

REGISTRATION OF RULES

Please also register exclusive use areas as attached.

Registrar's number of Sectional Plan SS 475 / 2003

Registrar of Deeds Pretoria

NOTIFICATION UNDER SECTION 35(5) OF THE SECTIONAL TITLES ACT, 1986

We, J von Brake and N Nieuwoudt (only two trustees required to sign), the undersigned trustees of the body corporate of the ** Simonsberg scheme known as, No 475/2003, situate at ** Upvelds Ave, Equestria X31 hereby give notice that on 14 May 2004 the Body Corporate made the following rules (set out in the Schedule) which have been initialled by the trustees for identification for the control and management of the buildings:

- *(a) Management Rules (1 in substitution of, addition to or withdrawal of, or in amendment of the existing rules).
- *(b) Conduct Rules (1 in substitution of, addition to, or withdrawal of, or amendment of the existing rules).

The rules referred to in paragraph (a) have been made by unanimous resolution of the members of the body corporate.

The rules referred to in paragraph (b) have been made by special resolution of the body corporate.

Address PO Box 100997
Mareketa Plaza 10167
Postnet Suite 274
Pvt. Bag 51
Die Wilgers, 0041

J von Brake
Trustee
N Nieuwoudt
Trustee
17 May 2004
Date



*Particulars not applicable in a particular case must be omitted.
**State name of township/suburb and local authority.

HOUSE RULES

Rules established for the Body Corporate of SIMONSBURG in terms of Section 35 of the Sectional Title No. 95 of 1986, hereinafter referred to as “the Act”. These rules are effective immediately.

1. PREAMBLE

- 1.1 These rules have been drawn up with a view to ensure orderly, pleasant and congenial living conditions and surroundings for all the residents and the protection of the collective interests of SIMONSBURG.
- 1.2 These rules may be added to, amended or repealed by a Special Resolution at a General Meeting of the Body Corporate. Any addition, amendment or revocation shall be of force and effect as soon as the addition, amendment or revocation has been registered in the Deeds Office in terms of section 35 (5) of the Sectional Titles Act hereinafter referred to as the “Act”.
- 1.3 In terms of section 39 of the Act, all functions and duties of the Body Corporate are performed by the Trustees subject to any restriction imposed or directions given at a General Meeting of owners of sections.
- 1.4 The reference to BODY CORPORATE / TRUSTEES in these Rules, when relating to the application and enforcement of the Rules, shall include any person carrying out duties on instructions of the Board of Trustees.
- 1.5 In applying and enforcing these and any other Rules, the Trustees may appoint members of the Body Corporate on sub-committees to assist them.
- 1.6 Should any dispute arise in the interpretation of these Rules, the person involved in the dispute may choose between the English and Afrikaans version and that choice shall prevail.

2. PROPRIETARY RIGHTS TO CONDUCT RULES

- 2.1 These Rules are and remain the property of the Body Corporate and shall remain in the section when it is vacated.
- 2.2 Should a set of Rules be lost, the Body Corporate may charge a reasonable fee for its replacement.

3. DUTIES OF OWNERS AND OCCUPIERS OF SECTIONS

The attention of owners and occupiers of sections is especially drawn to rule 68 of the Management Rules contained in the regulations of the Act (Duties of owners and occupiers of sections) and more specifically section 44 of the Act (Duties of owners).

4. DOMICILIUM CITANDI ET EXECUTANDI AND REGISTER OF OWNERS

4.1 The attention of all owners is also especially drawn to rule 3 of the Management Rules.

4.2 It is the duty of the Owners to notify the Trustees forthwith of any change of ownership in his / her section and of any mortgage or other dealing in connection with his / her section as specified in section 44 (1) (f) of the Act.

4.3 The Trustees are, charged with maintaining a Register of Owners and Registered Mortgagees of sections and of all other persons who have a real right, together with their addresses, after receiving the information from the owners.

5. SUPPLY OF TENANT'S PARTICULARS BY NON-RESIDENT OWNER

5.1 Owners must supply full particulars of tenants of their sections and any changes as they take place, to the Trustees before such tenants take occupation. This is essential not only for good order, but also to identify who is entitled to be on the premises and use the amenities.

5.2 Owners must also notify the Trustees and keep them informed as to the agent, if any, who does the letting on their behalf.

