



DISCLAIMER AND RULES OF CONDUCT

DISCLAIMER

Any person wishing to enter this Estate and/or make use of its facilities may only do so at their own risk.

The Developer (Midrand Real Estate (Pty) Ltd), the Homeowners Association and registered owners, their agents employees and appointees shall not be liable for any injury, loss or damage, due to any cause whatsoever including, but without limitation thereto, the negligence of any of the persons or the intentional acts of the persons or the intentional acts of any agents, employees and appointees. Without in any manner derogating from the above, all entrants to the Estate who make use of the roads, or any other facility thereon whether public or private do so at their own risk.

Whilst every effort is made to secure and monitor the Estate, the Developer, HOA and the registered owners, and all their agents, their employees and appointees shall not be deemed to have warranted the safety of any person or property (whether movable or immovable) on the estate.

WARNING

The Estate is enclosed by an electrical fence which could cause death or injury if touched.

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Representative of Developer:	Peter Wefelmeier (Midrand Real Estate (Pty) Ltd)	012 652 0101
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RULES OF CONDUCT

1 ESTATE RULES

1.1 Introduction

These Rules, which the Directors may change from time to time, have been established in terms of the Articles of Association of the Homeowners Association (HOA). They are binding upon all residents in the Estate, as is any decision taken by the Directors in interpreting these rules. The registered owners of properties are responsible for ensuring that members and their families, tenants, visitors, friends and all their employees abide by the Rules.

1.2 Use of the Streets

The speed limit on all streets is 30 km/h. The use of vehicles and motorbikes with noisy exhaust systems or engines is prohibited. Normal statutory traffic laws are applicable in the Estate.

1.3 Maintenance of Sidewalks

1.3.1 All owners have a responsibility to: -

1.3.1.1 Develop and maintain the area between the road curb and their property boundaries; and

1.3.1.2 Maintain and paint, where necessary, property boundary walling; and

1.3.1.3 Ensure that caravans, washing lines, trailers, boats, wendy houses, tool sheds, mechanical equipment or parts thereof and accommodation for pets are sited out of public view and screened from the street.

1.3.2 No trees, plants or sidewalk lawn may be removed without the permission of the HOA. Planting should not interfere with pedestrian traffic or obscure the vision of motorists.

1.3.3 If owners neglect their sidewalks the HOA will have the right to rectify the neglect and recover the costs from the owner.

1.4 Dogs and Other Animals

1.4.1 All residents have a responsibility to ensure that their dogs and/or animals are not the cause of disturbances during reasonable night time sleeping hours.

1.4.2 Dogs will not be allowed into open areas without the use of a leash

1.4.3 Defecation of pets must be removed by the owner immediately otherwise a removal fee of R150.00 will be charged.

1.4.4 Owners / residents must address complaints of disturbances caused by dogs to the owner or person who provide accommodation to the dogs, the SPCA / SAPS or Metro Police Services.

1.5 Estate Security

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

1.5.2 Estate security is designed to function as follows:-

1.5.2.1 To provide an access control system. (Residents are responsible for their own safety and protection of their own private property)

1.5.2.2 Access control will be manned 24 hours per day;

1.5.2.3 On application residents will be issued with access cards at a fee determined by the Directors from time to time - the security guard will allow vehicles with access cards access to the Estate;

1.5.2.4 Residents who are not in possession of an electronic access card must sign the Access Control Register every time they wish to enter the Estate

1.5.2.5 Contractors having business in the Estate together with their permanent and temporary workers will be issued with contractor's access cards and contractor's employee access permits. A fee determined by the Directors from time to time is payable in respect of contractor's access cards;

1.5.2.6 If possible, the security centre at the gate should be advised in advance of the pending arrival of visitors, and particulars relating to vehicle registration numbers and property to be visited;

1.5.2.7 At night, the Estate will be patrolled on a random basis by security guards;

1.5.2.8 All residents, tenants, night watchmen, domestic workers and other persons who reside on the Estate must register with the security centre and complete the

required data sheets;

- 1.5.2.9 The perimeter wall and electric fencing serve as a deterrent and detection function and are not guaranteed to prevent a determined attempt at intrusion into the Estate.

