

PALM VILLA HOME OWNERS ASSOCIATION

RULES AND CODE OF CONDUCT

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1. INTRODUCTION

- 1.1 These house rules have been formulated in terms of the Articles of Association, and are applicable and binding upon all the Owners of stands (henceforth referred to as Members), their successors in title, or assignees, lessees and or residents of Palm Villa Estates, and must be read in conjunction with all other existing rules.
- 1.2 Every registered owner of an erf or a sectional title property in Palm Villa Estates is automatically a member of the Palm Villa Owners Association (hereinafter referred to as the PVHOA), as contemplated in paragraph 2.8.2 of the Conditions of Establishment of Palm Villa Estates and shall be bound by its Articles of association as stipulated in paragraph 2.8.2 of the Conditions of establishment.
- 1.3 Owners will be held responsible to communicate these rules with their entire households, workers and contractors. Each owner are responsible for the actions of their employees such as gardeners, domestic workers and or contractors.
- 1.4 Owners must ensure that tenants receive a copy of these Rules before their date of occupation.
- 1.5 The prime objective of the Palm Villa Home Owners Association (hereinafter referred to as the PVHOA) is to promote, enhance and protect the communal interests of its Members. This is done through the management of the development of residences and related facilities such as (shelters, outbuildings, extensions, roads, parks and storm water systems) by applying an appropriate set of house rules.
- 1.6 It is the sole responsibility of the Members, lessees and residents to familiarize themselves with the stipulations of the Memorandum of Incorporation of the PVHOA and furthermore to ensure that their families, lessees, visitors, friends, contractors and employees comply with the Rules.
- 1.7 General consideration by all residents for the rules and each other will greatly assist in assuring peaceful coexistence in the estate.
- 1.8 The PVHOA is responsible for the enforcement of the House Rules. It will not act as a mediator where owners and/or residents have a difference or a dispute or a quarrel regarding the co-ownership of a boundary wall, the natural flow of water, the invading of privacy of another owner, or any other matter that is regarded by the PVHOA as a matter between owners and/or residents.
- 1.9. The PVHOA and/or its agents shall not be liable for any injury or loss or damage of any nature which any member or occupier of an erf or any member of a member's or occupier's family, employee, servant, relative, friend, acquaintance, visitor, invitee or

guest may sustain, physically or to his, her or their property, directly or indirectly, at any place in Palm Villa by reason of any defect in Palm Villa and its amenities or for any act done or any neglect on the part of the PVHOA or any of the PVHOA's employees, servants, agents or contractors.

- 1.10 The PVHOA or its agents', representatives and employees shall not be liable or responsible in any manner whatsoever for the receipt or the non-receipt and delivery or non-delivery of goods, postal matter or other property of any member or person in respect of Palm Villa.

2. MEMORANDUM OF INCORPORATION

For the sake of convenience and for all Members information, the PVHOA would like to bring the following to your attention:

- 2.1 The MOI gives the following authority and guidelines to the Board of Directors in terms of House Rules:
- 2.2 The Board may, in terms of section 15 (3) of the Companies Act, from time to time make, amend and repeal any necessary or incidental rules relating to the Association, and the authority of the Board in this regard is not limited or restricted in any manner in the MOI;
- 2.3 In addition to Article 13.1 of the Companies Act, the rules of the Association in existence at the time that the MOI is registered at the Companies and Intellectual Property Commission remained binding as if such rules were made in accordance with the MOI and in terms of the Companies Act.
- 2.4 In further addition to Article 13.1 of the Companies Act, and subject to any restriction imposed or direction given at a Member's meeting of the Association, the Board may from time to time make management regulations and house rules in regard to but not limited to –
- 2.4.1 the means of access to, and the rules by which Members and members of their households may gain access to Palm Villa Estate, including the registration of guests and visitors;
 - 2.4.2 the limitation of the number of persons and vehicles able to visit a Member;
 - 2.4.3 the use by Members and their households, guests and lessees of any roads, driveways, water areas and open spaces including the right to prohibit, restrict or control the use of any roads, driveways and open spaces on the common property or any portions thereof as may from time to time be necessary to expedient;

- 2.4.4 the use of parking areas wherever situated;
- 2.4.5 the use of any stand and or unit in a scheme;
- 2.4.6 the placing of movable objects upon the exterior of a building, including the power to remove any such object;
- 2.4.7 the preservation of the environment including the right to control the vegetation and the right to prohibit and/or control the erection of fences, whether upon or within the boundaries of any part of Palm Villa and/or an individual stand;
- 2.4.8 the right to prohibit, restrict or control the keeping of pets in and upon Palm Villa and any animal regarded as dangerous or a nuisance;
- 2.4.9 the conduct of any person within the Palm Villa Estate for the prevention of a nuisance of any nature including the disturbance of peace;
- 2.4.10 the furtherance and promotion of the objective of the Association and/or for the better management of the affairs of the Association and/or protection and advancement of the interest of Members and/or residents in Palm Villa Estate;
- 2.4.11 standards and guidelines for architectural design of all buildings, outbuildings, structures of any nature, swimming pools, tennis courts and all additions and alterations to any such buildings, outbuildings or structures erected or to be erected in Palm Villa Estate, and in particular to control the design of the exterior of such buildings, outbuildings or structures and the materials used on such exteriors to ensure an attractive, aesthetically pleasing character to all buildings in Palm Villa Estate;
- 2.4.12 the positioning within any stand of all buildings, outbuildings, structures of any nature, swimming pools, tennis courts and all additions and alterations thereof;
- 2.4.13 the standards and guidelines for the design of all site works, buildings, structures, installations and projections on the properties in Palm Villa Estate, including arials, air conditioners, pergolas, sidewalks, swimming pools, tennis courts, awnings, Jacuzzi's, carports, paved pathways and landscaping features and works as well as the parking of vehicles; and
- 2.4.14 the access to, or use of, any other services not specifically provided in this Article.
- 2.4.15 For the enforcement of any of the existing or future rules made by the Board in terms hereof, the Board may:

