

HOUSE RULES

MADE IN TERMS OF
THE CONSTITUTION OF

THE ERINVALLE COUNTRY ESTATE HOMEOWNERS' ASSOCIATION

("the Association")

Special General meeting of members held on 23 March 1998
at 19h30 at the Clubhouse

Resolved - that this meeting approves the House Rules of the Association dated 2 February 1998 made by the Trustee Committee on 16 February 1998 subject to the modification(s) and the new rule(s) adopted at this meeting.

Proposed by R Haarhoff

Seconded by CJ Booysen

And as subsequently amended from time to time by the Trustee Committee in terms of the Constitution on 1 January 1999, 16 August 1999, 1 October 1999, 29 May 2000, 21 May 2002, 1st October 2012, 2nd May 2013 and 5th July 2016

Certified as a true copy.

Brian Stuart Trustee Committee Secretary

Dated: 5th July 2016

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INTRODUCTION

Erinvale Country Estate and Golf Club has been designed to provide a gracious and secure lifestyle for its residents and for members of the Golf Club. To protect and enhance this lifestyle, House Rules have been established in terms of the Constitution of the Association. They are binding on all persons resident at or visiting Erinvale, as are decisions properly taken by the Trustees in administering them. The registered owners of properties are responsible for ensuring that members of their households, tenants, visitors, invitees and all their employees, which includes tradespersons and suppliers, are aware of, and abide by, the House Rules as are golf members in respect of their playing guests. Tenants have the same responsibility with respect to their households, visitors, invitees and employees. The House Rules may be modified, amended or repealed from time to time subject to the procedure laid down in the Constitution, which vests the ultimate acceptance of the House Rules in the hands of the general body of members of the Erinvale Homeowners' Association. The updates to these House Rules appended in August 2012, are deemed necessary, as a result of an increasing number of House Rule violations, and the identification of several omissions in the rules. These omissions, which have arisen over the last ten years, have been highlighted during consultations with the golf club on the issue of the legislation promulgated in the Consumer Protection Act.

SECTION A

DEFINITIONS, INTERPRETATIONS AND DELEGATIONS

- A.1. In these House Rules, unless it appears to the contrary, either expressly or by necessary implication, the words and expressions as defined in the Constitution of the Association, shall bear the same meaning in these House Rules as in the Constitution.

Unless the context otherwise requires, any words importing the singular number only shall include the plural number and *vice versa*, and words importing any one gender only shall include the other gender as well as juristic persons.

In particular, the following words and phrases shall, unless the context otherwise requires, have the meanings given below:

the "Association" means the Erinvale Country Estate Homeowners' Association, which is constituted and has been established by the members as a body corporate pursuant, *inter alia*, to the provisions of Section 29 of the **Land Use Planning Ordinance No. 15 of 1985**;

the "Common Area" means the land owned by the Association and will include all services (whether Municipal or otherwise) constructed within the Common Ground;

"Erinvale" means the Township Area, the Golf Course and the Common Area;

the "Golf Course" means erven 10746, 10762, 10964 and 11023 Somerset West;

"Member" means a member of the Association. The term "Member" generally has the same meaning as "home owner", but is more exact and ties in with the Constitution. For

this reason, "Member" is used in preference to "home owner" or "owner";

“Trustees” means the Trustee Committee which acts on behalf of the Association;

“Vehicle” means any form of conveyance, whether self-propelled, or drawn by machine, animal or human agency.

- A.2. It shall be the responsibility of every Member to ensure that all members of his household, employees, tenants, invitees and guests, paying or otherwise, are fully aware of these house Rules. In the event of any breach of the House Rules by the Member, members of his household, employees, tenants, invitees and guests, or by members of his tenant's household, employees, guests and invitees, such breach shall be deemed to have been committed by the Member himself.
- A.3. Where there is a conflict between the House Rules of the Association and the Club Rules of the Golf Club, the House Rules of the Association shall prevail.

