



LOTUS GARDENS EXTENSIONS 31 & 32 HOMEOWNERS ASSOCIATION

(Hereinafter to be known as CAPITAL VIEW LIFESTYLE ESTATE)

CONDUCT RULES MANUAL

This MANUAL is issued by the Capital View Lifestyle Estate (CVLE) to each registered owner. Electronic copies of this handbook may be obtained from the offices of CSI Property Management.

The purchaser undertakes to comply with the contents of this schedule in its entirety.

1. INTRODUCTION

Welcome to Capital View Lifestyle Estate (CVLE) where security, privacy, and comfort are of paramount importance.

- 1.1. The developer's main objective for the development of Capital View Lifestyle Estate was the provision of a high-quality lifestyle for Residents. The intention of the rules and regulations contained in this Conduct Rules Manual (CRM) is to ensure the continuance of this lifestyle.
- 1.2. This residential estate is managed by the Capital View Lifestyle Estate (CVLE). Purchasers/owners are obligatory members of the Association. The functioning and operation of the CVLE are guided and must adhere to all relevant legal requirements. The CVLE includes freehold areas and is served by common property consisting of open areas, facilities, roads, and infrastructural services. The development is enclosed by electrified security fences and boundary walls, with one main access point controlled through guarded gates.
- 1.3. These Rules are binding on all members, residents, and their visitors. Residents are responsible for the conduct of their visitors. Any breach of these rules by a visitor, or resident who is not a member, will be attributed to the relevant member who will be held responsible for such a breach.
- 1.4. Estate living does however call for certain restraints and owners and occupiers must always consider the rights and privileges of other owners and occupiers.
- 1.5. The CRM may be updated from time to time and the latest version will be circulated to all owners and loaded on CSI's accounting system, under documents. This shall be construed as binding.
- 1.6. Particularly in a developing state, rules will need to be added to, amended, or repealed by the evolving needs of owners and the estate. Therefore, the rules are subject to change from time to time and the Capital View Lifestyle Estate shall endeavor to add to, amend or repeal the rules as deemed necessary in order to protect the interests of the HOA, owners, and integrity of the estate as a whole.

2. CONDUCT RULES

2.1. General

For a community development such as ours, conduct rules provide an acceptable code by which members may live together reasonably and harmoniously and without interfering with others' enjoyment.

The conduct rules have been established in terms of the Memorandum of Incorporation (MOI) of Capital View Lifestyle Estate (CVLE) being a Non-Profit Company (NPC). The rules are legally binding upon all Residents of the Estate, as is any decision was taken by the Directors in interpreting and applying these rules. Any infringement of these rules may result in the offender being penalised with a fine or such other sanction as may be deemed appropriate by the CVLE.

Penalties will be included in and form part of the monthly levy statement. Failing payment of such penalties, CVLE reserves the right to take further action.

Details of penalties prescribed for various contraventions are contained in the schedule on pages 14 and 15.

Should a difference between CVLE and an Owner not be resolved through normal avenues and litigation ensues, the Owner and Directors may agree to adjudicate the dispute through arbitration.

- 2.1.1. The imposition of a penalty in terms of the schedule should not be seen as a limit of liability of the perpetrator/s. Costs for any repair or resultant damages could still be the responsibility of the individual/s.
- 2.1.2. The members are responsible for ensuring that members of their families, visitors, friends, tenants, and their domestic staff, as well as any contractors or subcontractors, are made aware of and abide strictly by these rules.
- 2.1.3. In the event of annoyances, disputes, or complaints arising in relation to issues contained in this manual, the involved parties must endeavor/attempt to settle the matter between themselves amicably, exercising understanding, tolerance, and consideration. In instances where problems cannot be resolved, the matter may be referred to the Directors of CVLE for arbitration and settlement.
- 2.1.4. Incidents of abusive behaviour towards any employees of CVLE and/or its contractors or subcontractors, will not be tolerated and action in the form of prosecution and/or substantial penalties will be instituted after appropriate investigation.
- 2.1.5. Incidents of vandalism or malicious damage to any property of CVLE's buildings and or facilities and equipment will be dealt with in the strongest possible manner and criminal charges will be laid with the SAPS.
- 2.1.6. No Business or Trading is allowed. Therefore, no form of vehicle for business purposes (Taxis, Furniture Removal Trucks, Dump Trucks, Loaders, etc.), or heavy-duty equipment (Bulldozers, Excavators, TLB's, Compactors, Trenchers, etc.), will be allowed to

be parked or stored inside resident's freehold properties, in parks, servitudes, private streets, pavements, curbs, sidewalks, traffic islands, and road reserves, owned or used by CVLE, and other amenities and open spaces.

2.2. Use of the "Roads"

The roads are an integral part of CVLE for the benefit of all Residents, visitors, contractors, and others, whether in vehicles, motorcycles, bicycles, or on foot, and must be respected and regarded as a vital element of the community environment.

2.2.1. The speed limit inside each village is restricted to 30 km per hour. All road signs must be obeyed.

2.2.2. All traffic circles are to be used in a clockwise direction. No vehicles are permitted to cross over the traffic circle, drop off any passengers or cause traffic disruptions.

2.2.3. Save for the above, all the provisions of the National Road Traffic Act of 1996 read with the National Road Traffic Regulations of 1999 shall apply, as well as any other Municipal by-laws or Gauteng Province ordinances thereto. This includes where possible the CVLE deem appropriate, whereby the roads within the estate are treated as public roads.

