



# 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 • Website: www.mosselbaygolfestate.co.za

## AGENDA/NOTICE

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

Notice is hereby given of the 25<sup>th</sup> Annual General Meeting of Mossel Bay Golf Estate Home Owners Association to be held at 10h00 on **WEDNESDAY 21 December 2022** 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 25STE Algemene Jaarvergadering van die Mosselbaai Gholflandgoed Huiseienaarsvereniging wat gehou sal word om 10h00 op **WOENSDAG 21 Desember 2022** in die Kerkzaal van die Moedergemeente Kerk, Hoek van Kerk- en Blandstraat, Mosselbaai:

Slegs geregistreerde lede of hulle volmagte mag die vergadering bywoon.

1	Opening en Verwelkoming	Opening and Welcome	
2	Teenwoordig, verskonings en volmagte	Attendance, apologies and proxies	
3	Goedkeuring van vorige notules <ul style="list-style-type: none"><li>Notule van die Algemene Jaarvergadering van 21 Desember 2021</li><li>Notule van die Spesiale Algemene Vergadering van 14 September 2022</li></ul>	Approval of the previous minutes - <ul style="list-style-type: none"><li>Minutes of the Annual General Meeting of 21 December 2021</li><li>Minutes of the Special General Meeting of 14 September 2022</li></ul>	P7-12 P13-16
4	Voorsitter se verslag	Chairman's Report	P17-22
5	Spreekbeurt verteenwoordiger Huis Eienaars Forum	Engagement representative Home Owners Forum	
6	Terugvoer van Korttermyn verhuring sub-komitee	Feedback from Short-term letting sub-committee	
7	Verkiesing van Direkteure Die poste van ses (6) Direkteure (Reëls en Regulasies, Sekuriteit, Kommunikasie, Instandhouding en ARB) moet gevul word na aanleiding van twee (2) bedankings en volgens Artikel 16.1 van die Grondwet, gebaseer op die huidige portefeulje van 4 (vier) direkteure. <b>Gebruik asseblief die aangehegte</b>	Election of Directors The post of six (6) Directors (Rules and Regulations, Security, Communication, Maintenance, and ARB) to be elected following two (2) resignations and in terms of article 16.1 of the Articles of Association based on the current portfolio of 4 (four) directors. <b>Please nominate candidates on the attached</b>	

Datum van kennisgewing / Date of Notice: 25 November 2022

	nominasievorm om kandidate voor te stel en stuur die vorm na die kantore van Status Mark voor 10h00 op 14 Desember 2022 (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> )	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 14 <sup>th</sup> of December 2022.	
<b>8</b>	<b>Gewone Resolusies</b>	<b>Ordinary Resolutions</b>	
	<ul style="list-style-type: none"> <li><b>Resolusie 1:</b> Oorweging en goedkeuring van die aangehegte finansiële dokumente (insluitend die direksie goedkeuring, ouditeursverslag, balansstaat, inkomstestaat)</li> </ul>	<ul style="list-style-type: none"> <li><b>Resolution 1:</b> Consideration and approval of the financial documents attached (including the director's approval, auditors' report, balance sheet, income statement)</li> </ul>	<b>P23-45</b>
	<ul style="list-style-type: none"> <li><b>Resolusie 2:</b> Goedkeuring van die vergoeding van die ouditeure (2022/23)</li> </ul>	<ul style="list-style-type: none"> <li><b>Resolution 2:</b> Approval of auditor's remuneration (2022/23)</li> </ul>	<b>P46-47</b>
	<ul style="list-style-type: none"> <li><b>Resolusie 3:</b> Goedkeuring van die begroting 2023/24, soos aangeheg</li> </ul>	<ul style="list-style-type: none"> <li><b>Resolution 3:</b> Approval of the budget for 2023/24, as attached</li> </ul>	<b>P48-51</b>
	<ul style="list-style-type: none"> <li><b>Resolusie 4:</b> Kameras teen die Natuureservaat</li> </ul>	<ul style="list-style-type: none"> <li><b>Resolution 4:</b> Cameras on border of Nature Reserve</li> </ul>	<b>P52</b>
<b>9</b>	<b>Spesiale Resolusie</b>	<b>Special Resolution</b>	
	<p><b>Spesiale Resolusie 1:</b> Verander van MOI: Verwydering van Artikel 22.6 -</p> <p>"The instrument appointing a proxy and a power of attorney or other authority, if any, under which it is signed shall be deposited at the registered office of the Company or at such other place as the notice of the meeting concerned may require, not later than at the time stated in such notice: Provided that it shall not be more than 48 (forty-eight) hours before the time for holding the meeting at which the person named in the instrument proposes to vote, and in default of complying herewith the instrument of proxy shall not be treated as valid."</p>	<p><b>Special Resolution 1:</b> Change of MOI: Deletion of Article 22.6 –</p> <p>"The instrument appointing a proxy and a power of attorney or other authority, if any, under which it is signed shall be deposited at the registered office of the Company or at such other place as the notice of the meeting concerned may require, not later than at the time stated in such notice: Provided that it shall not be more than 48 (forty-eight) hours before the time for holding the meeting at which the person named in the instrument proposes to vote, and in default of complying herewith the instrument of proxy shall not be treated as valid."</p>	<b>P53</b>
	<p><b>Spesiale Resolusie 2:</b> Verander van MOI:</p> <p>Vervanging van Artikel 15.2 met die volgendebewoording: 15.2 Every director shall be an owner or the duly authorized representative of an owner which is a company, close corporation, trust, consortium, partnership, or other such like</p>	<p><b>Special Resolution 2:</b> Change of MOI:</p> <p>Altered by replacement of Article 15.2 with the following wording: 15.2 Every director shall be an owner or the duly authorized representative of an owner which is a company, close corporation, trust, consortium, partnership, or other suchlike entity. Every director shall attend</p>	<b>P54</b>

Datum van kennisgewing / Date of Notice: 25 November 2022

	entity. Every director shall attend 50% board of director meetings and 50% HOA Social functions in person.	50% board of director meetings and 50% HOA Social functions in person.	
	<b>Spesiale Resolusie 3:</b> Die wysiging van Artikel 2.1 van die Gedragsreels om voorsiening te maak vir werk van die huis	<b>Special Resolution 3:</b> The Amendment of Article 2.1 of the Conduct Rules to make provision for work from home	<b>P55</b>
	<b>Spesiale Resolusie 4:</b> Die wysiging van die Gedragsreels om gedragsreël 10.3 <b>by te voeg</b> – <b>Gholf Skerms</b>	<b>Special Resolution 4:</b> The Conduct Rules of the Company be altered by the <b>ADDITION</b> of Conduct Rule <b>10.3 – Golf Screens</b>	<b>P56-57</b>
<b>8</b>	<b>Algemeen</b>	<b>General</b>	
	Enige punte vir oorweging onder Algemeen moet voor 12 Desember 2022 ingehandig word by Status Mark	Please note that any items to be considered under General must be handed in before 12 December 2022 at the office of Status Mark	
	<b>Soos voorgeskryf deur Raad</b>	<b>By order of the Board</b>	
	<b><u>Nota :</u></b> 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.  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.  <b>3. <u>Vir administratiewe doeleindes word versoek dat volmagte 24hr voor die aanvang van die vergadering ingehandig word</u> 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></b>	<b><u>Note :</u></b> 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.  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.  <b>3.<u>For administrative purposes it is requested that proxies be handed in at the latest, 24hrs before commencement of the Annual General Meeting.</u> 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></b>	
	<b><u>Alle lede wie die vergadering gaan bywoon word aangemoedig om van 09:00 in te teken.**</u></b>	<b><u>All members who will be attending the meeting are encouraged to start signing in from 09:00.**</u></b>	
	<b><i>** Enige punte vir bespreking onder Algemeen moet voor 12 Desember 2022 ingehandig word by Status Mark</i></b>		
	<b><i>Please note that any items to be discussed under General must be handed in before 12 December 2022 at the office of Status Mark</i></b>		

Datum van kennisgewing / Date of Notice: 25 November 2022

**NOMINATION OF DIRECTORS**

**MOSEL 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 21 December 2022 at 10H00 :

<b>Name (in block letters)</b>	<b>Address/Erf no in Mossel Bay Golf Estate</b>	<b>Acceptance of nomination (signature)</b>
1.		
2.		
3.		
4.		
5.		
6.		