SECTION B

DOMESTIC REFUSE

- B.1. The removal of domestic, garden and other refuse shall be under the control of the Association which may, in exercising its functions in this regard from time to time by notice in writing to all persons concerned:
- B.1.1 lay down the type and size of refuse containers to be obtained and used;
- B.1.2 give directions in regard to the placing of refuse for collection;
- B.2. All refuse, whether domestic or garden must be kept in the containers, which must be placed out of sight of both road and Golf Course, except when put out for collection.
- B.3. Where any item of refuse is of such a size or nature that it cannot be conveniently removed by the refuse removal services provided or arranged by the Association, the Association may give directions as to the manner in which such refuse must be disposed of.

SECTION C

DOMESTIC ANIMALS

- C.1. Unless confirmed otherwise in writing by the Association, domestic animals shall be limited to two dogs and two cats per unit erf and may be kept only by Members and not their tenants or guests. Where dogs are kept, there must be a suitable enclosure to prevent the dogs from straying off the Member's property, and an animal may not cause any

nuisance to residents in neighbouring properties.

- C.2. Members are required to tag their animals with the Member's name and telephone number. All members' animals must be registered with the H.O.A. office and the Cape Town municipality.
- C.3. In the event of any domestic animal being introduced onto Erinvale by tenants or their guests, the Association may call on the owner of the animal to remove it immediately and, in the event of the owner failing or refusing to do so, the Association may impose penalties or may procure its removal from Erinvale and recover any costs from the Member concerned without prejudice to its rights to recover any penalty imposed.
- C.4. Should any domestic animal prove to be a continual nuisance to other residents, the Association may call on the owner of the domestic animal to remove it and if the owner fails or refuses to do so, the Association may impose penalties or procure its removal from Erinvale and recover any costs from the Member concerned without prejudice to its rights to recover any penalty imposed.
- C.5. No dog shall be allowed off the Member's property unless under strict control and on a leash, and dogs are not permitted to be walked on the Golf Course during normal playing hours.
- C.6. In all cases, whether on the Common Areas or on the Golf Course, should dogs cause a mess or dig holes, the dog's owner shall immediately remove the mess or repair the holes as the case may be.
- C.7. No outside aviaries are permitted on Erinvale.

SECTION D

TRAFFIC / PEDESTRIANS

- D.1. No vehicles shall enter or leave Erinvale at any point except at the entrance gates, except in special circumstances and then only with the consent of the Association. Non-Members are required to sign the relevant entry document stating that they will abide by the House Rules, regulations and Constitution of Erinvale.
- D.2. All vehicles entering Erinvale shall stop at the vehicle entrance.
- D.3. No vehicle shall enter Erinvale unless admitted by the guard on duty at the gate, except where the Association has issued to the driver a device enabling the driver to operate the vehicle entrance gate himself.
- D.4. No Member shall permit the use of such device for operating the vehicle entrance gate by any person save a member of his household, or the guests or lessees of the Member. The movement and control of traffic and pedestrians is subject to the security rules and

regulations of Erinvale as specified elsewhere in this document.

- D.5. All Members and tenants are required to advise Security at the entrance gate to admit any person (including a member of his family) to Erinvale, giving the name of the person to be admitted and the approximate time of arrival. Failing this, the Security Officer will, when approached by any person for entry to Erinvale, telephone the destination point for instructions. Entry will be refused if the above process cannot be concluded satisfactorily.
- D.6. Heavy deliveries are not permitted without the consent of the Association on Sundays or public holidays, nor before 07H00 and after 18H00 on weekdays, nor before 07H00 and after 15H00 on Saturday.
- D.7. Motorised vehicles, including golf carts, shall be driven on Erinvale roads only by persons who hold a valid current driver's licence which would permit them to drive that vehicle on a public road within South Africa. Where the legal guardians of an underage, and by implication, unlicensed driver, of an electrically driven golf cart, who is a junior member of the golf club at least 14 years of age, have signed an indemnity form accepting full and unconditional responsibility, for any incidents arising as a result of such an underage and unlicensed driver being allowed to drive an electrically powered golf cart on the estate, and such indemnity has been lodged with the H.O.A. office, such an indemnified driver may drive an electrically powered golf cart on the estate subject to all of the other rules governing the driving of golf carts on the estate. The signed, lodged indemnity shall apply to one specified driver only and may not be utilised to grant permission to multiple under-aged, unlicensed golf cart drivers.
- D.8. The indemnity rule in paragraph D7 above applies to electrically driven golf carts only. Golf carts which are not electrically powered are not covered by this indemnity exception. No under age, unlicensed driver, who is not covered by an indemnity signed by the drivers legal guardian, shall drive a golf cart on the estate roads no matter what mode of power the golf cart may use.
- D.9. No person shall operate a golf cart on the estate with more than the specified/permitted number of passengers in the vehicle which shall include the driver of such vehicle.
- D.10. No person shall operate a golf cart in an unsafe manner. An unsafe manner is defined as any mode of operation which presents a danger to any other road user, pedestrian, wildlife or estate fixture.
- D.11. No person shall drive any vehicle on any road within Erinvale at a speed in excess of 40 km per hour. A lower speed limit may be imposed by the Association where appropriate.
- D.12. Animals, birds and wild life shall have the right of way at all times within Erinvale and vehicles shall be brought to a stop whenever necessary.
- D.13. The Association may, by means of appropriate signage designed specifically for Erinvale, give direction as to the use of roads or any portion of the roads, Common Area, or Golf Course, and failure by any person to obey this signage shall be a contravention of these House Rules.