5.3 Such owners shall fully and clearly instruct their agents as to the said owner's obligations with respect to these Rules, and shall further instruct their agents that only persons acceptable to and congenial with the Community of the Scheme shall be selected as tenants.

6. TENANTS AND VISITORS

6.1 All tenants of sections and other persons granted rights of occupancy by any owner of the relevant section are obliged to comply with these Conduct Rules, notwithstanding any provision to the contrary contained in any lease or any grant of rights of occupancy.

6.2 Occupants are responsible for the behaviour, acts and omissions of their visitors and shall ensure that such visitors are made aware of, understand and confirm to these Rules.

- 6.3 Owners shall further ensure that tenants or occupants undertake in writing to abide by the Rules and conditions. The format of the undertaking and the manner of lodging shall from time to time be prescribed by the Trustees.

7. **ENTRY BY THIRD PARTY**

In the interest of security, occupants are requested to notify the Trustees timeously in advance of third parties who may from time to time be authorised by them to enter their section to effect repairs, deliver or collect goods. In event of such notice not being given, the Trustees may refuse entry.

8. **INFLAMMABLE GOODS AND SAFETY OF PROPERTY**

An occupant shall not store any material, commit or allow to be committed any dangerous act in the section or on the Common Property which will or may increase the rate of premium payable by the Body Corporate on any insurance policy.

9. **NUISANCE**

Occupants shall not cause or permit any person to act in conflict with these Rules, or permit any act or event, which shall constitute or cause a nuisance or any inconvenience to other occupants or employees or agents employed by the Trustees or any person being lawfully on the premises.

10. **SILENCE**

- 10.1 Reasonable silence must be maintained daily between 22h00 and 07h00. On Sundays silence must be maintained throughout.

- 10.2 Radios, T.V. sets, musical instruments and hi-fi equipment must be used in such a manner not to disturb other occupants or the public.

- 10.3 Any gathering held in the complex should be contained within the unit at all times. You are to notify your surrounding neighbours and the trustees 7 days in advance of any social gathering that could cause an inconvenience to them.

- 10.4 No fireworks or crackers are allowed within the complex.

11. **CHILDREN**

- 11.1 Occupants and visitors' children shall be controlled and supervised in order to avoid damage to the Common Property and inconvenience and distress to other occupants.

- 11.2 Occupants must ensure that their children do not tamper with electrical switches, taps, post boxes, name plates, trees, plants, adornments and other fittings including garden items.

- 11.3 Ball games shall not be permitted on the Common Property.
- 11.4 Children are not allowed to play near or around motor cars parked on the Common Property.
- 11.5 Skating or the use of skateboards on the Common Property is strictly prohibited.
- 11.6 When playing on the Common Property, children may not damage the plants or flowers.
- 11.7 No BB guns, ketties, pellet guns, blowguns are allowed to be used in the complex.

12. MOTOR VEHICLES AND PARKING

- 12.1 No occupant shall park his / her vehicle upon the Common Property, or permit his / her visitors' vehicles to be parked upon the Common Property, without consent of the Trustees which approval may not unreasonably be withheld.
- 12.2 The Trustees may cause a vehicle to be removed at the risk and expense of the owner of a vehicle, if such vehicle is parked on the Common Property without the Trustees written consent.
- 12.3 Occupants of sections shall ensure that their vehicles and the vehicles of their visitors and guests, do not drip oil or brake fluid on the Common Property or in any other way deface the Common Property.
- 12.4 Occupants shall not be permitted to dismantle or effect major repairs to any vehicle on any portion of the Common Property.
- 12.5 No motor wrecks may be kept on the Common Property or on the sidewalks.
- 12.6 Persons causing, in any manner or form whatsoever, damage to the Common Property, shall be held responsible for the repair of such damage.
- 12.7 Parking of vehicles in entrances to the Common Property or in areas giving access to garages and causing obstruction by doing so, is strictly forbidden. Vehicles so parked may be towed away at risk and expense of the owner thereof.
- 12.8 Vehicles may only be washed in front of the occupant's garages. These areas shall be left clean and tidy. Rubbish removed from vehicles such as cigarette stubs etc., must be deposited in the occupant's rubbish bin.
- 12.9 Vehicles may not be driven at a speed in excess of 15 km per hour on the Common Property.

