

**HOMEOWNER'S ASSOCIATION OF  
PINEHAVEN COUNTRY ESTATE**

Reg. No. 2003/00534/08 (section 21)  
P.O. Box 5, Pinehaven, 1746  
N14 / Hugo Road, Krugersdorp, 1739  
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# ESTATE AGENTS RULES & PROCEDURES

Version 01.08.2016

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## 1. INTERPRETATION

1.1 In the interpretation of these Rules, unless the context otherwise indicates;

1.1.1 **Accredited:** An approved application for accreditation and signed agreement with the Homeowners Association of Pinehaven Country Estate.

1.1.2 **Agency:** The Estate Agency business that applied for accreditation.

1.1.3 **Agent:** Individual in the employment of an accredited Estate Agency.

1.1.4 **Association:** The Homeowners Association of Pinehaven Country Estate, Registration Number 2003/00534/08 (an association incorporated under Section 21 of the Companies Act,1973);

1.1.5 **Estate:** The township area called Pinehaven Country Estate and registered in the office of the Registrar of Deeds as such.

1.1.6 **Property:** The house and/or outbuildings and building work on a stand including all fixtures and fittings of a permanent nature.

1.1.7 **Member:** As defined in the Memorandum of Incorporation.

1.2 If any provision in a definition is substantive provision conferring rights or imposing obligations on any part, notwithstanding that it is only in the definition clause, effect shall be given to it as if it were substantive provision in the body of the Rules.

## **2. PROCEDURE OF APPLICATION BY ESTATE AGENTS**

- 2.1 The following procedure applies to Estate Agents seeking accreditation to operate within Pinehaven Country Estate.
- 2.2 Any information relating to Estate Agents in this Procedure applies to Auctioneers as well.
- 2.3 The Agency wishing to apply for accreditation to operate within the Estate are required to complete the application form (Annexure A) and submit this to the Chairman of the Board of Directors for consideration at the first available meeting of the Board of Directors.
- 2.4 The Agency seeking accreditation must complete the relevant documentation supplied by Association and must nominate their Estate Agent(s) details in writing by completing the relevant section of the application for Approval form (Annexure A).
- 2.5 The Board of Directors will consider the application for Approval and decide whether or not it will permit such accreditation. In the event that the request for accreditation is declined, no correspondence will be entered into nor explanations given by the Board of Directors for declining such application.
- 2.6 The Board of Directors reserves the right to limit the number of Approved Estate Agents operating within Pinehaven Country Estate.
- 2.7 Approval will only be granted to Estate Agencies that have a valid fidelity fund certificate as issued by the Estate Agency Affairs Board.
- 2.8 The accredited Estate Agency must supply the Estate Manager with the details in writing of properties on show no later than 12h00 on a Wednesday preceding the Sunday show day and indicate details of house sitters which will be used, if applicable. A copy of the house sitter's ID, must be provided at the same time as well as a copy of the house sitter's Fidelity Fund Certificate.
- 2.9 The Agents on duty to ensure that the activities at such show houses/vacant stands do not interfere with or cause a nuisance to the neighbours.
- 2.10 Only one 'For Sale' board on each site for sale is permitted.
- 2.11 The maximum duration of any Agents board, either 'Sold' or 'Let By' shall not exceed a period of one month from the time of transfer of the property in the case of a sale or from the signature of the finalisation of the lease in the case of a rented property.
- 2.12 A maximum of 6 boards will be permitted ("A" frame type - no spikes will be allowed). These may not be placed anywhere within the Estate. No more than 1 board may be displayed outside the show house and the remainder of the boards may be displayed along the route to such house.
- 2.13 No signboards exceeding 450 mm x 600 mm may be permitted.
- 2.14 Sign Boards may not be displayed before 11:30 in the morning and all sign boards have to be removed by 18h00 on the day of the showing.

