



STATUS-MARK

PROPERTY MANAGEMENT

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MINUTES

MINUTES THE ANNUAL GENERAL MEETING OF NUM-NUM HOME OWNERS' ASSOCIATION HELD ON 25 MAY 2022 AT 18:00 AT NG CHURCH, CHURCH STREET, MOSSEL BAY

1	Opening and Welcome
	The Chairman, Mr. J. Krige (18712), welcomed all present. Mr E. Loubser (18687) opened with prayer.
2	Attendance, apologies and proxies
	Attendance as per register. Ms. L. Uys Ms. A. Els Proxies as per register.
2.1	Confirmation of Quorum
	Quorum requirement – 25 37 Owners were present in person or by proxy and a quorum is therefore duly constituted.
3	Confirmation of Agenda
	The agenda as presented was confirmed.
4.1	Consideration of the Chairman's report (19.1)
	The chairman's report as presented was considered. It is proposed by Ms. E. Pelsler (18681) and seconded by Ms. A. Nel (18722).
4.2	Approval of the previous AGM minutes of 25 May 2021.
	The previous AGM minutes were approved on a proposal from Mr. E. Loubser (18687) and seconded by Mr. De Klerk Fourie (18717).

4.3	Approval of the Special General Meeting held on 20 February 2022.
	The Special General Meeting held on 20 February 2022 was approved on a proposal from Ms. A. Nel (18722) and seconded by Ms. E. Pelser (18681).
5	Finance
5.1	Financial Statements 02-2022
	The financial statements as presented were approved on a proposal from Ms. A. Nel (18722) and seconded by Mr. E. Loubser (18687). Bank balances as at date of meeting: ABSA Bank Cheque Account: R106 227.75 Investment: R738 865.76 Total: R845 093.51
5.2	Financial Statements 02-2021
	The financial statements as presented were approved on a proposal from Mr. De Klerk Fourie (18717) and seconded by Mr. K. Reyneke (18729).
5.3	Budget 2022/2023
	The 2022/2023 budget as presented was approved on a proposal from Ms. A. Nel (18722) and seconded by Ms. L. Swart (18724).
	There will be no increase in the levy for 2022/2023.
5.4	Budget 2023/2024
	The 2023/2024 budget as presented was approved on a proposal from Ms. M. Pretorius (18686) and seconded by Ms. E. Pelser (18681).
	The levy for each owner will be R750.00 per month as from 1 March 2023. The CSOS levy for each owner will be R5 as from 1 March 2023.
5.5	CSOS – Resolution to submit documentation on behalf of the HOA
	The meeting gives Status Mark authorization to submit all documentation to CSOS. The resolution was approved unanimously.
6	The consideration and fixing of the remuneration of the Auditor for the financial year of the Association preceding the Annual General Meeting. (19.7)

	<p>The appointment of Rain auditors was duly considered and their remuneration was fixed at R 10,120.00 It was unanimously approved.</p>
7	<p>The consideration of any other matters raised at the meeting including any resolutions proposed for adoption by such meeting, and the voting upon such resolutions. (19.3)</p>
	<p>Changes that need to be made to the Constitution of Num-Num Home Owners Association. -Without Voting-</p>
	<p>7.1 Companies Act No 71 of 2008. Num-Num is a H.O.A. and does not fall under "The Act (Companies Act No 71 of 2008)". Therefore, the following amendments are proposed (highlighted words to be deleted).</p> <p>1 "The Act" shall mean the Companies Act No. 71 of 2008, as amended from time to time</p> <p>Subject as aforesaid, any words or expressions defined in the Act or any statutory modifications thereof in force at the date on which the Constitution becomes binding on the associations shall, if not inconsistent with the subject or context, bear the same meaning in the Constitution</p> <p>3.5.3 all responsibilities regarding aforementioned and/or as stated by any Act, ordinance or regulation</p> <p>-----</p> <p>3.8 On dissolution of the Association the remaining assets must be distributed to a similar association of persons, which is also exempt from income tax in terms of section 10(1)(e)(i)(cc) of the Act.</p> <p>-----</p> <p>5.5.7 his being removed from office as provided in Section 71 of the Act.-</p> <p>-----</p> <p>-</p> <p>7.1 Subject to the express provisions of the Constitution, the Management Committee shall manage and control the business and affairs of the Association, shall have full powers in the management and direction of such business and affairs and save as may be expressly provided in the Constitution, may exercise all such powers of the Association, and do all such acts on behalf of the Association, as may be exercised and done by the Association, and as are not by the Act or by the Constitution required to be exercised or done by the Association in the general meeting, subject nevertheless to any provisions of the Act, and to such regulations as may be prescribed by the Association in general meetings from time to</p> <p>17.1 Subject to the provisions of Section 185 and 186 of the Act. an Annual General</p>

