

▲ THE ISLANDS HOME OWNERS ASSOCIATION



MEMBERS RULES AND REGULATIONS
REVISION 0 (NOVEMBER 2007)

For Office Use:
Stand:
Owner:
Contractor/Supplier:

Note: Owner and Contractor/Supplier to please initial each page and sign on final

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A. INTRODUCTION

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1. The Home Owner's Association (hereinafter "HOA") will be a company incorporated under Section 21 of the Companies Act, 1973. The company's memorandum and articles of Association (the "memorandum" or the "articles of association") contain provisions, which supplement these rules. Members/residents must acquaint themselves with the Memorandum and articles of association, THE ISLANDS ESTATE architectural and aesthetical guidelines and this Home Owner's Association Rules and Regulations. Ignorance of such shall not constitute a reason for non-compliance.

2. The broad objectives of the HOA are the following:
 - 2.1. To control the character and architectural standards of buildings and other structures to be erected on the estate.

 - 2.2. To administer the security in and relating to the estate.

 - 2.3. To control the use of roads and open areas on the estate, subject to all local, provincial and National laws.

 - 2.4. To provide the maintenance of the outer boundary wall of the estate, sidewalks and open areas on the estate.

 - 2.5. To provide controls for the keeping of dogs and other animals on the estate.

 - 2.6. To implement and control security procedures for admission to the estate and generally on the estate.

 - 2.7. To issue and thereafter vary, alter, retract or add to rules and regulations for the administration and control of properties on the estate and the owners and other occupants of properties on the estate as well as the movement of vehicular traffic on the estate.

 - 2.8. To make rules for the completion of the erection of homes and other structures on stands on the estate within prescribed periods and for the repurchase of stands by the developer should the time periods not be complied with.

 - 2.9. To receive transfer of those stands on the estate on which buildings and/or other structures will be erected to control the entrance to and exit from the estate, the specific stands that may from time to time be changed from those indicated on any existing plans or models.

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2.10. To levy contributions from its members of such amounts and so regularly as the directors of the HOA shall determine as sufficient to defray the expenses of the HOA, in order to comply with these objectives, as more fully set out herein. Members are obliged to effect payment of these monthly levies upon receipt of statement from the HOA.

2.11. To levy penalties upon members contravening these rules, in order to enforce due compliance with the rules by all members. Members are obliged to effect payment of these penalty levies upon receipt of statement from the HOA.

B. MEMBERSHIP

1. Every person who receives transfer of a stand on the estate will upon registration of transfer automatically become a member of the HOA. If the party taking transfer is not a natural person, it will be obliged prior to transfer to nominate a natural person to represent it and to notify the HOA of the full names, street address and postal address for the said representative, failing which the HOA may choose the identity of the representative from amongst the directors, members, trustees, partners or other similar office bearers of the owner. Every person who shall have become a member of the HOA shall automatically cease being a member as soon as such person ceases being the registered owner of a stand in one of the estate. The developer shall be a member of the HOA until it no longer owns any stands in any of the estate. The subscribers to the memorandum and articles of association of the HOA shall be deemed to be agents of the developer and shall be entered as such in the company's register of members in respect of the stands held by the developer from time to time. Where a stand is owned by more than one person all the registered owners shall together be deemed to be one member of the HOA shall together have the rights of one member of the HOA, shall jointly and severally be liable for the member's obligations and shall together exercise one vote at meetings of the HOA.

C. RULES BINDING

1. Upon the HOA being established (as the abovementioned company) the rules set out below in this document shall become binding on all members of the HOA as well as occupants of stands on the estate who are not also owners and thus not members of the HOA. In this regard the registered owners of stands on the estate are responsible, as members of the HOA, to ensure that occupants of their stands who are not members of the HOA

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as well as the member's families, tenants, visitors, friends, employees, contractors and invitees abide by the rules of the HOA. It is important to note that the rules provide any act or omission by any of the aforesaid persons which, had it been done or omitted by the member would have amounted to a breach of any rule of the HOA, will be deemed to have the act or omission of the member and hence a breach of the rules by the member.