2.2.4. Parents are responsible for ensuring that their children do not play in the roads.

2.2.5. Engine-powered vehicles are not allowed to drive anywhere except on the roads. Parks and pavements are expressly off-limits.

2.2.6. Parking on sidewalks and/or pavements is not allowed, except as a temporary measure for visitors but not on a permanent or regular basis. Should you have a private function at your home, please request the permission of your neighbour if they will allow for the parking on their pavement.

2.2.7. The use of motorcycles or any other vehicles with unacceptably noisy exhaust systems in the Estate is prohibited. The excessive revving of vehicles or motorbikes is not permitted. Should a resident or visitor be found of such contravention, they will be penalised accordingly.

2.2.8. CVLE reserves the right to prevent vehicles from entering the Estate if they are found, or appear to be, un-roadworthy.

2.2.9. The drivers of any engine-powered vehicles must be in possession of a valid driver's license for said vehicle and the said vehicle should be licensed for use on a public road.

2.2.10. All users of the roads within the Estate must practice restraint insofar as excessive engine noise, hooting, and/or slamming of doors are concerned, particularly between the hours of 22h00 and 06h00.

2.2.11. All users of the roads within the Estate must ensure that their vehicles do not obstruct the general flow of traffic at any time.

2.2.12. Anyone using a motorized or non-motorized bicycle must always be wearing a helmet.

2.2.13. The Estate Management staff is permitted to make use of an electric-powered golf cart for the purpose of monitoring and managing the Estate.

2.3. Recreation

All amenities and facilities within the Estate must be used subject to the Conduct Rules and the rules specific to such amenities and facilities that will be applicable from time to time.

2.3.1. Parties must be conducted with minimal noise generation. No music or merrymaking may be heard beyond the boundaries of the applicable property between 22h00 and 08h00. Contravention leading to complaints will be punishable by a fine. Repeat offenders may face legal action and application to remove undesirable residents from the estate premises. Unruly and noisy guests and visitors may be escorted off the Estate and may be refused future access to the Estate.

2.3.2. Children under the age of 12 (twelve) years of age must be supervised by a person over 18 (eighteen) years of age without any exception to ensure that the noise levels in the park area is kept at a reasonable and acceptable level.

2.3.3. No loud music is permitted in the common area and park area.

2.3.4. Using the common areas does not give anyone the right to be a nuisance to other people or owners.

2.3.5. The cut-off time for using the common areas will be 22:00 on a Friday, Saturday, and Sunday, and 20:00 during weekdays.

2.4. Good Neighborliness

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.

- 2.4.1. The volume of music or electronic instruments, partying and the activities of domestic staff should be tuned to a level that will not cause a disturbance to neighbors.
- 2.4.2. Mechanical equipment, maintenance, the use of power saws, lawnmowers, and the like, should only take place during the following hours:
 Monday to Friday 07h00 to 18h00
 Saturday 07h00 to 15h00
 No work will be permitted on Sundays and Public Holidays.
- 2.4.2.1. Alternative power supplies/ generators may only be installed after prior consultation with your neighbours and must be discreetly sited and generators must be enclosed in a sound dampening enclosure.
- 2.4.2.2. Generator sound levels must be between 70 and 75 decibels at 7 meters. The use of generators should only take place between 05h30 and 22h00.
- 2.4.3. Laundry may only be hung on washing lines that are well screened from the roads. No laundry, carpets, bedding, etc. may be hung over any boundary walls.
- 2.4.4. No advertisements or publicity material of any nature may be exhibited or distributed without the prior written consent of CVLE under special circumstances.
- 2.4.5. Door-to-door canvassing is not permitted. No advertisements by way of leaflets, pamphlets, etc. may be distributed at the gatehouses or within the Estate unless on official CVLE letterheads for Estate functions, notices, etc.
- 2.4.6. Owners may not, under any circumstances, enter the property of another Owner without the permission of the other Owner nor can they allow their contractors and/or staff members to enter another Owner's property without prior permission being obtained.
- 2.4.7. The setting off of fireworks of any kind is strictly prohibited at any time. A penalty will be imposed upon anyone transgressing this rule.
- 2.4.8. The use of firearms is strictly prohibited within the Estate except in emergencies. Any illegal, unauthorized, or unnecessary use of firearms within the Estate will be met with fines and criminal charges.
- 2.4.9. No private boreholes will be allowed.
- 2.5. Garden landscaping**
 Private gardening is encouraged and all efforts to beautify our Estate for the benefit of everyone are fostered.
- 2.6. Tenants, Visitors, and Employees**
 In the final analysis, the responsibility to enforce the rules contained in this Community Participation Manual rests with the Owner(s).
- 2.6.1. Should any Owner let their property they shall, in writing, inform CVLE of the name/s, contact number/s, e-mail address/es, and vehicle registration number/s of the lessee. The Owner is obliged to inform the lessee of the Estate rules and regulations and bind the lessee to conform therewith. The owner will be held personally responsible for the conduct of their tenants.
- 2.6.2. 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, CVLE reserves the right to deny the transgressors future entry, and levy penalties on the Owners of the said property.
- 2.7. Animals and Pets**
 Let your pet not be a bone of contention between you, your neighbours, and other Owners, Residents, or visitors.
- 2.7.1. The local by-laws relating to pets/animals apply, so please ensure that you are aware of the regulations.
- 2.7.2. No household may keep more than two animals or pets on the property, unless written approval from the CVLE is obtained, which approval shall not be unreasonably withheld.
- 2.7.3. Every pet must have and wear a collar with a tag indicating the contact details of the Owner. Stray pets found on the Estate with or without identification tags may be impounded and handed over to the local SPCA. The Owner will be responsible for the collection and payment of any costs incurred.
- 2.7.4. No live poultry, pigeons, livestock, or similar animals may be kept on the Estate, at any time. Wild animals and reptiles may not be brought into the Estate, nor may Owners or tenants establish or maintain aviaries, catteries, or kennel facilities for business purposes.