		<p>-----</p> <p>19. <u>AGENDA AT MEETINGS</u></p> <p>In addition to any other matters required by the Act or the Constitution to be dealt with at an Annual General Meeting, the following matters shall be dealt with at every Annual General Meeting:</p> <p>-----</p> <p>27.2 The duties of the Bookkeeper shall be regulated in accordance with the Act.</p>
		Proposed changes accepted by the meeting.
	7.2	Bookkeeper, Num-Num does not make use of a Bookkeeper Therefore “Bookkeeper” must be removed and replaced with “Auditor”.
		<p>1. "Bookkeeper" shall mean a reputable Bookkeeper, appointed by the Management Committee;</p> <p>-----</p> <p>19.5 The consideration of the report of the Bookkeeper;</p> <p>-----</p> <p>19.7 The consideration and fixing of the remuneration of the Bookkeeper for the financial year of the Association preceding the Annual General Meeting.</p> <p>-----</p> <p>26.2 At each Annual General Meeting the Management Committee shall lay before the Association a proper income and expenditure account for the immediately preceding financial year of the Association, or in the case of the first account, for the period since the incorporation of the Association together with a proper balance sheet shall be accompanied by proper and extensive reports of the Management Committee and the Bookkeeper and.</p> <p>-----</p> <p>27.1 At least once every year, the accounts of the Association shall be examined and the correctness of the income and expenditure account and balance sheets ascertained by the Bookkeeper.</p> <p>-----</p> <p>27.2 The duties of the Bookkeeper shall be regulated in accordance with the Act.</p> <p>-----</p> <p>29.1 All Management Committee Members and the Bookkeeper shall</p>

		<p>be indemnified out of the funds of the Association against any liabilities bona fide incurred by them</p> <p>29.2 Every Management Committee Member, every servant, agent and employee of the Association, and the Bookkeeper, shall be indemnified</p> <p>29.3 A Management Committee Member shall not be liable for the acts, receipts, neglects or defaults of the Bookkeeper or of any of the other Management Committee</p>
		Proposed changes accepted by the meeting.
	7.3	Secretary, Num-Num does not make use of a secretary. Therefore “Secretary” must be removed and replaced with “Managing Agent”.
		<p>21.2. The instrument appointing a proxy and the Power of Attorney or other authority (if any) under which it is signed, shall be deposited by hand or email or fax to the Secretary of the Association, <i>the Managing Agent as stipulated on the agenda</i>, at least 24 (TWENTY-FOUR) hours before the time appointed for the commencement of the meeting, or the general meeting at which the person named in the instrument is proposed to vote. No proxy sent to any member directly, shall be accepted, and all proxies shall be sent to the Secretary <i>Managing Agent</i> as mentioned in</p>
		Proposed changes accepted by the meeting.
	7.4	The erf number was omitted in the paragraph.
		3.1.2: to refer to erf 18676
		Proposed changes accepted by the meeting.
	7.5	Historical amendment to constitution without vote and with incorrect information was provided.
		<p>The following was changed in the constitution without any record that there was a vote for the change. It is decided to change it back from 75% to 70%.</p> <p>22.5. Any Special resolution, as defined in paragraph 1. hereof for the amendment of a special resolution shall be carried on a 75% (SEVENTY FIVE percent) -70% (SEVENTY percent) majority of all the email votes cast thereon.</p>
		Proposed changes accepted by the meeting.
	7.6	Separation between Num-Num's responsibilities and those of the Municipality. The statement made in 31.1 is unclear and will be rephrased as follow:
		31.1 The Home Owners' Association shall be responsible for the maintenance and repairs of the following infrastructure and services in

		the Development- street lights, drains, internal roads, sewage reticulation system and any other similar services and/or infrastructure. The Municipality of Mossel Bay shall be responsible for the maintenance and repairs of the water and electricity infrastructure.
		Proposed changes accepted by the meeting.
8	Discussion and Voting on the proposed amendments	
	8.1	<p>Proposal: To increase the percentage of votes to approve an ordinary resolution from 50% to 60%.</p> <p>1. "Ordinary Resolution" shall mean a resolution adopted at a General Meeting or special general meeting, with the support of more than 60% of the voting rights exercised on the resolution.”</p>
		<p>The matter was discussed and voted on:</p> <p>Yes: 35 (95%) No: 2 (5%)</p> <p>Approved for electronic vote.</p>
	8.2	<p>Proposal: To increase the percentage of votes to approve a Special Resolution from 70% to 75%.</p> <p>1."Special Resolution" shall mean a resolution adopted at a General Meeting or special general meeting, with the support of more than 75% of the voting rights exercised on the resolution.....</p>
		<p>The matter was discussed and voted on:</p> <p>Yes: 17 (46%) No: 20 (54%)</p> <p>Not approved for electronic vote.</p>
	8.3	<p>Proposal: Modify so that a “proxy holder” does not necessarily have to be a member.</p> <p>21.1 A Member may be represented at a general meeting by a proxy. The instrument appointing a proxy shall be in writing signed by the Member concerned or his duly authorised agent in writing, in the form provided with the notice of meeting and no other form. Where a Member is more than one person, any of those persons may sign the instrument appointing a proxy on such Member’s behalf, and where a Member is company, it may be signed by the chairman of the Board of Directors of the company or by its secretary and where an association of persons, by the secretary thereof.</p>

