

Kwena Malefo Eco Estate Rules

HOME OWNERS' ASSOCIATION

ESTATE RULES

1. INTRODUCTION

- Owners and occupiers of properties in Kwena Malefo Eco Estate will enjoy a unique lifestyle in an environmentally rich countryside surrounded by indigenous semi desert trees.
- Estate living does however call for certain restraints and owners and occupiers must at all-time consider the rights and privileges of other owners and occupiers.
- The Estate Rules are for the protection and reinforcement of this lifestyle and your capital investment.

2. LEGAL STATUS

- These rules have been established by the Trustees in terms of the Constitution of the Kwena Malefo Eco Estate Home Owners' Association ("HOA").
- The residents are responsible for ensuring that all members of their family, tenants, guests, visitors, employees and any person rendering a service to the resident also comply with the Estate rules.
- The Trustees shall have the right, in the event of a breach or a rule by a resident, his family, tenants, guests, visitors, employees and persons rendering a service to the resident, take such action against the defaulting resident as they deem fit on behalf of the HOA, including but not limited to:
 - Giving notice to the resident concerned requiring him to remedy such breach within such period as the Trustees may determine; and/or
 - Taking such steps as they may consider necessary to remedy the breach at the cost of the defaulting resident; and/or
 - Taking such other action as they deem necessary and which action may include the imposition of a penalty, or proceedings in court.

3. AMENDMENTS

- **Particularly in a developing estate, rules will need to be added to, amended or repealed in accordance with evolving needs of residents and the estate.**
- **These rules are therefore subject to change from time to time, and the Trustees shall endeavour to add to, amend or repeal the rules as deemed necessary in order to protect the interests of the Developer, the HOA, the residents and the integrity of the Estate as a whole.** This may include, but not limited to access procedures and traffic redirection, as well as denying access to any persons they may deem a security risk until proven otherwise.

Kwena Malefo Eco Estate Rules

4. DOMICILIUM

- For the purposes of receiving any notice or process to be delivered in terms of these Estate Rules, any person residing upon the Estate chooses as his/her/its domicilium citandi et executandi the address of the Erf at which such person is residing. Documents delivered by hand to such Erf will be deemed to have been received on the date of delivery thereof.

5. GENERAL CONDUCT

- In order to preserve and enhance the residential ambience and lifestyle within the Estate, all residents shall at all times behave and conduct themselves in a considerate, reasonable and civilized manner, **and shall in particular avoid causing inconvenience or nuisance (loud music and other social activities) to other residents.**

6. SECURITY AND PROTECTION

- Security is an important feature of the Estate and residents and their visitors must at all times assist and comply with the security systems and procedures implemented on the Estate, particularly with regard to access control.
- The perimeter security, patrols and access controls serve as deterrent and detection factors only and do not guarantee an intrusion-free Estate.
- Visitors must register at the entrance gate and comply with the visitor's access procedure applicable at the time.
- Residents are permitted to employ their own resident assistants, butlers, au-pairs, chauffeurs and chefs (collectively referred to as "resident employees"). All resident employees must be registered with security and enrolled on the access system.
- The Right of Admission to the Estate shall be under the control of the HOA and may on any reasonable grounds deny any person access to the Estate. All resident employees are obliged to abide by these Estate Rules. Residents are obliged to supply their employees with copies of these Estate Rules and to ensure that they are aware of all the provisions. Residents are required to notify the HOA and to provide full details of any employees who reside on the Estate, and also those employees who no longer work on the Estate. Contractors shall only use designated access assigned by the HOA for the purpose of their work and delivery of materials, equipment and workers. Contractors are not allowed to walk on the Estate outside of the Erf, which is their dedicated workplace.
- No loitering will be allowed on the Estate. If the security guard on duty has no record of the arrival of any employee, the security guard may (but will not be obliged to) endeavour to obtain authority from the relevant resident to allow access

Kwena Malefo Eco Estate Rules

of the employee concerned to the Estate. If such authority is not obtained, the security guard will be entitled to refuse such employee access to the Estate.

- Residents must use their best endeavours to ensure that none of their employees behave or engage in conduct unbecoming the high standard of the Estate; and/or engage in any strikes or other labour action on or about the Estate. It being recorded that the HOA shall be entitled to procure compliance with the aforesaid in their discretion and any costs associated therewith shall be for the account of such resident.

