MINUTES OF THE ANNUAL GENERAL MEETING OF THE NAUTILUS BAY HOME OWNERS' ASSOCIATION WHERE A SPECIAL RESOLUTION WAS TAKEN, HELD ON SATURDAY 9 JANUARY 2010 AT 11H00 AT THE POINT HOTEL, MOSSEL BAY

1.	**OPENING AND WELCOME** The Chairman opened the meeting and welcomed everyone present at the meeting.	
2.	**PRESENT :** Mr W. Le Roux - Chairman Mr P. Van Huyssteen - Trustee Mr E. Raubenheimer - Trustee Mr B. Impens - Developer Mr & Mrs Prinsloo (Status Mark) Mrs R. Moore (Status Mark) Owners as per attendance register **PROXIES:** **For Mr Le Roux (erf 63)** JB Venter - erf 9 J Gericke - erf 12 J Hongve - erf 18 B Potgieter - erf 33 V Disesa - erf 36 C Van Rensburg - erf 37 J Hanekom - erf 39	

	K Curtis - erf 42 C Van Rensburg - erf 44 M Van Heerden - erf 45 DP Van Dyk - erf 60 Leo Dale Trust - erf 68 S Eloff - erf 70 Minnaar -erf 74 E Aucamp - erf 78 WA Nieman - erf 80 R Ambler-smith - erf 81 **For Mr B Impens (erf 17)** J Impens - erf 21 D Van Der Beke - erf 31 D Impens - erf 49 Vuru Vuru West - erf 16,19,23,24,50,55,62,66,76,77,79,83,84 **For Mr E. Raubenheimer (erf 53)** G Shear - erf 27 R Van Graan - erf 35 R Haycock - erf 51 A De Meyer - erf 56 H Breytenbach - erf 71 **For Mr P Van Huyssteen (erf 15,28)** J Van Rensburg **For Mr N Albertyn - (erf 64)** K Curtis - erf 42 H Johnston - erf 58 **Mr D Fourie - (erf 34)** JT Potgieter - erf 20	
2.1	**A Legal Quorum is obtained.** (60%\ 78)	

3.	**CHAIRMAN'S REPORT:** none	
4.	**APPROVAL OF PREVIOUS MINUTES** The minutes were approved subject to the following correction to be made: Proxies received: **Proxies for Mr G Sievers - (erf 43)** C Van Rensburg - (erf 44) R Ambler-Smith - (erf 81)	
5.	**INSURANCE:** The insurance summary as distributed to all owners was discussed. The insurance has been placed with Santam and the broker is Garden Route Insurance Brokers. The monthly premium is R8266.55 incl. VAT. The Chairman reported that quotes were obtained for a lower premium and once the common property and open areas have been transferred to the HOA, the new insurance will be put in place.	
6.	**FINANCES:**	
6.1	**Financial Statements 2008 / 2009** - The financial statements as distributed to all owners were discussed. The Chairman reported to the meeting that the reason for the low expenses according to the fin. Statements are because the developer still pays most of the expenses such as water, electricity, sewerage etc. Once these services are transferred to the HOA the expenses will be higher. It was also reported to the meeting that the balances are as follows: Bank acc: R86 460.37 Inv Advantage: R1 096 507.79 Owners expressed their concern about the interest amount reflected in the financial statements. It was agreed that the trustees will do investigation and give feedback to the owners.	**Excom**

	The financial statements were accepted and approved subject to the investigation on the interest received.	
6.2	**Proposed budget for 2010** - The budget as distributed to all owners were discussed. The Chairman reported that the new proposed budget has been prepared on the basis that there will be no increase in the levy. General maintenance is being done by Ann Van Zyl. She is being paid by the HOA for certain tasks that she does for the HOA such as cleaning of the beach area, refuse removal and site management. It was agreed that the trustees will get competitive quotes to compare to the cost that is currently being paid to Ann.	**Excom**
	Road verges - It was suggested that the trustees investigate cutting of the road verges done by Ann Van Zyl on a month to month basis as it is not always necessary to cut each week. It was also agreed that the trustees will meet with Ann Van Zyl as it has been reported that her staff refuses to wear the t-shirts given to them for identification purposes and to request that owners be notified of the days when refuse will be collected. It has been suggested to put up a notification board which all owners can read. **<u>The budget was approved and accepted effective from 1st of March 2010.</u>**	**Excom**
6.3	**Levies** - It was reported that up to December 2009 there are outstanding levies of R33 561.00 of which 1 owner has been handed over to the attorneys. The Chairman mentioned to the meeting that the outstanding levies has improved dramatically and thanked Status Mark for the work they have done in this regard.	
7.	**APPOINTMENT OF AUDITORS:** Boshoff Visser has been appointed as auditors.	

8.	**GENERAL**	
8.1	**Transfer of common property** - The Chairman reported to the meeting that an agreement has been reached between Vuru Vuru West and the HOA with regard to the transfer of the common property. The transfer documents will be lodged in the next two weeks. **Proposal to grant a servitude of right of way to the owner phase 3:** *"That the Executive Committee be authorised to agree the location and terms of a servitude of right of way to the sea in favour of the existing or future owners of land compromising Nautilus Bay Phase 3, over common property which forms part of phase 1, being Portion 2 (a portion of Portion 1) of the farm Klipfontein 344, in the Municipality and Division for Mossel Bay, Western Cape Province".* The meeting voted as follows: **Mr H Johnson opposed** **Mr D Van Der Beke opposed** **Approved by majority vote**.	**Excom**
8.2	**Transfer of water, electricity, & sewerage** - It was reported that the transfer documents will be lodged during the course of the next two weeks. Once the transfer has gone through the HOA will be responsible for the water, elec, sewerage and roads.	**Excom**
8.3	**Proposed LNG Project of PetroSA** - The Chairman gave a full report on the status of the proposed LNG project and the influence it will have on Nautilus Bay and other coastal estates. PetroSA has done a scope report and are waiting for a decision from authorities if the scope report is accepted. The Chairman will have a meeting with legal representatives next week to advise if the scope should be appealed should it turn against the HOA. A proposal was made to contribute another R500.00 per stand to Revag. It was approved by the meeting to make the contribution. Owners can also go to the website: www.revag.co.za to get all information on this matter.	**S.M**

