

ANNEXURE B2

RULES FOR THE CONTROL AND MANAGEMENT OF THE BUILDINGS TO BE KNOWN AS "KOWEE BEACH" (OR SUCH OTHER NAME AS MAY BE APPROVED BY THE REGISTRAR OF DEEDS) AND OF ERF 1852, PORT ALFRED ON WHICH THE BUILDINGS ARE SITUATED

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SCHEDULE 2

(Section 27(2)(a)(ii) of the Sectional Titles Act, 1971).

PRELIMINARY

1. The rules contained in this schedule shall not be added to, amended or repealed except by special resolution of the members of the Body Corporate in accordance with Section 27(2)(a)(ii) of the Sectional Titles Act, 1971.

INTERPRETATION

2. In the interpretation of these rules, unless the context otherwise indicates -
  - a) "Act" means the Sectional Titles Act, 1971 (Act 66 of 1971) as amended from time to time, and any regulations made and in force thereunder.
  - b) the words used shall bear the meanings assigned to them in the Act.
  - c) words importing -
    - i) the singular number only shall include the plural, and the converse shall also apply;
    - ii) the masculine gender shall include the feminine and neuter genders and the neuter gender shall include the masculine and feminine genders.

ANNEXURE BI

*Reviewed  
15/11/14*

RULES FOR THE CONTROL AND MANAGEMENT OF THE BUILDINGS TO BE KNOWN AS "KOWIE BEACH" (OR SUCH OTHER NAME AS MAY BE APPROVED BY THE REGISTRAR OF DEEDS) AND OF ERF 1852, PORT ALFRED ON WHICH THE BUILDINGS ARE SITUATED

SCHEDULE I

(Section 27(2)(a)(i) of the Sectional Titles Act, 1971)

PRELIMINARY

1. The rules contained in this schedule shall not be added to, amended or repealed except in accordance with Section 27(2)(a)(i) of the Sectional Titles Act, 1971, and subject to the provisions of Section 27(3) of the Act.

INTERPRETATION

2. In the interpretation of these rules, unless the context otherwise indicates -
  - a) "Act" means the Sectional Titles Act, 1971  
(Act 66 of 1971) as amended from time to time, and any regulations made and in force thereunder.)
  - b) the words used shall bear the meanings assigned to them in the Act.
  - c) words importing -
    - i) the singular number only shall include the plural, and the converse shall also apply;
    - ii) the masculine gender shall include the feminine and neuter genders and the neuter gender shall include the masculine and feminine genders.
  - d) the headings to the respective rules are provided for convenience of reference only and are not to be taken into account in the interpretation of the rules.

DOMICILIUM CITANDI ET EXECUTANDI

3. The trustees shall from time to time determine the address constituting the domicilium citandi et executandi of the body corporate as required by Section 29(1)(h) of the Act, subject to the following -
- a) such address shall be situate in the magisterial district of Bathurst;
  - b) until otherwise determined by the trustees, the domicilium citandi et executandi shall be at "KOWIE BEACH", WEST BEACH DRIVE, WEST BEACH, PORT ALFRED;
  - c) no change of such address shall be effective until written notification thereof has been received by the registrar.

TRUSTEES OF THE BODY CORPORATE

Qualifications; Appointment and Election;

Tenure of Office; Remuneration; Indemnity.

4. (1) There shall be not less than three nor more than seven trustees; provided that where there are only two or three owners, all the owners who are natural persons and one nominee of each owner who is a juristic person, shall be the trustees.
- (2) With effect from the date of registration of these rules, the trustees shall be
- i) J.P. van der Westhuizen
  - ii) D.G. Venter
  - iii) H. Benz

who shall hold office until the first annual general meeting of the body corporate when they shall retire but be eligible for re-election.

Qualifications

5. A trustee or alternate trustee shall not be required to be an owner or the nominee of an owner who is a juristic person to qualify for office as a trustee.

Election of Trustees

6. Save for the provisions of sub-rule 2 of rule 4, the trustees shall be elected at each annual general meeting and shall hold office until the next succeeding annual general meeting, but shall be eligible for re-election.