1.6 Private Security

- 1.6.1 Residents/Owners are welcome to employ private security companies should they wish to do so; this however in no way excludes them from membership obligations as members of the Thatchfield HOA. Residents/Owners are also to please note, that all private security is the responsibility of the Resident/Owner.
- 1.6.2 Residents/Owners must ensure that no more than 2 (two) security boards are placed on the perimeter walls of the Erf. The HOA will remove, and dispose of any excess boards.
- 1.6.3 Electric fencing is permitted on boundary walls with your adjoining neighbours, provided that it complies with the following:
 - 1.6.3.1 Approval must be given in writing by your neighbours for the installation.
 - 1.6.3.2 The wires of the fence must be at least 1.8m above the ground at any point, on both sides.
 - 1.6.3.3 The wires may not encroach onto the neighbours' property.
 - 1.6.3.4 Appropriate warning signs must be placed on the fence every 15 metres.

1.7 Letting and Reselling Property

The following rules shall be applicable to the reselling/letting of property in the Estate:-

- 1.7.1 The seller/lessor of property must ensure that their estate agent registers with the Homeowners Association by submitting the prescribed application form prior to commencing with any selling/letting activity.
- 1.7.2 The seller/lessor of property must ensure that his or her estate agent makes the Rules of Conduct for the Estate available to any prospective buyer/tenant.
- 1.7.3 Estate Agents must operate on a "By Appointment" basis and must personally accompany prospective buyers/tenants;
- 1.7.4 If properties are to be on show over weekends, agents must advise the Estate Manager of the details of the property before 12H00 on the Thursday prior to the show weekend. The onus will be on the agent to ensure that information provided is correct. The Estate Manager will advise each agent of the number of pointer boards which may be erected on the sidewalk on that weekend in respect of each property. This signage can only be erected after 12H00 on a Friday and must be removed by sunset on the Sunday. Failing to adhere to this the Estate Manager will remove and impound the boards and impose a penalty payable by the agent before the boards can be returned.
- 1.7.5 It is the responsibility of owners to ensure that no more than three "for sale" or "to let" boards be erected on the property offered.
- 1.7.6 Once properties are sold boards must be removed within two weeks.
- 1.7.7 Boards not removed will be removed by the HOA, and disposed of.

1.8 Levies

1.8.1 Levies

1.8.1.1 Due Date

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

1.8.1.2 Interest on Accounts in Arrear

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

1.8.1.3 Penalty charge for letters of Demand

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

1.8.1.4 Handing over of Accounts in Arrear

The Directors may hand levy accounts that are outstanding over to an attorney for collection. All costs as a result thereof, shall be recoverable from the applicable member, calculated on the attorney and own client scale.

1.8.1.5 Temporary Disabling of Access Cards

The Directors can approve the temporary disabling of all access cards registered to an Erf if the levies payable by an owner are in arrears. Such card holder will only be allowed access to the Estate after completion and signing of the Access Control Register. Cards will be enabled by the Estate Manager 24 hours after

proof has been provided that the full outstanding account has been settled.

1.8.2 Amendments to the Conduct Rules

The Directors can amend or add to the conduct rules from time to time.

1.8.3 Continued Contravention of a Rule

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

1.8.4 Interference with the Electric System or Perimeter Wall

No large trees, shrubs and/or any plant may be planted against or in close proximity of the perimeter wall so as to interfere with the proper functioning of the security and/or security system. Any plant which interferes with the security or security system can be removed by the HOA, or the HOA can order the removal thereof. No unauthorised person may interfere with the electric security fence which is located on the top of the perimeter wall. The security fence should be considered dangerous at all times. The perimeter wall and electric fence are the property of the HOA, and no resident or owner is entitled to damage, paint or change the wall or fence, notwithstanding the fact that they may be erected on his/her property.

1.8.5 Disturbances

1.8.5.1 The volume of music or the playing of musical instruments, and the holding of parties, by owners/residents or domestic staff must be limited to a level which will not cause a disturbance to neighbours, and must cease at 22:00 on Sunday–Thursday, and at 24:00 on Fridays and Saturdays. After these times noise must not be audible outside the residence.

1.8.5.2 Owners/members must address complaints of disturbances to the person causing such disturbances, the municipality or SAPS.

Any noise above 6, 5 decibels is considered a disturbance.

1.8.6 Address

It is the responsibility of owners to ensure that the Homeowners Association have their correct residential and postal address. The Homeowners Association must be informed immediately of any change of address.