		<p>The matter was discussed and voted on:</p> <p>Yes: 31 (84%) No: 6 (16%)</p> <p>Approved for electronic vote.</p>
	8.4	<p>Proposal: Change the stipulation that persons who are up to 59 days in arrears may vote on any matter.</p> <p>22.2 Save as expressly provided for in the Constitution no Member or his registered proxy holder, with a levy and or other sum, (if any) outstanding for longer than 59 days, as on the date of the voting, and who is under suspension shall not be entitled to vote on any matter, either personally or by proxy, at any general meeting. However, he may attend the meeting and may participate in the discussions</p>
		<p>The matter was discussed and voted on:</p> <p>Yes: 36 (97%) No: 1 (3%)</p> <p>Approved for electronic vote.</p>
	8.5	<p>Proposal: Restrict the use of the Electronic Vote. Both paragraphs 22.3 and 22.8 are affected.</p> <p>22.3 At any general meeting a resolution put to vote of the meeting shall be decided in the following manner;</p> <p><i>-If more than 60% (Sixty percent) of the total Members of the Association, entitled to vote, either present or presented by means of a valid proxy then, the Chairman of the general meeting may on his sole discretion, decide to vote either on a show of hands or by ballot. The outcome of this vote will stand. (No electronic vote will take place)</i></p> <p><i>-If less than 60% (Sixty percent) of the total Members of the Association, entitled to vote, either present or presented by means of a valid proxy then, the Chairman of the general meeting may on his sole discretion, decide to vote either on a show of hands or by ballot. If the said resolution is approved by more than 50% of the Members, then a ballot by means of an electronic vote as provided for in subparagraph 22.6. must take place, within 14 days after the General meeting</i></p> <p>22.8 In the event of any proposed amendment or repeal of any stipulation of this Constitution and Annexures, at any Annual General Meeting or special general meeting, and voted on as a special resolution proposal, the relevant accepted amendments,</p>

		<p>after voting or were applicable an electronic vote by the Members, will be distributed to Members within (THIRTY) days of the approval by the Municipality of Mossel Bay.</p> <p>If the Trustees deem it necessary for certain decisions to be ratified by the owners either for an ordinary or special resolution, and there is no time to arrange a special meeting, the electronic voting process is utilised.</p>
		<p>The matter was discussed and voted on:</p> <p>Yes: 32 (86%) No: 5 (14%)</p> <p>Approved for electronic vote.</p>
	8.6	<p>Proposal: To charge members for each letter / email sent to owner on the same subject after first notice.</p> <p>24.1.2 be fined by the Association and charged R150.00 for every subsequent letter by email or delivered, sent to the member- (after first notification)- in such amount; and/or</p>
		<p>The matter was discussed and voted on:</p> <p>Yes: 32 (95%) No: 5 (5%)</p> <p>Approved for electronic vote.</p>
	8.7	<p>Proposal: Increase interest on arrears to 18% p.a..</p> <p>24.1.3 Increase the interest calculated at 18% p.a.</p>
		<p>The matter was discussed and voted on:</p> <p>Yes: 35 (95%) No: 2 (5%)</p> <p>Approved for electronic vote.</p>
	8.8	<p>Proposal: Stipulate time frame within action must be taken and the usage of C.S.O.S.</p> <p>24.1.3 After 3 months of non-payment, or non-performance on the breach or * fails in the observance of any of the provisions of the Constitution and Annexures the Management Committee will take the matter to C.S.O.S. for action."</p>
		<p>The matter was discussed and voted on:</p>