Nominations

7. Nominations for the election of trustees at any annual general meeting shall be given in writing so as to be received at the address of the body corporate not later than 48 hours before the annual general meeting.

In the event of no nominations being received, the existing office bearers are automatically re-elected as the trustees.

Vacancy in Number of Trustees and Co-option

8. The trustees may fill any casual vacancy in their number or co-opt an additional trustee, provided that the number of trustees shall never exceed seven, but the trustee so appointed or co-opted shall hold office only until the next annual general meeting when he shall retire and be eligible for re-election as though he had been elected at the previous annual general meeting.

Alternate Trustees

9. (1) Subject to the consent of his co-trustees, a trustee may appoint another person, whether or not the latter be the owner of a unit, to act as his alternate during his absence or inability to act as a trustee.
- (2) An alternate trustee shall have the powers and be subject to the duties of the trustee by whom he was appointed.
- (3) An alternate trustee shall cease to hold office if the trustee appointing him ceases to be a trustee or if his appointment is revoked by the trustee who appointed him.

Remuneration

10. (1) Trustees who are owners shall not be entitled to any remuneration in respect of their services as such; provided that the body corporate shall reimburse to the trustees all disbursements and expenses actually and reasonably incurred by them in carrying out their duties and exercising their powers.

- (2) The body corporate may remunerate trustees who are not owners at such rate as may be agreed between the body corporate and such trustees, and such trustees shall further be entitled to have refunded any disbursements and expenses incurred by them in the circumstances envisaged in sub-rule (1) of this rule.

Acts Performed

11. Any act performed by the trustees shall, notwithstanding that it is after the performance of the act discovered that there was some defect in the appointment or continuance in office of any trustee, be as valid as if such trustee had been duly appointed or had duly continued in office.

Indemnity

12. Every trustee, agent or other officer or servant of the body corporate shall be indemnified by the body corporate against all costs, losses, expenses and claims which he may incur or become liable to by reason of any act done by him in the discharge of his duties, unless such costs, losses, expenses or claims are caused by the gross negligence, wilful default or fraudulent act of such person; and it shall be the duty of the trustees to pay such indemnity out of the funds of the body corporate.

Disqualification of Trustees;

Removal From Office.

13. A trustee shall cease to hold office as such -
- a) If by notice in writing to the body corporate he resigns his office.
  - b) If he is or becomes of unsound mind.
  - c) If he surrenders his estate as insolvent or his estate is sequestrated.
  - d) If he is convicted of an offence which involves dishonesty.
  - e) If by resolution of an Extraordinary General Meeting of the body corporate, he is removed from his office.
  - f) If he is or becomes disqualified by law to act as a director of a company.

14. The body corporate may at an extraordinary general meeting remove any trustee before the expiry of his term of office and appoint another trustee in his place to hold office for the unexpired part of the term of office of the trustee so removed.

Meetings of Trustees;

Quorum; Chairman; Voting.

When to be Held and Notice

15. (1) Subject to the next succeeding sub-rule, the trustees may meet together for the despatch of business, adjourn and otherwise regulate their meetings as they think fit.
- (2) A trustee may at any time convene a meeting of the trustees by giving to the other trustees not less than seven days' written notice of a meeting proposed by him, which notice shall specify the reason for calling such a meeting; provided that in cases of urgency, such shorter notice as is reasonable in the circumstances may be given.

Quorum

16. (1) At a meeting of trustees, two trustees shall form a quorum where there are four or less than four trustees; three trustees shall form a quorum where there are five or six trustees; and where there are seven trustees, four trustees shall form a quorum.
  - (2) If the number of trustees falls below the number necessary to form a quorum, the remaining trustees may continue to act but only for the purpose of appointing or co-opting additional trustees to make up a quorum.
17. If at any meeting of trustees a quorum is not present within thirty minutes of the appointed time of the meeting, such meeting shall stand adjourned to the next business day at the same time.