- D.13.1 All persons on Erinvale shall observe and comply with the provisions of any road traffic legislation applicable to the Western Cape Province as fully and effectively as though Erinvale's roads are public roads as defined in such legislation.
- D.13.2 Notwithstanding D.13.1, vehicles such as motorised ride-on mowers, "carryall" carts for the development and maintenance of Erinvale, as well as motorised golf carts may be driven on Erinvale's roads provided.
- D.13.2.1 the vehicles are in sound mechanical condition;
- D.13.2.2 have adequate front and rear lights when driven after dark; and
- D.13.2.3 the provisions of Rules D.7 and G.4 are observed.
- D.14. No person shall store any motor vehicle, golf cart, caravan, boat or the like in any place on Erinvale except in a structure built for this purpose approved in writing by the Architectural Review Committee. None of the above shall be left overnight on any road.
- D.15. No helicopters or any means of aerial conveyance may be landed at any place on Erinvale, without the authority of the Association.
- D.16. No person shall use a Skate Board, Roller Skate or any other similar apparatus on the roads of the estate. The use of the afore-mentioned apparatus on golf cart paths on the golf course, is subject to the rules of the golf club in force at any time.

SECTION E

OPEN SPACE AND ENVIRONMENTAL CONTROL

- E.1. The Association shall have the right and duty to control the environment, which shall include but not be limited to the vegetation on the erven and Common Area, the erection of walls, fences and hedges, and shall have the right to trim hedges and trees.
- E.2. No person shall do anything that detrimentally affects the amenities, flora or fauna of Erinvale, or unreasonably interfere with the use and enjoyment of the Common Area and the Golf Course by others.
- E.3. A member must abide by the Architectural Guidelines as published from time to time, copies of which are available from the H.O.A. office, when considering any changes to mature trees anywhere on the estate. All requests for permission to perform any surgery on a mature tree on the estate must be channelled through the H.O.A. office.
- E.4. No person shall discard any litter or any item of any nature whatsoever in Erinvale, except in receptacles set aside for this purpose by the Association.

