifically to the security stipulations of the Contractors Code of Conduct.
- 3.10.1.6 Security is an attitude; be aware that you need to enforce and apply security to make it work. Do not hesitate to question suspicious persons not displaying proper identification.
- 3.10.1.7 No residents may issue instructions to Security Personnel. All queries and/or complaints must be directed through the Estate Managers Offices.
- 3.10.1.8 Access cards/disks/remote controls (if applicable) may not be utilized by anyone other than the Home Owner and registered users, nor may they be loaned to other persons.
- 3.10.1.9 All attempts at burglary or instances of fence jumping must be reported to the Estate Managers office, who in turn will notify the security staff and/or Security Sub-committee.
- 3.10.1.10 The Estate's main gate will be manned 24 hours a day and residents must at all times carry their access cards (if applicable) for identification purposes. Security guards will patrol the Estate on a random basis, in accordance with strategies determined by the BCEHOA director responsible for the security portfolio.
- 3.10.1.11 It will be considered a serious breach of security should a resident give their access card (if applicable) to any other person for use by that person for whatever reason.
- 3.10.1.12 Security is of paramount importance to the owners and residents of the Estate, and strict security measures will be implemented and managed by the Homeowners Association and directors. Owners are obliged to familiarize themselves with the security protocols and procedures of the Estate and are advised to attend all meetings called by the BCEHOA to inform residents on security matters.

3.10.2 HOUSE ALARMS & ARMED RESPONSE

- 3.10.2.1 Residents are not allowed to acquire the services of "external" armed reaction units, as no company other than the "approved" armed reaction unit will be allowed within the Estate.
- 3.10.2.2 A resident may, at his own expense, post a security officer on his premises from the accredited security company as appointed by the BCEHOA.
- 3.10.2.3 Residents are requested to inform the Estate Manager if they employ such a person.

- 3.10.2.4 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. If applicable, full details must be provided of the person/s that will be occupying the premises during that time.
- 3.10.2.5 Residents may not 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.
- 3.10.2.6 Repairs and maintenance times will be coordinated with the Estate Manager. Residents must be cooperative regarding any fence/wall related issues, as damages or destruction thereof poses a major security risk and impacts on all residents within the Estates.

3.10.3 ACCESS CONTROL: RESIDENTS

- 3.10.3.1 Residents must be in possession of an electronic access disk/remote control (if applicable), which they obtain from the Estate Manager at a fee.
- 3.10.3.2 Residents who enter the Estate without an access disk will be handled as visitors (if applicable).
- 3.10.3.3 Residents may apply to the Estate Manager to purchase additional access disks at a fee for regular visitors of the resident. The resident and visitor must complete and sign the prescribed application form (if applicable).
- 3.10.3.4 The Board is authorised to determine the conditions under which the disks may be purchased (if applicable).

3.10.4 ACCESS CONTROL: VISITORS TO RESIDENTS

- 3.10.4.1 Visitors to residents must return the "Visitors Card" on exit. Failure to do so will result in exit being refused.
- 3.10.4.2 The visitor will at all times comply with the reasonable instructions of the security personnel at the main gate;
- 3.10.4.3 Security may refuse access:
 - 3.10.4.4 to any visitor under the influence of alcohol or drugs,
 - 3.10.4.5 where access is not authorised by the residents or
 - 3.10.4.6 otherwise in terms of these rules.

3.10.5 ACCESS CONTROL: OTHER VISITORS

- 3.10.5.1 Prospective buyers will only be allowed into the Estate if accompanied by the appointed sales representative.
- 3.10.5.2 A taxi may only enter the Estate if the resident concerned has made prior arrangements. Only the driver and the visitor will be allowed access. All other occupants must exit the vehicle and remain at the front gate.

3.10.6 ACCESS CONTROL: DOMESTIC WORKERS/DOMESTIC SPOUSES / GARDENERS (full time)

- 3.10.6.1 The resident must complete the prescribed application form for permanent staff with the Estate Manager, with all required information for an ID card, inclusive of a passport picture.
- 3.10.6.2 A domestic worker, domestic spouse and full time gardener will be issued with a clip-on laminated ID card (at a fee). These ID cards will be issued daily at the gate on arrival and must be handed back on leaving the Estate. This card must be displayed in the Estate at all times.