Chairman

18. At the commencement of the first meeting of trustees after the first annual general meeting of owners, the trustees shall elect a chairman from among their number who shall hold office as chairman until the next ensuing annual general meeting and who shall have a casting as well as a deliberative vote.

19. The body corporate may at an extraordinary general meeting or an annual meeting remove the chairman from his office as such.
20. If any chairman elected in terms of rule 18 vacates his office as chairman or no longer continues in office by virtue of the provisions of rule 19, the trustees shall elect another chairman who shall hold office as such for the remainder of the period of office of the first-mentioned chairman and shall have the same rights of voting.
21. If any chairman vacates the chair during the course of a meeting or is not present or is for any other reason unable to preside at any meeting, the trustees present at such meeting shall choose another chairman for such meeting who shall have the same rights of voting.

Chairman to be Chairman of the Meeting of the Body Corporate

22. The chairman of the trustees shall act as chairman of any meeting of the members of the body corporate unless there shall be a resolution to the contrary by the body corporate. In his capacity as chairman of a meeting of the body corporate he shall not have a casting as well as a deliberative vote and his vote shall be limited to the voters' rights more fully set out hereunder.

Voting

23. All matters at any meeting of the trustees shall be determined by a majority of the votes of the trustees present and voting.
24. No trustee shall be disqualified from voting by virtue of any interest he may have in the discussion provided he declares the nature and extent of his interest which must thereupon be noted in the records of the meeting.
25. A resolution of the trustees shall be deemed to have been duly passed notwithstanding the fact that it was not taken at a meeting of the trustees, provided that such resolution has been signed by all the trustees who form a quorum.

The Functions, Powers and Duties  
of Trustees.

General

26. The powers and duties of the body corporate shall, subject to the provisions of the Sectional Titles Act, No. 66 of 1971, and the rules herein

set out and to any restriction imposed or direction given at a general meeting of the owners of sections, be performed by the trustees of the body corporate holding office in terms of these rules.

#### Statutory Powers

27. Without detracting from the scope of the additional powers enumerated in rule 28, and subject to the provisions of rule 28, the trustees shall have all the powers expressly or by necessary implication conferred upon them by Section 30 of the Act, read with Sections 28(6) and 31 of the Act.

#### Powers of Appointment

28. The powers of the trustees shall include the following:
- (1) Subject to any restriction imposed or direction given at a general meeting of the body corporate, to appoint for and on behalf of the body corporate such agents and employees as they deem fit in connection with
    - a) the control, management and administration of the common property; and
    - b) the exercise and performance of the powers and duties of the body corporate.

#### Delegation

- (2) Subject to any restriction imposed or direction given at a general meeting of the body corporate, to delegate to one or more of the trustees such of their powers and duties as they deem fit, and at any time revoke such delegation.

#### House Rules

- (3) Subject to any restriction imposed or direction given at a general meeting of the body corporate, to make house rules from time to time
  - a) for the control, use, safety and cleanliness of the common property;
  - b) to ensure that the owners of sections shall not use their sections or permit them to be used in such a way as to cause a nuisance to any occupier of a section.

which house rules shall

- i) not conflict with the Act or with these rules;
- ii) be reasonable;
- iii) apply equally to all owners.



Signing of Instruments

29. No instrument signed on behalf of the body corporate shall be valid and binding unless it is signed by a trustee and the managing agent, referred to in rule 48, or unless two trustees sign where there is no managing agent.

Duties of the Trustees

Statutory and General Duties

30. (1) Without detracting from the scope of the additional duties specified in rules 31 to 47, and subject to the provisions of such rules, the trustees shall perform the duties placed upon them by Sections 29 and 31 of the Act.
- (2) The trustees shall do all things reasonably necessary for the control, management and administration of the common property in terms of the power conferred upon the body corporate by Section 30(1)(o) of the Act.
- (3) The trustees shall do all things reasonably necessary for the enforcement of the rules and house rules in force from time to time.
- (4) The trustees shall in exercising their duties in implementation of the provisions of Sub-Clause (1), (2) and (3) hereof, have the power to impose pecuniary penalties and fines and to order the payment of compensation by one member to another or to the body corporate or any other person in terms of rule 72 hereof.