- 5.11 give notice to any Member requiring him or her to remedy any such breach within a reasonable period as the Board may determine;
 - 5.12 take or cause to be taken such steps as it may consider necessary to remedy any breach of which the Member may be guilty and debit the costs of so doing to the Member concerned;
 - 5.13 impose a system of fines or penalties, as the case may be, the amounts of which fines and penalties shall be determined by the Board; or
 - 5.14 take such action including proceedings in court as it may deem necessary.
- The management regulations and the house rules or any amendment thereto must be published in accordance with the Act.

2.6 In the event of the Board instituting any legal proceedings in a court of competent jurisdiction against any Member or resident within Palm Villa Estate for the enforcement of any of the house rules or rights of the Association in terms of this MOI, including but not limited to the collection of any arrear levies, interest and/or any other debt due to the Association by the Members, the Association shall be entitled to appoint such attorneys and counsel as it deems necessary and to recover all legal costs so incurred from the Member or resident concerned, calculated as between attorney and own client, and to debit such Member's account with such legal costs accordingly if necessary.

2.7 In the event of any breach of the house rules by any Member's household or his or her guests or lessees, the Board may take or cause to be taken such steps against the person actually committing the breach as it may in its sole discretion deem necessary.

2.8 In the event of any Member disputing the fact that he or she has committed a breach of any house rule, a committee of three persons appointed by the Board for the purpose shall adjudicate upon the issue at such time and in such manner and according to such procedure as the Chairman may direct: Provided that natural justice shall be observed. A person who is not satisfied with the decision of the said committee may appeal to the Board whose decision is final.

2.9 Any fine imposed upon a Member in terms of these Articles shall be deemed to be a debt by the Member to the Association and, if not paid, shall be recoverable by ordinary civil process.

3. MEMBERSHIP

- 3.1 Membership of the PVHOA is limited to the registered Owners of stands or units in Palm Villa Estate.
- 3.2 Membership is automatically conferred as soon as a stand or unit is registered in a person's name. Each registered owner shall on the transfer of his property to a new owner, ensure that the new owner complete and sign the PVHOA membership form that will be provided on receipt of confirmation of transfer.
- 3.3 Membership of the PVHOA is terminated as soon as the Member ceases to be a registered Owner of a stand or unit in Palm Villa.
- 3.4 The registered Owner of a stand or unit may not resign as a Member of the PVHOA.
- 3.5 The rights and obligations of a Member are not transferable independently from the transfer of his property rights, and each Member shall; - to the best of his ability promote the interests and aims of the PVHOA, and - strictly comply with all rules made by the PVHOA.
- 3.6 The use and supply of the private owned generator, rests with the private owner thereof. Due to high demand the constant supply to all properties cannot be insured. The generator is not the property of the PVHOA. The disconnection of this generator does not form part of the service supply by the PVHOA and same cannot be held liable for the random disconnection thereof.

4. DIRECTORS

- 4.1 The Board of Directors consist of a minimum of 4 (four) and a maximum of 7 (seven) Directors.
- 4.2 Matters pertaining to the PVHOA are managed by the Board which may exercise all competencies due to the PVHOA, subject to such Regulations as may from time to time be resolved at a General Meeting of the PVHOA. No regulation which the Members of the PVHOA may prescribe at a General Meeting will invalidate any preceding act of the Board, provided such act had not been inconsistent with existing regulations at that time.
- 4.3 The Board has the right to co-opt any person or persons designated by it on any committee which the Board may convene and under such conditions as the Board may from time to time prescribe.

4.4 The Board may not make rules which are contrary to the Memorandum of Incorporation of the PVHOA. The Board may, also makes rules with reference to:

- The promotion of the objectives of the PVHOA; PALM VILLA HOME OWNERS ASSOCIATION HOUSE RULES AND RULES OF CONDUCT
- The improved management of matters pertaining to the PVHOA or the promotion of the interests of Members or the regulation of Board or General Meetings and the management of activities in general;
- The appointment of committees.

5. LEVIES AND ADMINISTRATION

- 5.1 The PVHOA has the authority to collect levies from its Members to pay for expenditures made by the PVHOA or expenditures which the Board may within reason anticipate the PVHOA will need to incur in future, with regard to maintenance, repairs, improvements or upkeep of any of the common property (for example the boundary wall, entrance gates, open areas, fencing, roads and storm water systems, etc.), and in general for the payment of all expenses reasonably, or by necessity, incurred in terms of the management of the PVHOA, and/or pursuant to its main objective as it was set out in the MOI.
- 5.2 In terms of the MOI, Members are obliged to pay levies as determined by the Board of Directors. The PVHOA may collect and recover arrear levies, penalties by way of legal action and collect interest on arrear fees at the prime rate of Nedbank Limited as determined from time to time.
- 5.3 The Financial Committee of the Board shall, in accordance with the MOI, budget for an amount required by the PVHOA to pay for planned expenses to be incurred during the forthcoming financial year.
- 5.4 All levies are due and payable yearly in advance and may be paid in 12 monthly instalments on the first day of each month. No discount will be given in the event of levies being paid in full on the due date.
- 5.5 Interest will be raised on all arrear accounts.
- 5.6 The PVHOA shall be entitled to take further steps if an owner, member or tenant refuse to comply with the rules or any resolution of the PVHOA or in the event that accounts in arrears for 45 days or longer, the PVHOA will be entitled to further steps such as:

- a. recover all arrear amounts from owners;
- b. Recover legal costs incurred on the attorney and own client scale.
- c. Suspend, terminate and/or limit the supply of the private owned generator, since the decision of who may use of the generator is determined by the private owner thereof. The generator is not the property of the PVHOA.

