

CONDUCT RULES

TUSCANY RIDGE HOME OWNERS' ASSOCIATION

1. OBJECTIVES

- 1.1 The main objectives of the Tuscany Ridge Home Owners' Association are:
- 1.1.2 the care, maintenance, upkeep and control of the Common Areas, control over the design and maintenance of buildings and other improvements or services both erected or installed on Unit Erven and on the Common Areas, and the promotion, advancement and protection of the communal and group interests of the Members generally;
 - 1.1.3 to promote and enforce standards, not least of which should be the pleasant atmosphere in the Development, in such a way that Members may derive the maximum collective benefit therefrom;
 - 1.1.4 promote and enforce acceptable aesthetic, environmental and architectural styles and design criteria for the Development in order to achieve the harmonious development thereof.

2. ALTERATIONS TO UNIT ERVEN

- 2.1 No new constructions, renovations, alterations or additions are permitted without prior approval of the Trustees in order to harmonise the architectural style, design criteria and the materials to be used within the Development.
- 2.2 Owners are obliged to submit all building plans for new constructions, renovations, alterations or additions (if required) to the Trustees for examination and approval prior to submission of such plans to Council. The Trustees shall endeavour to make their decision known within one (1) week of the plans being submitted to them.
- 2.3 All building, structures, alterations and improvements on Unit Erven shall comply with the provisions of the General Design Guidelines (if applicable).
- 2.4 Television and radio antennas or dishes are to be affixed on the back/side wall of a dwelling with prior approval of the Trustees. No front facing fittings are permitted.
- 2.5 An owner or occupier of a Unit Erf shall not, without the consent in writing of the Trustees, erect his own washing lines. Washing, laundry and similar items must be hung inside the boundary walls of Unit Erven and may not be visible from the outside when standing next to such boundary walls.
- 2.6 No dumping of material or goods is permitted on any Unit Erf or the Common Areas, including road verges. Owners shall be liable for all costs incurred by the Trustees in rectifying any damage or the removal of such material or goods.
- 2.7 No owner or occupier shall be entitled to demolish, paint or change, or in any way decorate or add to any portion of any fence as constructed by the Developer.
- 2.8 No alteration or addition or change to the colour scheme may be made to any building or structure on the Unit Erven without the prior written consent of the Trustees.

3. REFUSE DISPOSAL

3.1 Owners and occupiers shall:

- 3.1.1 maintain on his or her Erf, in a hygienic and clean condition, a receptacle provided by the local authority;
- 3.1.2 save as provided for in sub-rules 3.1.3 and 3.1.4 hereunder, ensure that such receptacle is kept in such a manner and on such a place so as not to be visible from the outside of the Erf;
- 3.1.3 for the purpose of having the refuse collected, place such receptacle at the appointed place only on the day of removal;
- 3.1.4 return his receptacle to his or her Unit Erf on the same day of collection.

4. USAGE OF UNIT ERVEN AND COMMON AREAS

- 4.1 No squatting on the Development or Erven is permitted.
- 4.2 All Erven/properties are to be neat at all times, front and back. If not this shall be effected by the Association at the expense of the owner.
- 4.3 Watering of lawns and gardens must be done regularly in order to advance the appearance of the total Development.
- 4.4 Mowing of lawns and maintenance of gardens must be undertaken regularly to reflect a neat appearance at all times (front and back).
- 4.5 Post boxes must be emptied daily.
- 4.6 Tuscany Ridge is strictly a residential complex. No owner or occupier shall use or be permitted to use any Unit Erf or portion thereof for anything other than strictly residential purposes.

Deliveries, heavy vehicles could cause damage, parking problems, using garage space for storing goods then cars/vehicles are parked in roads, etc. – more traffic on the roads of the complex, higher pressure on gates, maintenance, etc.

- 4.7 No owner or occupier shall, without the prior written consent of the Trustees, place any sign, notice, flag, billboard or advertisement of any kind whatsoever on any part of the Common Areas or his Unit Erf, so as to be visible from outside; provided that owners or occupiers may place or display security signs, not exceeding a size prescribed from time to time by the Trustees, on their Unit Erven.
- 4.8 Owners and occupiers shall not deposit, throw, or permit or allow to be deposited or thrown, on the Development, any rubbish including dirt, cigarette butts, food scraps, or any other litter whatsoever.

