



**HOME OWNERS' ASSOCIATION  
HUISEIENAARSVEREENIGING**

**MINUTES**

**NUM-NUM HOME OWNERS' ASSOCIATION**

**MINUTES OF A THE SPECIAL GENERAL MEETING OF NUM-NUM HOMEOWNER'S ASSOCIATION HELD ON 1 NOVEMBER 2023 AT 18H00 AT THE NG CHURH HALL MOEDERGEMEENTE, C/O CHURCH & GEORGE STREETS, MOSSEL BAY.**

<b>1</b>	<b>Opening and Welcome</b>
	The chairman, Japie Krige, welcomed all present.
<b>2</b>	<b>Attendance, apologies and proxies</b>
	As per attendance register.
<b>3</b>	<b>Confirmation of Quorum</b>
	The constitution determines that 35% (24 members) must be present to form a quorum.  A total of 63 owners were represented at the meeting, 22 in person and 41 via proxy, a quorum was therefore duly constituted.
<b>3</b>	<b>Purpose of the meeting:</b>
<b>3.1</b>	Voting to allow domestic animals on Num-Num Cape Estate given the proposed rules and fines.
	<b><u>HOUSE RULES FOR DOMESTIC ANIMALS: NUM-NUM CAPE ESTATE (OCTOBER 2023)</u></b>
	<ol style="list-style-type: none"> <li>1. Home Owners are permitted to keep on their respective property, two small type/breed, domestic dogs or two cats or one dog and one cat. Although allowed by the rules, for administrative purposes written application must be made and permission obtained from the HOA before any dog or cat will be allowed on Num-Num Cape Estate (The Estate). Permission will not be unreasonably withheld, provided that all HOA rules in respect of the keeping of dogs and cats are complied with.</li> <li>2. The dogs or cats must not pose any danger or show aggression towards any person or animal on the Estate, they may not create any disturbance, noise or odours at any time or become a nuisance, and may be kept only if there is a suitable enclosed</li> </ol>

area for the dogs, in accordance with the Num-Num Cape Estate Architectural Guidelines, that prevents a dog from straying off their properties.

3. No aggressive dogs will be allowed on the Estate. An owner of a dog shall be obliged to immediately remove a dog from the Estate in the event that such dog causes a nuisance or displays aggressive behaviour. The Trustees reserve the right to prohibit, restrict or control the keeping of a dog which they regard as dangerous or aggressive or a nuisance.
4. The Mossel Bay Municipality by-laws relating to pets will be strictly enforced. In the light of neighbours' proximity and the openness of gardens, dogs need to be strictly controlled within the 900m<sup>2</sup> footprint on their property by residents. Dogs are not allowed to roam the streets, pathways or common property.
5. No dog or cat may be walked freely, or on a leash, on any of the streets, pathways or common property / area of the Estate.
6. At all times, and particularly at night, dogs must not create a disturbance or become a nuisance, and should not be left unattended or outside.
7. The natural fauna on the Estate is to be protected and must not be chased, harassed or attacked by dogs or cats. If any person or animal is attacked, the dog or cat will immediately be removed from the Estate. There will be no warning or fining process after any offense of this nature.
8. Dog excrement left outside the owner's footprint area must be removed immediately. Failure to do so means the dog's owner will be liable for an immediate spot fine, as stipulated in the House Rules. Owners of cats should provide them with cat trays with sand to discourage or prevent the cats from polluting the environment outside their foot print.
9. Every dog must wear a collar with a tag indicating the name of it's owner and a contact number. Cats must wear a bell on the collar with a tag indicating the name of it's owner and a contact number. Stray dogs and cats without identification will be apprehended and handed to the Municipality Pound or SPCA.
10. All dogs and cats must be spayed or neutered.
11. The Trustees reserve the right to have a dog or cat removed from the Estate should it become a nuisance or display aggressive behaviour towards people or any of the animals on the Estate.
12. An independent contractor contracted by the Trustees shall carry out the removal of the undesired dog or cat. The cost of the removal shall be for the account of the owner and shall be charged to the owner's levy account.
13. The Trustees have an unfettered discretion in the removal, but will not exercise the right without first having directed a notice to the owner furnishing details of the complaint and afford the owner a reasonable opportunity to eliminate the cause of the complaint, except in the case of the chasing or killing of any animal in the Estate. If the matter is not resolved or the transgression keeps recurring, the Trustees will have the right to request the member to remove the dog or cat from the Estate and the owner will then be obliged to do so.
14. For any transgressions in terms of the House Rules for the keeping of dogs and cats, the member will be liable for a fine by the Trustees in accordance with the Transgression schedule and process defined in the House Rules.
15. The respective member takes full responsibility for his dog(s) and / or cat(s) as well as any liability that should arise if a dog or cat belonging to him, causes damage to any animal, to the common area, or to any property of other home owners, and/or any person in the Estate.
16. The Num-Num Cape Estate, through the HOA, does not accept any responsibility