Insurance

31. (1) At the first meeting of the trustees or so soon thereafter as is possible, the trustees shall take steps
- i) to insure the building and keep it insured for the full replacement value thereof against
- a) fire, lightning, tempest, earthquake and explosion;
- b) riot, civil commotion, strikes and labour disturbances (if obtainable);
- c) bursting, leaking and overflowing of boilers, water tanks, water pipes and associated apparatus; and
- d) impact of aircraft (including parts of, and objects falling from, aircraft) and of road vehicles, horses and cattle;
- ii) to insure the owners, members of the body corporate and the trustees and to keep them insured against liability in respect of -

a) death, bodily injury or illness; or

b) loss of, or damage to, property,

occurring in connection with the common property for a sum of liability of not less than one hundred thousand rand, which sum may be increased from time to time as directed by the owners in general meeting.

iii) to effect a fidelity guarantee in terms of which misfeasance or defalcations on the part of any one or more of the trustees, agents or employees, in exercising their powers or performing their duties, will be made good up to a total sum of liability of not less than R2 000, which sum may be increased from time to time as directed by the owners in general meeting.

(2) The owners may by special resolution direct the trustees to insure against such other risks as the owners may determine.

Contributions and Liability in terms of  
Sections 30(1) and 35 of the Act

32. It shall be the duty of the trustees to collect contributions from the owners in accordance with the provisions and in the proportions set forth in rule 33.

33. (1) The liability of owners to make contributions, and the proportions in which the owners shall make contributions for the purposes of Section 30(1) of the Act or may in terms of Section 35 of the Act be held liable for the payment of a judgment debt of the body corporate, shall be in the same proportion as the participation quota attaching to each Section.

(2) At every annual general meeting the body corporate shall approve, with or without amendment, the estimate of income and expenditure

referred to in rule 38 and shall determine the amount estimated to be required to be levied upon the owners during the ensuing financial year.

The body corporate shall establish a reserve fund for the purposes of providing for contingencies, unexpected expenses and unforeseen repair and maintenance works, in an amount determined from time to time in its sole and absolute discretion.

- (3) Within fourteen days after the annual general meeting the trustees shall determine the amount payable by each owner in accordance with his participation quota, subject to any unanimous decision by the body corporate in that regard as envisaged in Section 24(3), and subject also to sub-rule (1), and shall forthwith advise each owner of the amount payable. Such amount shall thereupon become payable in monthly instalments, the first such instalment being payable upon the first day of the month following notification by the trustees of the amount payable.

#### Record of Rules and their Availability

34. (1) The trustees shall keep a complete record of all rules and house rules in force from time to time.
- (2) The trustees shall on the application of
- a) an owner of a unit,
  - b) the managing agent,
  - c) the auditor, and
  - d) the holder of any sectional mortgage bond
- supply to such persons a copy of all rules and house rules in force and may require them to pay a reasonable charge.

#### Electricity, Water and Gas

35. (1) The trustees may and shall, if so required in writing by the owner of any unit, procure the installation and maintenance in good working order of separate meters to record the consumption of electricity, water and gas in respect of each individual section and the common property.
- (2) If and for so long as no separate meters have been installed in terms of sub-rule (1), the contribution payable by each owner in respect of electricity, water and gas shall be calculated in accordance with the provisions of Section 24(2)(c) of the Act.

Minutes

36. (1) The trustees shall -
- a) keep minutes of their proceedings;
  - b) cause minutes to be kept of all meetings of the body corporate in a minute book of the body corporate kept for that purpose.
  - c) include in the minute book of the body corporate a record of every unanimous resolution, special resolution and ordinary resolution of the body corporate.
- (2) The trustees shall keep all minute books in perpetuity.
- (3) On the written application of any owner, mortgagee or of the Managing Agent, the trustees shall make all minutes available for inspection by such owner, mortgagee or managing agent.