- 2.7.5. No pet is allowed in common areas without a leash. 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 neighbours or fellow Residents at any time of the day or night.
- 2.7.6. **Should any excrement be deposited in a public area or on the pavement of other Owners, the immediate removal thereof shall be the responsibility of the Owner/walker of the pet.**
- 2.7.7. Contravention of Municipal Dog By-laws: Subject to provisions to the contrary in any by-laws, no person shall bring or allow in any public place any dog that:
- is wild, dangerous, or ferocious, or
 - is in the habit of charging at or chasing people, vehicles, animals, fowls, or birds outside the premises where the dogs are kept.
- 2.7.8. **No person shall, without reasonable cause:**
- Set a dog on any person, animal, or bird, or
 - Permit any dog under his supervision or in his custody to attack or terrify any person, animal, or bird.
 - In the event that a dog has attacked another person or dog, CVLE reserves the right to insist that the dog be removed from the Estate.
- 2.7.9. **No person shall keep a dog that:**
- Creates a disturbance or nuisance, or
 - Suffers from a contagious disease.
- 2.7.10. Where necessary suitable fencing or other restraining measures approved by the Directors and CVLE must be installed to contain pets.
- 2.7.11. In the event that a dog causes an unreasonable disturbance to another Resident/s the course of action is to bring the complaint to the attention of the Owner of the dog/s. If the problem is not resolved, Residents reserve the right to report the disturbance to the municipal authorities and/or the SAPS.
CVLE and/or its contracted security personnel will not under any circumstances intervene in a dog barking issue, where the issue has not first been dealt with directly between the complainant and the dog Owner.
- 2.7.12. At all times, and particularly at night, pets must not create a disturbance or a nuisance, and should not be left unattended.
- 2.8. Security**
Security is of paramount importance in our lives whether it be for us personally or for our possessions, hence CVLE goes to great lengths to ensure maximum possible protection on the Estate. Every time security protocol is not followed, and regulations are broken, it makes it easier for criminals and others to do the same.
- 2.8.1. Security personnel have a difficult and unenviable task. Everyone's support and co-operation are expected. Rather than being obstructed in their prescribed duties or abused, Residents should display a positive and supportive attitude towards the security staff whose loyalty and attitude toward the people they are employed to protect will, in turn, be enhanced.
- 2.8.2. The Gatehouses are manned 24 hours per day and the Estate is constantly patrolled by security guards.

Access rights for Owners/Residents and their employees must be obtained from the Directors. An application form must be completed, and access rights will be granted on payment of the relevant fee. Strict control over access rights must be maintained to prevent misuse and under no circumstances should access rights be granted to casual visitors, contractors, or sub-contractors.
- 2.8.3. Every Owner/Resident must request visitors to adhere to the security protocols and treat security personnel in a cooperative and courteous manner.
- 2.8.4. Residents will be held responsible for all contractors / sub-contractors working on their site as well as for gardeners, domestics, and visitors. Contractors / sub-contractors working outside stipulated working hours will be removed from the Estate by security and a penalty will be imposed on the Resident unless the Contractors / sub-contractor is responding to an emergency at your property and CVLE or security has been notified. Gardeners, domestics, or visitors failing to comply with security regulations will either be denied access or, if already within the Estate, will be removed by security.
- 2.8.5. All or any attempted burglaries, any boundary wall or fence climbing, or any suspicious incidents, must be reported immediately to the CVLE and Security.
- 2.8.6. Residents should not employ any staff, contractors, or sub-contractors who have uncertified ID's, passports, or invalid work permits. This could lead to the risk of untraceable individuals should an incident occur at an owners' residence.
- 2.8.7. A form of identification for all visitors is always required.

- 2.8.8. Every property must have the correct house number displayed to be visible from the road by day and night. This is a strict requirement by the Metropolitan Local Council which can and will enforce the same. Also, it facilitates the speed with which security reaction staff and emergency services respond to alarm calls and emergencies. Stand numbers can be displayed simultaneously.
- 2.8.9. The biometrics of all contractors, sub-contractors, workers, domestic workers, gardeners, and the like must be registered at the Estate Managers' office before they may enter the estate for work. When a worker, domestic worker, or gardener is discharged, the owner must immediately inform the Estate Manager's office to allow cancellation of their access.
- 2.8.10. All contractors' laborers must climb out of, or off a vehicle and enter through the pedestrian gate in accordance with the designated security provisions in force at the times of entry. The same rule will apply to residents' workers, domestic workers, and gardeners.
- 2.8.11. Casual workers may not be collected from outside the Estate and transported in by Residents without having gone through the applicable security protocol. In the event this happens, security personnel have the right to deny entry to such workers or have them removed from the Estate and a penalty may be imposed on the Resident.
- 2.8.12. CVLE and its appointed security reserve the right to conduct searches on any vehicle entering or exiting the Estate.
- 2.8.13. Any resident that is going to host a function in their house, should inform the Estate Manager at least 72 hours before the event.
- 2.8.14. Municipal bylaws should be followed for any event that will require a road closure.
- 2.8.15. Casual workers are not encouraged to be employed in the Estate, but should they occasionally be required, they must be recorded in and out at Security, given an ID card, and escorted by the owner to and from the entrance gate.
- 2.8.16. Workers, domestic workers, and casual workers are not permitted to loiter around in the Estate. When owners are away from their homes for longer than 48 hours, as an added precaution, they should notify security of the departure and return dates so that their property may be put under surveillance.
- 2.8.17. No resident will be allowed to have a "night watchman" on the premises before, during, or after building has been completed. A resident may make use of an accredited security company, as approved by the CVLE to post a security officer on the premises at the owner's expense.
- 2.8.18. If a Resident has given or sold an item to anyone, the person transporting this item out of the Estate must be in possession of a letter or appropriate form signed by the Resident permitting such.
- 2.8.19. A tenant who is moving out must be in possession of a letter or appropriate form signed by the owner and CVLE.
- 2.8.20. It must be remembered that there are many persons, other than residents who, of necessity, must be on the Estate premises - gardening workers, building contractors' staff, delivery people, repair servicemen, and others. It is therefore obvious that security consciousness should always still be maintained. Security is a shared responsibility. Security starts at home.
- 2.8.21. This is **YOUR** Estate. If you wish security to be maintained at the highest level possible, the co-operation of every resident is absolutely essential, via strict individual compliance with requirements and sensible awareness at all times. Members must immediately report any seen or perceived suspicious or unlawful activity in the estate to Security.

