



ESTATE AGENCY AFFAIRS BOARD
OF SOUTH AFRICA

AMNESTY POLICY

APPLICATION FOR AMNESTY

The Estate Agency Affairs Board (“the EAAB”) has resolved that the bringing of illegally operating estate agents into compliance with the provisions of the Estate Agency Affairs Act (“the Act”) is both more desirable and in the long-term interests of consumers and the estate agency profession than seeking to punish such persons for any past transgressions and offences.

Persons who are, therefore, presently performing, or who have previously performed, the functions, duties and activities of an estate agent as defined in the Act without having applied for or been issued with a valid fidelity fund certificate by the EAAB are encouraged to apply to the EAAB for amnesty. It should be noted that applicants are required to make full, honest, open and truthful disclosure of all facts and information regarding their illegal activities as estate agents.

Successful amnesty applicants will be granted a reasonable time within which to get their estate agency affairs in order and to comply with the Act. No internal disciplinary steps or measures will be instituted by the EAAB in respect of the previous non-compliance by successful applicants with the provisions of the Act.

The amnesty application period commences on 15 April 2011 and terminates on 15 July 2011.

The application must be completed and sworn to/affirmed before a commissioner of oaths such as, for instance, an attorney, bank manager, post master or police officer. Each page of the application, including all annexures, must also be initialed by both the applicant and the relevant commissioner of oaths.

The completed affidavit/solemn declaration must be returned to the Estate Agency Affairs Board.

The application can be e-mailed to Ms. Lungile Mntambo at Lungile.Mntambo@eaab.org.za or faxed to Ms. Mntambo 086 545 8649. The completed application can also be posted to the Estate Agency Affairs Board, Private Bag X10, Benmore, 2010. **All completed applications must, however, reach the EAAB on or before 15 July 2011.**

Particulars of applicant

Full name and surname:

Identity number: -----

Physical address: -----

----- Code: -----

Postal address: -----

----- Code: -----

E-mail: -----

Telephone numbers: (home) ----- (work) -----

(cellular) -----

Fax number: -----

Information to be supplied by applicant

1. Have you ever previously applied for the issue of a fidelity fund certificate to the EAAB? If so, please furnish the reason why such fidelity fund certificate was not issued to you by the EAAB.

2. Have you ever previously been issued with a valid fidelity fund certificate by the EAAB? If so, please furnish the reasons for your failure to renew that fidelity fund certificate.

3. Indicate the time period when you actually practiced as an estate agent without a valid fidelity fund certificate.

4. Did you practice as an estate agent as a sole proprietor, a partnership, a close corporation or a company?

5. Give details of the business and/or trade name(s) that you used when you practiced as an estate agent.

6. Give details of the postal address and the physical address(es) from which you practiced as an estate agent.

7. Did you open and maintain a trust account when you practiced as an estate agent? If so, full details of that trust account, including details of all trust monies received and/or expended and the bank at which the trust account was opened and the number of the trust account, are required.

(The required details should be attached as a separate annexure to this application)

8. If you did not open a trust account details of all bank accounts that you used to channel trust monies received and/or expended are required.

(The required details should be attached as a separate annexure to this application)

9. Give details of all business and/or other banking accounts that you used for your estate agency operations.

10. Give details of all estate agency business that you transacted during the entire period when you practiced as an estate agent.

(The required details should be attached as a separate annexure to this application)

11. Give details of all commissions and/or other payments that you earned and/or received as a result of your estate agency services rendered to consumers.

(The required details should be attached as a separate annexure to this application)

12. If you practiced as an estate agent in partnership or as a co-member with other members of a close corporation or as a co-director with other directors of a company, give full details of all the other partners, members or directors. A copy of any partnership agreement or the relevant CK or CM forms relating to the close corporation or company, as the case may be, should also be attached to the application.

13. Give details of all employees or non-principal estate agents who were in your service when you rendered estate agency services to consumers.

14. Give details of all your assets and liabilities.

(The required details should be attached as a separate annexure to this application)

15. Give details of all your financial transactions, including the current financial position and standing, of your estate agency undertaking.

(The required details should be attached as a separate annexure to this application)

16. Provide a copy of all income tax returns, if any, submitted by you SARS in respect of your estate agency activities as well as your personal income tax returns.

(The required details should be attached as a separate annexure to this application)

17. Provide a copy of all returns submitted by you to any other relevant authority, such as the Department of Labour, in respect of your estate agency activities.

(The required details should be attached as a separate annexure to this application)

18. Give details of any auditor(s) and/or auditing firm(s) and/or accountant(s) and/or bookkeeper(s) whose services you used in the preparation and/or auditing of accounting records in respect of the applicant's estate agency activities.

19. Give details of your educational qualifications. Have you made an attempt to attain either the NQF Level 4 or 5 real estate qualifications? If so, provide details.

20. Have any criminal actions, whether or not finalised, been brought against you? If so, provide details.

21. Have any civil actions, whether or not finalised, been instituted against you? If so, provide details.

22. Have you ever been personally sequestered or a member of a close corporation or director of a company that was liquidated, whether provisionally or finally. If so please provide full details as well as a copy of the relevant application for sequestration/liquidation and the Order of the Court.

23. Have you ever been the subject of any disciplinary proceedings, whether pending or finalised, instituted against you by the EAAB? If so, full details are required.

The applicant must be a fit and proper person

When considering the amnesty application all circumstances, facts and matters which may have a bearing on the applicant, the application and the interest of justice will be taken into account. The interests of the consuming public and the general body of estate agents are also relevant.

APPLICANT

Thus done and signed at ----- on -----

----- of 2011, the deponent having acknowledged that:

- he/she knows and understands the contents of this affidavit;
- he/she has no objection to taking the prescribed oath; and
- he/she regards the prescribed oath as being binding on his/her conscience.

Before me

COMMISSIONER OF OATHS