



# WOODHILL

RESIDENTIAL ESTATE & COUNTRY CLUB

## **ESTATE AGENT’S APPROVAL POLICY**

### **PREAMBLE**

It is the right of each Member to dispose of his/her property in the Woodhill Residential Estate in accordance with this Estate Agents Approval Policy and/or Rules of the Woodhill Homeowners Association. The Board of Directors must ensure that such rights can be executed with as little disturbance to other Members as possible.

This policy is formulated in order to curtail any disturbances and to comply with the Memorandum of Incorporation (MOI) of the Woodhill Homeowners Association.

### **1. ESTATE AGENT AND MEMBER PERMISSIBLE TRANSACTIONS**

#### **1.1**

Members are obliged in any property transaction of any nature (including leases) to utilise an approved estate agent of the Association, who applied and paid for membership unless the member chooses to contract personally without the assistance of an Estate Agent.

#### **1.2**

Estate Agents who are not duly approved by the Association may affiliate with approved and paid-up estate agents of the Woodhill Estate and may obtain entrance with permission of the member and accompanied by an approved estate agent. The approved estate agent will be the responsible agent and all communication with the estate agent will be directed to the approved estate agent who is familiar with the Woodhill Estate administrative and registration processes.

#### **1.3**

Estate Agents application forms are available on the Woodhill Estate website and at the Association’s offices.

#### **1.4**

Should the member execute his/her own property transaction, the following conditions shall apply:

#### 1.4.1

Such a member shall only advertise his/her property under the member's personal name, telephone number and email address

#### 1.4.2

Properties transferred under a Will as part of an estate can be transferred as such without agency intervention. If an agency is included in the process the Rules herein will apply.

#### 1.4.3

Should a member deviate from the requirements of these permissible transactions and in so doing materially compromise the security of residents, the member will be punishable by way of a fine determined by the General Manager.

## **2. ESTATE AGENTS**

### 2.1

An Estate Agent applying for approval shall pay a once-off non-refundable approval fee for the estate agency and an annual subscription fee for every individual agent operating within Woodhill Estate.

### 2.2

The annual subscription will be valid for a period of 12 (twelve) months, expiring at the end of February each year. Agents who wish to renew their contracts shall re-subscribe in February of each year. Any subscription accepted at any other time would be for the remaining portion of that year and shall expire at the end of February each year.

### 2.3

The annual Estate Agent subscription will only be processed and considered on payment of the annual subscription fee and presentation of proof of the Agency and Estate Agent's registration with the Estate Agency Affairs Board (or any other statutory or mandatory authority required for Estate Agents), including the supply of valid fidelity fund certificate/s, prior to registration with the Association.

### 2.4

The number of approved estate agencies will not be limited.

### 2.5

The once-off non-refundable approval fee for estate agencies and an annual subscription fee for individual agents shall be determined from time to time by the Board.

### 2.6

The approval and subscription fees shall become payable on the date of submission to the Association. No pro rata subscription fee will be accepted. The amount of the subscription fee for a following year will be communicated and invoiced to estate agencies by the Association one month prior to the 12-month period. Irrespective of the fact that the approval fee is a once-off fee, estate agencies shall re-apply for subscription annually.

### 3. Approval Adjudication

The Association reserves the right to approve and/or disapprove an application for approval and/or a subscription. The non-approval of an application and / or subscription can, among others, be a result of non-compliance with the approval criteria, previous continuous breach of the Rules and/or any other related matters. If an application for approval and / or subscription is not approved or accepted for any reason, the approval and / or subscription fee will be refunded to the estate agent or his/her agency.

### 4. WOODHILL HOMEOWNERS ASSOCIATION COMMITMENTS

#### 4.1

The Association commits itself to taking reasonable steps to provide the following services to approved estate agents:

##### 4.1.1

The provision of stand / street maps.

##### 4.1.2

Assurance that the Association or its managing agent will endeavour to issue clearance levy certificates to Conveyancers within 10 (ten) business days after receiving an application provided that the information / documents and payments required for such levy clearance certificate have been delivered and paid.

##### 4.1.3

Contact details and relevant property information of individual members will only be supplied to an estate agent once the member has agreed that his/her/ their contact numbers may be supplied.

##### 4.1.4

Grant approved estate agencies, at least once a year, the simultaneous opportunity to market and advertise their services at an official Woodhill function.

##### 4.1.5

Make available a list of all the approved agents for agents on an official list, as indicated below.

Agency	Agent	Contact Number

##### 4.1.6

The list of approved estate agents will be available at every security entrance and be presented to potential buyers upon request.

#### 4.1.7

Make available, at no cost to estate agencies, all procedures and Rules applicable to buyers, sellers and tenants for inclusion in sale and lease agreements.