- E.5. No camping and or picnicking shall be permitted except at any place set aside for the purpose and designated as such by the Association.
- E.6. No fire shall be lit at Erinvale, except in such places as may be designated for the purpose by the Association or in an approved and a properly constructed fireplace or braai.
- E.7. No person shall do any gardening or landscaping on the Common Area or Golf Course without the express prior written agreement of the Association in regard to the nature and extent of such gardening or landscaping activity. No person shall, unless authorised by the Association to do so, pick or plant any flowers or plants on the Common Area or Golf Course.
- E.8. Subject to any law or regulation made in terms of the Environment Conservation Act No. 73 of 1989, or any permit granted in terms of this Act or the Environment Conservation Act No.100 of 1982, the Association shall be entitled to prohibit access to any part of the open space in order to preserve the natural flora and fauna, and no person shall enter such area without the written consent of the Association.
- E.9. The driving of motorised vehicles in the Common Area is confined to roads and driveways. Only golf carts and maintenance vehicles may be driven on the Golf Course.
- E.10. No person shall discharge a firearm, air rifle, crossbow or any similar weapon anywhere on Erinvale except in self-defence.
- E.11. Hunting is prohibited on Erinvale and the trapping of birds and animals and setting of snares are specifically prohibited. The setting of traps for animals such as feral cats, Porcupines etc. is allowed with the permission of the H.O.A. The H.O.A. may however, use whatever means it sees fit in order to control vermin on the estate.
- E.12. No part of the Common Area or Golf Course may be paved except for the portion of one driveway and one pedestrian crossing per erf which lies between the Member's property and the road. The portion of the driveway may be paved to a maximum width of 6 (six) metres and the portion of the pedestrian crossing to a maximum of 1 (one) metre.
- E.13. The regulations pertaining to the entrance from Erinvale to the Helderberg Nature Reserve must be strictly observed.
- E.14. In the interests of the effective management of the water resources at Erinvale, no bore hole may be sunk at Erinvale without the written consent of the Association. Should the circumstances require it, the Association may require Members to limit or to stop using water from their bore holes. To this end, the Association may require Members to fit meters to their bore holes at their own (the Members') expense, in order that the Association may monitor and, if necessary, ration bore hole water. Should the Member not agree to fit a meter or not allow the Association to monitor the use of bore hole water, the Association shall have the right to seal the bore hole.
- E.15. Members are required to keep the exterior of their dwellings in a good state of repair and their erven tidy. Should a dwelling fall into a state of disrepair, or should an erf become unsightly, the Association shall call upon such Member to rectify the situation, detailing

what remedies are required and giving the Member a reasonable period for commencement and completion of such remedies. If the Member fails to comply with the Associations' requirements within the stipulated times, the Member shall be in breach of the House Rules and the Association may proceed in terms of Section K of these House Rules.

SECTION F

DAMS

- F.1. No person shall launch any boat or craft of any description, powered by a motor or otherwise, on any dam at Erinvale.
- F.2. No water sport (scuba diving, spear fishing, wind surfing, etc.) is permitted on dams at Erinvale and no person shall enter any dam within Erinvale without the written permission of the Association or, in the case of retrieving of golf balls, the Golf Club.
- F.3. No domestic animal shall be allowed to enter any dam.
- F.4. No person shall pollute or permit the pollution of the dams or streams within Erinvale by any substance which may in any manner be injurious to plant, animal or bird life, or which may in any way be unsightly.
- F.5. No person shall discard any litter or any article of any nature whatsoever in the dams and streams of Erinvale.
- F.6. No fishing is permitted at Erinvale without the prior written consent of the Association and subject to the terms and conditions imposed by the Association.

SECTION G

ACCESS TO THE GOLF COURSE

- G.1. No one may play golf on the Golf Course without the approval of the Golf Club.
- G.2. If not playing golf, and without the approval of the golf club, no person may walk on the golf course or golf course cart paths during golf playing hours. The Golf Club rules passport provides the following information on golf playing hours. "Access to the Golf Course by Non-Players is permitted as a general rule at the following times; High Season (October to April) before 07:00 and after 19:00. Low Season (May to September) before 08:00 and after 17:30)." The only exception to this rule is where the walking trails created on the estate by the H.O.A, cross a golf course fairway, and such walking trail continues on the opposite side of such fairway. Persons utilising the H.O.A. walking trails, shall, at all times, give right of way and priority to golfers on the golf course. Persons entering any part of the Golf Course from the residential areas of Erinvale Estate, do so entirely at their own risk.

Persons entering the Golf Course must at all times observe the etiquette of golf. In particular they must stand aside whenever a golfer is preparing for or making a shot and must not do anything that might distract a golfer preparing for or making a shot, such as speaking loudly, making sudden movements, standing behind the golfer in the line of his stroke or walking across the line between the golfer and his target.

