HIDDEN VALLEYS ECO-ESTATE BODY CORPORATE
CSOS REG/22/KZN/007154
MANAGEMENT RULES ADOPTED BY THE BODY CORPORATE 08.06.2023

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1. INTRODUCTION

These Management Rules are made as prescribed in terms of section 10(2)(a) of the Sectional Titles Schemes Management Act, 2011 (Act No. 8 of 2011) as amended, latest by the Sectional Titles Management Amendment Act No. 13 of 2022, and the Sectional Titles Schemes Management Regulations, 2016.

2. INTERPRETATIONS

2.1 In the interpretation of these rules, unless the context otherwise indicates—

(a) "Act" means the Sectional Titles Management Act of 2011 as amended from time to time, and the Sectional Titles Schemes Management Regulations of 2016 as amended and in force thereunder;
(b) "adjudicator" means an adjudicator acting in terms of the Community Schemes Ombud Service Act, 2011 (Act No. 9 of 2011);
(c) "administrator" means an administrator appointed in terms of section 16 of the Act;
(d) "Community Schemes Ombud Service" (CSOS) means the service established in terms of the Community Scheme Ombud Service Act, 2011 (Act No. 9 of 2011);
(e) "estimated cost", for the purposes of rule 22, means the estimated cost to maintain, repair or replace a major capital item;
(f) 'exclusive use area' means a part or parts of the common property for the exclusive use by the owner or owners of one or more sections or by the occupant or occupants thereof recognised by law, as contemplated in the Act;
(g) "expected life", for the purposes of rule 22, means the estimated number of years before it is expected that the cost of maintenance, repair or replacement of a major capital item will be incurred;
(h) "executive managing agent" means a managing agent appointed to carry out all the functions and powers of the trustees in terms of rule 28;
(i) "future development right" means a right to extend the scheme in terms of section 25 of the Sectional Titles Act;
(j) "major capital item", for the purposes of rule 22, means wiring, lighting and electrical systems, plumbing, drainage and stormwater systems, heating and cooling systems, roofing, interior and exterior painting and waterproofing, communication and service supply systems, parking facilities, roadways and paved areas, security systems and facilities and any other community and recreational facilities;
(k) "managing agent" means any person who provides scheme management services to a body corporate for reward, whether monetary or otherwise, including any person who is employed to render such services;
(l) "member" means a member of the body corporate;
(m) "past contribution", for the purposes of rule 22, means the funds in the reserve fund of the body corporate in respect of the estimated cost;
(n) "primary section" means a section designed to be used for human occupation as a residence, office, shop, or for any other type of use allowed in terms of local municipal by-laws AND THE Hidden Valleys Conduct Rules, not being a utility section;
(o) "registered auditor" means a person as defined in terms of the Auditing Professions Act, 2005 (Act No. 26 of 2005);
(p) "registered bondholder" means the holder of a mortgage bond of whom the body corporate has been notified in terms of section 13(1)(f) of the Act;
(q) "reserve funds" means an amount set aside by the body corporate to meet the unexpected costs that may arise in future, including future cost of maintenance;

(r) "service address" means the service address of a member or the body corporate in terms of rule 4; and

(s) "utility section" means a section which, in terms of local municipality by-laws and th Hidden Valleys Sectional Title plans, is designed to be used as an accessory to a primary section, such as a bathroom, toilet, storeroom, workshop, shed, parking area, servitudes, or other utility area, not being a primary section.

2.2 In the interpretation of these rules —

(a) words and expressions to which a meaning has been assigned in the Act or its regulations, bear those meanings;

(b) words importing—

(i) the singular must be interpreted to include the plural, and vice versa; and

(ii) any one gender must be interpreted to include all other genders; and

(c) the headings of rules are provided for convenience of reference only and are not be taken into account in the interpretation of the rules.

