



MOSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION

Association incorporated under section 21 of the Companies Act 1973 (as amended)

P.O. Box 567 • MOSEL BAY 6500 • Western Cape • South Africa • Tel: 044 691 3054 • Fax: 044 691 1520
E-Mail: status2@status-mark.co.za • Website: www.mosselbaygolfestate.co.za

MINUTES OF THE ADJOURNED VIRTUAL SPECIAL GENERAL MEETING OF THE MOSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION THAT WAS HELD ON WEDNESDAY, 14 SEPTEMBER 2022 AT 15H00 IN DOXA DEO CHURCH HALL, DA GAMA STREET, MOSEL BAY

1	<u>OPENING & WELCOME:</u>	
	The chairman, Mr Kuun, opened the meeting and welcomed everyone present. The meeting was presented in both English and Afrikaans, and if any owners required a translation; Lize Uys and Jaco Stander were available to translate.	
2.	<u>ATTENDANCE PROXIES AND APOLOGIES:</u>	
	Owners as per the attendance register. Proxies received: 63	
	A legal Quorum was not obtained, the meeting commence after a period of half an hour with the members present and in proxy as quorum. (If a legal quorum is not present at an adjourned meeting within half an hour of the time appointed for holding the meeting, the members present in person or by proxy shall be a quorum in terms of article 26.3 of the MOI.)	
	Status Mark: Mr J Stander, Mrs L Uys	
	<u>Apologies:</u>	
	Dr SP Olivier	
3.1	<u>REQUEST FROM THE OWNER OF ERF 15176, SITUATED AT 153 PARDEW DRIVE TO OPERATE THIS PROPERTY AS A GUEST HOUSE:</u>	
	Mr Kuun explained to the members that the purpose of the meeting is that in terms of article 4.1.6, the application of the owner of Erf 15176, 153 Pardew Drive, is subject to approval by 60% of members at general meeting and to such conditions as the meeting may determine.	
	The Members will be allowed to raise their hands for comments / questions, after which each person will be given a chance to comment. After this a second round will be allowed, after which time the meeting will continue to vote on the matter.	
3.2	<u>ENGAGEMENT TO SPEAK OWNER OF ERF 15176, SITUATED AT 153 PARDEW DRIVE:</u>	
	Mr Calitz thanked the members present and stated that he applied to the HOA Board to operate a guest house from Erf 15176, 153 Pardew Drive. The HOA Board remains of the opinion that approval needs to be obtained in terms of article 4.1.6 which is the reason why this meeting was called.	

	<p>Mr Calitz further pointed out to the meeting that the background and reason for his application is explained in detail in the document attached to the Agenda.</p>	
<p>3.3</p>	<p><u>Questions and discussion</u></p>	
	<p>Mr. Conradie asked the following:</p> <ul style="list-style-type: none"> ➤ If the HOA has a strategic plan to improve the value of the estate over a period of time. <p>Mr Kuun commented that a long-term plan is in place by the HOA Board.</p> <p>Mr Van Heerden asked the following:</p> <ul style="list-style-type: none"> ➤ If the applicant applied to operate a guest house from Erf 15176? <p>Mr. Calitz commented as follows:</p> <ul style="list-style-type: none"> ➤ He applied for permission from the HOA to operate a guest house. ➤ The property on Erf 15176 was established as a guest house 19 years ago and was operated as such. Since he bought the property 5 years ago, it operates as a guest house. ➤ He can't see why there are any objections against the guest house, because it is operated within the Conduct Rules of the Estate. <p>Mr Conradie stated the following:</p> <ul style="list-style-type: none"> ➤ Members bought on the estate for safety and security reasons. ➤ Concerns is over an influx of strangers into the estate. <p>Mr. Van Heerden stated the following:</p> <ul style="list-style-type: none"> ➤ That a guest house was never approved for Erf 15176. ➤ Status Mark letter dated 2003 reads that the serving of meals is not allowed, which implies that Erf 15176 is not a guest house. Guest houses are allowed to serve meals, therefore the property on Erf 15176 disqualifies as a guest house. <p>Mr Calitz commented the following:</p> <ul style="list-style-type: none"> ➤ He can only refer to correspondence in his possession received from the previous owner, Mr Bertu Nel. ➤ Any guest who overnight would at least expect to be served breakfast. ➤ Has full control over which persons enter and leave the estate. ➤ The lodge is one of Mossel Bay's top lodges and add value to the estate. ➤ Receive a lot of foreign guests who can invest in the estate. <p>Mr Van Heerden stated the following:</p> <ul style="list-style-type: none"> ➤ That Mr Calitz is in effect operating a bed and breakfast and not a guest house. ➤ That Mr Calitz wants more than what he currently has with the application before the members. <p>Mr Calitz commented the following:</p> <ul style="list-style-type: none"> ➤ He disagree with Mr Van Heerden. ➤ His application is to operate a guest house. 	

