ATTENTION:

SCHEDULE 3

BY-LAWS

PARADISE CREST
CTS 23698.

BY-LAW 1. Vehicles

Save where a by-law made pursuant to Section 30(7) authorises him to do so, a proprietor or occupier of a lot shall not park or stand any motor or other vehicle upon common property except with the consent in writing of the body corporate.

BY-LAW 2. Private Roads and other common property

The private roadway, pathways, drive and other common property and any easement giving access to the land shall not be obstructed by any proprietor or the tenants, guests, servants, employees, agents, children, invitees, licensees or a proprietor or any of them or used by them for any purpose other than the reasonable ingress and egress to and from their respective lots or the parking areas provided. A proprietor or occupier of a lot shall not:

(a) drive or permit to be driven any motor vehicle in excess of 2 tonnes weight onto or over the common property other than such vehicles (including removalist vans) necessary to complete the construction and/or occupation or any residence erected on the land, and any motor vehicles entitled by any statute and/or local authority ordinances;

(b) permit any invitees' vehicles to be parked on the roadway forming part of the common area at any time. Any invitees shall park their vehicles in the visitors' parking bays on the common property, and shall use such area only for its intended purpose of casual parking;

(c) permit any caravan, campervan or mobile home onto over or throughout the common area or on the land of the proprietor unless the same is housed in a garage and is not visible from any part of the common area; and

(d) permit any occupation of a caravan on a lot.

BY-LAW 3 Obstruction

A proprietor or occupier of a lot shall not obstruct lawful use of common property by any person.

BY-LAW 4 Damage to Lawns, etc. on common property

A proprietor or occupier of a lot shall not:

(a) damage any lawn, garden, tree, shrub, plant or flower being part of or situated upon common property; or

(b) except with the consent in writing of the body corporate, use for his own

purposes as a garden any portion of the common property.

BY-LAW 5. Damage to common property

A proprietor or occupier of a lot shall not mark, paint, drive nails or screws or the like into, or otherwise damage or deface, any structure that forms part of the common property except with the consent in writing of the body corporate, but this by-law does not prevent a proprietor or person authorised by him from installing:

(a) any locking or other safety device for protection of his lot against intruders; or

(b) any screen or other device to prevent entry of animals or insects upon his lot and/or the building erected on the lot.

Provided that the locking or other safety device, or as the case may be, screen or other device is constructed in a workmanlike manner, is maintained in a state of good and serviceable repair by the proprietor and does not detract from the aesthetic appearance of the lot and/or the building erected on the lot.

BY-LAW 6 Depositing rubbish etc. on common property

A proprietor or occupier of a lot shall not deposit or throw upon the common property any rubbish, dirt, dust or other material likely to interfere with the peaceful enjoyment of the proprietor or occupier of another lot or any person lawfully using the common property.

BY-LAW 7 Garbage Disposal

A proprietor or occupier of a lot shall:

(a) save where the body corporate provides some other means of disposal of garbage, maintain within his lot, or on such part of the common property as may be authorised by the body corporate, in clean and tidy condition and adequately covered, a receptacle for garbage;

(b) comply with all local authority by-laws and ordinances relating to the disposal of garbage;

(c) ensure that the health, hygiene and comfort of the proprietor or occupier of any other lot is not adversely affected by his disposal of garbage.

BY-LAW 8. Signs

A proprietor or occupier of a lot shall not, except with the consent in writing of the body corporate, display any sign visible from the common property or any other lot PROVIDED THAT this by-law shall not apply to any sign advertising the

lot for sale and available for letting purposes if such sign is no larger than 1m x 1m in size and there is only one such sign per lot.

BY-LAW 9. Storage of flammable liquids etc.

A proprietor or occupier of a lot shall not, except with the consent in writing of the body corporate, use or store upon his lot or upon the common property any flammable chemical, liquid or gas or other flammable material, other than chemicals, liquids, gases or other material used or intended to be used for domestic purposes, or any such chemical, liquid, gas or other material in a fuel tank of a motor vehicle or internal combustion engine.

BY-LAW 10. Keeping of Animals

Except as provided for by the Act a proprietor or occupier of a lot shall not except with the consent in writing of the body corporate keep any animal upon his lot or the common property, which consent may at any time be withdrawn.

BY-LAW 11. Duties of the Body Corporate

(a) In addition to insurance effected pursuant to Section 56 of the Act the body corporate shall insure and keep insured the buildings on the common property and any improvements thereon under a damage policy to the reinstatement or replacement value thereof.

