

WESTBROOK ESTATE HOMEOWNERS ASSOCIATION **RULES**

INTRODUCTION

The main object for the development of Westbrook Estate by the developer was the provision of a high quality lifestyle for residents. The intention of the rules and regulations contained in this Community Participation Manual is to ensure the continuance of this lifestyle.

CONDUCT RULES

The rules have been established in terms of the Memorandum and Articles of Association of the Westbrook Estate Homeowners Association (WEHA) being a Section 21 Company. The rules are legally binding upon all residents of the Estate, as is any decision taken by the Directors / Trustees in interpreting and applying these rules.

On registration, owners of properties on the Estate are responsible for ensuring that members of their families, visitors, friends, tenants and their domestic staff, as well as any contractors or sub-contractors, are made aware of and abide strictly by these rules.

Harmonious community living is only achieved when residents are able to use and enjoy their private property, as well as the public areas of the Estate. General consideration by all residents for each other will greatly assist in achieving a happy community.

In the event of annoyances, disputes or complaints arising for any reason, the involved parties should endeavor to settle the matter between themselves amicably exercising understanding, tolerance and consideration. In instances

occurring where problems cannot be resolved, the matter should be referred to the Directors / Trustees for arbitration and settlement.

The Directors / Trustees may alter, change, amend or add to the rules as and when deemed necessary to ensure the orderly coexistence of owners and / or residents.

Approval for the performance of any cultural traditions and specifically the slaughter of livestock within the Estate must be sought from the Homeowners Association.

This rule is in compliance with local authority and health regulations, which should not be seen to be eliminating health hazards and not a violation of constitutional rights.

USE OF THE “ROAD”

The road is an integral part of Westbrook Estate for the benefit of all residents, visitors, contractors and others, whether in vehicles, motorcycles, bicycles or on foot, and must be regarded as a vital element of the community environment. It is a private Estate road, and is the responsibility of the relevant Association to maintain and control.

The speed limit is restricted to 30KM per hour. All road signs must be obeyed.

Save for the above, all the provisions of the Road Traffic Act 29 of 1989 apply, as well as any other Municipality by-laws of Gauteng Province Ordinance.

Engine-powered vehicles are not allowed to drive anywhere except on the road. Pavements are expressly off-limits.

Parking on sidewalks and / or pavements is not allowed, except as a temporary measure for visitors but not on a permanent basis.

The use of motorcycles or any other vehicles with noisy exhaust systems save for the entering or exiting from the Estate is prohibited.

GOOD NEIGHBOURLINESS

No business activity, which would cause aggravation or nuisance to fellow residents, may be conducted, including auctions, jumble sales and similar activities.

Not more than 20% of the floor area of your house may be used for business purposes.

The number of people working therein is restricted to the owner and not more than two employees, provided that the owner is present, and lives on the premises.

The type of business is restricted. There may be no manufacturing or direct sales.

Restrictions as above are designed to limit the flow of people and traffic, and for various reasons, not the least being security.

The volume of music or electronic instruments, partying and the activities of domestic staff should be tuned to a level, which will not cause a disturbance to neighbors.

Mechanical equipment, maintenance, the use of power saws, lawn mowers and the like should only take place during the following hours;

Monday to Saturday 08H00 to 17H00

Sundays 09H00 to 14H00

Laundry must only be hung on wash lines screened from the roads.

Refuse, garden-refuse and refuse bags or trolleys must be placed on the pavements inside the Estate. Refuse must be in refuse bags or trolleys if supplied by the local authority and may only be placed on the pavement inside the Estate on the day of collection. Please consult the collection timetable, which we shall endeavour to supply

No advertisements or publicity material of any nature may be exhibited or distributed without the prior written consent of the WEHA under special circumstances.

Door to door canvassing is not permitted.

TENANTS, VISITORS AND EMPLOYEES

In the final analysis, the responsibility to enforce the rules as contained in the Participation Manual rests with the Owner(s).

Should the owner let their property they shall, in writing, advise WEHA of the name, contact numbers of the lessee, and the lease period. The owner is obliged to inform the lessee of the Estate Rules and Regulations and bind the lessee to confirm therewith.