5.7 The Board has the right to issue penalties to transgressors where any of the rules as stipulated by the PVHOA from time to time have been infringed upon. Such penalties will form part of the levy and shall become due payable on the due date for payment of the levy.

5.8 An owner who transgresses any rule, with the exception of rule 8, shall receive a written warning to comply with the rule where applicable. Failure to comply therewith the PVHOA may issue a penalty to the relevant owner. Should the owner still fail to comply with the rule in question the PVHOA will hand the matter over to its lawyers to obtain a court order compel the owner to comply with the rule in question, at the cost of the owner.

6. MEETING OF MEMBERS

6.1 The PVHOA will conduct General and Special Meetings as required in the Association's MOI and relevant notification will accordingly be given to all Members.

6.2 A General Meeting will be convened annually, within a six month period after the financial year end.

6.3 Whenever a vote is taken at PVHOA meetings, every Member is entitled to one vote per stand/unit provided the Member's levies have been paid in full.

7. USE OF STANDS/LIVING UNITS

7.1 A stand may be used solely for residential purposes by the Member himself/herself, their family and a maximum of two domestic workers, and or tenants.

7.2 No Owner/Member is allowed to change the utilization of their stand or residential unit either by rezoning or City Council's approval or by any other means without obtaining written approval from the PVHOA.

7.3 No business activity may be conducted on any stand or unit. No industrial equipment of any nature may be installed on any stand for purposes other than practising hobbies.

- 7.4 No hobbies, crafts or activity which in the opinion of the Directors may pose any danger and or constitutes an aggravation or nuisance to other Members, including a Jumble sale, may be conducted on any stand or unit.
- 7.5 No property may be utilized as a commune and no person may occupy a caravan and or any temporary structure on the property of an owner or resident.
- 7.6 No property may be utilized as a guest house, Airbnb or lodging.

8. ROAD SAFETY RULES

- 8.1 The streets of Palm Villa are for the use of all residents, whether it be on foot, bicycle, motorcycle, trucks, delivery vans, busses or cars. Please note that cars are considered to be part of the street environment, but not necessarily the dominating factor. Also note that the roads of the Estate are private roads and not considered as public roads, therefore it allows the PVHOA to apply its own rules and determine fines with regard to road safety.
- 8.2 Every tenant and home owner has the responsibility to provide and register their private vehicle at PVHOA offices in order to gain access to the Estate.
- 8.3 Each tenant, member and/or home owner driving, owning or keeping a foreign vehicle on their premises is obliged to submit all the necessary documents, licences and permits so required by South African law, to the PVHOA with registration of the said vehicle, failure to do so will result in the vehicle being denied access to enter and or exit the Estate.
- 8.4 It must also be noted that members of the public who enter the residential areas do so on condition that they subject themselves to these rules.
- 8.5 No music may be played from any vehicle.
- 8.6 Road users are not allowed to act in a way that may pose a danger to themselves and /or other road users or:
- 8.6.1 Exceed the general speed limit of 20km per hour.
 - 8.6.2 Not adhering to traffic signs.
 - 8.6.3 Park their vehicles on any non-designated parking area, or park vehicles in the road and limit access and traffic flow.
 - 8.6.4 Use any motorised vehicle with a noisy exhaust system.
 - 8.6.5 Use any motor cycles or any other motorised vehicle/toy on walkways or jogging paths.
 - 8.6.6 Not giving right of way to pedestrians at pedestrian crossings.

- 8.6.7 Operating any engine powered vehicle on the streets of the Estate, without having a valid driver's license for the particular class of vehicle.
- 8.6.8 Driving an unlicensed motor cycles or motorised vehicle (including quad bikes, electric operated scooters, golf carts or any similar transportation/toys) on the streets of the Estate.
- 8.6.9 Driving a vehicle without a helmet of which the wearing of a helmet is compulsory.
- 8.6.10 Refusing to stop and or supplying personal detail after being requested to do so by a Designated Officer of PVHOA.
- 8.6.11 Giving false information to a Designated Officer of PVHOA.
- 8.6.12 Allow a child to sit on his/her lap while driving a vehicle
- 8.6.13 Allowing a child to lean out any open window/sunroof of a vehicle while driving.
- 8.6.14 Using a cell phone while driving a vehicle.
- 8.6.15 Driving any motorized vehicle in a reckless manner.
- 8.6.16 Intentionally or negligently damaging any property of any nature belonging to the PVHOA while operating any type of vehicle.
- 8.6.17 Operating any motorized vehicle while under the influence of intoxicating substances.
- 8.6.18 Wash, dismantle or effect major repairs to any vehicle on any portion of the common property.

