

**COMPETITION TRIBUNAL  
REPUBLIC OF SOUTH AFRICA**

**Case no.: 23/IR/Mar06**

**In the matter between:**

Charter Property Sales

Applicant

and

East Cape Property Guide

1<sup>st</sup> Respondent

Saturday Star Property Guide

2<sup>nd</sup> Respondent

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Panel : N Manoim (Presiding Member), T Orleyn (Tribunal Member), and U Bhoola (Tribunal Member)

Heard on : 19 January 2007

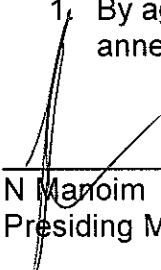
Decided on : 19 January 2007

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**Order**

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1. By agreement between the parties, the Tribunal makes the agreement annexed hereto marked 'A' an order of the Tribunal.

  
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N Manoim  
Presiding Member

**Concurring:** T Orleyn and U Bhoola

BEFORE THE COMPETITION TRIBUNAL OF SOUTH AFRICA  
HELD AT PRETORIA

TRIBUNAL CASE NO: 23/1R/MARCH06  
COMMISSION CASE NO: 2006JAN2098

In the matter between:

**CHARTER PROPERTY SALES CC**

**Applicant**

**And**

**EAST CAPE PROPERTY GUIDE**

**First Respondent**

**SATURDAY STAR PROPERTY GUIDE**

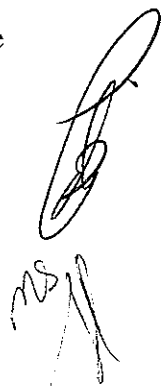
**Second Respondent**

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**AGREEMENT OF SETTLEMENT**

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1. Without prejudice and without admitting any entitlement of the Applicant to any relief in terms of the interim application dated 23 March 2006 (as amended), the First and Second Respondents individually agree as follows:
  - (a) The Applicant is entitled to place advertisements in the Saturday Star Property Guide and the East Cape Property Guide ("the Publication(s)") reflecting commission rates charged by the Applicant ("Advertisement(s)").
  - (b) A Respondent will not prescribe the content of an Advertisement to be placed by the Applicant in its publication.
  - (c) Notwithstanding paragraph (b) above, the policies and procedures of a Respondent applicable to the content of Advertisements placed in its publication and which apply to any other advertiser or potential advertiser will apply equally to the Applicant, including the requirements that any Advertisement:
    - (i) is not unlawful in any respect; and



(ii) complies with the Code of Advertising Practice of the Advertising Standards Authority of South Africa

(d) That the advertisement attached hereto marked "A" is acceptable to each of the Respondents and each Respondent will accept an advertisement from the Applicant for publication in such form.

(e) Any Advertisement placed by the Applicant with a Respondent will be paid for by the Applicant in accordance with the relevant rates and terms.

2. The parties agree in respect of costs that the cost of the interim application to date, including the costs of 20 October 2006 and of 19 January 2007, are reserved for determination, as follows:

(a) in the event of a referral to the Competition Tribunal of a complaint against either Respondent, such costs will be determined at the conclusion of such proceeding;

(b) in the event of there being no referral to the Competition Tribunal of any complaint against a Respondent, such Respondent will be entitled to enrol this matter for determination of the liability for costs.

3. This agreement will endure:

(a) in the event of a referral, to the Competition Tribunal, until the final determination of such referral;

(b) in the event of non-referral, for a period extending until 20 days after the date of the Competition Commission's Notice of Non-Referral.

SIGNED AT PRETORIA ON THIS THE 19<sup>TH</sup> DAY OF JANUARY 2007.

*M Scherer*

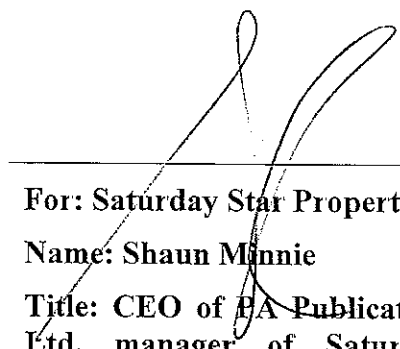
**For: The Home Trader (Eastern Cape) (Pty) Ltd t/a East Cape Property Guide**

**Name: Michele Ingrad Scherer**

**Title: General Manager**

SIGNED AT PRETORIA ON THIS THE 19<sup>TH</sup> DAY OF JANUARY 2007.