2.9. Garden Maintenance

The Estate is laid out to a thoughtfully planned and horticultural designed theme. All gardens on common areas, open spaces, around gatehouses, islands in the roadways, and at community facilities, are maintained by the gardening contractor at a cost, which is included in the monthly levy. The watering of any lawn, trees, plants, and shrubs on the sidewalks in front of the individual unit is excluded.

A contractor appointed by the CVLE may carry out maintenance of residential gardens throughout the Estate if not per the standard of the Homeowners Association. The costs, however, will be for the resident or owner's account.

It should be noted that trees and shrubs etc., on the common property may not be cut down or removed without permission from the CVLE.

Cutting of grass inside each stand is included in the levy. Owners are responsible to grant the subcontractor access to their stands to perform the relevant service.

2.10. Selling / Leasing of Property

The CVLE requires certain procedures to be followed by Estate Agents who operate within the Estate. In order to ensure that the rules that are applicable to CVLE, and which regulate ownership and occupation of the Estate are made known to residents, the following procedures relating to the selling or leasing of property shall apply:

- 2.10.1. Should an Owner want to sell or lease his property, only a Registered Estate Agent may be selected to manage the sale or lease unless the Owner wishes to conduct a private sale/lease.
- 2.10.2. The Registered Agent/Owner must ensure that the buyer/tenant is informed about and receives a copy of the Conduct Rules Manual and other administrative regulations applicable at the time.
- 2.10.3. A clearance certificate must be obtained from CVLE at a cost that will be advised by CVLE on application and will be determined from time to time.
- 2.10.4. Any approval in terms of the rules granted to the seller (in the case of a re-sale) or lessor, prior to the time of sale or lease must be communicated to the buyer or lessee at the time of purchase or lease. Failing this, the buyer or lessee will have recourse against the seller or lessor and not against CVLE.
- 2.10.5. The seller or lessor of a property in the Estate shall ensure that the sale/lease agreements contain the following clauses:
 - 2.10.5.1. **Homeowners' Association Membership**
 The purchaser acknowledges that he/she will automatically, upon registration of the property into his/her name, become a Member of the Capital View Lifestyle Estate and will be bound by the Memorandum of Incorporation and Conduct Rules of the Capital View Lifestyle Estate.
 The seller must personally ensure that the buyer is informed about and receives a copy of the Conduct Rule Manual and any other administrative regulations applicable at the time.
 - 2.10.5.2. **Lease**
 The Lessee acknowledges that, upon occupation of premises within the Estate, he/she and his/her family, his/her visitors, and domestic staff shall be bound by and adhere to the Memorandum of Incorporation and Conduct Rules of the Capital View Lifestyle Estate.

 The Lessor must personally ensure that the Lessee receives a copy of the Conduct Rule Manual, and any other administrative regulations applicable at the time and binds his/her Lessee to the rules and regulations in the lease.
- 2.10.6. All Title Deeds of properties situated in all CVLE extensions, must include a clause to the effect that every person owning a property is a member of the Capital View Lifestyle Estate, a Company registered as a Non-Profit Company (NPC). In addition, the Title Deeds must state that no property shall be transferred unless the letters of transfer include a clearance certificate from the CVLE.
- 2.10.7. The clearance certificate is issued by the CVLE at a cost, which may change from time to time. This clearance certificate refers to three items, namely:
 - 2.10.7.1. That the provisions of the Memorandum of Association have been complied with; and
 - 2.10.7.2. That the purchaser has bound him/herself to become a member; and
 - 2.10.7.3. The seller has no outstanding matters with the CVLE.
- 2.10.8. Accordingly, the Board has laid down certain rules and procedures to ensure that the relevant clearance certificate can be issued. These procedures are:
 - 2.10.8.1. The proposed purchaser of a unit is required to sign a document confirming that:
 - 2.10.8.1.1. He/she is aware that he/she, in purchasing in Capital View Lifestyle Estate, becomes a member of the CVLE and is bound by the Memorandum of Incorporation and Conduct Rules of the CVLE and will be liable for the payment of any monies levied by the CVLE as agreed at periodic general meetings.
 - 2.10.8.1.2. He/she is in receipt of the CVLE's Conduct Rules Manual and agrees to abide by them.
 This document is to be handed to the transferring attorney for onward transmission to CVLE.
 - 2.10.8.2. The transferring attorneys must be advised to contact the CVLE's Directors during normal office hours in order to obtain the clearance certificate required.
 - 2.10.8.3. Upon receipt of the financial consideration (cash or bank guaranteed cheque) and the Purchaser's certificate, a Clearance Certificate is to be sent to the transferring attorneys.
 - 2.10.8.4. Please note that all monies due to the CVLE for clearance certificate purposes are payable by the Seller. The transferring attorney must advise the CVLE at the time that the transfer takes place. CVLE is not able to do the final accounting to the Seller on a property until that notification is received.

