

1. EXCLUSION FROM LIABILITY

- No Director of the Home Owners' Association, nor the Estate Administrator nor the Estate Management, nor any of their employees shall be responsible or liable in any way for any loss or damage or injury to any person, building or property anywhere in or on the Estate howsoever and by whomsoever caused, as well as by any act or omission of any of the afore-mentioned persons, and all residents, owners and tenants on the Estate hereby waive any claims which at any time may arise in consequence of any act or omission mentioned in this document.

2. RULES AND PROCEDURES

- The Home Owners' Association has established the following procedures and rules for the good governance of Emerald Estate:
 - Rules for Community Living
 - Transgressions by Residents
 - Schedule of Penalties for Transgressions
 - Security
 - Architectural Guidelines
 - Marketing of Property
 - Residents, owners and tenants are advised to familiarise themselves with these documents, as well as the Memorandum of Incorporation (see below Par. 4), as well as such documents that may from time to time be issued or reissued in revised form by the Home Owners' Association (hereafter referred to as HOA).
 - Ignorance of such documents will not constitute a reason for non-compliance.
 - Throughout this document the Rules and Procedures referred to above will be collectively referred to as the Rules.

3. COPY OF THE RULES

- It is the responsibility of the Estate Administrator to provide every owner with a copy of these Rules, which may also be downloaded from the website of the Estate.

4. MEMORANDUM OF INCORPORATION

- Emerald Estate Home Owners' Association is an Association incorporated under Section 21 of the Companies Act (1973) as amended – and is registered as a NPC under the Companies Act. The Memorandum of Incorporation details a Company not having a Share Capital (Registration Number 2004/023760/08; registered on 23 August 2004) and regulates the work of the Home Owners' Association among other things.
- Copies may be obtained upon request from the Estate Administrator - a small fee might be required.

5. SIGNED UNDERTAKING

- Every resident, owner and tenant is required to lodge with the Estate Administrator a signed undertaking to abide by the Rules – see Appendix B.

6. ALTERATIONS, DELETIONS, ADDITIONS

- Any resident, owner, tenant wishing to suggest an improvement or an additional paragraph or the removal of something from any of the documents constituting the Rules should correspond in writing with the Estate Administrator for the attention of the HOA.

7. BINDING NATURE OF THE RULES

- The provisions of these Rules (as well as other documents produced by the HOA) and the duties of the owner in relation to the use and occupation of his/her residence shall be binding on the owner or resident.
- It shall further be the duty of the owner to ensure the compliance of any tenant with these Rules
- Each resident is responsible for ensuring that all persons residing on his/her property and his/her guests, visitors, employees, contractors and agents comply with the Rules, and shall be held personally responsible for the actions or omissions of such persons.
- INDEX – An index will be found in Appendix A

8. ANNUAL GENERAL MEETING

- Refer to the relevant paragraphs of the Memorandum of Incorporation.
- An AGM will be held annually to receive the report of the Chairman of the Board of Directors, to vote on the Estate Levies, and to elect Directors to assume duty for the following year.
- No owner who is in arrears with his/her levies (or any other overdue payment) may vote at a general meeting.

9. CONDUCT GUIDELINES

- If everybody living at the Estate shows the same due care and consideration for their fellow residents which each expects, then there would be no need for the application of the Rules, or the issuing of warnings, or fines.
- Harmonious community living can be achieved only when residents use and enjoy both their own properties and the common areas in a manner that respects and considers the rights of everybody else lawfully in the Estate.
- Therefore, compliance with the Rules and general consideration by residents for each other will greatly assist in ensuring a satisfied community.

10. TRANSGRESSIONS

- Refer to the Procedures entitled Transgressions by Residents, and Schedule of Penalties for Transgressions.
- The enforcement of these Rules requires that the Estate Administrator gives notice in writing to the owner, resident or tenant concerned to remedy any breach of the Rules within such period as may be stipulated.
- At his discretion the Estate Administrator may take, or cause to be taken, such action as may be deemed necessary to remedy the breach of whatever Rule(s) the owner, resident, tenant concerned may be guilty, and debit any cost (which shall be a debt due to the Association) to his/her levy account, which debt shall be payable on or before the first day of the following month.
- Where notice has been given and the timeframe to remedy the breach has lapsed, further fines will be imposed on a monthly basis until the breach is remedied
- Where a Resident has failed to pay levies or fines (or both) for any period exceeding 3 months, the HOA reserve the right to deny motorised access to any visitors to that

resident's property. The Visitor will be required to park their vehicle outside the Estate Gatehouse, and be collected from the Security office.