2 CONTROL OF BUILDING ACTIVITIES

2.1 Legal Status

The rules governing building activities, which are set out below, are rules adopted by the HOA and are therefore binding on all owners. Furthermore, each owner is obliged to ensure that his building contractor ("The Contractor") is made aware of the rules and complies with them. Owners should therefore include the rules in their entirety in any building contract concluded in respect of property on the Estate. **The HOA has the right to suspend any building activity in contravention of any of the rules and accepts no liability whatsoever for any losses sustained by a resident or his contractors as a result thereof.**

2.2 Building Rules

- 2.2.1 Building activity is only allowed during the following public time hours:
Normal weekdays 06:00 - 18:00; Saturdays 07:00 - 15:00
Note: No building activity is permitted on Sundays and Public Holidays without special permission, as these days are viewed as private time. Applications for special permission for any building activity during private time should be lodged with the HOA, together with the written approval of all adjacent neighbours, two weeks prior to the required private time activity.
- 2.2.2 During private time, the Contractor will be allowed only one representative per site in the capacity of watchman. Private time is defined from 18:00 to 06:00 weekdays and 15:00 Saturdays to 06:00 the following Monday. Written application must be lodged with the HOA on the prescribed form. The representative must display the required permit, which is obtainable from the HOA at a fee determined by the Directors from time to time. Permission for such a representative on a site will only be considered by the HOA once proper shelter and toilet facilities have been provided by the owner or the contractor on the site.
- 2.2.3 All Contractor workers and/or the sub-contractor workers must enter the Estate in an authorised vehicle and must be issued with an access permit. The Contractor must complete the requisite Estate Access Control Register if not in possession of a valid contractors' access card.
- 2.2.4 The Contractor shall provide facilities for rubbish disposal and ensure that the workers use the facility provided and that the rubbish is removed weekly and not burnt on site. Rubbish not removed on a regular basis will be removed by the HOA and the costs thereof will be recovered at the discretion of the HOA from the owner or/and the contractor.
- 2.2.5 The site is to be kept as clean as possible of building rubble, with regular cleaning taking place during building operations.
- 2.2.6 Where materials off-loaded by a supplier encroach onto the pavement or roadway, these materials must be moved onto the site by the Contractor. No material must be allowed to remain on the roadway or pavement and it is the Contractor's responsibility to clean the roadway of all such materials. The same applies to sand or rubble washed or moved onto the road during building operations. Materials not removed will be removed by the HOA and the costs thereof recovered at the discretion of the HOA from the owner of the stand or/and the contractor.
- 2.2.7 Owners will be held liable for any damages caused by contractors, their vehicles, building activity or suppliers to the roads, manholes, electricity boxes, landscaping etc., including but not limited to sidewalks or any property of the HOA or Council.
- 2.2.8 Deliveries from suppliers must be scheduled in public times.
- 2.2.9 The Contractor shall provide toilet facilities for the workers on the site before commencement of any building activity.
- 2.2.10 If construction takes place adjacent to existing dwellings, the Contractor should make every effort to respect the privacy of the neighbours, and generally to reduce inconvenience as far as possible (for example by discussing with the neighbours the location on site of the night watchman's hut).
- 2.2.11 Should the contractor contravene these rules and fail to remedy such contravention despite demand, the HOA reserves the right forthwith and without notice to suspend any building activity until such contravention has been rectified.
- 2.2.12 The Contractor should undertake to comply with the above rules in addition to any further controls, which may be instituted by the HOA from time to time in the form of a written notification, and to ensure compliance by any sub-contractor employed by the Contractor.
- 2.2.13 The Contractor shall at all time be responsible for the conduct and behaviour of his employees, sub-contractors and visitors and shall take immediate steps to stop any conduct and/or behaviour which the HOA may in its sole discretion deem undesirable.

2.3 Time Limits for Construction

In order to reduce inconvenience to neighbours and unsightliness, construction should proceed without lengthy interruptions, and should in any event be completed within six months from commencement, except in the case of Residential 2 zoned erven.

2.4 Building Deposits

A refundable prescribed building deposit of R2 000.00 shall be paid by each owner to the HOA before commencement of any building activity. The refundable deposit will be kept in trust for the duration of building operations to cover the costs where the owner or the building contractor or his employees or suppliers:

- 2.4.1 Damage the road, curb, sidewalk or any other portion of the property of the HOA or Council and/or
- 2.4.2 Fails to remove during building operations or on completion thereof, any rubble or building material left on the site, sidewalks and adjoining vacant erven.

Only verifiable actual costs incurred by the HOA will be recovered from a deposit. A standard cash slip, statement or receipt produced by the HOA will serve as prima facie proof of the expenses incurred by the HOA.