3. AMENDMENT AND BINDING NATURE

3.1 The body corporate may substitute, amend, repeal, or add to the management rules by unanimous resolution of owners, other than the developer, of at least 30% of the units in the scheme, subject to and in accordance with the provisions of section 10 of the Act.

3.2 The provisions of these rules and of the Hidden Valley Conduct Rules, and the duties of the owner in relation to the use of sections and common property shall be binding on the owner, lessee or other occupant of any section. Members must take all reasonable steps to ensure compliance with these rules, the Hidden Valley Conduct Rules in force in terms of section 10(2)(b) of the Act by any tenant or other occupant of any section or exclusive use area, including the member's employees, lessees, guests, visitors and family members.

4. SERVICE ADDRESSES

4.1 The body corporate must, from time to time, determine the address that is its domicilium citandi et executandi in terms of section 3(1)(o) of the Act; provided that such service address must be —

(a) the physical address of a section in the scheme;

(b) the physical address of a duly appointed managing agent or administrator; or

(c) another physical address within the magisterial district in which the scheme is located.

4.2 The trustees may designate a fax, email or other address as an alternate body corporate service address.

4.3 A change of a body corporate service address is effective when written notice of that address is lodged with the Community Schemes Ombud Service (CSOS) in the prescribed form.

4.4 The trustees must, when they give the Community Schemes Ombud Service notice of a change of the body corporate service address in terms of section 3(1)(o) of the Act, simultaneously give such written notice to all members and other occupiers of sections and to all registered bondholders.

4.5 The service address for any legal process or delivery of any other document to a member is the address of the primary section registered in that member's name; provided that a member is entitled by written notice to the body corporate to change that address for purposes as contemplated in subsections 6(3)(c) and 6(4) of the Act to another physical address, postal address, or fax in the Republic of South Africa or to an email address, and that the change in the service address of the member is effective when the body corporate receives notice of such a change.

4.6 The service address for any legal process or delivery of any other document to an occupier of a section, who is not a member, is the physical address of that section.

5. TRUSTEES OF THE BODY CORPORATE

5.1 All the members are trustees from the establishment of the body corporate until the end of the first general meeting.

5.2 Subject to rules 6.4 and 28.1, as our body corporate consists of more than 4 members who are owners of primary sections, members in general meeting will determine the number of trustees to be elected in terms of these rules.

5.3 The Hidden Valleys Body Corporate currently has three (3) trustees, elected annually at the Annual General Meeting.

6. REQUIREMENTS FOR OFFICE AND DISQUALIFICATION OF TRUSTEES

6.1 A trustee need not be a member or the legally recognised representative of a member who is a juristic person, provided that the majority of the trustees are owners, or spouses of owners.

6.2 A person who is the managing agent or an employee of the managing agent or the body corporate may not be a trustee unless that person is a member.

6.3 A trustee who has any direct or indirect personal interest in any matter to be considered by the trustees must not be present at or play any part in the consideration or decision of the matter concerned.

6.4 A trustee ceases to hold office if that trustee —

(a) by written notice to the body corporate, resigns from office;
(b) is declared by a court to be of unsound mind;
(c) is or becomes insolvent and the insolvency results in the sequestration of that trustee's estate;
(d) is convicted, or has been convicted in South Africa or elsewhere, of theft, fraud, forgery, perjury or any other offence involving dishonesty;
(e) is sentenced to imprisonment without the option of a fine;
(f) is removed from an office of trust on account of misconduct in respect of fraud or the misappropriation of money;
(g) is removed from office by ordinary resolution of a general meeting; provided the intention to vote on the proposed removal was specified in the notice convening the meeting;
(h) is or becomes disqualified to hold office as a director of a company in terms of the Companies Act, 2008 (Act No. 71 of 2008); or
(i) fails or refuses to pay the body corporate any amount due by that trustee after a court or adjudicator has given a judgment or order for payment of that amount.