- 2.10.8.5. **We must emphasize the importance of timely adherence to the above clearance certificate procedure, as non-adherence could lead to delays in the transfer process.**
- 2.10.9. In cases where a property is registered in a Close Corporation being sold, the Agent must advise the Purchaser to confirm with the CVLE Directors that the levy account is up to date with no outstanding debt. The Estate Agent must ensure that the members of the Close Corporation are in possession of the Conduct Rules Manual incorporating the Memorandum of Incorporation of the Association. In accordance with the MOI and the Conduct Rules, an owner must obtain consent to sell or lease a unit or a portion of a unit. This is to ensure that all dues and requirements to the Association have been met and are in order. In addition, lessees are required to be bound by the provisions of the MOI and Conduct Rules. Sections of the MOI covering this subject should be consulted for details.
- 2.10.10. Estate agents may only advertise in and around the Estate if approved by CVLE (Applicable to resale only).
- 2.10.11. Under no circumstances may tenants sublease a property.
- 2.11. Estate Agents Registration Procedure**
A document is obtainable from the Estate Manager's office. It is available to all Estate Agents wishing to operate within the Capital View Lifestyle Estate.
- 2.11.1. It is imperative that the Agencies that are registered and operate in the Capital View Lifestyle Estate are informed and aware of all the procedures, rules, and regulations pertaining to CVLE in order to inform prospective buyers what CVLE has to offer and to ensure that they are aware of the implications of purchasing in CVLE.
- 2.11.2. Agents must complete and sign an Estate Agent Registration Agreement after discussion with the Estate Manager and return it to Estate Management Office. All enquiries can be made to the Estate Manager.
- 2.11.3. All Estate Agents wishing to place a house on show must inform the CVLE and all the information pertaining to the show house must reach the CVLE seven days before the show date.
- 2.12. Queries /Suggestions / Complaints**
Members should always feel free, through the Estate Manager's office, to make suggestions or raise any queries regarding anything to do with the Estate. The office is always willing to assist with reasonable inquiries. Requests will be dealt with as expeditiously as possible or, where necessary, referred to a higher authority. In the first instance, all complaints should be directed **IN WRITING** to the Estate Manager, where after appropriate action will be taken, or the issue suitably explained. In circumstances regarding perceived fears or insecurities, an interview may be requested with the Estate Manager. Your Board encourages the bringing out into the open of any problems rather than members seeking private opinion or advice from possibly uninformed residents.
- 2.13. Disclaimer of Responsibility**
In accordance with the MOI, the Association shall not be held liable for any injury to any person or damage to or loss of any property of whatever nature or cause, occurring in the Estate. Members shall not have any claim or right of action against the CVLE for damages, loss, or otherwise, nor be entitled to withhold or defer payment of any amount due to the CVLE. Members indemnify the Association against all claims in line with the above.
- 2.14. Use of Parks and Recreational Areas**
- 2.14.1. All Owners and their visitors should leave parks as clean as, or cleaner than they found them.
- 2.14.2. No plants, shrubs or trees may be removed, and the killing or trapping of birds and other animals is not permitted.
- 2.14.3. Playground equipment where provided is to be treated respectfully and confined to children under the age of 12 years. Notices regarding this as well as park rules and regulations are prominently displayed.
- 2.14.4. **Under no circumstances may engine-driven vehicles of any kind be used in the parks and recreational areas, nor may they be parked there at all.**
- 2.14.5. Behaviour in common areas (such as parks, recreational areas, etc.) that is deemed to be unacceptable to others (unruly behaviour, offensive language, excessively loud music, or the illegal and/or excessive consumption of alcohol) is strongly prohibited and will be dealt with accordingly – penalties and fines may apply.
- 2.15. Environmental and Aesthetic Appearances**
The collective pride we have in our Estate depends to a considerable extent on the contribution made by every Owner in creating and maintaining a pleasing appearance of their own property and thereby to the Estate as a whole.
- 2.15.1. Every Owner has a responsibility to the community to maintain their property, including the provision and maintenance of landscaping in a state that is acceptable to the CVLE. Ponding of water must always be avoided.