- 2.15 On a Sunday show day the Agent may display a show house with a flag banner with 'Show House' displayed on it, not exceeding 2.8 meters in height. No other banners or flags shall be permitted on the relevant stand or anywhere else on the Estate.
- 2.16 Ensure that vacant stands displayed on a Sunday on a "show house" basis be manned at all times.
- 2.17 The Agent will provide a map indicating the position of the property for sale, which will be handed out on the way to the Estate for prospective buyers wishing to enter the Estate. No "view by appointment" listings will be included in the show packs.
- 2.18 All pamphlets issued by the Agents should contain their contact details so that the prospective buyers can contact Agent to obtain the necessary access code.
- 2.19 On days other than show days, the nominated Agent must accompany any prospective buyer in and out of Estate, and normal access control clearance procedures will be applied.
- 2.20 Access cards will only be issued to approved Agents.
- 2.21 Agents are not allowed to generate access codes for prospective buyers/tenants. All prospective buyers/tenants to enter the Property in the company of the Agent and adhering to security protocol. Refer PHOA Security and Access Control Rules and Procedure obtainable from the Estate Manager or [www.pinehavenestate.co.za](http://www.pinehavenestate.co.za).

The following procedure must be adhered to for allowing prospective buyers into the Estate.

- a) The homeowner must obtain the amount of codes they wish to make available to the Agent.
- b) The access codes are to be shared with the Agent.
- c) The security guards will not be allowed to phone the Agent.
- d) The Agent will keep note of the access codes for when they are contacted by the prospective buyers beforehand.
- e) The Agent must take responsibility for his/her actions, and management of the codes and adhere to PHOA Security and Access Control Rules and Procedures at all times.
- f) The homeowner takes responsibility for the actions of the visitors, within the boundaries of the Estate.
- g) The Estate Manager will issue a list and give it to security on the Friday preceding the show day to indicate, which houses are on show.

- 2.22 The Estate does not allow houses to be put on show over long weekends or over the December holiday period.
- 2.23 No Agents shall claim in any way to represent the Association.
- 2.24 Agents shall not canvass, advertise, and hand out flyers or similar material for property transactions on a door-to-door basis in the Estate.

### **3. NON-ACCREDITED ESTATE AGENCIES OR PRIVATE OWNERS**

- 3.1 Owners may elect to sell their property privately, but shall be subject to the same rules as Agents with regard to marketing and selling their properties.

- 3.2 Private Owners may not form part of the weekly maps and handouts, which are issued prior to entering the Estate to prospective buyers on show days.
- 3.3 Non-accredited Estate Agencies may not enjoy the privileges under these procedures. No “For Sale” or “Sold” boards will be permitted nor will they be included in show day hand out maps. Their prospective buyers will not be assisted with access by security.

#### **4. TENANTS PLACED BY OWNERS OR ESTATE AGENCIES**

- 4.1 The conduct of tenants placed and/or managed by Agents are the ultimate responsibility of the Owner. However, the Estate shall require managing Estate Agents to assist Owners, particularly in the case of absentee or remotely located Owners in enforcing tenant compliance with Estate Rules.
- 4.2 Agents managing properties within the Estate on behalf of Owners, or Owners renting out their own properties, shall be required to register such activity with the Estate.
- 4.3 Tenants and Owners shall be required to sign an acceptance of the Estate Rules prior to any access devices being issued to them.
- 4.4 No Owner may enter into a lease of a property on the Estate unless such lease contains a copy of these Rules and an acknowledgement of receipt thereof by the tenant. Owners are responsible for ensuring that their tenants abide by the Estate rules.
- 4.5 Every Owner shall within 72 hours of entering into a lease agreement over a property on the Estate, notify the Estate Manager in writing (Refer Annexure B) giving details of:
- The name and contact details of the Owner and the Lessee concerned;
  - The duration of the Lease;
  - The name and contact details of the Estate or Rental Agent managing the lease on behalf of such Owner.
  - Certified copies of the Identity Documents of the lessee and all occupiers of the property under him /her must be filed with the Lease Agreement.
  - A SAP clearance of the lessee.
- 4.6 Where an Owner does not wish to utilise the services of an approved Estate Agent, he may select an Estate Agent of his own choosing. However, such an Agent must arrange to meet with the Estate Manager and present a copy of his/her Fidelity Fund Certificate and undergo an induction process covering the rules of the Estate, after which he/she will be presented with a letter of authorisation, a copy of which may be called for at any time. The purpose of this is to protect prospective buyers and the Estate against unscrupulous and unethical Estate Agents.

