



# MOSSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION

Association incorporated under section 21 of the Companies Act 1973 (as amended)  
P.O. Box 567 • MOSSSEL BAY 6500 • Western Cape • South Africa • Tel: 044 691 3054 • Fax: 044 691 1520  
E-Mail: [status2@status-mark.co.za](mailto:status2@status-mark.co.za) • Website: [www.mosselbaygolfestate.co.za](http://www.mosselbaygolfestate.co.za)

## AGENDA/NOTICE

MOSSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION (NPC)  
MOSSELBAAI GHOLFLANDGOED HUISEIENAARSVERENIGING (NWO)  
REGISTRATION NUMBER/REGISTRASIE NOMMER: 1999/001249/0

Notice is hereby given of the 24<sup>th</sup> Annual General Meeting of Mossel Bay Golf Estate Home Owners Association to be held at 10h00 on WEDNESDAY 22 December 2021 in the Church Hall of the Moedergemeente Church, Corner of Church and Bland Street, Mossel Bay :

Only registered members or their legal proxies are permitted to attend.

Hiermee gee ons kennis van die 24STE Algemene Jaarvergadering van die Mosselbaai Gholflandgoed Huiseienaarsvereniging wat gehou sal word om 10h00 op WOENSDAG 22 Desember 2021 in die Kerkzaal van die Moedergemeente Kerk, Hoek van Kerk- en Blandstraat, Mosselbaai :

Slegs geregistreerde lede of hulle volmagte mag die vergadering bywoon.

<b>1</b>	<b>Opening en Verwelkoming</b>	<b>Opening and Welcome</b>
<b>2</b>	<b>Teenwoordig, verskonings en volmagte</b>	<b>Attendance, apologies and proxies</b>
<b>3</b>	<b>Goedkeuring van vorige notule</b> <ul style="list-style-type: none"><li>Notule van die Algemene Jaarvergadering van 21 Desember 2021</li></ul>	<b>Approval of the previous minutes -</b> <ul style="list-style-type: none"><li>Minutes of the Annual General Meeting of 21 December 2021</li></ul>
<b>4</b>	<b>Verkieping van Direkteure</b> <p>Die pos van drie (3) Direkteure (Kommunikasie ARB en Instandhouding &amp; Omgewing) moet gevul word na aanleiding van 'n bedanking en volgens Artikel 16.1 van die Grondwet, gebaseer op die huidige portefeulje van 6 (ses) direkteure.</p> <p><b>Gebruik asseblief die aangehegte nominasievorm om kandidate voor te stel en stuur die vorm na die kantore van Status Mark voor 10h00 op 13 Desember 2021 (11 Meyerstraat, Mosselbaai, 6500 of Posbus 567, Mosselbaai, 6500 of faks: 044 691 1520 of epos: <a href="mailto:status2@status-mark.co.za">status2@status-mark.co.za</a>)</b></p>	<b>Election of Directors –</b> <p>The post of two (3) Directors (Communication, ARB and Maintenance &amp; Environment) to be elected following a resignation and in terms of article 16.1 of the Articles of Association based on the current portfolio of 6 (six) directors.</p> <p><b>Please nominate candidates on the attached nomination form – this must be received at the offices of Status Mark (11 Meyer Street, Mossel Bay, 6500 or P O Box 567, Mossel Bay, 6500 or fax: 044 691 1520 or email: <a href="mailto:status2@status-mark.co.za">status2@status-mark.co.za</a>) by not later than 10h00 on the 13<sup>th</sup> of December 2021.</b></p>

Datum van kennisgewing / Date of Notice: ...16... November 2021

<b>5</b>	<b>Voorsitter se verslag</b>	<b>Chairman's Report</b>
<b>6</b>	<b>Gewone Resolusies</b>	<b>Ordinary Resolutions</b>
	<ul style="list-style-type: none"> <li>Resolusie 1: Oorweging en goedkeuring van die aangehegte finansiële dokumente (insluitend die direksie goedkeuring, ouditeursverslag, balansstaat, inkomstestaat)</li> </ul>	<ul style="list-style-type: none"> <li>Resolution 1: Consideration and approval of the financial documents attached (including the director's approval, auditors' report, balance sheet, income statement)</li> </ul>
	<ul style="list-style-type: none"> <li>Resolusie 2: Goedkeuring van die vergoeding van die ouditeure (2021/22)</li> </ul>	<ul style="list-style-type: none"> <li>Resolution 2: Approval of auditor's remuneration (2021/22)</li> </ul>
	<ul style="list-style-type: none"> <li>Resolusie 3: Goedkeuring van die begroting 2022/23, soos aangeheg</li> </ul>	<ul style="list-style-type: none"> <li>Resolution 3: Approval of the budget for 2022/23, as attached</li> </ul>
	<ul style="list-style-type: none"> <li>Resolusie 4: Kapitale Uitgawe Begroting 2022/23: Aankoop van Spoed Kamera</li> </ul>	<ul style="list-style-type: none"> <li>Resolution 4: Capital Expenditure Budget 2022/23: Procure Speed Camera</li> </ul>
	<ul style="list-style-type: none"> <li>Resolusie 5: Kapitale Uitgawe Begroting 2022/23: Erf 15228 (Area 7): Onderverdeling, hersonering, ontwikkelings goedkeuring en verkoop van erwe</li> </ul>	<ul style="list-style-type: none"> <li>Resolution 5: Capital Expenditure Budget 2022/23: Erf 15228 (Area 7): Sub-division, rezoning, development approval and sale of erven</li> </ul>
	<ul style="list-style-type: none"> <li><b>Resolusie 6:</b> Kapitale Uitgawe Begroting 2022/23: Ontwerp en bou uitbreiding van Landgoed Bestuurder se kantoor. Onderworpe aan Munisipale goedkeuring.</li> </ul>	<ul style="list-style-type: none"> <li><b>Resolution 6:</b> Capital Expenditure Budget 2022/23: Design and construct extension to current Estate Manager Office. Subject to Municipal approval.</li> </ul>
	<ul style="list-style-type: none"> <li><b>Resolusie 7:</b> Korttermyn verhurings</li> </ul>	<ul style="list-style-type: none"> <li><b>Resolution 7:</b> Short term letting</li> </ul>
<b>7</b>	<b>Spesiale Resolusie</b>	<b>Special Resolution</b>
	<ul style="list-style-type: none"> <li><b>Verander van MOI: Invoeg van Artikel 13.13 – Bevestiging van verandering van Gedragsreels deur AJV</b></li> </ul>	<ul style="list-style-type: none"> <li><b>Change of MOI: Insertion of Article 13.13 – Approval of change of Conduct Rules by AGM</b></li> </ul>
<b>8</b>	<b>Algemeen</b>	<b>General</b>
	Enige punte vir oorweging onder Algemeen moet voor 13 Desember 2021 ingehandig word by Status Mark	Please note that any items to be considered under General must be handed in before 13 December 2021 at the office of Status Mark
	<b>Soos voorgeskryf deur Raad</b>	<b>By order of the Board</b>

Datum van kennisgewing / Date of Notice: ...16.... November 2021

<p><b>Nota :</b></p> <ol style="list-style-type: none"> <li>1. Elke gemagtigde lid sal geregtig wees om persoonlik te stem of deur 'n volmag en sal slegs 1 (een) stem hê per wooneenheid of erf geregistreer in hul naam, soos omskryf in die Grondwet.</li> <li>2. Indien die eenheid of die erf in meer as 1(een) persoon se naam geregistreer is sal al die mede-eienaars gesamentlik slegs 1(een) stem hê.</li> <li>3. <u>Volmagte moet op die laatste 24hr voor die aanvang van die vergadering ingehandig word by Status Mark se kantore te 11 Meyerstraat, Mosselbaai of per epos: <a href="mailto:status2@status-mark.co.za">status2@status-mark.co.za</a></u></li> </ol>	<p><b>Note :</b></p> <ol style="list-style-type: none"> <li>1. Every authorised member shall be entitled to vote in person or by proxy and shall have 1 (one) vote for each unit or erf registered in his name, subject to the provisions of the Articles.</li> <li>2. If the unit or erf is registered in the name of more than 1 (one) person, then all such co-owners shall jointly have one vote.</li> <li>3. <u>Proxies must be handed in at the latest, 24hrs before commencement of the Annual General Meeting. Proxies can be handed in at the offices of Status Mark at 11 Meyer Street, Mossel Bay or via mail: <a href="mailto:status2@status-mark.co.za">status2@status-mark.co.za</a></u></li> </ol>
<p><u>Alle lede wie die vergadering gaan bywoon word aangemoedig om van 09:00 in te teken.**</u></p>	<p><u>All members who will be attending the meeting are encouraged to start signing in from 09:00.**</u></p>
<p><b>** Enige punte vir bespreking onder Algemeen moet voor 13 Desember 2021 ingehandig word by Status Mark</b></p>	
<p><b><i>Please note that any items to be discussed under General must be handed in before 13 December 2021 at the office of Status Mark</i></b></p>	

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## NOMINATION OF DIRECTORS

**MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION (NPC)**  
**(Association incorporated under Section 21)**  
**Registration number 1999/001249/08**

I \_\_\_\_\_ of erf \_\_\_\_\_, being a member of the Mossel Bay Golf Estate Home Owners Association hereby nominate the following person/s as director for election at the Annual General Meeting of the Company to be held on 22 December 2021 at 10H00 :

Name (in block letters)	Address/Erf no in Mossel Bay Golf Estate	Acceptance of nomination (signature)
1.		
2.		
3.		
4.		
5.		

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
(Name of signatory in block letters)

**NOTE: ARTICLES 15.2, 15.3 AND 15.4 OF THE MEMORANDUM OF INCORPORATION**

**15.2 : Every Director shall be an owner or the duly authorised representative of an owner which is a company, close corporation, trust, consortium or other suchlike entity. Every Director shall reside in the Development as his permanent residence or within the municipal district of Mossel Bay.**

**15.3 : Not later than seven (7) days before the date on which the annual general meeting is to take place, members must in writing nominate their proposed Directors for election at that annual general meeting.**

**15.4 : No person may be appointed as a Director if he or the principal referred to in Articles 15.2 is in arrear with his levy payments."**

**NB : Please take note that the members in general meeting may refuse to accept for election a nomination not accepted by the person so nominated.**

**THIS NOMINATION FORM MUST BE RECEIVED BY STATUS MARK BY NOT LATER THAN 10h00 ON 13 DECEMBER 2021 AT THE OFFICES OF STATUS MARK AT 11 MEYER STREET, MOSSEL BAY OR AT P O BOX 567, MOSSEL BAY, 6500, email: [status2@status-mark.co.za](mailto:status2@status-mark.co.za); fax: 044 691 1520**

**\*\*TO BE SUBMITTED NO LATER THAN 24HRS BEFORE START OF THE MEETING\*\***

**PROXY/VOTING PAPER  
MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION  
(Association incorporated under Section 21)  
Registration number 1999/001249/08**

I \_\_\_\_\_ of erf \_\_\_\_\_, being a member of the Mossel Bay Golf Estate Home Owners Association hereby appoint -

\_\_\_\_\_ of \_\_\_\_\_, or failing him/her

\_\_\_\_\_ of \_\_\_\_\_, or failing him/her,

the chairman of the meeting as my proxy to

vote for me and on my behalf, at the Annual General Meeting of the Association to be held at 10h00 on the 22<sup>nd</sup> day of December 2021 in the Church Hall of the Dutch Reformed Church Moedergemeente, Mossel Bay Central, C/o Bland and Church Street, Mossel Bay and any adjournment thereof as follows :

**Ordinary Resolution No 1 (Financial statements)**

In favour :  Against :  Abstain :

**Ordinary Resolution No 2 (Approval of, and remuneration of the auditors for the year ending June 2022)**

In favour :  Against :  Abstain :

**Ordinary Resolution No 3 (Operating budget for 2022/2023)**

In favour :  Against :  Abstain :

**Ordinary Resolution No 4 (Approval for procurement of Speed Camera)**

In favour :  Against :  Abstain :

**Ordinary Resolution No 5 (Approval for development of erf 15228 (Area 7))**

In favour :  Against :  Abstain :

**Ordinary Resolution No 6 (Approval for the the upgrade of the site office)**

In favour :  Against :  Abstain :

**Ordinary Resolution No 7 (Short term letting)**

In favour :  Against :  Abstain :

**Special Resolution No 1 (Rules to be ratified at AGM: Change of MOI by inserting article 13.13)**

In favour :  Against :  Abstain :

(indicate instruction to proxy by way of a X in the space provided above)

Unless otherwise instructed my proxy may vote as he thinks fit.

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
(Name of signatory in block letters)

**NOTE : ARTICLE 27.1 OF THE ARTICLES OF ASSOCIATION**

27.1 : A member may be represented at a general meeting by a proxy, who need not be a member of the Association. The instrument appointing a proxy, whether for a specified meeting or otherwise, shall be in writing signed by the member concerned or his agent, duly authorised thereto in writing, and shall be in the form below or to the effect of the form below, or in such other form as the directors may approve, in either case under the heading of or referring to the Association's name.

**THIS PROXY MUST BE RECEIVED 24HRS BEFORE COMMENCEMENT OF THE MEETING. PROXIES CAN BE HANDED IN AT THE OFFICES OF STATUS MARK AT 11 MEYER STREET, MOSSEL BAY OR AT P O BOX 567, MOSSEL BAY, 6500, email: [status2@status-mark.co.za](mailto:status2@status-mark.co.za); fax: 044 691 1520**

**ART 27.6 ..."AND IN DEFAULT OF COMPLYING HEREWITH THE INSTRUMENT OF PROXY SHALL NOT BE TREATED AS VALID."**

**\*\*TO BE SUBMITTED NO LATER THAN 24HRS BEFORE START OF THE MEETING\*\***



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MINUTES OF THE ADJOURNED 23rd ANNUAL GENERAL MEETING OF THE MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION THAT WAS HELD ON MONDAY, 28 DECEMBER 2020 AT 10H00 IN THE DUTCH REFORMED CHURCH HALL ("MOEDERGEMEENTE"), C/O BLAND AND CHURCH STREET, MOSSEL BAY

<b>1</b>	<b>OPENING &amp; WELCOME:</b>	
	The chairperson, Willem Roux, opened the meeting and welcomed everyone present. A special welcome was extended to the HOA's auditor, Kobie Human. The meeting was presented in English and Afrikaans. If any owners required a translation; Willem Prinsloo & Cleon Steyl were available to translate.	
<b>2.</b>	<b>ATTENDANCE PROXIES AND APOLOGIES:</b>	
	Members as per the attendance register: 27 Member Proxies received: 65	
	A legal Quorum was obtained.  Status Mark: Messrs WCE Prinsloo, S Koen & C Steyl	
	<b>Apologies:</b> Dr. Rudolph & Teresa Olivier David Gouws Rian & Liza-Marie Steenkamp Lesley Ritkey Louis Dutton Isolde Bayne George Morrison Nico & Nicola Lourens Dr. Stephan Olivier Vic and Anne Moll Pieter Venter Gerhardt & Marie van der Gryp Frans Gerber Oscar Ehrensperger Karl Meissner-Roloff Derek & Ralie Andresen Evelyn de Villiers Rene Gebert Dick Adcock John Collins Hettie Delpport Almerie Fourie Jean Borchardt Francois, Hannelie & Jean Borchardt Karin & Albert Melvill Hennie Coertse Jeanette & Richard Fouracres Peet Bierman Dr. Nick van Noordwyk	
<b>3</b>	<b>APPROVAL OF THE PREVIOUS MINUTES &amp; MATTERS ARISING:</b>	
	The minutes of the AGM held on 20 December 2019 were tabled and the members were asked to approve with or without amendments:  Correction: Ordinary Resolution No2: Registration of golf carts at Status Mark and the display of the erf number on the golf cart was accepted with a majority vote.	

Minutes were so approved:  
**Proposer: Mr. S Jacobs      Seconded: Mr. J Gouws**

**4      ELECTION OF DIRECTORS:**

The current composition of the HOA Board is 7 directors. A director have been appointed to lead each of the portfolios, namely: Finance, Architectural Review Board and Golf Club, Rules and Regulations, Communications, Maintenance and Environment (these two portfolio's have been amalgamated) and Security. Two (2) portfolios – Security and Communications - are vacant.

Status Mark received 2 (two) nominations for these vacant portfolio's.

The Board will consider to co-opt a director as and when needed.

**Nominations received; and elected:**

F De Lange (Security portfolio)

W Roux (Communications portfolio)

**The Board therefore consists of the following members:**

K Otto

F De Lange

W Roux

Dr. N Van Noordwyk

P Bierman

E Olivier

The Chairperson expressed gratitude to Pieter Venter for his years of service to the HOA. He has led the Security portfolio and has contributed immensely to residents enjoying a safe and secure environment.

Frans Gerber resigned during the year. During his tenure he was always willing to share his experience and knowledge. For this, fellow Board members are grateful.

Messrs. JR Blythe-Wood and G Smith are also thanked for their valuable contribution during their co-opted term.

**5      CHAIRMAN'S REPORT**

The Chairperson's annual report was circulated prior to the meeting. Significant matters covered in the report were emphasized at the meeting.

Following the presentation of the report members were given the opportunity to raise questions and/or comment on the contents of the report.