Books of Account

37. (1) The trustees shall cause proper books of account and records to be kept so as fairly to explain the transactions and financial position of the body corporate, including:
- a) a record of the assets and liabilities of the body corporate; and
  - b) a record of all sums of money received and expended by the corporation and the matters in respect of which such receipt and expenditure occur.
  - c) a register of owners and mortgagees of units and of all other persons having real rights in such units showing in each case their addresses.
  - d) individual ledger accounts in respect of each owner.
- (2) On the application of any owner, mortgagee or of the Managing Agent the trustees shall make all or any of the books of account and records available for inspection by such owner or managing agent.
- (3) The trustees shall cause all books of account and records to be retained after completion of the transactions, acts or operations to which they relate.

Annual Financial Estimate, Financial Statement and Report

38. Before every annual general meeting, the trustees shall cause to be prepared an itemised estimate of the anticipated income and expenses of the body corporate during the ensuing financial year, which estimate shall be laid before the annual general meeting for consideration in terms of rule 58 hereof.
39. The trustees shall cause to be prepared and shall lay before every annual general meeting an audited financial statement fairly and fully presenting the state of affairs of the body corporate and its finances as at the end of the past financial year, for consideration in terms of rule 58 hereof.
40. The trustees shall further cause to be prepared and shall lay before every annual general meeting a report signed by the chairman reviewing the affairs of the body corporate during the past year, for consideration in terms of rule 58 hereof.
41. (1) The trustees shall cause copies of the estimate, audited statement and report, referred to in rules 38, 39 and 40 to be delivered to each owner at least fourteen days before the date of the annual general meeting at which they are to be considered.  
  
(2) Delivery under the last preceding sub-rule shall be deemed to have been effected if the documents referred to are sent by prepaid post as a letter properly addressed to the last address of the owner notified to the body corporate or, if no such address has been notified to the owner's last known place of abode or, if the owner is a juristic person, to its registered office or its place of business.

Audit

42. At every annual general meeting the body corporate shall appoint an auditor to hold office from the conclusion of that meeting until the conclusion of the next annual general meeting.

Deposit and Investment of Funds

43. The trustees shall cause all moneys received by the body corporate to be deposited to the credit of a bank account with a registered commercial bank in the name of the body corporate and, subject to any direction given or restriction imposed at a general meeting of the body corporate, such moneys shall only be withdrawn for the purpose of payment of the expenses of the body corporate.

44. The trustees may authorize the managing agent to administer and operate the account referred to in rule 43.
45. Any funds not immediately required for disbursement in day to day administration, may be invested in a current or call account with a registered commercial bank or building society.
46. Interest on moneys invested shall be used only towards payment of the expenses of the body corporate.

No Refunds or Distribution of Profits or Assets

47. (1) Owners shall not be entitled to a refund of contributions lawfully levied upon them and duly paid by them.  
  
(2) Except upon the destruction of the building, no portion of the profits or assets of the body corporate shall be distributed to any owner.

THE APPOINTMENT, POWERS AND DUTIES  
OF A MANAGING AGENT

48. Notwithstanding anything to the contrary contained in rule 30, the trustees may from time to time appoint a managing agent to control, manage and administer the common property and to exercise such powers and duties as may be entrusted to the managing agent, including the power to collect levies and the power to appoint a supervisor, superintendent or caretaker.
49. The appointment of a managing agent shall be revoked and such managing agent shall cease to hold office if:-
  - i) an order is made for the provisional or final liquidation of the managing agent;
  - ii) the managing agent or any of its directors is convicted of an offence involving fraud or dishonesty;
  - iii) if the managing agent has given the body corporate not less than one month's notice in writing of its unwillingness to continue to act;
  - iv) a special resolution of the members of the body corporate is passed to that effect.
50. The managing agent shall keep full records of its administration and

shall report to the body corporate and to all holders of sectional mortgage bonds all matters which in its opinion affect the value or amenity of the common property and any of the sections.

51. The managing agent shall be given notice of all meetings of the trustees and shall be entitled to be present thereat.