Mr Jacobs stated the following:

- The history of the estate indicates that applications for guest houses was refused at several occasions.
- In 2016 approval was given for a bed and breakfast and self-catering to Mr Calitz.
- He is not in favour of guest houses on the estate.
- Procedures is in place to apply for short-term letting.

Mr Calitz stated the following:

- The guest house he operates is within the definition of self-catering.

Mr Kuun stated the following:

- Short-term letting is where one or 2 rooms of a property is utilized for periods of short-term letting.
- Guest house is where the property as a whole is utilized for short-term letting and meals are served.
- The problem with guest house is that a business is operate.

Mr Janse Van Rensburg stated the following:

- Mr Calitz operates a bed and breakfast.
- Mr Calitz applied for a letter to continue to operate a bed and breakfast.
- In his view this is only an administrative matter and the meeting was unnecessary.

Mr Calitz replied as follows:

- Yes

Mr Klindt commented as follows:

- The guest house is operated over a period of 19 years without problems.
- All estates have guest houses.
- Has no problem with Mr Calitz operating a guest house.
- Understands that the guest house consists of 5 rooms and 5 parking areas.

Mr W Roux stated the following:

- Guided by the MOI and Conduct Rules, specifically Conduct Rule 13.1.16 which is very clear about businesses on the estate.
- If one business is approved, will the next be approved by the HOA?
- More members will approach the HOA for approval of businesses on the estate.

Mr Conradie stated the following:

- He doesn't have any problem with the guest house.
- Point was raised earlier that guest house can make a positive contribution towards the estate.

Mr Kuun stated the following:

- It is clear that approval for operating a business can only be granted

	<p>with approval by 60% of members at an GM. Conduct Rule 13.1.16 and article 4.1.6 is clear.</p> <ul style="list-style-type: none"> ➤ The initial intention when developing the estate was that it consists of single residential units. ➤ The impression is that Mr Calitz bought the property under false intentions, however Mr Calitz should have familiarised himself with the MOI and Conduct Rules before purchase of the property. <p>Mr Fryer commented the following:</p> <ul style="list-style-type: none"> ➤ There is a confusion between the understanding of a guest house and bed and breakfast. ➤ Inconsistency exists with the zoning of the guest house. ➤ Application was received for a guest house <p>Mr Jacobs suggested the following:</p> <ul style="list-style-type: none"> ➤ Recommend that Mr Calitz withdraw his application, because it is impossible to operate a guest house on the estate referring to the MOI. ➤ Mr Calitz must immediately stop operating. <p>Mrs Bayne commented the following:</p> <ul style="list-style-type: none"> ➤ Erf 15176 is operated for years as guest house/bed and breakfast with great success and doubt that problems will be experienced. <p>Mr Calitz commented the following as closure statement:</p> <ul style="list-style-type: none"> ➤ Members must familiarize themselves with what a guest house/bed and breakfast is. ➤ He refers guests to the Golf Club for meals and only serve breakfast. <p>Proposer: Calitz Seconded: Bayne</p>		
4	<u>Ordinary resolution : Approval to keep operating Erf 15176 Situated at 153 Pardew Drive, Mossel Bay Golf Estate as a guest house.</u>		
	Members were asked to vote on the application received from Mr Calitz to continue operating a guest house.		
	In favour: 43	50.59%	Against: 42
			Abstain: 3
	<i>ORDINARY RESOLUTION MUST BE ACCEPTED BY 60% OF MEMBERS, THEREFORE ORDINARY RESOLUTION WAS NOT PASSED</i>		
5	GENERAL		
	Mr Kuun thanked his fellow board members, home owners and Status Mark for attending the meeting.		
	The meeting adjourned at 17H15		
	Distribution: Minutes book All owners		