(b) The body corporate shall, as agent for and on behalf of the proprietors, insure and keep insured the buildings and any structure or fixture forming part of a building on or within the lots.

(c) All insurance premiums due and payable by the body corporate as a result of by-laws 11(a) and (b) shall be paid from funds contributed to the Administration Fund.

BY-LAW 12. Security

(a) The Committee of the Body Corporate may take all reasonable steps to ensure that security of the parcel and Body Corporate personal property and the observance of these By-Laws and without limiting the generality of the foregoing may:-

(i) close off any part of the common property not required for ingress or egress to a lot or carparking space on either a temporary or permanent basis or otherwise restrict the access to or use by proprietors or occupiers of any such part of the common property;

(ii) permit any designated part of the common property to be used by any security person, firm or company (to the exclusion of proprietors and occupiers generally) as a means of monitoring the

security and general safety of the parcel.

BY-LAW 13. Correspondence

All complaints or applications to the body corporate or its committee shall be addressed in writing to the secretary of the body corporate.

BY-LAW 14. Right to Enter

(a) The body corporate (by its servants, agents or contractors) may, after giving notice to the occupier, enter at any reasonable time any part of a lot for the following purposes:

(i) To test any electrical gas or water installation equipment;

(ii) To trace and repair any leakage or defect in the installation or equipment (at the expense of the owner in cases where such leakage or defect is due to any act or default of the proprietor or its tenants, invitees and licensees),

(iii) Where the lot is left unoccupied and all doors and windows to the residence on the lot are not left securely fastened, to fasten same.

(iv) To perform the duty of the body corporate under by-law 11.

(v) To ascertain whether and to ensure that the provisions of these by-laws and of the Act are being complied with by the proprietor or occupier.

(b) The body corporate in exercising its power pursuant to by-law 14(a), shall ensure that its agents, servants and contractors cause as little inconvenience to the proprietor or occupier as is reasonable in the circumstances.

BY-LAW 15. Dividing Fences

A proprietor of a lot shall not erect any fence on the lot without the consent in writing of the body corporate which consent may be granted, refused or granted subject to conditions.

BY-LAW 16. Display Unit

Whilst the original proprietor remains a proprietor of any lot, it shall be entitled to use any dwelling of which it remains a proprietor as a display dwelling and shall be entitled to allow prospective purchasers to inspect any dwelling and for such purposes shall be entitled to use such signs advertising or display material in or about the dwelling and common property as it thinks fit, such signs shall be attractive and tasteful having regard to the general appearance of the subdivision,

and shall not at any time, and from time to time, be more in terms of number and size than is reasonably necessary.

BY-LAW 17. Noise

(a) A proprietor or occupier of a lot, their guests, servants or agents shall not make or permit any noise likely to interfere in any way with the peaceful enjoyment of other proprietors or occupiers of lots or of any person lawfully using the common property. In particular no proprietor or occupier of a lot shall hold or permit to be held any social gathering in his lot which would cause noise which unlawfully interferes with the peace and quietness of any other proprietor or occupier of a lot, at any time of day or night and in particular shall comply in all respects with the Noise Abatement Act 1979, as amended.

(b) In the event of the unavoidable noise in a lot at any time the proprietor or occupier thereof shall take all practical means to minimise annoyance to other proprietors of lots.

(c) Guests leaving after 11.00pm shall be requested by their hosts to leave quietly. Quietness also shall be observed when a proprietor or occupier of a lot returns to the dwelling late at night or in early morning hours.

BY-LAW 18. Use of Lots

(a) A proprietor or occupier of a lot shall not use that lot or permit the same to be used otherwise than as a private residence nor for any purpose that may cause a nuisance or hazard or for any illegal or immoral purpose or for any other purpose that may endanger the safety or good reputation of persons residing within the parcel.

(b) A proprietor or occupier of a lot shall not operate or permit to be operated upon the parcel any radio, two way radio, short wave radio, transmitter, telecommunications device or electronic equipment so as to interfere with any domestic appliance or apparatus (including a radio or television receiver) lawfully in use upon the common property or in any other lot.

(c) In the event of an infectious disease which may require notification by virtue of any statute, regulation or ordinance occurring or becoming apparent in any lot the proprietor or occupier of such lot shall be given written notice thereof and any other information which may be required relative thereto and in the event of the proprietor or occupier failing within a reasonable time to eradicate such disease the proprietor or occupier shall pay to the committee the expenses incurred by the committee of disinfecting the lot and any part of the common property required to be disinfected and replacing any articles or things the destruction of which may be rendered necessary by such disease.

