



PROPOSED AMENDMENTS TO ARTICLES

- Article 1.1.5 – Add "to the extent that the HOA may require such powers to be ceded and assigned to it;" at the end of this article.
- Article 1.1.7 – Amend to read as follows:
"Common Property" means the Land owned by the HOA to be utilized for the common benefit of all Members and lawful occupiers of Property in 101 Acutts and includes all servitudes in favour of the HOA subject to any applicable restrictions;"
- Article 1.1.16 – Amend "Home Owners" to read "Homeowners".
- Article 4.1 – Amend to read as follows:
"a Member shall not in any manner transfer any Property unless it is a condition of the applicable agreement to do so that:"
- Article 4.2 – Substitute "transfer" for "alienation" in this article.
- Clause 9.1 – Delete the first sentence.
- Articles 9.3 – 9.5.3 – Delete these articles and replace them with the following articles:
- "9.3.1 Subject to the provisions of Article 9.3.1.4, the finance committee shall determine the proportions in which Members shall contribute towards the levy fund in accordance with the following principles, having regard to all circumstances prevailing at the time and to equity:
- 9.3.1.1 In the case of each Erf in 101 Acutts, the owner of that Erf shall bear the costs of:
- 9.3.1.1.1 maintaining the Erf and all improvements thereon;
- 9.3.1.1.2 rates payable in respect of the Erf;
- 9.3.1.1.3 electricity, water and other services to the Erf;
- 9.3.1.1.4 insurance payable in respect of the Erf and/or the improvements thereon;
- and it shall be the owner's responsibility to carry out such maintenance (subject to the rights of the Association in terms of Articles 49 and 50 should the owner fail to do so), pay such rates and arrange and pay for such electricity, water and other services as well as such insurance, the Association having no responsibility in this regard.

- 9.3.1.2 In the case of each sectional title unit in 101 Acutts, the owner of that unit shall bear the costs of:
- 9.3.1.2.1 maintaining the property comprising the sectional title scheme of which the unit is part, and all improvements thereon, whether sectional title units or otherwise, in the case of exterior maintenance and/or maintenance of the common property in a share determined in accordance with the participation quota of his unit, or in the case of interior maintenance of his unit the entire cost thereof;
- 9.3.1.2.2 rates payable in respect of the unit;
- 9.3.1.2.3 electricity, water and other services to the unit which are separately metered/charged to the owner of that unit by the relevant service provider;
- 9.3.1.2.4 electricity, water and other services to the body corporate and/or common property of the sectional title scheme in a share determined in accordance with the participation quota of his unit;
- 9.3.1.2.5 insurance payable in respect of the common property of the sectional title scheme and his unit, in an amount determined in accordance with the provisions relating to insurance in the Sectional Titles Act and Regulations;
- it being the body corporate's responsibility to carry out such maintenance (subject to the rights of the Association in terms of Articles 49 and 50 should the body corporate fail to do so), and arrange and pay for such electricity, water and other services referred to in Article 9.3.1.2.4 and arrange and procure due payment in respect of such insurance referred to in Article 9.3.1.2.5, the responsibility for paying rates and for arranging and paying for such electricity, water and other services envisaged in Article 9.3.1.2.3 being that of the owner of the relevant unit.
- 9.3.1.3 The owner of each Erf and the owners of each sectional title unit in 101 Acutts shall bear an equal share of those costs relating to the Common Property and 101 Acutts generally, such share being determined on the basis of the total number of Erven in 101 Acutts in respect of which a certificate in terms of section 28 (1) of the Town Planning Ordinance, No 27 of 1949 (or any similar provision of any legislation replacing such Ordinance from time to time) has been issued by the competent authority, plus, in the case of sectional title units, the total number of units in 101 Acutts in respect of which a Certificate of Beneficial Occupation Only in terms of section 14 (1A) of the National Building Regulations and Building Standards Act (No 103 of 1997) has been issued, in which latter event the Erf on which any such Certificate has been issued in respect of a unit shall be excluded for the purposes of such calculation. For the purposes of this Article (9.3.1.3) the Developer's contribution referred to in Article 9.3.1.4 shall be deducted from the said costs prior to the allocation of the remainder of the costs to be divided equally as aforesaid.
- 9.3.1.4 Notwithstanding anything to the contrary contained herein or elsewhere, during the Development Period, the Developer alone in his sole and absolute discretion, shall determine what portion of the total expenditure of the HOA is to be paid by the Developer.”
- Article 13 – Delete articles 13.1.4 to 13.1.6 and amend the remainder of this Article to read as follows:
- "13 Calculation of levies

Subject to the provisions of Article 9.3, in calculating the levy payable by any Member, the finance committee shall as far as reasonably practicable:

- 13.1 assign those costs arising directly out of the Property itself to the Member owning such Property;
- 13.2 assign those costs relating to 101 Acutts generally to the Members equally; provided however, that the finance committee may assign costs generally in any case where it considers it equitable so to do;
- 13.3 assign to any Member any greater or lesser share of the costs as may be reasonable in the circumstances."

Article 14 – The reference to Article 9 should be to Article 12.

Article 20 – Amend this article to read as follows:

"There shall be a Board of Directors of the HOA, which shall consist of 10 (ten) Directors, provided that there shall at all times be at least 1 (one) representative on the Board from each of the Sectional Title Schemes within the Development in respect of which a body corporate has been established at the relevant time."

Article 39.1 – Substitute "company"for "HOA" in the last sentence of this Article.

Article 56 Add the following Article:

"56 Security

The HOA shall have all such rights as the HOA may reasonably require in order to secure the Property and 101 Acutts. Without limiting the generality of the foregoing, the HOA and its agents shall be entitled to such rights of access to the Property as the HOA may reasonably require at all times in order to patrol 101 Acutts and to install and maintain such security measures as the HOA may reasonably deem necessary. The Association and its agents shall further have the right at all times to access the boundary fence of 101 Acutts in order to maintain and monitor same. Where a Member wishes to fence any boundary of his Property, any such fence shall not be erected closer than 4 (FOUR) metres to the outer boundary of 101 Acutts"