5. VEHICLES AND PARKING

- 5.1 Paving/driveways shall reflect neat in appearance at all times (front and back) and all care shall be taken to avoid oil leakages from vehicles.
- 5.2 Parking of vehicles in the road is not allowed in order to prevent obstruction of roadways. Cars parked in driveways are not to have bumpers extending over the curb stone. No owner or occupier, or their visitors, shall park or stand any vehicle in such a way that it causes an obstruction, nuisance or danger to other owners or occupiers.
- 5.3 The Trustee Committee, or any such other person authorised by them, may cause to be

removed or towed away, or its wheels to be clamped, at the risk and expense of the owner and/or driver of the vehicle, including payment of a release penalty to be determined by the Trustees from time to time, any vehicle parked, stood or abandoned in contravention of these Rules.

6. PETS

- 6.1 The word PET in these Rules shall include any animal, bird, reptile or fish.
- 6.2 An owner or occupier shall not without the consent in writing of the Trustees, and subject to any reasonable conditions that may be imposed by them from time to time, keep any animal, insect, reptile or bird ('pet') on the Development
- 6.3 With regards to cats and dogs, each Unit Erf shall, subject to sub-rule 6.2 above, be restricted to either keep one small dog or one cat. No additional cats and/or dogs shall be permitted. For purposes of this rule a 'small dog' shall be shorter than 40 cm (measured from the ground to the middle of the dog's back). Notwithstanding the aforementioned, all owners and occupiers of Unit Erven who previously obtained the written consent of the Trustees to keep pets exceeding the maximum number prescribed herein, shall be allowed to keep the specific pets. Permission to keep an additional pet shall expire upon its death, or when such pet permanently leaves the Development, after which the owner or occupier, as the case may be, shall not be permitted to replace such pet and shall comply with the restrictions recorded herein. .
- 6.4 All pets shall be kept inside the Unit Erven and may not be left unattended or uncontrolled in the garden and yard areas of such Unit Erven.
- 6.5 All dogs and cats shall be spayed or neutered as the case may be; provided that this shall not apply to pets being kept, with the permission of the Trustees, prior to adoption of these Rules.
- 6.6 Dogs shall not be permitted to roam freely on the Common Areas. At all times when dogs are on the Common Areas they shall be controlled on a leash not exceeding 2 metres in length and under the control of a responsible person. Such persons shall be responsible to ensure that the dog does not soil or damage any portion of the Common Areas or another Unit Erf or cause a nuisance or inconvenience to any person legally on the Development. Such person shall furthermore be responsible to remove and dispose of in a sanitary fashion any excrement or other offensive matter left by the dog under their control.
- 6.7 Uncontrolled barking, yelping or howling constitutes an unacceptable nuisance and owners and occupiers are required to take suitable action to prevent such a nuisance or disturbance.
- 6.8 These Rules apply to all owners and occupiers at Tuscany Ridge and to their guests, visitors and lessees, who are equally subject to all of the requirements and conditions mentioned herein.
- 6.9 The Trustees reserve the right to consider any particular circumstance not falling within the ambit of the aforementioned sub-rules and to institute such additional conditions as may be warranted or necessary in such circumstances.
- 6.10 In the event of any breach of these Rules or any additional conditions imposed the Trustees reserve the right to withdraw their approval for the keeping of any Pet.

7. NOISE AND NUISANCE

- 7.1 No owner or occupier may permit anything to be done in his house, Unit Erf or on the Common Areas, which constitutes a nuisance, inconvenience or an unreasonable invasion of the privacy of the other occupiers, or permit or cause any disturbance or allow his or her children or visitors to cause any disturbance which in the opinion of the Trustee Committee would constitute a nuisance or an invasion of the right of privacy of other occupiers.

7.2 All television, radio, and other appliances, instruments or apparatus emitting sound, including musical instruments, and noise emanating from people or pets, must be kept at audio levels which are reasonable in the discretion of the Trustees.