***Any motor vehicle that is found parked or abandoned on any prohibited area mentioned in this rule can be clamped and only released after the prescribed fine has been paid during working hours at the Estate Office.**

- 8.7 Parents remain responsible to ensure that their children are made aware of these rules as well as the dangers related to the use of streets and must take full responsibility for their children's safety.
- 8.8 Engine powered vehicles e.g., cars and motorcycles are permitted to drive on the streets of the Estate only. Parks and pavements are off-limits. Only licensed drivers may operate and drive engine-powered vehicles in the streets or anywhere else on the Estate. (This excludes authorised and trained employees of the PVHOA using company equipment while performing their duties)

- 8.9 Pedestrians may only cross streets at designated crossings on the Estate and have right of way. Motorists are reminded to always approach crossings with caution.
- 8.10 No person may dump any building rubble, garden refuse, rubbish, dirt, muck, garbage, refuse, paper, waste or any likewise article in the streets, on pavements, in parks and green areas.
- 8.11 No person may place any object (i.e. cement balls) on the cement curb directly next to the road surface as it poses danger to pedestrians and other road users. The PVHOA reserve the right to remove such objects without obtaining permission from the owner. The HOA will not be held liable for any injuries or damages caused by such objects. Also see par 10.2 in this regard.

9. GOOD NEIGHBOURLINESS

- 9.1 The volume of music, electrical instruments and or any other object of such a nature should be kept at acceptable levels so as not to create a nuisance to neighbours.
- 9.2 All loud music and or noise related to parties must stop at 22:00 during week days and 24:00 on Fridays and Saturdays. No loud music and party related noise is allowed from 00:01 on Sundays up until 07:00 on Mondays. Noncompliance with this rule will result in the immediate issuing of a penalty.
- 9.3 Owners are responsible to ensure that all their visitors adhere to sub-rules 9.1 and 9.2.
- 9.4 Electric power tools, lawnmowers, edge cutters or similar machinery may only be used between 07:30 and 18:00 on weekdays and 07:00 to 15:00 on Saturdays. No noisy activities are allowed on Sundays or public holidays.
- 9.5 No construction work is allowed after 18:00 on weekdays and between the hours of 07:00 and 15:00 on Saturdays, entire Sundays and public holidays.
- 9.6 Washing lines must be suitably screened from neighbouring properties and must not be visible when standing at natural ground level.
- 9.7 With the exception of recyclable containers/bags, all refuse must be placed inside bins. No garden and or refuse other than recyclable bags outside of bins will be collected by the service provider/s. Recyclables and refuse bins must only be placed outside, early in the morning on the day of collection.
- 9.8 Owners must ensure that air conditioners or any other apparatus or item installed on or outside of their houses are installed according to the guidelines of the Aesthetical rules and relevant municipal bylaw.

- 9.9 In the event of annoyance or complaints involving neighbours, the parties involved should attempt as far as possible to settle the matter between themselves, exercising due tolerance, fairness and consideration.
- 9.10 Other than assisting to enforce the Rules, neither the PVHOA, nor the Estate Manager, his personnel and or any of the security personnel will get involved with any squabbles between different parties.

10. ENSURING A PLEASING STREETSCAPE AND NEIGHBOURHOOD

- 10.1 Each stand owner is responsible for maintaining the area between the curb and the boundary of his/her property in a clean and pleasing condition. The PVHOA can compel the owner or tenant to improve the aesthetic appearance of this area when deemed necessary, at the cost of the owner.
- 10.2 Should the owner/tenant need to protect the lawn on his sidewalk, concrete spheres can be used to keep vehicles off the lawn, provided there is a distance of at least 30cm between the outer edge of the sphere and inner edge of the curb.
- 10.3 Garden fences and/or walls and outbuildings forming part of the streetscape should be regularly maintained and painted where necessary.
- 10.4 The PVHOA has the right to effect repairs at the cost of the owner should it be considered necessary if the owner neglects to respond to a written request by the Estate Manager to do so.
- 10.5 Building material may under no circumstances be dumped on the sidewalks, streets, parks or communal areas. The owner will be liable for all damages in this regard. The owner must place a skip or waste bin on the stand at the commencement of any alterations to an existing house or the building of a new house.
- 10.6 No trees, plants, lawns or pathways planted or developed by the PVHOA on sidewalks may be damaged or removed without the permission of the PVHOA.
- 10.7 Planting should not interfere with pedestrian traffic or obscure the vision of motorists.
- 10.8 No "Wendy Houses" or similar types of structures may be erected. If the owner refuses to remove such structures, the PVHOA may follow available legal processes to remove it which will be at the cost of the owner.
- 10.9 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.

- 10.10 No person may park any ground moving equipment, industrial vehicles, or any vehicle with a capacity larger than 2.5 tons on their premises or anywhere else inside the Estate.
- 10.11 Sidewalks and parks form part of the property of the PVHOA. Owners may not erect any personal structures like a fountain or wall on the sidewalk or parks.
- 10.12 Unless prior written permission has been granted by the HOA and subjected to the following conditions, no doll's house shall be placed or erected by any person: - The owner must apply in writing for permission from the MHOA to erect a structure for the exclusive use as a doll's house. Permission from the HOA will be in writing and the structure will only be for the explicit use of a doll's house. The total floor area of the doll's house may not exceed 6m², measured externally and the maximum height at the highest point may not exceed 1.6m. - In the event of the doll's house being visible from a street or an open area (park), the application for said permission for the doll's house will only be considered if the position has been approved by the PVHOA. The doll's house will be maintained throughout its life on the standard as originally approved by the PVHOA. The MHOA may from time to time conduct inspections to ascertain whether the doll's house still complies with the conditions set out above and are still used for the purpose of a doll's house.
- 10.13 No rainwater storage tank shall be installed unless prior written permission has been granted by the PVHOA subject to the following conditions:
- 10.13.1 The owner must apply in writing for permission from the HOA to install a tank.
 - 10.13.2 The application must be accompanied by drawings of the tank indicating the position, size, material and screening thereof. If a pamphlet of the tank is available it must be attached to the drawings.
 - 10.13.3 The tank must form an integral part of the complete structural and aesthetical design elements of the house, complementing its design and identity.
 - 10.13.4 In the event of the tank being installed underground, a structurally sound and proper accessible underground chamber must be constructed where the tank will be placed. - The water flow to the tank (i.e. via rain water down pipes) must be indicated on the drawings.
 - 10.13.5 The installation must comply with such national or local requirement that is applicable to water tanks.

