

Orig. LF 11459439



11:54 13-Sep-2010

2 of 2

Fees: \$0.00

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| Prefix     |
| LF         |
| Series No. |
| 2          |

CP 26057

43

LANDS TITLES REGISTRATION  
OFFICE  
SOUTH AUSTRALIA

**LODGEMENT FOR FILING UNDER  
THE COMMUNITY TITLES ACT 1996**

FORM APPROVED BY THE REGISTRAR-GENERAL

**BELOW THIS LINE FOR OFFICE &  
STAMP DUTY PURPOSES ONLY**

Lands Services Group

14:09 17/09/2010 02-005610

REGISTRATION FEE \$121.00

**BELOW THIS LINE FOR AGENT USE ONLY**

AGENT CODE

Lodged by: RUSAK CORPORATE CONVEYANCERS

RUSA 43

Correction to: RUSAK CORPORATE CONVEYANCERS

RUSA 43


TITLES, CROWN LEASES, DECLARATIONS ETC. LODGED WITH  
INSTRUMENT (TO BE FILLED IN BY PERSON LODGING)

- 1.....
- 2.....
- 3.....
- 4.....

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| PICK-UP NO. |  |
| CP          |  |

**DELIVERY INSTRUCTIONS** (Agent to complete)  
PLEASE DELIVER THE FOLLOWING ITEM(S) TO THE  
UNDERMENTIONED AGENT(S)

| ITEM(S) | AGENT CODE |
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| CORRECTION  | PASSED |
| DV 28 21.9.10   | AB     |
| REGISTERED 5.10.2010  |        |
| Karl Balgachan<br>Pro   |        |
|  |        |
| REGISTRAR-GENERAL   |        |

TERMS OF INSTRUMENT NOT  
CHECKED IN THE LANDS TITLES OFFICE

BY-LAWS  
DEVELOPMENT NO.  
070/C098/09/001

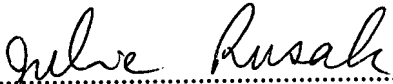
# BY – LAWS

FOR COMMUNITY TITLE DEVELOPMENT

AT

2 HOTHAM STREET HOPE VALLEY SA 5090

Certified correctly prepared in accordance with the requirements of the *Community Titles Act 1996* by the person who prepared the document

  
.....  
(Signature of person certifying—name and address to be printed below)

JULIE RUSAK  
PO BOX 154 INGLE FARM SA 5098

**TERMS OF INSTRUMENT NOT  
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**BY-LAWS  
DEVELOPMENT NO.  
070/C098/09/001**

**COMMUNITY CORPORATION NO 26057 INC.**

**BY-LAWS**

**Pursuant to Section 34 of the Community Titles Act 1996**

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**TERMS OF INSTRUMENT NOT  
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**BY-LAWS  
DEVELOPMENT NO.  
070/C098/09/001**

**COMMUNITY CORPORATION NO 26057 INC.**

**BY-LAWS**

**Pursuant to Section 34 of the Community Titles Act 1996**

**1. DEFINITIONS**

In these by-laws, unless the contrary intention appears,

**"Act"** means the Community Titles Act 1996;

**"by-laws"** means these by-laws of the Corporation as may be amended from time to time in accordance with the Act;

**"building"** means any building constructed wholly or partly on the community parcel;

**"common property"** means the common property created by, and the boundaries of which are delineated on, the community plan;

**"community lot"** means the lots created by the community plan;

**"community parcel"** means the whole of the land comprised in community plan number 26057;

**"community plan"** means community plan number 26057;

**"Corporation"** means Community Corporation No 26057 Inc.

**"Service infrastructure"** means cables, wires, pipes, sewers, drains, ducts, plant and equipment by which the community lots and common property are provided with services.

**"a person bound by these by-laws"** means owners and occupiers of community lots and their visitors and invitees.

**2. COMMON PROPERTY**

(1) The common property comprises:-

- (a) A private road with car parking area and landscaping;
- (b) The service Infrastructure;

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- (2) The corporation is responsible for:
  - (a) the administration, management, control and use of the common property, and
  - (b) the maintenance, repair and replacement of all improvements including the private road and service infrastructure on, in or forming part of the common property.
- (3) The corporation may appoint a manager to assist the corporation to carry out, on behalf of the corporation, the function of administering, managing and controlling the common property.
- (4) The common property is, subject to the Act and these by-laws, for the common use and enjoyment of all owners and occupiers and their visitors and invitees.
- (5) Without the approval of the community corporation, a person bound by these by-laws must not:
  - (a) damage or interfere with the service infrastructure;
  - (b) obstruct the free movement of pedestrians or vehicles on the common property;
  - (c) deposit or leave any object or rubbish or waste material on the common property;
  - (d) damage or deface any building or sign or structure on the community parcel;
  - (e) erect, attach or place any article on the roof of the building without the consent of the corporation;
  - (f) clean or wash any motor or other vehicle on any portion of the common property;
  - (g) interfere with others in the enjoyment of their rights in relation to the common property;
  - (h) make any undue noise in or on the common property;
  - (i) fail to comply with any reasonable direction or request from the corporation;

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- (j) use the common property for any purpose other than that which is first approved of by the corporation.