- 12.10 Vehicles must be driven as quietly as possible on the Common Property.
- 12.11 Motor hooters or other audible warning devices (excluding burglar alarms) may not be used on the Common property.
- 12.12 Garages shall be kept clean and tidy.
- 12.13 Should occupants have more than 2 vehicles, additional vehicles may only be parked in areas allocated by the Trustees for that purpose if available.
- 12.14 Vehicles parked under the No Parking signs will be towed away at the owner's expense. When receiving visitors, please ensure that they do not use residents' parking bays, or in any way block entry to parking bays. Non-compliance will result in the vehicles being towed away at the risk and expense of the owner of the vehicle. Only bays marked "Visitors parking" or unmarked parking may be utilised.
- 12.15 No caravans / boats / trailers allowed on the property without written permission from the Trustees and the vehicles may not be parked on the grass.
- 12.16 Garages to be used for their intended purpose.

13. **BICYCLES, MOTOR CYCLES, ETC.**

- 13.1 Bicycles, motor cycles, tricycles, roller skates, skate boards, caravans, trailers and boats may not be left anywhere on the Common property.
- 13.2 Rules 12.1 to 12.4 are also applicable to the articles referred to in rule 13.1.

14. **LAUNDRY**

- 14.1 An occupant of a section shall not, without prior written consent of the Trustees, erect washing lines, nor hang washing or laundry or any other items on any part of the buildings or the Common Property so as to be visible from outside the buildings or from any other section.
- 14.2 Washing is hung out at own risk.
- 14.3 Carpets and rugs shall not be shaken, dusted or brushed outside a section or its exclusive area.

15. **ANTENNAS**

- 15.1 No TV Antenna shall be attached to the walls of the common property nor shall it extend through windows unless the prior written approval of the Trustees is obtained.

15.2 Each owner may install one 60cm or smaller Satellite dish for DSTV reception only. The dish must be installed by a registered installer and must be installed in such a way to cause no disturbance to other residents. Any dishes installed incorrectly or in such a way to cause a disturbance to other owners will be moved at the owners cost.

16. REFUSE DISPOSAL

16.1 An occupant of a section shall –

16.1.1 within his section or exclusive use area, maintain in a hygienic and dry condition, a receptacle for household refuse;

16.1.2 ensure that before refuse is placed in such receptacle it is securely wrapped, or in the case of tins or other containers, completely drained.

16.1.3 for the purpose of having the refuse removed by the municipal authorities, place such receptacle outside the unit on refuse removal day.

16.1.4 when the refuse has been removed, return such receptacle to his/her section or exclusive use area.

16.2 Rubbish may not be handled contrary to the regulations of the local municipal authority, eg. broken glass must be wrapped in a double layer of newspaper before being disposed of.

16.3 Littering on the Common Property is strictly prohibited.

16.4 Occupants shall ensure that contractors attending to maintenance or improvements to their section on their behalf, do no litter on the Common Property.

16.5 Persons leaving rubbish on any part of the Common Property or public areas surrounding the property are liable to prosecution under the Municipal Health Regulations.

16.6 No kitchen refuse, food waste, fats or waste of any kind may be thrown or washed down kitchen drain pipes. Occupants shall be responsible for clearing blocked drains in their sections.

17. EMPLOYEES AND HAWKERS

17.1 The employees of the Body Corporate shall not be interfered with. They receive orders from the Trustees only.

17.2 No hawkers shall be allowed on the Common Property.

18. PETS

- 18.1** An occupant of a section shall not, without the prior written consent of the Trustees which approval may not be unreasonable withheld, keep any pet in his/her section or on the Common Property.
- 18.2** When granting such approval, the Trustees may prescribe any reasonable condition.
- 18.3** The Trustees may withdraw such approval in the event of any breach of any condition prescribed in terms of rule 18.2 by the owner of the pet.
- 18.4** Animals shall not be permitted on the Common Property unless carried or leashed.
- 18.5** Animals shall not be allowed on lawns. Owners of pets shall be responsible for the removal of excrement or refuse left on the Common Property or in private gardens.
- 18.6** Cat litter trays shall not be left on the Common Property and cat litter shall be sealed in bags before disposal.
- 18.7** Aviaries and accommodation for other approved pets may not be erected on the Common Property or, if on an exclusive use area, in such a manner as to be conspicuous or offensive to other occupants or the public.
- 18.8** All cats are to be neutered and a copy of the certificate to be forwarded to Trustees.
- 18.9** No pets are allowed unless written permission has been granted by the Trustees. Any pets not registered with the Trustees will be considered as stray and will be removed from the complex. All pets are to be registered within one month after receipt of these rules.
- 18.10** Should you own a pet, you are to ensure your pet remains on your premises and does not hinder your neighbours, i.e. excessive barking.
- 18.11** Maximum of 2 pets per unit. When selecting a pet, please take into consideration your pets' needs, i.e. area required for size of pet. Should complaints be received regarding your pets' needs not being taken into consideration, same will be reported to the Trustees.
- 18.12** Legal action will be instituted:
- Should their pet be found wandering around the complex unattended and not on a leash.