Signed this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
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 14 DECEMBER 2022 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**

**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 **21<sup>st</sup> day of December 2022** 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 2023)**

In favour :                       Against :                       Abstain :

**Ordinary Resolution No 3 (Operating budget for 2023/2024)**

In favour :                       Against :                       Abstain :

**Ordinary Resolution No 4 (Approval for quest house, 153 Pardew Drive, Erf 15176)**

In favour :                       Against :                       Abstain :

**Special Resolution No 1 (Change of MOI: Deletion of Article 22.6)**

In favour :                       Against :                       Abstain :

**Special Resolution No 2 (Change of MOI: Altered of Article 15.2:)**

In favour :                       Against :                       Abstain :

**Special Resolution No 3 (The Amendment of Article 2.1 of the Conduct Rules)**

In favour :                       Against :                       Abstain :

**Special Resolution No 4 (The Conduct Rules of the Company be altered by the ADDITION of Conduct Rule 10.3 - Screens)**

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 \_\_\_\_\_ 2022.

\_\_\_\_\_  
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.**

**FOR ADMIN PURPOSES, WE REQUEST THAT PROXIES IS HANDED IN 24 HOURS BEFORE THE MEETING.**

**VOLMAG/ STEM BRIEF**  
**MOSSSELBAAI GHOLF LANDGOED HUISEIENAARSVERENIGING (NWO)**  
**Registrasie nommer 1999/001249/08**

Ek \_\_\_\_\_ van erf \_\_\_\_\_, 'n lid van die Mosselbaai Gholf Landgoed Huiseienaarsvereniging stel hiermee vir  
\_\_\_\_\_ van \_\_\_\_\_, of alternatiewelik hy/ sy  
\_\_\_\_\_ van \_\_\_\_\_, of alternatiewelik hy/ sy,

die voorsitter van die vergadering as my volmag

om namens my te stem by die Algemene Jaarvergadering wat gehou sal word om 10H00 op die **21ste dag van Desember 2022** in die **Kerksaal van die NG Modergemeente, Mosselbaai Sentraal, HV Bland en Kerkstraat, Mosselbaai** en enige verdaging daarvan:

**Gewone Besluit Nr 1 (Finansiële State)**

Ten gunste :       Teen :       Buite Stemming:

**Gewone Besluit Nr 2 (Ouditeurs vergoeding)**

Ten gunste :       Teen :       Buite Stemming:

**Gewone Besluit Nr 3 (Begroting 2023/24)**

Ten gunste :       Teen :       Buite Stemming:

**Gewone Besluit Nr 4 (Goedkeuring van gastehuis, 153 Pardew Rylaan, Erf 15176)**

Ten gunste :       Teen :       Buite Stemming:

**Spesiale Besluit Nr 1 (Verander van MOI: Verwydering van Artikel 22.6)**

Ten gunste :       Teen :       Buite Stemming:

**Spesiale Besluit Nr 2 (Verander van MOI: Wysiging van Artikel 15.2)**

Ten gunste :       Teen :       Buite Stemming:

**Spesiale Besluit Nr 3 ( Die wysiging van Artikel 2.1 van die Gedragsreels)**

Ten gunste :       Teen :       Buite Stemming:

**Spesiale Besluit Nr 4 (Die wysiging van die Gedragsreels om gedragsreël 10.3 by te voeg)**

Ten gunste :       Teen :       Buite Stemming:

(dui u versoek aan die volmag by wyse van 'n X in die spasie voorsien)

Tensy anders versoek mag my volmag stem soos hy/ sy goed dink.

Geteken op die \_\_\_\_\_ dag van \_\_\_\_\_ 2022.

\_\_\_\_\_  
Handtekening

\_\_\_\_\_  
(Naam in drukskrif)

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

**22.1 : "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."**

**HIERDIE VOLMAG MOET INGEHANDIG WORD VOOR DIE AANVANG VAN DIE VERGADERING EN KAN INGEHANDIG WORD BY STATUS MARK, 11 MEYER STRAAT, MOSSSELBAAI OF POSBUS 567, MOSSELAAI, 6500; EPOS: [status2@status-mark.co.za](mailto:status2@status-mark.co.za); faks: 044 691 1520**

**Weens administratiewe doeleindes word versoek dat volmagte 48 uur voor vergadering ingehandig word**



# MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION

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

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

## MINUTES OF THE ADJOURNED 24<sup>th</sup> ANNUAL GENERAL MEETING OF THE MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION THAT WAS HELD ON WEDNESDAY, 22 DECEMBER 2021 AT 10H00 IN THE DUTCH REFORMED CHURCH HALL ("MOEDERGEMEENTE"), C/O BLAND AND CHURCH STREET, MOSSEL BAY

<b>1</b>	<b><u>OPENING &amp; WELCOME:</u></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><u>ATTENDANCE PROXIES AND APOLOGIES:</u></b>	
	Members as per the attendance register: 70 Member Proxies received: 105	
	The Chair informed the meeting that according to a recent legal decision, there is no time limit on the submission of proxies. While this was not communicated to members prior to the meeting, proxies were accepted up to the start of the meeting as normal.	
	The meeting agrees that all proxies should be accepted.	
	A legal Quorum was obtained.	
	Status Mark: Messrs WCE Prinsloo, S Koen & C Steyl	
	<b>Apoloies:</b> Pieter & Engela Venter Dieter Schulze Ian Janse van Rensburg Peet Bierman JD van Reenen John Collins Frans Gerber Nico Lourens Dr. Stephan Olivier Anton Geldenhuys Andre Schoeman Michael Mentz Catherine Bell Hennie Coertse Louis Dutton Dr. Derckson D Langford D Malan	
<b>3</b>	<b><u>APPROVAL OF THE PREVIOUS MINUTES &amp; MATTERS ARISING:</u></b>	
	The minutes of the AGM held on 28 December 2020 were tabled and the members were asked to approve with or without amendments:	
	Minutes were so approved: <b>Proposer: Mr. H Stiglingh      Seconded: Mr. A Du Toit</b>	
	<b>Matters arising:</b> <b>6.2:</b> The Chair mentions that OR5 was not approved. Therefore, while OR2 was approved, there was no way to fund the new fund as OR5 was not approved. As such, OR2 could not be implemented.	

	<p><b>Contractor's gate:</b> At the last meeting there was a request to investigate the possibility of utilising the contractor gate for owners and upgrade the entrance at Church street. However, since the last meeting the actual contractors using the gates increased.</p>	
4	<p><b><u>ELECTION OF DIRECTORS:</u></b></p>	
	<p>The current composition of the HOA Board is 6 directors. A director has 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. Three (3) portfolios – Security and Communications and Maintenance - are vacant.</p> <p>Status Mark received 6 (six) nominations for these vacant portfolio's.</p> <p>The Board will consider to co-opt a director as and when needed.</p> <p><b>Nominations received:</b>  K Otto  N Van Noordwyk  W Galgut  W Nel  C Kuun  A Jonker</p> <p><b>Nomination withdrawn:</b>  W Galgut  N Van Noordwyk (no longer available for election)</p> <p><b>Nominations elected:</b>  A Jonker  C Kuun  W Nel</p> <p><b>The following directors resigned at the meeting:</b>  Willem Roux (Chair)  Engela Kruger (nee Olivier) (Rules)</p> <p><b>The Board therefore consists of the following members:</b>  K Otto  F De Lange  W Nel  A Jonker  C Kuun</p> <p>The Chair expressed gratitude to Peet Bierman (who resigned on 1 December 2021) for his years of service to the HOA. He has led the Finance portfolio and has contributed immensely to the healthy financial position of the HOA.</p> <p>The Chair wished the new board members well for their new term.</p>	
5	<p><b><u>CHAIRMAN'S REPORT</u></b></p>	
	<p>The Chairperson's annual report was circulated prior to the meeting. Significant matters covered in the report were emphasized at the meeting.</p> <p>Following the presentation of the report members were given the opportunity to raise questions and/or comment on the contents of the report.</p> <p><b><u>Finance:</u></b> (Chaired by Mr P Bierman - not present (outgoing))</p>	