- 2.15.2. Garden landscaping must be completed within 30 days of issue of the Local Council's Occupational Certificate as per an approved landscape drawing.
- 2.15.3. The planting of indigenous trees and shrubs is encouraged where possible. No owner shall be permitted to grow noxious vegetation or weeds on his property or on the sidewalk.
- 2.15.4. In addition to the requirements in 2.15.1 above, every Owner/occupant has a responsibility to maintain in good state the pavement area (sidewalk) between the road curb and the boundary of their property which includes watering of any lawn, trees, plants, and shrubs (as mentioned under rule 2.9).
- 2.15.5. Planting by Owners on the pavement area (sidewalk) should not interfere with pedestrian passers-by or obscure the vision of motorists.
- 2.15.6. Building material, rubble, or any other refuse, must under no circumstances be dumped on pavement areas (sidewalks), vacant stands, or public areas.
- 2.15.7. When trees are to be planted on a sidewalk, the owner is to liaise with the Estate Manager regarding the possible position of sewer and water main lines.
- 2.15.8. CVLE urges Owners to plant only indigenous flora in their gardens and pavement areas, and that declared noxious flora are not planted. The same applies to seasonal trees.
- 2.15.9. No shrubs, trees, flowers, or plants may be planted on or removed from sidewalks without prior written approval by the CVLE.
- 2.15.10. The use of hedgerows along walls or fences is recommended. The sidewalk or road- reserve bordering the stand must be grassed.
- 2.15.11. Children's play areas, "Jungle gyms" etc. must be adequately screened from streets, preferably with planting.
- 2.15.12. Outdoor entertainment areas and patios must complement and form part of the aesthetic design of the main building. No lapas (thatched or otherwise) will be allowed.
- 2.15.13. The Owner shall apply for approval from the Aesthetics Committee when any external element of the registered property be repainted, replaced, or changed in any way.
- 2.15.14. Owners and their visitors are required to leave any public area they may visit, clean and tidy. Litter must be picked up and disposed of in the waste bins provided.
- 2.15.15. Flora may not be damaged or removed from any public area.
- 2.15.16. It must be clearly noted that the use of open space areas, parks, playground equipment, and other Estate facilities is made entirely at the Owners', Residents', visitors', or others' own risk, with CVLE disclaiming any responsibility.
- 2.15.17. Residents are urged to report any incident of builders or others littering or dumping rubbish/rubble where not permitted or on vacant stands to the Estate Manager.
- 2.15.18. Tool sheds, equipment, engines, and vehicle parts should be sited out of view and screened from neighbouring properties. No galvanized iron structures (shacks) are permitted.
- 2.15.19. Any Owner who wishes to erect a Wendy House should follow Municipal bylaws in consultation with the CVLE. No Wendy House may be used for any form of sleeping quarters and may not exceed the diameter of 6 square meters and a height of 2,25 meters.
- 2.15.20. All building activity is governed by the Builders Code of Conduct.
- 2.15.21. Application for any structural additions and/or alterations to be made in writing to the CVLE aesthetics committee. Construction of any structural additions and/or alterations cannot commence until the application has been approved by the CVLE aesthetics committee in writing.

The Directors reserve the right to decline any application.

The application must include a sketch and/or a picture of the unit together with the specifications for the additions and/or alterations and proposed positioning thereof. The additions and/or alterations must conform and adhere to the specified theme and requirements of the Estate.

Should the structural additions and/or alterations not conform to the Estate's specified aesthetics requirements, the Board of Directors reserves the right to issue an instruction for the removal of the structural additions and/or alterations at the applicant's own expense.

Please note that no additions and/or alterations are to be made to common property.

Written permission from the neighbouring units may be required depending on the nature of the application.

- 2.15.22. No building or other structure may be erected on a stand unless plans for such building or other structure have been approved in writing by the Municipality.
- 2.15.23. No burning of tires or any form of refuse is permitted within the Estate.
- 2.15.24. Common Property – means but not limited to the entrance, landscape areas, private streets, streetlights, pavements, curbs, driveways leading from erven boundaries to the edge of the street, sidewalks, traffic islands, and road reserve, any security houses owned or used by the CVLE, and other amenities and open spaces situated on the Property, excluding privately owned erven are maintained by the CVLE and the cost is part of everyone's levy.
- 2.15.25. Full Title Houses - The maintenance of a full title house internally and externally including all railings, fencing, and roof is the responsibility of the owner and is therefore not considered in the levy. Owners are required to maintain the exteriors of their houses to the high standard expected in the Estate. In the case of default, the CVLE at its discretion may order a contractor to carry out suitable maintenance and charge the owner accordingly.
- 2.15.26. Windows, balconies & patios - Privacy is a major concern and a common point of conflict. Balconies, windows, and patios facing streets, North, or between 12.5° East or West from North is allowed. Any other orientation may not infringe or overlook the private space of neighbours:
- Windows overlooking the private space of a neighbouring property must be obscured and restricted in their opening.
 - Balconies and patios overlooking the private space of a neighbouring property must be sufficiently and permanently screened off.
- 2.16. **Household / Appliance Repairs**
General repair of appliances, as well as plumbing and electrical installations in and around the full title property, is the responsibility of the owner. In an effort to assist members, the office keeps a list of repair firms and contractors, without obligation or guarantee from the Association.
- 2.17. **Mail**
No street mail deliveries are done. It is essential that a Postal box address is obtained.
- 2.18. **Subdivision and consolidation of stands**
The CVLE will not allow subdivision of erven. Consolidated erven shall pay levies on the original number of erven but can never sub-divide again.
- 2.18.1. CVLE has the right to impose penalties on transgressors where any of the rules and regulations contained in the Conduct Rules Manual are broken in relation to:
- Such penalties will be included in and form part of the monthly levy statement. Failing payment of such penalties, CVLE reserves the right to take further action.
 - Details of penalties prescribed for various contraventions are contained in the Schedule on pages 14 and 15.
 - Should a difference between CVLE and an Owner not be resolved through normal avenues and litigation ensues, the Owner and Director's consent to the matter being arbitrated or to the jurisdiction of the Magistrate's Court.
 - The imposition of a penalty in terms of the schedule should not be seen as a limit of liability of the perpetrator/s. Costs for any repair or resultant damages could still be the responsibility of the individual/s.