- Pets fouling the common property and not cleaned by the owner.
- In addition, owners will be liable to pay for any damage caused by their pets.

19. SERVANTS

- 19.1** Occupants shall ensure that their servants do not cause excessive noise in their section or on the Common Property
- 19.2** Servants are not allowed to loiter on the Common Property or to remain overnight on any part of the Common Property.
- 19.3** Should servants contravene these Rules, the Trustees reserve the right, if justified, to refuse such servant entry to the Common Property after notifying the employer.
- 19.4** No domestic servants shall be allowed on the Common Property after 20:00 without the consent of the Trustees.
- 19.5** Domestic servants are to report to the trustees with their I.D documents, in order for I.D cards to be issued.

20. BUSINESS AND OTHER ACTIVITIES

- 20.1** No business, profession or trade may be conducted on the Common Property or in any section without the approval of the Body Corporate.
- 20.2** No auctions or jumble sales may be held on the Common Property or in any section without the prior written permission of the Trustees.
- 20.3** Hobbies causing a disturbance or nuisance are prohibited.

21. EXTERNAL APPEARANCE

- 21.1** An occupant of a section shall not place or do anything on any part of the Common Property, including patios, stoeps and gardens which, in the discretion of the Trustees, is aesthetically displeasing or undesirable when viewed from the outside of a section.
- 21.2** Unless authorized by the Trustees in writing, no decorations may be attached to a section. Applications for consent shall be lodged with the Trustees containing full details of the intended work. Work may not proceed before the written consent of the Trustees has been obtained.
- 21.3** Splitter-type air-conditioners may be installed. Permission from both neighbours has to be obtained.
- 21.4** No obstructions shall be placed on walkways or any portion of the Common Property.

- 21.5 Awnings are permitted provided they conform to the specs as stipulated by the Body Corporate. These may not be removed when vacating the premises. Refer to the Board of Trustees for the correct specs. Any awnings not conforming to the specs will be removed at the owners cost.

22. **INTERIOR**

Owners shall at all times keep their sections and exclusive use areas in a proper, clean and habitable state and be responsible for the maintenance of the interior paintwork as well as the clearing of blocked drains originating from his/her section, and maintenance of sanitary equipment, all electrical installations and other interior repairs to their units of whatever nature at their own expense.

23. **COMMON PROPERTY EQUIPMENT AND INSTALLATIONS**

- 23.1 Fire-fighting equipment (if applicable) may UNDER NO CIRCUMSTANCES be used for any purpose other than that for which it is intended. Fire extinguishers and fire hoses are not to be used for any purpose other than that of fighting fires. Any person found using the fire hoses for any other purpose than fire fighting will be liable for prosecution by the fire department but will also be made to pay for the hose to be resealed by the fire department as well as incur a fine of R500-00 which will be included with the monthly levy.
- 23.2 UNDER NO CIRCUMSTANCES may occupants tamper with or have work done on the above systems and installations serving the Common Property. Any defects noticed by occupants must be reported to the Trustees.

24. **GARDENS AND LAWNS**

All gardening on the Common Property and private gardens shall be coordinated by the Trustees.

25. **DAMAGE, ALTERATION OR ADDITIONS TO THE COMMON PROPERTY**

- 25.1 An occupant shall not mark, paint, drive nails or screws or the like into, or otherwise damage, or alter, any part of the common property without first obtaining the written consent of the trustees.
- 25.2 Notwithstanding rule 26.1, an occupant or person authorised by him may install-
- 25.2.1 any locking device, safety gate, burglar bars or other safety device for the protection of his section; or