Owners are respectfully requested to ensure that building operations are organised so as to minimise the unsightly dumping of material on the sidewalk or the road.

The building deposit or unutilised portion thereof will be refunded, free of interest, within a reasonable time to the owner after receipt of a written request by the HOA on completion of the building construction and when not required to cover the cost of items 2.4.1 and 2.4.2 above.

2.5 Architectural Standards and Guidelines

2.5.1 Introduction

2.5.1.1 Submission of plans

All building plans, including plans for the fencing or walling of an erven, additions to, improvements, or the erection of wendy houses, must be consented to and stamped by the HOA before any plans are submitted to the local authority for approval.

2.5.1.2 Examination Fee

The Board may charge a fee for the examination and approval of building plans. Such fee will be determined by the Board from time to time.

2.5.1.3 File Copy and Approval Stamp

The HOA requires one A2 or larger black and white copy of the plans submitted to be retained for its own records. All plans submitted to the local authority must bear the stamp of approval of the HOA.

2.5.1.4 Approval Process

Plans can be submitted during normal office hours at the offices of the Home Owners Association. Tel: 012 652 0053.

2.5.1.5 Time for Approval

Plans will be attended to within 48 hours of submission.

2.5.2 Architectural and Aesthetic Requirements and Guidelines

2.5.2.1 Minimum sizes of Main Buildings Excluding Outbuildings

Res 1 Single Residence: 100m²

Duet Homes: 75m² per Duet

2.5.2.2 Materials and Structures

2.5.2.2.1 Roofing: Only Tile or Thatch roofs will be permitted for all structures including garages and outbuildings. No shade cloth will be permitted.

2.5.2.2.2 Car-Ports will only be permitted if there is an existing double garage on the Erf, and under the following conditions:

2.5.2.2.2.1 The structure must not be larger than 6m x 6m

2.5.2.2.2.2 The structure may have an IBR roof, which must be painted to match the colour of the tiles on the existing house.

2.5.2.2.2.3 All rainwater runoff must be accommodated on the owner's property.

2.5.2.2.2.4 A 230mm or deeper aluminium fascia made up of 3 x 70mm strips, with spacing similar to those of the Louvre deck awning fascias, must be fitted on all four sides of the structure to screen the roof.

2.5.2.2.2.5 Written approval must be obtained from all immediate neighbours, and submitted with the plan for approval.

2.5.2.2.2.6 Building plans must be submitted to the H.O.A and city council for approval.

2.5.2.2.3 Sun or Louvre deck type PATIO coverings will be allowed under the following conditions:

2.5.2.2.3.1 The patio roof must be hidden behind a fascia, and must not be visible from the road or neighbours residences.

2.5.2.2.3.2 The structure, including the patio roof, may only be constructed using powder coated aluminium, and the powder coating must match the colour of the roof of the residence it is attached to.

2.5.2.2.4 Wendy houses and Tool Sheds will only be allowed under the following conditions:

2.5.2.2.4.1 The area of the Wendy house shall not exceed 7.5 Square metres

2.5.2.2.4.2 The roof of the Wendy house is to be painted in a colour to match the colour of the roof of the residence.

2.5.2.2.4.3 Written approval of the position of the Wendy house must be obtained from all immediate neighbours, and submitted with the plan for approval.

2.5.2.2.5 Structures not permitted:

- Any temporary structure;
- Any shade cloth roof or structure;
- Uncovered corrugated or IBR roofs;
- Lean to roofs;
- Pre-cast walling;
- Split pole fencing;
- Concrete walls;
- Un-plastered stock bricks;
- Razor wire on walls.

2.5.2.3 Repetition of plans

No repetition of the same plans on adjoining erven will be allowed if the overall effect creates a row of similar looking houses.

2.6 Land use

2.6.1 No owner/member may change the land use right for which his/her dwelling unit has been zoned whether by way of rezoning or by way or consent of the Local Authority or in any other way without the written approval of the HOA

2.6.2 The HOA approval will, however, not be required for an application by an owner to obtain Duet rights on a Res 1 erven.

2.6.3 No business activity or hobby which causes a nuisance to neighbours or is deemed a nuisance by the HOA may be conducted on a stand. Complaints regarding such activities must be directed to the local authority or metro police.

2.7 Access

All owners/members shall only use the designated entrance.