	<ul style="list-style-type: none"> <li>➤ Mrs. E Grobler questioned why the Road fund amounts differ when added to that of the stated reserves?</li> <li>➤ Mrs. E Grobler also questioned why the questions received by a member were not answered before the meeting?</li> <li>➤ The Chair stated that the request was that the questions be answered at the meeting.</li>   <li>➤ A member asked why the levies received decreased from the last fin year?</li> <li>➤ The Chair stated that there was a large arrears owner who settled together with prescription write off. Levies received in advance also decreased.</li>   <li>➤ A member asked why the maintenance line item was so much last year.</li> <li>➤ The Chair mentioned that this amount included the upgrades of the gates, widening of roads and other various maintenance items.</li>   <li>➤ A member asked about the security amount for the new budget.</li> <li>➤ The Chair mentioned that this amount is fixed due to PSIRA and the HOA can only accept the costs.</li>   <li>➤ A member asked about the professional fees item.</li> <li>➤ The Chair mentions that in the budget this item is split into Environmental costs and Environmental report.</li> </ul> <p><b>ARB and Golf Club: (Chaired by Dr N van Noordwyk(outgoing))</b> Mr. Wannenburg requested that the Guidelines be interpreted in a consistent manner.</p> <p><b>Rules: (Chaired E Kruger - not present (Resigned))</b></p> <ul style="list-style-type: none"> <li>➤ A member asked how the Board could make rules during the year and not refer it to the AGM as was the case during previous years?</li> <li>➤ The Chair mentions that in terms of the MOI, the Board is empowered to make rules not in consistent with; or change rules made at AGM.</li>   <li>➤ A member asked, should legal action be instituted by members against the Board, will the Board request approval from the AGM to defend?</li> <li>➤ The Chair mentions that there are various articles in the MOI which empower the Board to defend action against the HOA.</li>   <li>➤ A members asked if a property is owned in a legal entity, if there is a limit on the amount of members of the legal entity to use and enjoy the property?</li> <li>➤ The Chair stated that there is no limit.</li> </ul> <p><b>Security: (Chaired by F De Lange)</b></p> <ul style="list-style-type: none"> <li>➤ Mr Roux asked how the contractors are managed at the gates?</li> <li>➤ Mr. Roux states that he had work done at his property while he was away and it transpired that several items were stolen during the renovations.</li> <li>➤ The Chair requested that this matter be referred to the Estate Manager and the Security Subcommittee to investigate.</li> </ul> <p>Mrs. E Grobler challenges the last paragraph of the Chairman’s report as the perception on the estate is that the actions of the Board is “clearly not to the benefit of all members”.</p>	
<b>6</b>	<b>Ordinary resolution 1:</b> Consideration and approval of the financial documents attached (including the director’s approval, auditors' report, balance sheet, income statement)	
6.1	<ul style="list-style-type: none"> <li>➤ Proposer stated case for motivation.</li> </ul> <p style="text-align: center;"><b>Proposer: W Roux                      Seconded: N Van Noordwyk</b></p>	

	<b>In favour: 161 (93.06%)</b>	<b>Against: 12</b>	<b>Abstain: 7</b>
	ORDINARY RESOLUTION 1 MUST BE ACCEPTED BY A MAJORITY VOTE, THEREFORE <b>ORDINARY RESOLUTION 1 WAS ACCEPTED</b>		
<b>Ordinary Resolution No2: Approval of auditor's remuneration (2021/22) and appointment for 2022/2023</b>			
6.2	Members were asked to vote on the auditor remuneration and appointment for the new financial year.		
	➤ Proposer stated their case for motivation.		
	<b>Proposer: W Roux</b>		<b>Seconded: N Van Noordwyk</b>
	<b>In favour: 172 (100%)</b>	<b>Against: 0</b>	<b>Abstain: 11</b>
	ORDINARY RESOLUTION 2 MUST BE ACCEPTED BY A MAJORITY VOTE, THEREFORE <b>ORDINARY RESOLUTION 2 WAS ACCEPTED</b>		
<b>Ordinary Resolution 3 – Approval of the budget for 2022/23</b>			
6.3	Members were asked to vote on the operating budget for 2022/2023.		
	➤ Proposer stated their case for motivation.		
	➤ New levy of R1450 per month from 1 July 2022 approved.		
	<b>Proposer: W Roux</b>		<b>Seconded: N Van Noordwyk</b>
	<b>In favour: 160 (94.67%)</b>	<b>Against: 9</b>	<b>Abstain: 11</b>
	ORDINARY RESOLUTION 3 MUST BE ACCEPTED BY A 60% MAJORITY VOTE, THEREFORE <b>ORDINARY RESOLUTION 3 WAS ACCEPTED</b>		
<b>Ordinary Resolution 4 – Capital Expenditure Budget 2022/23: Procure Speed Camera</b>			
6.4	The proposer stated their case for motivation of the resolution.		
	➤ A member asked if contractors will also be fined?		
	➤ K Otto mentions that all residents and contractors will be fined if they speed.		
	➤ A member states that, although he is not against the speed cameras in principle, the implementation as proposed is illegal as the roads in the Estate are in fact public roads. Therefore only an accredited law enforcement official conduct speed camera tests.		
	➤ The Chair mentions that the road inside the estate are private roads.		
	<b>Proposer: E Kruger</b>		<b>Seconded: K Otto</b>
	<b>In favour: 115 (64.61%)</b>	<b>Against: 63</b>	<b>Abstain: 2</b>
	ORDINARY RESOLUTION 4 MUST BE ACCEPTED BY A 60% MAJORITY VOTE, THEREFORE <b>ORDINARY RESOLUTION 4 WAS ACCEPTED</b>		
<b>Ordinary Resolution 5 - Capital Expenditure Budget 2022/23: Erf 15228 (Area 7): Sub-division, rezoning, development approval and sale of erven</b>			
6.5	➤ Proposer stated their case for motivation.		
	➤ Dr. Van Noordwyk states that should the resolution fail, no further development is possible.		
	➤ Several members indicated their opposition to the resolution and questioned why the owners in Myrica were not included in the consultation process.		
	➤ Other members stated that the main reason they purchased on the Estate was precisely for the open area in Myrica.		
	➤ After timeous discussion the matter was vote on.		
	<b>Proposer: N Van Noordwyk</b>		<b>Seconded: W Roux</b>

	<b>In favour: 50 (27.93%)</b>	<b>Against: 129</b>	<b>Abstain: 2</b>
	ORDINARY RESOLUTION 5 MUST BE ACCEPTED BY A 60% MAJORITY VOTE, THEREFORE <b>ORDINARY RESOLUTION 5 WAS NOT ACCEPTED</b>		
<b>6</b>	<b>Ordinary Resolution No 6:</b> Capital Expenditure Budget 2022/23: Design and construct extension to current Estate Manager Office. Subject to Municipal approval.		
<b>6.1</b>	<ul style="list-style-type: none"> <li>➤ Proposer stated their case for motivation.</li> <li>➤ NvN mentioned that if the resolution is accepted, the plans will go out to tender.</li> </ul> <p style="text-align: center;"><i>Proposer: N Van Noordwyk      Seconded: K Otto</i></p>		
	<b>In Favour: 127 (72.16%)</b>	<b>Against: 49</b>	<b>Abstain: 5</b>
	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:</b> Short term letting		
<b>7.2</b>	<p><b>This resolution was withdrawn.</b></p> <ul style="list-style-type: none"> <li>➤ Mrs. E Grobler requested to read out a statement from the proposer who could not attend.</li> <li>➤ The Chair stated that the reading of the statement will not be allowed.</li> <li>➤ Mrs. E Grobler requested that the minutes must reflect that the authorised and mandated proxy of the proposer was denied opportunity to speak.</li> <li>➤ The Chair so noted.</li> <li>➤ A member stated that a previous AGM allowed short term letting, it cannot now be changed by the Board.</li> <li>➤ Several members mentioned that unhappiness exists on the estate due to the current rules.</li> </ul>		
<b>8.</b>	<b>Special Resolution No 1: Change of MOI: Insertion of Article 13.13 – Approval of change of Conduct Rules by AGM</b>		
<b>8.1</b>	This resolution was withdrawn.		
<b>9.</b>	<b>MATTERS OF WHICH PRIOR WRITTEN NOTICE HAS BEEN RECEIVED BY THE 13<sup>TH</sup> DECEMBER 2021 NO LATER THAN 10H00</b>		
<b>10.</b>	<b>GENERAL</b>		
<b>14.1</b>	<b>Short term letting</b>		
	<ul style="list-style-type: none"> <li>➤ <b>Several members speak and read out statements from members who could not attend; who feel that the Board could not restrict the rights of members by disallowing short term letting.</b></li> <li>➤ <b>A member mentions that when he bought a property, there was no mention that short term letting was illegal on the estate; or that the Board would take away that right. He further mentions he incurred substantial costs to renovate his property; and will lead further substantial losses if not allowed to conduct short term letting.</b></li> </ul>		
<b>11.</b>	<b>CONCLUSION</b>		
	Mr. O Ehrensperger thanked the Board for their work.		
	In conclusion the Chairperson thanked his fellow board members.		

