



Services, Duties and Responsibilities

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Unlimited Townhouses (UTH) offers world-class services to Home Owners Associations, Share Block Companies and Bodies Corporate. Herewith follows an outline of the services, duties and responsibilities of UTH as a managing agent.

Accounting

Powerprop

- UTH utilises Powerprop community scheme software specially designed for UTH's needs for accounting.

Bank Account

- Operation of a current and/or savings account with a commercial bank, including a trust account in terms of Section 32 of the Estate Agents Act, on behalf of the Body Corporate.
- Providing the trustees with a user name and password to view the actual bank accounts at any time.

Levies

- Arrange for the collection of the monthly levies, special levies and all amounts due by Members of the Body Corporate and all other income or monies due to the Body Corporate, and to deposit all such receipts into a trust account administered by UTH.
- Arrange for the preparation and delivery of owner statements on a monthly, quarterly, annual basis, or no statements at all, as decided and agreed by the Trustees. Statements can be e-mailed or posted.
- Levy statements are available on the UTH website members area.

Payables

- Pay all bona fide expenses incurred by or on behalf of the Body Corporate and recovery of any amounts due to the Body Corporate.
- Payment of salaries, wages, PAYE, unemployment insurance fund and workmen's compensation.

Reporting

- Preparation and submission of a monthly financial report to the trustees in the form of an income statement for the month as well as year to date compared to monthly budget and reflecting variances, a balance sheet as at the end of that month, customer age analysis.
- Bank statements sent on a weekly basis.
- Electricity computations sent on a monthly basis on receipt of the readings.
- Copies of municipal accounts available on request.
- Detailed ledgers of all expenditure accounts available on request.
- Preparation of monthly arrear reports and submission to the board of trustees.
- All reports are available on the UTH website member's area.

Budgets

- The preparation of an annual estimate of income and expenditure (administrative budget) for submission to the board of trustees and the body corporate for approval and the determination of monthly levies.

Audit

- Arranging the annual audit with the auditor of the body corporate and on completion, submission of the audited statements to the members of the body corporate with notice of annual general meeting.

Insufficient Funds

- UTH shall timeously advise the Trustees in the event of insufficient funds being available to make payments.

In the event of the Body Corporate having insufficient funds available in the Trust account or Trust Savings account, UTH's obligation to effect payments will immediately end and the parties agree that UTH will not be liable for any damages of whatever nature. The Body Corporate furthermore acknowledges that any such conduct by UTH shall not be construed as negligence.

Credit Control and Arrears

- Credit control and arrear administration shall be exercised by implementing the procedures outlined in the Act and as prescribed in the Body Corporate credit control policy.
- UTH will be responsible to exercise credit control and arrear administration monthly to recover all amounts owing by owners to the Body Corporate.
- Attending to arrear administration and legal action where necessary on the instruction of the board of trustees.

Employees of the Body Corporate

Payment

- Payment, on behalf of the Body Corporate, of the salaries, wages, PAYE, UIF and Workmen's Compensation in respect of any Body Corporate employees.

SimplePay

- Employee records are kept electronically using SimplePay payroll system, ensuring that all PAYE and UIF calculations are done in line with legislation.
- Monthly payslips provided for all workers generated by the SimplePay system.
- IRP5s and IT3As are prepared and sent annually.

It is expressly agreed that the employees are employed by the Body Corporate and not by UTH. Any disputes, which may arise between the Body Corporate and any of its employees in terms of any legislation, shall not involve UTH, who cannot be cited as the employer of any of the said employees, and is therefore not to be held liable or responsible.

Employees' Service Contracts

- UTH will assist, if required, in providing service contracts in accordance with the current Labour Relations Act, advice on the disciplinary codes and disciplinary procedures as well as the conduct of disciplinary hearings and the like; at UTH's prevailing rates.

Labour Legislation

- UTH, when so instructed by the Trustees, will negotiate with professionals / consultants or obtain written reference from the relevant controlling bodies (such as the CCMA) relative to labour legislation advice, at UTH's prevailing rates.

Trustees' Responsibilities

Trustees to provide UTH with up to date records of employees' leave / leave of absence / sick leave records, which will be kept on SimplePay.

Maintenance and Repairs

- Assisting and advising the board of trustees on the maintenance of the common property.
- On instruction from the trustees, to arrange for such repairs to, and maintenance of, the common property that does not require the advice and supervision of suitably qualified professionals,
- Negotiate with professional firms/ consultants/ contractors and others for the compiling of specifications of work to be done.
- When requested, UTH will assist with obtaining quotations from professional firms/ consultants/ contractors.