- The issue and payment of a fine shall not prejudice any other rights available to the Directors or HOA in law and in particular their right to apply to court for an interdict against the offending person.
- Should the HOA (or Estate Administrator) institute legal proceedings against any owner/resident for the enforcement of any of the rights of the Association, the Association shall be entitled to recover all legal costs so incurred from the owner/resident concerned, calculated as between attorney and client, including any additional fees of commissions.
- In the event of any breach of the Rules by any owner, resident or family member, or his/her visitors, guests, employees, contractors or agents, such breach shall be deemed to have been committed by the member himself/herself. Without prejudice to the foregoing, the HOA or Estate Administrator may take (or cause to be taken) such steps against the person actually committing the breach of the Rules as the HOA or Estate Administrator may in their discretion see fit, in addition to any action which might be taken against the owner/resident/tenant concerned.
- Any visitor, employee, contractor or agent of any resident who, in the sole opinion of the Estate Administrator, habitually contravenes the Rules may be banned from the Estate.

11. VISITORS, EMPLOYEES, CONTRACTORS, AGENTS

- Each resident is responsible for the conduct of his visitors, employees, contractors or agents.
- Should any visitor, employee, contractor or agent cause any damage of whatever nature to the Estate, the owner shall be liable for reimbursing the HOA for the cost of repairing such damage. Such cost is payable within 30 calendar days.

12. EMPLOYEES

- Any resident who provides employment for others (e.g. domestic staff, gardeners, garden maintenance services) shall ensure that:
 - Each knows and understands the rules of conduct and adheres to them.

- Access to the Estate will be subject to the employee's producing an identification card at the gate house (or any other means of access as dictated by the security company).

13. NOISE AND DISTURBANCES

- No resident, including family members or their guests, shall engage in any sport, activity, recreation or hobby that causes an excessive amount of noise at any time (or over an extended period of time) that shall disturb any other resident. What constitutes "an excessive amount of noise" shall be for the sole discretion of the Estate Administrator.
- Parents should not permit their child/children to make undue noise in the immediate vicinity of another residence. What constitutes "undue noise" shall be at the sole discretion of the HOA.
- Children should be educated regarding the concept of a community. Whilst children playing is welcomed, the level of noise must be monitored by parents to ensure that children are not becoming an inherent regular nuisance to other residents.
- As a rule – and strictly for safety sake - children under 8 years old should not be allowed to be in the roads or coves unsupervised, at any time.

14. MUSIC, PARTYING. ETC.

- The playing of musical instruments, or the volume of music or partying, etc., should be moderated to a level so as not to disturb, or be a nuisance to, other residents. This applies at all times, but especially at night and over weekends.
- It would be common courtesy to notify neighbours in the event of any celebration taking place at a resident's house.
- No noise – including but not limited to music, shouting, etc – is permitted past 23h00 under any circumstances.

15. OUTSIDE LIGHTS

- No outside lights either as part of a home or erected by a resident which shine directly into a neighbouring home (or are otherwise intrusive or likely to be intrusive to another resident) shall be permitted.

16. FIRES

- No fires are permitted anywhere on the Estate except at an outdoor fireplace or barbecue area.

17. COMPLAINTS

- Before complaining please consult Par.10 dealing with guidelines for conduct.
- Kindly note that it is not the responsibility either of the Estate Administrator or of the HOA to become embroiled in any dispute between or among residents.
- Complaints relating to the behaviour of another resident(s) must to be lodged with the Estate Administrator by e-mail or in writing, **provided** that the complainant has first attempted to settle the matter amicably with the other party.
- Only in the case of a **serious** contravention of the Rules should the Estate Administrator be approached without prior attempt at settlement between the parties.
- The Estate Administrator is required to maintain a register of occurrences (including any complaints received in writing) and what action was taken.
- The Estate Administrator is available only during normal **weekday hours**.
- In respect of the interpretation of the Rules in the event of any dispute occurring, the decision of the Directors on the HOA will be final, and no correspondence pertaining to a decision will be entered into.