	<p>All members and their families are wished a joyous festive season.</p> <p>The meeting adjourned at 12H37</p> <p>Distribution: Minutes book All owners</p>		
--	--	--	--



# MOSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION

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

P.O. Box 567 • MOSEL BAY 6500 • Western Cape • South Africa • Tel: 044 691 3054 • Fax: 044 691 1520

E-Mail: status2@status-mark.co.za • Website: www.mosselbaygolfestate.co.za

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

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

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

Mr Jacobs stated the following:

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

Mr Calitz stated the following:

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

Mr Kuun stated the following:

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

Mr Janse Van Rensburg stated the following:

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

Mr Calitz replied as follows:

- Yes

Mr Klindt commented as follows:

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

Mr W Roux stated the following:

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

Mr Conradie stated the following:

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

Mr Kuun stated the following:

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

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



---

# MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION

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

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

---

## **CHAIRPERSON'S REPORT: DECEMBER 2022**

### **OPENING STATEMENT**

It is my pleasure to welcome you at the 25<sup>th</sup> Annual General Meeting of the Mossel Bay Golf Estate Home Owners Association and to present the Chairperson's report for 2022 on behalf of the Board of Directors.

Since the establishment of the Estate, there have been many differences of opinion about the interests of specific individual members and the communal interests. Most of these differences have, in the past, been successfully resolved. But unfortunately, some related matters have been the cause of recurring disputes and conflicts.

Despite repeated attempts by current and past Boards of Directors, project teams, individuals and, most recently, CSOS, short-term home rentals and conducting business from home remain divisive subjects among homeowners.

Members continuously challenge the rules, based on concessions made in the past as well as their personal interpretations of the MOI and Conduct Rules. To address this, the Board has developed several motions for consideration by the members at the 2022 Annual General Meeting to get clear guidance from the owners.

Furthermore, members created a forum and requested an opportunity to address the Annual General Meeting. More detail will be supplied by the forum chairperson at the meeting. The Board supports all attempts by members to improve communication, however, this proposal is seen as a duplication of structures that already exist and in this sense the Board would rather encourage the forum members to join hands with the Board and to nominate forum members to become Board members, thereby strengthening the official structure. As mandated Board members, they will be better able to achieve the objectives that they feel are lacking.

Due to complaints lodged against the Board, as well as personal attacks against its members, the current chairperson has tendered his resignation, effective 21 December 2022, however; at the same time made himself available for re-election. He is more than willing to continue to serve as a director should it be the wish of the members at the General Meeting.

## DIRECTOR PORTFOLIO'S

<b>Chairperson</b>	Carel Kuun		
<b>Vice Chairperson</b>	Andre Jonker	<b>Rules</b>	Carel Kuun
<b>Finance</b>	Andre Jonker	<b>Environment</b>	Willem Nel
<b>Communication</b>	Andre Jonker	<b>Maintenance</b>	Kosie Otto
<b>Security</b>	Kosie Otto	<b>ARB</b>	Carel Kuun

Only four of the available eight positions on the Board were filled during 2022 due to several Board members' resignations or withdrawals of their nominations at the 2021 AGM. All eight of the director posts should ideally be filled to perform the duties expected from the Board. An urgent appeal is made that members should make themselves available for nomination and election to serve on the Board or to participate in the sub-committees. The success of the HOA is totally dependent on the involvement and support of the members.

This was a tough year for the HOA Board, but we continued to devote our attention to achieving the objectives as set out in the MOI. We successfully defended the decision to overturn the rule which prohibited short-term letting, we resolved outstanding matters which influenced our relations with the Municipality and the Golf Club and arranged a very successful event which helped to improve the image, status and reputation of the Estate. We also undertook numerous beautification and maintenance projects to improve and maintain the Estate's common areas, security gates, roads, and other infrastructure which contribute to the value proposition of the Estate.

During the year, letters were again received from residents expressing their concerns with regard to the legality of the MOI. It should be noted that previous Boards have submitted the MOI for scrutiny to:

- Paddocks in Cape Town, a leading Community Scheme expert, specialising in Sectional Title Schemes and Home Owners Associations.
- As well as Dr Van Breda, a senior advocate, specialising in Home Owner Associations

Both these attorneys confirmed that the MOI does indeed conform to all required legislative requirements. However, any new High Court decisions will have to be accommodated as and when required.

Thanks to the previous board's hard work and commitment to resolve the joined agreement between the Estate and the Golf Club, excellent cooperation now exists between these two entities. The renovations and other improvements at the Club help to promote the Estate as a sought-after destination and is the envy of many other residential estates. We thank the Club's management for their friendship and contribution to improving the Estate.

## **MAINTENANCE**

Fences, gates, swimming pools, and gardens were all meticulously maintained throughout the year. The palisade fences at Village on Sea have been repainted.

The garden at the Church str entrance, (c/o Maranata and Aristeia) was upgraded. The other gardens will also receive attention in 2023.

Walls and Roofs of all communal property (entrances and pool areas) were painted and enhances the aesthetic of the estate as a whole.

## **FINANCE**

The Boards of Directors submitted proposals to the members at the Annual General Meetings of 2020 and 2021 to increase the capital reserves of the HOA, but unfortunately, the members did not approve these. Provisions have been made from the operating budget for two major projects in 2022, namely the Cameras on the St Blaze Route and to enlarge the Estate Office & Storage facilities.

The Road Fund, has been ring-fenced for future repairs and upgrades of the roads. All other major expenses have to be funded by the operations budget or, with approval of the members at a General Meeting, from the ABSA Depositor Plus Account. This is an interest-bearing investment account.

There are three Investment Accounts with a year-end balance as indicated below:

- Allan Gray Depositor Plus : R1 672 467.31
- Allan Gray Road Fund : R1 065 553.79.
- ABSA Depositor Plus Account : R 568 541

An amount of R500,000 was approved in 2020 for the installation of surveillance cameras on the Southern border of the Estate. (St Blaze area). An amount of R407 000 was paid towards the cameras during April 2022 from the ABSA Depositor Plus Accounts. An amount of R1,000,000 was approved in 2021 to enlarge the Estate Office & Storage facilities.

The preparation work to enlarge the Estate Office & Storage facilities, which includes Municipal approvals, draft building plans, etc. has been concluded based on the 2021 approved guidelines. Estimates based on these plans are that the allocated funds would be insufficient to complete the proposed work. Given the available current capital funds, the Board of Directors is recommending that this project should be revisited and that a new project proposal and funding plan should be submitted for consideration by the members at a future General Meeting.

As expected, the HOA attained an unqualified audit in respect of its 2021/22 financial statements. Prudent management of the HOA's financial resources and cash flow is the cornerstone of a successful business. Monthly reviews are in place and all expenditures are audited and approved by different levels of authority. We wish to thank Status Marks for their support in this regard.

The recovery of current and outstanding levies is audited monthly. The arrears increased from R387,921 to R504 204. This is mainly contributed by one debtor with an outstanding amount of R

339 181. The interest charged on this account escalated to R73 000 per annum. Positive progress has been made to recover arrears.

Annual levy income increased from R6,485,268 to R6,653,798.

To increase the reserve funds, the Board, decide not to use the interest on savings to supplement the operating budget as was done in the past, but to rather allocate interest and savings to the reserve fund.

Based on the proposed operating budget for 2023/2024, the Board proposes an increase of 8% year-on-year in operating expenses, which equates to a levy of R1 570/month per member. Taking into account current economic factors, the increase is considered reasonable and amounts to an effective increase in levies of R120/month, which includes the CSOS contribution.

We have a standing monthly meeting with the Golf Club's financial committee to ensure that contributions from the HO's are applied according to the contractual agreement. We can report that the financial position of the Golf Club is sound. The 2023 capital expenditure budget was approved. We have established a good relationship with the Golf Club and are promoting the benefits that HO's can enjoy at the club.

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

## **SECURITY**

The old response vehicle was replaced with a bakkie. It is now also possible to conduct patrols in the conservation area.

The purchase of a speed monitoring camera was approved at the AGM in 2021. The camera has been used on a regular basis to measure the speed of vehicles on the estate's roads. Residents generally follow speed limits and respond well to warnings.

Contractors and visitors are the most common offenders. Fines have been issued and at least one contractor received a final warning after which access to the estate will be refused.

