



FRANSCHÉ HOEK

AGRICULTURAL ESTATE

Fransche Hoek Estate Consent to transfer Policy

1.0 Introduction

When an erf or werf on the estate changes hands the HOA is required to provide the transferring attorneys with a consent certificate in order for the Registrar of Deeds to allow the transfer to take place. This requirement is contained in article 9.5 and specifically article 9.5.2 of the Articles of Association of the Fransche Hoek Agricultural Home Owners Association. Such a certificate may not in terms of these articles be issued unless the requirement of the articles for the transfer of a werf or erf have all been met.

2.0 Requirements for the issuing of a consent Certificate.

In terms of the articles the following requirements must be complied with

- 2.1 0.25% of the purchase price must be paid to Fremco by the Seller.
- 2.2 0.5% of the purchase price must be paid to the HOA by the Seller.
- 2.3 0.5% of the purchase price must be paid to the HOA by the Buyer.
- 2.4 A refundable service deposit must be paid to the HOA by the Buyer.
- 2.5 A consent fee must be paid to the HOA by the Seller.
- 2.6 All outstanding levies, penalties and interest must be paid to the HOA by the Seller.
- 2.7 Three months advance payment of levies must be paid to the HOA by the Seller.
- 2.8 Three months advance payment as determined by the HOA for power and water supply must be paid by the Seller to the HOA.
- 2.9 Three months advance payment of building contributions must be paid to the HOA by the Seller.
- 2.10 Advance payment of building penalties if applicable must be paid by the Seller to the HOA.
- 2.11 In addition to the above payments the Buyer must provide a signed letter of undertaking acknowledging that the buyer has been provided with all the relevant documentation pertaining to the Articles of Association, the rules and regulation of the HOA as well as other binding documents of the Fransche Hoek Agricultural Estate and that the buyer has read and understood them.

3.0 Acceptable methods of payment or securing of payments

Payment must be made in the following manner:

- 3.1 All payments must be paid into the HOA bank account and must have cleared before a consent certificate may be issued.



- 3.2 The HOA will accept irrevocable unconditional bank guarantees or undertakings in a form acceptable to the HOA from issuing agents acceptable to the HOA for payments due in terms of items 2.1, 2.2 and 2.3 above. Guarantees must only be conditional upon transfer of the property actually taking place and must be on the letterhead of the guarantor and duly signed by a duly authorised signatory such as a partner or director. No other conditions will be accepted and guarantees containing other or additional conditions will be rejected.
- 3.3 In the special case where an erf or werf is held by an insolvent person or estate or company or a person or company or estate in liquidation, the HOA will accept guarantees for all payments due provided the wording of such guarantees and undertakings meets with the HOA requirements.

4.0 Consent validity

Consent certificates may only be issued with a validity period of three months from date of issue. If the validity period is exceeded a new consent certificate must be issued subject to further payments to be made for deposits, fees and advance payments as determined by the HOA manager.

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