



## **APPLICATION FOR MEMBERSHIP**

### **CLUBS / POINTS MEMBER**

(Non-Developer)

**APPLICATION FOR REGISTRATION AS CLUBS / POINTS MEMBER**

This form must be sent to :

**VACATION OWNERSHIP ASSOCIATION OF SOUTHERN AFRICA**

P.O. Box 2823, Durbanville, 7551

Tel : (021) 914 9693

Fax : (021) 914 5202

E-mail: [voasa@voasa.co.za](mailto:voasa@voasa.co.za)

Website: [www.voasa.co.za](http://www.voasa.co.za)

**APPLICATION FORM 2009**

**(PLEASE NOTE THAT ANY REFERENCE TO A POINTS SCHEME INCLUDES ANY POOLING OR CLUB SCHEME)**

1. Do you operate a Club or Trust? Club  Trust

1.1 Which entity owns the assets, i.e. the shared vacation ownership interest of the Club/Trust scheme:

---

1.2 Name of Trust or Club

---

---

1.3 Names of Trustees or Founder Members of Club, (or class of Members that control the acquisitions or disposal of assets):

---

---

---

1.4 Now are Trustees or Founder Members elected, nominated or attain office?

---

---

1.5 On what basis can Trustees or Founder Members lose office?

---

---

---

---

1.6 On what do the assets devolve in the event of the dissolution of the Trust of Club?

---

---

1.7 Is the alienation of assets controlled? If so, how?

---

---

**PLEASE ATTACH A COPY OF THE DEED OF TRUST OF CONSTITUTION OF CLUB**

2 On what basis is a Management Association established? Please give details of scheme structure and constitution of the body or Management Association:

---

---

---

---

3 Schedules:

3.1 Please list the resorts in which the Club/Trust owns shared vacation ownership interests: (If necessary attach a separate schedule.)

NAME OF RESORT	NUMBER OF WEEKS	LEGAL BASIS OF RESORT (e.g. Share block)	IS THE RESORT BONDED?

Please note that only the number of weeks owned by the Club/Trust must be listed. That is, in share block companies where shares are registered or in sectional title schemes where a title deed is held.

3.2 Please list the resorts in which the Club/Trust has the right of use to shared vacation ownership interests:  
(If necessary attach a separate schedule.)

NAME OF RESORT	NUMBER OF WEEKS	LEGAL BASIS OF RESORT (e.g. Share block)	IS THE RESORT BONDED?

Please note that only the number of weeks in which the Club/Trust has the right of use must be listed. That is, where it does not own the weeks as set out in 3.1

3.3 Is a copy of the schedule as set out in 3.1 and 3.2 available at each point of sale for prospective purchasers?  
YES NO

3.4 Please furnish a schedule reflecting the liability, if any, in respect of the stock held by the Club/Trust, (as reflected in 3.1 or 3.2). That is, the monies still owing for the purchase of that stock.

4 On what basis and how are levies paid?

---



---



---

5 How is the payment of levies calculated and monitored?

---



---



---

6 Please provide an Auditors Certificate verifying that the levies due and payable by the Club/ Trust have been paid as at the date of this application.

7 Name and address of Managing Agent:

---



---

---

7.1 What is the remaining period of the current contract of the Managing Agent?

---

8 Which entity or body controls the appointment and termination of a Managing Agent?

---

---

9 Please provide an Auditors Certificate verifying that the stock of timesharing interests held by the Club/Trust is sufficient to satisfy the number of points held by Club/Trust members. The certificate must indicate the average points required by a client to occupy peak, mid and low season weeks, the number of weeks held and the number of clients which fall into these categories, with due regard to the grading system used by the scheme.

10 Please attach the latest audited financial statements of the Club/Trust.

11 Please provide an Auditors Certificate verifying that the systems employed by the Club/Trust are capable of performing, monitoring and executing, (can perform, monitor and execute), the functions, control and provisions contained in the Club/Trust scheme documentation.

12 The applicant's attorney must provide a certificate to the effect that the scheme documentation complies with all applicable legislation.

12.1 Please also advise on what legal basis a member acquires his shared vacation ownership interest. Please refer to Section 4(1) (b) of the Property Timesharing Control Act, No 75 of 1983.