7.3 Owners and occupiers shall maintain quietness in their houses, on their Unit Erven or the Common Areas, during the following days and/or times:

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7.3.1 After 10pm on Sundays through to Thursdays;

7.3.2 After 12 midnight on Fridays and Saturdays; and

7.3.3 Sunday afternoons from 2pm to 4pm.

8. MAIN ENTRANCE / GATES

8.1 Operational procedures to operate the gates shall be distributed. Owners and occupiers shall adhere to these procedures to limit unnecessary expenses / maintenance costs.

9. DAMAGE ALTERATIONS OR ADDITIONS TO THE COMMON AREAS

9.1 An owner or occupier shall not mark, paint, drive nails or screws or the like into, or otherwise damage or alter, any part of the Common Areas without the prior written consent of the Trustee Committee.

10. OWNER'S FAILURE TO MAINTAIN

10.1 If an owner fails to repair or maintain his Erf, including the dwellings or structures thereon, in a state of good repair and any such failure persists for a period of 30 (thirty) days after the giving of written notice to repair or maintain given by the Trustees or the Managing Agent on their behalf, the Trustees shall be entitled to remedy the owner's failure and to recover the reasonable costs of doing so from the owner.

11. BINDING NATURE

11.1 The provisions of these Rules and any conditions imposed in terms thereof shall be binding on the owner of any Erf and any lessee or other occupier of any such property and it shall be the duty of the owner to ensure compliance with these Rules by his lessee or occupier, including employees, guests and any member of his family, his lessee or occupier.

12. NEW TENANTS OR OWNERS

12.1 Should any owner sell or lease his property, he or she must in writing advise the Trustees in advance of occupation of the name(s) and contact details of the new owner(s) or tenant(s).

12.2 It shall be the duty of the owner to ensure that a copy of the Constitution, the Conduct Rules, Design Guidelines and any other ancillary documents, is submitted to a prospective purchaser or lessee of his Unit Erf prior to concluding a Deed of Sale or Lease Agreement, as the case may be.

12.3 The Trustees shall from time to time, and in the manner and form prescribed by them, prepare documentation for signature by the Owner, Agent or Lessee, as the case may be, to ensure compliance with sub-rule 12.2 above. The Owner shall ensure that the affected parties sign the forms and shall submit the originals to the Managing Agent, or any such other person appointed by the Trustees, prior to, or on, the date of concluding the Deed of Sale or Lease Agreement, as the case may be. A copy of the existing confirmation form is attached herewith.

13. STORAGE OF FLAMMABLE MATERIAL AND OTHER DANGEROUS ACTS

- 13.1 An owner or occupier shall not store any flammable material, or do, or permit, or allow to be done, any other dangerous act(s) in the Development in contravention of any municipal bylaws.

TUSCANY RIDGE HOMEOWNERS' ASSOCIATION

Conditions governing
SALES/RENTALS of properties in the complex situated on the corner of
Mousebird Way and Pintail Road, Somerset West

1. OWNER(S), PROPERTY AGENTS or LETTING AGENTS UNDERTAKING

I, the undersigned Owner / duly authorised Agent, hereby confirm that I have submitted the latest copy of the Tuscany Ridge CONSTITUTION & CONDUCT RULES, for the prospective purchaser or lessee to read prior to making an offer to purchase or lease.

As the Agent/ Owner:

Name: _____
(Print)

Signature/s: _____

Date: _____

Acting on behalf of the seller/s or Lessor/s

Of Erf Number: _____

Mousebird Way / Pintail Road (delete as appropriate)
Somerset West
7130

2. PROSEPTIVE PURCHASER(S) LESSEE(S) UNDERTAKING

I/We, the undersigned Purchaser(s) / Lessee(s), hereby confirm that I/we have received the latest copy of the Tuscany Ridge CONSTITUTION & CONDUCT RULES to read prior to making an offer to purchase or lease.

Prospective Purchaser/s or Lessee/s:

Names: _____

Signature: _____

Date: _____

NOTE: Agents to keep this signed copy for their records and in the event of a sale, a copy of this document must be forwarded to the appointed Conveyancing Attorney by the property agent.