#### **5. GENERAL**

- 5.1 The Estate reserves the right to withdraw, cancel or not to grant the accreditation of an Agency or any individual Agent or representative of that Agency, at the discretion of the Board of Directors. This may result from a contravention(s) of the Estate Rules, or for any other reason the Board of Directors believes serious enough to warrant cancellation.

- 5.2 The registered Owner of a Property, will remain a member of the Estate and is bound by its Memorandum of Incorporation, Articles of Association and Rules.
- 5.3 This full procedure must be read and complied with in conjunction with the Estate rules which can be obtained from the Estate Manager or [www.pinehavenestate.co.za](http://www.pinehavenestate.co.za).
- 5.4 It is the obligation of the Agent (or the Owner in the case of private sales) to provide the prospective purchaser or tenant with a copy of the Estate Rules and obtain an acceptance signature from that purchaser. The Estate shall not provide a clearance certificate until such acceptance is received.
- 5.5 The Board of Directors may change these rules from time to time in terms of their powers which the homeowners mandated them to carry out as per the Memorandum of Incorporation. Failure on the part of the approved Agents not to meet the 12h00 deadline will result in them being treated as non-accredited Agents.
- 5.6 The Pinehaven Country Estate Management office hours are as follows: Monday to Friday 08h00 to 14h00 (Excluding Public Holidays and Weekends).
- 5.7 Public auctions to be arranged with consent of the Estate Manager. Normal Security and Access Control Procedures to be adhered to.
- 5.8 Disclosure of Information - Whereas the Association is in a confidential relationship with its members, the Association shall not disclose any information relating to any member's details (i.e. ownership status, address, telephone numbers etc.) to any Agent.

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**ANNEXURE A**

**ESTATE AGENTS / AUCTIONEERS ACCREDITATION FORM**

Version 01.08.2016

Name of Estate Agency:	
Certificate Number:	
Physical Address:	(which the Estate Agent hereby nominates as its <i>dominium citandi et executandi</i> for all purposes)
Name of Estate Agent:	
Cell Phone Number:	
Telephone Number:	
Email Address:	

I, the aforementioned Agent acknowledge having received a copy of the documents listed below, and undertake to make any prospective purchasers or tenants fully aware of the contents thereof:

The undermentioned documents available on the website: [www.pinehavenestate.co.za](http://www.pinehavenestate.co.za)

- a. Articles of Association
- b. Rules of Homeowners Association
- c. Security and Access Control Rules
- d. Architectural Guidelines and Aesthetic Rules
- e. Contractor Rules
- f. Estate Agent Accreditation Rules

Upon signature of an agreement of sale or agreement of lease, I undertake to provide the Estate Manager with the personal particulars of the purchaser or tenant.

I acknowledge and agree to comply with such rules as may be laid down by the Homeowners Association from time to time concerning the marketing of properties in the Estate.

Estate agents must be in possession of a valid certificate from the Estate Agency Affairs Board. (Copy of certificate to be submitted together with this form)

Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
Estate Agent

\_\_\_\_\_  
PHOA

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

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**ANNEXURE B**

**NEW OWNER / TENANT INFORMATION**

Version 01.08.2016

Stand Number:		
	<b>Owner 1</b>	<b>Owner 2</b>
Full Name & Surname:		
ID Number:		
Postal Address:		
Cell Phone Number:		
Telephone Number:		
Email Address:		
	<b>Tenant 1</b>	<b>Tenant 2</b>
Full Name & Surname:		
ID Number:		
Postal Address:		
Cell Phone Number:		
Telephone Number:		
Email Address:		

Do you consent to your email address / cell number being used for Pinehaven Estate communication?	Yes	No
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I, the aforementioned owner/tenant acknowledge having received a copy of the documents listed below.

The undermentioned documents available on the website: [www.pinehavenestate.co.za](http://www.pinehavenestate.co.za)

- a. Articles of Association
- b. Rules of Homeowners Association
- c. Security and Access Control Rules
- d. Architectural Guidelines and Aesthetic Rules
- e. Contractor Rules
- f. Estate Agent Accreditation Rules

I acknowledge and agree to comply with such rules as may be laid down by the Homeowners Association from time to time.

Signed at \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
Signed Purchaser / New Owner / Tenant

\_\_\_\_\_  
Print Name