(d) Using a lot as a private residence shall include the letting of a lot on a holiday basis for residency purposes.

BY-LAW 19. Alteration to Lots and Common Property

A proprietor or occupier of a lot shall not construct, erect or alter or permit the construction, erection or alteration of any fence, pergola, screen awning or other structure of any kind within or upon a lot or on common property without approval in writing of the body corporate. Such approval of the body corporate may include such conditions as the body corporate considers reasonable and shall include a condition requiring the proprietor or occupier concerned to repair and maintain the improvement so constructed.

BY-LAW 20. Maintenance/Appearance of Lots

(a) Each proprietor shall be responsible for the maintenance of his lot and shall ensure that his lot is so kept and maintained as not to be offensive in appearance to other lot owners through the accumulation of excess rubbish or otherwise.

(b) All lots are to be so maintained as to prevent the excessive growth of grass and other vegetation making lots unsightly, increasing fire risks or contributing to the spread of noxious weeds to other lots.

(c) A proprietor shall not change the number or colour of the exterior light or lights to his or her lot without the written approval of the Committee of the body corporate.

(d) A proprietor mortgagee or occupier shall not alter the exterior colour scheme of any building or other structure on his lot without prior approval in writing from the body corporate pursuant to a resolution of the body corporate.

BY-LAW 21. Replacement of Glass

Windows shall be kept clean and promptly replaced by the proprietor or occupier of the lot at his expense (if a claim has not been successfully recovered from the Body Corporate's insurance policy) with fresh glass of the same kind and weight as at present if broken or cracked.

BY-LAW 22. Display of By-Laws

A copy of these by-laws (or a precis thereof approved by the committee) shall be exhibited in a prominent place in any lot made available for letting.

BY-LAW 23. Behaviour of Invitees

(a) A proprietor or occupier of a lot shall take all reasonable steps to ensure

that his invitees do not behave in a manner likely to interfere with the peaceful enjoyment of the proprietor or occupier of another lot or of any person lawfully using common property.

(b) The proprietor or occupier of a lot shall be liable to compensate the body corporate in respect of all damage to the common property or personal property vested in it caused by such proprietor or occupier or their invitees.

(c) A proprietor of a lot which is the subject of a lease or license agreement shall take all reasonable steps, including any action available to him under any such lease or license agreement, to ensure that any lessee or licensee or other occupier of the lot or their invitees comply with the provisions of the by-laws.

(d) The duties and obligations imposed by these by-laws on a proprietor or occupier of a lot shall be observed not only by the proprietor or occupier but also by the guests, servants, employees, agents, children, invitees and licensees of such proprietor or occupier.

(e) Where the body corporate expends moneys to make good damage caused by a breach of the Act, or of these by-laws by any proprietor or occupier of a lot or the guests, servants, employees, agents, children, invitees, or licensees of the proprietor or occupier of a lot of any of them, the committee shall be entitled to recover the amount so expended as a debt in any action in any Court of competent jurisdiction from the proprietor of the lot at the time when the breach was occurred.

BY-LAW 24. Recovery of Costs

A proprietor shall pay on demand the whole of the body corporate costs and expenses (including solicitor and own client costs) which amount shall be deemed to be a liquidation debt due, in recovering all and any levies of moneys duly levied upon such proprietor by the body corporate pursuant to the Act.

BY-LAW 25. Power of Committee

The committee may make rules relating to the common property including the roadway, swimming pool, barbeque area and other facilities, not inconsistent with these by-laws and the same shall be observed by the proprietors or occupiers of lots unless and until they are disallowed or revoked by a resolution at a general meeting of the body corporate.

BY-LAW 26. Curtains/Blinds

A proprietor or occupier shall not hang curtains or blinds visible from outside any lot unless those curtains or blinds have a backing of such colour and design as

shall be approved by the Committee of the Body Corporate. A proprietor shall not install, renovate and/or replace a curtain backing without having the colour and design of same approved by the Committee. In giving such approval the Committee shall ensure so far as practicable that curtain or blind backing used in all lots presents a colour that when viewed from outside of the building is sympathetic with the external colour scheme of the building.

BY-LAW 27. OUTSTANDING COSTS

Any costs incurred by the Body Corporate in recovering outstanding amounts owing to the Body Corporate by a proprietor shall be charged against that proprietor.