



LA BELLA VITA WINE ESTATE TRUSTEE ELECTION PROCEDURE





TRUSTEE ELECTION PROCEDURE

1. Introduction

This procedure outlines the process for electing trustees to the Homeowners Association (HOA) within the estate, ensuring fairness, transparency, and compliance with the HOA's governing documents and relevant South African legal requirements, including the Sectional Titles Schemes Management Act and the Companies Act where applicable.

2. Eligibility Criteria

- 2.1. Candidates must be homeowners in good standing with the HOA.
- 2.2. Candidates must not have any outstanding levies or unresolved disputes with the HOA.
- 2.3. Trustees must be willing and able to fulfil their fiduciary responsibilities as outlined in the HOA's constitution or governing documents.
- 2.4. Candidates must comply with the requirements of the Sectional Titles Schemes Management Act, or the Companies Act, depending on the HOA's structure.

3. Nomination Process

- 3.1. The HOA shall issue a notice calling for nominations at least 30 days before the election.
- 3.2. Homeowners may nominate themselves or be nominated by another homeowner.
- 3.3. Each nomination must be submitted in writing to the HOA's administrative office by the specified deadline.
- 3.4. The nomination must include the candidate's name, address, and a brief statement outlining their qualifications and intentions.

4. Notice of Election

- 4.1. The HOA shall notify all homeowners of the election date, venue (or virtual platform), and list of candidates at least 14 days before the election.
- 4.2. The notice shall include details on voting procedures, eligibility, and deadlines, in compliance with the Community Schemes Ombud Service (CSOS) regulations.

5. Voting Process

- 5.1. Voting may be conducted via secret ballot, electronic voting, or a combination thereof, as determined by the HOA.



5.2. Each homeowner in good standing is entitled to one vote per property owned, unless otherwise specified in the HOA's governing documents.

5.3. Proxy voting is allowed if permitted by the HOA's governing documents. Proxy forms must be submitted in advance and comply with CSOS regulations.

5.4. The election shall be overseen by an independent party, an election committee appointed by the HOA, or a CSOS-appointed representative if required.

6. Counting and Announcement of Results

6.1. Votes shall be counted immediately following the election by the election committee or an independent auditor.

6.2. Results shall be announced at the conclusion of the vote count and communicated to homeowners via email, HOA website, and/or notice boards.

6.3. In the event of a tie, a runoff election shall be conducted within seven days.

7. Term of Office and Responsibilities

7.1. Trustees shall serve for a term as defined in the HOA governing documents (e.g., one or two years).

7.2. Newly elected trustees must undergo an orientation session regarding their roles and responsibilities, including legal obligations under the Sectional Titles Schemes Management Act.

7.3. Trustees are expected to act in the best interests of the estate, adhere to the HOA's code of conduct, and comply with CSOS and legal requirements.

8. Dispute Resolution

8.1. Any disputes regarding the election process must be submitted in writing to the HOA within seven days of the election.

8.2. The HOA board or an independent mediator shall review and resolve disputes in accordance with the HOA's governing rules, CSOS regulations, and applicable South African laws.

9. Amendments to the Procedure

9.1. This procedure may be amended by a majority vote of the HOA trustees in consultation with homeowners and in accordance with CSOS guidelines.



10. Conclusion

This procedure ensures a fair and transparent process for electing trustees who will uphold the interests of the estate and its residents. Compliance with these guidelines promotes good governance, legal adherence, and a well-managed community.

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