3.10.7 ACCESS CONTROL: TENANTS, VISITORS, CONTRACTORS AND EMPLOYEES

- 3.10.7.1 Should any owner let his property, he shall notify the BCEHOA in writing in advance of occupation, the name of the lessee, and the period of such lease. The owner shall be obliged to attach these rules to the Lessee's lease agreement. The Lessee must sign a copy of the Rules which must be handed in to the Estate Managers office as proof that the Lessee is aware of the Estate Rules.
- 3.10.7.2 The occupants of any property within the Estate are liable for the conduct of their visitors, contractors and employees, and must ensure that such parties adhere to the Rules
- 3.10.7.3 All owners must ensure that contractors in their employ have signed the Contractors Code of Conduct prior to commencement of work, and that they adhere to the stipulations of the contract at all time. Further only contractors approved by BCEHOA will be allowed to work on any property within the Estate.

4. LETTING AND RESELLING PROPERTY

- 4.1 The concept of this Estate imposes certain restrictions on the manner in which estate agents may operate therein. In order that the rules applicable to the Bergenzicht Country Estate which regulates property

ownership an occupation of the premises on the Estate are made known to new residents, the following rules relating to the re-sale or letting property shall apply:

- 4.1.1 The agent and the owner must ensure that the buyer and/or tenant is informed of and receives a copy of the BCEHOA Rules and Regulations, so that these Rules are attached as an annexure to any deed of sale or lease agreement.
- 4.1.2 A Clearance Certificate must be obtained from the Home Owners Association prior to any sale transfer of the property. This will only be issued, if all outstanding debt to the Estate has been paid (e.g. levies, fees or fine, etc).
- 4.1.3 No property may be let or utilized for the purpose of a commune.

4.2 RE-SALES

4.2.1 Home Owners Association

- 4.2.1.1 The purchaser acknowledges that he/she is obliged upon registration of the property into his/her name to become a member of the Home Owners Association and agrees to do so subject to the Memorandum and Articles of Association of the section 21 Company.

4.2.2 Conditions of Title

- 4.2.2.1 The seller shall be entitled to procure that, in addition to all other conditions of title and/or subdivision referred to, the following conditions of title be inserted in the Deed of which the Purchaser takes title to the property:
- 4.2.2.2 Every owner of the property, or unit, as defined in the Sectional Title Act, shall become and shall remain a Member of the Bergenzicht Country Estate Home Owners Association and be subject to its constitution, until he ceases to be an owner as aforesaid.
- 4.2.2.3 Neither the property or unit, nor any person who has not bound himself to the satisfaction of such Association can become a Member of the Home Owners' Association.
- 4.2.2.4 The owner of the property, or unit as defined in the Sectional Title Act, shall not be entitled to transfer the property or unit there on, without a clearance certificate from the Home Owners Association which certifies that the provisions of the Articles or Association of the Home Owners Association have been complied with.
- 4.2.2.5 The terms "Home Owners' Association" in the aforesaid conditions of title shall mean the Bergenzicht Country Estate Home Owner Association (incorporated Association not for gain). In the case where the Registrar of Deeds require the amendment of the conditions in any manner to facilitate the registration of the

property or unit to expedite the registration, the Purchaser hereby irrevocably consent to such changes.

