SECTION C: HAMERKOP RULES FOR BENEFICIARIES
(as determined by the Trust Deed, AGM/SGM decisions, trustee or MCom decisions)
(Rev: January 2026)

1. Ownership and use of unit weeks /Registration of new unit weeks
2. Sale or donation of unit weeks and transfer of registration.
3. Arrangements if a beneficiary cannot use their week.
4. Voting rights
5. Beneficiary access to neighbouring properties from Hamerkop
6. Access of other MCSA members to Hamerkop property
7. Limitations on numbers staying in the house or participating in activities in the Kloof
8. Alterations to the status quo of the property
9. Non-compliance with Trust rules/ Anti-social behaviour
10. Use of the reservoir as a pool
11. Dogs at Hamerkop

1. Ownership and use of unit rights / registration of new unit weeks

1.1 Membership of the MCSA a prerequisite

Only a paid-up member of the MCSA may be a beneficiary (TD 13.1.1).

1.2 Limitation on number of unit-weeks registered by a beneficiary

"As from 21/11/96 no new registration of unit weeks shall be permitted which would have the effect of any beneficiary having ownership of a total of more than two unit-weeks". (AGM Resolution: 20/11/96)

As from 24/10/2024, family ownership will be limited to three weeks (a family defined as spouses/partners and their children and grandchildren up to 3 generations). This will not affect current ownership, but a deceased's estate must sell extra weeks out of the family. (Trustee determination 12/07/2024… confirmed by AGM vote 24/10/2024)

1.3 Limitation on the number of beneficiaries sharing rights over a unit-week

A maximum of two people may share the registration of one unit-week. Each party needs to sign a separate contract with the Trust for their 50% share, and each will be billed separately for their share of the levy. Spouses are an exception; they can be joint signatories to the same single contract (Participation Agreement). Other current joint-contract holders are advised to convert to independent contracts to be able to transfer/sell their share fractions independently. (T:25/08/2022).

1.4 Inheritance of unit rights

The Trust Deed does not allow anybody to simply inherit the usage or ownership of unit weeks. The Trust Secretary is to be notified of the death of the Beneficiary after which the use of the weeks for which the deceased had Participation Certificates will be governed by the process outlined below. During the winding up of the deceased beneficiary's estate:

- The Trust is to be notified by the executor of the estate of inheritors (both the inheritors and the executor should be named in the Will of the deceased) that may want to use the units. This should include providing name of inheritor, physical and email addresses, phone number, ID and MCSA membership number.
- The use of the units must be approved by the trustees. The trustees have the right to block the use of the units by the inheritors, but will not do so unreasonably.
- An approved inheritor will be considered as a de facto beneficiary, without voting rights but with the full responsibilities of a beneficiary.
- Use of the units will require that i) the Hamerkop levies are fully paid and ii) that inheritors are MCSA members, otherwise a permit will need to be obtained via the procedures in D4.

Where the winding up of an estate takes more than one year, permission for the inheritor to use units will not be extended for more than 2 units. Any such extra units (acquired under the previous unlimited system) will in the interim be put at the disposal of the Management Committee until they can be disposed of by sale or donation.

All matters required for transfer to inheritors should be dealt with within one year (*amendment to 2 years under consideration)* of the Executor of the Estate being officially appointed by the state, or the Trustees may follow the legal procedures necessary to transfer ownership to the Trust.

1.5 Curtailment of unit rights:
Ownership of a Hamerkop unit is dependent on payment of Hamerkop levies and being a paid-up member of the MCSA. If the payments due to both HKP and the MCSA are not paid by the end of the Trust's financial year (30 June), the beneficiary's usage of their unit/s will be suspended and put at the disposal of the management committee.

2. Sale or donation of unit-weeks and transfer of registration (to a new owner)
A beneficiary may sell or donate their week to any person who is a member in good standing of any section of the MCSA and over the age of 18 (T: 2015). The sale is a private matter, but the unit cannot be registered in a new owner's name until the transfer process (see D2 below) is complete.

The Secretary to the Trust is responsible for handling the administration of an approved transfer of ownership.