18. LEVIES

- This section should be read in accordance with the Memorandum of Incorporation.
- All levies (and other charges that might be levied against owners) are due and payable on **the seventh day of the month**.
- The Board of Directors reserves the right to take whatever measures necessary to recover overdue amounts, and warns debtors that any costs incurred will be for the owner to pay.
- All registered owners shall be liable to pay the monthly levy.
- The Directors are required to impose levies for the purpose of meeting all the expenses which the Company has incurred, or will incur, in the furtherance of the governance of the Estate.
- Levies will be based on the budget prepared towards the end of the financial year (December) in which anticipated income and expenditure is calculated.

- Interest on unpaid levies shall be charged.
- Special levies may be imposed provided such levies are sanctioned by a prior special resolution of the owners, i.e. the Company.

19. SECURITY AND CONTROL OF ACCESS

- Every resident must comply with the rules and regulations laid down by the security company appointed by the HOA, and with the Security Procedure established by HOA.
- Residents are required to have Biometric Access Control Recordings at the Gatehouse.
- Biometric Access is only available to residents whose levy account is up to date.
- The Access Control system of Emerald Estate is not negotiable. The Access Control Staff have signed a set of Procedures, and will not deviate from it. Please do not harass or argue with the staff, they have your/our safety as their primary focus.
- An owner who is in arrears with their Levies and/or Fines, will not be denied access, but will have to follow the normal access procedure as a visitor. Effective from 1 March 2011, any resident with outstanding fines will have their Biometric access disabled, and will have to sign in and out of the Estate like a visitor.
- In the event of non-payment of levies, the Estate Administrator will disable ALL the listed residents, domestics, gardeners (etal) of those house numbers from the Biometric system.
- Where a Resident has failed to pay levies or fines (or both) for any period exceeding 3 months, the HOA reserve the right to deny motorised access to any visitors to that resident's property. The Visitor will be required to park their vehicle outside the Estate Gatehouse, and be collected from the Security office.
- Communication from the guardhouse will be by telephone.
- On receipt of a call from the guardhouse, residents may (or may not) authorise access to a visitor. If the resident is not available to take the call, the visitor will not be permitted entry.
- Residents are expected to ensure that visitors and staff in their employ as well as contractors and their staff adhere to the security rules and regulations.
- All attempts at burglary or instances of fence/wall jumping must be reported to the Estate Administrator.
- Owners/residents are encouraged to provide their own additional security, e.g. by burglar bars, security doors, alarms.
- Without Biometric Access, every pedestrian must enter the Estate through the Turnstile. ANY person that enters the Estate through the Turnstile – who does not have Biometric Access – MUST be collected by the Resident.

- The SAP (South African Police) have authority over Estate Security staff. Estate Security cannot DENY access to the SAP. Emerald Security cannot prevent the following entities from entering the Estate : SAPS (South African Police Services), Sheriff of the Court and City of Joburg Water
- Any additions to the Biometric Access system carries an admin fee per entry. The cost of the admin fee will be reviewed in January of each year by the HOA Board.
- It is the responsibility of the Owner to instruct the Estate Administrator to remove ex employees. Please notify the Estate Administrator in writing when you need a Domestic / Gardener removed. There is no charge for REMOVAL of any Biometric entries
- Access Control after 20h00 and 22h00 : Estate Security close the RESIDENT'S entrance and exit Gates at 20h00 every night, and re-open them at 06h00. The Visitors Gates are closed at 22h00 every night, and opened at 06h00 in the morning.
- Security will NOT open the gate after 22h00 – until the driver has identified themselves through the Intercom. Stop at the intercom, identify yourself as a Resident with your house number, and security will then open the Electric gate. You may then proceed through the Gate, and place your fingerprint for access. The Electric gate will be closed behind you – where beams have been installed to avoid possible damage to your vehicle.

20. TREATMENT OF SECURITY PERSONNEL

- Residents are specially requested to treat all security personnel in a courteous and co-operative manner.

21. MAINTENANCE OF PROPERTY

- Property must be maintained at all times. This applies to the building(s), garden, pool (if any), boundary walls, and pavement area. Lawns, gardens must be attended to at least once every week in the growing season.
- The above applies particularly to any unoccupied house.
- Should any owner neglect this responsibility, the HOA will arrange for such maintenance as in their sole discretion is necessary. The cost thereof will be debited to the owner.
- Any cost unpaid after 30 days will incur interest at the current bank rate. The cost incurred will be collected by the Estate Administrator, which will have the right to use any legal means to collect monies owed. The cost of any litigation will be an expense that the owner will have to pay.