2. In the quest for a happy and harmonious community residents of the estate are obliged to use and enjoy the properties they own and/or occupy as well as the public areas and open spaces in accordance with their own rights, but as curtailed by the rights of other members or occupants.
3. The under mentioned rules provide for disputes to be determined in a manner more fully set out in the articles of association.

D. VARIATION OF RULES

1. Subject to the *proviso* that any provision contained in the HOA's memorandum or articles of association may only be amended in terms of the relevant provisions of the said memorandum and articles of association and of the Companies Act, 1973, the members of the HOA may from time to time vary, alter or retract or add to these rules and shall do so at annual or extra-ordinary general meetings of members as provided for in the memorandum and articles of association, provided that in spite of any contrary provision of the memorandum or of the Companies Act, any such variation, alteration, retraction or addition of:
 - 1.1. The under mentioned rules shall be done by two-thirds majority vote taken at general meeting of members;
and
 - 1.2. The memorandum or articles of HOA shall be done strictly in accordance with the relevant provisions of the Companies Act, subject to the *proviso* that any provision of the memorandum or articles of HOA may only be varied, altered, retracted or added to with an 80% (eighty percent) majority vote of members of the HOA taken at a general meeting of members.
 - 1.3. As stated in 4 above, all rules that are applicable to members of the HOA (in their capacities as owners of stands on the estate) are, *mutatis mutandis*, applicable also to residents who are not members of the HOA. Hence, unless the context clearly indicates otherwise, references to the owner in these rules are

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references, *mutatis mutandis*, also to other occupants (without, however, detracting from the liability and/or obligations of members who are owners).

1.4. No transfer of any stand on the estate may be registered in the Deeds Registry unless a clearance certificate has been issued by the HOA as provided for hereinafter. A fee is payable for the issue of each clearance certificate.

E. LEVIES

1. The HOA must determine the levies payable by owners and take appropriate steps to collect same when due. Interest and a penalty will be levied on payments in arrears.
2. Levies will be payable in equal parts by all owners, irrespective of the size or value of their properties. However, the developer shall only become liable to effect payment of levies in respect of proclaimed stands still registered in its name one year after the proclamation of each such estate.
3. The HOA will prepare a budget for approval by members at its annual general meeting.
4. The HOA must issue a clearance certificate before any property may be transferred. This clearance confirms that an owner has paid all monies due to the HOA, that the new owner has become a member of the HOA and that the transferring owner is not in breach of the Rules and Guidelines;
5. The abovementioned provisions contained in this introduction are of an operative nature and are therefore binding provisions of these rules.

F. CONDUCT RULES

INCORPORATION OF MEMORANDUM AND ARTICLES OF ASSOCIATION

The provisions of the memorandum and articles of Association of the HOA as well as the provisions of the introduction to the document above are incorporated into these rules, *mutatis mutandis*, as if specially repeated herein.

1. STREETS, SIDEWALKS AND OPEN SPACES

All occupants intend the streets of the estate for vehicular and pedestrian traffic. Drivers or motor vehicles do not have preferential right to use and are obliged to afford all other users of roads an equal use right.

The speed limit is restricted to 30km per hour. Save for the above, Gauteng Road Traffic Ordinance shall remain in force. Any contractor, visitor, employee or agent of any member/resident who, in the sole opinion of the estate manager or the HOA, habitually contravenes any of the provisions of this Code of Conduct may be banned from the estate.

- 5.2. Parents are obliged to ensure that their children do not play in the streets. In spite of this provision a driver of a motor vehicles is obliged to take special care while driving so far as to allow for the possible presence of people in the streets.
- 5.3. Engine powered vehicles are not allowed to drive anywhere except in the streets of the estate. Vehicles are not allowed in parks or on pavements.
- 5.4. Parking on sidewalks and in the streets opposite traffic islands, is not allowed. Any vehicle parked or abandoned in the common area for a period exceeding fourteen days maybe removed or towed away at the risk and expense of the owner, unless prior written permission has been obtained from the manager.
- 5.5. No sign, notice, board or advertisement of any kind whatsoever may be placed on the common area or on or in the vicinity of any stand within the estate with the exception of the standard building contractor's signboard details of which are to be obtained and purchased from the HOA. This restriction does not apply

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to the developer and/or its agent(s) in respect of activities relating to the sale and development of stands or to the HOA as such.

