

LA BELLA VITA PROPERTY HOME OWNERS ASSOCIATION

MINUTES OF A GENERAL MEETING OF MEMBERS HELD AT LA BELLA VITA ESTATE ON 21 JULY 2018

PRESENT AND REPRESENTED BY PROXY

Edward Belstead (present)

Zania Kellerman (present)

Wimpie Hanekom (present)

Andre van der Westhuizen (present)

Gavin Khoury (present)

Lise Liebenberg (present)

Deon Huysamer (represented)

Louise Symington (represented)

Raziek Rajah (represented)

Dietloff Maree (represented)

Joe Link (represented)

Sante Winelands Body Corporate (represented)

Mark Sonic (represented)

Also present or represented

Roanne Towers (present)

Peter van Niekerk (represented)

CHAIR PERSON

Kobus Pienaar acts as chair person.

CONSTITUTING OF MEETING

Kobus Pienaar welcomed all present and declared that a quorum was present.

COMPOSITION OF BOARD OF TRUSTEES

Whereas Joe Link and Zania Kellerman had tendered their resignations as trustees, the board of trustees had to be re-composed. Kobus Pienaar indicated that there were two ways of re-composing the Board. Either the remaining trustees could also resign, pursuant to which the members will have to elect a new Board or the remaining two trustees (Lise van Niekerk and Kobus Pienaar) could use their authority in terms of the constitution to co-opt additional trustees. The meeting preferred to follow the latter route. It was then decided by the remaining trustees to re-appoint Zania Kellerman. The trustees would meet as soon as possible to consider inviting Wimpie Hanekom who has some reservations to act as trustee, to possibly also become a member of the Board.

ESTATE MANAGER

The meeting discussed the line of communication in so far as the estate manager was concerned. Steps should be taken to implement reporting lines whereby all communications to and from the estate manager should take place via the chair persons of the respective home owners associations. The chair persons should take care that all members of the estate be treated fairly and rules be applied in the same fashion to all members. Issues surrounding the employment contract of the estate manager should also be dealt with by the respective chair persons.

COMPLAINTS LODGED WITH CSOS

The meeting took note of the CSOS hearing regarding a range of complaints lodged which had taken place on 20 July 2018 and that the matter had been referred for adjudication. The role of CSOS and its ability to resolve the disputes were discussed in depth.

The meeting also took note of the mediation process which had been taking place over the last three months between representatives of the respective home owners associations. Proposals flowing from the latter process would entail the engagement of professionals to address matters such as the rewriting of constitutions, the regularization of zonings and the registration of transfers and/or servitudes in respect of common properties. The view was expressed that fees must be limited, as far as possible.

For the moment it remained unclear how CSOS would be able to assist with the finalization of a new constitution, the regularization of the zoning of the villas and the registrations of transfer and/or servitudes in respect of common property. It was expected that additional legal fees would be incurred to finalize the process. The meeting took note that the mediation process would continue and hopefully will assist the final outcome of the CSOS adjudication.

It was specifically noted that around R200 000 had been paid by the developer to defray at least a portion of the costs envisaged for registering the transfers and/or servitudes in respect of the common property and that the funds had been deposited into the trust account of the attorneys, Faure & Faure, many years ago. Care should be taken that the said attorneys should not be entitled

to additional fees for the same instructions should they be involved in the regularization of legal matters. Zania Kellerman suggested that steps be taken to ascertain whether the amount still remains in the trust account and to obtain a statement reflecting interest earned on the said amount. She also suggested that it be enquired from Faure & Faure whether Hayes Inc. had been informed of the funds lying in the trust account.

LEGAL FEES

The meeting took note that the trustees appointed Hayes Inc. as attorneys to advise on the registration of transfer of certain common properties which originally formed part of Portion 39 into the name of Akarana HOA. It was specifically noted that the trustees had been entitled to do so in terms of the Constitution. The fees pertaining to the advice amounted to R106 229 and remained outstanding for a number of months. Kobus Pienaar pointed out that the said attorneys are about to take legal action against the LBV HOA to recover the fees. The meeting decided that the fees should be paid, subject to the attorneys providing the LBV HOA with a complete file of their findings.

Wimpie Hanekom pointed out that a major portion of the legal fees had been incurred due to a unilateral decision by Bruce Glazer that the common properties pertaining to the LBV HOA had to be transferred to or servitudes in respect thereof had to be registered in favour of the Akarana HOA. He suggested that Bruce Glazer be held accountable for such costs.

Andre van der Westhuizen proposed to pay the fees on behalf of the LBV HOA on condition that he be granted permission to replace the vineyard on the eastern side of his property with olive and lemon trees. The meeting expressed some reservations about this condition. In an effort to resolve this matter it was decided that Andre van der Westhuizen would as soon as possible submit a plan for the redevelopment of the vineyard concerned. It was specifically noted that the said plans would imply a development of an agricultural nature which would not jeopardize the estate's water rights. Once the trustees have approved the redevelopment plans, Andre van der Westhuizen would make the payment to Hayes Inc. If the negotiations with Andre van der Westhuizen do not succeed, steps will be taken to raise a special levy whereby all members will have to contribute towards the legal fees.

FARMING OPERATIONS

Wimpie referred to the estate's failure to adhere to the rules of the farming and water associations. Lise van Niekerk provided history on farming operations on the estate and problems with the constitution over many years. For the moment members will be obliged to continue with their farming operations on an individual basis until clarity is obtained through the CSOS adjudication and/or the mediation process. Zania Kellerman enquired whether Linda Mittan had sent out a notice to all members whose farming levies are outstanding as requested by Joe Link in his capacity as chairperson of the LBV HOA. If not, it had to be done as soon as possible.

GENERAL

The meeting discussed a number of building developments on the estate and the process for approval thereof. It was noted that the trustees of the respective home owners associations have, to date, been tasked with the approval of such developments. It was noted that the process followed in this regard is not clearly defined. The trustees were tasked to create rules for the approval of new developments which must be adhered to under all circumstances. These rules must be finalized as soon as possible.

Gavin Khoury provided details on certain assurances provided by him to a buyer of his property on the estate. In an effort to assist him in this regard the trustees and members would do their utmost to assist him in upholding these assurances, subject to compliance with the applicable rules.

Hereafter the meeting closed

Approved

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Chair person

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Date