

**MINUTES OF THE ANNUAL GENERAL MEETING OF THE HOMEOWNERS ASSOCIATION (NPC)
OF MARINA VILLAGE HELD ON MONDAY, 18 DECEMBER 2017 AT 09H00 IN
ST FRANCIS LINKS BOARDROOM**

1. Welcome and Apologies

Mr Lahana welcomed all present and opened the meeting.

Mr Lahana requested Ms du Plessis to chair the meeting. Recognising Mr Lahana in Chair, Ms du Plessis queried whether there were any objections. Since there were no objections, Ms du Plessis confirmed that she would handle the formalities and as a matter of expediency.

2. Attendance:

a. Present

Mr VF Loots	Mrs L Clack
Alexo (PTY) Ltd	Mr P Cronje
Main Street 1337 (PTY) Ltd	Mr AD van Vuuren
Esquire consult & Market CC	Mr LA De Villiers
Mrs JA Serrurier	Mr GJ Strydom
Mr B Wells	GH Dreyer Family Trust
Mr PD & D Anderson x2	Mr I R Berry
Mr F & Mrs SA Clephane	Mr B Lahana
Mr G Miller	Mr AC Edwards
Mr P Barnes	

b. Proxies & Apologies

The following Proxies were noted as apologies.

Mr B Buchman	ifo	Mr C Stockenstrom
Mr S Stevens	ifo	Mr B Lahana
Mr & Mrs Schwitter	ifo	Mr B Lahana
Mrs MLJ Lahana	ifo	Mr B Lahana
Mrs D Kempen	ifo	Mr B Lahana
Mr & Mrs Edwards	ifo	Mr B Lahana (x3)
Mr & Mrs Louw	ifo	Mr B Lahana
Mrs S Meiring	ifo	Mr B Lahana
Mr M Yates	ifo	Mr B Lahana
Mr van Niekerk	ifo	Mr B Lahana
Mr M & C Britz	ifo	Mr B Lahana (x2)
Mr G Fletcher	ifo	Mr B Lahana
Mr K Clack	ifo	Mr E Clack
Van Zyl Investment Trust	ifo	Mr E Clack
Castlekeeper Investments	ifo	Mr E Clack (x2)
Cool Ideas 1021 CC	ifo	Mrs J Serrurier

5.3 **Wheelie Bins**

Ms du Plessis advised that quotations were obtained for the bins, however the collection / recycling thereof was a concern raised by the Directors.

Ms du Plessis reported that she has been liaising with Lynn from Enviroman. A proposal was submitted to the municipality to include Humansdorp, which would incorporate St Francis, however the proposal has not yet been considered. Ms du Plessis advised that she would continue to follow up with Lynn.

Mr Miller mentioned that Kouga Municipality would be issuing wheelie bins to St Francis in the New Year, and they would be addressing the recycling thereof.

6. **Chairman's Report**

Ms du Plessis reported that the Chairman's report circulated prior to the meeting. The report was approved and entered into the records.

7. **Consider and approve the audited Financial Statements for the previous financial period.**

Ms du Plessis referred to the income statement and reported that the total levy income for the year was R580 500 and R22 887.00 was an additional income, due to the interest earned on the investment account and tags issued to the owners.

Ms du Plessis advised that the Home Owners Association had a surplus of R60 419.00 at the end of the financial year compared to a surplus of R86 791.00 in the previous year.

Ms du Plessis reported that the HOA funds were as follows:

ABSA Account	-	R 26 253.00
ABSA Liquidity Account	-	R367 921.00
Total Funds	-	R394 174.00

With the above, the financial position of the scheme was sound, and the HOA was Solvent.

The Audited Financial Statements ending the 31 August 2017 were approved.

8. **Appoint Auditor, to hold office until the conclusion of the next Annual General Meeting**

Ms du Plessis advised that the current auditors were Moore Stephens and the current audit fee was R4860.00. A quote was obtained from Audprop for an annual fee of R4750.00 Vat inclusive.

It was resolved to remain with Moore Stephens for the ensuing financial year.

9. Election of Directors

9.1 Number of Directors (minimum of 3 (three))

It was resolved to elect 6 (six) Directors for the ensuing year. Portfolio's would be discussed and assigned to the Directors at the first Directors meeting.

9.2 Nomination and Election of Directors

Ms du Plessis advised that 9 (nine) Director nominations were received, based on the number of nominations, the following Directors were elected for the ensuing year:

- Mr B Lahana
- Mr E Clack
- Mr B Wells
- Mr G Miller
- Mr I Berry
- Mrs G Schwitter

9.3 Directors elected to disclose if they have any interest in any contract with the Company (clause 6.7)

The Directors elected advised that they had no interest in any contract with the Home Owners Association.

10. Determination of extend of Fidelity Insurance Cover in terms of the CSOS Act – Regulation 15

Ms du Plessis reported that the Home Owners Association Broker was Willem Kriel and were underwritten by Western. The total building sum insured was R4 753 284.00 with an annual premium of R7 332.93.

Ms du Plessis advised that the policy renewal date was 1 July 2018 and the incoming Directors could revisit the policy on renewal.

The insurance policy included the perimeter walls and other common areas. The Owners were reminded that their units were freehold and as such, the insurance was for their own cost. The Homeowners insurance only covered the common property.