- 5.6. No motorised vehicle of any description (other than golf carts) not requiring the driver/rider thereof to be in possession of a valid driver's licence may be used on the estate. Drivers of golf carts within the estate must be in possession of a valid driver's licence for a motorcar.
- 5.7. Abnormally large vehicles may only travel on the roads within the estate if prior written approval had been obtained from the HOA.

2. STREETSCAPES

1. Every owner is obliged to maintain, trim and clean and tidy manicure the area between the road kerb and the boundary of his property.
2. Garden fences/walls and outbuildings forming part of the streetscape shall be maintained, kept neat and clean and painted where necessary.
3. Caravans, trailers, wendy house, tool sheds, equipment, tools, engine and vehicle parts as well as accommodation for pets, are to be sited out of view and screened from neighbouring properties.
4. Building materials may not be dumped on the sidewalks or other open spaces under any circumstances.
5. No trees or plants on sidewalks and no sidewalk may be removed without the permission of the HOA. Plants may not interfere with pedestrian traffic or obscure the vision of motorists.
6. Should an owner or occupant fail to comply with any of the rules, the HOA is entitled to carry out the necessary work (or have it done), and to claim payment of its expenditure from the owner together with interest at a rate *per annum* which from time to time is equal to the prime rate of interest charged by ABSA Bank Limited from time to time, plus 2% (two percent).

3. ENVIRONMENTAL MANAGEMENT

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1. No rubble and refuse may be dumped or discarded in any public area, including the parks, streets and waterways.
2. A particular appeal is made to residents to leave open spaces they visit in a cleaner condition than that in which they were found. Residents are requested to develop the habit of picking up and disposing of any litter encountered in the open spaces and streets.
3. *Flora* may not be damaged, trimmed or removed from any public or common area.
4. *Fauna* of any nature may not be chased, killed or trapped in any public area, be it by people or by dogs.
5. Residents are responsible for maintaining trees and watering and manicuring plants and shrubs on their pavements by the HOA.
6. Residents are obliged to maintain gardens in a neat, clean and manicured condition.
7. Residents shall ensure that declared noxious *flora* are not planted and do not grow in their gardens.
8. Swimming pool water must be canalised into the storm water system and not into the waterways.
9. Vacant stands must be kept clean to the satisfaction of the HOA. Owners are responsible to remove rubble dumped on their stands even if dumped by others.
10. Should any owner or occupant fail to comply with any of the above rules, the HOA is entitled to do the necessary work and to claim payment of its expenditure from the owner or occupant together with interest at a rate *per annum*, which from time to time is equal to the prime rate of interest charged by the Bank plus 2% (two percent)
11. General refuse, garden refuse and refuse bags may not be placed on the pavement, except on the scheduled days for collection.

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12. No firearm, pellet gun, catapult, bow and arrow or any other weapon may be used on or in the vicinity of the estate.
13. Littering of any kind in the common area or waterways, including the disposal of cigarette stubs, is strictly forbidden.
14. No fires of any kind are permitted anywhere on the estate except at an indoor fireplace or outside braai area.
15. No invasive alien vegetation (i.e. plants not indicated on the plant list of THE ISLANDS ESTATE) is permitted anywhere on the estate. Where a member/resident fails to remove such vegetation the HOA will be entitled to remove it at the cost of the member concerned, and the employees or agents of the HOA will have free and unrestricted access to the stand concerned for this purpose.
16. No fireworks or any explosive device of any description may be used anywhere on the estate without the prior written consent from the manager which he may decline in his absolute discretion.
17. No member/resident shall dam or alter the flow of any watercourse, spring or stream within the common area or on any stand such as would result in a nuisance or in loss or damage to any other stand or to the common area.
18. Fishing is only allowed provided that owners obtain written permits from the HOA.
19. Boreholes are not allowed.
20. The HOA will regulate the usage of and entrance to the waterfront in order not to impact adversely on the wildlife.

4. INDEMNITY

1. The residents' use of the open space areas is entirely at their own risk at all times. Every member of the HOA hereby waives any right he may have or obtain against the HOA to claim any damages

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incurred by virtue of damage to or loss of property or the personal injury of the member associated while anywhere on the estate. Every member indemnifies the HOA against any such claim made by the member's spouse, child, parent, servant, guest or invitee, irrespective the cause of injury or loss.

