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HOUSE RULES

MADE IN TERMS OF THE CONSTITUTION OF THE

GREENWAYS COUNTRY ESTATE HOME OWNER'S ASSOCIATION

(The Association)

VALID AS FROM 15 JUNE 2000

(Amended March 2007)

**Ratified by the High Court,
Cape of Good Hope Division,
17 October 2008**

1st Amendment, Approved by AGM on 02 April 2009

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INTRODUCTION

Greenways Golf Country Estate has been designed primarily as a residential estate to provide a gracious and secure lifestyle for its residents and members. To protect and enhance this lifestyle, House Rules have been established in terms of the Constitution of the Association. These rules are not established to limit member's lifestyle and investment, but rather to protect them. They are binding on all persons at or visiting Greenways, 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 include trades persons and suppliers, are aware of and abide by the House Rules. Tenants have the same responsibility with respect to their household, 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 The House Rules may be modified, amended or repealed from time to time subject to the procedure laid down in the Constitution.

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's.

Unless the context *requires otherwise*, any expressions in the singular also denote the plural, and vice versa, and words imparting 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 requires otherwise, have the meanings given below:

The Association means the Greenways Country Estate Home Owners Association.

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

Greenways means the Township Area, the Golf Course and the Common Area.

Member means a member of the Association. The term "Member" generally has the same meaning as "Home Owner" and "Unit 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 Members, 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.

SECTION B DOMESTIC REFUSE

- B.1 All refuse, whether domestic or garden must be kept in containers, which must be placed out of sight of both the road and Golf Course, except when put out for collection in the wheelie bins and clear plastic bags for recycling as provided by the Helderberg Municipality.

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 original erf and may be kept only by resident Members and long term tenants with a lease of six (6) months or more. *No pets may be brought onto the premises by short term tenants or visitors.* Where dogs are kept, there must be a suitable enclosure to prevent the dogs from straying off the relevant property. **The owner of the premises will at all times be responsible for domestic animals being kept either by him or his tenant and ipso facto for any penalties that may be incurred.**

The following procedural steps will be taken against owners or tenants that do not abide by the house rules as regards not keeping their dogs on their property or not keeping them on a leash when on the common property, and hereby refer to Special Resolution No.2 passed at the Annual General Meeting on 29 August 2001.

- a) Written warning
 - b) Written warning plus R250.00 fine
 - c) Written warning, R500.00 fine and invitation to Trustees meeting
 - d) Legal action
- C.2 Members and tenants are required to tag their animals with the dog's owner's name and contact number. Cats must also have a bell attached to their collars to protect the birdlife on Greenways. Unknown untagged stray cats or dogs will be removed to Animal Welfare.
- C.3 In the event of any domestic animal being introduced to Greenways by short term tenants or guests, the Association may call on the owner of the premises to remove the animal(s) immediately and, in the event of the owner failing or refusing to do so, the Association may impose penalties and fines as outlined in Section L, or may procure its removal from Greenways and recover any costs from the owner 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 premises and (the tenant owner of the domestic animal for information) to remove it and if the owner refuses to do so, the Association may impose penalties on the owner of the premises or procure the removal of the domestic animal from Greenways and recover any costs from the premises' owner concerned without prejudice to its rights to recover any penalty imposed.
- C.5 No dog shall be allowed off the owner's property unless under strict control and on a leash. Dogs are not permitted to be walked on the Golf Course during normal playing hours.
- C.6 Should dogs cause a mess or dig holes anywhere in Greenways Estate other than the owner's property, the dog's owner shall immediately remove the mess or repair the holes as the case may be or be liable for penalties as per paragraph C.1.