- 25.2.2 Any screen or other device to prevent the entry of animals or insects; Provided that the Trustees have first approved in writing the nature and design of the device and the manner of its installation.
- 25.2.3 Security gates must be of the design specified for Simonsberg.
- 25.3 The Trustees shall be notified timeously of any work of whatever nature which is to be undertaken within or to the interior of any section and which will involve activity on the Common Property or cause inconvenience or disturbance to other occupants. Such work shall be performed only at reasonable times and with the least possible inconvenience and disturbance to other occupants.
- 25.4 Those persons having such work done and those persons performing it, shall at all times cooperate closely with the Trustees and shall in consultation with the Trustees, ensure that proper and satisfactory measures are continuously taken to adequately protect the Common Property from damage, defacement, disfigurement or defilement.
- 25.5 Should workmen fail to cooperate they may be prohibited by the Trustees from working on the premises.
- 25.6 It shall further be the absolute responsibility of those persons having the work done to ensure that the workmen implement and follow protective measures at all times and clean up properly after each work session and thoroughly after completion of the project.
- 25.7 The persons having the work done, shall be held liable for costs incurred for cleaning and clearing up or reparations done, should the Common Property be left in a dirty, littered or spoiled condition on completion of such work.
- 25.8 The above Rules shall mutatis mutandis apply to any work authorised by the Trustees.
- 25.9 When moving furniture or goods in and out of the complex, those persons doing so shall be held liable for the cost of repairing such damage done.

26. SIGNS AND NOTICES

No tenant / owner shall place any sign, notice, billboard or advertisement of any kind whatsoever on any part of the Common Property or of a section so as to be visible from outside the section, without first obtaining the written consent of the Trustees.

27. ERADICATION OF PESTS

An owner shall keep his / her section free of mice, rats, white ants, borer and other wood-destroying insects and to this end shall permit the Trustees, the Managing Agent and their duly authorised agents or employees to enter the section and taking such action as may be reasonably necessary to eradicate such pests. The costs of the inspection and eradicating any such pests as may be found within the section and exclusive use areas, replacement of any woodwork or other material forming part of such section which may be damaged by any such pests, shall be borne by the owner of the section concerned.

28. PENALTIES

- 28.1** Should occupants disregard these Rules, they may be summoned to appear before a Disciplinary Committee appointed by the Board of Trustees.
- 28.2** If found guilty by the Disciplinary Committee, a fine of not exceeding R1000-00 may be imposed.
- 28.3** Should any amount payable to the Body Corporate by an owner or tenant be due and in arrears, interest will accrue at 20% per annum, compounded monthly, from the date the amount became due till the date of receipt of payment. The Trustees may from time to time alter the interest rate provided that such interest rate does not exceed the maximum rate permitted by law. The Trustees must give all persons affected by this, 30 days prior written notice of any alteration to such interest rate stating the amended rate and the effective date of implementation.
- 28.4** Should it be necessary for the Trustees to act against any owner or occupant, such owner or occupant shall be liable for all legal costs, on an attorney and client scale, as well as collection commission and administration costs.

29. WATER

- 29.1** Water must be used sparingly at all times.
- 29.2** Non-residents are not allowed to wash their cars on the Common Property or to use water obtained from the complex for this purpose.

30. PAINTING

To ensure uniformity the Body Corporate is responsible for the painting, maintenance, repairs and replacement of:

- 30.1 facia boards, gutters, roof tiles and downpipes
- 30.2 the outside window frames
- 30.3 gates which border directly on communal property
- 30.4 the post boxes
- 30.5 the water meter (s) in each section
- 30.6 in the event of malicious damage, neglect or problems resulting from work undertaken by the owner or his contractor, the above will remain the full responsibility of the owner.
- 31. **THE OWNER OF A SECTION SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND UPKEEP OF:**
 - 31.1 the garage doors of his section and mechanism thereof
 - 31.2 the plastered inside wall surfaces of exclusive use areas: and
 - 31.3 repair and maintenance of the geyser (s) in his / her / section: and
 - 31.4 the periodic cleaning of his / her gutters and downpipes: and
 - 31.5 all doors of his / her section.
- 32. Any owner planning to do any exterior painting must obtain prior written consent from the Trustees with regard to the colour of the paint.
- 33. a The maximum number of permanent residents (longer than three months) permitted to a unit, will be 2 per bedroom. Should this maximum be exceeded, it will cause additional expenses regarding services such as water, sewerage, refuse removal as well as possible damage to the Common Property. Therefore the Trustees will be entitled to increase the monthly levy pro rata to the percentage increase in occupants.
- 33.b No sub-letting of servants quarters.
- 34. Any Conduct Rule contained herein, that corresponds to any Management Rule, must be reconcilable with the relevant Management Rule and may only be amended by a unanimous decision of the Body Corporate subject that it remains reconcilable with the relevant Management Rules.