7. ROADS AND TRAFFIC

- Extreme care must be taken by drivers when driving on the Estate, pedestrians and cyclists will be crossing the streets at designated points and drivers should approach these with caution pedestrians and cyclists have the right of way. All intersections are to be regarded as being controlled by a 4-way stop or yield sign, unless otherwise posted with stop signs.
- The speed limit is 40km/hour, and the provisions of the National Road Traffic Act of 1996 read with the National Road Traffic Regulations of 1999 shall apply where the Trustees deem appropriate, as if the roads within the Estate were public roads

9. LANDSCAPING AND PROPERTY MAINTENANCE

- All horticultural and landscape aspects of the Estate including sidewalks, traffic islands and private areas will be managed by the HOA.
- Gardens of individual properties will be maintained by the owners. This includes grass cutting, edging, weeding and turning over of the beds, pruning of excessive shrub growth and removal of cuttings and dead plants. There is provision for supplementary planting.
- Residents are obligated to establish landscape and complete their gardens, to the required standard by the Final Date.
- Residents are responsible for the maintenance and upkeep of their own garden irrigation systems.
- The HOA maintains gardens and parks, the residents are obliged to improve and supplement planting to their properties within and outside their perimeters.
- A resident must maintain all aspects relating to the exterior of his house, including but not necessarily limited to painted surfaces, fencing, pools and paving, at a level of upkeep, neatness and tidiness to the satisfaction of the HOA.

Kwena Malefo Eco Estate Rules

10. PROPERTY APPEARANCE

- The planning concept for Kwena Malefo Eco Estate is one of openness and visual transparency. Garden areas on both street of any house are therefore open to viewing, and must be kept clear and uncluttered **as no boundary walls are allowed to the front of the house.**
- The storage of materials, Wendy-houses, tool sheds, trailers, caravans, building materials, bird aviaries, any other unsightly objects are not permitted in gardens or driveways. In particular, but without limiting the generality of the aforementioned, a resident shall not hang any flag, washing or laundry or any other items that are visible from the road or over any boundary fence.
- In the interests of all residents, each resident is required to carry sufficient building insurance cover for their house in order that any major mishap may be repaired and made good.

11. ESTATE APPEARANCE

- Residents are requested to leave the private areas in a clean and acceptable condition, and to conscientiously dispose of any litter whosoever same may be found.
- No trees in your property may be damaged or removed without assessment of the HOA.
- No fires, braaing or barbecuing is permitted except on a resident's property or in designated areas.
- No person shall discharge any firearm, air-rifle, crossbow, paintball gun or similar weapon or device on or about the Estate. Hunting and trapping in any manner is strictly prohibited, provided that the HOA and/or the Developer may approve such activities for the sole purpose of the control of alien species or vermin.

12. ANIMALS AND PETS

- Only pets posing no danger, noise or odours may be kept. A resident of a pet shall be obliged to immediately remove a pet from the Estate in the event that such pet causes a nuisance, is not controlled on a leash, or displays aggressive behaviour.
- The maximum number of dogs and cats that may be kept on an Erf is as follows: 2
- In light of neighbour proximity and the openness of gardens, cats and dogs need to be strictly controlled by residents, both on and off their property.
- Every cat and dog must be registered and wear a tag displaying the resident's name and stand number. All cats and dogs must be treated medically. Dogs must be controlled on a leash in all public areas, and must not harass or be allowed to harass other persons, children, cyclists, joggers or other pets. Dog excrement must be immediately removed by a resident.
- Dogs are strictly forbidden on the swimming area

Kwena Malefo Eco Estate Rules

- At all times, and particularly at night, pets must not create a disturbance or a nuisance, and should not be left unattended.
- The natural fauna on the Estate is to be protected and must not be chased or attacked by pets.
- No reptiles, farm animals or any exotic pets may be kept.
- The following dog species, mixed breed or pedigree are not allowed on the Estate; Pitbull terriers, Rottweilers and Boerboels. The Estate Veterinary Advisor will have the final determination as to the likely breed or mix thereof, in determining compliance with this rule.
- Visitors are not allowed to bring any animals onto the Estate, with the exception of a guide dog.