- 4.2.2.6 Should any owner wish to sell or lease their property, the Home Owners Association encourages the appointment of an BCEHOA accredited Estate Agent to manage the sale or lease. The requirements for an agent to be appointed as an accredited agent will be determined by the BCEHOA from time to time.
- 4.2.2.7 The Owner must ensure that the buyer/lessee is informed about, accepts and signs for a copy of the Memorandum of Incorporation, the Estate Rules and Regulations, the Architectural and Landscape Rules, Contractors Code of Conduct and any other administrative regulations applicable at the time and commits to be bound thereto. A full pack of rules (issued to every owner) should also be left in the leased property for the lessee's ease of reference.
- 4.2.2.8 A Clearance Certificate must be obtained from the BCEHOA prior to any transfer.
- 4.2.2.9 It is the responsibility of the Owner to ensure that the Estate Agent dealing with the sale or lease adheres to the Code of Conduct for Estate Agents as laid down by the BCEHOA from time to time and is fully aware of the BCEHOA requirements.
- 4.2.2.10 Agents may only operate on a "By Appointment" basis, and must personally accompany a prospective buyer or lessee and are not allowed to erect any "For Sale" or "To Let" signage boards, unless as approved by the BCEHOA.
- 4.2.2.11 Every agreement for the lease of a property on the Estate shall contain the following clause:
- 4.2.2.12 "The lessee shall take cognisance of the fact that there are a number of important documents relating to the administration and control of the Estate. These documents include the following:
- i. The Memorandum of Incorporation of the Home Owners Association;
 - ii. The Rules and Regulations of Bergenzicht Country Estate;
 - iii. The Constitution of Bergenzicht Country Estate;
 - iv. The Architectural Rules;
- 4.2.2.13 the lessee acknowledges that he/she is acquainted with the content of such documents and agrees to be bound thereby.

4.3 LEASE

- 4.3.1 The Lessee acknowledges that, upon occupation of the leased premises, he and his family, his visitors and servants shall adhere to all rules and regulations as contained in this document.

4.3.2 Where tenants continuously breach the rules of the Estate, the owners can be requested to terminate the lease agreement and or be held liable for the maximum fine allowed under the BCEHOA rules. This clause must be written into the lease agreement.

4.4 ACCREDITATION OF ESTATE AGENTS

4.4.1 Accreditation of Estate Agents will be at the discretion of the Estate Manager, and with approval from the Board of Directors.

5. GENERAL

5.1 NAME BOARDS

5.1.1 Residents and/or owners, who like to name their properties, may not do so. House numbers will be supplied and erected by the developer on the boundary wall in front of the unit.

5.1.2 No Perspex, composite materials, degradable materials, plastics, painted boards akin to advertisement boards (not applicable to shaped and artistically presented painted boards), untreated wooden boards or rough wood lettering will be allowed.

5.2 LEVIES

5.2.1 Levies are raised on all stands in the Estate in amounts as determined by the Directors of the BCEHOA from time-to-time in order to defray the expenses of the BCEHOA, more fully set out in the Memorandum and Articles of Association.

5.2.2 All levies are due and payable in advance to the trust account of the appointed managing agents on the first day of each and every month.

5.2.3 Interest will be levied on payments received in the account of the managing agent after the 7th of the month. All levies are due and payable on the last day of each and every month.

5.2.4 Interest will be raised on all arrear accounts, at the maximum rate allowed by the Usury Act.

5.2.5 Further penalties or legal action, to be determined from time to time, will be imposed on owners with accounts in arrears for 30 days or longer.

5.2.6 The Home Owners Association shall be entitled to recover all legal costs incurred on the attorney and own client scale.

5.2.7 The Directors may amend or add to the Rules from time to time, as may be deemed necessary to ensure harmonious co-existence of residents.

5.2.8 No clearance certificates will be issued unless all outstanding Levies and Special levies have been paid in full.

- 5.2.9 The administration of the Estate is solely the responsibility of the elected Directors of the BCEHOA. They may decide to delegate certain or all of the managerial powers to the Estate Manager or an appointed Managing Agent.

5.3 PENALTIES

Ideally, it will never be necessary to issue any penalties.

- 5.3.1 The BCEHOA have the right to introduce and enforce payment of penalties against transgressors of any of the rules and regulations contained in this document or its annexure or amendments.
- 5.3.2 All prescriptions not adhered to, whether indicated as carrying a fine or not, will be subject to a fine as per Appendix A.
- 5.3.3 Persistent Transgression of rules and regulations may result in higher penalties or legal action being taken by the Board to interdict an owner to refrain from further transgression, or to seek alternative legal relief.
- 5.3.4 The Estate Manager may impose any fine referred to in these rules and regulations and may delegate such authority to any employee of the BCEHOA with the written permission of the Board of Directors.
- 5.3.5 The Directors have the right to fine transgressors where any of the rules as stipulated by the BCEHOA from time to time have been broken or infringed upon.
- 5.3.6 All penalties will form part of the levy and shall become due and payable on the due date of payment of the levy.
- 5.3.7 The Home Owners Association shall be entitled to recover all legal costs incurred on the attorney and own client scale.
- 5.3.8 The administration of the Estate is solely the responsibility of the elected BCEHOA. They may decide to delegate certain or all of the managerial powers to the Estate Manager or an appointed Agent.