- Residents/owners are responsible for establishing and maintaining trees, plants, shrubs and grass on the pavement in front of their house, failing which the HOA has the right to rectify the situation at the owner's cost.
- Maintenance of property includes (but is not limited to) – repair of rising damp, flaking paintwork, garage doors and wooden door and window maintenance, broken roof tiles, boundary wall bricks being loose, tatty driveways, broken windows, main and access gates, etc.

22. ACCESS TO GARAGES AND GARAGE DOORS

- The driveway from the garage to the road or cove must be paved (or an approved alternative used).
- The door to a garage should be kept closed if no person is present in the garage.

23. CARE OF THE ESTATE

- No alien or invasive vegetation is allowed in the Estate. Where an owner/resident upon request fails to remove such vegetation, the HOA has the right to remove it and charge the cost to the owner.
- Trees, shrubs or gardens provided by HOA may not be interfered with.
- No owner, resident, employee, contractor or agent may collect or remove anything from the common areas including but not limited to park furniture, playground equipment, trees, shrubs, stones, grass, etc.
- No person may disturb or kill any wild bird or animal.
- Walkers are requested to keep to any footpaths as far as possible.
- No owner/resident shall interfere with the storm water canals or ponds, or the servitude fronting on to Modderfontein Road.
- No owner/resident shall dam or alter the flow of any watercourse such as would result in a nuisance to, or in a loss to or damage to, any residence or to the common area.

24. THE PARK IN EMERALD CIRCLE

- The playground equipment should not be used by anyone other than by children under the age of 13 years.
- The playground equipment is used entirely at the user's/parents' risk.

- Neither the HOA either collectively or individually, nor the Estate Administrator, nor any employees may be held liable for any accident whatsoever and/or any claim arising from the use of such equipment or benches or landscaping.
- After 19h00, the park may not be used by any children under 13, unless they are supervised by an adult.
- Ball sports are permitted in the park – with the following conditions;
 - By children under 13 years old
 - Adult supervision to ensure that children are not bothering other residents using the park
 - Children are educated and know to stay out of the gardens

25. CHILDREN PLAYING

- Neither the HOA nor the Estate Administrator are responsible to look after children. This is especially true during school holidays when parents are at work.
- Drivers of vehicles must be aware of children in all area's within the Estate.
- Residents are responsible for ensuring that their children do not play on the roads (as well as in the coves even though they are less busy). Please take note that whilst every effort is made to regulate the speed that residents drive in the Estate, we cannot control Visitors or Contractors speeds.
- Parents must not permit their child/children to make undue noise in the immediate vicinity of another residence. What constitutes "undue noise" shall be at the sole discretion of the HOA.
- Plastic-wheel push bikes may not be used in the Coves, and parents are encouraged to supervise their children on roads, or on the Strip pathway. This is due to the level of noise that these push bikes make on the paved Coves.
- Children are welcome to make use of the strip pathway for riding their bicycles – where there are no vehicles.
- Children are welcome to make use of the Strip to play in, provided that;
 - They may not enter any of the water retention area's
 - They may not play around the ponds
 - They are advised to stay well clear of the electric fence (behind the Berm)
- Neither the HOA either collectively or individually, nor the Estate Administrator, nor any employees may be held liable for any accident whatsoever and/or any claim arising from the use of any facilities within the Estate.

26. PICNICS

- Picnicking is not permitted in any of the common areas owned by the Estate.

27. ALCOHOL

- The consumption of alcohol anywhere within the Estate outside of a residence or garden is forbidden.
- Residents are encouraged to make use of their private gardens should they be having a party. Parties should not be held in a garage if the door is open
- Drinking and/or partying in driveways of your residence is not permitted.

28. LITTERING

- Littering of any kind in the common areas including roads is strictly forbidden. This extends to the disposal of cigarette stubs.

29. DUMPING

- No rubble, refuse, garden waste may be dumped anywhere in the Estate – except on a Homeowners own Property, and must be removed immediately.

30. REFUSE AND REFUSE CONTAINERS

- Only the PIKI-TUP Wheelie Bins may be used within the Estate
- Refuse bins should be put out ON the day of collection, not before.
- Refuse bins must be collected on the same day as Council collection.
- Wheelie Bins may not stand overnight at any place within the Estate
- Refuse bins must be wheeled to the entrance of the cove, not left outside an individual's residence.
- All refuse must be placed inside the municipal container – plastic bags/ boxes may not be used.
- Excess garden refuse should be taken to the municipal dump in Sebenza.