- 10.14 All laundry, washing and household items hung to dry must be done on the designated area of each property and may not be visible from the street view. All items hung out to dry are done so at the owner's risk.

11. PARKS AND ENVIRONMENTAL MANAGEMENT

- 11.1. No rubble, refuse or any foreign material may be dumped or discarded in any public area, including the parks, streets, sidewalks, water streams or vacant stands.
- 11.2. Residents and their guests are urged to leave any open space they visit in a cleaner condition than that in which it was found. Residents should also develop the habit of picking up and disposing of any litter encountered in the open spaces.
- 11.3. Picnicking will only be permitted in designated areas. An application for the approval to hold a function in a designated area must be lodged with the Estate Manager on the prescribed form and the payment of such fee and or deposit as may be determined by the PVHOA must be made not later than 14 days prior to the event. The area must be cleaned up after the event. Failure to do so shall result in the forfeiture of the deposit. No open fire is permitted in public areas.
- 11.4. The noise levels of any social activities within the parks must be limited not to cause any inconvenience to any other person using the park or nearby residents.
- 11.5. Residents shall maintain a high standard of garden and pavement maintenance.
- 11.6. Bathing, boating or washing of clothes in any water streams are not allowed, nor are pets allowed to swim in it.
- 11.7. No foreign substances and or object may be dumped into any part of the water streams or systems.
- 11.8. No fireworks or any similar types of explosives are allowed to be discharged.
- 11.9. No person may discharge a firearm, or use an air-gun, slingshot, paintball gun or any related item anywhere inside the Estate.
- 11.10. No person may handle any of the items referred to in par 11.9 & 10 in any public area inside the Estate.
- 11.11. The use or possession of any illegal substances in any public area of the Estate is strictly forbidden.

- 11.12. Likewise any person found loitering, abusing or damaging any fauna and flora or property in the parks and the swimming pools will be severely acted against.
- 11.13. Every member or occupier of a property in the Township shall keep his, her or its property and improvements free of ants, borer and other wood destroying insects and to this end shall permit the HOA, the managing agents, and their duly authorized agents or employees, to enter his, her or its property from time to time for the purpose of inspecting the property and taking such action as may be reasonably necessary to have such pests eradicated by the member or occupier concerned.

12. SECURITY

- 12.1 Security protocol at the access gates must be adhered to at all times. Any person entering the Estate may only do so by either using the entry decal system or by signing in at the security officer at a manned security control point.
- 12.2 Each tenant, member and/or home owner driving, owning or keeping a foreign vehicle on their premises is obliged to submit all the necessary documents, licences and permits so required by South African law, to the PVHOA with registration of the said vehicle, failure to do so will result in the vehicle being denied access to enter and or exit the Estate, regardless whether a decal was issued.
- 12.3 Under no circumstances may any resident or person other than the security personnel, Directors or maintenance personnel be allowed inside the Gate House.
- 12.4 No person may interfere with any security activities.
- 12.5 Nobody is allowed to give instructions to Security Officers or to request the Security Officer to get involved in an altercation or get involved in an altercation with Security Officers and any complaints about them or any related matter must be referred to the PVHOA management for their attention.
- 12.6 With the exclusion of limited amounts of food and or beverages, nobody is allowed to give any cash, alcohol, gifts, household items, clothing, bicycles or any related items to any Member of the personnel. A person wishing to make a donation of any nature may approach the Estate Manager who will deal with the matter appropriately.
- 12.7 All new owners, tenants and workers must immediately register on the security data base the day they move into the Estate. It remains the responsibility of the registered owner or legal tenant to keep the PVHOA office informed of all the

members and workers of the household that needs to be added or removed from the security system.

12.8 New tenants must provide the PVHOA with a copy of the lease contract before they will be registered on the security and speed dial data base.

12.9 No furniture removal truck or vehicle may remove or deliver any furniture to or from the Estate unless the applicable notice is handed in at the PVHOA.

12.10 When visitors arrive at any access gate, they must be able to produce a valid identification document or driver's license. Security Officers on duty will confirm that the particular visitor may proceed to a particular stand.

12.11 The Security Officers on duty have the right to search any person, vehicle, parcel, container or bag in possession of a person when entering or exiting the Estate, provided it is done within the guidelines of all legal requirements.

12.12 No clothing, household items, computer equipment, liquor, cell phones, power tools, vehicles of any nature and or bicycles may be removed from the Estate by visitors, workers and or contractors, without the written notification from the Member or tenant.

12.13 All owners must remind their visitors to adhere to the Palm Villa security protocols.

12.14 Every person interacting with security personnel is requested to always treat the security personnel in a respectful manner.

12.15 Residents must immediately report all cases of burglary, attempted burglary, intrusions and attempted intrusions to the security staff.

12.16 No property may be secured with razor wire or similar fencing during or after the construction period. The PVHOA reserves the right to remove such material should the owner fails to do so.