**3. COMMUNITY LOTS**

- (1) A person bound by these by-laws shall not use a community lot or permit a community lot to be used for any unlawful purpose.
- (2) A person bound by these by-laws must:
  - (a) maintain and keep the lot in good repair and condition;
  - (b) keep the lot in a clean and tidy condition;
  - (c) properly maintain any lawns and landscaping on the lot;
  - (d) allow the corporation access to the lot for the purpose of carrying out maintenance;
  - (e) notify the corporation of any repairs and maintenance required to their lot;
  - (f) pay all rates, taxes, charges, outgoings and assessments in respect of their lot as they become due and payable;
  - (g) store garbage in an appropriate container on the lot and ensure that appropriate arrangements are made for the collection and disposal of garbage;
  - (h) not allow any storm water, effluent or other waste to escape or discharge from a lot onto the common property or another community lot except in accordance with systems designed for their proper disposal previously approved by the corporation and complying with all legal requirements;
  - (i) Not change the use of the lot or make or permit to be made any additions or alternations of any kind in or to the lot or a lot subsidiary unless express approval for doing so has been obtained by a unanimous resolution at a general meeting of the corporation.
- (3) A person bound by these by-laws must:
  - (a) comply with all laws or regulations relating to emission of noise in, on or from any community lot;

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- (b) not interfere with others in the enjoyment of their rights in relation to any lot;
- (4) (a) Owners of community lots shall be responsible for the cost of the erection, maintenance, repair and replacement of fences and gates dividing community lots and common property;
- (b) Otherwise, The Fences Act 1975 (as amended) applies to fences between adjoining community lots;
- (5) (a) Where these by-laws restrict the behaviour or activity of an owner or occupier of a community lot there shall be imposed upon such owner or occupier an obligation not to permit such behaviour or activity;
- (b) Owners or occupiers of a community lot shall be responsible for ensuring that their visitors or invitees comply with these by-laws;
- (c) Owners or occupiers of a community lot shall compensate the corporation in respect of all damage to the common property caused by them or their visitors or invitees;
- (d) Owners of community lots shall provide their respective lessees, licensees or other occupiers of community lots with a copy of these by-laws and include in any lease, licence or other agreement an obligation on such lessee, licensee or other person to comply with these by-laws.
- (6) Lots 1, 2, 3, 4 and 5 shall be used for residential purposes.

**4. INSURANCE**

- (1) Each owner of a community lot shall insure:
  - (a) all buildings and improvements on the community lot against such risks as a normally prudent person would insure against after taking into account the improvements on the community lot and the use to which the community lot is put for the full cost of replacing the buildings and improvements with new materials and including cover for incidental costs such as demolition, site clearance, architect and engineer fees; and
  - (b) for public risk and liability for bodily injury in an amount of at least \$10,000,000.00 or such other amount as the corporation may require from time to time;

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- (2) Each owner of a community lot shall provide to the corporation prior to the 30th day of June in each year and prior to the renewal date evidence of a current policy of insurance effected in accordance with this by-law;
- (3) An owner or occupier of a community lot must not, except with the approval of the corporation, do anything that might;
  - (a) void or prejudice insurance effected by the corporation; or
  - (b) increase any insurance premium payable by the corporation; or
  - (c) void or prejudice any insurance effected by such owner or occupier.

**5. CORPORATION'S RIGHT TO RECOVER MONEY**

- (1) Where an owner or occupier of a community lot has contravened or failed to comply with an obligation under the Act or these by-laws, such owner or occupier of the community lot must pay or reimburse the corporation on demand for all reasonable costs, charges and expenses of the corporation whatsoever arising out of or in connection with the enforcement or preservation of any rights under the Act or these by-laws;
- (2) The costs, charges and expenses recoverable by the corporation under paragraph (1) of this by-law shall include without limitation those expenses incurred by the corporation in retaining or engaging the services of third parties to advise or act for the corporation and the administration costs of the corporation;
- (3) The corporation may charge interest on any overdue monies owed by an owner or occupier of a community lot to the corporation at the rate of 2% per annum above the rate quoted by the corporations' Bankers on overdraft accommodation of less than \$100,000.00, calculated on daily balances commencing from the day that the money becomes due for payment.
- (4) The corporation may recover any money owing to it pursuant to this by-law as a debt.

**6. CONTRAVENTION OF BY-LAWS**

In addition to the rights of the corporation under the previous by-law, the corporation may impose a penalty not exceeding \$500.00 for each and every contravention of or failure to comply with any of these by-laws.