SECTION D
TRAFFIC & PEDESTRIANS

- D.1 No vehicles shall enter or leave Greenways 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 Greenways.
- D.2 All vehicles entering Greenways shall stop at the vehicle entrance.
- D.3 No vehicle shall enter Greenways 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 himself.
- D.4 No Member is permitted to hand out such device to any other person other than family members of his household.
- D.5 The movement and control of traffic and pedestrians is subject to the security rules and regulations of Greenways.
- D.6 All Members and tenants are required to advise Security at the entrance gate to admit any person (including a member of his family) to Greenways, 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 Greenways, telephone the destination point for instructions. Entry will be refused if the above process cannot be concluded satisfactorily.
- D.7 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 Saturdays.
- D.8 Large commercial vehicles may only use the Gordon's Bay entrance.
- D.9 Motorized vehicles shall be driven on Greenways roads only by persons who hold a valid current driver's license which would permit them to drive that vehicle on a public road within South Africa. Such vehicles must also bear a current motor vehicle license.
- D.10 No person shall drive any vehicle on any road within Greenways at a speed in excess of 40 km per hour. A lower speed limit may be imposed by the Association where appropriate. Speed bumps are designed for 20 km per hour. Greenways can not be held responsible for damages to vehicles due to special or customised designs, including excessive low profile tyres or lowered suspensions.
- D.11 Animals, birds and wildlife shall have the right of way at all times within Greenways and vehicles shall be brought to a stop whenever necessary.
- D.12 The Association may, by means, of appropriate signage designed specifically for Greenways, 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 No person shall drive or ride any vehicle within Greenways in such a manner that would constitute an offence under the relevant traffic ordinance.
- D.14 Houses must be designed for the needs of the owners or possible tenants, and enough provision must be made for motor vehicles, caravans, boats etc. No person shall store or park any vehicle, boat or caravan or the like on common area, vacant plots, in the road within Greenways or any area other than the parking area of the dwelling. Over and above the penalties and fines mentioned under clause L1, the Association may tow away above-mentioned vehicles for the account of the member.
- D.15 No helicopters or any means of aerial conveyance may be landed at any place in Greenways without the authority of the Association.
- D.16 The use of skateboards, roller-skates/blades is only allowed on the walkways on the golf course and public open spaces, and is prohibited from the streets within Greenways as well as the parking area behind the Clubhouse. For any contravention of this rule, fines will be imposed by the Association in accordance with Section K of these House Rules.

- D.17 No motorized vehicle may be driven on the walkways within the estate without approval.

SECTION E
OPEN SPACE AND ENVIROMENTAL 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 etc.
- E.2 No person shall do anything that detrimentally affects the amenities, fauna and flora of Greenways, or unreasonably interfere with the use and enjoyment of the Common Area and Golf Course by others.
- E.3 No **person** shall discard any litter or any item of any nature whatsoever in Greenways except in receptacles set aside for this purpose by the Associations.
- E.4 No camping and/or picnicking shall be permitted.
- E.5 No fire shall be lit at Greenways, 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.6 No person shall do any gardening or landscaping on the Common Area or Golf Course without the express prior written permission of the Association in regard to the nature and extent of such gardening or landscaping activity. No person shall, unless authorized by the Association to do so, pick or plant any flowers or plants on the Common Area or Golf Course.
- E.7 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 fauna and flora, and no person shall enter such area without the written consent of the Association.
- E.8 The driving of motorized vehicles is confined to roads and driveways. Only maintenance vehicles may be driven on the Golf Course. The parking of motorized vehicles on common area is prohibited.
- E.9 No person shall discharge a firearm, air rifle, crossbow or any similar weapon anywhere within Greenways except in self-defense.
- E.10 Hunting is prohibited within Greenways and the trapping of birds and animals and setting of snares is specifically prohibited.
- E.11 In the interest of the effective management of the water resources at Greenways, no bore-hole may be sunk at Greenways without the written consent of the Association. Should circumstances necessitate Members to limit or to stop using water from their bore-holes, 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.12 Any activity, sport or game e.g. soccer, cricket, rugby, hockey etc which can cause damage to the common area, golf course and/or is a nuisance to the neighborhood is prohibited. Parents are at all times responsible for their children.
- E.13 Crossing dunes, or walking on them, is not permitted in any area except at the walkways provided. Firstly it results in creating unnecessary security alarms which jeopardize security. Secondly this is an eco-sensitive area under the control of the Department of Nature Conservation that needs to be preserved and restored.