3. ADMINISTRATION AND LEVIES

3.1. The Budget

The Funds required to run and operate the complete Estate are estimated in advance for each year. The budget consists of all items of expenditure likely to be incurred in the control, management, administration, use, and enjoyment of the Estate (in general) and in particular of its common property, estimated income for the year is deducted from the overall expenditure, resulting in a net budget.

The monthly levy is charged from the date of transfer of ownership, payable to:

Capital View Lifestyle Estate

3.2. Payment of Levies

- 3.2.1 All levy monies are required timeous in order to meet obligations; the late receipt of payments is detrimental to the financial interests of the Association's members / the purchasers / you.

- 3.2.2. Levies that are not paid on/before the 1st day of each month in advance, will bear interest, the resident will not be entitled to be presented or to vote on any question, either personal or by proxy, at any general meeting and access control to the resident will be limited, until such levies have been paid up and written confirmation is provided by the CVLE.
- 3.2.3. When owners are going away, they should arrange for the advance payment of levies to meet the due dates. Full details of requirements for payments of levies are covered under the CONDUCT RULES.
- 3.2.4. A further penalty, as determined from time to time, will be imposed on any accounts unpaid after 60 days.
- 3.2.5. No construction may take place or continue unless levies are up to date.
- 3.2.6. Levy statements are e-mailed by the managing agent to residents on or around the 25th of each month.
- 3.2.7. CVLE reserves the right to take legal action on any overdue accounts. Legal action may be taken on all accounts in arrears over 30 days and thereafter further action as determined from time to time.
- 3.2.8. Should CVLE hand over any arrear levies for collection, the Owner shall pay fees on the attorney-and-own-client fees scale, including collection commission and all expenses incurred.
- 3.2.9. Refund of building deposits will only be offset against outstanding levies where the site/property has been inspected by the Estate Manager. CVLE will hand over outstanding levies to their attorneys for collection regardless of whether or not a building deposit is held.
- 3.2.10. Clearance certificates, issued by CVLE, 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 mentioned rules and regulations will then apply to the new Owner(s).
- 3.2.11. CVLE reserves the right to publish the name and stand numbers of Owners who have defaulted on their levies.
- 3.2.12. While all steps are taken by CVLE to ensure contact and personal details are correct in order to ensure that bills of account reach their correct destination, the onus is on Owners to ensure that their details and/or any changes are correctly updated with the managing agent/CSVE.
- 3.2.13. Should a Resident encounter a problem or fault with water/electrical supply/building defects, these issues are to be reported directly to the correct Municipal offices/developer/building regulator and not to CVLE.
- 3.2.14. Non-payment of the invoiced levy amount and any deductions thereof, may not, under any circumstance, be made by members to offset so-called or perceived partial or non-provision of services.
- 3.2.15. It is **RECOMMENDED THAT LEVIES ARE PAID BY DEBIT ORDER**. This can readily be arranged via the Association's office and members are assured that the amount of the order is fully under the control of the Association and not the Banks. The electronic debit order system makes everything straightforward and so much simpler for you (the payer) and for the Association's bookkeeping service.

4. LOCAL AUTHORITIES, SERVICES / FACILITIES

4.1. The City of Tshwane Metropolitan Municipality

The City of Tshwane Metropolitan Municipality is responsible for the provision of infrastructures such as water, streetlights, and the reticulation and disposal of sewerage and refuse. As an owner of the Estate, you contract and pay the local municipality directly for your rates and taxes, consumption of water, and refuse removal.

4.2. General

Utility services are provided in good faith and in the belief that they will be adequate. Every effort is made by the different authorities and departments to provide their services on a continuous non-stop basis.

However, as with any house in any suburb of any town in the country, no guarantee can be given that all services operate fully throughout every 24 hours' year in and year out. Outages do occur and such temporary inconveniences do not empower members to reduce required payments to the local authority, nor to reduce levies to the Association.

4.3. Water and Sewer

Water and sewer leaks should be reported directly to the City of Tshwane Metropolitan Municipality.

4.4. Refuse

Each household will be provided a standard rubbish bin and must be placed in a suitable position not visible from the street or by neighbours. Rubbish bins are required to be placed at the edge of the road by each household early on collection days. Information on the specified days for refuse collection in different areas is available from the Association's Office.

No refuse or bags may be placed on the sidewalk unless on days scheduled for removal by the Waste Management Service Provider. Should it not be removed by the Waste Management Service Provider for whatever reason, the refuse must be removed by the Owner and retained in his property until the next date of intended removal or removed by themselves. It is not permitted to burn household or garden refuse on the Estate premises.

5. LEGAL ASPECTS

The legal aspects regarding the Estate are meant to enhance the safe and attractive living conditions. It will therefore concentrate on good neighbourly practices and behaviour.

Legal aspects with regard to the maintenance, use, and behaviour in public and private areas will also be addressed.

5.1. Open Spaces

All open spaces as indicated on the layout shall be owned and maintained by the CVLE for the use, benefit, and enjoyment of all the owners within the estate. This however does not override any of the conditions and/or regulations contained in this document.

5.2. Use of Roads, Services, and Open Spaces

Each owner is hereby granted an irrevocable, non-exclusive right to use the roads and open spaces, subject to the provisions of this document and all rules promulgated by the CVLE. It is solely for owners, their family members, and guests. It is not for the benefit of members of the public-at-large and terminates automatically upon an owner no longer owning an erf and being a member of the CVLE. In the event of a corporation, partnership, trust, or other such entity is an owner, then such entity shall file with the CVLE a certificate duly executed by such entity designating one family which shall have the benefit of such to use the roads and/or open spaces.