12.2 Please furnish a copy of the sales documentation and advise which clauses contain the information required by the following sections of the Property Timesharing Control Act, No 75 of 1983:

**Clause No**

Section 4(1) (a)	.....
(b)	.....
(c)	.....
(d)	.....
(e)	.....
(f)	.....
(g)	.....
(h)	.....
(i)	.....

- (j) .....
- (k) .....
- (l) .....
- (m) .....
- (n) .....

**ACKNOWLEDGMENT**

- Constitution of VOASA
- The VOASA Code of Conduct

1. And that upon acceptance as a member of VOASA I/we undertake to comply with all of the above. I/We also acknowledge that the above may be varied in terms of the particular constitution applying thereto.
2. I/We further agree that I/we will as a member of the Vacation Ownership Association of South Africa (VOASA) agree to abide with the VOASA Code of Conduct.
3. I/We enclose/will send payment/proof of payment in respect of the VOASA membership fee as per the attached TM001 (Annual Membership / Renewal Fee Form).
4. I/We agree to abide with the rulings of the Standards Council and complaints procedures which may be changed from time to time and agree to pay any fines being levied against me/us.
5. I/We further acknowledge and am aware that, in the event of me/us being black-flagged I/we agree to VOASA publishing my name as a black-flagged member.

SIGNED AT \_\_\_\_\_ ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2009

\_\_\_\_\_  
SIGNED: BY APPLICANT

\_\_\_\_\_  
FULL NAME OF SIGNATORY

\_\_\_\_\_  
CAPACITY OF SIGNATORY

*(A copy of the authorizing resolution may be requested by VOASA)*

\_\_\_\_\_  
WITNESS FOR APPLICANT

\_\_\_\_\_  
FULL NAME OF WITNESS

**VOASA RESERVES THE RIGHT TO REQUEST ADDITIONAL INFORMATION OR DOCUMENTATION AS MAY BE REQUIRE FROM TIME TO TIME**

**ADDITIONS TO THE VOASA APPLICATION FOR MEMBERSHIP FOR POINT SYSTEMS**

**PART 1 A**

*(As per the present Part 1 for conventional Shared Vacation Ownership Schemes)*

To be completed if the applicant operates a conventional or non-pooling system of Shared Vacation Ownership.

**PART 1 B**

To be completed if the applicant operates a Points or Pooling System of Shared Vacation Ownership.

1.1 Name of Scheme;

---

1.2 Name the Resorts in which the Scheme is currently operated;  
(Schedule to be provided)

1.3 Is it planned for other Resorts to be included in the Scheme;

---

1.4 Do the Resorts currently included in the Scheme fulfill the entry requirements to VOASA?

---

1.5 Legal basis of ownership in each Resort currently included in the Scheme;  
(Schedule to be provided)

1.6 Is any of the property included in the Scheme bonded?

---

If so, how is it envisaged that the capital and interest on these bonds will be redeemed / paid?

---

---

---

---

1.7 How is the Scheme structured and any corporate bodies or Management Associations constituted?

---

---

---

---

## **PART 2**

It is envisaged that Points/Pooling Systems can complete PART 2 under the last column being "OTHER BASIS"

## **PART 5**

It is envisaged that Points/Pooling Systems can complete sections 5.2 and 5.3 of PART 5