		<p>Yes: 37 (100%) No: 0 (0%)</p> <p>Approved for electronic vote.</p>
	8.9	<p>Proposal: The Constitution was drafted before C.S.O.S. was in operation. The following amendments need to be considered. Paragraph 30 as well as paragraph 32.1.4.4 is affected.</p> <p>30.1 Any unpaid amounts, dispute, question or difference arising at any time between Member or between Members and Trustees out of or in regard to: -</p> <p>30.1.1 Any matters arising out of this Constitution and Annexures; or 30.1.2 The rights and duties of any of the parties mentioned in the Constitution and Annexures; or 30.1.3 The interpretation of this Constitution and Annexures, shall after three months from the first letter/email/ notification were sent to the other party, be submitted to C.S.O.S. for arbitration and conciliation on the terms and condition as stipulated by C.S.O.S. on notice given by any party to the other parties who are interested in the matter in question.</p> <p>30.2 Notwithstanding anything to the contrary contained herein, the Trustees shall be entitled to institute legal proceedings on behalf of the Association by way of application, action or otherwise in any Court having jurisdiction.</p> <p>32.1.4.4 In the event of any penalty imposed in terms of this Constitution, being outstanding for a period of 90 (NINETY) days from date of becoming due, the Association shall be entitled to proceed with a C.S.O.S. process according to paragraph 30.</p>
		<p>The matter was discussed and voted on:</p> <p>Yes: 37 (100%) No: 0 (0%)</p> <p>Approved for electronic vote.</p>
	8.10	<p>Proposal: Make provision to appoint dedicated persons to look after relevant issues on the estate.</p> <p>5.7 Due to continuity as well as sensitivity relating to all relevant issues on * the Estate, dedicated persons may be co-opted by the Management Committee to oversee the issues. They may or may not be a Trustee, but they will report to the Management Committee. These issues will always be the first to be discussed by the Management Committee. After the discussion of the items the relevant persons may be excused from the meeting.</p>

		<p>The matter was discussed and voted on:</p> <p>Yes: 37 (100%) No: 0 (0%)</p> <p>Approved for electronic vote.</p>
	8.11	<p>Proposal: Include the interpretation of the meaning of “and who is under suspension” in paragraph 1.</p> <p>Record under Interpretation the following: “Under Suspension” shall mean any owner that violates any restriction, covenant, rule or who’s levies or other sum outstanding for longer than 60 days..</p>
		<p>The matter was discussed and voted on:</p> <p>Yes: 37 (100%) No: 0 (0%)</p> <p>Approved for electronic vote.</p>
	8.12	<p>Proposal: Include the wording Occupation may only take place once the occupation certificate has been issued” and to include that additions to existing units must be fully completed within a period of six months. (Already taken up in other documentation)</p> <p>32.1.4.3 Construction of the dwelling must be completed, and all building material and rubble removed within 1 (one) year of commencement. Occupation may only take place once the occupation certificate has been issued and a copy handed to the H.O.A. In the event that the structure is not properly completed according to all building specifications and further reasonable specifications of the Home Owners’ Association, within a period of 1 (one) year from date of commencement of building works, a penalty, in amount of R10 000.00 (TEN THOUSAND RAND) per month or a portion thereof will be charged. The owner accepts that such penalty shall be added to his monthly statement of account for the levies payable in terms of this Constitution, and further agrees that the penalty is fair and reasonable. In the event of additions to existing units the additions must be fully completed and all building material and rubble removed according to the building specifications and further reasonable specifications of the Home Owners’ Association, within a period of 6 (SIX) months from date of commencement of building works, a penalty, in amount of R5,000.00 (FIVE THOUSAND RAND) per month or a portion thereof will be charged. The owner accepts that such penalty shall be added to his monthly statement of account for the levies payable in terms of this Constitution, and further agrees that the</p>

		penalty is fair and reasonable.
		The matter was discussed and voted on: Yes: 37 (100%) No: 0 (0%) Approved for electronic vote.
	8.13	30.8. Proposal: To charge a once off, non-refundable administration fee of 75% of the monthly levy as well as any other direct costs related to the dispute resolution, when applicable, subject to the trustees' consideration and approval.
		The matter was discussed and voted on: Yes: 35 (100%) No: 2 (0%) Approved for electronic vote.
9	Roads. Discussion on the way forward fixing the road and approval To accept a financial agreement with 'Sectional Title Solutions (Pty) Ltd' to finance the amount needed to fix (tar) all the roads in Num-Num.	
	The Chairman advised the meeting that the roads need maintenance as a matter of urgency. He discussed the various options for funding this project, however a special general meeting will be scheduled to discuss this matter in more specific detail.	
10	Election of the Management Committee. (19.2)	
	10.1	Determination of the number (minimum 4)
		The constitution determines that there should be at least 4 committee members. The meeting confirmed that 4 members will hold office for the next year.
	10.2	Nomination and election
		The following committee members were nominated:
		Mr. J. Krige (18712) Mr. E. Loubser (18687) Mr. K. Reyneke (18729) Mr. G. De Wet (18697)

		The following committee members were elected:
		Mr. J. Krige (18712) Mr. E. Loubser (18687) Mr. K. Reyneke (18729) Mr. G. De Wet (18697)
11	Date of next meeting	
		The date of the next meeting will be determined by the committee member.
12	Closure	
		Mr. K. Reyneke (18729) thanks Mr. J. Krige for his hard work and dedication to Num-Num. The meeting closes at 19:20 and owners are invited to join for tea and coffee.