- G.3. No person may walk on any green, tee, fairway or bunker on the Golf Course unless playing golf with the approval of the Golf Club. No person shall permit their dogs to walk on any green, tee, fairway or bunker on the Golf Course. No practising is permitted on any green, tee, bunker or fairway on the Golf Course.
- G.4. Children under 10 years of age may not enter the golf course unless accompanied by an adult or when playing golf with the approval of the golf club; no child under the age of 7 years of age may drive a motorised golf cart on the golf course; and children older than 7 years but younger than 14 years may drive a motorised golf cart on the golf course only if under the supervision of an adult but always subject to rules D.8. through D. 11.
- G.5. No person may play any game or sport on the golf course other than golf played with the approval of the golf club.

SECTION H

LETTING, RESALE AND OCCUPATION BY MEMBERS' GUESTS OF PROPERTIES

- H.1. The following rules, read with A.2 above, shall apply to the letting and resale of property:
 - H.1.1 Only an estate or property agent accredited by the Association may be employed in the sale or letting of any property at Erinvale, which accreditation may be withdrawn by the Association in its discretion.
 - H.1.2 Such agents must operate on a "by appointment" basis. They may not erect any "for sale" or "show house" or "sold" boards or any other signage boards whatsoever and they must personally accompany prospective buyers or tenants onto the property.
- H.2. An agent will be accredited only after signing an agreement with the Association that such agent will abide by stipulated procedures applicable to the sale or letting of property on Erinvale, and in particular will make any buyer aware of the House Rules, Constitution, building deadlines and any other relevant considerations applicable to ownership or occupancy. Any document prepared by the agent containing an offer of sale or an offer to purchase must include such clauses as the Association may require from time to time to ensure compliance with the matters envisaged in this clause H.2.
- H.3. Tenants to whom properties are let or leased are obliged to abide by all of the House Rules, regulations and requirements of the Constitution at Erinvale. The agent who is letting a property is obliged to supply the tenants with copies of the Constitution and House Rules.

- H.4. Where the Member himself sells or lets his property, the provisions of H.1.2, H.2 and H.3 will apply to him.
- H.5. Members or their agents are required to give the Association prior notice of any tenants or guests who are to occupy the Member's property in the absence of the Member. This must be submitted in writing to the office of the Association, giving the name of the tenants or guests and the dates of their occupancy. In the case of tenants, the tenants will be obliged to register at the offices of the Association within one working day of arrival, and to sign a declaration that they are acquainted with the House Rules and Constitution of Erinvale and are prepared to abide by them.
- H.6. Access to the Estate may be denied to tenants, members of their households, invitees, employees or guests should the tenant or anyone for whom the tenant is responsible, transgress the Constitution, House Rules or any other rules, regulations or bylaws of Erinvale (see also K.1).
- H.7. Transfer of ownership consent will require the following inspection by the Association's building inspector:
- All surface water discharge is conducted to the adjoining street gutter (not into the sewerage system)
 - The Association has in its possession up to date plans of the property, including any additions or alternations. The seller is obliged to ensure that this is the case.
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SECTION I

CONDUCT AT ERINVALE

- I.1. No garments, household linen or washing of any nature, may be hung out or placed anywhere to dry except in a drying yard or such other area designed for such purpose. Washing lines, twirly dries etc. must be below the level of the yard walls.
- I.2. The lighting of fireworks is not permitted at Erinvale.
- I.3. No unauthorised persons are allowed onto building sites under construction.
- I.4. No person shall make or cause to make any unacceptable disturbance or excessive or undue noise which constitutes a nuisance to other persons. In particular:
- I.4.1 Burglar alarms must comply with any regulations which the Association may institute from time to time.
- I.4.2 All vehicles, but particularly motorcycles, must have efficient silencer systems.
- I.4.3 The mowing and/or edging of lawns, the use of leaf blowers, or the operation of any other noisy machinery which may disturb neighbours is strongly discouraged after normal working hours unless there are exceptional circumstances. These activities are, however, strictly prohibited at any time on the two holiday days at Christmas on the 25th and 26th of December, the Friday and Sunday holidays at Easter and is prohibited after 13h00 on the

following days: Sundays and New Year's day. All building work, whether undertaken by a contractor or by the home owner, must be done during the hours stipulated by the Association from time to time for building contractors, unless written approval for an exception is given by the Association.