### **CRITERIA FOR POINTS/POOLING SYSTEMS**

1. The Scheme Documentation for any Points/Pooling must comply with the relevant requirements of the Act.
2. All underlying Schemes must similarly comply in all respects with the Act.
3. The recommended structure for a Points/Pooling System is as follows :
  - 3.1 A Property Trust should be established to hold title to the Accommodation to be included in the System from time to time. The Deed of trust should clearly detail how Accommodation is to be introduced into the Trust and later again alienated by the Trust. The Deed of Trust should also detail what is to transpire on termination of the System and dissolution of the Trust.
    - 3.1.1 Independent Trustees should ensure that the terms of the Deed of Trust are complied with and that the Accommodation is properly vested in the Trust.
  - 3.2 A Management Association should be established in terms of the Act with a detailed Constitution and Scheme Rules which set out the powers and duties of the Association and how the Association and the Scheme are to be operated.
    - 3.2.1 An elected Executive Committee should be responsible for the directing of the affairs of the Association. The majority of Members of the Executive Committee should be elected by the Members of the Association other than the shared vacation ownership Developer.
    - 3.2.2 A competent Managing Agent should be appointed to collect levies and pay the debts of the Association and further to perform the secretarial and other statutory services required by the Association. The Managing Agent should also be responsible for assisting the Executive Committee in performing their duties and in preparing the annual budgets for the Association. These budgets will need to take account of the levies to be paid to underlying Schemes and the necessity for creating a reserve fund for maintenance and upgrading where applicable. The charging out and collection of levies should take into account the cash flow requirements of the Association, especially with regard to the need to pay the levies timeously in the underlying Schemes.
    - 3.2.3 A competent Reservations Agent should be appointed to perform the function of co-coordinating the reservation requests of the Members in terms of the Scheme Rules. The Reservations Agent should also be responsible for tracking the usage by each Member and of the usage debits and credits to each Member's usage/points account. The Reservations Agent should also regrade the Accommodation on an annual basis to take account of the seasonal changes in demand for the Accommodation. Such regrading should not dilute the rights of Members and should be approved by the Executive Committee.
  - 3.3 The Members join the Scheme by becoming Members of the Association through the acquisition of the right to an annual allocation of use rights (which may be measure in the form of Points or Credits) from the "Shared vacation ownership Developer" or Vendor.
  - 3.4 The Vendor Company must be responsible for introducing accommodation into the System and paying for all accommodation so introduced. The Vendor Company is thus separate from the structure created for the members and the accommodation included in the System. The Vendor company is a member of the System to the extent that he holds unsold rights in the System.

4. The financial viability of the Scheme must be protected by ensuring that the terms of the Deed of Trust cover all financial aspects relating to the bonding of Accommodation and the holding of the Title in a secure manner. The Scheme must be capable of standing alone from the Vendor in the event of the Vendor's collapse.
5. All Accommodation included in the System must be complete.
6. The System must be regularly audited to ensure that no more rights are alienated than are capable of being created by the Accommodation in the Trust.
7. Certificates of Membership reflecting the rights of the Member should be issued by the Association under the hand of the Managing Agent on behalf of the Association and under the hand of the Trustee. A register of Members should also be kept by the Association together with details of the rights of the Member.
8. Scheme rules and regulations should be established which clearly determine how accommodation is to be introduced into the System as well as our Members are make use of the Accommodation included in the System.
9. All advertisements for Point Systems shall indicate that the shared vacation ownership being offered for sale is based on a Pooling or Points System and that the information required in terms of Regulation 3 of the Property Timesharing Control Act is available on application. This information must form part of the Scheme Documentation. Furthermore the advertisements must indicate the number of calendar years for which the shared vacation ownership interest endures.

#### **AFFILIATION CRITERIA**

To comply with the affiliation criteria please supply us with the following documentation and information to enable us to finalise the application for membership.

1. A confirmation that 500 unencumbered weeks have been transferred into the name of the Trust.
2. A Subscription / Membership fee analysis based on 500 clients.
3. Projected income and expenditure operating budgets for the years 2009 and 2010, including the projected fee to be charged by the exchange company to effect the reservations.
4. The table / spreadsheet based on averages and 4 different groupings to show the following information:
  - 4.1 The projected number and percentage of clients per category. (Based on 500 clients)
  - 4.2 The projected average number of Points purchased per client per category.
  - 4.3 The projected average subscription paid in each category.
  - 4.4 The projected total subscription paid for the category.
  - 4.5 The projected average levy of shared vacation ownership weeks in the category.
  - 4.6 The projected total shared vacation ownership levies of the weeks in the category.  
(The groups would consist of owners grouped together in terms of the average Points needed for a Peak week, Red week, White week and Blue week i.e. group 1 e.g. 240 clients (e.g. 60%) owning e.g. 1 600 Points, which Points would equate to a White week and so on for the other 3 categories.)
5. A detailed schedule showing:
  - 5.1 The weeks transferred to the Club.
  - 5.2 The categories of such weeks (i.e. Peak, Red, Blue and White)
  - 5.3 The shared vacation ownership levies by week.
  - 5.4 The Points allocated to each week.
  - 5.5 The subs / management fees due in respect of the Points so allocated.

Should you require clarification on any of the points mentioned above, please contact me and should you wish to submit any further information of explanations, please feel free to do so.