	<p>for any dog or cat, nor does it hold itself liable for any damages caused by any dog or cat.</p> <p>17. Visitors are not allowed to bring any animals onto the Estate, with the exception of a guide dog.</p> <p><b>FINES:</b></p> <table border="1"> <tr> <td> <p>Transgression schedule related to pets: - As per paragraph XX</p> <p>- Having predatory pets other than per paragraph XX on the Estate</p> </td> <td> <p>1st Violation: written warning issued. 2nd Violation: 50% of monthly levy amount per incident plus direct costs incurred by any neighbour or the HOA. 3rd Violation: Within 2 months after the first violation, a further penalty of 50% of the monthly levy amount. Owner will be requested to attach a "bark control collar" to the dog. 4th Violation: If within 3 months after the first violation – the withdrawal of any previous consent applicable to the particular matter, a penalty of 100% of the monthly levy amount as well as a "bark control collar" on the dog. If the above is not adhered to the HOA will request the immediate removal of the animal failing which the case will be handed over to HOA attorneys to initiate legal process at the Owner's cost.</p> <p>1) Written request to remove the pet will be issued, 2) If written request is ignored a penalty of 100% of monthly levy will be levied. 3) If animal is not removed after 1 month a penalty of 200% of monthly levy will be levied. This will continue until process in 4 below is completed. 4) If no compliance after three months hand over to HOA attorneys to initiate legal process. All costs for the relevant owner.</p> </td> </tr> </table>	<p>Transgression schedule related to pets: - As per paragraph XX</p> <p>- Having predatory pets other than per paragraph XX on the Estate</p>	<p>1st Violation: written warning issued. 2nd Violation: 50% of monthly levy amount per incident plus direct costs incurred by any neighbour or the HOA. 3rd Violation: Within 2 months after the first violation, a further penalty of 50% of the monthly levy amount. Owner will be requested to attach a "bark control collar" to the dog. 4th Violation: If within 3 months after the first violation – the withdrawal of any previous consent applicable to the particular matter, a penalty of 100% of the monthly levy amount as well as a "bark control collar" on the dog. If the above is not adhered to the HOA will request the immediate removal of the animal failing which the case will be handed over to HOA attorneys to initiate legal process at the Owner's cost.</p> <p>1) Written request to remove the pet will be issued, 2) If written request is ignored a penalty of 100% of monthly levy will be levied. 3) If animal is not removed after 1 month a penalty of 200% of monthly levy will be levied. This will continue until process in 4 below is completed. 4) If no compliance after three months hand over to HOA attorneys to initiate legal process. All costs for the relevant owner.</p>
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<b>3.1.1</b>	<b>Special Resolution 1: Vote to allow owners to keep 2 small breed dogs in Num-Num</b>		
	<p>It was approved unanimously by the meeting. Yes: 51/63 (81%) No: 12/63 (19%)</p>		
<b>3.1.2</b>	<b>Special Resolution 2: Vote to allow owners to keep 2 cats in Num-Num</b>		
	<p>It was not approved by the meeting. Yes: 35/63 (56%) No: 28/63 (44%)</p>		

	<p><b>TAKE NOTE: Permission for previously owned cats &amp; dogs</b></p> <p>Home Owners are permitted to keep on their respective property, two small type/breed, and domestic dogs. Although allowed by the rules, for administrative purposes written application must be made and permission obtained from the HOA before a dog will be allowed on Num-Num Cape Estate (The Estate). Permission will not be unreasonably withheld, provided that all HOA rules in respect of the keeping of dogs and cats (applicable on all previously approved cats and dogs) are complied with. Once a previously approved cat has died it may not be replaced. No new cats will be allowed on the estate.</p>
<b>3.2</b>	<p><b>Presentation by Cape Environmental Assessment Practitioners (Pty) Ltd with regards to the Environmental Impact Assessment (EIA) submitted to the Department of Environmental Affairs &amp; Development Planning (DEA&amp;DP) in January 2004 and the R.O.D.</b></p>
	<p>The following points was be addressed:</p> <ul style="list-style-type: none"> <li>- the 900m<sup>2</sup> footprints</li> <li>- the remaining area of your erf</li> <li>- the sidewalks</li> <li>- green areas</li> <li>- a plan forward to ensure that all owners and the H.O.A. meet all the conditions of the said documents.</li> </ul>
<b>3.3</b>	<p><b>Special Resolution 3: Vote that 52.5m<sup>2</sup> of the green area, erf 18754, may be sold to the owner of erf 18707.</b></p>
	<p>Owners are informed that the agenda that was sent out on 28 September 2023 stipulated the incorrect erf number, it should have read as follows:</p> <p><i>During 2017 the owner of erf <b>18707</b> built a new garage, but the back wall of the garage was built outside his boundary into the green area, erf 18754.</i></p> <p><i>Vote that 52.5m<sup>2</sup> of the green area, erf 18754, may be sold to the owner of erf <b>18707</b>.</i></p> <p>It was approved unanimously at the meeting that this will be voted electronically</p>
<b>3.4</b>	<p><b>Installation of cameras at the in and out gates</b></p>
	<p>Owners agree that cameras at the in and out gates will not be installed, seeing that a different solution was found. The new cell to gate system will send a message to a designated cell number(s) if the gate remains open for a certain period of time.</p>
<b>4</b>	<p><b>Closure</b></p>
	<p>With no further matters to discuss, the meeting was declared closed at 18:40.</p>