SECTION F
DAMS & RIVERS

- F.1 No person shall launch any boat or craft of any description, on any dam or river at Greenways.
- F.2 No water sport (scuba diving, spear fishing, wind surfing etc) is permitted on dams at Greenways and no person shall enter any dam within Greenways without the written permission of the Association or, in the case of retrieving golf balls, the Estate Manager.
- 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 Greenways 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 Greenways.
- F.6 No fishing is permitted at Greenways without the prior written consent of the Association and subject to the terms and conditions imposed by the Association.
- F.7 Parents are at all times responsible for supervising their children. **The Association does not take any responsibility for accidents occurring because of the negligence of parents not supervising their children.**

SECTION G
ACCESS TO THE GOLF COURSE

- G.1 For the use of the Golf Course the Golf Rules of Greenways apply.
- G.2 Persons walking on the Golf Course do so at own risk.
- G.3 Persons walking on 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.4 No persons may walk on any green, tee or bunker on the Golf Course unless playing golf. No person shall permit their dogs on any green, tee or bunker on the Golf Course. No practicing is permitted on any green, tee, bunker or fairway on the Golf Course. The hitting of golf balls from the rough onto the fairway is permitted provided that this does not interfere with any golfers playing on the course and provided that any damage is repaired and divots are filled in.

SECTION H
LETTING OR OCCUPATION OF PROPERTIES
BY MEMBER'S GUESTS

- H.1 The rules and regulations laid down in the *Agreement of Tenancy* available at the Clubhouse, and read with A.2 above, shall apply to the letting and occupation of property.
- H.2 Tenants to whom properties are let or leased are obliged to abide by all of the *House Rules*, regulations and requirements of the *Constitution* of Greenways. The agent and/or owner letting a property is obliged to supply the tenants with copies of the *Constitution* and *House Rules*. A properly signed copy of the *Agreement of Tenancy* must be furnished to the Estate Manager.
- H.3 Members or their agents are required to give the Association prior notice of any tenant or guest who is to occupy the Member's property in the absence of the Member.

- H.4 Owners may act as their own letting agents. However, the onus of registration and supervision of tenants and holidaymakers will then rest with them. No registration will be done without a written instruction from the owner.
- H.5 Letting agents must have a **written mandate**, valid for a maximum period of not more than six months from the owner of the property, they wish to let. A copy of a valid mandate for a particular property will be attached to all applications for registration of a tenant at Management.
- H.7 Tenants will be obliged to register at the offices of the Estate Manager within one working day of arrival, and to sign a declaration that they are acquainted with the *House Rules* and *Constitution* of Greenways and are prepared to abide by them. The registration of tenants with the Estate Manager may be done by the Home Owner himself, or the Estate Agent renting the property out.
- H.8 Access to the Estate may be denied to tenants, members of their household, 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 by-laws of Greenways. Owners remain liable for the transgressions of their tenants.
- H.9 *Should an owner's levies not be fully paid up, letting of that property will not be allowed.*

SECTION I **CONDUCT ON GREENWAYS**

- I.1 No garments, household linen or washing of any nature, may be hung 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.
- I.2 The lighting of fireworks is not permitted in Greenways.
- I.3 No unauthorized 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 use of noisy machinery and power tools *in the open* outside of normal working hours, must be avoided **except in exceptional circumstances**. All building work, whether undertaken by a contractor or by the Home Owners, 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. All undue noise must cease between 22h00 and 06h30.
- I.4.4 Lawns may not be mowed on Sundays, public holidays or after 17h00 on Saturdays.
- I.5 In order to maintain the low-density residential nature of the estate, no member or tenant shall accommodate nor allow to accommodating more than the maximum number of persons permitted to occupy such residence at any given time.
- | | | | |
|---|---------|----|---------|
| 1 | Bedroom | 2 | Persons |
| 2 | Bedroom | 4 | Persons |
| 3 | Bedroom | 6 | Persons |
| 4 | Bedroom | 8 | Persons |
| 5 | Bedroom | 10 | Persons |

Those owners who are contravening section 5.12 of the Constitution of Greenways by allowing more than one family to occupy each unit/erf will be charged a monthly penalty equivalent to up to one month's levy. The above being without prejudice to

the Trustees' rights regarding the enforcement of Section 5.12 (some Members do not obey the Constitution by renting out parts of their property to tenants to receive an extra income, whereby said tenants enjoy the facilities and services of Greenways without paying for it), and hereby refer to Special Resolution No.1 passed at the Annual General Meeting dated 29 August 2001.