12.17 Residents along the perimeter wall are responsible for keeping overgrowth at least 1 meter clear of the electrified fence. The PVHOA will issue a single written notice to owners not complying with this rule. In cases where the owner repeats the noncompliance a fine will be issued without any prior notice.

12.18 Residents along the electrified perimeter fence must advise any visitor of the dangers pertaining thereto.

12.19 No workers conducting paint work, plumbing, carpentry work, tiling, construction work of any nature as well as Gardeners will be allowed to enter the Estate after 18:00 in weekdays and between the hours of 15:00 on Saturdays, entire Sundays and public holidays. A Contractor/workers will however be allowed

after hours to attend to emergency repairs such as water leakages, sewerage repairs and electricity issues.

12.20 Apart from registered shuttles transporting residents and or school children, no taxi will be allowed into the Estate to either visit or conduct business.

13 TENANTS, VISITORS, CONTRACTORS AND EMPLOYEES

13.1 The number of occupants (permanent and visitors) for each property shall be limited to a maximum number of two (2) persons per bedroom or servant's room as shown on the drawings of the improvements approved by the local authority in accordance with national standards.

13.2 Should any owner let his property, he/she shall notify the PVHOA by handing over a copy of the lease agreement to the PVHOA before the occupation date. The contract must state the name and contact details of the tenant as well as the term of such lease.

13.3 The Tenant acknowledges that, upon occupation of the leased premises, he/she and his/her family, visitors and servants shall adhere to all rules and regulations as contained in this document. As stipulated above, owners must ensure that a copy of the Rules is handed to a tenant.

13.4 In cases where tenants continuously breach rules of the Estate, the owner(s) can be requested to terminate the lease agreement and/or be held liable for the maximum fine allowed under these rules. This clause must also be written into the lease agreement.

13.5 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 House Rules.

13.6 The occupants of any property within the Estate are allowed to only have the same number of visitors and vehicles at any given time on any single stand as parking allows.

14. PETS

14.1 The local Authority by-laws relating to pets will be used as a guide in addition to the House Rules.

14.2 Members of the Palm Villa Home Owners Association may not keep more than two dogs on their property.

14.3 New tenants and or owners may not be allowed to keep any pets.

- 14.4 Before acquiring a dog Members must acquaint themselves with all the rules pertaining to dogs and must understand the impact and responsibilities of keeping a dog in an Estate environment.
- 14.5 Serious consideration must be given to the type of dog they want to acquire as keeping large breed dogs place additional responsibilities on owners.
- 14.6 Dogs must always be kept behind a proper fence and must not be able to bridge such fence in any way.
- 14.7 Dog owners must keep the area in which the dogs are kept in a clean and sanitary condition to prevent unpleasant smells and discomfort to the adjacent neighbours. All droppings and food scraps must be removed from any premises at adequate intervals.
- 14.8 Owners must prevent the soil beneath or around any premises from becoming saturated with urine or polluted by any other matter or liquid.
- 14.9 Dog kennels must not be visible from either the street or adjacent neighbours.
- 14.10 The breeding of dogs inside the Estate is not permissible.
- 14.11 Poultry, pigeons, aviaries, birds (other than those kept inside the house as pets), cats and wild animals or livestock may under no circumstances be brought into or kept in the Estate without the written consent of the PVHOA.
- 14.12 No pets are permitted to roam the streets and dogs must always be kept on a leash in any public area. Dogs may under no circumstances be allowed to chase after any other dogs, guinea fowl, birds and the like.
- 14.13 A dog owner is responsible to immediately remove any droppings in public areas.
- 14.14 Dogs left behind when owners go on leave must be well taken care of. Any dog found to be neglected by its owner or caretaker will be handed over to the nearest SPCA.
- 14.15 Dog owners will be responsible to arrange for the access of persons who will be taking care of their pets in their absence.
- 14.16 Every pet must either be microchipped or be fitted with a collar and tag indicating the name, telephone number and / or address of its owner. Owners must have proof that their pet's compulsory inoculations are up to date. Stray unidentified pets will be impounded and handed over to the SPCA or other relevant authority.
- 14.17 Owners must take firm measures in preventing their dogs of becoming a nuisance to the neighbourhood in any way.

- 14.18 The PVHOA shall not be responsible for any damages or injuries caused by any dog to any person, animal or property.

15. VEGETATION CONTROL ON UNDEVELOPED STANDS

- 15.1 Uncontrolled growth of vegetation creates fire and security risks. Owners of undeveloped stands are requested to cut such grass/trees on a regular basis to avoid any annoyance, inconvenience, or loss in this regard.
- 15.2 Stands will be inspected from time to time and grass on all stands which are regarded as a potential problem, will be cut by either a contractor or the PVHOA and a pro-rata amount pertaining to the costs will be recovered from owners of relevant stands seven days after a proper notice has been served on the owner.