The occupiers of any property within the Estate are responsible for the conduct of their staff, visitors, contractors and employees, and must ensure that all such persons obey the Estate Rules. If these persons fail to adhere thereto, WEHA reserves the right to deny the transgressors future entry.

PETS

Let your pet not be a bone of contention between you, your neighbors and other owners, residents or visitors.

The local by-laws relating to pets will be strictly enforced, so please ensure that you are aware of the regulations.

No household may keep more than two dogs and/or cats on their property.

No poultry, pigeons, aviaries, catteries, wild animals, livestock or similar may be kept in the Estate.

No pet is allowed to roam the streets and all dogs must be held on a leash in all public areas. Owners of pets must ensure that cyclists, walkers, joggers, pedestrians as well as other pets are not attacked, traumatized or harassed and that no nuisance or disturbance is caused to neighbors or fellow residents at any time of the day or night.

Should any excrement be deposited in a public area, the immediate removal thereof shall be the responsibility of the owner of the pet.

SECURITY

Security is of paramount importance in our lives whether it be for us personally or

For our possessions, hence WEHA goes to great lengths to ensure maximum possible protection on the Estate. Every time security protocol is not followed and regulations broken, it makes it easier for criminals and others to do the same.

Access to the Estate by non-owners/residents may only be authorized by the owner/resident with whom they are visiting; no other person is permitted to authorize entry to the Estate. Under no circumstances may anyone hoot at the gate for assistance to either enter or exit the Estate.

Access cards for owners/residents must be purchased from the WEHA. An application form, obtained from WEHA, is to be completed and cards will be issued after the required deposit payment is received. Strict control over the cards must be maintained to prevent their misuse and under no circumstances should cards be issued to casual visitors or to contractors/sub-contractors. It is the responsibility of residents to ensure that all lost cards are reported immediately. Cards are not transferable unless under special circumstances and

only once written request has been made to WEHA and permission has been granted.

ACCESS CONTROL

Security is to be informed of all visitors, contractors or others expected by the resident. The security officers are to be advised of the person's name, registration number of vehicle. If a group of persons are expected in the vehicle, the number of such group must also be given. This information must be provided to security before the visitors arrive.

Every owner/resident must request visitors to adhere to the security protocol.

Residents will be held responsible for all contractors/sub-contractors working on their site as well as for domestics and visitors. Contractors/sub-contractors working outside stipulated working hours will be removed from the Village. Domestics or visitors failing to comply with security regulations will either be denied access or, if already within the Estate, will be removed.

All or any attempted burglaries, any boundary wall or fence climbing, indeed any act of suspicious nature, must be reported immediately to the WEHA security.

Residents are strongly discouraged from employing unknown casuals, gardeners and/or other categories of casual workers in the Estate. It is a known fact that many of these people are illegal immigrants or have criminal records and prejudice the safety of our properties.

WEHA should be advised whenever possible of a pending function to be held in the Estate.

All owners/residents must advise the WEHA in writing of their home telephone number to enable WEHA to make contact. If there are any additional changes, it is incumbent on the owner/resident to advise WEHA in writing by obtaining and completing our standard updating form.

Every property must have the correct stand number displayed so as to be visible from the road by day and night. This is a strict requirement by the Metropolitan Local Council who can and will enforce same.

Contractors, sub-contractors, workers, domestics, and others must enter through the gate in accordance with the designated security provisions in force at the time of entry.

ADMINISTRATION

Levies become payable from the date of transfer of the property or stand, and levies are payable monthly in advance on the first day of each and every month.

Clearance Certificates, issued by WEHA, will not be issued in order to affect a transfer until such time as the seller's levies are fully paid up.

Purchasers of homes/properties in Close Corporations should exercise caution in taking transfer of member's interests as any arrear levies will become the responsibility of the new member(s) and the undermentioned rules and regulations will then apply to the new owner(s).

Penalties will be charged on all accounts in arrears, i.e. paid on or after the 8th of each month in which levies or special levies are due. This includes incorrect references quoted on deposits or incorrect Bank Account being used for the deposit of funds.

A further penalty, the nature to be determined from time to time, will be imposed on any accounts unpaid after 60 days.

Any intended alterations or additions must first be recorded with the WEHA management for purposes of access control and traffic control as well as meeting the requirements of environmental and aesthetic appearances.