**Finance:** (Chaired by Mr P Bierman)

- Mr. Schulze asked if a CAPEX plan was available and if he could be furnished with a copy thereof.  
The Chairman stated that the CAPEX plan is available on request. The plan covers a rolling 5-year period.
- Mr Schulze also inquired about members in arrears.  
In response the Chairperson informed that the Debtors Book were actively pursued by the Board. Various approaches are adopted to recover any monies owed to the HOA. Failing these efforts over a 60-day period, the matter is handed to the HOA's lawyers for debt collection.
- Mr Schulze requested more details with regard to the legal fees and settlement of the OTB matter.  
In his reply the Chairperson highlighted that the OTB matter was resolved amicably.

Although a small portion of the interest was written-off in terms of the prescription principle, all legal fees incurred by the HOA, the OTB penalties and interest on these amounts were included in the settlement. The settlement, however, did take into account legal counsel advice, further delays and costs associated with the taxing of legal fees. At the beginning of October 2020, the full settlement amount was paid by the home owner.

**ARB and Golf Club:** (Chaired by Dr N van Noordwyk)

- Mr. Snyman inquired whether the co-operation agreement with the Golf Club had been finalised, and if so, at what general meeting was it approved or where did the Board obtain a mandate to conclude the agreement. He recalls that the last communication from the HOA Board was during April 2020.

In reply the Chairman confirmed that a co-operation agreement between the Municipality, Golf Club and HOA was signed on 7 December 2020.

At the 2019 AGM members made a range of different proposals on what the co-operation agreement should entail. However, the meeting was unanimous that a co-operation agreement must be concluded by 30 June 2020.

The HOA Board considered the different suggestions and narrowed it down to three proposals. During March 2020 these proposals were sent to members to choose one of the options. At the end of April 2020 members were informed which option was selected by most members and that this option will now form the basis of negotiations with the Golf Club. Unfortunately, the Covid-19 lockdown regulations posed a challenge in respect of interaction with the Club. After negotiations deadlocked, the Board decided to approach the Deputy Mayor to mediate between the parties. This enabled the HOA and Club to reach an agreement on matters that must be included in the agreement.

On 6 November 2020 a draft co-operation agreement was presented to HOA members. It was requested that members raise objection if they disagreed with the proposal. Three objections were received and considered by the Board, whereafter the Board proceeded with concluding the agreement.

The Chairperson highlighted that the MOI makes provision for the Directors to enter into agreements on behalf of the HOA. Furthermore, the MOI also makes provision for any financial awards to the Club

Concluding the Chairperson indicated that the total cost of the agreement to the HOA is less than the amount approved at the 2019 AGM.

- Mr. Jacobs requested that a copy of the agreement be distributed to owners.
- The Chairperson indicated that this will be done by Status-Mark.

- Mr. Vorster inquired about the communal garden areas and if there is a map depicting this. He also wanted to know if the paint colour of the Church Street entrance is the final colour and whether the colour is part of the approved colours of the estate.

- In answering the Chairperson stated that the layout of the estate changed slightly from the original developer, but that the approved Survey General drawings is available from the Municipality and can also be viewed on the GIS of the Mossel Bay Municipality. Status Mark and the HOA Board use these drawings to identify owners' erven, private open space owned by the HOA. The latter includes roads, pavements, swimming pools, gardens and bushed areas.

Common areas are maintained by the HOA using the services of contractors. Currently, the main contractor for this service is Bow Tie. The matter of owners who have established gardens beyond the boundaries of their erven will be addressed during 2021.

- Mr. K Otto confirmed that the final colour of the buildings at the Church and Schoeman Street entrances will be in accordance with the colour palette of the HOA.

- Mr. Snyman wanted to know what the Board plans to do about improving safety for



	<p>pedestrians. The layout, structures and objects placed in some gardens which border onto the road make it impossible for pedestrians to use the supposed side-walks. Furthermore, in some instances these structures and objects pose a risk to motorists and their vehicles.</p> <ul style="list-style-type: none"> <li>➤ Responding the Chairperson indicated that the Board is in the process of addressing identified problem areas for the HOA, as well as with respective owners. While the HOA have created a number of new paved walk-ways, which significantly improved pedestrian safety, more remains to be done.</li> </ul> <p>Although the road reserve is HOA common property these areas have over time become an extension of owners' garden layout. There are numerous benefits for the HOA in respect of this development. On the other hand, the matter needs to be controlled in a balanced approach.</p> <p>This is a complex issue as the road design, terrain layout and vegetation in common areas impact this matter. The original development made no specific provision for pavements.</p> <p>Considering the road design and lay-out the Conduct Rules limit speed to 25km/h together with a significant number of speed calming humps.</p> <p><b>Area 7: (Chaired Mr K Otto)</b></p> <ul style="list-style-type: none"> <li>➤ Mr. Jacobs inquired about the envisaged development of this area, as well as progress with the desktop study that was approved at the 2019 AGM. He also requested that a home owner elected representative from that area of the estate be co-opted onto the committee dealing with this matter.</li> <li>➤ Responding the Chairperson stated that the Covid-19 regulations restricted progress with the desk-top study. However, it is not envisaged that a comprehensive Environmental Impact Assessment is required. A Basic Environmental Assessment may be needed. The development of the area will subject to all required approvals in respect environment, traffic and municipal processes, if so, elected by members of the HOA in accordance with the MOI.</li> </ul> <p>The Chairperson agreed that an elected home owner representative from that area of the estate will be co-opted onto the committee once the proposed desk-top study report has been received and discussed by the Board.</p> <ul style="list-style-type: none"> <li>➤ The desk-top study proposal is awaited and will be appropriately communicated with owners.</li> </ul>					
<b>6</b>	<b>Ordinary resolution 1: Creation of capital and maintenance budget</b>					
6.1	<p>Members were asked to vote whether to create a capital budget for maintenance.</p> <ul style="list-style-type: none"> <li>➤ Proposer stated his case for motivation.</li> </ul> <p style="text-align: center;"><b>Proposer: D Schultz                      Seconded: I Janse Van Rensburg</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: center;"><b>In favour: 45 (49.45%)</b></td> <td style="width: 33%; text-align: center;"><b>Against: 46</b></td> <td style="width: 33%; text-align: center;"><b>Abstain: 1</b></td> </tr> </table> <p style="text-align: center;"><b>ORDINARY RESOLUTION 1 MUST BE ACCEPTED BY A MAJORITY VOTE, THEREFORE ORDINARY RESOLUTION 1 WAS NOT ACCEPTED</b></p>			<b>In favour: 45 (49.45%)</b>	<b>Against: 46</b>	<b>Abstain: 1</b>
<b>In favour: 45 (49.45%)</b>	<b>Against: 46</b>	<b>Abstain: 1</b>				
	<b>Ordinary Resolution No2: Limit of capital fund</b>					
6.2	<p>Members were asked to vote on the limit of the fund – proposed at one year's levy income.</p> <ul style="list-style-type: none"> <li>➤ Proposer stated his case for motivation.</li> </ul> <p style="text-align: center;"><b>Proposer: D Schultz                      Seconded: I Janse Van Rensburg</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%; text-align: center;"><b>In favour: 57 (63.33%)</b></td> <td style="width: 33%; text-align: center;"><b>Against: 33</b></td> <td style="width: 33%; text-align: center;"><b>Abstain: 2</b></td> </tr> </table> <p style="text-align: center;"><b>ORDINARY RESOLUTION 2 MUST BE ACCEPTED BY A MAJORITY VOTE, THEREFORE ORDINARY RESOLUTION 2 WAS ACCEPTED</b></p>			<b>In favour: 57 (63.33%)</b>	<b>Against: 33</b>	<b>Abstain: 2</b>
<b>In favour: 57 (63.33%)</b>	<b>Against: 33</b>	<b>Abstain: 2</b>				

<b>Ordinary Resolution 3 – Investment of funds</b>		
6.3	Members were asked to vote on whether to invest the funds in a separate fund/account.	
	➤ Proposer stated his case for motivation.	
	Proposer: D Schultz      Seconded: I Janse Van Rensburg	
	In favour: 60 (66.67%)	Against: 30      Abstain: 2
	ORDINARY RESOLUTION 3 MUST BE ACCEPTED BY A MAJORITY VOTE, THEREFORE <b>ORDINARY RESOLUTION 3 WAS ACCEPTED</b>	
<b>Ordinary Resolution 4 – Use of funds only per AGM/SGM resolution.</b>		
6.4	The proposer stated his case for motivation of the resolution.	
	Proposer: D Schultz      Seconded: I Janse Van Rensburg	
	In favour: 61 (67.03%)	Against: 30      Abstain: 1
	ORDINARY RESOLUTION 4 MUST BE ACCEPTED BY A MAJORITY VOTE, THEREFORE <b>ORDINARY RESOLUTION 4 WAS ACCEPTED</b>	
<b>Ordinary Resolution 5 - Budget Increase of R304 pa per erf until capital fund equals one year of levies</b>		
6.5	➤ Proposer stated his case for motivation.	
	In favour: 42 (46.47%)	Against: 48      Abstain: 2
	ORDINARY RESOLUTION 5 MUST BE ACCEPTED BY A MAJORITY VOTE, THEREFORE <b>ORDINARY RESOLUTION 5 WAS NOT ACCEPTED</b>	
<b>6</b>	<b>Ordinary Resolution No 6 (Financial Statements)</b>	
6.1	<p>Consideration and Approval of Financial Statements as presented: The financial statements were audited by independent auditors.</p> <p>The auditing firm recently changed from Jean Pretorius to Rain Auditors due to the fact that Jean Pretorius sold and incorporated his audit practise to Rain.</p> <ul style="list-style-type: none"> <li>➤ Mr. D Schulz queried the HOA golf day income/expense.</li> <li>➤ The Chairman mentioned there is a separate income and expense statement for the Golf Day.</li> <li>➤ All the monies less expenses were donated.</li> </ul> <p style="text-align: center;">Proposer: Peet Bierman      Seconded: W Roux</p>	
	In Favour: 89 (98.89%)	Against: 1      Abstain: 2
	ORDINARY RESOLUTION 6 MUST BE ACCEPTED BY A MAJORITY VOTE, THEREFORE <b>ORDINARY RESOLUTION 6 WAS ACCEPTED.</b>	
<b>7</b>	<b>Ordinary Resolution No 7 ( Budget)</b>	
7.2	<p>The budget for 2021/22 was tabled.</p> <p>The budget estimates for the ensuing financial year were circulated prior to the Annual General Meeting.</p> <ul style="list-style-type: none"> <li>➤ Members are welcome to have details to the line items.</li> </ul>	

	The budget was approved by the meeting. The new levy from 1 July 2021 will be R1400/month. <i>Proposer: Peet Bierman      Seconded: W Roux</i>	
	<b>In favour: 87 (96.67%)</b>	<b>Against: 3</b>
	<b>Abstain: 2</b>	
	ORDINARY RESOLUTION 7 MUST BE ACCEPTED BY A 60% MAJORITY VOTE, THEREFORE <b>ORDINARY RESOLUTION 7 WAS ACCEPTED</b>	
<b>8.</b>	<b>Ordinary Resolution No 8 (Appointment of Auditors)</b>	
<b>8.1</b>	Rain was appointed as Auditor for the ensuing year.	
	<i>Proposer: Peet Bierman      Seconded: W Roux</i>	
	<b>In Favour: 89 (98.89%)</b>	<b>Against: 1</b>
	<b>Abstain: 2</b>	
	ORDINARY RESOLUTION 8 MUST BE ACCEPTED BY A MAJORITY VOTE, THEREFORE <b>ORDINARY RESOLUTION 8 WAS ACCEPTED</b>	
<b>9</b>	<b>Ordinary Resolution No 9 (Auditor's Remuneration)</b>	
<b>9.2</b>	The meeting approved the auditor's remuneration.	
	<i>Proposer: Peet Bierman      Seconded: W Roux</i>	
	<b>In Favour: 88 (98.88%)</b>	<b>Against: 1</b>
	<b>Abstain: 3</b>	
	ORDINARY RESOLUTION 9 MUST BE ACCEPTED BY A MAJORITY VOTE, THEREFORE <b>ORDINARY RESOLUTION 9 WAS ACCEPTED</b>	
<b>10</b>	<b>Ordinary Resolution 10 (Cameras on southern border of Estate - St Blaze Nature Reserve)</b>	
<b>10.1</b>	Members were asked to vote to spend R500 000 on cameras to be installed on the Nature Reserve border.	
	<i>Proposer: Pieter Venter      Seconded: Kosie Otto</i>	
	<b>In Favour: 84 (91.3%)</b>	<b>Against: 8</b>
	<b>Abstain: 0</b>	
	ORDINARY RESOLUTION 10 MUST BE ACCEPTED BY A MAJORITY VOTE, THEREFORE <b>ORDINARY RESOLUTION 10 WAS ACCEPTED</b>	
<b>11</b>	<b>Special Resolution 1: Art 11.5 of MOI be amended to exclude provisions of Art 31. Include in Art 31 that it excludes expenditure incurred in the normal course of business</b>	
	Members were asked to vote to amend Art 11.5 of the MOI to increase the spending limit over and above the budget from R150 000 to R350 000.	
	<i>Proposer: Peet Bierman      Seconded: W Roux</i>	
	<b>In Favour: 63 (69.23%)</b>	<b>Against: 28</b>
	<b>Abstain: 1</b>	
	SPECIAL RESOLUTION 1 MUST BE ACCEPTED BY A 75% MAJORITY VOTE, THEREFORE <b>SPECIAL RESOLUTION 1 WAS NOT ACCEPTED</b>	
<b>12</b>	<b>Special Resolution 2: Amendment of Art 40.4 of the MOI</b>	
	Members were asked to vote to amend Art 40.4 of the MOI.	
	The article allows penalties to be added every 24hrs for continuous transgressions.	
	Proposer stated that until such time as the article is reviewed and corrected, no penalties may be levied further.	
	<i>Proposer: Barend &amp; Lizette Kotze      Seconded: JJJ Koekemoer</i>	
	<b>In Favour: 19 (23.17%)</b>	<b>Against: 63</b>
	<b>Abstain: 10</b>	
	SPECIAL RESOLUTION 2 MUST BE ACCEPTED BY A 75% MAJORITY VOTE, THEREFORE <b>SPECIAL RESOLUTION 2 WAS NOT ACCEPTED</b>	

<b>13</b>	<b>MATTERS OF WHICH PRIOR WRITTEN NOTICE HAS BEEN RECEIVED BY THE 13<sup>TH</sup> DECEMBER 2020 NO LATER THAN 10H00</b>		
<b>14</b>	<b>GENERAL</b>		
<b>14.1</b>	<b>Charl Vorster: Entrances / General property values</b>		
	<ul style="list-style-type: none"> <li>➤ The owner gave several examples of entrances of other estates.</li> <li>➤ With the construction sites within the estate becoming less and less, the Board is requested to look into the possibility of converting the contractor's gate at Church Street into a dedicated owner's entrance.</li> <li>➤ The Chairperson stated that the Board is accurately aware of developments within the estate and the number of contractors used by owners.</li> <li>➤ The Board will take the aforesaid into account in respect of any decision affecting the entrances to the estate.</li> </ul>		
<b>12</b>	<b>CONCLUSION</b>		
	<p>Mr. Ian Jansen Van Rensburg thanked the Board for their work.</p> <p>In conclusion the Chairperson thanked his fellow board members, especially Mr. P Venter who has served the Board with distinction.</p> <p>All members and their families are wished a joyous festive season.</p> <p>The meeting adjourned at 12H30</p> <p>Distribution: Minutes book All owners</p>		



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# MOSSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION

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

P.O. Box 567 • MOSSSEL BAY 6500 • Western Cape • South Africa • Tel: 044 691 3054 • Fax: 044 691 1520  
E-Mail: [status2@status-mark.co.za](mailto:status2@status-mark.co.za) • Website: [www.mosselbaygolfestate.co.za](http://www.mosselbaygolfestate.co.za)

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## CHAIRPERSON'S REPORT: DECEMBER 2021

### OPENING STATEMENT

On behalf of the Board of Directors of the Mossel Bay Golf Estate Home Owners Association (HOA) it is with gratitude that I present the Chairperson's report for 2021.

At the outset, compassion is conveyed to those members who have endured a life changing experience during the year.

Our, constantly changing external environment, has challenged our resolve to continue being steadfast in reaching our life objectives. I sincerely believe that the Mossel Bay Golf Estate, to a large degree, provide comfort and sanctuary to cope with some of these encounters.

The HOA Board continued to devote their attention to achieving the objectives, as set out in the Memorandum of Incorporation (MOI), by inter alia, improving the image, status and reputation of the Estate.

Unfortunately, personal commitments and circumstances led to the resignation of Peet Bierman, Director of the Finance Portfolio, effective from 1 December 2021. The Board and I recognise and value the contribution that Peet has made to the standing of this Estate.

The performance of contracted service providers, Bow Tie for refuse removal services, maintenance of the private common areas, gardens and swimming pools, Suiderkruis - and Thorburn Security, Rain Accounting & Auditing, StatusMark as Management Agent and Estate Management, continue to meet and exceed service delivery expectations.

### DIRECTOR PORTFOLIO'S

Willem Roux:	Chairperson and Communication
Nick van Noordwyk:	Vice-Chairperson, ARB and Golf Club
Francois de Lange:	Security
Kosie Otto:	Maintenance and Environment
Engela Olivier:	Rules & Regulations
Peet Bierman:	Finance

### FINANCE

As expected, the HOA attained an unqualified audit in respect of its 2020/21 financial statements. Prudent management of the HOA's financial resources and cash-flow, which is the cornerstone of a successful business, has resulted in nearly doubling cash reserves over the past four years to a projected amount during the 2021/2022 financial year of R3,69m.