16. PERIMETER, BOUNDARY WALLS AND FENCES

- 16.1 Construction of screen- and boundary walls form an integral part of the construction work done on stand, and is consequently subject to the approval by the PVHOA.
- 16.2 All screen- and boundary walls, fences, hedges and pavements must at all-time be maintained and kept in a neat and tidy state.
- 16.3 Members shall take the necessary steps to ensure that the security fence/wall along the Estate perimeter doesn't get damaged and/or removed.
- 16.4 Nothing may be attached to the security perimeter fence/wall without prior written consent from the Board.
- 16.5 No Member may alter or replace the existing perimeter fence/wall with any alternative structure or material without the prior written consent from the Board.
- 16.6 No signboards (for advertisements, show houses, businesses or any other reason) are allowed to be fixed or displayed on any perimeter fence.
- 16.7 All other signboards within the boundaries of the Estate are to be displayed only according to the rules determined by the PVHOA.
- 16.8 No person is allowed to either block or obstruct the holes in perimeter walls that provides for the drainage of natural water flow.
- 16.9 See par 12.17 above in terms of a resident's responsibility with regards to vegetation control along the outer perimeter fence

17. BUILDING REGULATIONS

- 17.1 A holistic approach was adopted in the placement, selection and composition of each stand and sectional title property relative to all the other stand and sectional title properties in order to meet the requirements of land usage, environment and privacy. Effective planning on each stand and sectional title property thus necessitates architectural and planning rules guidelines for all Members to abide by in order to protect and enhance the joining investments by all members.
- 17.2 The PVHOA's Building Regulations relate to the control measures regarding access and building activities of contractors (and their suppliers). Owners of stands are obliged to bring the House Rules and Building Regulations to the attention of their building contractors (and their suppliers) since the stand owners are to be held responsible for any contravention of the House Rules, Aesthetic Rules or Building Regulations involving contractor's activities on the particular stand.
- 17.3 Each member is obliged to submit stand and or sectional title property Development Plans and Building Plans to the directors for their approval according to the procedures outlined herein prior to the commencement of any building operations, additions or decorations to the exterior of any building, including radio/television aerials, or to any exclusive use areas or to any other portion of the common property. Should there in the opinion of the PVHOA be a possibility that an alteration or addition may affect the strength of the structure or any servitude as defined in Section 28 of the Sectional Titles Act, 1986 the PVHOA may require a certificate signed by a practicing civil engineer certifying that the proposed alterations or additions will not adversely affect the structure or any servitude or implied servitude before granting their consent to such alteration or addition.
- 17.4 Members shall be obliged to maintain all alterations, conditions, and/or decorations made by him to the exterior of his section in a state of good order and repair and to take all reasonable steps to keep them in a clean, hygienic, neat and attractive condition.
- 17.5 Notwithstanding the appointment of Architects, Building Contractors or other Agents, each Member accepts full accountability and responsibility for the actions of his, her or its agents and contractors during construction.

- 17.6 These rules and guidelines have been drawn up to safeguard the singular nature of the area and to ensure the orderly process of development, while at the same time protecting the interest of all residents.
- 17.7 No Member shall be allowed to start with any construction or building work on his or her or its property if such Member is in arrears with the payment of any levies, interest and or penalties to the PVHOA.
- 17.8 Notwithstanding any approval granted by the PVHOA, no alteration, addition or decoration to the exterior of a section may be undertaken until any permit or approval required from any authority has been obtained. It is the duty and the responsibility of the member to obtain such necessary permit or approvals.
- 17.9 The PVHOA and / or Directors, are entitled to request an owner, member and or tenant, to supply a NHBRC certificate, for any house, building and / or addition. If same is not supplied within 7 days after written request, then:
- 17.9.1 the owner, member and / or tenant, will forfeit any benefits pertaining to the insurance cover; and / or
- 17.9.2 will be liable for and additional penalty, to be imposed by the HOA and / or Directors, to be imposes as they deem fit; and / or
- 17.9.3 the owner, member and / or tenant, will be regarded to be in default of the provisions of these rules, and / or resolutions of the Directors, and the HOA and / or Directors, will be entitled to exercise and implement, the provisions, as contained in the Rules of Conduct.
- 17.10 Measures to comply with if any building work is done:
- 17.10.1 *Documentation (contractor/project pack)* - Contractors code of conduct must be completed and handed in at the PVHOA - Project time-line to be completed and handed in - Prove that building deposit was paid - Prove that contractor was made aware of the House Rules - Approved plans
- 17.10.2 *Access Control* - Registration of main contractor and sub-contractors; - Registration of construction workers; - Limiting the times of access.
- 17.10.3 *Building Activities* - Arrangements for a night-watchman; - Specifying construction times; - Times for delivery of building materials; - Provisions regarding toilet facilities for workers; - Provisions regarding

advertising signboards on building sites; - Arrangements regarding refuse management and removal.

18. LETTING AND RESELLING OF PROPERTY

The concept of this Estate imposes certain restrictions on the manner in which estate agents may operate therein. In order to ensure that the rules applicable to Pongola, which regulate property ownership and occupation of premises on the Estate, are made known to new residents, the following rules relating to the resale or letting of property shall apply:

- 18.1 The member who wants to sell/lease his/her property must ensure that the Buyer/Lessee obtains a copy of the House Rules of the PVHOA. Only an accredited estate agent may be selected to manage the sale or lease.
- 18.2 The Seller/Member must obtain a Clearance Certificate from the Association before registration of any transfer, which certifies that: - the Member does not owe any money to the PVHOA with regards to any contributions or payments due to the PVHOA; the written sales contract between the Member and the Buyer has been submitted to the Board and that the Directors have been satisfied that the required clauses referred to in are included in the agreement. The Member is not in default as regards to any of his/her obligations, which arise from the stipulations of these rules or the Articles of Association.
- 18.3 The Member must ensure that the sales/lease contract contains the following clause: "The Buyer/Lessee admits that he is aware that it is mandatory that he (if he is a buyer) becomes a Member of the Association upon registration of the property in his name, and that he agrees to become a Member subject to the conditions and stipulations contained in the MOI, and the Rules of the Association. Should he merely be a lessee/occupant of the property, he undertakes to adhere to the stipulations of the said documents and accepts that it is in all respects applicable to him.
- 18.4 No registration or transfer of a stand or unit shall be registered until: the new owner commits himself in writing to the HOA to become a Member and to adhere to the Memorandum of Association, Articles and Rules of the Association, as stated in the Addendum to Purchase Agreement available at the Estate's office; the Directors of PVHOA have issued a clearance certificate

in which it is stated that the requirements of the MOI and Rules have been complied with.”

