



## ESTATE AGENT REGISTRATION POLICY

### 1. PRE-AMBLE

Residents choose to reside in **MOOIKLOOF GLEN** due to its peaceful, upmarket and secure surroundings. It is therefore the duty of the Board of Directors to ensure that residents' privacy is protected.

It is however; also the right of each owner/member to dispose of his/her property in MOOIKLOOF GLEN in accordance with this Registration Policy and Conduct Rules of the Homeowners Association. The Board of Directors must ensure that such rights can be executed with as little as possible disturbance to other owners/members.

This policy is formulated in order to curtail any disturbances and to comply with the Memorandum of Association of the MOOIKLOOF GLEN Homeowners Association ("the Association").

Once accepted as policy, agreements would be concluded with each individual Estate Agency or Agent ("Agents") to ensure compliance with these conditions. The Estate Rules of the Association will thereafter be brought in line with this policy and agreement.

### 2. PERMISSIBLE TRANSACTIONS

A property transaction in MOOIKLOOF GLEN; be it the sale, purchase or letting of a property, may only be executed by a Registered Agent.

### 3. TYPES OF REGISTRATION

All Agents who are employed to conclude property transactions in the MOOIKLOOF GLEN shall obtain prior registration from the Association. Such registration shall be acquired by completing the attached **APPLICATION FOR REGISTRATION**, providing the necessary support documentation and paying the prescribed advertisement costs, if required.

The following two types of registration are available:

- Private Registration
- Public Registration

#### 4. PRIVATE REGISTRATION

##### Owner

Should the owner wish to execute his/her own property transaction, and not use an Agent, the following conditions shall apply:

- Such an owner shall only advertise the property under its own personal name and telephone number and specifically not be allowed to sell its property through e.g. “Private Property” or any other non- registered agency.
- The owner shall notify the Estate Manager and sign for the acceptance of all the conditions relating to a property transaction as embodied in this policy and the Estate Agency Registration Agreement and undertake to adhere to such conditions. The said conditions shall apply to the homeowner mutatis mutandis.

##### Agent

Should the owner appoint an Agent that is not represented by any of the Advertised Registered Agents, the owner is liable to ensure that such agency apply for registration in terms of this policy prior to the commencement of any marketing action.

The owner shall notify the Estate Manager and invite the Agent to complete the **APPLICATION FOR REGISTRATION** and provide all the required documentation. Once approved the Agent will not be liable for any advertisement fee and hence will not enjoy the benefits afforded to the Advertised Registered Agents, such as advertising, public show days, website access, etc.

The Private Registration is not transferable to any other owner or stand / erf in the Estate and is only valid for a period of 12 (twelve) months or up to the successful conclusion of the sale, whichever is shorter.

The Agent will need to sign and accept of all the conditions relating to a property transaction as embodied in this policy and the Estate Agency Registration Agreement and undertake to adhere to such conditions. The said conditions shall apply to the homeowner mutatis mutandis.

The Agent will need to gain access to the Estate by contacting the owner directly. No access tag will be issued to the Agent.

In both cases the following applies:

- Nothing in this policy shall preclude the Directors of MOOIKLOOF GLEN Homeowners Association from granting an exception to any owner from compliance with this policy in the case of a forced sale and upon application and on good cause shown.
- Should any owner not comply with any of these specific conditions or conditions applicable to the homeowner as a private seller, such an owner would be liable for the payment of 5% (five percent) penalty commission calculated on the selling price.
- If an owner endeavors to make use of the services of a non-registered agent such an owner forfeits its right to sell his/her property privately.

## **5. PUBLIC REGISTRATION**

Agents who wish to have full exposure to the public and wish to be able to advertise, have show days, advertise on the web site and have other benefits are encouraged to apply for Public Registration by completing this application form.

Such Agents will need to comply with and operate as per the rules of the MOOIKLOOF GLEN Homeowners Association and rules and regulations of the Estate Agency Affairs board.

Once the registration application has been approved by the Association. The Application for registration document will be signed by the representative of the Association and a copy made available for the Agent.

### Number of Registered Estate Agencies

The number of registered estate agencies will be limited to the number of show days that can be accommodated in a month.

### Registration Duration

The registration agreements with Agents will be valid for a period of 12 (twelve) months, expiring end of February each year and shall be renewable annually, by written application in the prescribed manner by the Agent concerned.

Any registration granted at any other time would be for such portion of that year as remains and that agreement shall expire at the end of February each year.