## **SURVEILLANCE SYSTEM**

The St Blaze conservation border of the estate is not fenced and provides relatively easy access to the Estate for intruders. To reduce this risk the 2020 AGM approved R500,000 for the purchase of surveillance cameras to monitor this area. The HOA managed to negotiate an agreement with the Mossel Bay municipality and the Joint Operations Centre (JOC) whereby the municipality will provide, install and maintain the poles and electricity supply to the poles and equipment and the JOC will provide monitoring services and rapid response when required. The HOA is responsible for the initial funding of the surveillance equipment, which includes cameras and communication systems to be installed on the poles and in the JOC centre. A condition of this agreement is that the equipment provided by the HOA must be compatible with the JOC systems and that the Estate will become one of the areas connected to the JOC.

The implementation of the envisaged surveillance system was linked to the deployment of the JOC and progressed accordingly. The locations of the poles were determined, access roads were made, poles were erected, and electricity cables were laid and monitoring facilities at the JOC were established.

As per the project schedule, the HOA proceeded to purchase the surveillance equipment and paid the designated supplier R405,000. The JOC and the other organisations who have similar agreements with the municipality as the HOA all used the same supplier. This company has an established record for delivering projects of this nature and was selected because of excellent service and competitive pricing.

The work done by the supplier at the JOC and for several other companies and organisations was satisfactory and progressed according to plan up to late July 2022. The HOA became aware of complaints about the supplier and despite numerous attempts, the supplier failed to deliver the equipment ordered and paid for by the HOA. It then transpired that the JOC and other customers were also starting to experience similar problems.

The reason for the failure of the supplier is not fully understood, but the matter has been reported to the South African Police and is being investigated by the Serious Commercial Crime Unit of the Directorate for Priority Crime Investigations. A working committee of representatives of the various organisations affected by the failure of this supplier has also been formed to coordinate attempts to find an amicable solution.

Although not anticipated at this stage, a worst-case scenario exists, that the HOA might suffer a potential loss of R405,000. In addition, the deployment of the surveillance system at St Blaze conservation border of the estate is delayed.

Continuous communication with the investigating officer is in place and members of the HOA will be advised on the progress and outcome of this unfortunate situation as soon as more detail becomes available.

## **ENVIRONMENT**

The Environmental Management Plan (EMP) of the Estate requires that an annual inspection of the common and conservation areas must be performed by an accredited environmental authority. Greenfire Enviro, performed the required inspection and recommended that invasive plants are eradicated.

They also expressed concern about gardening in the conservation area along the coastal edge. Non-indigenous garden plants are spreading into the conservation area. As a precaution, the Board recommends that only indigenous plants are planted in gardens bordering conservation areas. This might become a requirement in the future.

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

Despite difficult financial conditions in the country which negatively affected property prices elsewhere, prices in the Estate soared. Property sales, in volume and price, exceeded all previous years. Owners experienced significant capital growth and all expectations are that this trend will continue.

During 2022 a total of 8 new construction applications were received, and the construction of 3 new homes commenced. There are currently only 10 vacant stands without finalised construction plans.

A total of 23 alteration requests were also received during the year thereby upgrading the total value of homes in the estate.

As with all construction work, minor challenges were encountered as well as problems with historic construction that were never approved and fell outside the ARB guidelines. In general, though the trend is positive, and we are excited to see the last couple of stands under construction.

Our ARB guidelines have not had a major overhaul since inception, and it became apparent that the Mossel Bay Golf Estate guidelines are becoming dated. During the year, we have also had requests for more modern design specifications. To keep our estate competitive and desirable to both national and international buyers, we have decided to revisit the ARB guidelines to modernise our guidelines, without losing the existing unique character. The Board is currently in negotiations with various architects to discuss the renewal of these guidelines.

## **CONCLUSION**

Good progress is being made in resolving many of the long-standing issues within the estate. However, the continuous turnover of directors creates a problem with continuity. This is mainly the result of incessant attacks on the board, resulting in resignations and fewer people being prepared to stand for nomination.

It will be to the advantage of the estate and members if the Board can operate with a full complement of 8 directors. This will better represent members and increase efficiency.

Carel Kuun  
Chairperson  
Mossel Bay Golf Estate Homeowners Association

## **RESOLUSIE 1 / RESOLUTION 1**

Mossel Bay Golf Estate Home Owners Association (HOA): Annual General Meeting (AGM):  
21 December 2022

Ordinary Resolution (50%+1 majority votes): Approval of the Financial Statements 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 once again obtained an unqualified audit in respect of its financial statements for the 2021/22 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 2021/22 financial year to be presented for approval at the 2022 AGM.

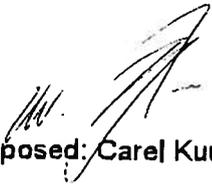
### **25 AGENDA AT ANNUAL GENERAL MEETING**

- 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 2022 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: Carel Kuun

Date:

  
Seconded: Andre Jonker

Date: 2022/11/24



**Mossel Bay Golf Estate Home Owners Association NPC**  
(Company Registration Number 1999/0012149/08)  
Annual Financial Statements  
for the year ended 30 June 2022

# Mossel Bay Golf Estate Home Owners Association NPC

(Company Registration Number 1999/0012149/08)

Annual Financial Statements for the year ended 30 June 2022

## Index

---

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

General Information	1
Independent Auditor's Report	2 - 3
Directors' Responsibilities and Approval	4
Report of the Directors	5
Statement of Financial Position	6
Statement of Comprehensive Income	7
Statement of Changes in Equity	8
Statement of Cash Flows	9
Accounting Policies	10 - 11
Notes to the Annual Financial Statements	12 - 15
The supplementary information presented does not form part of the annual financial statements and is unaudited:	
Detailed Income Statement - Normal Operations	16 - 17
Detailed Income Statement - Golf day extract	18
Income Tax Computation	19

# Mossel Bay Golf Estate Home Owners Association NPC

(Company Registration Number 1999/0012149/08)

Annual Financial Statements for the year ended 30 June 2022

## General Information

---

<b>Country of Incorporation and Domicile</b>	South Africa
<b>Nature of Business and Principal Activities</b>	Administration of the estate's assets and furtherance of the owner's interest therein
<b>Directors</b>	C.W. Kuun K. Otto A. Jonker W. Nel
<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 2022, 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 2022, 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 titled "Mossel Bay Golf Estate Home Owners Association NPC Annual Financial Statements for the year ended 30 June 2022", 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.

## **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 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 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.

---

**RAiN Chartered Accountants Incorporated**  
**Chartered Accountants (SA)**  
**Registered Auditor**  
**Per: I.E. Pierce**  
**Mossel Bay**

# Mossel Bay Golf Estate Home Owners Association NPC

(Company Registration Number 1999/0012149/08)

Annual Financial Statements for the year ended 30 June 2022

## Director's Responsibilities and Approval

---

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 3.

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:

\_\_\_\_\_  
C.W. Kuun

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

\_\_\_\_\_  
A. Jonker

\_\_\_\_\_  
W. Nel

# Mossel Bay Golf Estate Home Owners Association NPC

(Company Registration Number 1999/0012149/08)

Annual Financial Statements for the year ended 30 June 2022

## Directors' Report

---

The Directors present their report for the year ended 30 June 2022.

### 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 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.

### 4. Directors

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

C.W. Kuun  
K. Otto  
A. Jonker  
W. Nel

### 5. Managing Agents

The home owner 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 1999/0012149/08)

Financial Statements for the year ended 30 June 2022

## Statement of Financial Position

Figures in R	Notes	2022	2021
<b>Assets</b>			
<b>Non-Current Assets</b>			
Property, plant and equipment	3	738,763	206,554
<b>Current Assets</b>			
Levies in arrears	4	504,204	387,921
Inventory	5	41,101	18,892
Trade and other receivables	6	10,337	19,590
Cash and cash equivalents	7	3,804,034	3,612,195
		<b>4,359,676</b>	<b>4,038,598</b>
<b>Total Assets</b>		<b>5,098,439</b>	<b>4,245,152</b>
<b>Reserves and Liabilities</b>			
<b>Reserves and Funds</b>			
Road Fund Reserve		1,008,796	998,796
Retained income		3,314,318	2,602,616
		<b>4,323,114</b>	<b>3,601,412</b>
<b>Current Liabilities</b>			
Trade and other payables	8	177,286	58,664
Current tax liability	9	67,638	60,616
Owners deposits	10	143,687	241,544
Levies in advance	11	386,714	282,916
		<b>775,325</b>	<b>643,740</b>
<b>Total Funds and Liabilities</b>		<b>5,098,439</b>	<b>4,245,152</b>

# Mossel Bay Golf Estate Home Owners Association NPC

(Company Registration Number 1999/0012149/08)