According to the 5-year capital investment programme, resolutions as set out in the table hereunder will be presented for approval. The table reflect the estimated costs of the projects, the stage of implementation/execution, as well as the expected revenue potential of the project. The objective being that while improving and increasing assets which are beneficial to the HOA, this is to be achieved without having to impose a special levy.

<b>Project Description</b>	<b>Stage of approval</b>	<b>Estimated cost</b>	<b>Financial benefit</b>	<b>Specific benefits for HOA</b>
Security Cameras: St Blaze Reserve	2020 AGM approval	R500 000	Increased asset value	Improved security
Speed Camera	Resolution to 2021 AGM	R52 679	Penalties as per schedule	Compliance with rule & improved safety
Development of Erf 15228 (Area 7)	Resolution to 2021 AGM	R1 488 500	R6 842 054 (after capital gains tax)	Increase cash reserves & avoid special levies
Enlarge Estate Office & Storage facilities	Resolution to 2021 AGM	R1 000 000	Increased asset value	Compliance with Architectural Guidelines. Create suitable facilities
<b>Total estimated cost</b>		<b>R3 041 179</b>		
<b>Total estimated nett income</b>			<b>R6 842 054</b>	<b>Levy on 9 (nine) additional erven amounts to R149 295 per annum.</b>

Should the abovementioned resolutions be approved at the 2021 AGM, our cash reserve position will initially be reduced by R3 041 179. However, as a result of the selling of the 9 (nine) plots, an amount of R6 842 054 will be added to cash reserves, thereby substantially increasing the cash position of the HOA.

Despite the initial spending of R3 041 179, cash reserves will remain positive at all time.

The current debtor's age analyses are at 6% of levy income. While the top five debtors account for 82% of the debtors, the top debtor owes 69% of the total debt. These debts are being pursued in accordance with legal counsel consultation.

Once again appreciation is expressed to HOA members who pay their levy diligently and on time every month.

Based on the proposed operational budget for 2022/2023, the Board proposes an increase of 3.7% year-on-year in operating expenses, which equates to a levy of R1 450/month per member. Taking into account economic factors and indicators, the increase is considered reasonable and amounts to an effective R50/month increase in levies, which includes the CSOS contribution.

Based on forecasted revenue and expenditure for the end of June 2022, the financial position of the HOA will be positive in an estimated amount of R321 630.

## **COMMUNICATION**

Unfortunately, protracted Covid-19 regulations and restrictions put paid to any organised HOA socializing events. Consequently, home owners and residents were kept abreast of HOA related affairs via newsflashes.

It is with the greatest of pleasures that I can convey the change of heart following the concluding of the Co-operation Agreement between the Mossel Bay Golf Club and the HOA. No doubt this holds great benefits for all concerned. In this regard our gratitude is

expressed to the Management Board of the Club. While the popularity of the golf course is thriving, the facilities and services offered by the Club should not be left unexploited by HOA members.

The webpage for the Mossel Bay Golf Estate has been revamped successfully and now more precisely reflects the image, status, exclusiveness and attractiveness of the Estate.

Following the implementation of the Protection of Personal Information Act, 4 of 2013 (POPI Act) which is a data protection privacy law that has as its main function and objective to regulate and control the processing of Personal Information by a Responsible Party. In compliance with the POPI Act and the Data Protection conditions housed under the POPI Act, with respect to the processing of all and any Personal Information pertaining to all and any Data Subjects, the HOA entered into operator agreements with a number of its service providers.

## **SECURITY**

It is reassuring that for the past 6 years there has been no criminal related incident on the Estate. In spite of the monitoring and response service being available, a number of properties are not yet linked to the Suiderkruis Control Room and the on-site Response Vehicle.

The Security Portfolio continue to collaborate with role players, such as Neighbourhood Watch, Community Policing Forum, security service providers, SAPS and the local authority community safety section to remain abreast of developments and potential threats.

Following the 2020 AGM approval for the installation of security cameras along the southern boundary of the Estate (bordering the St Blaze Nature Reserve), members of the HOA Board has met with potential service providers and considered various options. It is envisaged that the cameras will be installed in the first quarter of 2022 with the monitoring function being performed by the Joint Operations Centre (JOC), which is located adjacent to the Driving Range of the Mossel Bay Golf Club.

The efficient processing of Police Clearance Certificates by the Estate Manager's Office continues to be of value to home owners, residents and contractors.

## **RULES AND REGULATIONS**

The HOA Board sourced legal opinion in respect of the interpretation of some of the articles of the Memorandum of Incorporation (MOI), as well as conduct rules.

It is important to note that when a property is purchased on the Mossel Bay Golf Estate, it requires of the owner to become a member of the association and will be subjected to the Memorandum of Incorporation (MOI) of the HOA and is subsequently obligated to be bound by its rules. The relationship between the association and the member is contractual in nature.

Certain amendments and additions were made to the Rules and Regulations of the HOA. These amendments and additions were communicated to all members throughout the course of the year.

Although all home owners are bound to comply with the rules of the HOA, problems are occasionally experienced with owners who keep more than one pet on their property.

Owners are reminded that the Board is not at liberty to make exceptions to the rule with regards to the number of pets allowed per erf or unit.

In spite of numerous communiques, signs and speed calming humps, speeding within the Estate remains a constant challenge. A resolution will be presented to the 2021 AGM for the procurement of a speed camera which is considered the most appropriate device to identify those who infringe the speed limit within the Estate.

The Board, nevertheless, wish to thank the vast majority of home owners, who display respect for the HOA's Conduct Rules and fellow members of the association.

## **ENVIRONMENT**

In accordance with the Environmental Management Plan (EMP) of the Mossel Bay Golf Estate Home Owners Association, rare and endangered plant species within the private common areas of the Estate was identified, listed and plotted by a contracted Consulting Ecologist.

Invasive plant species (specifically Rooi-putjie) within the St Blaze Nature Reserve, especially in the areas that is inaccessible, was successfully treated with herbicide which was applied via a specialized drone. The eradication of invasive species in this area is the responsibility of the HOA. At the same time fire breaks, access roads and storm water control within the St Blaze Nature Reserve was also attended too.

Activities as per the Environmental Management Plan will be executed in the new financial year.

## **MAINTENANCE**

The services provided by Bow Tie has significantly and positively impacted the standards and display of common area gardens.

Extensions were done to paved walk-ways at identified locations, thereby improving safety for pedestrians and cyclists. Further high-risk areas have been recognised and limited widening of the road will be done in the very near future.

General maintenance to boundary fencing, entrance gates, roads, storm water channels lighting, and swimming pools is well managed. Maintenance is undertaken such that the useful life of assets is maximised.

## **ARCHITECTURAL REVIEW BOARD (ARB)**

A substantial increase in construction related works, as well as maintenance activities to a large number of properties took place during the year. The ARB was frequently challenged by owners who performed building works that were not aligned to the Architectural Guidelines of the HOA and or not in accordance with approved building plans.

In numerous instances members do not realize that the ARB signs off on plans and construction works relate solely to its compliance with the Architectural Guidelines of the HOA. Final approval of building plans, construction works and the issuing of an occupation certificate remain the responsibility of the Mossel Bay Municipality.

It is also important to note that in accordance with National Building Regulations and Standards Act, Act 103 of 1977, the appointed building control officer is the only person



that can decide if proposed building work/alterations indeed comply with the term "minor building work" and if written approval is required or not. In the case of Mossel Bay Municipality, all owners are required to submit the necessary minor building work information to the municipality before they commence with the building activities.

There are currently 11 vacant stands, of which building plans have been approved for two of these stands. During the year construction of four new homes were completed.

### **CLOSING**

Finally, in accordance with the MOI, the Board of the Mossel Bay Golf Estate Home Owners Association, will fulfil their fiduciary duty in continuing to serve and act in the best interest of all HOA members.

I wish you and your families all the best during the festive season and a peaceful, healthy and prosperous 2022.

Willem Roux  
Chairperson  
Mossel Bay Golf Estate Home Owners Association

Mossel Bay Golf Estate Home Owners Association (HOA): Annual General Meeting (AGM):  
22 December 2021

Ordinary Resolution (50%+1 majority votes): Approval of the Financial Statements for the financial year ending June 2021

### Background

1. The Mossel Bay Golf Estate Home Owners Association, is a registered company (Registration No. 1999/001249/08) incorporated as a non-profit company as defined in the Companies Act No. 71 of 2008 (as amended).
2. The auditors of the association are appointed in accordance with the requirements of the Companies Act.
3. The HOA once again obtained an unqualified audit in respect of its financial statements for the 2020/21 financial year.
4. The HOA appointed auditors, Rain Auditing, performed the audit as required by the Companies Act.
5. This unqualified audit was made possible through the application of effective corporate governance and sound management practices which, inter alia, include:
  - 5.1 Risk Management: Identification of risks and the treating of these risks by means of mitigating measures;
  - 5.2 Capital Planning: Compile and prioritise a capital plan which include new, improvements and refurbishments (to extend economic life) of fixed and moveable HOA assets, and
  - 5.3 Financial Management: Holding adequate financial reserves, minimising income tax exposure and having monthly income and expenses forecast statements for the financial year.

### Memorandum of incorporation (MOI) requirement

6. Article 25.1.4 (extract provided hereunder) require the audited financial statements for 2020/21 financial year to be presented for approved at the 2021 AGM.

### **25 AGENDA AT ANNUAL GENERAL MEETING**

**25.1 In addition to any other matter required by the Act or this memorandum to be dealt with at an annual general meeting, the following matters shall be dealt with at every annual general meeting:**

**25.1.4 The consideration of the financial statements of the association for the preceding financial year;**



**25.1.5 The consideration of the report of the auditors and the fixing of remuneration for the auditors;**

**Recommendation**

7. In order to comply with Article 25.1.4 of the MOI it is recommended that the Financial Statements for the financial year ending June 2021 as presented, be approved.
8. A word of gratitude be expressed to the auditors at Rain Auditing and personnel at Status Mark for that which has been accomplished.



Proposed: Willem Roux

Date: 2021'11'12



Seconded: Nick van Noordwyk

Date: 2021'11'12



**MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION  
NPC**

**(Company Registration Number 1999/001249/08)**

**Annual Financial Statements  
for the year ended 30 June 2021**



# MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION NPC

(Company Registration Number 1999/001249/08)

Annual Financial Statements for the year ended 30 June 2021

## Index

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The reports and statements set out below comprise the annual financial statements presented by the Directors to the section owners:

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# MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION NPC

(Company Registration Number 1999/001249/08)

Annual Financial Statements for the year ended 30 June 2021

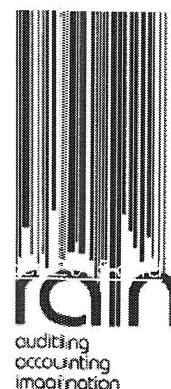
## General Information

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<b>Country of Incorporation and Domicile</b>	South Africa
<b>Nature of Business and Principal Activities</b>	Administration of the estate's assets and futherance of the owner's interest therein
<b>Directors</b>	W. Roux K. Otto Dr. N. van Noordwyk P. Bierman E. Olivier F. de Lange
<b>Registered Office</b>	10 Church Street Mossel Bay 6500
<b>Business Address</b>	10 Church Street Mossel Bay 6500
<b>Bankers</b>	ABSA
<b>Independent Auditors</b>	RAiN Chartered Accountants Incorporated La Casa 8 219 Flora Road Dana Bay 6510
<b>Managing Agents</b>	Status Mark 11 Meyer Street Mossel Bay 6500
<b>Income Tax Registration Number</b>	9137074648
<b>Value Added Tax Registration Number</b>	4180182927
<b>PAYE Registration Number</b>	7240760837

## Independent Auditor's Report

To the Owners of Mossel Bay Golf Estate Home Owners Association NPC



### Opinion

We have audited the financial statements of Mossel Bay Golf Estate Home Owners Association NPC set out on pages 6 to 15, which comprise the statement of financial position as at 30 June 2021, and the statement of comprehensive income, the statement of changes in equity and the statement of cash flows for the year then ended, and notes to the financial statements, including a summary of significant accounting policies.

In our opinion, the financial statements present fairly, in all material respects, the financial position of Mossel Bay Golf Estate Home Owners Association NPC as at 30 June 2021, and its financial performance and cash flows for the year then ended in accordance with the International Financial Reporting Standard for Small and Medium-sized Entities and the requirements of the Companies Act of South Africa.

### Basis for Opinion

We conducted our audit in accordance with International Standards on Auditing (ISAs). Our responsibilities under those standards are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are independent of the home owners association in accordance with the Independent Regulatory Board for Auditors' Code of Professional Conduct for Registered Auditors (IRBA Code) and other independence requirements applicable to performing audits of financial statements in South Africa. We have fulfilled our other ethical responsibilities in accordance with the IRBA Code and in accordance with other ethical requirements applicable to performing audits in South Africa. The IRBA Code is consistent with the corresponding sections of the International Ethics Standards Board for Accountants' International Code of Ethics for Professional Accountants (including International Independence Standards). We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our opinion.

### Other Information

The directors are responsible for the other information. The other information comprises the information included in the document filed "Mossel Bay Golf Estate Home Owners Association NPC Annual Financial Statements for the year ended 30 June 2021", which includes the Report of the Directors as required by the Companies Act of South Africa, and the supplementary information set out on pages 16 to 19. The other information does not include the financial statements and our auditor's report thereon.

Our opinion on the financial statements does not cover the other information and we do not express an audit opinion or any form of assurance conclusion thereon.

In connection with our audit of the financial statements, our responsibility is to read the other information and, in doing so, consider whether the other information is materially inconsistent with the financial statements or our knowledge obtained in the audit, or otherwise appears to be materially misstated. If, based on the work we have performed, we conclude that there is a material misstatement of this other information, we are required to report that fact. We have nothing to report in this regard.

RAIN Chartered Accountants (Mossel Bay) Incorporated

IRBA Number: 901176

Director: Ian Pierce

Registration number: 2009/006212/21

8 La Casa Centre, 219 Flora Road, Dana Bay, Mossel Bay, 6510

Tel (+27) 044 868 0440 www.rain.org.za info@rain.org.za

### **Responsibilities of the Directors for the Financial Statements**

The directors are responsible for the preparation and fair presentation of the financial statements in accordance with the International Financial Reporting Standard for Small and Medium-sized Entities and the requirements of the Companies Act of South Africa, and for such internal control as the directors determine is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

In preparing the financial statements, the directors are responsible for assessing the home owners association's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the directors either intend to liquidate the home owners association or to cease operations, or have no realistic alternative but to do so.

### **Auditor's Responsibilities for the Audit of the Financial Statements**

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with ISAs will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of these financial statements.

As part of an audit in accordance with ISAs, we exercise professional judgement and maintain professional scepticism throughout the audit. We also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the home owners association's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the directors.
- Conclude on the appropriateness of the directors' use of the going concern basis of accounting and based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the home owners association's ability to continue as a going concern. If we conclude that a material uncertainty exists, we are required to draw attention in our auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify our opinion. Our conclusions are based on the audit evidence obtained up to the date of our auditor's report. However, future events or conditions may cause the home owners association to cease to continue as a going concern.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.
- We communicate with the directors regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that we identify during our audit.

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**RAIN Chartered Accountants Incorporated**  
**Registered Auditor**  
**Per: I.E. Pierce**  
**Director / Partner**  
**Mossel Bay**



# Mossel Bay Golf Estate Home Owners Association NPC

(Sectional Scheme Number 1999/001249/08)

Annual Financial Statements for the year ended 30 June 2021

## Director's Responsibilities and Approval

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The directors are required to maintain adequate accounting records and are responsible for the content and integrity of the annual financial statements and related financial information included in this report. It is their responsibility to ensure that the annual financial statements satisfy the financial reporting standards as to form and content and present fairly the statement of financial position, results of operations of the home owners association, and explain the transactions and financial position of the business of the home owners association at the end of the financial year. The annual financial statements are based upon appropriate accounting policies consistently applied throughout the home owners association and supported by reasonable and prudent judgements and estimates.

The directors acknowledge that they are ultimately responsible for the system of internal financial control established by the home owners association and place considerable importance on maintaining a strong control environment. To enable the directors to meet these responsibilities, the board sets standards for internal control aimed at reducing the risk of error or loss in a cost effective manner. The standards include the proper delegation of responsibilities within a clearly defined framework, effective accounting procedures and adequate segregation of duties to ensure an acceptable level of risk. These controls are monitored throughout the home owners association and all employees are required to maintain the highest ethical standards in ensuring the home owners associations business is conducted in a manner that in all reasonable circumstances is above reproach.

The focus of risk management in the home owners association is on identifying, assessing, managing and monitoring all known forms of risk across the home owners association. While operating risk cannot be fully eliminated, the home owners association endeavours to minimise it by ensuring that appropriate infrastructure, controls, systems and ethical behaviour are applied and managed within predetermined procedures and constraints.

The directors are of the opinion, based on the information and explanations given by management, that the system of internal control provides reasonable assurance that the financial records may be relied on for the preparation of the annual financial statements. However, any system of internal financial control can provide only reasonable, and not absolute, assurance against material misstatement or loss. The going-concern basis has been adopted in preparing the financial statements. Based on forecasts and available cash resources the directors have no reason to believe that the home owners association will not be a going concern in the foreseeable future. The financial statements support the viability of the home owners association.