#### MEETINGS OF OWNERS

##### General Meetings

##### When to be held

52. The first annual general meeting of owners shall be held within three months of the date on which the body corporate comes into being as contemplated in Section 28(1) of the Act.
- X 53. Subsequent general meetings shall be held once in every year; provided that not more than fifteen months shall elapse between the date of one annual general meeting and that of the next.
54. All general meetings other than the annual general meeting shall be called extraordinary general meetings.
55. The trustees may, whenever they think fit, and shall, upon a request in writing made by owners entitled to twenty-five per centum of the total of the quotas of all the sections, convene an extraordinary general meeting. If the trustees fail to call a meeting so requested within fourteen days of the request, the owners concerned shall be entitled themselves to call the meeting.

##### Notice of General Meetings

56. (1) Fourteen days' notice of every general meeting specifying the place, the date and the hour of the meeting and, in the case of special business, the general nature of such business shall be given -
- a) to all owners;
  - b) to all holders of sectional mortgage bonds who have advised the body corporate of their interests; and
  - c) to the managing agent, if any.

- (2) The notice referred to in sub-rule (1) shall be deemed to have been sufficiently given and delivered if delivered in accordance with rule 41.
- (3) Inadvertent omission to give the notice referred to in sub-rule (1) hereof to any person entitled to such notice or the non-receipt of such notice by such person shall not invalidate any proceedings at any such meeting.
- (4) A general meeting of the owners may be called on shorter notice than that specified in sub-rule (1) hereof, provided it is so agreed by all persons entitled to attend.

#### Proceedings at General Meetings

##### Ordinary and Special Business

57. All business at any general meeting other than business referred to in rule 58 (1), (2), (3), (4) & (5) shall be special business.

##### Annual General Meeting

58. The following business shall be transacted at an annual general meeting:
- (1) the election of trustees;
  - (2) the consideration of the financial statement and report referred to in rules 39 and 40.
  - (3) the approval, with or without amendment, of the estimate of income and expenditure referred to in rule 38.
  - (4) the appointment of an auditor;
  - (5) the fixing of the remuneration of the auditor, or the determination of the manner in which that remuneration is to be fixed;
  - (6) any special business of which due notice has been given in terms of rule 56.

##### Quorum

59. (1) No business shall be transacted at any general meeting unless a quorum of persons entitled to vote is present in person or by proxy at the time when the meeting proceeds to business.



- (2) A quorum at a general meeting shall be one half of the number of owners, present in person or by proxy and entitled to vote.
60. If within half-an-hour from the time appointed for a general meeting a quorum is not present, the meeting shall stand adjourned to the same day in the next week at the same place and time, and if at the adjourned meeting a quorum is not present within half-an-hour of the time appointed for the meeting, the owners present in person or by proxy and entitled to vote shall be a quorum.

#### Chairman

61. (1) The chairman, if any, of the trustees shall preside as chairman at every general meeting of the body corporate.
- (2) If there is no such chairman, a chairman shall be elected for the meeting.

#### Voting at General Meetings

#### Polls

62. (1) At any general meeting a resolution by the vote of the meeting shall be decided on a show of hands unless a poll is demanded by any owner in person or by proxy.
- (2) Unless a poll be so demanded a declaration by the chairman that a resolution has on the show of hands been carried shall be conclusive evidence of that fact without proof of the number or proportion of votes recorded in favour of or against such resolution.
- (3) A demand for a poll may be withdrawn.
63. A poll, if demanded, shall be taken in such a manner as the chairman thinks fit, and the result of the poll shall be deemed to be the result of the meeting at which such poll was demanded.

#### Votes

64. On a show of hands the owner or owners of a section, or if the owner is a juristic person, its nominee, shall have one vote.
65. For the purposes of a special resolution (with or without a poll) or on a poll, the value of the vote of the owner or owners of a section shall be in the same proportion as the participation quota attaching to such section.

No Vote unless Contributions Paid

66. Except in cases where a special resolution or a unanimous resolution is required under the Act, no owner shall be entitled to vote at any general meeting unless all contributions payable by him in respect of his section and his undivided share in the common property have been duly paid.