- The transfer must be approved by the Trustees. The Trustees have the right to block a transfer but will not do so unreasonably.
- Joint ownership of a unit is limited to two persons. They can be spouses with joint ownership or two other parties each signing separate contracts for a 50% share of the unit.

- No new registrations of unit weeks will be allowed if a beneficiary already has 2 unit-weeks registered in his/her name. If more than two certificates are inherited, the 'extra'units are to be disposed of by sale or donation, otherwise they will be transferred to the Trust. (T: 21/10/2002).
- No new registrations of unit-weeks will be allowed if three units are already owned by members of the same family (see 1.2 above).
- The intention in setting up the Hamerkop Trust was to participate in the conservation of the Magaliesberg and to provide beneficiaries with access to climbing and walking in the area. A Hamerkop week is not a commercial time-share. Beneficiaries have obligations.

3. Arrangements if a beneficiary cannot use their week. (T: 09/01/2018)

3.1 The beneficiary's responsibility for occupancy

Beneficiaries are responsible for ensuring that the property is occupied for at least some part of their week/s, for security and other reasons. If they cannot take up occupancy, they have four basic options to arrange for an appropriate person to go in their place, including our Occupancy-Scheme. (See protocols D.4).

Under the Occupancy-Scheme, our administrator will look for a replacement, handle the transaction (at the current rates) and do the briefing on Hamerkop's basic do's and don'ts. These responsibilities remain with the beneficiary in respect of the other three options. Our administrator will send documentation on request to assist the beneficiary to do the briefing.

3.2 The beneficiary's responsibility for the property and its occupants.

Beneficiaries cannot delegate their responsibility for the property or its occupants to another person except under the Occupancy-Scheme in which the Trust accepts this responsibility.

3.3 Obligation to report to MCom if no firm arrangement one week before due date. (T:29/01/2026)

One week before your due time, you will receive a WhatsApp to ask you to confirm that you have a firm arrangement in place for at least some of your time and to check whether there will be any unoccupied midweek time available for others. If for any reason you don't receive it, you need to initiate the contact 6 days in advance. (See pre-occupation consultation schedule in D4).

If you have no firm occupancy arrangements by then, your week will automatically be rescheduled as "free-time" by MCom and offered to any MCSA member available to do some approved work while enjoying occupancy at no cost to themselves and with no compensation due to the beneficiary.

Our occupancy options 2,3 and 4 (#D4) allow a beneficiary to negotiate (in advance, and before the "free time policy is triggered) a rental for their time, such rental is unrelated to the

levy. A beneficiary is not entitled to "get their levy back", or to charge anyone accepting the "free-time" offer from MCom. Your levy is your contribution to the ongoing running of Hamerkop as well as your contractual obligation, it is not a "rental" for your week.

4. Voting Rights at AGMs and SGMs

4.1 Elections

Voting for elections (management committee office bearers and nominations for board of trustees) is based on **1 beneficiary = 1 vote**
A simple majority decides the matter. (TD: 3.2.1 and T: 7/11/89).

4.2 Contentious issues

Voting on contentious issues, via formal proposals/motions at AGM's or SGM's, is based on **one unit equals one vote** (or one fraction of a shared unit equals that fraction of a vote). 75% of all unit votes cast, by person or by proxy, are needed to carry any such proposal (B4.7 and B6).

4.3 Definition of a beneficiary

A beneficiary is any person or institution whose name appears on the registered unit certificate (Participation certificate). If the names of a husband and wife appear on the certificate, each one is a beneficiary. Even if a person owns only a fraction of a week, if his/her name appears on the certificate, he/she is a beneficiary.

4.4 Proxies at AGMs and SGMs

A proxy must be a beneficiary. A proxy may vote on behalf of up to two other beneficiaries (See B4.5)

5. Beneficiary access from Hamerkop to neighbouring properties

- **Grootkloof:** Whereas all MCSA members have automatic access to Grootkloof, permits are required for non-MCSA members. Beneficiaries are allowed 6 guests, entering Grootkloof from Hamerkop, but they must accompany the guests. Permit forms are to be made available at Hamerkop. The Magaliesberg Section is responsible for patrolling Grootkloof.
- **Cilliers:** Currently, any crossing of our Eastern boundary will be regarded by Mr Cilliers as trespassing. The matter needs to be treated with sensitivity.