Simonsberg - Exclusive Use Areas - Gardens allocated as follows:

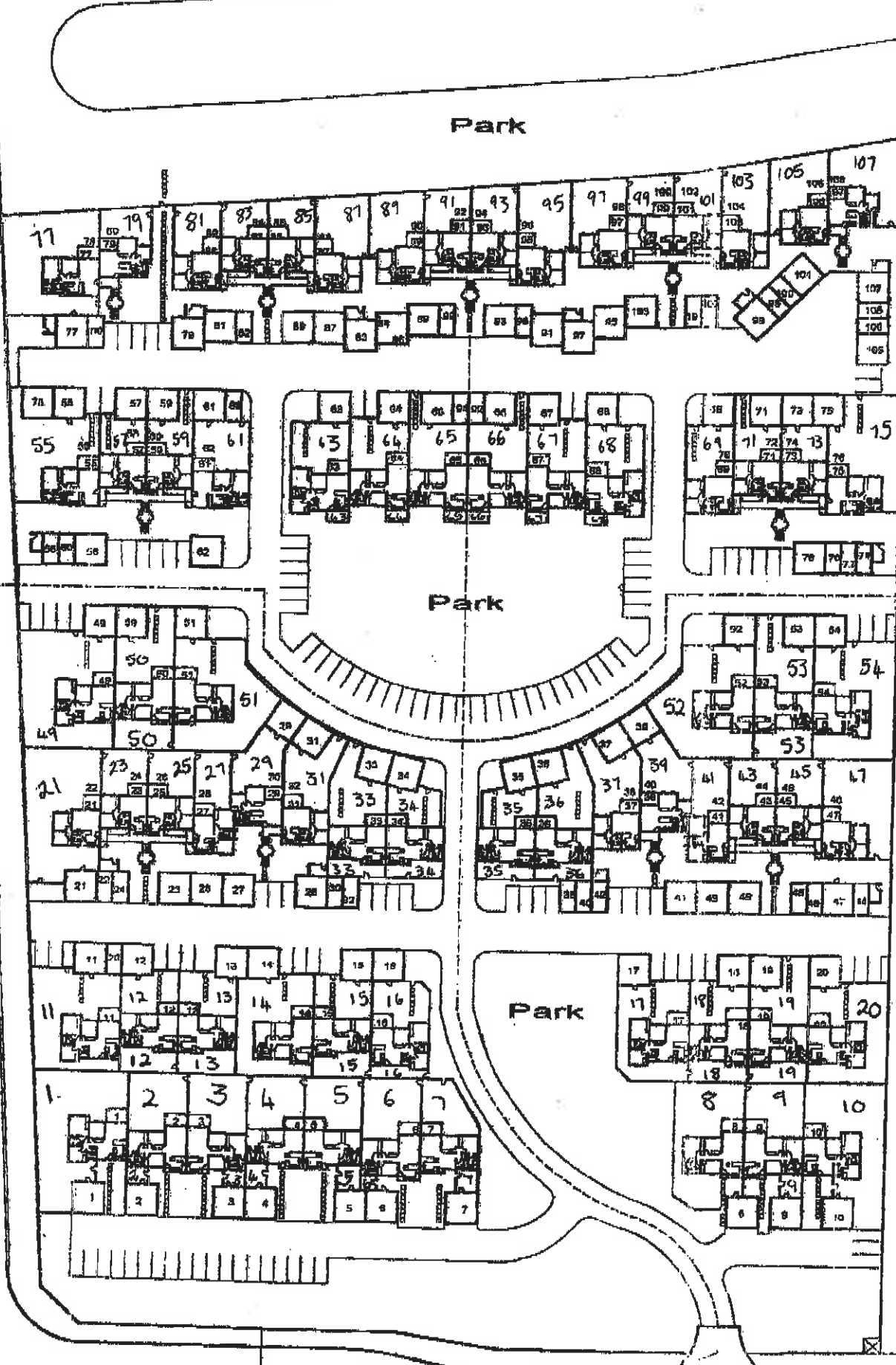
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SIMONSBERG



Phase 2
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Phase 1
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