



VOASA

VACATION OWNERSHIP ASSOCIATION OF SOUTHERN AFRICA

APPLICATION FOR MEMBERSHIP

MANAGING AGENT

APPLICATION FOR REGISTRATION AS MANAGING AGENT 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

Website: www.voasa.co.za

APPLICATION FORM 2009

Name of applicant: _____

Registered address: _____

Telephone No.: _____

Fax No.: _____

Postal Address: _____

If a Company or Close Corporation, state name, identity number, address and telephone number of each Director/Member:

(a) Name: _____ ID No: _____
Address: _____ Code: _____
Telephone No: _() _____ Mobile No: _____
Fidelity Fund Certificate No: _____

(b) Name: _____ ID No: _____
Address: _____ Code: _____
Telephone No: _() _____ Mobile No: _____
Fidelity Fund Certificate No: _____

(c) Name: _____ ID No: _____
Address: _____ Code: _____
Telephone No: _() _____ Mobile No: _____
Fidelity Fund Certificate No: _____

(d) Name: _____ ID No: _____
Address: _____ Code: _____
Telephone No: _() _____ Mobile No: _____
Fidelity Fund Certificate No: _____

(e) Name: _____ ID No: _____
Address: _____ Code: _____
Telephone No: _() _____ Mobile No: _____
Fidelity Fund Certificate No: _____

1. INFORMATION REGARDING APPLICANT:

Date of Incorporation: _____
Place of Incorporation: _____
Company Register No: _____
(Please attach a copy of Registration / Incorporation Certificate)
Shareholders: _____

2. AUDITORS:

Name: _____
Address: _____ Code: _____
Tel: _() _____ Fax: _() _____
Contact Name: _____

3. ATTORNEYS:

Name: _____
Address: _____ Code: _____
Tel: _() _____ Fax: _() _____
Contact Name: _____

4. BANKERS:

Bank: _____
Branch: _____
Tel: _() _____ Fax: _() _____

5. EXCHANGE ORGANISATION:

Name: _____
Address: _____ Code: _____
Tel: _() _____ Fax: _() _____
Contact Name: _____

6. BROKERS:

Name: _____
Address: _____ Code: _____
Tel: _() _____ Fax: _() _____
Contact Name: _____

7. MANAGEMENT COMPANY:

Name: _____

Address: _____ Code: _____

Tel: () _____ Fax: () _____

Contact Name: _____

8. Has any Director / Member, Controller or Manager of the applicant within the last 5 years prior to the date of this application:

- | | | |
|---|-----|----|
| (a) been convicted of a criminal offence (excluding motor offences)? | YES | NO |
| (b) been interdicted by any Order of Court from undertaking the alienation of shared vacation ownership; and | YES | NO |
| (c) been declared insolvent or disqualified in terms of the Companies Act or Estate Agents Act from acting as a Director or Estate Agent, respectively. | YES | NO |

If the answer to any of these questions is "YES", please give full details below:

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) to the value of R 2, 736.00 (Two thousand seven hundred and thirty six rand only) inclusive of VAT.
 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**

1. Which of the following functions do you undertake :

1.1	Resort management (hospitality functions such as reception, house-keeping)	YES	NO
1.2	Letting of accommodation (pool or otherwise).....	YES	NO
1.3	Collection of Levies	YES	NO
1.4	Administration of installment purchases	YES	NO
1.5	Administration of owners registers	YES	NO

2. Names of Projects handled in terms of the above :

1.1	1.2	1.3	1.4	1.5
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				

3. Do you have any interest (indirect or otherwise) in any of the above. If so, please list.

- 3.1 _____
- 3.2 _____
- 3.3 _____
- 3.4 _____

4. Registration Number of Fidelity Fund Certificate with the Estate Agency Affairs Board

5. Any Fidelity Insurance cover. If yes, give policy number and name of Insurance Company.

Definition of a Managing Agent

"estate agent" -

- (a) means any person who for the acquisition of gain on his own account or in partnership, in any manner holds himself out as a person who, or directly or indirectly advertises that he, on the instructions or on behalf of any other person -
- (i) sells or purchases immovable property or any interest in immovable property or any business undertaking or negotiates in connection therewith or canvasses or undertakes or offers to canvass a seller or purchaser therefore, or
 - (ii) lets or hires immovable property or any interest in immovable property or any business undertaking or negotiates in connection therewith or canvasses or undertakes or offers to canvass a lessee or lessor therefore; or
 - (iii) collects or receives any moneys payable on account of a lease of immovable property or any business undertaking; or
 - (iv) renders any such other services as the Minister on the recommendation of the board may specify from time to time by notice in the *Gazette*;
(Sub-para. (iv) substituted by s. 1 of Act No. 60 of 1978.)
- (b) for purposes of section 3 (2) (a), includes any director of a company or a member who is competent and entitled to take part in the running of the business and the management, or a manager who is an officer, of a close corporation which is an estate agent as defined in paragraph (a); (Para. (b) substituted by s.1 (b) of Act No. 10 of 1985.)

Extract from the South African Property Practice and the Law - commissioned by the Estate Agents Board

- An estate agent is a person who renders the services specified in the definition *on the instructions of or on behalf of any other person*. A person selling his own property cannot be an estate agent. The same applies to persons selling property belonging to the company they work for. On the other hand, a person could be an estate agent if he sells property belonging to his wife or his father.

A person is an estate agent only if he renders one or more of the services listed in the definition. Note specifically that any person who *canvasses* or who *undertakes to canvass* a seller, purchaser, lessor or lessee for a property is an estate agent if the other requirements of the definition are complied with. So-called "finders" or "spotters" will therefore normally fall within the definition of

- estate agent. These are persons who receive a payment or fee merely for bringing to the attention of an estate agent that a particular property is on the market or that a particular person is interested in buying a certain property.³

Three services⁴ have been specified by the Minister as services which are also rendered by estate agents, namely:

(aa) that of collecting or receiving moneys payable by any person to or on behalf of a developer or a body corporate in respect of a sectional title unit;

(bb) that of collecting or receiving money on behalf of a share block company payable by the holder of a share in such company or his nominee;

- In defining an estate agent, the Act also contains a specific definition of "immovable property".⁵ This includes:
 - any sectional title unit as well as any proposed unit;
 - any right to claim transfer of immovable property;
 - any undivided share in immovable property;
 - any interest in immovable property, other than a right or interest registered or capable of being registered under the Mining Titles Registration Act 16 of 1967;
 - any share in a private company whose assets consists exclusively or mainly of immovable property;
 - any time-sharing interest as well as any proposed time-sharing interest; and
 - any interest of a member of a close corporation whose assets consist wholly or mainly of immovable property.