31. WASHING LINES

- Washing lines should be screened from the street or neighbouring properties in such a way that washing hanging on the line may not be seen. If necessary the height of the wall should be increased. If any resident finds a fellow residents washing unsightly, and such issue is brought to the attention of the Estate Administrator, that resident will be required to make different arrangements for their washing line.
- Under no circumstance may Washing be hung over perimeter walls, or draped over any portion of the property, including ballustrades, gates or walls – or laid on the floor where it is visible to any other resident.

32. AERIALS

- Residents may erect standard satellite dishes to a maximum diameter of 650mm. No other aerials are permitted.

33. GENERATORS

- Generators must have suitable equipment to muffle the sound of their operation.
- Generators and particularly their exhausts must face the road or cove, strictly not towards a neighbour's home.
- Generators may only be used during a local power outage.
- Mobile Generators must be placed inside a garage or be in a suitable sound-suppressing enclosure.
- Generators may not be used after 22:00 and before 06:00.
- The generator at the Main-gate and Strip will not, for security reasons, comply with the above.

34. HOUSE NUMBERS

- The number of each house within the Estate must be clearly displayed on the wall facing the entrance to that house.

35. TOOLS AND EQUIPMENT; KENNELS

- These must be stored out of sight.

36. TEMPORARY STRUCTURES

- Temporary structures or huts are permitted only with the written authority of the HOA and then only for a specified time.

37. ADVERTISEMENTS

- One estate agency board may be placed outside the entrance in the demarcated spot for a period of no longer than 2 months, or shorter should the property be sold within the 2 months period.
- On show days up to 5 boards may be placed within and outside the Estate no earlier than Saturday, and shall be removed no later than 17:30 on the Sunday thereafter.
- **No** other advertisements or posters of any nature may be placed anywhere within the Estate.

38. BUSINESSES WITHIN THE ESTATE

Emerald Estate is a residential estate. Its primary purpose is to provide an environment for persons and families who wish to build a home life for themselves.

Accordingly no consideration will be given to an application to run a Home Based Enterprise (HBE), or an activity linked to a HBE, whether for profit or for non-profit, if the HBE involves;

- Manufacturing, assembly of items, panel beating, welding repair or refurbishing or an activity related to the foregoing
- Storage of any type of product
- Sale of any type of product generating excessive pedestrian traffic
- The generation of noise, odours, non-household waste, pedestrian or vehicle traffic deemed by the HOA to be beyond the Estate residential limits.
- A bed-and-breakfast or lodging facility

- A play-school, crèche, after-school facility
- Any other activity that is not specifically mentioned above but is deemed by the HOA to fall within the scope of a prohibited HBE or activity.

Residents in the Estate may apply to the HOA to run a service HBE or activity provided that;

- The HBE does not require more than 25% of the habitable space of the dwelling
- The balance of the habitable space is used by the occupants as regular living space
- It is the occupants (one or more of them) who are actively running the HBE. That means that the HBE space may not be sub-let to a third party to run the business
- No signage may be erected anywhere on the exterior of the premises or the perimeter of the property
- The application to run a service HBE has been approved by the HOA, with or without conditions attached
- Approval, in writing, from neighbours to the applicant
- If the application to run a HBE is a tenant, then the owner's written permission must accompany the application with the due understanding that the owner and the tenant shall be jointly and severally liable to the HOA for any infringement of the Estate Rules relative to the running of the HBE.

An application to run a Home Based Enterprise shall be submitted **PRIOR** to the commencement of business to the Emerald Estate Administrator who shall inspect the premises and verify the contents of the application and its compliance with the above criteria. The Estate Administrator shall then prepare a motivation for tabling at the next Board meeting of the HOA for consideration.

39. WEAPONS AND FIREARMS

- No weapons (including firearms, pellet guns, crossbows, catapult, etc.) may be used within the Estate.
- Firearms if carried should be in such a way as not to be visible to other persons.