### Advertisement cost and attendance fee

An annual non-refundable advertisement cost for the Agent, determined from time to time by the Board of Directors, will apply. The advertisement cost shall become payable on the date of applying for registration.

No pro-rata subscription fee will be accepted and the full annual advertisement cost, irrespective of the date of the agreement and the registration, will become payable on application for such registration.

The amount of the advertisement cost for a specific year will be communicated to Agent by the Board of Directors one month prior to the 12-month period (March to February).

### Registration Adjudication

The MOOIKLOOF GLEN Homeowners Association reserves the right to approve and/or not to approve an application for registration. The non-approval of an application can inter alia be a result of non-compliance with the registration criteria, previous continuous breach of the agreement and/or any other related matter. If an application for registration is not approved for whatsoever reason, the advertisement cost will be refunded to the applicant.

## **6. MOOIKLOOF GLEN HOA COMMITMENTS**

MOOIKLOOF GLEN Homeowners Association commits itself to take reasonable steps to provide the following service to Public Registered Agents:

- The provision of all the Association's required forms for the conclusion of a property transaction upon request;
- The provision of stand/street maps;
- Assurance that the Association and managing agent will endeavor to issue clearance certificates within 10 (ten) working days, provided information / documents and payments are on hand;
- Ensure that individual homeowners selling their own property adheres to all applicable rules as stipulated in the Conduct Rules for Estate Agents and the enforcement of the applicable penalties as stipulated in the rules hereof in case of non-compliance with such rules and specifically not to issue a clearance certificate unless the penalty commission as stipulated in the rules has been paid or guaranteed;
- Ensure that only registered Agents market and sell properties in MOOIKLOOF GLEN;
- Grant registered Agents at least once a year the simultaneous opportunity to market and advertise their services at an official MOOIKLOOF GLEN Home Owners meeting;
- Make available a list of all the registered Agents available to the home owners and on the MOOIKLOOF GLEN website;
- Provide advertisement space on the website as may be determined by the Association;
- Provide a space to advertise the Agent's logo, generic contact details in a common notice board at the entrance of the estate. Advertisements will be in accordance with the format stipulated by the Association in respect of size and details;
- Make available at no additional cost to the Agents a single document in the form of an addendum all procedures, rules and regulations applicable to buyers, sellers and tenants to be included in sale- and lease agreements;
- Provide access to the Estate via a tag. Such a tag will be issued in accordance with the rules of the Estate and the cost of which, will be charged on the monthly basis, to the Agent;
- Provide one show day a month that will be for the exclusive use of the Agent; and
- Ensure that all registered Agents are treated on an equal basis for all purposes.

## **7. AGENTS CONDITIONS**

By signing the registration agreement, Agents accept the following conditions:

- The MOOIKLOOF GLEN Homeowners Association's Articles of Association and Conduct Rules will be adhered to;
- Inclusion of all procedures, rules and regulations in sale- and lease agreements as stipulated in clause 4.8;
- Specific attention will be paid by Agents in respect of the access control policy of the Association and due notification will be given to the Association of property transactions, including, without limitation thereto, the letting of property;

- All Agents shall apply individually for access to MOOIKLOOF GLEN in terms of the Association access control policy and shall adhere to such policy at all times. Access tags issue to Public Registered Agents are not transferable. MOOIKLOOF GLEN must be notified immediately of any loss of disks and of Agents leaving the employment of the Agency;
- Agents will not be allowed to display “For Sale” or “Sold” or “To Let” signs in the estate itself; and
- Only Public Registered Agents will be allowed on their allocated show day to set up a kiosk / display area at the entrance of the estate in accordance with the agreed format approved by the MOOIKLOOF GLEN Homeowners Association.

## **8. ADVERTISEMENTS / SIGNBOARDS**

Agents will be required to adhere to all conditions relating to the erection of advertisements/signboards, which will be embodied in detail in the agreement, and will, inter alia, include the following:

- No electronic and/or written and/or other advertisement / signboard may claim to represent the MOOIKLOOF GLEN Homeowners Association and/or ignore and/or attach their own interpretation of the Association’s Conduct Rules;
- Ignorance of the by-laws/rules of the Tshwane Town Council in respect of signboards on public roads be it within MOOIKLOOF GLEN or outside will jeopardize the existence of the agreement. Copies of such by-laws/rules can be obtained from the Tshwane Town Council;
- Show house boards are only allowed on the allocated show day from 08.00 until 19.00. No other for sale and/or to let boards, except show house boards for Public Registered Agents on the allocated show day, are allowed within 100 meters of the entrances, except in cases of forced sales (sequestrations and liquidations) as permitted in the agreement;
- No door-to-door canvassing, advertisements, flyers or similar material for property transactions may be delivered to properties within MOOIKLOOF GLEN;
- Door-to-door canvassing for property transactions is not permitted and Agents may only operate on a “by appointment” basis; and
- Auctions in MOOIKLOOF GLEN – No registered Agent may conduct any sales through an auctioneer.

