

LA BELLA VITA WINE ESTATE PROPERTY OWNERS' ASSOCIATION
(**"the POA"**)

TRUSTEES' RESOLUTION

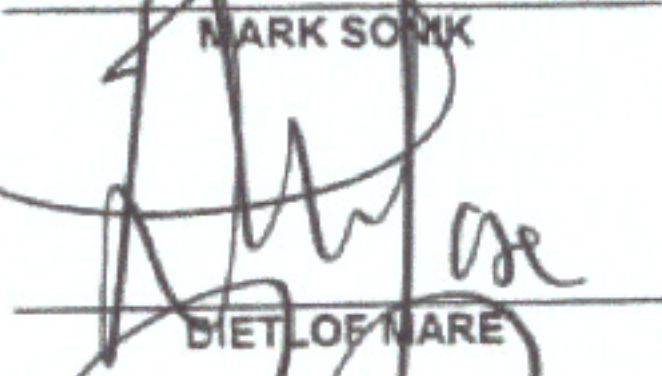
BACKGROUND

- 1 WHEREAS Mr André van der Westhuizen has instituted arbitration proceedings against the POA pertaining to the validity of special resolution no. 2 and ordinary resolution no. 1 (**"the Disputed Resolutions"**) passed by members of the POA at a general meeting of members held on 27 January 2023 (**"the Arbitration"**).
- 2 WHEREAS The Disputed Resolutions relate to the POA's acquisition, for nominal value and taking transfer of Portions 60, 61 and 63 of Farm Simonsvlei No. 791, Paarl Division, Western Cape Province (**"the Common Properties"**), from Fundeals Sixteen (Pty) Ltd (in liquidation) (**"the Developer"**).
- 3 WHEREAS on 28 March 2023, the POA purportedly through its trustees at the time, delivered notice of its intention to oppose the Arbitration.
- 4 WHEREAS on 14 April 2023 the POA, purportedly through its previous trustees, delivered a counter claim in the Arbitration, inter alia seeking a declaratory award that the Disputed Resolutions were not validly and lawfully passed, alternatively that the Disputed Resolutions be set aside (**"the Counterclaim"**).
- 5 WHEREAS the Arbitration is currently serving before Advocate Liziwe Xoliswa Dzai and is yet to be set down for hearing.
- 6 WHEREAS the current trustees of the POA were validly elected at a general meeting of members of the POA held on 24 April 2023 and do not believe it to be in the POA's interests to oppose the Arbitration and/or resist taking transfer of the Common Properties.

RESOLUTIONS

- 7 **RESOLVED THAT** the Disputed Resolutions are valid and are to be implemented by the POA as soon as reasonably possible, namely that:
 - 7.1 The POA shall acquire for nominal value and take transfer of Portions 60, 61 and 63 of Farm Simonsvlei No. 791, Paarl Division, Western Cape Province, from Fundeals Sixteen (Pty) Ltd (in liquidation); and
 - 7.2 Mark Sonik be and is hereby authorised to sign all transfer documents on behalf of the POA and to do all such things as may be necessary or requisite to give effect to the transfer of Portions 60, 61 and 63 of Farm Simonsvlei No. 791 to the POA, and all such acts taken by Mark Sonik for this purpose be and are hereby approved and ratified.

- 8 RESOLVED THAT the POA will withdraw its opposition in the Arbitration.
- 9 RESOLVED THAT the POA will withdraw its Counterclaim filed in the Arbitration.
- 10 RESOLVED THAT the POA will deliver a notice of support of the relief sought by Mr André van der Westhuizen in the Arbitration.
- 11 RESOLVED THAT any trustee of the POA be and is hereby authorised to do and to sign all necessary documentation to give effect to and implement the above resolutions, including any amendments or reinstatements thereto, and all actions taken in this regard be and are hereby approved and ratified.

 _____ MARK SONIK	<u>Paarl</u> _____ Place:	<u>09 May 2023</u> _____ Date:
 _____ DIETLOF MARE	<u>Pretoria</u> _____ Place:	<u>10 May 2023</u> _____ Date:
 _____ HENRIETTE MARE	<u>Pretoria</u> _____ Place:	<u>10 May 2023</u> _____ Date:
 _____ DENIA KELLERMAN	<u>Paarl</u> _____ Place:	<u>9 May 2023</u> _____ Date:



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- 9 RESOLVED THAT the POA will withdraw its Counterclaim filed in the Arbitration.
- 10 RESOLVED THAT the POA will deliver a notice of support of the relief sought by Mr André van der Westhuizen in the Arbitration.
- 11 RESOLVED THAT any trustee of the POA be and is hereby authorised to do and to sign all necessary documentation to give effect to and implement the above resolutions, including any amendments or reinstatements thereto, and all actions taken in this regard be and are hereby approved and ratified.



MARK SONIK

Paarl
Place: _____

09 May 2023
Date: _____

DIETLOF MARE

Place: _____

Date: _____

HENRIETTE MARE

Place: _____

Date: _____



ZANIA KELLERMAN

Paarl
Place: _____

9 May 2023
Date: _____