40. FIREWORKS

- **No fireworks of any description may be used anywhere within the Estate**

41. PETS

- The HOA shall have the right to prohibit, restrict, control the keeping of, or remove any pet which they regard as dangerous, or a nuisance to another occupants or occupants of the Estate.
- Pet owners shall ensure that their pets do not cause a nuisance or disturbance within the common areas or in the vicinity of the home of any other resident. Residents shall not allow excessive barking by their dog(s) at any time which results in, or which may result in, a nuisance or disturbance to any other resident. Screening or other adequate preventative measures must be taken to ensure that dogs do not bark at passers-by.
- No aviaries or lofts, animals other than domesticated dogs and cats shall be permitted within the Estate.
- No more than 2 dogs or 2 cats, or one of each, may be kept without the prior **written** consent of the HOA.
- Residents may exercise their animals in the common areas provided that they are on a leash or under effective personal control. At no time should dogs be allowed to roam anywhere within the Estate.
- The owner is required to remove any excrement deposited by his/her dog(s).
- Kennels should be so sited as to be out of the public's eye.

42. CONTRACTORS' GATE

- Situated in Blackrock Road. This may not at any time be used by residents or their vehicles or employees.

43. CARAVANS, TRAILERS, BOATS

- Trailers (meaning Trailers, Boats and Caravans) should be stored out of the public's eye – in compliance with the Architectural Guidelines.
- All trailers parked on a driveway shall be kept clean
- All trailers must have a jockey wheel – or stand – and may not lay down on it's A-Frame.
- Trailers may not be parked on the common property, or on the outside pavement of anyone's property.
- No habitation of any caravan (or mobile home) will be permitted within the Estate.

44. VEHICLES

- All normal traffic by-laws are applicable; drivers are required to obey all road signs within the Estate.
- **The speed within the Estate may not exceed 20kph**
- Vehicles must keep to the roads – no off-road driving is allowed.
- No vehicle shall be driven in any manner that creates a nuisance to residents – this applies at all times.
- No vehicle shall be driven within the Estate in such a way as to create excessive noise and a disturbance to residents. Every vehicle shall have adequately suppressed silencers. Vehicle engines may not be revved in the Estate.
- The use of vehicles which create excessive noise (such as motor cycles, quad bikes, and motorised scooters) will not be permitted.
- Hooters may not be used within Emerald Estate (except in an emergency).
- No motor vehicle of any description may be driven within the Estate unless the rider/driver thereof is in possession of a valid driver's licence for the vehicle concerned.
- Learner drivers may not drive within the Estate.
- No motorized vehicle of any description that is unlicensed or not roadworthy may be driven in the Estate.
- Vehicles may not be serviced, restored or rebuilt unless kept out of sight in the owner's garage. No vehicle parts may be left in view.
- Any damage caused within the Estate by a vehicle delivering or transporting persons/goods/equipment to or from a residence shall be for the owner/resident/tenant to make good. In the event that this is not immediately done, or done when so requested by the Estate Administrator, the HOA will effect such repairs as may be necessary, and reclaim the cost thereof from the owner/resident/tenant within 30 days of the completion of the repairs.

45. PARKING

- Since Emerald Estate is a **residential** estate, commercial vehicles may not be parked in the public eye within the Estate.
- Vehicles belonging to residents should not be habitually parked in the road or in any part of the common areas.
- Residents must park their vehicles in their garage or driveway rather than in the road thereby limiting the space for other vehicles to pass.
- No *habitual* parking of cars overnight in the Coves. All vehicles must be off the Cove and

Road surfaces, and parked either in the garage and/or residents driveway.

- Vehicles of visitors should be parked only in the resident's driveway, or in a cove but out of the way of the residents living there.
- No vehicle parked in any entrance or driveway should protrude on to the road.
- No commercial vehicle or truck (except for the purpose of making a delivery), or caravan, trailer or boat may be parked in the common areas at any time.
- No vehicle may at ANY time park in any area of Communal property – including – but not limited to – the Park, Roads, Coves, or across any municipal or Service Boxes (Telkom, Power, Fire Hydrants, etc).