5.4 NOTICES, DECISIONS AND APPEALS

- 5.4.1 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 abode, or delivered via email. Such services will be sufficient services of such notices.

- 5.4.2 In the event of appeals or contesting of the facts relating to any fine imposed or decision made will be dealt with at the first Board meeting subsequent to receiving such written representation.
- 5.4.3 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.
- 5.4.4 The decision of the Board of Directors is final and no further appeal is allowed thereafter.
- 5.4.5 Urgent Messages from the BCEHOA will be sent via email or sms.
- 5.4.6 It is the responsibility of each homeowner to make sure that his/her details are correct with the BCEHOA and with the Managing Agents to ensure receipt of e-mails and or sms's.

5.5 NEWSLETTER

- 5.5.1 A community newsletter / memo may be published from time to time to advise owners and residents of events and happenings within the Estate and surrounding areas.
- 5.5.2 Owners, residents and advertisers are invited to participate by contribution any newsworthy items by way of editorials. Such should be submitted to the Estate Manager/Editor for incorporation subject to suitability of content and pace availability. No advertisements by way of leaflets, pamphlets, etc. may be exhibited or distributed at the Gatehouse or within the Estate, but such can form part of or be included in the Newsletter.
- 5.5.3 No advertisements by way of leaflets, pamphlets, etc. may be exhibited or distributed at the Gatehouse or within the Estate, but such can form part of or be included in the Newsletter.

6. ARCHITECTURAL RULES AND LANDSCAPE REQUIREMENTS

6.1 GENERAL RULES

- 6.1.1 The Architectural Rules are obtainable from the Administration office and shall form part of these rules and homeowners and residents on the Estate shall be obliged to abide by such requirements.
- 6.1.2 Contractors working on the Estate will be required to sign a Code of Conduct thereby ensuring adherence to the rules and regulations of the BCEHOA as may be amended from time to time.
- 6.1.3 Building and related activities are only allowed on the Estate on weekdays between the hours of 07:00 and 18:00. Contractors will not be allowed on to the Estate on Saturdays, Sundays and Public Holidays without the prior consent of the BCEHOA.

- 6.1.4 All building plans should be in accordance with the Architectural Rules applicable to the Estate, and must be approved by the Home Owners Associations. This requirement is also applicable to any additions and alterations to existing structures and dwellings.
- 6.1.5 The Home Owners Association must approve all gardens/screen walls with regard to both material and dimensions.
- 6.1.6 Boundary walls on properties are to be erected in terms of the specifications laid down by the Architectural Rules.
- 6.1.7 The position, size and signing of TV antennas and satellite dishes must not be unsightly.

6.2 CONDITIONS WITH REGARD TO PRIVATE BOREHOLES

Under no circumstances will individual owners be permitted to have boreholes on their erf.

APPENDIX A: LIST OF DEFINED OFFENCES AND PENALTIES

Certain penalties will be imposed as laid out per the Conduct Rules/ Good Neighbourliness. These offences are listed for easy reference. These are first offences penalties:

Illegal Structures not approved	R 1000,00 - R 5000,00
Erection of illegal storage structures such as Wendy Houses, Large kennels, ZoZo type	R1000,00/offence
Breach of standard Estate Rules (per resident)	R 500,00
Reckless or negligent Driving (per offence)	R 500,00
Exceeding Speed Limit	R 500,00
Failure to comply with the rule in respect of fireworks	R 1 000,00
Wastebin in front of house (except on Thursdays)	R 500,00
Lighting of fires in non designated areas	R 500,00
Vandalism of Estate Property	R 1 000,00
Dogs not on a leash or roaming the Estate (per incident)	R 100,00
Parking / Driving on the Green Belt (per incident)	R 500,00
Breach of noise rules	R 500,00
Illegal water, electrical or gas connection	R 1 000,00
Untidy Stand	R 500,00
Dog not tagged with owner's details	R 500,00
Not removing pet excrement	R 500,00