Financial Statements for the year ended 30 June 2022

## Statement of Comprehensive Income

Figures in R	Note	2022	2021
<b>Levy income</b>		6,653,798	6,485,268
Other income		266,797	240,851
Operating costs		<u>(6,279,658)</u>	<u>(6,216,572)</u>
<b>Operating surplus</b>		<b>640,937</b>	<b>509,547</b>
Finance income		148,405	114,439
<b>Surplus before tax</b>		<b>789,342</b>	<b>623,986</b>
Tax expense	12	<u>(67,639)</u>	<u>(60,617)</u>
<b>Surplus for the year</b>		<b>721,703</b>	<b>563,369</b>

# Mossel Bay Golf Estate Home Owners Association NPC

(Company Registration Number 1999/0012149/08)

Financial Statements for the year ended 30 June 2022

## Statement of Changes in Equity

Figures in R	Road fund reserve	Retained income	Total
<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		563,369	563,369
<b>Total comprehensive income for the year</b>	-	563,369	563,369
Administrative fund - Transfer to/from Retained Income	3,000	-	3,000
Transfer to/from Retained Income		(3,000)	(3,000)
<b>Balance at 30 June 2021</b>	<b>998,796</b>	<b>2,602,616</b>	<b>3,601,412</b>
<b>Balance at 1 July 2021</b>	998,796	2,602,616	3,601,412
<b>Total comprehensive income for the year</b>			
Surplus for the year		721,702	721,702
<b>Total comprehensive income for the year</b>	-	721,702	721,702
Transfer	10,000	(10,000)	-
<b>Balance at 30 June 2022</b>	<b>1,008,796</b>	<b>3,314,318</b>	<b>4,323,114</b>

# Mossel Bay Golf Estate Home Owners Association NPC

(Company Registration Number 1999/0012149/08)

Financial Statements for the year ended 30 June 2022

## Statement of Cash Flows

Figures in R	Note	2022	2021
<b>Cash flows from operating activities</b>			
Surplus for the year		721,703	563,369
<i>Adjustments for:</i>			
Income tax		67,639	60,617
Depreciation of property, plant and equipment		49,209	44,671
Impairment of property, plant and equipment		-	1
Investment income		(148,405)	(114,439)
<b>Operating cash flow before working capital changes</b>		<u>690,146</u>	<u>554,219</u>
<i>Working capital changes</i>			
Increase in financial assets		(22,209)	(11,012)
(Increase) / decrease in levies receivable		(12,485)	828,671
Decrease in trade and other receivables		9,252	2,586
Increase in trade and other payables		20,765	33,928
<b>Net cash flows from operations</b>		<u>685,469</u>	<u>1,408,392</u>
Investment income		148,405	114,439
Tax paid		(60,617)	(71,641)
<b>Net cash flows from operating activities</b>		<u><b>773,257</b></u>	<u><b>1,451,190</b></u>
<b>Cash flows used in investing activities</b>			
Property, plant and equipment acquired	3	(581,418)	(33,773)
<b>Net cash flows used in investing activities</b>		<u><b>(581,418)</b></u>	<u><b>(33,773)</b></u>
Net increase in cash and cash equivalents		191,839	1,417,417
Cash and cash equivalents at beginning of the year		3,612,195	2,194,778
<b>Cash and cash equivalents at end of the year</b>	7	<u><b>3,804,034</b></u>	<u><b>3,612,195</b></u>

## **Accounting Policies**

---

### **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 bodies corporate. 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**

---

### ***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	33,00%

### **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 1999/0012149/08)

Financial Statements for the year ended 30 June 2022

## Notes to the Annual Financial Statements

Figures in R

2022

2021

### 3. Property, plant and equipment

	Cost	Accumulated depreciation	2022 Carrying value	Cost	Accumulated depreciation	2021 Carrying value
<i>Owned assets</i>						
Land and buildings	46	-	46	46	-	46
Motor vehicles	72,800	(72,798)	2	72,800	(72,798)	2
Fencing, roads and infrastructure	308,591	(156,492)	152,099	293,029	(118,314)	174,715
Office equipment	28,094	(9,282)	18,812	28,094	(4,600)	23,494
Electronic equipment	634,512	(66,708)	567,804	68,656	(60,359)	8,297
	<u>1,044,043</u>	<u>(305,280)</u>	<u>738,763</u>	<u>462,625</u>	<u>(256,071)</u>	<u>206,554</u>

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

	Carrying value at beginning of year	Additions	Disposals	Depreciation	2022 Carrying value at end of year
<i>Owned assets</i>					
Land and buildings	46	-	-	-	46
Motor vehicles	2	-	-	-	2
Fencing, roads and infrastructure	174,715	15,562	-	(38,178)	152,099
Office equipment	23,494	-	-	(4,682)	18,812
Electronic equipment	8,297	565,856	-	(6,349)	567,804
	<u>206,554</u>	<u>581,418</u>	<u>-</u>	<u>(49,209)</u>	<u>738,763</u>

# Mossel Bay Golf Estate Home Owners Association NPC

(Company Registration Number 1999/0012149/08)

Financial Statements for the year ended 30 June 2022

## Notes to the Annual Financial Statements

Figures in R 2022 2021

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

	Carrying value at beginning of year	Additions	Disposals	Depreciation and impairment	2021 Carrying value at end of year
Owned assets					
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
	<u>217,453</u>	<u>33,773</u>	<u>-</u>	<u>(44,672)</u>	<u>206,554</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

Member	90 Days+	60 Days	30 Days	Current	Total	Prior year
Levies in arrears	373,359	20,368	29,514	75,499	498,741	387,921
	<u>373,359</u>	<u>20,368</u>	<u>29,514</u>	<u>75,499</u>	<u>498,741</u>	<u>387,921</u>

### 5. Inventory

E-tag stock 41,101 18,892

### 6. Trade and other receivables

Trade debtors	3,401	14,791
Prepaid expenses	2,256	119
Deposits	4,680	4,680
	<u>10,337</u>	<u>19,590</u>

# Mossel Bay Golf Estate Home Owners Association NPC

(Company Registration Number 1999/0012149/08)

Financial Statements for the year ended 30 June 2022

## Notes to the Annual Financial Statements

Figures in R	2022	2021
<b>Trade and other receivables continued...</b>		
<b>Items included in trade and other receivables not classified as financial instruments</b>		
Prepaid expenses	2,256	119
Mossel Bay Municipality (deposit)	4,680	4,680
San Vincente	1,481	1,481
Police clearance	-	13,310
	<u>8,417</u>	<u>19,590</u>
<b>Trade and other receivables net of non-financial instruments</b>	<b><u>1,920</u></b>	<b><u>-</u></b>
<b>7. Cash and cash equivalents</b>		
<b>Favourable cash balances</b>		
Cash on hand	-	2,977
ABSA - Rentals deposits (9312841078)	46,199	48,000
ABSA - Current Account	345,722	253,087
Allan Gray - Road Fund	1,065,554	1,018,884
ABSA - Contractors deposit (9323008754)	10,250	40,000
ABSA - Road Fund (9280404992)	24,847	22,217
ABSA - Depositor Plus (9289381490)	568,541	507,433
ABSA - Builder deposit (9100023927)	65,319	115,000
ABSA - Petty cash	5,135	5,044
Allan Gray - Depositor Plus	1,672,467	1,599,553
	<u>3,804,034</u>	<u>3,612,195</u>
<b>8. Trade and other payables</b>		
Trade creditors	<u>177,286</u>	<u>58,664</u>
<b>9. Income tax in the statement of financial position</b>		
Current tax in the Statement of Financial Position represents:		
Provision for tax for the year	67,638	60,616
Payments during the year	(60,617)	(71,641)
	<u>7,021</u>	<u>(11,025)</u>
Provision for tax relating to previous years	<u>60,617</u>	<u>71,641</u>
	<u>67,638</u>	<u>60,616</u>
<b>10. Owners deposits</b>		
Owners deposits	<u>143,687</u>	<u>241,544</u>

# Mossel Bay Golf Estate Home Owners Association NPC

(Company Registration Number 1999/0012149/08)

Financial Statements for the year ended 30 June 2022

## Notes to the Annual Financial Statements

Figures in R 2022 2021

### 11. Levies in advance

Member	90 Days+	60 Days	30 Days	Current	Total	Prior year
Levies in advance	19,534	(4,200)	18,000	353,381	386,714	282,916
	19,534	(4,200)	18,000	353,381	386,714	282,916