- I.6 Members must ensure that their children or members of their households, employees, tenants, invitees, and guests do not pose a safety threat to themselves or to any other persons or driver at Greenways. 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 behavior of any persons at Greenways, 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 behavior, which in the opinion of the Trustees is unacceptable, should come to its attention from a source other than a written complaint.
- I.8 All members, tenants, employees and guests have to comply with the security rules of Greenways, especially by not interfering with the security system installed. Fines may be imposed by the Association in accordance with Section L of these rules should people not comply with security regulations.

SECTION J **DOMESTIC STAFF**

- J.1 Owners will take full responsibility for the domestic staff employed by them. All permanent staff shall be briefed on the House Rules by the resident employer and will abide by it.
- J.2 All domestic staff and their visitors shall be registered with Management at the applicable fee and will be issued with a laminated permit-card.
- J.3 Households may have one sleep-in staff member on a permanent basis. The spouse of the staff member may get a sleep-in permit on request by the owner or lessee of the dwelling. The spouse will also be issued with a suitable laminated permit.
- J.4 Visiting family members of the staff will only be allowed to sleep-in with the written request by the owner of the dwelling and approval by Management.
- J.5 Additional permanent sleep-in staff members will need special permission.
- J.6 No parking of private vehicles owned by staff members will be allowed on the pavements or in the streets. Owners will ensure sufficient parking on their property for staff if needed.
- J.7 As non levy paying residents, domestic staff is not entitled to use the club and sporting facilities of Greenways.
- J.8 Residents are responsible to notify Management should the services of a domestic staff member be terminated.

SECTION K **COMMERCIAL ACTIVITY**

- K.1 No advertising boards may be displayed anywhere within Greenways other than the standard architectural building board during building construction.
- K.2 No door to door canvassing or selling is permitted in Greenways.
- K.3 It is prohibited to conduct any business of whatever nature with customer and/or employee traffic from the residential houses or apartments within the Estate. This also applies to possible occupational practice from residential houses. All building plans submitted to the Home Owners Association will only be approved subject to members complying with the above regulation. We hereby also refer to special resolution no.7 passed at the Annual General Meeting dated 29 August 2001.

SECTION L
FINES AND PENALTIES

- L.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 due regard for the circumstances and which may include the imposition of fines up to R1500.00 (one thousand five hundred rand) for each separate offence, adjusted for inflation from time to time.
- L.1.1 In the event of a breach by members or the member's household, employees, invitees, guests and tenants and the members of the tenant's employees, invitees and guests, the member shall be liable for the payment of any fines imposed;
- L.1.2 In the event of a breach by a tenant, a member of the tenant's household or employees, invitees or guests of the tenant, the Association may, in addition to the imposition of any fine or other penalty, bar the above-mentioned from access to Greenways.
- L.2 In the event of a continuing offence, any person subject to these House Rules who contravenes or fails to comply with any of the provisions, or any condition or direction given in terms thereof, shall be deemed to be guilty of a separate offence for every seven (7) days or part thereof during which such offence continues and shall be liable in respect of each such separate offence.
- L.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 the demand and/or be added to the monthly levy account.
- L.4 The imposition of penalties is subject to the relevant provision of the Association's Constitution.
- L.5 Should a member fail or refuse to comply with these House Rules, the Association may take whatever action it may deem necessary and appropriate in the circumstances, to recover from the member any cost incurred in taking such action without prejudice to its rights in recovering any fines or other penalties imposed.