2. In particular none of the HOA, the trustees, the estate manager or the developer nor any of their employees, servants or agents shall be responsible or liable in any way for any loss or damage to any building person or property anywhere on the estate howsoever and by whomsoever caused, and whether by any act or omission of any of the foregoing, and all members/residents on the estate hereby waive any claims which at any time might arise in consequence of any act or omission aforementioned.

5. ARCHITECTURAL STANDARDS

1. All building plans shall comply with the Architectural and Aesthetical Guidelines prepared by the developer and applicable to the estate, and must be approved by the Architectural Sub-committee of the HOA in order to assure such compliance. This applies also to any additions and alterations to existing structures. The Architectural Guideline is contained in the attached document marked as such.
2. Buildings may only be positioned upon such a spot as indicated on the site plan to be submitted together with the building plans for approval to the Architectural Committee as provided for in the Architectural Rules and Guidelines. Certain building line restrictions are applicable in respect of the estate.
3. Not more than one dwelling house may be erected upon each property.
4. Owners must ensure compliance with all rules pertaining to building operations and all contractors must be made aware of it and it must be incorporated in any building agreement.
5. All building rubble must be removed from the property and no incineration is allowed on the estate.
6. No occupation of a building on the estate will be allowed without a certificate of occupation from both the Madibeng local council and the HOA.

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6. GOOD NEIGHBOURLINESS AND USE OF PROPERTY

1. No business activity or hobby, which causes aggravation or nuisance to fellow occupants, may be conducted, including but not limited to auctions and jumble sales.
2. The volume of music or electronic instruments or other sources of noise, partying and the activities of domestic workers, as well as the use of vehicles, including motorcycles and boats, which create excessive noise, should be restricted to a level or should take place in such a manner as not to be heard on adjoining properties.
3. The use of power saws, lawn mowers and the like (electric mowers are preferred) should only be undertaken between the following hours on Mondays to Saturday 07h30 - 18h00.
4. Washing may only be hung on lines screened from the street and from neighbouring properties.
5. No outside lights that shine directly into a neighbouring stand or are otherwise intrusive or reasonably likely to be intrusive to any other resident shall be permitted.
6. Owners may only use their properties for residential purposes and no business may be conducted upon it. This clause is only applicable in respect of residential sites.
7. Owners are not allowed to overcrowd their dwellings.
8. Generators may not be used except when authorised thereto by management.

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7. SECURITY AND ACCESS CONTROL

- 1.1 Members shall report any difficulty they may encounter with any security guard, to the head of security or to the HOA, and shall not attempt any resolution or apprehend any security guard on their own. The security guards have a difficult job to perform. They may not be abused under any circumstances. However, adverse incidents will be dealt with, at the appropriate forum, by the HOA.
- 1.2 Security protocol at the gate must be adhered to at all times. Every owner with respect to people in their employ must conscientiously enforce the ID card or smart card system for permanent workers, temporary workers, and contractor representatives.
- 1.3 Every owner must request visitors to adhere to security protocol and residents are requested to always treat the security personnel in a co-operative and courteous manner. Every owner must ensure that contractors in their employ adhere specifically to the security stipulations of the Contractors Code of Conduct.
- 1.4 All attempts at burglary or incidence of fence jumping must be reported to a member of the security staff and / or Security Sub-committee.
- 1.5 Security is an Attitude: Members must be aware that they need to enforce and apply security to make it work. Do not hesitate to question suspicious persons not displaying formal ID cards.
- 1.6 The estate is manned 24 hours a day. All residents, visitors and contractors are required to adhere to the access control procedures at the gate. Details of the access control procedures can be obtained from the security Sub-committee.
- 1.7 The security centre at the gatehouse should be advised in advance of pending arrival of the visitors where possible, in particular relating to vehicle registration numbers and property to be visited should be provided.
- 1.8 The estate will be patrolled in a random basis by security guards as well as rapid response.

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- 1.9 Members/residents may be required to display a "THE ISLANDS ESTATE" disc on their vehicles at all times.