### 12. Income tax expense

Current tax	67,639	60,617
Income tax for the year	<u>67,639</u>	<u>60,617</u>

### 13. Garden and pool maintenance

Garden maintenance	691,077	659,328
Pool maintenance	184,072	159,414
	<u>875,149</u>	<u>818,742</u>

### 14. Site office expenses

Site office - Operating expenses	96,512	92,855
Site office - Salaries	602,759	574,049
	<u>699,271</u>	<u>666,904</u>

### 15. Repairs and maintenance

R&M: Maintenance general	<u>486,214</u>	<u>790,555</u>
--------------------------	----------------	----------------

# Mossel Bay Golf Estate Home Owners Association NPC

(Company Registration Number 1999/0012149/08)

Financial Statements for the year ended 30 June 2022

## Detailed Income Statement - Normal Operations

Figures in R	Notes	2022	2021
<b>Levy Income</b>			
Levy - Road Fund		10,000	3,000
Levy - Special		108,000	178,000
Ordinary levies		6,535,798	6,304,268
		<u>6,653,798</u>	<u>6,485,268</u>
<b>Other Income</b>			
Cell to gate income		12,660	6,750
Clearance fees income		92,121	87,850
Golf Cart Stickers Income		850	2,200
Insurance claims received		56,100	-
Interest from members		66,168	53,560
Investment income		148,405	114,439
Legal fees recovered		-	5,388
Penalty levy		10,000	59,100
Remote control sales		21,760	16,200
Sundry income		7,138	8,853
Unallocated receipts older than 3 years		-	950
		<u>415,202</u>	<u>355,290</u>
		<u><b>7,069,000</b></u>	<u><b>6,840,558</b></u>

# Mossel Bay Golf Estate Home Owners Association NPC

(Company Registration Number 1999/0012149/08)

Financial Statements for the year ended 30 June 2022

## Detailed Income Statement - Normal Operations

Figures in R	Notes	2022	2021
<b>Expenditure</b>			
Accounting fees		4,540	2,160
Auditors' remuneration		25,617	23,066
Bad debts		1,350	-
Bank charges		26,557	29,681
Cell to gate expense		6,832	5,642
Clearance fees expense		40,957	39,979
Consulting fees		14,600	27,770
Cost of remote control sales		17,791	10,638
Depreciation - Tangible assets		49,209	44,671
Garden and pool maintenance	13	875,149	818,742
General expenses		12,927	25,657
Golf club fees		614,640	591,000
Impairment - Land & Buildings		-	1
Independent contractors		-	1,338
Insurance		50,764	53,767
Insurance claim expense		81,584	-
Legal expense		44,005	35,384
Management fees		474,252	460,440
Motor vehicle expense		1,035	2,830
Municipal expenses		218,707	199,129
Nature Reserve		70,535	125,246
Postage		745	17,600
Rental expenses		1,224	1,413
Repairs and maintenance	15	486,214	790,555
Road repairs		-	8,650
Security		2,426,919	2,220,189
Site office expenses	14	699,271	666,904
		<u>6,245,424</u>	<u>6,202,452</u>
<b>Operating Surplus</b>		<b><u>823,576</u></b>	<b><u>638,106</u></b>
Taxation		<u>(67,639)</u>	<u>(60,617)</u>
<b>Surplus After Taxation</b>		<b><u>755,937</u></b>	<b><u>577,489</u></b>

# Mossel Bay Golf Estate Home Owners Association NPC

(Company Registration Number 1999/0012149/08)

Financial Statements for the year ended 30 June 2022

## Detailed Income Statement - Golf Days

Figures in R	2022	2021
<b>Expenditure</b>		
Meals	34,234	14,120
	<u>34,234</u>	<u>14,119</u>
<b>Deficit After Taxation</b>	<b><u>(34,234)</u></b>	<b><u>(14,119)</u></b>

# Mossel Bay Golf Estate Home Owners Association NPC

(Company Registration Number 1999/0012149/08)

Financial Statements for the year ended 30 June 2022

## Income Tax Computation

Figures in R	2022	2021	
<b>Income - receipts and accruals</b>			
Levy income	6,653,798	6,485,268	
Other income	200,629	187,291	
Finance income	214,573	167,999	
<b>Total income</b>	<u>7,069,000</u>	<u>6,840,558</u>	
Less: Levies - exempt under S 10(1)(e) exemption	(6,653,798)	(6,485,268)	
Less: Section 18A Donation allowed (limited to 10% of taxable income)	-	(24,249)	
Less: Expenses related to other income	(121,680)	(62,755)	
Total receipts and accruals subject to income tax	<u>293,522</u>	<u>268,286</u>	
Less: Basic exemption S 10(1)(e)(ii)	(50,000)	(50,000)	
<b>Income subject to income tax</b>	<u>243,522</u>	<u>218,286</u>	
<b>Allowable expenditure</b>			
Accounting fees	4,540	2,160	
Independent auditors' fees	25,617	23,066	
Bank charges	26,557	29,683	
<b>Total allowable expenditure</b>	<u>56,714</u>	<u>54,909</u>	
<b>TAX CALCULATION</b>			
<b>Income subject to income tax</b>	<b>X</b>	<b>Allowable expenditure</b>	
<u>Total income</u>		<u>1</u>	
<b>Allowance deduction:</b>			
243,522	X	56,714	1,954
<u>7,069,000</u>		<u>1</u>	<u>1,752</u>
<b>Calculation of taxable income and income tax payable</b>			
Income subject to income tax	243,522	218,286	
Less: Allowable deduction	(1,954)	(1,752)	
<b>Taxable income</b>	<u>241,568</u>	<u>216,534</u>	
<b>Income tax payable at 28 % - 2022 (28 % - 2021).</b>	<u>67,639</u>	<u>60,629</u>	

## **RESOLUSIE 2 / RESOLUTION 2**

Mossel Bay Golf Estate Home Owners Association (HOA): Annual General Meeting:  
21 December 2022

Ordinary Resolution (50%+1 votes of approval): Acquire approval for the appointment and remuneration of Auditors for the financial year ending June 2023

### **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 2023.
4. Rain Chartered Accountants audited the HOA's financials for the year ending June 2020, 2021 and 2022 Their services were of exceptional quality and they have again made themselves available to audit the HOA's financials for the year ending June 2023.
5. The budget proposal in respect of audit fees for the financial year 2023/24 amount to R31 165.

### **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 2022/23 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 2022/23 (ending 30 June 23), and

7.2 That remuneration to the auditors in the amount of R31 165.00 be approved.



Proposed: Carel Kuun

Date: 2022/11/24



Seconded: Andre Jonker

Date: 2022/11/24

### **RESOLUSIE 3 / RESOLUTION 3**

Mossel Bay Golf Estate Home Owners Association (HOA): Annual General Meeting:  
21 December 2022

Ordinary Resolution (60%+1 votes of approval): Obtain approval for the HOA operating budget and subsequent apportioned monthly levy: Financial year 2023/24

#### **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 2022/23 vs the proposal for 2023/24 financial year.

Financial Year	Approved OPEX	Proposed OPEX	CSOS Membership	Approved Monthly Levy	Proposed Monthly Levy
2022/23	R6 949 966		R19,00	R1 450	
<b>2023/24</b>		<b>R7 323 003</b>	R21,00		<b>R1 570</b>

5. A breakdown of the OPEX shows the following 5 (five) categories to account for 94.03% of expenditure:
  - Golf Club Award – 9.08%
  - Estate Management & Site Office – 9.88%
  - Gardens & Pool Maintenance and Refuse – 13.17%
  - General Maintenance & Nature Reserve – 10.78%
  - Security – 43.41%
6. The detailed 2023/24 OPEX budget is attached hereto.

#### **Memorandum of incorporation (MOI) requirement**

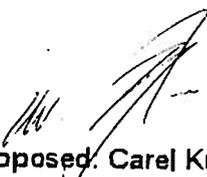
7. Article 11.1, 11.2, 11.4, 11.5 and 11.8 (extracts provided hereunder) of the MOI relates to the determination of levies and budget approval.

- 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.

- 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 2023/24 financial year, as attached hereto, and subsequent apportioned monthly levy per owner of R1 570 be approved.



Proposed: Carel Kuun

Date: 2022/11/24



Seconded: Andre Jonker

Date: 2022/11/24



**Annual General Meeting 21 December 2022**

**ORDINARY RESOLUSIE 4 / RESOLUTION 4 : SECURITY**

**Background:**

A resolution was approved at the Annual General Meeting of 21 December 2020 for a capital amount of R500 000 for the sourcing and installation of surveillance cameras on the southern border of the Estate. (St Blaze).