The financial statements have been audited by the independent auditing firm, RAIN Chartered Accountants Incorporated, who have been given unrestricted access to all financial records and related data. The directors believe that all representations made to the independent auditor during the audit were valid and appropriate. The external auditors' unqualified audit report is presented on page 2 to 6.

The annual financial statements as set out on pages 6 to 15 were approved by the board on \_\_\_\_\_ and were signed on its behalf by:

\_\_\_\_\_  
W. Roux

\_\_\_\_\_  
K. Otto

\_\_\_\_\_  
Dr. N. van Noordwyk

\_\_\_\_\_  
P. Bierman

\_\_\_\_\_  
E. Olivier

\_\_\_\_\_  
F. de Lange

# Mossel Bay Golf Estate Home Owners Association NPC

(Sectional Scheme Number 1999/001249/08)

Annual Financial Statements for the year ended 30 June 2021

## Director's Report

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The Directors present their report for the year ended 30 June 2021.

### 1. Review of activities

#### Main business and operations

The principal activity of the home owners association is administration of the estate's assets and furtherance of the owner's interest therein and there were no major changes herein during the year.

The operating results and statement of financial position of the home owners association are fully set out in the attached financial statements and do not in our opinion require any further comment.

### 2. Going concern

The annual financial statements have been prepared on the basis of accounting policies applicable to a going concern. This basis presumes that funds will be available to finance future operations and that the realisation of assets and settlement of liabilities, contingent obligations and commitments will occur in the ordinary course of business.

### 3. Events after reporting date

The directors are not aware of any matter or circumstance arising since the end of the financial year to the date of this report that could have a material effect on the financial position of the home owners association.

### 4. Directors

The directors of the home owners association during the year and to the date of this report are as follows:

W. Roux  
K. Otto  
Dr. N. van Noordwyk  
P. Bierman  
E. Olivier  
F. de Lange

### 5. Managing Agents

The home owners association's designated managing agent is Status Mark.

### 6. Independent Auditors

RAiN Chartered Accountants Incorporated were the independent auditors for the year under review and their re-appointment depends on a resolution taken to that effect by section owners at the forthcoming annual general meeting.

# MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION NPC

(Company Registration Number 1999/001249/08)  
Financial Statements for the year ended 30 June 2021

## Statement of Financial Position

Figures in R	Notes	2021	2020
<b>Assets</b>			
<b>Non-Current Assets</b>			
Property, plant and equipment	3	206,554	217,453
<b>Current Assets</b>			
Levies in arrears	4	387,921	1,230,081
Inventory	5	18,892	7,880
Trade and other receivables	6	19,590	22,176
Cash and cash equivalents	7	3,612,152	2,194,778
		<b>4,038,555</b>	<b>3,454,915</b>
<b>Total Assets</b>		<b>4,245,109</b>	<b>3,672,368</b>
<b>Reserves and Liabilities</b>			
<b>Reserves and Funds</b>			
Road Fund Reserve		998,796	995,796
Retained income		2,602,573	2,042,247
		<b>3,601,369</b>	<b>3,038,043</b>
<b>Current Liabilities</b>			
Trade and other payables	8	58,664	57,248
Current tax liability	9	60,616	71,640
Owners deposits	10	241,544	209,032
Levies in advance	11	282,916	296,405
		<b>643,740</b>	<b>634,325</b>
<b>Total Funds and Liabilities</b>		<b>4,245,109</b>	<b>3,672,368</b>

# MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION NPC

(Company Registration Number 1999/001249/08)

Financial Statements for the year ended 30 June 2021

## Statement of Comprehensive Income

Figures in R	Note	2021	2020
<b>Levy income</b>		6,485,268	6,135,020
Other income		240,851	946,146
Operating costs		(6,216,572)	(6,087,477)
<b>Operating surplus</b>		<b>509,547</b>	<b>993,689</b>
Finance income		114,396	126,928
<b>Surplus before tax</b>		<b>623,943</b>	<b>1,120,617</b>
Tax expense	12	(60,617)	(71,640)
<b>Surplus for the year</b>		<b>563,326</b>	<b>1,048,977</b>

# MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION NPC

(Company Registration Number 1999/001249/08)

Financial Statements for the year ended 30 June 2021

## Statement of Changes in Funds and Reserves

Figures in R	Road Fund Reserve	Retained income	Total
<b>Balance at 1 July 2019 as previously reported</b>	-	837,270	837,270
Adjustment due to error (note 16)		156,000	156,000
<b>Balance at 1 July 2019 as adjusted</b>	<u>-</u>	<u>993,270</u>	<u>993,270</u>
<b>Total comprehensive income for the year</b>			
Surplus for the year		1,048,977	1,048,977
<b>Total comprehensive income for the year</b>	<u>-</u>	<u>1,048,977</u>	<u>1,048,977</u>
Transfer	995,796		995,796
<b>Balance at 30 June 2020</b>	<u>995,796</u>	<u>2,042,247</u>	<u>3,038,043</u>
<b>Balance at 1 July 2020</b>	995,796	2,042,247	3,038,043
<b>Total comprehensive income for the year</b>			
Surplus for the year		563,326	563,326
<b>Total comprehensive income for the year</b>	<u>-</u>	<u>563,326</u>	<u>563,326</u>
Transfer	3,000	(3,000)	-
<b>Balance at 30 June 2021</b>	<u>998,796</u>	<u>2,602,573</u>	<u>3,601,369</u>

# MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION NPC

(Company Registration Number 1999/001249/08)

Financial Statements for the year ended 30 June 2021

## Statement of Cash Flows

Figures in R	Note	2021	2020
<b>Cash flows from operating activities</b>			
Surplus for the year		563,326	1,048,977
<i>Adjustments for:</i>			
Income tax		60,617	71,640
Depreciation of property, plant and equipment		44,671	57,504
Impairment of property, plant and equipment		1	22,242
Investment income		(114,396)	(126,928)
<b>Operating cash flow before working capital changes</b>		<b>554,219</b>	<b>1,073,435</b>
<i>Working capital changes</i>			
(Increase) / decrease in financial assets		(11,012)	17,238
Decrease / (increase) in levies receivable		828,671	(782,914)
Decrease / (increase) in trade and other receivables		2,586	(501)
Increase / (decrease) in trade and other payables		33,928	(219)
<b>Net cash flows from operations</b>		<b>1,408,392</b>	<b>307,039</b>
Investment income		114,396	126,928
Tax paid		(71,641)	(76,678)
<b>Net cash flows from operating activities</b>		<b>1,451,147</b>	<b>357,289</b>
<b>Cash flows used in investing activities</b>			
Property, plant and equipment acquired	3	(33,773)	(55,059)
Proceeds on disposals of property, plant and equipment		-	34,431
<b>Net cash flows used in investing activities</b>		<b>(33,773)</b>	<b>(20,628)</b>
Net increase in cash and cash equivalents		1,417,374	336,661
Cash and cash equivalents at beginning of the year		2,194,778	1,858,117
<b>Cash and cash equivalents at end of the year</b>	7	<b>3,612,152</b>	<b>2,194,778</b>

## **Accounting Policies**

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### **1. General information**

Mossel Bay Golf Estate Home Owners Association NPC is a home owners association in South Africa. The principal activities are the administration of the estate's assets and furtherance of the owner's interest therein.

### **2. Summary of significant accounting policies**

These annual financial statements have been prepared in accordance with the International Financial Reporting Standards for Small and Medium-sized Entities issued by the International Accounting Standards Board and the requirements of the Companies Act of South Africa. The principal accounting policies applied in the preparation of these financial statements are set out below. These policies have been consistently applied to all the years presented, unless otherwise stated.

These financial statements have been prepared under the historical cost convention and are presented in South African Rands.

#### **2.1 Revenue recognition**

The ordinary levies receivable are accounted for on a straight-line basis over the financial year and decided amongst the directors on a participation quota basis. The annual ordinary levies are agreed and approved by the directors at the home owners association's annual general meeting. Interest is recognised, in surplus or deficit, using the effective interest rate method.

##### **2.1.1 Sales of goods – retail**

Sales of goods are recognised when an entity sells a product to the customer as control passes to the customer on the day the transaction takes place. Retail sales are usually in cash or by EFT transfer.

##### **2.1.2 Interest income**

Interest income is recognised using the effective interest rate method.

#### **2.2 Income taxes**

Provisions for tax are made at the corporation rate on net investment income earned by the home owners association, less allowable expenses applicable to home owners associations. The home owners association is taxed in terms of Section 10(1)(e) of the Income Tax Act and Interpretation Note 64.

#### **2.3 Property, plant and equipment**

Items of property, plant and equipment are measured at cost less accumulated depreciation and any accumulated impairment losses.

Costs include costs incurred initially to acquire or construct an item of property, plant and equipment and costs incurred subsequently to add to, replace part of, or service it. If a replacement cost is recognised in the carrying amount of an item of property, plant and equipment, the carrying amount of the replaced part is derecognised.

## **Accounting Policies**

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### *Summary of significant accounting policies continued...*

Depreciation is charged so as to allocate the cost of assets less their residual values over their estimated useful lives, using the straight-line method. The following rates are used for the depreciation of property, plant and equipment:

Land and buildings	Indefinite
Motor vehicles	25.00%
Fencing, roads and infrastructure	10.00%
Office equipment	16.67%
Electronic equipment	33.33%

### **2.4 Trade and other receivables**

Trade receivables are recognised initially at the transaction price. They are subsequently measured at amortised cost using the effective interest rate method, less provision for impairment. A provision for impairment of trade receivables is established when there is objective evidence that the home owners association will not be able to collect all amounts due according to the original terms of the receivables.

### **2.5 Cash and cash equivalents**

Cash and cash equivalents includes cash on hand, demand deposits and other short-term highly liquid investments with original maturities of three months or less. Bank overdrafts are shown in current liabilities on the statement of financial position.

### **2.6 Trade payables**

Trade payables are recognised initially at the transaction price and subsequently measured at amortised cost using the effective interest rate method.

### **2.7 Inventories**

Inventories are stated at the lower of cost and selling price less costs to complete and sell. Cost is calculated using the weighted average cost method.



# MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION NPC

(Company Registration Number 1999/001249/08)  
Financial Statements for the year ended 30 June 2021

## Notes to the Annual Financial Statements

Figures in R

2021

2020

### 3. Property, plant and equipment

	Cost	Accumulated depreciation	2021 Carrying value	Cost	Accumulated depreciation	2020 Carrying value
<i>Owned assets</i>						
Land and buildings	46	-	46	46	-	46
Motor vehicles	72,800	(72,798)	2	72,800	(69,361)	3,439
Fencing, roads and infrastructure	293,029	(118,314)	174,715	293,029	(81,958)	211,071
Office equipment	28,094	(4,600)	23,494	4,986	(2,839)	2,147
Electronic equipment	68,656	(60,359)	8,297	80,129	(79,379)	750
	462,625	(256,071)	206,554	450,990	(233,537)	217,453

The carrying amounts of property, plant and equipment can be reconciled as follows:

	Carrying value at beginning of year	Additions	Disposals	Depreciation and impairment	2021 Carrying value at end of year
<i>Owned assets</i>					
Land and buildings	46	-	-	-	46
Motor vehicles	3,439	-	-	(3,437)	2
Fencing, roads and infrastructure	211,071	-	-	(36,356)	174,715
Office equipment	2,147	23,109	-	(1,762)	23,494
Electronic equipment	750	10,664	-	(3,117)	8,297
	217,453	33,773	-	(44,672)	206,554

# MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION NPC

(Company Registration Number 1999/001249/08)

Financial Statements for the year ended 30 June 2021

## Notes to the Annual Financial Statements

Figures in R 2021 2020

### Property, plant and equipment continued...

	Carrying value at beginning of year	Additions	Disposals	Depreciation and impairment	2020 Carrying value at end of year
<b>Owned assets</b>					
Land and buildings	46		-	-	46
Motor vehicles	17,189	-	-	(13,750)	3,439
Fencing, roads and infrastructure	244,869	55,059	(34,431)	(54,426)	211,071
Office equipment	2,978	-	-	(831)	2,147
Electronic equipment	11,489			(10,739)	750
	<u>276,571</u>	<u>55,059</u>	<u>(34,431)</u>	<u>(79,746)</u>	<u>217,453</u>

### Land and buildings

Erven in the Municipality and Division of Mossel Bay,  
Western Cape:

Erf 14968; Erf 14918; Erf 15181; Erf 14944; Erf 14939; Erf  
14964; Erf 15063; Erf 15075; Erf 15061; Erf 15027; Erf  
15008; Erf 14983; Erf 14942; Erf 15219; Erf 15208; Erf  
15228; Erf 15238; Erf 15191; Erf 16154; Erf 15172; Erf  
16098; Erf 16116; Erf 16106; Erf 15726; Erf 15745; Erf  
15755; Erf 15767; Erf 15727; Erf 16382; Erf 16405; Erf  
16395; Erf 16359; Erf 16354; Erf 16510; Erf 16511; Erf  
16467; Erf 16490; Erf 16163; Erf 15185; Erf 15180; Erf  
16467; Erf 14967; Erf 15091; Erf 15093; Erf 14970; Erf  
19595

46 46

46 46

### 4. Levies in arrears

	90 Days+	60 Days	30 Days	Current	Total	Prior year
Levies in arrears	311,042	15,101	23,984	37,795	387,921	1,230,081
	<u>311,042</u>	<u>15,101</u>	<u>23,984</u>	<u>37,795</u>	<u>387,921</u>	<u>1,230,081</u>

### 5. Inventory

E-tag stock	18,892	7,880
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### 6. Trade and other receivables

Trade debtors	14,791	-
Prepaid expenses	119	17,496
Deposits	4,680	4,680
	<u>19,590</u>	<u>22,176</u>

# MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION NPC

(Company Registration Number 1999/001249/08)  
Financial Statements for the year ended 30 June 2021

## Notes to the Annual Financial Statements

Figures in R

2021

2020

### *Trade and other receivables continued...*

#### 6.1 Items included in trade and other receivables not classified as financial instruments

Prepaid expenses	119	17,496
Mossel Bay Municipality (deposit)	4,680	4,680
San Vincente	1,481	-
Police clearance	13,310	-
	<u>19,590</u>	<u>22,176</u>

#### Trade and other receivables net of non-financial instruments

	<u>-</u>	<u>-</u>
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#### 7. Cash and cash equivalents

##### Favourable cash balances

Cash on hand	2,977	-
ABSA - Rentals deposits (9312841078)	48,000	49,619
ABSA - Current Account	253,087	96,540
ABSA - Road Fund (9280404992)	22,217	22,058
Allan Gray - Road Fund	1,018,884	973,738
ABSA - Depositor Plus (9289381490)	507,390	382,813
Allan Gray - Depositor Plus	1,599,553	572,791
ABSA - Builder deposit (9100023927)	115,000	73,810
ABSA - Contractors deposit (9323008754)	40,000	20,409
ABSA - Petty cash	5,044	3,000
	<u>3,612,152</u>	<u>2,194,778</u>

#### 8. Trade and other payables

Trade creditors	<u>58,664</u>	<u>57,248</u>
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#### 9. Income tax in the statement of financial position

Current tax in the Statement of Financial Position represents:

Provision for tax for the year	60,617	71,641
Over provision in prior year	-	-
Payments during the year	<u>(71,641)</u>	<u>(76,678)</u>
	-11,024	-5,037
Provision for tax relating to previous years	<u>71,641</u>	<u>76,678</u>
	<u>60,617</u>	<u>71,641</u>

#### 10. Owners deposits

Owners deposits	<u>241,544</u>	<u>209,032</u>
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# MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION NPC

(Company Registration Number 1999/001249/08)  
Financial Statements for the year ended 30 June 2021

## Notes to the Annual Financial Statements

Figures in R	2021	2020
<b>11. Levies in advance</b>		
	<b>90 Days+</b>	<b>60 Days</b>
	<b>30 Days</b>	<b>Current</b>
	<b>Total</b>	<b>Prior year</b>
Levies in advance	5,239	(607)
	3,307	274,978
	282,916	296,405
	5,239	(607)
	3,307	274,978
	282,916	296,405
<b>12. Income tax expense</b>		
Current tax		60,617
Income tax for the year		71,640
		60,617
		71,640
<b>13. Garden and pool maintenance</b>		
Garden maintenance		659,328
Pool maintenance		159,414
		818,742
		574,454
		142,183
		716,637
<b>14. Site office expenses</b>		
Site office - Operating expenses		92,855
Site office - Salaries		574,049
		666,904
		96,123
		614,957
		711,080
<b>15. Repairs and maintenance</b>		
R&M: Maintenance general		790,555
		255,264
		790,555
		255,264

# MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION NPC

(Company Registration Number 1999/001249/08)

Financial Statements for the year ended 30 June 2021

## Detailed Income Statement - Normal Operations

Figures in R	Notes	2021	2020
<b>Levy Income</b>			
Levy - Road Fund		3,000	-
Levy - Special		178,000	209,000
Ordinary levies		6,304,268	5,926,020
		<u>6,485,268</u>	<u>6,135,020</u>
<b>Other Income</b>			
Cell to gate income		6,750	7,520
Clearance fees income		87,850	53,300
Golf Cart Stickers Income		2,200	-
Insurance claims received		-	9,000
Interest from members		53,560	79,753
Investment income		114,396	126,928
Legal fees recovered		5,388	640,213
Penalty levy		59,100	21,210
Remote control sales		16,200	18,300
Sundry income		8,853	3,610
Unallocated receipts older than 3 years		950	-
		<u>355,247</u>	<u>959,834</u>
		<u><b>6,840,515</b></u>	<u><b>7,094,854</b></u>

# MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION NPC

(Company Registration Number 1999/001249/08)

Financial Statements for the year ended 30 June 2021

## Detailed Income Statement - Normal Operations

Figures in R	Notes	2021	2020
<b>Expenditure</b>			
Accounting fees		2,160	2,475
Auditors' remuneration		23,066	25,740
Bank charges		29,681	27,304
Cell to gate expense		5,642	10,206
Clearance fees expense		39,979	22,795
Communication		-	250,920
Consulting fees		27,770	-
Cost of remote control sales		10,638	17,238
Depreciation - Tangible assets		44,671	57,504
Donations		-	68,750
Garden and pool maintenance	13	818,742	716,637
General expenses		25,657	26,523
Golf club fees		591,000	857,260
Impairment - Land & Buildings		1	22,242
Independent contractors		1,338	-
Insurance		53,767	50,512
Insurance claims expense		-	9,000
Legal expense		35,384	171,294
Management fees		460,440	442,728
Motor vehicle expense		2,830	3,147
Municipal expenses		199,129	178,470
Nature Reserve		125,246	70,916
Postage		17,600	11,869
Rental expenses		1,413	417
Repairs and maintenance	15	790,555	255,264
Road repairs		8,650	-
Security		2,220,189	1,942,004
Site office expenses	14	666,904	711,080
Subscriptions		-	3,120
		<u>6,202,452</u>	<u>5,955,415</u>
<b>Operating Surplus</b>		<u><b>638,063</b></u>	<u><b>1,139,439</b></u>
Taxation		(60,617)	(71,640)
<b>Surplus After Taxation</b>		<u><b>577,446</b></u>	<u><b>1,067,799</b></u>

# MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION NPC

(Company Registration Number 1999/001249/08)  
Financial Statements for the year ended 30 June 2021

## Detailed Income Statement - Golf Days

Figures in R	2021	2020
<b>Other Income</b>		
Entry fees	-	21,540
Golf Cart Stickers Income	-	14,300
Raffle income	-	1,600
Sponsorships received	-	75,800
	-	113,240
	-	<b>113,240</b>
Donations	-	92,250
Meals	14,120	20,400
Other expenses	-	19,412
Prizes	-	-
	14,120	132,062
<b>Operating Deficit</b>	<b>(14,120)</b>	<b>(18,822)</b>

# MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION NPC

(Company Registration Number 1999/001249/08)  
Financial Statements for the year ended 30 June 2021

## Income Tax Computation

Figures in R	2021	2020
<b>Income - receipts and accruals</b>		
Levy income	6,485,268	6,135,020
Other income	187,291	866,393
Finance income	167,956	206,681
<b>Total income</b>	<b>6,840,515</b>	<b>7,208,094</b>
Less: Levies - exempt under S 10(1)(e) exemption	(6,485,268)	(6,135,020)
Less: Bad debts written off related to interest and penalties	-	-
Less: Section 18A Donation allowed (limited to 10% of taxable income)	(24,249)	(28,650)
Less: Expenses related to other income	(62,755)	(736,578)
Total receipts and accruals subject to income tax	268,243	307,846
Less: Basic exemption S 10(1)(e)(ii)	(50,000)	(50,000)
<b>Income subject to income tax</b>	<b>218,243</b>	<b>257,846</b>
<b>Allowable expenditure</b>		
Accounting fees	2,160	2,475
Independent auditors' fees	23,066	25,740
Bank charges	29,682	27,305
<b>Total allowable expenditure</b>	<b>54,908</b>	<b>55,520</b>
<b>TAX CALCULATION</b>		
<b>Income subject to income tax</b>	<b>X</b>	<b>Allowable expenditure</b>
<b>Total income</b>		<b>1</b>
<b>Allowance deduction:</b>		
218,243	X	54,908
<b>6,840,515</b>		<b>1</b>
		<b>1,752</b>
		<b>1,986</b>
<b>Calculation of taxable income and income tax payable</b>		
Income subject to income tax	218,243	257,846
Less: Allowable deduction	(1,752)	(1,986)
<b>Taxable income</b>	<b>216,491</b>	<b>255,860</b>
<b>Income tax payable at 28 % - 2021 (28 % - 2020).</b>	<b>60,617</b>	<b>71,641</b>



Mossel Bay Golf Estate Home Owners Association (HOA): Annual General Meeting :  
22 December 2021

Ordinary Resolution (50%+1 votes of approval): Acquire approval for the appointment and remuneration of Auditors for the financial year ending June 2022

**Background**

1. The Mossel Bay Golf Estate Home Owners Association, is a registered company (Registration No. 1999/001249/08) incorporated as a non-profit company as defined in the Companies Act No. 71 of 2008 (as amended).
2. The auditors of the association are appointed in accordance with the requirements of the Companies Act.
3. The HOA, as a registered company, is required in terms of the Companies Act and its Memorandum of Incorporation (MOI), Article 25.1.5 and 25.1.6, to appoint and remunerate auditors to audit its financials for the financial year ending June 2022.
4. Rain Chartered Accountants audited the HOA's financials for the year ending June 2020 and 2021 Their services were of exceptional quality and they have again made themselves available to audit the HOA's financials for the year ending June 2022.
5. The budget proposal in respect of audit fees for the financial year 2022/23 amount to R30 993.

**Memorandum of incorporation (MOI) requirement**

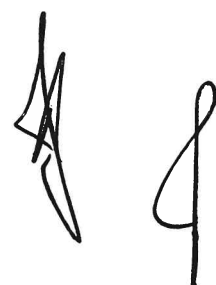
6. Article 25.1.5 and 25.1.6 (extract provided hereunder) require that the HOA appoint and remunerate auditors to audit its financial statements for the 2021/22 financial year.

**25 AGENDA AT ANNUAL GENERAL MEETING**

**25.1 In addition to any other matter required by the Act or this memorandum to be dealt with at an annual general meeting, the following matters shall be dealt with at every annual general meeting:**

**25.1.5 The consideration of the report of the auditors and the fixing of remuneration for the auditors;**

**25.1.6 The appointment of auditors;**




**Recommendation**

7. In accordance with Article 25.1.5 and 25.1.6 of the Memorandum of Incorporation (MOI) of the HOA it is recommended that:

7.1 Rain Chartered Accountants be appointed as auditors for the financial year 2021/22 (ending 30 June 22), and

7.2 That remuneration to the auditors in the amount of R30 993 be approved.



Proposed: Willem Roux

Date: 12'11'2021



Seconded: Nisk van Noordwyk

Date: 12'11'2021

Mossel Bay Golf Estate Home Owners Association (HOA): Annual General Meeting :  
22 December 2021

Ordinary Resolution (60%+1 votes of approval): Obtain approval for the HOA operating budget and subsequent apportioned monthly levy: Financial year 2022/23

**Background**

1. The Mossel Bay Golf Estate Home Owners Association, is a registered company (Registration No. 1999/001249/08) incorporated as a non-profit company as defined in the Companies Act No. 71 of 2008 (as amended).
2. In order to achieve the objectives of the company, funds are required to contract various service providers, make local authority payments and provide for compliance fees.
3. Art 7.4 of the Memorandum of Incorporation (MOI) determine that membership of the association shall be automatic and compulsory as is affirmed by the title deeds of every property.
4. The Table hereunder provides a comparison between the operating expenses (OPEX) and levy for the 2021/22 vs the proposal for 2022/23 financial year.

Financial Year	Approved OPEX	Proposed OPEX	CSOS Membership	Approved Monthly Levy	Proposed Monthly Levy
2021/22	R6 695 568		R17,63	R1 400	
2022/23		R6 949 966	R19,00		R1 450

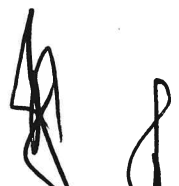
5. A breakdown of the OPEX shows the following 5 (five) categories to account for 92.8% of expenditure:
  - Golf Club Award – 9.2%
  - Estate Management & Site Office – 18.5%
  - Gardens & Pool Maintenance and Refuse – 12.9%
  - General Maintenance & Nature Reserve – 9.9%
  - Security – 42.3%
6. The detailed 2022/23 OPEX budget is attached hereto.

**Memorandum of incorporation (MOI) requirement**

7. Article 11.1, 11.2, 11.4, 11.5 and 11.8 (extracts provided hereunder) of the MOI relates to the determination of levies and budget approval.

**11.1 The directors shall from time to time impose levies upon the members for the purpose of meeting all the expenses which the association has incurred or to which the directors reasonably anticipate the association will be put in the attainment of its objects or the pursuit of its business.**

- 11.2 The directors shall not less than thirty (30) days prior to the end of each financial year or as soon thereafter as reasonably possible, prepare and serve upon every member at the address chosen by him a budget in reasonable detail of the amount which shall be required by the association to meet the expenses during the following financial year, and shall specify separately such estimated deficiency, if any, as may have resulted from the preceding year. The directors may include in such budget an amount to be held in reserve to meet anticipated future expenditure not of an annual nature.
- 11.4 The budget referred to in article 11.2 shall make provision for at least the following:
- 11.4.1 Maintenance expenses in respect of the maintenance, repair, improvement and keeping in good order and condition of the roads, the private and public open spaces, common areas and facilities;
  - 11.4.2 Landscaping expense;
  - 11.4.3 Statutory rates, taxes and charges (excluding even or units of owners which may be rated separately by the local authority);
  - 11.4.4 Expenses in respect of security;
  - 11.4.5 Insurance premiums;
  - 11.4.6 Expenses and charges in respect of services;
  - 11.4.7 Administrative expenses, including the cost of a managing agent (if applicable), payment of salaries and/or wages of employees of the association;
  - 11.4.8 Banking and auditing expenses;
  - 11.4.9 Provision for future maintenance and repairs or capital expenditure;
  - 11.4.10 Any awards to the Mossel Bay Golf Club;
  - 11.4.11 Such other items as the directors may determine.
- 11.5 The budget shall be approved, with or without amendments, at every annual general meeting.

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11.8 Following the approval of the budget, the directors shall pass a resolution in terms of which the total amount of the approved budget is apportioned to members according to such equitable apportionment as the directors may determine from time to time. In exercising their

**Recommendation**

8. In accordance with Article 11.5 of the MOI it is recommended that the Budget for the 2022/23 financial year, as attached hereto, and subsequent apportioned monthly levy per owner of R1 450 be approved.



Proposed: Willem Roux

Date: 12 ' 11 ' 2021



Seconded: Nisk van Noordwyk

Date: 12 ' 11 ' 2021

STATUS MARK MANAGEMENT SERVICES PO BOX 567, MOSSEL BAY		BUDGET: OPEX TEL: 044 681 30547 FAX: 044 691 11520						
A		B		E		G		
MOSSEL BAY GOLF ESTATE		Budget Accepted at AGM - From 1 July 2021		Projection		% VARIANCE ON PREV YR ACTUAL		
2020-2021 ANNUAL		2021-2022		Approved - From 1 July 2022		2022-2023		
DESCRIPTION	Actuals							
1	AUDIT FEES	25,226.00	R	24,000.00	R	50,226	R	10%
2	BANK CHARGES	29,682.04	R	30,382.58	R	70,777	R	5%
3	GOLF CLUB AWARD	591,000.00	R	614,640.00	R	639,272	R	4%
4	ESTATE MANAGEMENT	460,440.00	R	487,108.20	R	572,800	R	6%
5	AGENT	666,338.00	R	740,536.60	R	762,413	R	5%
6	OFFICE RENTAL							-100%
7	SITE OFFICE							
8	ACCOUNTANT							
9	ESTATE PROPERTY							
10	GARDENS & RELIURE	659,328.00	R	663,557.88	R	696,703	R	5%
11	POOL MAINTENANCE (incl water & electricity)	159,413.33	R	196,049.25	R	209,933	R	5%
12	LEGAL & PROF FEES	35,384.77	R	50,000.00	R	50,000	R	2%
13	INSURANCE	53,767.14	R	53,422.87	R	53,346	R	6%
14	MAINTENANCE							
15	ROADS	8,650.00	R		R		R	
16	FENCES & OPEN AREAS	843,410.05	R	458,500.00	R	917.8	R	5%
17	NATURE RESERVE & REPORTS	153,016.03	R	184,400.00	R	209,000	R	2%
18	MUNICIPALITY							
19	WATER & LIGHTS & RATES	127,275.03	R	162,044.11	R	186,146	R	15%
20	RATES	50,750.93	R	53,169.50	R	55,578	R	5%
21	SECURITY	2,220,159.16	R	2,800,000.00	R	2,943,333	R	8%
22	STATIONARY & POSTAGE	17,599.60	R	10,000.00	R	8,330	R	5%
23	RECREATION	14,120.00	R	41,400.00	R	44,900	R	0%
24	SUNDRIES	25,657.48	R	27,843.40	R	23,566	R	5%
25	TELEPHONE INTERNAL SYSTEM							
26	RENT - NATURE RESERVE	1,413.28	R	1,302.90	R	1,487	R	5%
27	SECURITY - CELL TO GATE	5,642.00	R	2,200.00	R	1,830	R	5%
28	POLICE CLEARANCE EXP	39,978.76	R		R	1,922	R	-100%
29	GOLF CART STICKERS	1,338.49	R		R	10,141	R	-100%
30	REMARKS / ETAG EXP	21,650.00	R	55,000.00	R		R	-100%
31	TAX PROVISION ON OTHER INCOME			30,000.00	R	25,000	R	-100%
32	DEPRECIATION							
33	INTEREST ON INVESTMENT							
34	TOTAL	6,211,240.09	R	6,695,588.39	R	6,634,875	R	
35	per unit	275,654.09	R	1,381.30	R		R	
36	OMBUDESMAN FEES			17.63	R		R	
37	TOTAL PROPOSED LEVY VAT INCL			1,400.00	R		R	4%
				Total Annual Levy Rounded:		R 17,400.00		
				Monthly Levy		R 1,450.00		

CAPEX budget 2022-2023  
 Site office: upgrade and expansion 660,000  
 Speed cameras 50,000  
 Area 7 930,000  
 Total 1,640,000

Notes: Capex budget is off set by reserves

Mossel Bay Golf Estate Home Owners Association (HOA): Annual General Meeting:  
22 December 2021

Ordinary Resolution (60%+1 votes of approval): Obtain approval for the procurement of a Speed Camera (included in capital plan)

**Background**

1. According to the Conduct Rules of the HOA (Rule 8.9) the speed limit on the Estate is limited to 25 km/h.
2. Rule 8.11 of the Conduct Rules determine that streets are intended to allow for the movement of all occupants, whether by foot or mechanical means. Pedestrians, cyclists, birds, animals and wild life shall at all times have the right of way on streets within the Estate. Vehicles shall be brought to a stop whenever necessary
3. Article (Art) 11.4. 11.4.11 13.2 and 20.7 of the Memorandum of Incorporation (MOI) resolve as follows:
  - 11.4 The budget referred to in article 11.2 shall make provision for at least the following:
    - 11.4.11 Such other items as the directors may determine.
  - 13.2 For the enforcement of any of the rules by the directors in terms hereof, the directors may:
  - 20.7 The directors shall not be entitled to undertake on behalf of the association any works of a capital nature not included in the capital expenditure budget approved by resolution of the members of the association in general meeting, without the sanction of a resolution of the association in general meeting.
4. Over the years the HOA has constructed 41 speed calming humps on 5.1 km of road within the Estate. Although these humps have assisted in controlling the speed of the majority of vehicular traffic within the Estate, speeding control remain problematic.
5. While the Conduct Rules set a speed limit of 25 km/h, the HOA to date, has not implemented a method to accurately determine compliance with this rule. Numerous newsflashes requesting home owners, residents, visitors and contractors to comply with the speed limit has been unsuccessful.
6. A speed camera is considered the only way in which compliance with the rule can be accurately determined.

### Proposed resolution

7. In order to give credence and apply the speed limit rule, improve safety for all road users, reduce road/vehicular noise and change the behaviour of those contravening the rule, it is proposed that a mobile speed camera be procured.
8. Following consultation with other estates it was decided that a mini speed camera with the following functionalities be considered:
  - 8.1 Mini camera unit must be mobile
  - 8.2 Camera must take video clips of vehicles exceeding the programmed speed
  - 8.3 Camera to have day/night functionality
  - 8.4 Video footage must display the speed, date and vehicle registration
  - 8.5 Video clips must be stored on the system until downloaded
  - 8.6 Ability to e-mail video clips
  - 8.7 Training to certify operating the mini camera
9. A mini speed camera which complies with the above set criteria can be procured for R52 679.
10. The standard rules penalty schedule will apply to those guilty of breaching the speed limit rule and should in due time pay cover the acquisition cost.

### Recommendation

11. It is recommended that approval be given to purchase a mini speed camera at a cost of R52 679;
  - 11.1 The amount to be paid in respect of this capital expenditure is to be sourced from current cash reserves, and
  - 11.2 Owners, residents, as well as contractors are to be informed of the use of the speed camera and consequences of breaching the speed limit.

  
Proposed: Engela Kruger

Date: 12 ' 11 ' 2021

Seconded: Kosie Otto

Date: 12 ' 11 ' 2021 





## **Estates and Private Roads Solutions**

All of the below units are available as either Mains or Solar powered units.