- I.4.4 All undue noise must cease between 22h00 and 06h30 except for the occasional party, loud noise from which must cease at 24h00.
- I.5. In order to maintain the low density residential nature of the estate, no Member or tenant shall accommodate nor allow to be accommodated more than the maximum number of persons permitted to occupy such residence, is:
- 1 bedroom unit 4 persons
 - 2 bedroom unit 6 persons
 - 3 bedroom unit 8 persons
 - 4 bedroom unit 10 persons
 - 5 bedroom unit 12 persons
- I.6. Members must ensure that their children and the children of members of their households, employees, tenants, invitees and guests do not pose a safety threat to themselves or to any other person or driver at Erinvale. Tenants shall have the same responsibility as regards their households, employees, invitees and guests.
- I.7. Whenever the Association receives a written complaint from a Member relating to the behaviour of any person at Erinvale, the Association shall investigate appropriately and take any steps required within the scope of the House Rules and the Constitution. The Association is not prevented by this clause from taking action on its own initiative, if evidence of behaviour which in the opinion of the Trustees is unacceptable should come to its attention from a source other than a written complaint. *See Section K.*
- I.8. No unauthorised person shall interfere with Erinvale's security arrangements or the activities of its appointed security staff.
- I.9. No person shall do anything or cause anything to be done which constitutes unacceptable behaviour or which may affect good order at Erinvale.
- I.10. No person may act in an abusive manner to any member of the H.O.A. management or staff. Members of the H.O.A. include, Trustees holding office at the time, the Estate Manager, personnel in the H.O.A. office, Security personnel, either permanent or sub-contracted and Estate grounds personnel either permanent or contracted. This rule also applies to all Golf Club personnel of any description. Abusive behaviour includes the use of abusive language, in written communication, verbally, or by body language. Any physical abuse shall result in estate security being summoned and a possible criminal prosecution.
- I.11. Alarm or protection systems may be installed in private dwellings subject to the following conditions:
1. no alarm system, be it for a dwelling or a vehicle stored within such dwelling, may be excessively noisy outside the dwelling, if the alarm continuously disturbs a neighbouring resident it is classified as excessively noisy;

2. flashing outside lights are permissible;
3. the system provider must inform the Erinvale Security Service (the ESS) forthwith upon being alerted on any problem;
4. the ESS will use their best endeavours to investigate any such problem;
5. the Member concerned will be charged and debited with a reasonable “call-out” charge of R200, or such other amount as may be determined from time to time by the Trustees Committee of the EHOA

1.13 No property shall be subject to more than one alteration for every twelve-month period.

SECTION J

COMMERCIAL ACTIVITY

- J.1. The Association may regulate commercial activity on Erinvale and it is expressly required that any application for a trading licence receive the prior approval of the Association, such approval shall not be unreasonably withheld.
- J.2. No advertising board may be displayed anywhere on Erinvale other than the standard architectural building board during building construction, except with the written permission of the Association.
- J.3. No door to door canvassing or selling is permitted at Erinvale.
- J.4. Use of any HOA mailing list for commercial purposes is prohibited and Members are prohibited from providing non-members with an HOA mailing list.

SECTION K

FINES AND PENALTIES

- K.1.1 Any person who contravenes or fails to comply with any provision of these House Rules, or any conditions imposed by or directions given in terms of the House Rules, shall be deemed to have breached these House Rules and will be subject to any penalties imposed by the Trustees having regard to the circumstances and which may include the imposition of fines. Addendum ‘A’ attached, details the complaint process to be followed.
- K.1.2 In the event of a breach by members of the Member’s household, employees, invitees, guests and tenants, and the members of the tenant’s household and the tenant’s employees, invitees and guests, the Member shall be liable for the payment of any fines imposed;
- K.2. In the event of a continuing offence, any person subject to these House Rules who contravenes or fails to comply with any of their provisions, or any condition or direction given in terms thereof, shall be deemed to be guilty of a separate offence for every 24 hours or part thereof during which such offence continues and shall be liable in respect of each such separate offence. Addendum ‘A’, attached, provides details of any

finest applicable for repeated infractions of the House Rules.