Maintenance Plans

- Negotiate with professional firms / consultants / contractors and others for the assistance with preparation of a maintenance plan for submission and approval at the Annual General Meeting, when so instructed by the Trustees.

Trustees' Responsibilities

UTH does not undertake to supervise work done on the common property and relies on the trustees to do such supervision (or appoint a competent person to do so) and to authorise payments to be made to contractors.

UTH does not undertake to supervise and/or control the Body Corporate's employees and their duties on the property and requires the trustees to arrange such supervision and control.

Insurance

- Arranging for the insurance of buildings and improvements and any other insurance the body corporate may require in consultation with an insurance broker appointed by the Body Corporate.
- Handling insurance claims on behalf of the body corporate in regard to the common property.

Valuations

- Assisting the board of trustees in the determination of the replacement values of improvements for insurance purposes and arranging for valuations by a suitably qualified third party where required.

Training and Guidance

- To provide the trustees and members of the body corporate with practical guidance on the requirements of legislation and the management and conduct rules. To recommend guidelines on the enforcement of the rules and the handling of disputes.
- UTH shall endeavour to advise the Trustees on such aspects of the administration of the Body Corporate which may be influenced by any amendments to legislation or new legislation. It shall be the duty of the Trustees to familiarise themselves with relevant community scheme legislation.

Meetings

Secretarial

- Arranging the annual general meeting.
- Arranging meetings of the board of trustees as required.
- Assisting and advising the body corporate on procedural matters such as general meetings, special general meetings, quorums, proxies, resolutions, voting rights etc.
- Attending to proxies, nominations, agendas etc.
- Preparing and dispatching notices as required by the STSMA and the Management rules.
- Keeping records in accordance with generally accepted practice.

- Storing the minute books, attendance registers, the register of sectional bondholders, sectional title plans, rules, house rules, insurance policies and all other permanent records of the body corporate.
- Arrange venues for meetings if so requested by the Trustees;

Attendance

- Attending at Trustee meetings, as and when requested but not exceeding 4 meetings per annum, and not exceeding 2 (two) hours in duration per meeting, during business hours. UTH is however flexible in this regard and aims to provide the best service at all times to Trustees.
- Attending the annual general meeting of the body corporate and drafting minutes thereof.
- Attending at Special General Meetings of the Body Corporate when so requested by the Trustees.

Trustees' Responsibilities

The trustees are requested to furnish UTH with records or draft minutes of all trustees meetings not attended by UTH or where trustees choose to take their own minutes, which UTH will assist in populating, distributing and storing the minutes.

Record Keeping

- Maintain the statutory records, minute books, attendance registers, register of sectional bond holders, sectional plans, rules, insurance policies and all other statutory documents, records and files pertaining to the Body Corporate;
- Keeping full records of the administration, including proper books of account in terms of the normal accounting principles.
- Furnish the Chairperson of the Trustees with copies of correspondence done on their behalf on request.

UTH Website Members Area

- UTH provide all members of the body corporate with an exclusive library of information on the web site of Unlimited Townhouses (www.uth.co.za) including but not limited to minutes of general and trustees meetings, audited financial statements, monthly financial reports, insurance policy, details of trustees, notices, newsletters, levy ledgers, general sectional title information, registered management and conduct rules, up to date legislation relating to the body corporate.
- Registered owners and trustees can register for free on the website and log in at any time to access pertinent information.

Enforcement of Rules

- Assisting and advising the board of trustees on the enforcement of the rules adopted by the body corporate, on specific instructions from the body corporate.

Legal

On authorisation from the Trustees UTH shall, on behalf of the Body Corporate, be entitled to instruct an attorney:

- for the collection of outstanding levies;
- for other legal matters (litigation, advice, lodging, defending and conducting applications to the Ombud Service, interdicts, etc.)

Attorneys' fees shall be payable by the Body Corporate in accordance with the Attorneys' standard tariffs, alternatively agreed tariffs and which fees shall be payable on demand unless special arrangements have been made with the Attorneys concerned.

CSOS

- UTH will assist the Trustees with preparation of any applications to the Ombud Service.
- UTH assist with filing annual CSOS returns, submitting records and all other matters related to CSOS compliance. Correspondence

Charges and Costs

As per Annexure A