6. Access of MCSA members to the Hamerkop property

Members of the JHB Section of the MCSA have been granted access by a deed of servitude attached to the Trust Deed (Annex 30/03/89) "…. a perpetual servitude of right of way, by foot and vehicular traffic over the property, with a right to park vehicles, camp or picnic in

such place or places as may be designated from time to time by the Trustees, and with a right to climb in the kloof." …. and this right has been extended to all members of the MCSA (any section). Official meets are limited to one per year for the Magaliesberg section and two for the JHB section (one being on their own week), with a maximum of 30 people including guests. (AGM: 08/11/99) and (AGM: 26/11/01).

7. Limitation on usage of the Hamerkop property (AGM Agreements: 26/11/2001)

"To limit the 'wear and tear' on the house and its facilities and the environmental impact on the Kloof, the maximum number of people being accommodated in the house (or around the house, using its facilities) or using the Kloof at any one time, should not exceed 15."
Exceptions to this rule would be:

- Official MCSA meets which allow for up to 30 people in the Kloof three times per year.
- Where a beneficiary is granted an exemption for some special purpose or occasion. Requests to be made to the management committee in advance and recorded with reasons. Numbers in the kloof for such an exemption not to exceed 30.
  (See also agreement E(4) with the MCSA)

8. Alterations to the status quo of the property

"All further alterations to the status quo of the property involving works on the structure of the house, its annex or outbuildings, reinforcing of pathways, roads or work on proposed buildings, dams or pools, will require an environmental impact report plus a plan or drawing and estimates of cost. These are to be submitted to the Management Committee and, in turn to the Trustees and Beneficiaries before any work is proceeded with." (T: 01/03/89)

9. Non-compliance with Trust rules/Anti-social behaviour on the part of any beneficiary. (T: 18/11/02)

Any incident of such behaviour will be responded to in terms of our problem-solving and dispute resolution procedures (B5) to the point where Section 17 of the Trust Deed may be applied,"with the intention of suspending the beneficiary(s) concerned from access to the Hamerkop property, and, if a criminal act is involved, criminal charges will also be laid

10. Use of the Reservoir (T: 4/12/2009)

Until the use of the reservoir is raised again as an issue via the correct channels (see B6) and resolved otherwise, the reservoir will be kept empty of water. Anyone is welcome to bring their own porta-pool and take it away when they leave. The need for a pool net falls away as the reservoir is not to be filled with water.

11. Dogs at Hamerkop (T: 02/10/2012; AGM 23/11/2012; MCom 27/07/23)

On the property

1. Dogs are allowed anywhere on Hamerkop property for the sake of security and, in terms of current Club policy, MCSA members may also take them onto the Grootkloof property.
2. The owner is responsible for the dog's actions at all times when on Hamerkop or MCSA land and will be held liable for any incidents that occur.
3. One dog per handler is advised for proper control.
4. Dogs need to be on a leash when more than 50 m from the house. Beyond that limit it is recommended that a retractable leash is used.
5. Dogs brought onto our property should be socialised and controllable.
6. Problem dogs will be reported and their access revoked. Should you feel a dog is being a nuisance, please first address this with the owner. If not successful, please report it to the Hamerkop management committee.
7. Dog faeces are to be removed as for human faeces – use your toilet trowel to bury. Ensure that water sources are not contaminated.
8. The owner must undertake to prevent the dog from damaging the environment. At no time must the dog be a threat to any of the indigenous wildlife. In particular, dogs must be kept away from baboons. They must also not be allowed to dig or damage vegetation.
9. Dogs should be treated with Frontline or equivalent in good time before you arrive.

In and around the house...

1) Bring the dog's own basket, blanket and dishes.
2) Animals are not allowed on any furniture including the beds … ensure access is suitably blocked, especially a night. e.g. by barring with chairs.
3) Roll up carpets and move them out of the way.
4) Any dog mess of any kind is to be cleaned up and disposed of appropriately. **Our staff may not be requested to do this.** Where any items need to be washed, please get advice from our caretaker and complete the job yourself.
5) Check before you leave that faeces in the vicinity of the house have been buried properly.