Our services include:

- Placement and maintenance of SpeedSentry units.
- Download and processing of camera video clips, compilation of infringement notices on behalf of the Estate / HOA.
- Collection and analysis of traffic data for an estate, compilation into an effective traffic Management Plan.



**SpeedSentry SSB**

### **Specifications:**

- Size mm (h x w x d): 315 x 250 x 410
- Power Supply: 220V AC / Solar / Battery
- Operating Temperature: -40 C to +80 C
- Pickup Distance: 90m
- Output Energy: 5 mW Max
- Beam Angle: 38° x 45°
- CE and FAA Approval: Yes

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Mossel Bay Golf Estate Home Owners Association (HOA): Annual General Meeting :  
22 December 2021

Ordinary Resolution (60%+1 votes of approval required): Request approval for the development of Erf 15228 (Area 7) as set out in paragraph (par.) 12 of this resolution (expenditure included in capital plan)

**Background**

1. During the HOA Annual General Meeting (AGM) held on 20 December 2019 Ordinary Resolution 6 (extract hereunder) was accepted by a majority vote.

*"Obtain clarity in respect of relevant clauses in the Memorandum of Incorporation (MOI) on whether Common areas can be developed for residential use. If in the affirmative to proceed with a desk-top study in respect of an optimal land use option, associated estimated costs, process and estimated yield of Erf 15228."*

Progress with regard to this matter was discussed during the HOA AGM which took place on 28 December 2020.

2. In respect of the aforesaid matter the MOI direct as follows:
  - 2.1 Art 4.1.6 – All erven other than private and public open spaces shall be used as single residential purposes unless otherwise approved by 60% of members in a general meeting.
  - 2.2 Art 4.1.7 – No sub-division and rezoning are permitted unless otherwise approved by 60% of members in a general meeting with the proviso that no final approval in terms of the Mossel Bay Town Planning Scheme and LUPO shall be affected by such decision.
  - 2.3 Art 12.2 – Neither the whole or part of any common area shall be:
    - 2.4 Art 12.2.1 - Sold, let, alienated or otherwise disposed of or subdivided or transferred: or
    - 2.5 Art 12.2.2 – Mortgaged or encumbered in any manner whatsoever; or
    - 2.6 Art 12.2.4 - Build upon, improved or enhanced in value by construction of buildings, erections, facilities or amenities,

without the prior written consent of the local authority and the sanction of a resolution of the association at a general meeting.
3. With the latter in mind it is possible to sub-divide into erven, rezone for single residential purposes, sell and build upon the erven as proposed (sub-division and rezoning of Erf 15228), subject to the sanction of a resolution at a general meeting and the required approvals from the local authority.
4. At the time of the development of the Mossel Bay Golf Estate, Cape Nature Conservation **commented** as follows (extracts from their letter dated 30 January 1998) to the Application for the rezoning and sub-division of Erf 2001 Golf Course, Mossel Bay: These

conditions were included in the final approval by the local authority for the rezoning and sub-division of Erf 2001 Golf Course granted on 17 February 1998.

At least four additional species not listed in the specialist report were found in the fynbos on deep sands in the northern section of the golf course. These species are all of conservation importance as they have limited geographical distributions and because of the impact of man on the environment. They are:

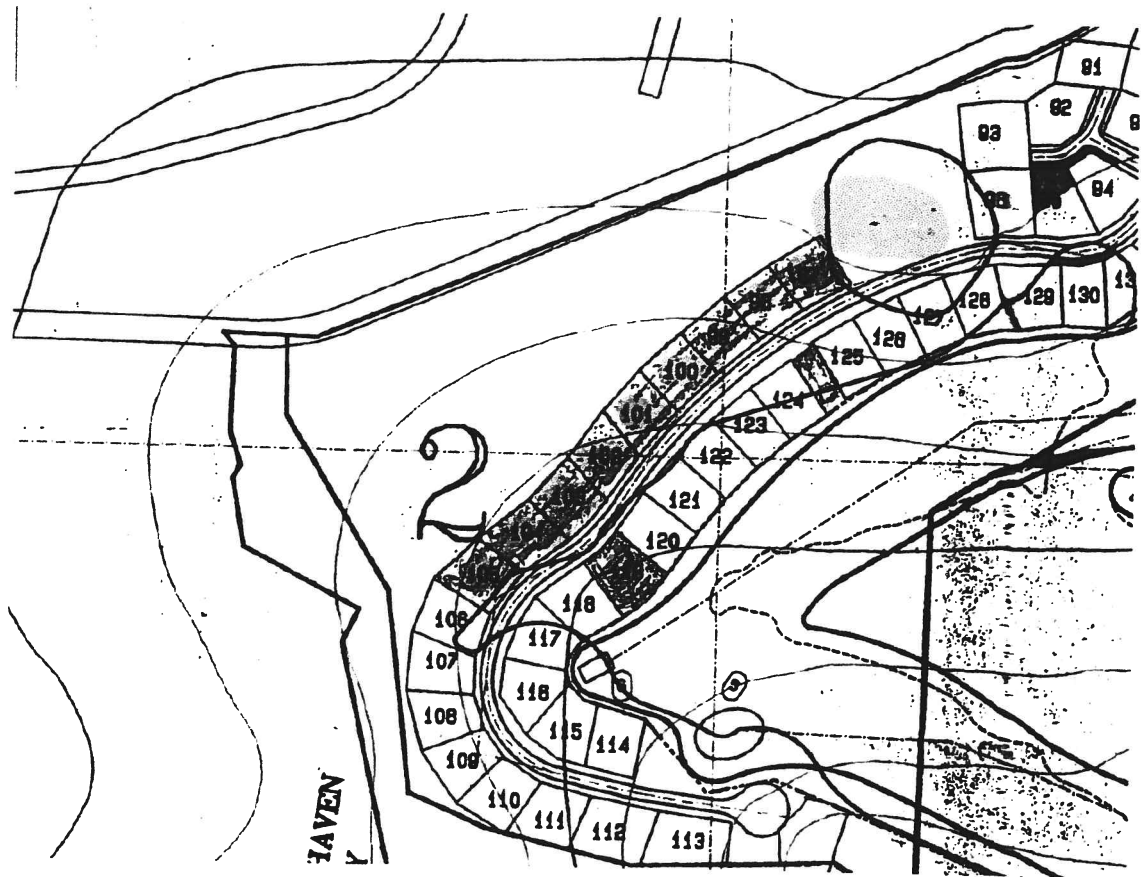
- \* *Thamnochortus murii*: Listed as vulnerable in the Red Data Book.
- \* *Euchaetis albertiniana*: This species is endangered because it is known only from a small area south of Albertinia, where its habitat is being severely threatened by invasive alien plants.
- \* *Prismatocarpus* sp.: This is an unusual taxon related to *Prismatocarpus campanuloides*, which is possibly a new subspecies or perhaps even a new species.
- \* *Agathosma murii*: This species is known only from a few collections near Still Bay and one near Mossel Bay. It is most definitely a rare and vulnerable species (Terry Trinder-Smith, pers. comm.).

Because of the reasons listed, housing development must be kept off these sensitive areas. This office is in agreement with the specialist report that the Limestone fynbos is botanically extremely important and efforts to keep development off these areas is supported.

Notwithstanding the above, Cape Nature Conservation supports the application for rezoning and subdivision, strictly subject to the following conditions:

1. Units 97 to 105 as well as unit 119 must be removed from the development. These are indicated in green on the attached map No 3780-200 (28/1/98). In this way highly conservation worthy areas can be consolidated and special management of these areas be facilitated.
2. The corridors between units 118 and 120 as well as between units 124 and 125 must be maintained.
3. Only "footprint" development must be allowed with no fencing of individual plots.
4. → Contact must be made with the Lepidopterist Society to establish whether there are any rare or endangered butterflies in the area.
5. It is well known that fire is a very important element in the ecology of fynbos and a fire management plan needs to be drawn up and form part of the overall Environmental Management Plan (EMP).



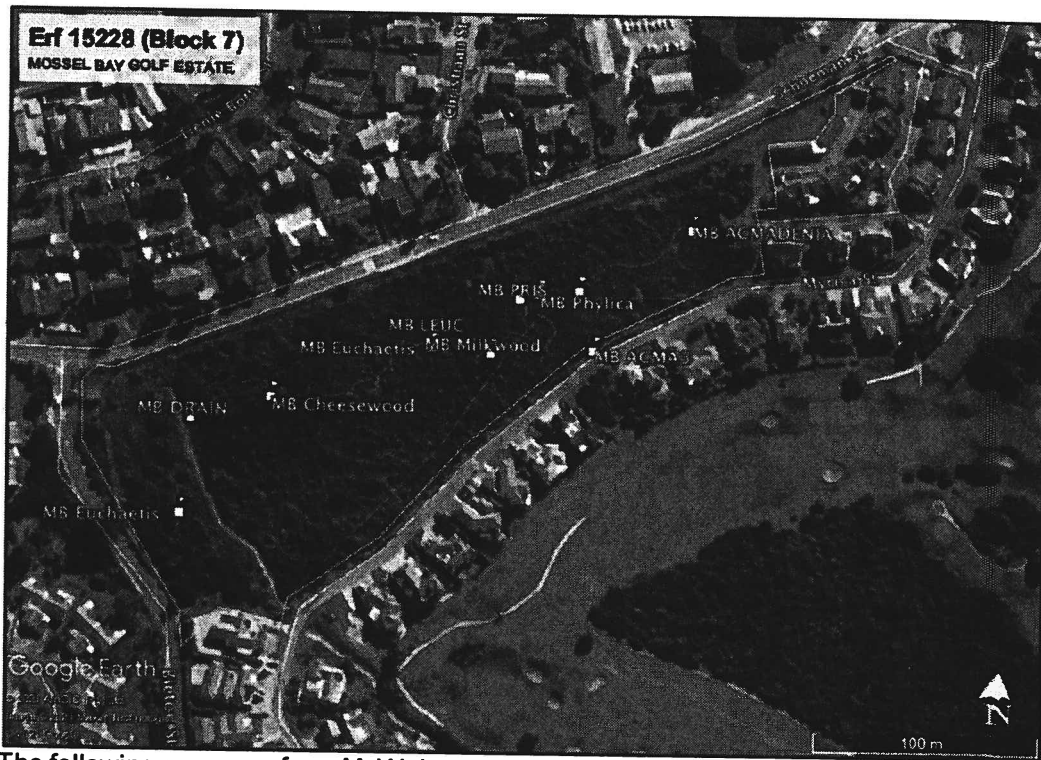


5. In respect of item 4 of the extract above, David A Edge, Lepidopterist, in his report dated 25 October 2019 indicated that a survey of Erf 15228 recorded no rare or endangered butterflies.
6. As part of the HOA's Environmental Management Plan (EMP) a Consulting Ecologist, Benjamin Walton, was appointed to identify, record and plot all rare and endangered plants within HOA common areas (inclusive of Erf 15228). An extract from the comprehensive reports (received on 21 June 2021 from Mr Walton) pertaining to Erf 15228 are provided hereunder:

**Site sensitivity verification**

*The area was analysed using satellite imagery (Google Earth and Cape Farm Mapper) and biodiversity informants viewed in QGIS. Verification of the sensitivity of the receiving environment was conducted by ground surveying where plant species were observed and recorded and select waypoints were taken with a GPS (used as a reference to establish the extent of the existing vegetation pattern). Figure 2: Showing the study area at Erf 15228 (Block 7) surrounded by residential development (image courtesy of Google Earth). Block 7 (see Fig. 2) is currently undeveloped and vacant consisting of Limestone Fynbos and Dune Thicket vegetation, and is hereinafter referred to as the "study area". The applicant proposes to develop some erven that were initially removed from the Golf Estate layout and original development approval. The affected erven within Block 7 (see Fig. 3) proposed to be developed are Erven: 97 to 105. This report describes the vegetation status and sensitivity occurring on site which is Limestone Fynbos and Dune Thicket habitat of Very High Terrestrial Biodiversity Sensitivity (based on the Freshwater ecosystem priority area quinary catchments) with a Low Plant Species Sensitivity. Thus, an impact on biodiversity is expected. The ground-truthing of the site in the opinion of the author is Medium Plant Species Sensitivity, based on the presence of certain Species of Special Concern. The screening report for environmental sensitivity has indicated the site*

has a Very High Aquatic Biodiversity Sensitivity (refer to the report: MOSSEL BAY GOLF ESTATE-MBGE H.O.A.screening report).



7. The following response from Mr Walton to specific questions raised by the HOA Board of Directors were received on 21 July 2021.

7.1 Is it possible to develop the erven (specifically erven 97 to 105) as originally planned by the developer?

***I think it is possible to develop the erven originally planned but not authorised. I am just a little unsure of their size and exact placement based on the image provided with CapeNature's letter and that the existing developed erven have different allotted numbers.***

7.2 What is required to obtain the requisite environmental approval to proceed with the development of the aforesaid erven?

***Firstly, one has to ascertain if this requires environmental authorisation (EA) via a Notice of Intent to develop, to lodge with the Department of Environmental Affairs & Development Planning (DEA&DP). If the activity requires an EA then it will require a Basic Assessment application, to be followed with a land use planning bylaw application. It may require an EA if the original layout is altered or perhaps not - then a planning application would only be required.***

7.3 How long will the approval process take?

***A basic assessment application takes a minimum of 9 months.***

7.4 What are the chances of succeeding in obtaining an approval?

***Various factors are considered for making a decision. The vegetation unit although not endangered is valuable but requires long term management by fire. It is isolated and of varying sensitivity.***

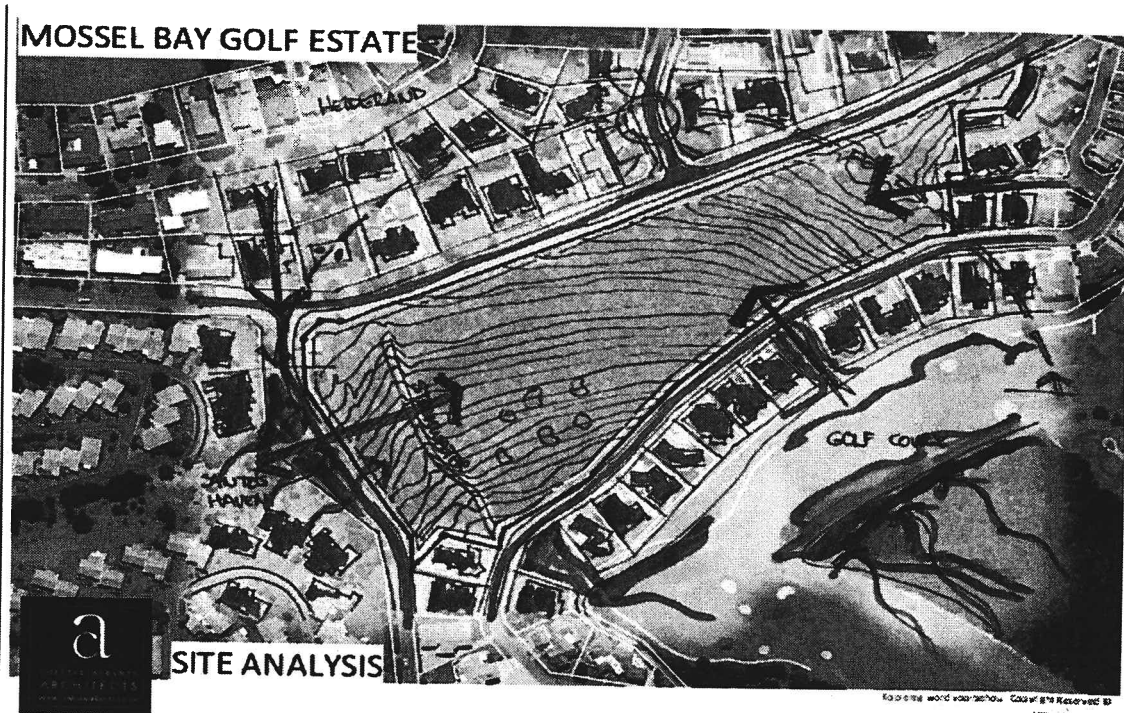
- 7.5 What is the cost implication of obtaining such approval?  
*A Basic Assessment application can start at around R80 000. One has to advertise in the newspaper and meet all timeframes for the pre-application meeting and Notice of Intent to develop then the actual submission of a draft Basic Assessment Report (BAR) and finally the final BAR. The application will need to be circulated to interested and affected parties for comment during process.*

#### Criteria for the proposed development

8. The following criteria was set to assess the different development options available:
- 8.1 The proposal must fit the original character of the Mossel Bay Golf Estate development;
  - 8.2 Minimise risks associated with the impact of the proposal in respect of environmental and traffic requirements;
  - 8.3 Consider the comments as expressed by certain individuals contained in the approval of the rezoning and sub-division of Erf 2001, and
  - 8.4 Maximise returns while taking on minimal risk.

#### Evaluation and Analysis

9. According to par 7.1 above, it is possible to develop nine erven (numbered 97 to 105 shown in par. 4) as was originally planned by the developer. This option conforms with the set criteria.
10. A concept layout which maximises the development potential of Erf 15228 (Area 7) (providing a minimum of 31 units) was obtained and is reflected hereunder. Assessed against the established criteria this option is not considered feasible.