Voting by trustee for beneficiary

67. Where an owner of a section is as such a trustee for a beneficiary, he shall exercise the voting rights in respect of the section to the exclusion of persons beneficially interested in the trust and such persons shall not vote.

Joint Voters

68. (1) When two or more persons are entitled to exercise one vote jointly, that vote shall be exercised only by a person (who may or may not be one of them) jointly appointed by them as their proxy.
- (2) Notwithstanding the last preceding sub-rule, where two or more persons are entitled to exercise one vote jointly, any one of them may demand a poll.

Proxies

69. (1) Votes at a general meeting may be cast either personally or by proxy, whether on a poll or on a show of hands.
- (2) An instrument appointing a proxy shall be in writing under the hand of the appointer or his agent and may be either general or for a particular meeting.
- (3) A proxy need not be an owner.

DUTIES OF OWNERS AND OCCUPIERS  
OF SECTIONS

Statutory and General

70. In addition to his obligations in terms of Section 32 of the Act an owner

- i) shall not use his section or permit it to be used in such a manner or for such purpose as shall be injurious to the reputation of the building;
- ii) shall not contravene or permit the contravention of any law, by-law, ordinance, proclamation, statutory regulation or the conditions of any licence relating to or affecting the occupation of the building or the carrying on of business in the building or the conditions of title applicable to his section or any other section.

Binding Nature of:

71. The duties of the owner in relation to the use and occupation of sections and common property shall be binding on the owner of any section, and any lessee or other occupant of any section, and it shall be the duty of the owner to ensure compliance with the rules by any lessee or occupant, including servants, guests and any member of the family of any owner, lessee or occupant.

Owner's Breach

72. If an owner fails:

- (1) To repair or maintain his section in a state of good repair as required in Section 32(c) of the Act or uses it or permits its use in breach of any of the rules herein or in Schedule 2 contained or to the house rules made by the trustees in pursuance of the provisions of rule 28 (3) hereof; or
- (2) to maintain adequately any portion of the common property allocated for his exclusive use, user and enjoyment or uses it or permits its use in breach of any of the rules herein or in Schedule 2 contained or of the house rules made by the trustees in pursuance of the provisions of rule 28 (3) hereof; or
- (3) to make due or proper payment of any contribution payable by him from time to time in terms of Section 30(1)(b) of the Act,

such owner may, if so determined by resolution passed by not less than three of the trustees present at a meeting of the trustees:

- (a) Be fined by the trustees in such amount and/or
- (b) be ordered to pay to the body corporate or to any member or other person aggrieved by the breach or failure in question, such sum as compensation

as in each case shall have been determined at such meeting of the trustees.

The owner shall be invited to attend such meeting of trustees by notice in writing delivered to such owner not less than 7 (seven) days prior to the holding thereof, and such owner shall be given the right to speak and to be represented legally thereat, but not to be present at the voting

or to take part in the proceedings, other than as allowed by the chairman of such meeting.

P A R K I N G

73. Parking bays on the common property for motor vehicles other than those in the Residents' Parking Area which are allocated on the basis of one covered parking lot per section, are for the exclusive use and enjoyment of owners and their visitors.

PRIVATE GARDEN AREAS AND COVERED GARAGE LOT

74. Each owner shall be severally entitled to the exclusive use, user and occupation of:

(1) The garden areas directly adjoining and to the north and south of the section owned by him, and in the case of section 20 only the garden area adjoining to the east of such section, such garden areas having been properly demarcated by means of, in the case of garden areas situate to the:

- a) north of sections: brick garden walls on the east and west of such areas and projections of the lines of such garden walls to the northern site boundary or to the concrete paved walkway as the case may be; and
- b) south of sections: ranch-type fences on all sides;
- c) east of section 20: ranch-type fences on the south side and portion of the east side,

and having been depicted as such in Messrs. Interplan's Drawing No. 1213-5 filed with these rules in the Deeds Registry, Cape Town; and

- (2) the covered garage lot in the Resident's Parking Area which is depicted as such bearing the same number as the number of the section owned by him, in Messrs. Interplan's Drawing No. 1213-5 filed with these rules in the Deeds Registry, Cape Town.