8. PETS

1. The HOA is entitled to allow certain categories of pets onto THE ISLANDS ESTATE, provided that:
 - 1.1 an owner has obtained a permit from the HOA in respect of each such pet before entering the Estate;
 - 1.2 the pet must be kept in such owners own home or within the fenced-off area as provided for in the Architectural Rules and Guidelines;
 - 1.3 the owner strictly complies with all rules pertaining to the issuing of such permit and if it is withdrawn by the HOA due to non-compliance with such rules, the owner is obliged to immediately remove the pet from THE ISLANDS ESTATE;
2. The local authority bylaws relating to pets will be strictly enforced.
3. Without the written approval of the HOA no person may keep more than two dogs and two cats on a property.
4. No poultry, pigeons, aviaries, wild animals or livestock may be kept on the Estate.
5. Pets are not allowed to roam the streets and common area of the estate, and especially not on boats or any vessel on the waterways.
6. Pets must be walked on a leash in public areas.
7. Should any excrement be deposited in a street or other public area, the owner of the pet shall immediately remove it.
8. Every pet must wear a collar with a tag indicating the name, telephone number, address of its owner. Stray pets without identification tags will be apprehended and handed to the Municipal Pound.
9. The HOA reserves the right to have a pet removed should it become a nuisance within the estate. The HOA has an unfettered discretion in this regard, but will not exercise the said right without first having directed a written notice to the owner furnishing details of the complaint and the

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complainant and affording the owner a reasonable opportunity to eliminate the cause of the complaint.

10. BOUNDARY WALLS AND FENCES

Each Stand situated on a boundary of the estate will be made subject to the seller's right (which will be ceded to the HOA) to have the boundary wall and/or fence of the estate erected on the Stand. The erection will be done in such a way as to ensure the minimum encroachment onto the Stand, but the specification and dimensions of the wall or fence are in the discretion of the seller, provided the height and width thereof is reasonable, bearing in mind the security thereof. The seller and or the HOA is/are entitled at all times to enter upon the relevant stands on the estate on which the security wall and/or fences is/are erected in order to maintain and/or replace such wall and/or fence or to inspect it.

LETTING

1. Members are permitted to let their houses provided that the member ensures that the tenant is acquainted with this rules and Regulations and the Articles of HOA, and procures that the tenant confirms in writing, prior to occupation, that everybody residing on the stand and all his/her guests, employees, contractors and agents shall comply with the provisions thereof for the duration of his/her tenancy.
2. Notwithstanding the provisions of clause 1 above, members shall not let their properties for use as a commune.
3. Should a tenant breach the provisions of clause 1 above, the HOA or estate manager may deny the member concerned the right to continue to let his/her house, and may take such action as they deem necessary or expedient at the cost of the member concerned to eject the tenant and all those claiming through or under the tenant from the property concerned.

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CLUBHOUSE

1. Once the clubhouse and other facilities have been completed, the HOA will introduce rules and regulations pertaining to same in order to promote and protect the rights of all owners.

WATERWAYS AND BOATING

1. Persons making use of the waterways, jetties and slipways do so at own risk.
2. Members are reminded that the same national laws, which apply to driving motor vehicles and the consumption of alcohol, apply to piloting boats.
3. Members are responsible for the maintenance of the waterway edge along their property. No objects, bottles, papers, plastic, liquid or any foreign matter may be deposited in the waterways.
4. The Estate's waterways are private and restricted to Members and their invited guests.
5. The waterways constitute of a wake-free zone. Boats on the waterways must not exceed a walking pace speed, at the same time ensuring that a minimum wake is caused.
6. The following international "rules of the road" must be observed by all persons in control of a boat on the waterways:
 - 6.1. No person under the age of sixteen may be in control of a power driven boat.
 - 6.2. All power driven vessels must endeavour to keep to the starboard (right hand side) of the waterways.
 - 6.3. Any overtaking vessel (whether powered or not) gives way to another.
 - 6.4. Always overtake another vessel on the port (left hand side).
 - 6.5. Power-driven vessels meeting end-on must alter course to starboard (right) to pass on the port (left) side of the other.