7. NOMINATION, ELECTION AND REPLACEMENT OF TRUSTEES

7.1 A member may nominate any person for the office of trustee of the body corporate.

7.2 The nomination of a trustee must be in writing, accompanied by the written consent of the person nominated and delivered to the body corporate service address at least 48 hours before the annual general meeting is due to start.

7.3 If an insufficient number of nominations are received in terms of rule 7.2, further nominations may be called for at the annual general meeting with the consent of the persons nominated.

7.4 Save for the provisions of rules 5.1 and 5.2, trustees must be elected at the first general meeting of the body corporate and then at each subsequent annual general meeting.

7.5 If a trustee ceases to hold office, the remaining trustees or the members in general meeting may appoint a replacement trustee.

7.6 An elected or replacement trustee holds office until the end of the next annual general meeting and is eligible for re-election, if properly nominated.

7.7 The trustees may appoint or co-opt, for a specified period, a person qualified to serve as a trustee as a replacement for any trustee who is absent or otherwise unable to perform the duties of that office.

8. PAYMENT AND INDEMNITY OF TRUSTEES

8.1 The body corporate must reimburse trustees for all disbursements and expenses actually and reasonably incurred by them in carrying out their duties and exercising their powers, provided such expenses are documented in writing.

8.2 Unless so determined by special resolution, trustees who are members, are not entitled to any reward, whether monetary or otherwise, for their services as such.

8.3 Trustees, who are not members may be rewarded for their services as such, provided that any reward, whether monetary or otherwise, must be approved by a resolution of the body corporate as part of the budget for the scheme's administrative fund.

8.4 The body corporate indemnifies a trustee, or other officer or servant of the body corporate who is not a managing agent against all costs, losses, expenses and claims arising as a result of any official act that is not in breach of the trustee's fiduciary obligations to the body corporate, unless such costs, losses, expenses or claims are caused by the mala fide or grossly negligent act or omission of such person. Such indemnity shall be paid out of the administrative funds of the body corporate.

9. TRUSTEE MEETINGS AND DECISIONS

In terms of general powers and duties, the trustees must—

(a) meet to carry out the body corporate's business, adjourn and otherwise regulate their meetings as they think fit, subject to the provisions of the Act, these rules and the common law of meetings;

(b) exercise the body corporate's powers and functions assigned and delegated to them in terms of section 7(1) of the Act in accordance with resolutions taken at general meetings and at meetings of trustees;

(c) apply the body corporate's funds in accordance with budgets approved by members in general meeting;

(d) appoint any agent or employee in terms of section 4(a) of the Act in terms of a duly signed written contract; and

(e) compile minutes of each trustee and general meeting in accordance with rule 27(2)(a) and distribute these to the persons entitled to notice of the meeting concerned as soon as reasonably possible, but not later than 14 days after the date of the meeting.

10. VALIDITY OF ACTIONS

10.1 No document signed on behalf of the body corporate is valid and binding unless it is signed on the authority of a trustee resolution by —

(a) two trustees or the managing agent, in the case of a clearance certificate issued by the body corporate in terms of section 15B(3)(i) (aa) of the Sectional Titles Act; and

(b) two trustees or one trustee and the managing agent, in the case of any other document.

10.2 A resolution adopted or other act performed by the trustees remains valid and effective notwithstanding the later discovery of some defect in the appointment of a trustee or the disqualification of a trustee.

11. CALLING OF AND ATTENDANCE AT TRUSTEE MEETINGS

11.1 A trustee may at any time call a meeting of trustees by giving all other trustees, including any replacement trustees, not less than seven days written notice of the time and place of the meeting and by setting out an agenda for the meeting, provided that in cases of urgency a trustee may give such shorter notice as is reasonable in the circumstances.

11.2 The trustees may by written resolution set the dates of and a standard agenda for their future meetings and delivery of a copy of this resolution is considered adequate notice of all such future meetings.