8.4	**Proposed construction of a Regional Waste Disposal site** - The municipality has sent out notification of a Regional Waste Disposal site to be implemented although no specific allocation has been given nor clarification as to what waste will be disposed at this site. The Chairman mentioned that a written request has been drafted by himself, his wife and Mr Raubenheimer to get more information on this matter.	
8.5	**Removal of exotic plants:** **Proposal:** *"That the Executive Committee be authorised to settle the claim of the Home Owners Association against Vuru Vuru Estate West (Pty) Ltd for damages, being for the cost of removal of alien vegetation from Nautilus Bay Phase 1; alternatively to institute legal action against Vuru Vuru Estate West (Pty) Ltd.* **<u>Unanimously accepted by the meeting</u>**	**Excom**
8.6	**Phase 2 & 3 of development:** **Phase 3** - Mr B. Impens reported that the idea of phase 3 is to establish a high standard sport and training facility with accommodation & proper infrastructure but cannot say at this point in time what will be established. **Phase 2** - Mr Impens reported that phase 2 will be developed as a normal golf course; however, it is very difficult to get the necessary approval for the development of golf courses. Mr Impens mentioned that an application for rezoning has been submitted to the municipality and to the Department of Environmental Affairs and Tourism in Cape Town for approval. Mr B. Impens is still waiting approval and will continue to follow up on this matter.	**Mr Impens**
9. 9.1	**GENERAL:** **Building limit** - It was mentioned that there are owners who exceeds the building limit of 250m^2 and the municipality will do an investigation. Owners are requested to adhere to the guidelines and approved plans. To ensure that deviation does	

	not occur a higher deposit of R50 000.00 must be paid and if the owner does not adhere to the conditions the deposit will not be refunded.	
9.2	**250 Footprint** - There are still no clarification about the 250m² footprint. Mr Impens reported that according to the guidelines it's referred to as 250m² floor area.	
9.3	**Access control** - It was reported that a sign board has been put up at the entrance gate which stipulates the conditions of entrance. Visitors also have to sign a book to confirm that they are aware of the conditions of entering Nautilus Bay. Permits will also be issued to building contractors who has to submit I.D. documents of each employee before entering the premises and the permit must be worn at all times while on site.	Excom
9.4	**Security** - The meeting were informed that Executive Security has been appointed at Nautilus Bay and have very well trained guards. Patrols are done via golf car and on foot. There are 2 guards on duty and they communicate with each other via radio. There is also an agreement with M-Sec for armed response. Owners are requested to make use of M-Sec for installing an alarm system. The trustees are investigating the option of installing cameras at various points on the estate. The cost to install the cameras together with a computer is approx. R75 000.00. The meeting gave approval to have a security camera system installed for not more than R100 000.00	Excom Excom
9.5	**Communication system:** The trustees are currently looking at a wireless system. Owners can use the system to communicate with the guardhouse and it can also be used as a normal telephone. Internal calls from owner to guardhouse or owner to owner will be free of charge and calls outside the estate will be charged at normal rate. Mr Raubenheimer can be contacted for further information.	Mr Rauben-heimer

10	**ELECTION OF EXCOM.** The following Executive members were elected: Mr G Sievers Mrs K Van Rensburg Mr W Le Roux Mr P Van Huyssteen Mr E Raubenheimer Vuru Vuru West still has an important role at Nautilus Bay and must be advised when an Exco meeting will be held and is welcome to join such a meeting.	
11. 11.1	**SPECIAL RESOLUTIONS: Amendmend to Constitution** **Quorum for an AGM (Clause 7.8):** **Currently:** " No matters shall be discussed at any meeting, unless a quorum is present when the meeting commences. Save for the purposes of a resolution required in terms of clause 11 and 13 hereof, a quorum for all other purposes shall be members present in person or by proxy and holding not less than 60% (sixty percent) of the total number of votes available to be cast by members at the time that such meeting commences. **Proposed:** "*No matters shall be discussed at any such meeting unless a quorum is present when the meeting commences. Save for the purposes of a resolution required in terms of clause 11 and 13 thereof a quorum for all other purposes shall be members present in person or by proxy and holding not less than 20% (twenty percent) of the total number of votes available to be cast by members at the time that such meeting commences.* **The proposal was accepted by majority vote. (2 voted against).**	
11.2	**Date for an AGM (Clause 7.1):** **Currently:** "The Association shall before 15 February of each calendar year, hold a general meeting as its Annual General	

Meeting, in addition to any other general meetings during that year, and shall specify the meeting as such in the notices, calling such a meeting"

Proposed: *"The Association shall hold a general meeting annually as its Annual General Meeting, in addition to any other general meetings during that year, and shall specify the meeting as such in the notices, calling such a meeting. Such a meeting to be held on a date determined by the Executive Committee, but shall take place during the period from 16 December of the one year to 31 March of the next year".*

The proposal was accepted.

DATE OF NEXT MEETING:

March 2011. Date and time to be determined.

The meeting adjourned 14h00.