Ms du Plessis advised that the Home Owners Association must take out insurance for an amount determined by members in general meeting to cover the risk of loss of funds belonging to the Home Owners Association or for which it is responsible for, sustained as a result of any act of fraud or dishonesty committed by a Trustee, Managing Agent, Employee or other Agent of the Home Owners Association.

The minimum fidelity insurance required as per CSOS Regulations was as follows.

Ms du Plessis advised that the renewal was due in January 2018 and updated quotations were being obtained which would be discussed with the incoming Directors.

NAME OF SCHEME	OPERATIONAL BUDGET TOTAL	25% of OPERATIONAL BUDGET	AMOUNT IN RESERVES (LAST YEAR)	TOTAL FG REQUIRED
Marina Village HOA	580 071	145 018	1 940 664	2 085 682

11. Consider and ratify, with or without amendment, the estimated expenditure for the current financial period

Ms du Plessis advised that budgeted income for the year was R580 980.00 with a total expenditure of R580 071.00, leaving a surplus of R909.00 at the end of the previous financial year.

No levy increase was proposed for the ensuing year.

CSOS Levies - Raising of CSOS fees and collection thereof will commence from 90 days of publication – every scheme must collect a Prescribed Monthly Levy from every Unit and pay quarterly to the Ombud, with effect 01 January 2017.

The formula for the calculation of the CSOS Levies was as follows:

Levies R0 – R500.00 are exempt, and thereafter are calculated at 2% of the balance, with a **maximum of 40.00**.

For example, if your monthly Levy is R1 065.00 – R500.00 (exempt) = R565.00 x 2% = **R11.30 CSOS Levy**

Ms du Plessis advised that only one (1) owner was contributing towards the CSOS levy, since their levies was over the R500.00 exemption.

12. Determination of the domicilium citandi et executandi

This would remain the Offices of:
Gateway Property Management
20 Maitland Street
Millard Grange
Port Elizabeth
6001

13. Special business of which due notice has been given.

13.1 To discuss and provide clarifications on the legal dispute between the HOA and Mr Hullett.

Mr Lahana referred to the article which was recently published by “St Francis Today” and advised that there was a legal case which went to the High Court, however the legal case had nothing to do with the Marina Village Home Owners Association. The case has been dismissed and the ruling went in favour of Mr Hulett. The HOA did not contribute financially to the legal case.

Mr Lahana advised that letters were submitted by Mr Hulett and his attorney 48 hours prior to the meeting whereby they mentioned the following:

- Erf 3306 does not fall within the HOA
- Willing to write off all levies

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Circulation Date: 02 January 2018

- Suggested that the HOA build a boundary wall from Sea Glades drive, along the existing boundary wall between erf 3306 and residential Marina Village to the slipway and beyond to the water's edge at erf 3305
- Establishing of the Mooring Owners Association was the responsibility of the MVHOA.

Mr Lahana tabled map of the proposed wall to be built and advised that the servitude was split into three;

- Exclusive use to the HOA
- Second & third portion for the jetties.

From the recent communication it would appear that Mr Hulett wants to change the servitude to non-exclusive access / servitude in favour of the MVHOA. With the potential of erf 3306 being excluded, then the piece of land next to erf 3305 becomes non-accessible without Marina Village main entrance access.

The settlement agreement states the following:

Seaglades will expeditiously register, at its cost, an exclusive servitude or right of way, access and use to launch vessels at the slipway in favour of the HOA. This servitude will be registered n perpetuity. The slipway will be for the sole and exclusive use of the HOA, who will control all access to the slipway. The HOA will determine the rules of use of the slipway.

Mr Lahana advised that the settlement agreement was an important document in order to move forward with the neighbour and live in harmony. Should the settlement agreement be repudiated, then the HOA would lose certain benefits.

Mr Lahana mentioned that Mr Hulett indicated that the MOA falls within the HOA, which was not the understanding and does not exist in terms of the settlement agreement.

The members advised that it would be to the advantage of the owners who own jetties to establish the MOA and maintain the jetties since they also had a vested interest in the servitude. Mr Lahana instructed Ms du Plessis to circulate the settlement agreement with the minutes in order for all owners to take note.

Mr Anderson, Mr Cownie & Mr Strydom advised that they would be willing to stand as Directors for the MOA. Ms du Plessis to forward the information to the above owners.

A lengthy discussion ensued regarding the current status of the servitude and the way forward.

Mr Lahana advised that the suggested way forward would be to convene a meeting with Mr Hulett to come to some sort of agreement. Should the parties not come to an amicable agreement, the matter would be referred to arbitration.

All owners agreed at the meeting that they do not want the restrictive access to be taken away and that the HOA and Seaglades must adhere and enforce their rights in terms of the conditions set out in the settlement agreement.

A vote was taken, and the motion was carried whereby it was unanimously resolved by all owners present and in proxy, that the Directors would be given the authority to protect the owner's rights in terms of the settlement agreement and they must do as they deem fit. Should the matter not be resolved, then the Directors could apply for an order of the court.

A meeting would be convened with the Directors and Mr Hulett before the end of January 2018.

There being no further business, the meeting was closed at 11h00.

CHAIRMAN

DATE

A Directors Meeting was held subsequent to the AGM and the following was resolved.

1. Election of Chairperson

Mr Lahana was elected as Chairperson for the ensuing year.

2. Handover Resolution – Signed by the Directors

3. Interest Resolution – Signed by the Directors

4. The Budget was ratified at the AGM and it was resolved not to increase the levies for the ensuing year.

5. Opening of Standard Bank Account - signed by the Directors.