The equipment had to comply with the requirements of the Joint Operations Centre (JOC). The Equipment was procured according to the guidelines and as recommended by the JOC. An amount of R 407 972.97 was paid in April 2022 to the approved supplier.

It now came to light that the supplier cannot deliver on the agreement and that the funds may have been defrauded. The case was reported to the SAPS. They are now investigating the case and will keep us up to date on the progress.

**Current Situation:**

The municipality and the Home Owners entered into a contractual agreement that covers the erecting of the poles and electricity supply for the surveillance cameras. These poles are now erected and ready for the surveillance cameras. The Joint Operations Centre is now ready to take on the 24/7 surveillance of the cameras.

The SAPS case against the supplier and the recovery of the funds will take its course and may take up to a year to conclude.

**Proposed:**

It is proposed that we do not wait to recover the funds as it may take up to a year. The poles and electricity supply are ready for the surveillance cameras. The JOC is ready and can deal the camera feed.

The Board therefore requests that an additional capital amount of R500 000 be approved for the sourcing and installation of the equipment to replace the equipment that was defrauded. Funds that will be recovered will set off this resolution.

  
**PROPOSER:** Carel Kuun

**SECONDED:** Andre Jonker



2022/11/24

**MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION**

(Association incorporated under Section 21)

Registration number 1999/001249/08

**Special Resolution No 1:**

Resolved that the Articles of Association of the Company be altered by the **DELETION** of the following Article 22.6:

22.6 The instrument appointing a proxy and a power of attorney or other authority, if any, under which it is signed shall be deposited at the registered office of the Company or at such other place as the notice of the meeting concerned may require, not later than at the time stated in such notice: Provided that it shall not be more than 48 (forty-eight) hours before the time for holding the meeting at which the person named in the instrument proposes to vote, and in default of complying herewith the instrument of proxy shall not be treated as valid."

**Reason**

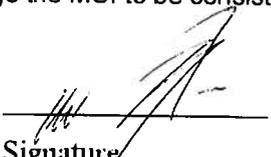
The Companies Act 71 of 2008 ("the Act") replaced the Companies Act 61 of 1973. Consequently, the Memorandum of Incorporation of the Company had to be, and was, changed to comply. The revision of the MOI excluded the limit for the lodging of proxies which was previously allowed by Section 189(3) of the Companies Act, 1973. The members at the annual general meeting in 2007, therefore, adopted a special resolution to include Article 22.6.

Section 58(1) of the Act provides that: "At any time, a shareholder may appoint any individual as a proxy"; and section 58(3)(c) provides that a copy of the proxy must be delivered to the company "before the proxy exercises any rights of the shareholder ....."

In 2017 the Supreme Court of Appeal, ("SCA"), **Richard Du Plessis Barry v Clearwater Estates NPC 2017 (3) SA 364 (SCA)**, decided that section 58 is an unalterable provision of the Act (which means that companies cannot decide to change such a provision in a shareholders agreement or in its MOI). This means that the time limit for delivery of proxies provided for in the MOI is invalid and shareholders will comply with section 58 if a copy of the proxy is delivered to the company at any time "before the proxy exercises any rights of the shareholder".

**Effect**

The effect of Special Resolution No 1 is to change the MOI to be consistent with Section 58(1) of the Act.

<b>Proposed:</b>	Carel Kuun		2022/11/24
	Name	Signature	Date
<b>Seconded:</b>	Andre Jonker		2022/11/24
	Name	Signature	Date

**MOSSEL BAY GOLF ESTATE HOME OWNERS ASSOCIATION**

(Association incorporated under Section 21)

Registration number 1999/001249/08

**Special Resolution No 2:**

Resolved that the Articles of Association of the Company be altered by the **REPLACEMENT** of Article 15.2 with the following:

15.2 Every director shall be an owner or the duly authorized representative of an owner which is a company, close corporation, trust, consortium, partnership, or other suchlike entity. Every director shall attend 50% board of director meetings and 50% HOA Social functions in person.

**Reason**

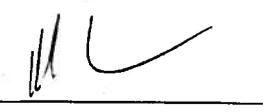
The requirement that; “directors shall reside in the development as his permanent residence or within the municipal district of Mossel Bay” excludes these persons from being eligible to be appointed as directors. This exclusion unfairly discriminates against them on grounds that cannot be justified in law nor on any practical grounds.

More than 90% of the available building sites on the estate have already been developed and are currently permanently occupied. While this exclusion might have been justifiable in the past for practical reasons, most homeowners now reside on the estate and with the advancement of modern electronic communication technology, this is no longer a valid reason.

It has become common practice for executives and directors of companies to perform their fiduciary duties remotely from where their physical activities are located, and this also applies to the executives of the MBGE HOA.

**Effect**

The effect of Special Resolution No 2 is to change the MOI to remove an obsolete and discriminatory restriction.

<b>Proposed:</b>	Carel Kuun _____ Name	 _____ Signature	2022/11/24 _____ Date
<b>Seconded:</b>	Andre Jonker _____ Name	 _____ Signature	2022/11/24 _____ Date



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

(Association incorporated under Section 21)

Registration number 1999/001249/08

### **Special Resolution No 4:**

#### **Golf Screens**

Resolved that the Conduct Rules of the Company be altered by the **ADDITION** of Conduct Rule **10.3**. by the adoption of the following rule:

- 10.3 The owner or occupier of a unit or erf shall not erect, install, construct or place on any part of the common area/common property, or his unit or erf including balconies, patios, stoeps, and gardens any fence, screen, device or structure, in contravention of the architectural guideline (AG) 2.9.13. which prescribes that fences may not exceed 1.5m in height. Existing structures which do not conform with the AG, including golf screens, must be removed before end 2027 and may be replaced by alternative protective devices such as Harvey tiles, concrete roofs, acrylic or polycarbonate type windows and flat roofs that will be considered for approval by the ARC.

#### **Reason**

The Mossel Bay Golf Estate was developed on the old municipal golf course. The new golf course was designed by professional course designers who had the mandate to design a course which will be challenging for the average and more discerning golfers. But at the same time, the interests and safety of the property owners had to be considered. With some exceptions, the consensus is that a good balance exists between the interest of the golfing community and the homeowners.

While care was taken in the design of the course, it happens that stray golf balls sometimes cause damage to windows and roofs. Most people understand that living on or near a golf course, one has to tolerate the occasional breaking of a window. However, some owners have erected screens of different designs and sizes, with and possibly without, the consent of the ARC and/or the Directors to protect their properties. These structures do not comply with and were erected in contravention of the approved architectural guidelines.

Applications for more and bigger screens have been received by the Directors, and while the existence of the already approved structures is acknowledged, the continued contravention of the architectural guidelines can no longer be condoned. These structures are aesthetically unacceptable. They create the impression that the problem of stray golf balls is excessive, and this affects the market appeal and value of the properties on the estate.

MOI Art 4.1.9.2. require members and where applicable, bodies corporate, to maintain at all times the external appearances of their properties in a clean and tidy condition and to maintain high standards in this regard so as to ensure that the appearance of their properties is both aesthetically pleasing and desirable when viewed from the outside and further to take steps to enforce the maintenance of such standards where deemed necessary in the opinion of the directors.

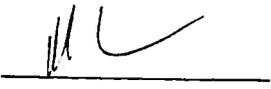
Existing structures should be removed within five years to allow homeowners who have installed golf screens to install one of the many other possible solutions to address the unique and specific challenges they face. The Architectural Review Committee must establish policies and provide assistance.

**Conclusion**

The Board of Directors wishes to ensure that whatever measures are introduced enjoy the appropriate level of support and achieve the goal of balancing the interests of all residents in an appropriate, fair, and reasonable manner. Members are therefore requested to adopt the resolution to ADD Conduct Rule **10.3**.

**Resolution:**

10.4 The owner or occupier of a unit or erf shall not erect, install, construct or place on any part of the common area/common property, of his unit or erf including balconies, patios, stoeps, and gardens, any fence, screen, device or structure, in contravention of the architectural guideline (AG) 2.9.13. which prescribes that fences may not exceed 1.5m in height. Existing structures which do not conform with the AG, including golf screens, must be removed before end 2027 and may be replaced by alternative protective devices approved by the ARC.

<b>PROPOSED:</b>	<u>Carel Kuun</u> Name	 Signature	<u>2022/11/24</u> Date
<b>SECONDED:</b>	<u>Andre Jonker</u> Name	 Signature	<u>2022/11/14</u> Date