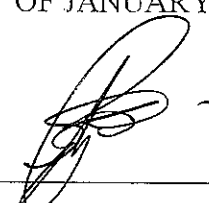
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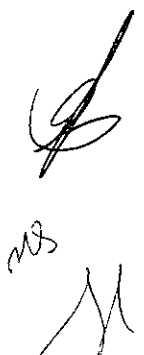
**For: Saturday Star Property Guide**  
**Name: Shaun Minnie**  
**Title: CEO of SA Publications (Pty) Ltd, manager of Saturday Star Property Guide**

ACCEPTED AT PRETORIA ON THIS THE 19<sup>TH</sup> DAY OF JANUARY 2007.



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**For: Amalgamated Real Estate Principals Property Group CC t/a Charter Property Sales**  
**Name: Eldrich Lawrence Page**  
**Title: Member**  
**(who warrants his authority hereto)**



MS  
M



Residential Real Estate Sales  
Commercial Sales & Letting,  
Property Administration

041 456 1147

*For Uncompromising Quality Service*

**If this does not influence  
your choice of estate agent,  
nothing will !!!**

- \* For only 3% commission (VAT exclusive), we proudly offer the same all-inclusive and comprehensive professional estate agency services package you would expect from the conventional 6% to 8% (VAT exclusive) charge-rate agencies.
- \* Our services are delivered with **honesty and integrity** intent on satisfying your demands as a seller.
- \* Unprecedented within the industry, our mandate agreement offers sellers absolute peace of mind with our built-in service guarantee that allows you, at any time and at your sole discretion, to **cancel the mandate** in the event of our services not being to your complete satisfaction - no conditions attached.
- \* **Maximum exposure** for your property through extensive internet exposure, For Sale and On Show advertising within all important printed media.
- \* Our professional team of estate agents are committed to attaining the **highest possible price** for your property.

**3 %  
Commission ?  
Your questions answered !**

Do you offer only limited estate agency services in return for this low charge rate?

We proudly offer full and comprehensive estate agency services professionally, and dedicated to meeting your expectations.

Considering the general argument that estate agents need to charge as much to deliver professional services, is it financially possible for your agency as a business to be effective in marketing my property at such low commission rates?

While all business ventures have risks attached thereto, our in-depth research confirms that a 3% charge rate is equitably balanced to maintain risk-free, comprehensive and professional levels of service to clientele within the real estate industry. Based on sound business doctrines, Charter Property Sales is structured on the principle of giving outstanding value to clientele while still achieving substantial financial returns as a business.

How do I as a Seller stand to benefit from using Charter Property Sales?

You will benefit in one of two ways :- Given maximum exposure, as is our commitment to your property, it will always sell at the maximum value the market is prepared to pay, meaning that you then immediately pocket the substantial savings in commission; alternatively you can elect to improve opportunities for a quicker sale by decreasing the asking price of your property with an amount equivalent to your potential saving, and so make the property more attractive to potential buyers.

How do Buyers stand to benefit from purchasing a property through Charter Property Sales?

Depending on how the seller wishes to apply the cost saving in terms of reduced commissions to the agent, the buyer may pay substantially less for the property.

What happens if I give my property to Charter Property Sales and subsequently find that I am not happy with the service delivery?

Confident in the knowledge that this will not be the case, and unprecedented within the industry, our mandate agreement offers sellers peace of mind with our built-in service guarantee that allows you, at any time and at your sole discretion, to cancel the mandate granted to Charter Property Sales in the event of our services not being to your satisfaction - no conditions attached.

Do I pay anything upfront, or in the event of Charter Property Sales not procuring a successful sale over my property, are there any fees payable?

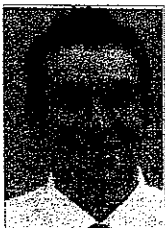
No, you only pay us the 3% commission against the sale value of the property in the event of us successfully securing a final sale which meet your requirements - payable from the proceeds of the sale. **NO SALE, NO COMMISSION!**

Which areas do you service?

All suburbs within Port Elizabeth and immediate surrounding areas.

How can I make use of this service?

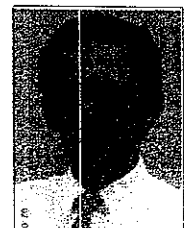
Call our office for an appointment with one of our agents to meet, at your convenience, to discuss a marketing plan for your property.



Dylan  
084 988 4025



**Property24**  
Property24.co.za



Aldridge  
08 3709-3709

*When you are ready,  
we would be happy to sell your home*