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- 6.6. When another vessel gives way to you, you are obliged to maintain course and speed.
- 6.7. When two power driven vessels are crossing with risk of collision, the vessel which has the other on its starboard (right) side must keep out of the way and avoid crossing ahead of the other.
- 6.8. No vessel of any kind is allowed to operate on the waterways between sunset and sunrise.
- 6.9. Power driven boats must give way to wind powered vessels, small sailing dinghies and canoes.
- 6.10. All boats must be registered and have their own licence numbers.
7. Loud music, rowdiness and shouting from boats are prohibited.
8. Dinghies and canoes may not be left along the embankment, but must be tied up to the member's jetties.
9. Out of consideration of the other Members, revving of engines out of the water is not permitted.
10. Anchors are not permitted to be thrown within the waterways, at the access waterways.
11. Boat motors may not be serviced or worked on within the waterways.
12. Member's visitors who wish to enter the waterways by boat must make prior arrangements with the Gate House security. They can only tie up at the jetty of the Member that they are visiting and only one visiting boat alongside a member's boat at his jetty is permitted.
13. Spillage of fuel from boats is extremely harmful to the eco system of the waterways. When filling boats, a spill proof system only, is allowed.
14. Two Stroke motors are bad polluters. Only four stroke or electric motors will be allowed by the end of 2007.

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15. Pumping out of bilges within the waterways is prohibited.
16. No emptying of toilets in the waterways is permitted.
17. No person is allowed to jump off the bridges into the waterways.
18. If a boat is moored at a jetty, no overnight occupation thereof is permitted.
19. Fenders at jetties must conform to the mooring system specified by the HOA.
20. Slipways must be kept clear when boats are not being launched / retrieved.
21. Boats may only be launched and retrieved between sunrise and sunset.
22. When not in use, boats and trailers must be stored at Member's homes.
23. No trailers may be left at slipways or on the roadside at any time.
24. No Swimming is allowed in waterways.

ENFORCEMENT

1. For the enforcement of the provisions of this rules and Regulations or the provisions of the Memorandum and Articles of HOA generally the trustees or the manager may;

give notice to the member/resident concerned to remedy any breach within such period as they may determine;

take or cause to be taken such action as they deem fit to remedy the breach of which the member/resident concerned may be guilty and debit the cost thereof, which shall be a debt due to the HOA, to his/her levy account, and which shall be payable as part of his/her levy on the first day of the following month and

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impose a fine in an amount determined by the trustees or the manager in their sole discretion on the member/resident concerned, which amount shall be a debt due to the HOA, shall be debited to his/her levy account and shall be payable as part of his/her levy on the first day of the following month.

2. Should the HOA or estate manager institute legal proceedings against any member/resident for the enforcement of any of the rights of the HOA, the HOA shall be entitled to recover all legal costs so incurred from the member/resident concerned, calculated as between attorney and client, including tracing fees and collection commission.
3. In the event of any breach of this Rules and Regulations or of any of the provisions of the Memorandum and Articles of HOA by any person residing on a members' stand or his guests, employees, contractors or agents, such breach shall be deemed to have been committed by the member himself; but without prejudice to the foregoing, the HOA or estate manager may take or cause to be taken such steps against the person actually committing the breach as they may in their discretion deem fit, in addition to any action which might be taken against the member concerned.
4. Complaints relating to the behaviour of another resident are to be lodged with the estate manager in writing, provided that the complainant has first attempted to settle the matter amicably with the other party. In the case of a serious contravention of the Memorandum and Articles of HOA, the Architectural and Aesthetical Guidelines or this Rules and Regulations, the estate manager may be approached without prior attempts at settlement between the parties.

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Acknowledgement

The above document, Member's Rules Revision 0 (November 2007), is acknowledged to be fully understood by the owner, who undertake to comply with all of the above, in addition to any further controls which may be instituted by the HOA from time to time in the form of a written notification and to ensure compliance by any sub-contractors and/or supplier employed by the owner.

.....
Owner's Signature

.....
Contractor/Supplier Signature

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Name

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Name

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Witness

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Witness

.....
Date

.....
Date

.....
Stand No

.....
Name of Contracting Company/Supplier

Tel No:

(Bus)

(Res)

(Cell)

Fax No:

Fax No