



ANNEXURE E

ADDITIONAL MANAGEMENT RULES OF FYNBOS LIFESTYLE VILLAGE

1. SERVITUDES / CONDITIONS

- 1.1. The Developer has registered the following Servitudes over Remainder Erf 17787 Fish Hoek in favour of the City of Cape Town (imposed as development conditions) which the Body Corporate shall be responsible to maintain and enforce:-
- a) An Environmental Conservation Servitude over the area reflected on plan LUM/35/17787-1 where, save if written consent of City of Cape Town is obtained, there may be no alteration of natural ground level, no importation of foreign material, no plant species other than those that are local indigenous, no removal of locally indigenous plant species and no structures, pathways or landscape features to be permitted in the area.
 - b) Two Servitudes over the Detention Ponds and associated overland stormwater escape routes where, save if written consent of City of Cape Town is obtained, all ponds and associated stormwater escape routes shall be protected and no alteration of the detention ponds may occur, access to be granted to Council officials, no construction or erection or placement of any building, structure or thing over or within the servitude area, no alteration of the level of the ground nor excavation or fill within the servitude area, no storage of plant, equipment or material within the servitude area and no planting of vegetation which is inappropriate for the stormwater system.

- 1.2. The Owners and the Body Corporate shall not be entitled to withhold their votes where such votes are required for the implementation of the development of the Sectional Scheme by the Developer.

2. CAPITAL CONTRIBUTION LEVY

- 2.1. Upon the Alienation or Deemed Alienation of a unit in the scheme, the Transferor or the owner of the Unit shall pay a Capital Contribution Levy to the body corporate for the credit of the levy stabilisation fund controlled by the body corporate, which levy shall be equal to 1% (one per cent) of the Fair Market Value of the unit at the time of the Alienation or Deemed Alienation, subject to the exemptions specified below:-
- 2.2. Where a unit is transferred from the estate of the Transferor or from the joint estate of the Transferor and his or her surviving Spouse, to his or her surviving Spouse, such Alienation shall be exempt from the payment of a Capital Contribution Levy. This clause shall be applicable *mutatis mutandis* in the event of a Deemed Alienation.
- 2.3. No Capital Contribution Levy will be payable in respect of the Alienation of a unit from the Developer to the first purchaser or Transferee hereof.
- 2.4. For the purposes of this clause the word "alienate/alienation" means any transfer of ownership effected by way of (and not limited to the examples given) any deed of sale, a donation, an exchange, the death of the nominated occupant, an inheritance, a change in the shareholding of a company, a change in the membership of a close corporation or a change in the beneficiaries of a trust, provided that it shall be a deemed alienation when a company, close corporation or Trust which owns a Retirement Unit nominates a new occupant. The only instance, for purposes of this clause, where the unit will not be regarded as being a deemed alienation, is where the unit is transferred from the estate of a nominated occupant in whose name the unit was registered to his or her surviving spouse, or the joint registered owner also being a nominated occupant.

3. EXCLUSIVE USE AREAS

- (1) The owner of a section shall, in terms of Section 10(7) of the Sectional Title Schemes Management Act be entitled to the exclusive use and enjoyment of such parts of the common property as indicated on the attached layout plan in terms

of Section 10(8) (marked Annexure A), which plan indicates the exclusive use areas allocated to the Linked Section as per the Plan.

- (2) The rights vested in terms of this Rule, shall not be real rights as contemplated in section 27(6) of the Sectional Titles Act, No. 95 of 1986.
- (3) When a Linked Section is transferred, the new Owner of the Linked Section will automatically obtain the right of exclusive use of the exclusive use area linked to the section as indicated in Annexure A.
- (4) An exclusive use area held in terms of this Rule may only be cancelled by way of a suitable amendment of this Rule approved by the members of the body corporate by unanimous resolution and with the consent of the Owners of the Linked Sections.
- (5) The Owners of Linked Sections must repair and maintain their exclusive use areas in a state of good repair and in a clean and neat condition.
- (6) An Owner of a Linked Section may not construct or place any structure or building improvement on an exclusive use area, without the authorisation of the members by ordinary resolution in terms of Management Rule 30(g).
- (7) An Owner of a Linked Section must afford the trustee and their authorised representatives reasonable access to his exclusive use area for any reasonable purpose required in terms of the Act or the Rules.
- (8) The Developer may in terms of Section 10(7) of the STSM Act confer rights of exclusive use and enjoyment of parts of the common property upon new members of the Body Corporate by the addition, from time to time, with the registration of new phases in the Sectional Scheme, of an updated Section 10(8) Plan to scale and Allocation Schedule reflecting same.
- (9) The holder of the right to an exclusive use area shall allow the trustees or their duly authorized representative/s access to and across the area for any purpose reasonably required for the repair and maintenance of the common property.

4. LEVIES

In terms S 11(2) of the Sectional Titles Schemes Management Act the Developer hereby makes a Rule under Section 10 of the Act to the effect that the participation quota shall not determine the vote of any owner of any section or the liability of an owner of any section to make contributions for the purposes of Section 3(1) (a) or 14(1) of the Act respectively but each owner shall contribute equally towards all expenses of the Body Corporate save for the liability for insurance which will still be determined by the Participation Quota.