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11. Ascertain if the project requires environmental authorisation (EA) via a Notice of Intent to develop, to be lodge with the Department of Environmental Affairs & Development Planning (DEA&DP). If the original layout is altered the activity requires an EA, if not - a planning application only would be required. Following a Basic Assessment application must be followed with a land use planning by-law application. The estimated cost implication is R80 000. Should the required approval not be obtained the project cannot proceed. Neither of the two-options guarantee obtaining the required approval for the development of the erven.

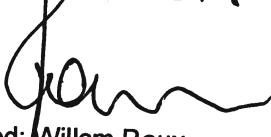
#### Recommendation and proposal

12. It is recommended that approval be given for the development of nine erven (numbered 97 to 105 shown in par. 4 above) as was originally planned by the developer. The subdivision and rezoning of any erf on the Estate require approval by 60% of the members in a general meeting as provided for in the HOA's Memorandum of Incorporation (MOI). Without this approval, the project cannot proceed and there are no cost implications for the HOA. However, should this approval be attained that the HOA Board proceed with the development as follows:
  - 12.1 A meeting be held with the relevant Municipal Department to confer on the subdivision and rezoning requirements. This step entails no costs.
  - 12.2 Obtain the required environmental authorisation (EA). The estimated cost implication is R80 000. Should the required approval not be obtained the project cannot proceed.

- 12.3 Complete and submit a sub-division and rezoning application with the Municipal Development and Planning Department, together with the required Surveyor diagrams. Projected Surveyor costs at this point is R58 500.
- 12.4 Once approval is obtained from the Municipality (subsequent to them having followed a standard process and assessing the application against set criteria), a Bulk Infrastructure Capital Contribution of R738 000 in respect of the 9 (nine) erven, must be paid to the local authority.
- 12.5 The Surveyor is to complete registration of the erven with the Surveyor General, whereafter conveyancing of the erven into the name of the HOA will be done. The costs of these activities are estimated at R207 000.
- 12.6 Provide services (water, electricity, sewerage and stormwater) connection points at each individual erf at a projected cost of R405 000.
- 12.7 A minimum selling price of R1 000 000 (after estate agent commission and VAT thereon) be set per erf. The resulting minimum income from the sale of 9 (nine) erven will amount to R9 000 000. Selling is to occur via estate agents who is registered with the HOA.
- 12.8 The total anticipated expenditure of the development amounts to R1 488 500 which is to be paid from current cash reserves. Based on a total minimum selling price of R9 000 000, a yield of R6 842 054 (after capital gains tax) will be achieved and invested with current HOA reserves.
- 12.9 This investment is to be used to fund future capital and unforeseen projects, thereby eliminating the need for collecting special levies from members.
- 12.10 In addition, based on the current levy, an additional R149 295 per annum levy income will be generated from the sale of the 9 (nine) erven.

  
Proposed: Nick van Noordwyk

Date: 12 '11' 2021.

  
Seconded: Willem Roux

Date: 12 '11' 2021

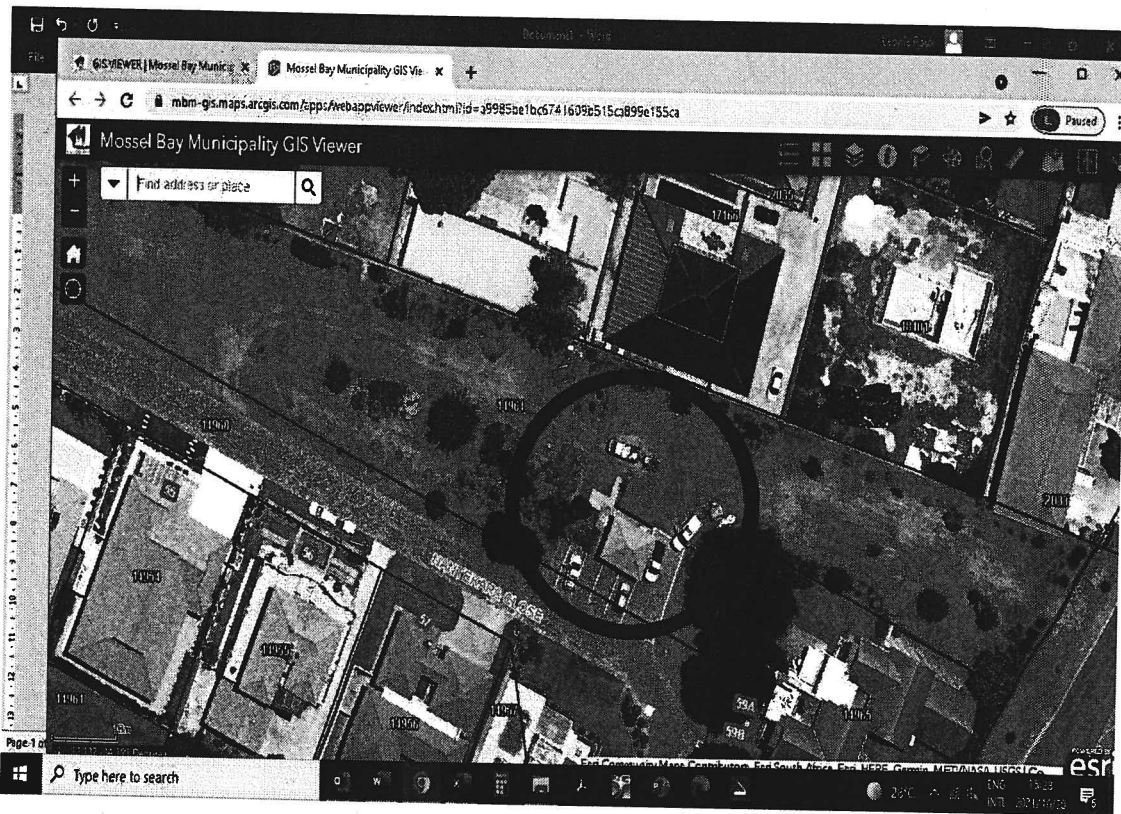


Mossel Bay Golf Estate Home Owners Association (HOA): Annual General Meeting :  
22 December 2021

Ordinary Resolution (60%+1 votes of approval): Obtain approval for reconstructing the existing HOA office and storage facilities used by the Estate Manager and personnel (included in capital plan)

## Background

1. The office and storage facilities (HOA owned assets) used by the Estate Manager is situated on Erf 14964 (HOA private common property) in Nantekara Close – about 70m from the Church Street entrance/exit to the Estate – see screen shot from Mossel Bay Municipality GIS Viewer hereunder.



2. These facilities comprise the following:
  - 2.1 A brick-and-mortar building with tiled roof (aligned with the Architectural Guidelines of the HOA). The building measures 5 700 x 4 500mm and comprise of an area used as an office/ meeting area, an external toilet and wash basin, as well as an internal toilet and wash basin;
  - 2.2 The office/meeting area is utilised for the storage of files and office equipment, kitchen appliances (small fridge, microwave and kettle);

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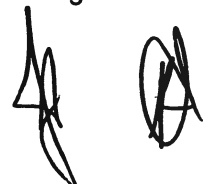
- 2.3 The office/meeting area commonly accommodate home owners, contractors, service providers, board members, visitors and personnel who meet with the Estate Manager or Assistant Estate Manager to address issues;
- 2.4 A 6 000 x 3 000mm timber "wendy house" (which do not conform with the Architectural Guidelines of the HOA) is utilised for the storage of maintenance equipment/spares and documents, and
- 2.5 A paved and grassed area accommodated the HOA trailer used for collecting and transporting refuse, as well as a vehicle (not owned by the HOA) employed by the Estate Manager in the execution of his duties.
- 2.6 A golf cart (HOA asset), used by Assistant Estate Manager is currently stored at the Schoeman Street entrance/exit.

### Quandary

- 3. The aforementioned office and storage facilities used by the Estate Manager is:
  - 3.1 Inadequate in serving the HOA's needs and objectives as set out in the Memorandum of Incorporation (MOI);
  - 3.2 Present numerous risks (both to users and the HOA);
  - 3.3 Do not provide a conducive work/meeting environment;
  - 3.4 Part of the facility do not comply with the Architectural Guidelines of the HOA, and
  - 3.5 Not portraying the image, brand and status of the Mossel Bay Golf Estate.

### Proposed Solution

- 4. In order to address the abovementioned dilemma, it is proposed that the existing HOA office and storage facilities (measuring in extent 25.65m<sup>2</sup>) used by the Estate Manager and personnel be reconstructed.
- 5. The proposed reconstruction of the facilities is reflected in the drawing attached to this resolution.
- 6. The planned layout provides for a garage, storeroom and file room at 58 m<sup>2</sup>, as well as restrooms, office, kitchen and boardroom measuring 77m<sup>2</sup>.
- 7. Erf 14964 is zoned as private common area. The Town Planning Section of the Mossel Bay Municipality advised that a Pre-application Consultation is not required in terms of Section 37 of the Mossel Bay Municipality By-law on Municipal Land Use Planning, 2015. As the zoning of the property allows for the proposed construction, the HOA only need to submit a Site Development Plan (SDP) for evaluation.
- 8. The HOA Board be responsible for the reconstruction project by undertaking the following activities:



- 8.1 Complete the required drawings for submission and approval by the Mosse Bay Municipality;
  - 8.2 Obtain quotations from construction companies for the complete building works;
  - 8.3 Select and conclude an agreement (specifications, cost and time commitments) with the most reputable/suitable service provider for the envisaged building works;
  - 8.4 Ensure building works and contractors comply with the HOA Architectural Guidelines and Contractor Rules;
  - 8.5 Obtain the required certificates for works performed and Municipal Occupation Certificate;
  - 8.6 Suitably furnish the facility, and
  - 8.7 Communicate with HOA members in respect of progress.
9. In accordance with Article 20.7 of the Memorandum of Incorporation (MOI) (extract hereunder this resolution requires a 60%+1 votes of approval in a HOA general meeting.
- 20.7 The directors shall not be entitled to undertake on behalf of the association any works of a capital nature not included in the capital expenditure budget approved by resolution of the members of the association in general meeting, without the sanction of a resolution of the association in general meeting.**

#### Recommendation

10. It is recommended that approval be given for:
- 10.1 The construction works as presented in paragraphs 5 to 8 above be undertaken;
  - 10.2 The total capital costs of the project be limited to R1 000 000, and
  - 10.3 The project be funded from existing cash reserves.

Proposed: Nick van Noordwyk

Date: 12 ' 11 ' 2021

Seconded: Kosie Otto

Date: 12 ' 11 ' 2021



Handwritten signature and initials.

- NOTES:**
- 1. VERIFY ALL NOTES TO CORRECT FOR ANY TECHNICAL ERRORS.
  - 2. CHECK FOR CONFLICTS WITH ALL OTHER DRAWINGS AND SPECIFICATIONS.
  - 3. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
  - 4. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
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  - 19. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.
  - 20. ALL DIMENSIONS SHALL BE TO FACE UNLESS OTHERWISE NOTED.



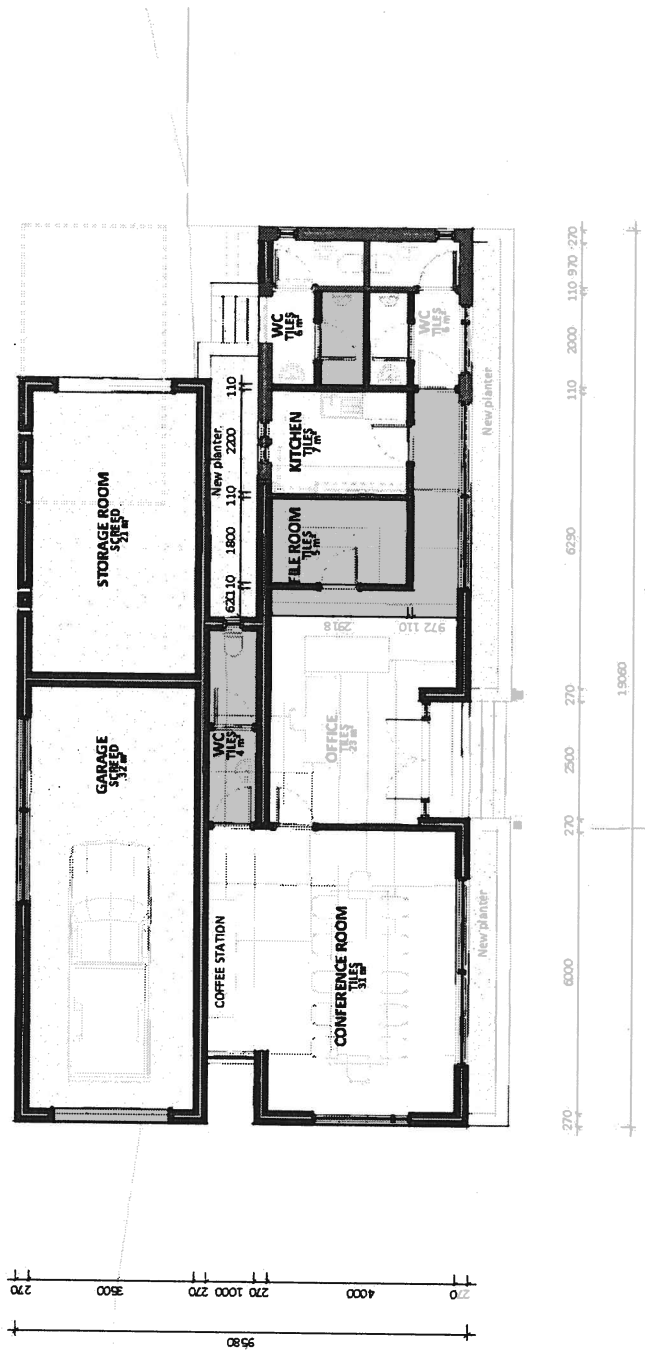
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 E-mail: studio@coetzeeberbergs.co.za  
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PROPOSED ALTERATIONS OVER: 14864, MIDSEL BAY GOLF STATE, MIDSEL BAY

GROUND FLOOR PLAN

DATE	13/09/17	NO. OF SHEETS	1
SCALE	1:100	PROJECT NO.	20-07B/21/S100
DESIGNER		CHECKED	
DRAWN		APPROVED	



1 GROUND FLOOR  
 1:100

**Mossel Bay Golf Estate (MBGE) Home Owners Association (HOA): Algemene  
Jaarvergadering:  
22 Desember 2021**

**Gewone Besluit \_\_\_\_\_ (>60% stem vir aanvaarding): Verandering van Gedragsreëls oor korttermyn verhuring en selfsorg akkommodasie**

**Achtergrond**

Op 13 April 2021, het die HOA 'n nuusberig aan die huiseienaars van die MBGE ("*kennisgewing*") gestuur, wat aandui dat op 26 Maart 2021, het die raad 'n besluit geneem en reël 15.4 en 18.10 van die gedragsreëls verander deur die verhuring van eenhede of selfsorg akkommodasie, te verbied vir korter as 30 dae ("*Verbod op Korttermyn Verhuring*").

**Die kennisgewing en die verandering van die gedragsreëls**

In die kennisgewing, het die direkteure van die HOA dit gestel dat die Verbod op Korttermyn Verhuring nodig was omdat, onder andere: -

1. *"a number of properties on the estate are used for self-catering purposes and letting for holiday accommodation on a short-term basis... These properties have a constant turn-over of lessees, resulting in elevated levels of people coming and going, which often negatively impacts other home owners. An increase in traffic and people movement within the estate, as well as entering and exiting the estate, place additional pressure on security, infrastructure, services and estate personnel. In addition, short-term tenants generally have little motive or incentive to acquaint themselves and observe the conduct rules of the Estate;"*
2. *"the aforesaid jeopardises the character, image, reputation and original intention of the estate which could negatively impact the value of properties."*

**Die MBGE se Memorandum van Inkorporasie (MOI) en veranderinge aan die Gedragsreëls**

In terme van afdeling 4 van die MOI, is die oogmerk van die maatskappy, onder andere: -

1. *"to serve as the owners' association for the members, to promote, advance and protect the communal interests of the members generally in the development";*
2. *"to protect and promote the interests of the association, sub-associations and members, as far as the development is concerned"; and*
3. *"to control, manage and administer the development for the benefit of all members".*

Histories is enige nuwe reëls, aanpassings, beperkinge of veranderinge aan die gedragsreëls van die MBGE aan die lede voorgelê om daarvoor te stem as 'n gemeenskaplike groep by die AJV. Die voorgestelde Verbod op Korttermyn Verhuring behoort op dieselfde manier hanteer te word. Deur die implementering van die Verbod op Korttermyn Verhuring, sonder om die lede te raadpleeg vir stemming, wil dit voorkom asof die raad nie konsekwent optree met die prosesse wat histories aanvaar is om die gedragsreëls te verander nie.

#### Verhuring en selfsorg akkommodasie soos voorheen besluit deur die lede van die MBGE by 'n AJV

By die 2012 AJV op 12/12/2013 gehou, het die HOA aanvaar dat dit nie oor die reg beskik om 'n eienaar te verhoed om sy/haar eiendom te verhuur nie.

Direktief 8.3 (Voorwaardes van toepassing op selfsorg akkommodasie) soos aanvaar deur die lede by die 2013 AJV op 11/12/2014 gehou, klassifiseer korttermyn as enige iemand wat gaste inneem vir korter as een kalendermaand.