46. RENTING

- Kindly refer to the document “Marketing of Property” for details of the procedure, which may be found on the website of the Estate.
- These rules apply in every respect to owners wishing to rent their house without the service of an estate agency.
- The owner or the estate agency must ensure that the tenant is informed of, and receives a copy of, all the documents referred to in Par. 2 above **AND** that a declaration (see Appendix B) signed by the tenant is received by the Estate Administrator.
- Every owner who rents his property must submit to the Estate Administrator the names and contact details of the tenant, and must make use of the appropriate pro forma contained in the “Marketing of Property” procedure.
- It is the responsibility of the HOA to protect the rights of all residents. Therefore, should a tenant breach the Rules in such a way as seriously and repeatedly to inconvenience any resident then the Estate Administrator may take such action as is deemed necessary to obtain conformity, to the extent, if necessary, of evicting that tenant at the cost of the owner concerned, such cost to be reclaimed from the owner within 30 days of the eviction. The owner shall have no claim against the Estate Administrator or the Directors of the HOA for any loss of income incurred in the termination of the lease before the due date.
- No owner shall allow his/her residence to be occupied by more than the following number of persons:

Three-bedroomed house	- maximum 6 persons
Four-bedroomed house	- maximum 8 persons
- The Estate Administrator shall (at the request of the HOA) have the right to investigate the validity of any alleged breach of the Rules, to the extent, if necessary, of inspecting any property rented out.

- Any tenant who fails to respond positively to a directive from the owner, the Estate Administrator or the HOA shall be served with a written notice period of thirty days to quit the property and the Estate.
- Owners must be aware of their responsibility with regard to the conduct and behaviour of their tenant(s) and their observance of the Rules, and that it is the owner who shall be liable for any fine for any breach of the said Rules by an unruly or non co-operative tenant, hence the importance that HOA attaches to the need that owners acquaint tenants with the Rules.

47. SELLING

- Kindly refer to the document “Marketing of Property” for details of the procedure, which may be found on the website of the Estate.
- The Rules apply in every respect to owners who wish to sell their home without the service of an estate agency.
- The seller or the estate agency must ensure that the buyer is informed of, and receives a copy of, all the documents referred to in Par. 2 above, and that a signed declaration by the buyer (see appendix B) is received by the Estate Administrator.
- Only estate agencies that are accredited to the Estate may be used. Per the “Marketing of Property” document, any sale made by a Non-Accredited Estate Agent will incur a R2,000 (two thousand) rand fee, which is attached to the Clearance figures issued by the Estate.
- Show-days are permitted in accordance with the “Marketing of Property” guidelines.

48. REVISION OF THE ESTATE RULES

- From time to time these Estate Rules will be subject to review by the HOA to meet changing or unforeseen circumstances.
- Subsequent revisions must be forwarded by the HOA to every resident/owner.
- All subsequent editions must indicate the date of issue.
- The Estate Rules are published in English only.
- Owners/residents are invited at any time to submit in writing any suggestions for the HOA to consider either for possible inclusion in these Rules or for making a change to these Rules.

49. ACCEPTANCE OF THE ESTATE RULES

- The HOA hereby authorizes and establishes the Estate Rules for Emerald Estate which each resident/owner accepts and agrees to be bound by.
- While the HOA will make every effort to ensure that every resident/owner is in possession of an up-to-date copy of the Rules, the terms of the Estate Rules will apply whether or not any transgressor possesses a copy of the Rules, or whether or not he/she is aware of the terms laid down in these Rules.
- It is therefore assumed that every resident/owner will comply with the terms of the latest Estate Rules approved by the HOA.

APPENDIX A**EMERALD ESTATE****INDEX OF GOVERNANCE DOCUMENTS OF EMERALD ESTATE**

DOC No.	DESCRIPTION	DATED
EED-001	Rules for Community Living	Aug 2022
EED-002	Architectural Guidelines	Aug 2022
EED-003	Mircel Intercom changes	Jan 2013
EED-004	Member Register Form	Jan 2011
EED-005	Marketing of Property	Sep 2018
EED-006	Biometric Access Control Form	Jul 2012
EED-007	Move-in Control Form	Jan 2013
EED-008	Schedule of Disturbances and Transgressions	Oct 2011
EED-010	Contractors Code of Conduct	Nov 2009
EED-016	Levy Collection Policy	Aug 2019
EED-017	POPI Policy	Jun 2021

APPENDIX B

EMERALD ESTATE

RULES FOR THE GOVERNANCE OF EMERALD ESTATE

UNDERTAKING BY OWNER/TENANT

To be returned to the Estate Administrator

I, the legal owner/tenant (**Please delete one option**) of House Number _____, acknowledge receipt of the Rules for the Governance of Emerald Estate (see Paragraph 2 of Rules for Community Living).

I understand the Rules and hereby agree to abide by them.

Title, first name and surname: (Print) _____

Signature: _____ Date: ____/____/20____