#### 4.1.8

Subject to the conditions herein, supply estate agencies with three biometric registrations per agency.

#### 4.1.9

Ensure that all approved agencies and agents are treated on an equal basis.

### **5. ESTATE AGENTS CONDITIONS**

#### 5.1.1

By signing the approval agreement, estate agencies and their estate agents accept the following conditions:

#### 5.1.2

The Woodhill Homeowners Memorandum of Incorporation and Rules. They will familiarise themselves with the MOI and Rules and ensure that purchasers and tenants are informed of the content of these documents.

#### 5.2

All estate agents not living on the estate, shall apply individually for access to the Woodhill Estate in terms of Association's access control policy and shall adhere to such policy at all times.

#### 5.3

All estate agents shall submit a copy of any lease agreement to the Association's offices 14 days prior to the tenant being registered on the security system. The Association has the right to screen tenants but the responsibility rests with the Agent and/or his/her client to do the necessary screening. The Association also has the right to not approve a rental tenant without providing reasons for such non-approval.

#### 5.4

Properties that have been advertised and sold must be removed from all websites and publications within 30 days after registration.

#### 5.5

No electronic, written and/or other advertisement / signboard may claim to represent the Association and/or ignore and/or attach their own interpretation of the Association's Rules.

#### 5.6

No Show House boards, For Sale and / or To Let boards, or any other boards, may be erected on Woodhill Estate

5.7

No door-to-door canvassing, advertisements, flyers or similar material for property transactions may be delivered to properties within Woodhill Estate.

5.8

Estate agents may only operate on a "by appointment" basis.

## **6. AUCTIONS**

6.1

The auction of an immovable property in Woodhill Estate is the process of selling immovable property by offering same up for bid, the taking of bids, and then selling same to the highest bidder.

6.2

The Association recognizes that the auction process is a commercially acceptable method to sell immovable property.

6.3

Forced sales are regarded as sales via a Sheriff of the Court or a Liquidator appointed by the Master of the High Court alternatively by the Court.

6.4

Auction Sales in the Woodhill Estate will be conducted in an organized and controlled manner and may at no time inflict on the security or cause inconvenience to other residents.

6.5

The Estate Agent's approval policy will be applicable to those who wish to conduct a sale by auction, except that the Agent is now an Auctioneer alternatively regarded as an Auctioneer.

6.6

The MOI and Rules will be adhered to.

6.7

The Auctioneer shall apply for access to Woodhill Estate in terms of the Woodhill Association access control policy and shall adhere to such policy at all times.

6.8

The Auctioneer must ensure that potential bidders are registered with the General Manager or his/her appointed representative prior to visiting alternatively inspecting the immovable property. Access will only be granted on proper registration and compliance with the Woodhill access policy.

6.9

Bidders will be accompanied by the accredited Auctioneer or its employee.

6.10

One attendance under the supervision of the Auctioneer in conjunction with the General Manager or his/her appointed Agent will be allowed to attend the auction. The potential bidders will enter the Estate via the Contractors gate where they will park their cars on the outside of the estate. The Auctioneer is to ensure that transport is provided for potential bidders.

6.11

The auction will take place outside the Woodhill Residential estate in the event of more than twenty participants (potential bidders) unless otherwise authorized by the General Manager.

#### **7. Rules for applicants/sheriffs/liquidators who wish to sell immovable properties by auction:**

In the event of a forced sale, the Sheriff or Liquidator duly appointed by the Court or the Master of the High Court will provide proof of his/her appointment and particulars of the forced sale to the General Manager or his duly appointed representative. The Sheriff/ Liquidator will be regarded as an Auctioneer and shall be exempt from the standard approval process but will conduct the sale in accordance with the Woodhill Rules.

#### **8. BREACH OF CONDITIONS**

8.1.1

The Association reserves the rights to take steps against any approved estate agent who breaches any condition of the approval agreement, 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 approved estate agent breach a condition of the approval agreement, such agent / agency may, after consultation with the Agents Committee:

8.1.2

Have their approval summarily cancelled and/or not renewed.

8.1.3

Forfeit the annual fees and any other sums paid for that year.

**9. AMENDMENT**

The Board shall be entitled to vary this policy, or any agreement concluded herein. Notice shall be given to members and such variation may be reviewed/accepted/rejected at the following AGM.

**Woodhill Homeowner's Association  
Approval Agreement of Estate Agency and Estate Agents**

I, the undersigned

\_\_\_\_\_

on behalf of: \_\_\_\_\_ (Estate Agency)

Estate Agent's contact number:

\_\_\_\_\_ (W)

\_\_\_\_\_ (H)

\_\_\_\_\_ (C)

Estate Agent's email address:

\_\_\_\_\_

\_\_\_\_\_  
Estate Agent's Signature

\_\_\_\_\_  
Date Signed