2.8 Maintenance of undeveloped stands and pavements

2.8.1 Undeveloped stands must be kept in a neat and tidy condition. Veld grass on stands must be cut before the onset of winter to prevent the risk of fires.

2.8.2 Owners/members are responsible for the maintenance of the pavement in front of their stand/unit.

2.8.3 If owners/members neglect to undertake the maintenance set out in 2.8.1 and 2.8.2 above it will be done by the HOA at the cost of the owner/member.

2.9 Perimeter wall

2.9.1 Owners/members shall take the necessary steps to ensure that the security wall surrounding their phase of Thatchfield Estates is not damaged or removed.

2.9.2 No signboards may be fixed to or on top of the security wall/fence surrounding the development and the wall may not be painted.

2.9.3 Trees and vegetation must be trimmed so as not to interfere with the electric wires situated on top of the wall.

3 REFUSE REMOVAL

Refuse may only be placed on the sidewalk in the council provided refuse bin the morning of the pickup day and the container must be removed within the same day after collection.

If the refuse, for some reason, is not collected the container must be removed onto the residents stand and be placed on the sidewalk the following week.

4 ACCESS CONTROL

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

4.1 The Access System

4.1.1 Residents

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

Access cards are not transferable.

4.1.2 Employees

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

4.1.3 Employees of Contractors

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

4.1.4 Short-term contractors

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

4.1.5 Visitors And Delivery Vehicles

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

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

4.2 Issuing Of Access Cards And Permits

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

4.3 Cost Of Access Cards And Permits

4.3.1 Access Cards

Access cards - R 100.00 each (refund value Nil).

Cardholders must pay R 100.00 for the replacement of lost or damaged cards. Cheques are payable to JM Venter Property Services Trust Account and must accompany the application.

4.3.2 Access Permits

The following access permits are issued free of charge:-

Visitors permits.

The following permits must be paid for:-

Laminated Card (Permit) for Employees- R10.00 each (refund value NIL).

4.4 Cards And Permits No Longer In Use

Cards and permits, which become redundant, must be returned to the Estate Manager to be deactivated and/or destroyed.

Please note that there is no refund for access cards and permits returned.

4.5 Arrivals At The Gate Without An Access Card or Permit

Holders of access cards or permits who arrive at the gate without a card or permit will not be allowed access, without completing the access control register.

5 PERIOD OF VALIDITY OF ACCESS CARDS AND PERMITS

5.1 Access cards:

Access cards shall be valid indefinitely, subject to being swiped no less than once every 30 days at your guardhouse as a security measure. Should they not be used within this time period, the HOA shall disable them and only re-enable them upon application to the estate manager. Exceptions will be made in this regard upon application to the estate manager for a longer "no-use" period.

5.2 Access permits:

5.2.1 Permits for employees expire annually after which a new application must be submitted.

5.2.2 Permits which are issued for a specific period expire on the programmed termination date.

6 APPLICATION FOR ACCESS CARDS/PERMITS

Applications must be submitted in writing, the following forms are used for this purpose:-

6.1 Residents

Complete "Personal Particulars required for the Register of Owners" form which is obtainable from the Estate office or Managing Agents. Please indicate the number of access cards and/or permits required on this form. Live-in Domestic workers and gardeners, and regular non-residing workers must be in possession of an access permit. Electronic access cards are only available from the Estate Manager.

6.2 Contractors And Sub-Contractors

Complete "Contractors Registration Details" form which is obtainable from the Estate office or Managing Agents. Please indicate the quantity of access cards and/or permits required on this form. In the event of a contractor also being the registered owner of a stand both the abovementioned forms must be completed.

7 PRECONDITIONS TO BE A CARD OR PERMIT HOLDER

Access cards or permits can only be issued to residents/contractors whose financial liabilities towards the HOA have been met in full. Levies and building deposits must be paid up to date before access cards/permits can be issued.

The access cards/permits of persons who fall in arrear with these payments will be disabled until their accounts have been settled. The only alternative way that these persons could obtain access to the Estate is by completing and signing the Access Control Register. This Rule is an instruction from the Board and the Security Officers at the entrance have no discretion on this.

The identification documents of all applicants must be available for inspection by the Estate Manager.

No access card/permit can be issued to a person without a valid identification document.

Yours faithfully,



CHARLES LLOYDS ELLIS
CHAIRMAN
THATCHFIELD HOMEOWNERS ASSOCIATION

Revised and approved by the Board of Directors on 25November 2010