5.3. Ownership and Management of Roads and Common Areas

Roads will be transferred to the CVLE. Upon conveyance of the open spaces, the lands so conveyed may not be thereafter sold, conveyed, transferred, subdivided, or otherwise alienated by the CVLE. Subject to the aforementioned, the CVLE shall exercise all rights of ownership of the open spaces including, without limitation, the right to reserve or grant further servitudes upon (or under) any part of the open spaces. The CVLE shall administer, manage, operate, maintain, repair, and replace, as necessary, all the open spaces as well as any improvements thereupon.

The CVLE may promulgate rules and regulations and can hereafter modify, alter, or amend any rules and regulations regarding the enjoyment of the open spaces, subject to a perpetual servitude for government services to the village.

5.4. Insurance of Open Spaces and Parks

The CVLE shall obtain and maintain policies of insurance providing coverage for the open spaces consisting of casualty and hazard insurance for the then full replacement cost of the improvements located thereon. This will also include such coverage against loss or damage by fire, sprinkler damage, vandalism, windstorm, water, or storm water. Additional insurance will be obtained and maintained against:

- Comprehensive liability;
- Floods; and
- Fidelity insurance against dishonest officials, directors, and employees of the CVLE, particulars with regards to the aforementioned to be determined by the CVLE.

5.5. Reconstruction of Improvements

The CVLE will promptly repair and reconstruct damaged improvements on open spaces in accordance with the manner in which such improvements were originally constructed prior to such damage.

5.6. Construction and Maintenance of Roads

To be administered by the CVLE.

5.7. Injury

The CVLE cannot be held liable for any injury of any kind suffered by a resident of the estate, his family or friends while using the roads, open spaces, and amenities of the estate.

SCHEDULE FOR PENALTIES APPLIED BY CAPITAL VIEW LIFESTYLE ESTATE

	1 st offence	Subsequent offences
1. Conduct Rules		
1.1 Acts of vandalism and malicious damage to property	R5000	R5000
2. Use of Roads		
2.1 & 2.2 Reckless and/or dangerous driving/exceeding the speed limit	R500	R3000
2.3 Use of engine powered vehicles in parks or on pavements	R500	R1000
2.4 Regular parking on pavements or verges	R200	R1000
2.5 Use of vehicles with noisy exhaust systems (other than entering and leaving)	R200	R1000
2.6 Use of unroadworthy vehicles	R500	R1000
2.7 Use of vehicles by unlicensed drivers	R1000	R5000
2.8 Excessive noise of vehicles and/or drivers between the hours of 22h00 and 06h00	R200	R1000
3. Running a Business in the Estate		
3.1 Offences related to operating a business	R1000	R5000
4. Good Neighbourliness		
4.1 Excessive noise resulting in unreasonable disturbance of neighbours	R500	R1000
4.2 Use of noisy mechanical equipment, lawnmowers etc. outside permitted hours	R200	R1000
4.3 Exposed laundry lines	R200	R500
4.4 Refuse placed outside properties other than on designated days	R200	R500
4.5 Advertising	R200	R1000
5. Tenants, Visitors and Employees		
5.1 Failing to inform CVLE HOA of new tenant, checks and details	R200	R1000
6. Pets		
6.1 Keeping more than 3 small dogs and/or cats or 2 large dogs	R500	R1000
6.2 Keeping live poultry, wild animals etc., aviaries, catteries, kennels	R500	R1000
6.3 Pets not on leashes, causing a disturbance	R500	R1000
6.4 Non removal of excrement	R500	R1000

6.5 Contravention of Municipal Dog bylaws	R200	R1000
7.Security		
7.1 Abuse of access rights system	R300	R1000
7.2 Unruly, abusive, unacceptable behaviour by Residents, Tenants, visitors, employees towards Estate staff and sub-contractors.	R500	R1000
7.3 Contractors working outside permitted hours	R500	R1000
7.4 Employing staff with invalid or uncertified ID's, work permits and the like	R500	R1000
8.Use of Parks and Recreational Areas		
8.1 Removal of plants & trees, trapping of birds and animals	R1000	R5000
9.Environmental & Aesthetic Appearances		
9.1 Failure to maintain properties/gardens/frontages	R500	R1000
9.2 Failure to remove rubble	R500	R2000
9.3 Planting of declared noxious flora	R500	R1000
9.4 Visible caravans, trailers, boats, Wendy houses, etc.	R200	R1000
9.5 Swimming pool backwash or groundwater being discharged onto roads	R500	R1000
10. Adhering to Architectural Standards		
10.1 Failure to complete construction within the stipulated period.(6 Months)	3 times levy per month	3 times levy per month

Alterations / Additions / Boundary Wall / Swimming pool / Small Additions / Small Alterations

R5,000 pavement/building deposit to be paid before commencement of work.

R5,000 refundable on completion of alteration / addition (non-interest bearing)

Completion of alteration / addition / boundary wall / swimming pool / small addition / small

alteration defined as follows:

- Finalisation of all aspects of construction
- Driveway completed
- Garden completed
- Painting completed
- Re-establishment of grass verge/pavement area to a standard at least equivalent to that in the parks
- Removal of all building materials
- Removal of all rubble
- Road cleaned
- Replacement of curbs if damaged by builders/deliveries

AN INSPECTION BY THE HOMEOWNERS ASSOCIATION WILL BE CARRIED OUT TO ENSURE ALL THE ABOVE IS IN ORDER BEFORE REFUNDS ARE PAID BACK