Owners are reminded that they are personally liable for any damage or cause of loss to property of the Estate for which any servant of the owner or his tenant has caused while undertaking any delivery, or work for the owner or tenant.

No construction may take place or continue if and when levies are in arrears.

Levies for the following month are processed on approximately the 25th day of the current month in order to allow for timely processing. All levy payments up to the 15th of the month will be reflected on the statement, payments received after the 15th will be reflected on the following month's statement.

WEHA reserves the right to take legal action on any overdue accounts. Legal action may be taken in the form of a letter of demand from our attorneys on all accounts in arrears over 30 days and thereafter further action as deemed necessary, in liaison with our attorneys, to recover monies outstanding.

Should WEHA hand over any arrear levies for collection, the owner shall pay fees on the attorney/own client cost/fees scale, including collection commission and tracing fees if any.

While all steps are taken by WEHA to ensure contact and personal details are correct in order to ensure that bills of account reach their correct destination, the onus is on the owners to ensure that their details and/or any changes are correct and updated with WEHA.

ENVIRONMENTAL AND AESTHETIC APPEARANCES

The collective pride we have in our Estate depends to a considerable extent on the contribution made by the owner in creating and maintaining a pleasing appearance of their own property and thereby to the Estate as a whole.

Every owner has a responsibility to the community to maintain their property in a state that is acceptable to WEHA. This entails ensuring that the frontage and all elements visible to neighbors and passers-by are painted to an acceptable standard, where appropriate and that gardens and driveways, which are not

protected by a fence/wall, are maintained to an acceptable standard. Failure to meet these standards will be advised to owners/occupants by WEHA with the request that matters be rectified. In the event that nothing is done within 30 days WEHA reserves the right to levy a fine for every month or part thereof that the work remains undone.

No trees, plants, or pavement lawn may be removed without the permission of WEHA, and if the plants are damaged in any way, including as a result of building activity, it is the owner's responsibility to reinstate the lawn area to the satisfaction of WEHA, failing which WEHA will reinstate any damage at the owner's expense. The same rule as above applies to all common property areas.

Building material, rubble or other refuse must not be dumped on pavement areas, vacant stands or public areas under any circumstances.

Garden walls and outbuildings visible from the road should be maintained and painted to the satisfaction of WEHA.

In the event of the above requirements not receiving satisfactory treatment or attention, WEHA, after having given the owner written notices thereof, reserves the right to undertake the necessary work at the owner's expense, with such costs forming part of the levy collected in the following month.

Flora and fauna may not be damaged or removed from any public area.

Residents are urged to report to WEHA any incident of builders or others littering or dumping rubbish/rubble where not permitted or on a vacant stand.

ADHERING TO ARCHITECTURAL STANDARDS

Additions/alterations are to conform to the current aesthetic look of the Estate, and it is suggested that should the above be contemplated that the plans are first perused by WEHA.

Repainting exterior of houses – paint colours must be approved by WEHA prior to painting.

FINES

Fines are applied so as to effect a punishment on those who do not wish to adhere to the House Rules either by failing to perform a task or failing to seek the appropriate consent prior to allowing a deed to be done which could be seen as a disturbance to the surroundings or a negative impact to the residents security precautions and even the devalue of their surrounding property as a result of such actions.

This is also a means to effect compensation for the additional tasks and administrative costs that could be incurred as a result of the Association having to take action to rectify that which the owner failed or is unwilling to adhere to.

VALUE OF FINES

50% of the value of monthly levy for late payment of levy or special levy or any other contribution to be made by the owner.

50% of the value of the monthly levy in the event of any breach of house rules or failure to act in accordance with conduct rules, with the exception that in the event of failing to apply for consent or record an activity intended as set in the rules such fine shall be equal to the value of the monthly levy.

In the event of the owner being in arrear by more than 30 days on any value owing to the Association, the penalty in the amount equal to the value of the monthly levy shall apply each month in which there is a record of arrears of 30 days or more on the account of the owner.

These fines shall be applied by individual incident and not any other means of assessment should there be more than one breach of the rules in the same day or time when occurred.

Please note that any requests for consent or any submission of details of any incident must be in writing, and all responses will be directed to the applicant or recorded in writing by reply.