13. NEIGHBOUR RELATIONS

- **Noise levels must always be kept to a minimum.**
- The volume of TV, music, radios, partying; children, etc. must be moderated in consideration of other residents. It must also be understood that the HOA and its Trustees, the Developer and its agents, are not responsible for “instant policing” of such problems. Neighbours and security must be notified of imminent parties or social activities, and all residents must conform to moderate restraints.
- All functions (parties, funerals, weddings and social activities) will be held at the club house/Conference facilities and its garden when the facilities are completed.
- No activities are permitted in the private areas if they cause unreasonable nuisance to other residents.
- No persons shall disturb the public peace in a street or private place or on private premises by making noises or causing them to be made by shouting, quarrelling, fighting, singing or playing any type of musical or noise-creating instrument or gramophone, or by means of a radio, loud speaker or similar device, or by riotous, violent or immoral behaviour.
- No fireworks of any kind are permitted on the Estate except on year end celebrations.

14. REFUSE

- Refuse removal tanks will be positioned on an allocated space and all residents are required to deposit their trash according to material thereof.

Kwena Malefo Eco Estate Rules

15. SWIMMING POOLS

- Public and Private swimming pools when available present an obvious danger to young children; no children shall come to the swimming pool without parental guide.

16. WALKING, JOGGING, CYCLING, BLADING ETC

- Walking and jogging are obviously encouraged throughout the Estate
- Cycling may take place on all the roads
- However exercise cycling only on the Perimeter road.
- Roller blading, skate boarding and similar activities shall be confined to designated recreation areas only

17. Theme Park (after completion)

- The theme park will be open to both residents and the non-residents.

18.

- Nature reserve may be also be visited by non-residential of the Kwena Malefo Eco Estate

19. SERVICES

- The estate trustees are responsible for the water reticulation, and Eskom is responsible for the electricity reticulation.
- The trustees will provide for each home with bask services (water, sanitation, basic solar connection)

20. LEVY PAYMENTS

- Levies for the securities and the up keeping of the public place are payable in advance on the 1st day of each month.
- Levies may not be withheld for any reason.
- In the event of default of payment of levies, the HOA shall be entitled, in addition to any other rights it has at law, to take such action against the defaulting resident as is contemplated in rule 23.4.
- Residents are urged to arrange a stop order for the payment of levies in order to streamline this process
- Failure to complete any external renovations / alterations within a period of 12 (twelve) months, shall be penalized.

Kwena Malefo Eco Estate Rules

21. WARNINGS AND PENALTIES

- If any person contravenes or fails to comply with any of the provisions of these Estate Rules or any conditions imposed by or directives given by the HOA in terms of the Estate Rules, the Trustees shall be entitled (without limiting any other rights afforded to them in terms of the Estate Rules) to impose a penalty and/or any other relief as they may deem appropriate in the circumstances. If the person concerned is a family member, guest, tenant or other invitee of a member, that member will be liable for payment of such penalty. Any penalty imposed on a Member and/or his family members, tenant, guest or other invitee shall be deemed to be a debt due and payable by the member concerned to the HOA forthwith on demand.

22. TRESPASSING

- No unauthorised persons are allowed on any Erf where building operations are underway. The same shall apply to any restricted areas, picnic areas after hours, privately owned erf's or the swimming pool area.

23. VANDALISM

- The HOA has a zero-tolerance approach to vandalism (damage) to property.

24. DISCLAIMER

- Neither the HOA, its trustees, officers, employees or contractors nor their respective agents shall be liable for any loss of life, personal injury or damage to property or any other claim of any nature whatsoever suffered by any person whilst in or on the Estate or any part thereof and from any cause howsoever arising.

25. BUILDING CONSTRUCTION SUMMARY

- **Building construction is done by the Developer (BD Mokgethi Construction)**
- Minimum sizes of the houses within the Estate are to be 180sqm
- All plans will have to be approved by the developer
- Maximum building period is 24 Months
- We only recommend Wendy houses as storage during construction not a shack.
- A hording wall must be erected during construction (black or green net)
- Site toilet for workers must be placed during construction
- No workers are allowed to roam around during construction; they must be confined in the site they work on)

Our rules will be always updated as we see a need and they bind for compliance by overruling what was signed before

Kwena Malefo Eco Estate Rules

This agreement is endorsed by the following signatories

Trustees Representative

Name: Moitsheki Mokgethi

ID: 7406065444087

Signature: _____

Mr / Ms _____

ID: _____

Signature: _____