Verder, by die 2014 AJV op 23/12/2015 gehou, het die lede ten gunste van 'n stelsel vir die bestuur van korttermyn verhuring en selfsorg eenhede, gestem. Die prosedures wat na aanleiding hiervan ingestel is, vereis dat:

1. alle lede wat selfsorg akkommodasie het, moet by die HOA registreer deur die Bestuursagent;
2. alle eienaars moet 'n terugbetaalbare deposito betaal om enige moontlike skade aan gemeenskaplike eiendom te dek;
3. alle eienaars moet 'n skadeloosstelling teken voor die aankoms van 'n besoeker;
4. daar word van die besoeker vereis om 'n skadeloosstelling en 'n erkenning van die reëls en regulasies te teken voor aankoms;
5. die gedragsreëls en regulasies word uitgestal in elke eenheid;
6. die besoeker se selfoonnommers word voor aankoms by die bestuursagent geregistreer op die sekuriteit se toegangstelsel, vir toegangsbeheer en bemerking, teen 'n koste van R20 vir die eienaar;
7. geen kaarte mag by die hek gebruik word vir ingang/uitgang na/by die Landgoed deur huurders of selfsorg akkommodasie gaste nie.

#### Huidige Situasië en Motivering vir die Voorgestelde Mosie

Mosselbaai is histories 'n vakansie en/of 'n seisoenale dorp. Besoekers bly tipies of vir 'n paar dae, of weke. Die meerderheid van die HOA lede is nie permanente inwoners by die MBGE nie, maar besit eerder hulle eenhede vir vakansie-doeleindes. As gevolg hiervan, het die MBGE se gedragsreëls van die begin van die bestaan daarvan, verhuring (korttermyn verhuring ingesluit) van eenhede toegelaat.

Die vermoë om eenhede uit te verhuur wanneer eienaars nie self okkupeer nie, het nie net huiseienaars in staat gestel om eiendom te koop wat andersins onbekostigbaar sou wees nie, maar het huiseienaars ook in staat gestel om hulle eiendomme produktief te gebruik om onderhoud en houkoste te dek. Die gebruik van hierdie eenhede teen die volle potensiaal

daarvan, het kopers aangetrek na die MBGE en goeie eiendomsverkope tot gevolg gehad, ten spyte van moeilike ekonomiese omstandighede. Die eiendomswaardes op die MBGE sal dus negatief beïnvloed word deur die Verbod op Korttermyn Verhuring en sal die kopersmark beperk tot slegs kopers wat of permanent op die Landgoed wil bly, of die eiendom slegs wil gebruik vir privaat vakansies. Die Verbod op Korttermyn Verhuring sal ook in die toekoms 'n negatiewe impak op huiseienaars hê, ongeag of hulle huidiglik belangstel in verhuring of nie, omdat dit die gebruik van die eiendomme beperk en daardeur ook die potensiele kopersmark in die toekoms beperk.

Verder skep korttermyn verhuring en verhuring as selfsorg akkommodasie op die MBGE ook werk vir die plaaslike gemeenskap, en ondersteun plaaslike besighede soos wasserie, skoonmaakdienste, herstel-en-onderhoud besighede en belangrik, ook die Golf Klub en restaurant. Hierdie voordele vir die plaaslike ekonomie word deurlopend deur die jaar geniet, in plaas van net seisoenaal. Daarom sal die Verbod op Korttermyn Verhuring die plaaslike gemeenskap, asook die Golf Klub en restaurant, negatief raak.

Die hoeveelheid persone wat in en rondom die MBGE beweeg en ook by die ingange in en uit beweeg, is altyd beperk tot die hoeveelheid persone toegelaat om elke eenheid te okkupêr. Die hoeveelheid persone en voertuie wat voortspruit uit die volle okkupasie van eenhede, behoort geen addisionele druk op sekuriteit of die infrastruktuur van die MBGE tot gevolg te hê nie. Om staat te maak op gedeeltelike okkupasie van eenhede vir die effektiewe funksionering van sekuriteit en infrastruktuur, is nie aanvaarbaar nie.

Dit word ontken dat korttermyn verhuring of selfsorg akkommodasie die karakter, beeld, reputasie of oorspronklike intensie van die MBGE in gedrang stel, aangesien Mosselbaai nog altyd 'n vakansie kusedorp was en die meerderheid van die lede van MBGE, hulle eiendom me tydens vakansies gebruik.

Dus wil die Verbod op Korttermyn Verhuring voorkom om 'n drastiese, eensydige stap deur die raad te wees, veral in ag genome dat, tot die beste van die Voorsteller se kennis, daar min of geen skriftelike klagtes was, en ook geen boetes gehef is teen die huiseienaars vir die oortreding van enige gedragsreëls deur hulle okkuppeerders nie. Verder, in ag genome dat alle vorige besluite rakende korttermyn verhuring en selfsorg akkommodasie, deur die lede by 'n AJV geneem is, moes hierdie eensydige beperking deur die Verbod op Korttermyn Verhuring, eerder dieselfde proses gevolg het.

### **Voorgestelde Mosie**

Dat die Verbod op Korttermyn Verhuring (soos gestel deur die aanpassing van 15.4 and 18.10 van die gedragsreëls) teruggetrek word en uit die gedragsreëls verwyder word, by wyse van 'n resoluie van die lede by die AJV.

**Voorsteller: Ian Jansen van Rensburg**

**Datum: 4/11/2021**



**Sekondant: Francois Grobler**

**Datum: 4/11/2021**



**Mossel Bay Golf Estate (MBGE) Home Owners Association (HOA): Annual General Meeting:**

**22 December 2021**

**Ordinary Resolution \_\_\_\_\_ (>60% votes of approval): Change of conduct rules on short-term letting and self-catering accommodation**

**Background**

On 13 April 2021, the HOA issued a newsflash to the homeowners of the MBGE (“notification”) indicating that on 26 March 2021, the board resolved and changed rule 15.4 and 18.10 of the conduct rules by prohibiting the letting of units or self-catering accommodation for less than 30 days (“Short-Term Letting Prohibition”).

**The notification of the change of the conduct rules**

In the notification, the directors of the HOA recorded that the Short-Term Letting Prohibition was required because, amongst others: -

1. *“a number of properties on the estate are used for self-catering purposes and letting for holiday accommodation on a short-term basis... These properties have a constant turn-over of lessees, resulting in elevated levels of people coming and going, which often negatively impacts other home owners. An increase in traffic and people movement within the estate, as well as entering and exiting the estate, place additional pressure on security, infrastructure, services and estate personnel. In addition, short-term tenants generally have little motive or incentive to acquaint themselves and observe the conduct rules of the Estate;”*
  
2. *“the aforesaid jeopardises the character, image, reputation and original intention of the estate which could negatively impact the value of properties.”*

**The MBGE’s Memorandum of Incorporation (MOI) and changes to the Conduct Rules**

In terms of provision 4 of the MOI, the objects of the company are, amongst others: -

1. *“to serve as the owners’ association for the members, to promote, advance and protect the communal interests of the members generally in the development”;*
2. *“to protect and promote the interests of the association, sub-associations and members, as far as the development is concerned”;* and
3. *“to control, manage and administer the development for the benefit of all members”.*



Historically, any new rules, amendments, restrictions or modifications to the conduct rules of the MBGE have been put forward to be voted on by the members collectively at the AGM. The proposed Short-Term Letting Prohibition ought to be treated the same. By implementing the Short-Term Letting Prohibition, the board appears to be acting inconsistently with the processes which have been adopted historically to change the conduct rules.

#### Letting and self-catering accommodation previously decided by the members of the association at an AGM

At the 2012 AGM held on 12/12/2013, the HOA accepted that it has no right to prevent an owner from letting his/her property to guests.

Directive 8.3 (Conditions applicable to self-catering accommodation) accepted by the members at the 2013 AGM held on 11/12/2014 classified short-term as anyone who takes guests for less than one calendar month.

In addition, at the 2014 AGM held on 23/12/2015, the members voted in favour of a system to be implemented by the HOA pertaining to the long and short-term letting and self-catering units. The procedures which were subsequently implemented requires that:

1. all members who operates self-catering accommodation must register with the HOA via the Managing Agent;
2. all owners must pay a refundable deposit to cover any possible damage to common property;
3. all owners must sign an indemnity prior to the arrival of a visitor;
4. the visitor is required to sign an indemnity and acknowledgement of rules and regulations prior to arrival, which is submitted to the Managing Agent;
5. the conduct rules and regulations are displayed in each unit;
6. the visitor mobile numbers are registered on the security access system by the managing agent prior to the arrival of the visitor, for access control and marketing purposes. This is done at a cost of R20 to the member;
7. no cards will be allowed to be used to gain entry/exit to/from the Estate by tenants or self-catering accommodation guests.

#### Current Situation and Motivation for Proposal

Mossel Bay has historically been a vacation and/or seasonal town. The duration of visitors' stays typically varies from days to weeks. The majority of the HOA members are not permanent residents at the MBGE but rather own units for the purposes of vacation. As a result, the MBGE conduct rules have permitted the letting (including short-term letting) of units from the outset.

The ability to rent out units when the owners are not in occupation has not only allowed homeowners to acquire property which would otherwise have been unaffordable but has also allowed homeowners to use their assets productively to cover maintenance and holding costs.

Using these units to their full potential has attracted purchasers to the MBGE which has resulted in decent property sales despite a poor economic environment. The property values on the MBGE will thus be negatively impacted by the Short-Term Letting Prohibition and will limit the property sales to purchasers who wish to permanently reside on the MBGE or private holiday owners. The Short-Term Letting Prohibition will negatively impact homeowners in future as it restricts the use of the properties whereby limiting the prospective purchasers to homeowners who intend being permanent residents or holiday homeowners.

Furthermore, short-term letting and letting for self-catering accommodation on the MBGE has created jobs for the local community, supports local businesses such as laundry services, cleaning services, maintenance related services and importantly the Golf Club and restaurant, which generally benefits the local economy all year round, as opposed to seasonally. As such, the Short-Term Letting Prohibition will negatively impact the local community, the Golf Club and restaurant.

The number of persons moving in and around the MBGE and entering and exiting through the entrances is always limited to the number of persons permitted to occupy each unit. The numbers of persons and vehicles occasioned by the full occupancy of the units should not place additional pressure on security or the infrastructure of the MBGE. Reliance on partial occupancy for the effective functioning of the security and infrastructure is not acceptable.

It is denied that short-term letting or self-catering accommodation jeopardises the character, image, reputation or original intention of the MBGE, as Mossel Bay has always been a coastal vacation destination and the majority of the members at MBGE use their properties during vacation seasons.

Thus, the Short-Term Letting Prohibition appears to be a drastic unilateral step by the board considering that, to the best of the Proposer's knowledge, little to no written complaints have been filed and no penalties have been levied against the homeowners for contraventions of the conduct rules by their lessees/occupants. Further, considering that all former decisions relating to the short-term letting and self-catering accommodation has been decided by the members at an AGM, the unilateral restriction of the Short-Term Letting Prohibition ought to have followed the same process.

### **Proposal**

That the Short-Term Letting Prohibition (as contemplated by the amendment of 15.4 and 18.10 of the conduct rules) be revoked and removed from the conduct rules by resolution of the members at the AGM.

**Proposer: Ian Jansen van Rensburg**

**Date: 4/11/2021**



**Seconder: Francois Grobler**

**Date: 4/11/2021**



**Mossel Bay Golf Estate (MBGE) Home Owners Association (HOA): Annual General Meeting:**

**22 December 2021**

**Special Resolution \_\_\_\_\_ (>75% votes of approval): Amendment of the Memorandum of Incorporation**

**Background and Motivation for Proposal**

Article 13.1 of the MBGE memorandum of incorporation ("MOP") reads as follows: *"Subject to the provisions of this memorandum, any restriction or direction given at a general annual meeting of the association or any condition imposed by the local authority, the directors may from time to time make, vary or modify rules which shall be binding on the members, inter alia, in regard to..."*

Historically, any rules, amendments, restrictions or modifications to the conduct rules of the MBGE have been put forward to be voted on by the members of the HOA at the annual general meeting. Examples of such changes to the conduct rules followed by a vote at an annual general meeting include, amongst others, the following:

1. 2013 AGM held on 11/12/2014: Directive 8.3 in respect of rules applicable to self-catering accommodation (accepted by the members);
2. 2014 AGM held on 23/12/2015: Directive 9 permitting long/short term rentals and self-catering accommodation in respect of processes to be followed (accepted by the members);
3. 2016 AGM held on 20/12/2017: Ordinary resolution 1: Acceptance of Conduct Rules (Paddocks) (accepted by the members);
4. 2016 AGM held on 20/12/2017: Ordinary resolution 2: Acceptance of Schedule of Penalties (accepted by the members);
5. 2018 AGM held on 20/12/2019: Ordinary resolution 1: Changes to the Conduct Rules to make provision for a pet levy (resolution not accepted);
6. 2018 AGM held on 20/12/2019: Ordinary resolution 4: That the Conduct rules be changed that no new cats will be allowed as pets on the Estate and all cats currently on the Estate must be registered with Status Mark. (resolution accepted by majority).

This process has allowed the members of the HOA to participate in the creation, variation, restriction and modification of the conduct rules which would, in the view of the majority of the members, be in the best interest of the HOA as a whole. These rules have subsequently been successfully implemented and adhered to by the members.

The MOI, as it stands, is drafted too broadly because it gives the HOA directors wide ranging discretion to create and amend conduct rules without member participation. Member participation is essential to ensure that: -

1. member's rights and interests are protected; and
2. members are vested in the conduct rules, which will ensure better compliance.

### **Proposal**

That article 13 of the MOI be amended to include a new clause 13.13 (after the current clause 13.12) which reads as follows: -

*“Notwithstanding anything contained herein, any new rule, variation, restriction or modification of the conduct rules shall be approved at an annual general meeting and shall require approval by a vote of more than 60% of the members present before such new rule, variation, restriction or modification may be implemented or enforced.”*

**Proposer: Ian Jansen van Rensburg**

**Date: 4/11/2021**



**Seconder: Francois Grobler**

**Date: 4/11/2021**



**Mossel Bay Golf Estate (MBGE) Home Owners Association (HOA): Algemene  
Jaarvergadering:**

**22 Desember 2021**

**Spesiale Besluit \_\_\_\_\_ (>75% stem vir aanvaarding): Aanpassing van die Memorandum van Inkorporasie**

**Achtergrond en Motivering vir die Voorgestelde Mosie**

Artikel 13.1 van die MBGE Memorandum van Inkorporasie ("MOI") lees as volg: "*Subject to the provisions of this memorandum, any restriction or direction given at a general annual meeting of the association or any condition imposed by the local authority, the directors may from time to time make, vary or modify rules which shall be binding on the members, inter alia, in regard to...*"

Hierdie is enige nuwe reëls, aanpassings, beperkinge of veranderinge aan die gedragsreëls van die MBGE aan die lede voorgelê om daarvoor te stem as 'n gemeenskaplike groep by die AJV. Voorbeelde van sulke veranderinge aan die gedragsreëls, voortgebring deur 'n stemming by die AJV, sluit, onder andere, die volgende in:

1. 2013 AJV op 11/12/2014 gehou: Direktief 8.3 insake reëls van toepassing op selfsorg akkomodasie (aanvaar deur die lede);
2. 2014 AJV op 23/12/2015 gehou: Direktief 9 wat lang- en korttermynverhuring toelaat, sowel as selfsorg akkomodasie in terme van die prosesse wat gevolg moet word (aanvaar deur die lede);
3. 2016 AJV op 20/12/2017 gehou: Gewone besluit 1: Aanvaarding van Gedragsreëls (Paddocks) (aanvaar deur die lede);
4. 2016 AJV op 20/12/2017 gehou: Gewone besluit 2: Aanvaarding van die Skedule van Boetes (aanvaar deur die lede);
5. 2018 AJV op 20/12/2019 gehou: Gewone besluit 1: Verandering aan die Gedragsreëls om voorsiening te maak vir 'n heffing op troeteldiere (besluit nie aanvaar deur die lede nie);
6. 2018 AJV op 20/12/2019 gehou: Gewone besluit 4: Dat die Gedragsreëls verander word sodat geen nuwe katte as troeteldiere op die Landgoed toegelaat sal word nie en dat alle katte wat tans op die Landgoed is, by Status Mark geregistreer moet word (besluit deur die meerderheid aanvaar).

Hierdie proses het die lede van die HOA in staat gestel om deel te neem aan die daarstelling, variasie, beperking en wysiging van die gedragsreëls, wat uit die oogpunt van die meerderheid van die lede, in die beste belang van die HOA as geheel sou wees. Hierdie reëls is dan ook gevolglik suksesvol geïmplementeer en deur die lede gehoorsaam.

Die MOI tans, is te wyd geskryf omdat dit die HOA direkteure onbeperkte diskresie gee om gedragsreëls te skep en te verander sonder die insette van die lede. Die lede se insette is essentieel om te verseker dat: -

1. lede se regte en belange beskerm word; en
2. lede inkoop in die gedragsreëls, wat beter voldoening daaraan teweeg sal bring.

### **Voorgestelde Mosie**

Dat artikel 13 van die MOI gewysig word met 'n nuwe klousule 13.13 (na die huidige klousule 13.12) wat as volg lees: -

*“Notwithstanding anything contained herein, any new rule, variation, restriction or modification of the conduct rules shall be approved at an annual general meeting and shall require approval by a vote of more than 60% of the members present before such new rule, variation, restriction or modification may be implemented or enforced.”*

**Voorsteller: Ian Jansen van Rensburg**

**Datum: 4/11/2021**



**Sekondant: Francois Grobler**

**Datum: 4/11/2021**