- K.3. Any fine imposed on a Member, in terms of K.1.1 or K.1.2, shall be a debt due and payable to the Association by the Member on demand.
- K.4. The imposition of penalties is subject to the relevant provisions of the Association's Constitution.
- K.5. Should a Member fail or refuse to comply with these House Rules, the Association may take whatever action may be necessary and appropriate in the circumstances and recover from the Member any costs incurred in taking such action without prejudice to its rights to recover any fines or other penalties imposed.
- K.6. Without in any way limiting the generality of the above-mentioned right to impose penalties, the Trustees shall also have the power and authority to:
 - (a) publish the names of persistent offenders on any notice-board or in any other manner as deemed appropriate by the Trustees, in their absolute discretion after affording the Member or other person concerned, the right to make representations within a reasonable time before imposing any such penalty.

SECTION L

OTHER REGULATIONS

A breach of the Associations' Architectural Guidelines or any other Regulation made in terms of the Associations' Constitution shall, in addition to any procedures and penalties prescribed therein, be subject to the procedures and penalties set out in Section K of these House Rules.

The local council regulations, as set down by the municipality for freehold properties, are not in any way affected by these Erinvale Estate House Rules.

ADDENDUM 'A' TO ERINVALLE H.O.A. HOUSE RULES – PROCESS

- A copy of the House Rules must be provided, by whatever means, to all HOA Members. Such a copy requires either a Members signed receipt which receipt must be filed at the HOA office, or else an e-mail acknowledgement of receipt via this medium. The H.O.A. must have documentary evidence that a member of the H.O.A. has received a copy of the house rules. It is the H.O.A. member's responsibility to ensure that family members, visitors and possible tenants are made aware of the house rules.
- Spare copies of the House Rules must be available to H.O.A. members during all H.O.A. office hours.
- Any complaint or notice of infraction of the House Rules must be in writing and must be addressed to the Estate Manager. Trustees must advise any complainant that any complaints must be addressed to the Estate Manager in writing. The Estate Manager to report all complaints received, to the H.O.A. Trustee monthly meeting.
- Valid justified complaints will be entertained when received from any tenant resident on the estate as if received from the landlord.
- The Estate Manager will seek supporting evidence for the complaint from the complainant. In every instance the complainant must be asked for supporting evidence. Photographs of the transgression, recording of audible issues. Written date and time recorded logs of continuous issues.
- Third party based or 'hearsay' complaints will not be entertained.
- If a complaint is genuine and contrary to the house rules the 1st procedure to be adopted is verbal communication with the resident from the general manager of H.O.A. This must be by appointment, at the residents home or at the H.O.A. office, and not telephonically.
- A repeat of the same infraction will be followed by a 1st written warning explaining that a verbal warning was issued on a particular date and that the H.O.A. strongly disapprove the breach of the house rule concerned.
- If a further breach of the House Rules occurs a 2nd written warning will be issued explaining that should another incident occur of the same nature the offending resident will be "named & shamed" in our next Erinmail and the resident will be fined R1000. Further breaches of the same House Rule may incur fines up to a maximum of R5000.
- If a member accused of an offence decides to use legal assistance in defending the accusation, then the H.O.A. will also use its legal resources to defend the accusation. The member must be advised, in writing, that the H.O.A. will seek to recover all costs incurred as a result of having to use legal resources.

- Any penalty levied should follow the H.O.A. levy process. A penalty account is sent to the member stating that he/she has 30 days from the date of the account, in which to settle the account, else interest at the prevailing overdue levy rate will be applied to the outstanding balance. Failure to settle the account will result in a collection process being followed in line with existing levy collection practice.
- Continued denial of an offence may be escalated to a Trustee hearing. Three members of the already identified arbitration committee (together with the Estate Manager), should meet with the alleged offender and make a majority decision on the complaint. It only requires the agreement of a majority of the arbitration committee in order to enforce the process for a valid complaint. The arbitration committee must agree that the complaint is invalid for the matter to be closed, and any penalties that have been levied are to be withdrawn. The Arbitration committee hearing decision is final and may not be escalated any further.