19. DISTRIBUTION AND DISPLAYING OF MARKETING MATERIAL.

- 19.1 The door-to-door or mass email distribution of any private or public publications, leaflets, brochures or any marketing material is prohibited in the Estate.
- 19.2 The PVHOA reserves the right to distribute communiqués and or newsletters to residents on a door to door and email basis provided it is of general interest to all residents.
- 19.3 Any person who seeks to distribute any documents and/or publications, leaflets, brochures or marketing material must apply in writing to the MHOA Board and fully motivate such application. The board of the PVHOA may, at its sole discretion and on such conditions it may under the circumstances deem necessary, grant permission for a single issue or, for a period no longer than one year, for the distribution of such publications, leaflets brochures or marketing material if it is satisfied that, inter alia: such distribution will not compromise the security in the Estate; Should the applicant be a resident, that no business referred to in the said publications, leaflets, brochures or marketing material is conducted in an unauthorised manner inside the Estate.
- 19.4 No Material regarded by the board of the PVHOA as offensive will be considered;
- 19.5 Door-to-door publications shall be placed in post boxes or other neat and tidy positions at the front door of the properties and may not be left on the ground, i.e. the driveway.
- 19.6 Any approved distribution compromising either the security or the tidiness of the Estate, or transgressing its approval conditions, may result in the approval for distribution being withdrawn.
- 19.7 No distribution of publications, leaflets, brochures, or marketing materials may take place at the entrance gates to the Estate.

20. PALM VILLA HOME OWNERS ASSOCIATION COMMITTEES

The MOI of the PVHOA provides for the appointment of committees by the PVHOA Board of Directors. The MOI furthermore allow the Board to allocate or delegate to such committees such functions, powers and duties as it may deem fit.

21. PENALTY PROCEDURES

- 21.1 Any person contravening a provision of the PVHOA House Rules may be liable to a penalty as determined by the Board of Directors of the PVHOA from time to time. Such penalties shall be deemed to be part of the levies referred to in rule 4 of the House Rules.
- 21.2 Penalty amounts based on a percentage of the monthly levy will automatically increase annually at the same percentage the levies are increased.
- 21.3 A penalty must be paid within 21 working days at the PVHOA office.
- 21.4 A penalty that has not been paid within 21 working days shall automatically be debited to that person's monthly statement and be payable in the normal manner on the first day of the next month in which the fine is imposed.
- 21.5 A person who is aggrieved by the fine may within 21 working days of the date upon which the fine was issued, lodge, in writing, his or her grievance with the PVHOA.
- 21.6 The Board of Directors shall establish a Penalty Appeal Committee to consider the representations of aggrieved persons, and the committee may confirm, reduce or uphold the penalty.
- 21.7 A person who is not satisfied with the decision of the Penalty Appeal Committee may appeal in writing to the Board of Directors. The decision of the Board is final.
- 21.8 In terms of the Road Safety Rules, the Board of Directors may appoint officers to apply and uphold the Road Safety Rules.
- 21.9 A visitor who fails to pay the penalty may be refused access to the Estate.

22. CONFLICT OF INTERPRETATION

Should a contradiction arise between the provisions of these Rules and the stipulations of the MOI, the MOI will take precedence and Members will be obliged to amend these Rules in order to bring them into agreement with the MOI.

NR.	ESTATE RULES TRANSGRESSION CHART	PENALTY
1	Domestic noise, after hours noise, domestic animal noise	R500.00
2	Dustbins not kept neat, refuse not stored correctly or any form of littering	R500.00
3	Dogs outside yard, dog littering or number of dogs exceed limit in terms of the rules	R500.00
4	Any other animals kept on property such as farm, exotic or birds	R500.00
5	More than 2 domestic workers per unit	R500.00
6	Reckless driving, illegal parking, driving on sidewalks or driving more than speed limit	R500.00
7	Failing to register vehicle, provide permits for foreign vehicle or park vehicles on private property	R1500.00/ denied access of the vehicle in the estate
8	Making open fires, burn dangerous elements, oil spillage, damage to infrastructure and Polluting water sources or the environment in any way	R1 500.00
9	Alterations to existing property without approval or with approval outside of building hours	R1 500.00
10	All Aesthetical related incidents including but not limited to: - Illegal structures; - Caravans, trailers and other vehicles in driveways; - Building Regulations; - Walkways and pavements; - Extended gardens; - Encroaching green areas, public places; - Perimeter walls and fences - Landscaping not maintained	R 1 500.00
11	Use of stands including but not limited to: - Running of illegal businesses; - Running of a guest house; - Use the stand as a commune;	R 2 000.00

	- Practicing dangerous/nuisance hobbies; - Jumble sales; - Not maintaining acceptable noise levels;	
12	Security related incidents – including but not limited to: - Violation of security protocol and access control; - interfering with the security personnel duties	R2 000.00
13	Discharge, use or possession of Firearms, Fireworks, Airguns/pistols, Paintball guns or slingshots	R 2 000.00
14	Failure to pay levies or other charges on time	Interest charged and deregistration of vehicle resulting in sign in controle rule