## **9. BREACH OF CONDITIONS**

Provision will be made in the agreement that the Association will reserve its rights to take steps against any registered Agent that breaches any condition of the contract, this policy, the estate rules or any other directive, rule or law applicable to such estate agent or such transaction. It is therefore accepted that should any registered Agent breach a condition of the contract, such agent/agency may after consultation with the Board of Directors:

- Have their registration summarily cancelled and/or not renewed; and
- Forfeit the annual Advertisement Cost and any other sums paid for that year.

**10. AMENDMENT**

The Directors of the Association shall be entitled to vary this policy or any agreement concluded hereunder.

**11. PRINCIPLE**

It is an underlying principle of this policy that there may not be discriminated against Agents as service providers to the extent that limiting procedures, rules and regulations must be equally applicable to all other service providers with reference to their applicable policies regarding the rendering of services (with specific reference to advertising) in MOOIKLOOF GLEN.



**MOOIKLOOF GLEN HOME OWNERS ASSOCIATION**

**APPLICATION FOR REGISTRATION**

**1. Application for (tick appropriate box):**

- Private Registration
- Public Registration

**2. Applicant Details**

Entity's name .....

Company/CC Registration number.....

Date agency was established.....

Date registered with the Estate Agency Affairs Board.....

Branch of agency applying.....

Telephone number.....Fax number.....

Name of manager for agency's office/branch.....

**3. Personal Details**

Agent's name.....

If candidate agent, who will assist candidate.....

ID number.....

Employer.....

Date employed.....

Date registered with the Estate Agency Affairs Board (If applicable).....

Cellphone number .....

E-mail address .....

**4. Intention and experience**

Motivation for application

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Description of experience in selling property

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Description of experience of selling property in the MOOIKLOOF GLEN Area

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Outline your scale of fees and any onerous terms and conditions contained in your agreement.

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Provide a copy of your offer to purchase agreement and any other supporting documentation.

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Provide information on what value-add you can bring to MOOIKLOOF GLEN and its owners.

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**5. Advertising Registration Applicants**

Advertising Registration Applicants are to complete the following:

Description of the proposed kiosk / display area at entrance of the Estate

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Provide photographs and a proposed plan positioning your kiosk / display area at the entrance

Provide an example of your proposed advertisement board to be incorporated into the common notice board with sizes, colours, details and logos / graphics.

Identify what weekend of the month, day of the weekend and the time that you would like to be allocated to you to for your show day.

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Provide information and examples of how you intend to market the properties that are entrusted to you to sell.

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Provide information on proposed regulations in respect to advertising on the website and newspapers, specifically in respect to listings of the same property by more than one agent.

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**6. Supporting documentation**

Copies of the following must accompany the application:

- Certificate to commence business of the Company/Close Corporation.
- Company’s Estate Agency Affairs Board registration certificate.
- Agent’s Estate Agency Affairs Board registration certificate.
- Agent’s ID document.
- EFT payment to the amount of the prescribed fee must accompany this application.

**7. Notes**

This application must be completed by and for each Agent to work in MOOIKLOOF GLEN, including owners who may wish to sell their properties privately.

**8. Advertisement cost**

An advertising cost of R 3 000.00 (Three thousand) excluding VAT from 1 January 2018 is payable by all those Agents applying for Public Registration. This fee is subject to renewal on an annual basis.

**9. Agreement**

We, the undersigned, herewith confirm that we have received, read, understand and will follow the ESTATE AGENT REGISTRATION POLICY for MOOIKLOOF GLEN comply with the rules of the Association and rules and regulations of the Estate Agency Affairs board.

Signed at..... On .....

..... Date.....

(On behalf of agency, duly authorized)

..... Date.....

Applying Agent

**MOOIKLOOF GLEN HOME OWNERS ASSOCIATION**

This application is approved on the following conditions:

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..... Date.....

(On behalf of MOOIKLOOF GLEN, duly authorized)

This application is not approved.

..... Date.....

(On behalf of MOOIKLOOF GLEN, duly authorized)