11.3 Members, registered bondholders, holders of future development rights and any managing agent may attend trustee meetings and may speak on any matter on the agenda, but they are not entitled to propose any motion or to vote. Further, such persons are not entitled to attend those parts of trustee meetings that deal with discussions of contraventions of the Act or rules; or any other matters in respect of which the trustees resolve that the presence of any such persons would unreasonably interfere with the interests of the body corporate or any person's privacy.

11.4 If a member, a registered mortgagee or the holder of a future development right in writing requests notice of trustee meetings, the trustees must deliver to that person a copy of a notice of a meeting referred to in 11.1, a resolution referred to in 11.2 and a notice of any adjournment of such a meeting; provided that the body corporate may recover from the person concerned the costs of delivery of such documents.

11.5 The trustees may make arrangements for trustee meetings to be held electronically, by video conference, by telephone or any other method, if the method is accessible to all trustees and other persons entitled to attend the meeting; permits all persons participating in the meeting to communicate with each other during the meeting; and permits the chairperson to confirm, with reasonable certainty, the identity of the participants.

11.6 A person who attends a meeting as provided under 11.5 is considered present in person at the meeting.

12. CHAIRPERSON OF THE TRUSTEES

12.2 From the establishment of the body corporate until the end of the first general meeting, the developer or the developer's nominee is the chairperson of the trustees.

12.3 At the commencement of the first meeting of trustees after an annual general meeting at which trustees have been elected and whenever else necessary, the trustees must by majority vote elect a chairperson from among their number.

12.4 The chairperson of the trustees holds office as such until the end of the next annual general meeting.

12.5 The trustees at a trustees' meeting or the members at a general meeting may remove the chairperson from office if notice of the meeting contains a clear statement of the proposed removal; provided that such removal does not automatically remove the chairperson from the office of trustee.

12.6 If a chairperson is removed from office as such or ceases to hold office as a trustee, the remaining trustees must elect a replacement chairperson from among their number who holds office as chairperson for the remainder of the period of office of his or her predecessor and has the same voting rights.

12.7 If the elected chairperson vacates the chair during the course of a trustee meeting, is not present or is for any other reason unable or unwilling to preside, the trustees present must choose another chairperson from among their number and that replacement chairperson has all the powers and functions of the chairperson while acting as such.

13. QUORUM OF TRUSTEES

13.1 At a trustee meeting, 50% of the trustees by number, but not less than two, form a quorum.

13.2 If the number of trustees falls below the number necessary to form a quorum, the remaining trustee or trustees may continue to act, to appoint or co-opt replacement trustees to make up a quorum; or to call a general meeting.

13.3 If at any trustee meeting a quorum is not present within 30 minutes of the appointed time for the meeting, the trustees present, but not less than two, may adopt interim resolutions in respect of each item on the agenda.

13.4 An interim resolution adopted by trustees in terms of 13.3 does not take effect unless or until it is confirmed at the next trustee meeting at which a quorum is present; or by written resolution signed by all the trustees.

14. VOTING BY TRUSTEES

14.1 A motion at a trustee meeting does not have to be seconded but must be determined by resolution adopted by the majority of the trustees present and voting.

14.2 Each trustee is entitled to one vote; provided that if the deliberative votes of the trustees, including that of the chairperson, are tied, the chairperson has a casting vote.

14.3 A trustee is disqualified from voting in respect of any proposed or current contract or dispute with the body corporate to which the trustee is a party; and any other matter in which the trustee has any direct or indirect personal interest.

14.4 Trustees must take decisions by resolutions adopted by majority vote, provided that resolutions may be put to the vote at trustee meetings; or by a notice sent to each trustee which contains the text of any proposed resolutions and instructs the trustees to indicate their agreement to the resolution by their signature, which signatures must be received by the body corporate before expiry of the closing date specified in the notice. Signatures may be provided electronically.

14.5 A resolution in writing signed by all the trustees shall be as valid and effective as if it had been passed at a meeting of the trustees duly convened and held.

15. OWNER'S MEETINGS

15.1 Subject to 15.7, at least 14 days' written notice of a general meeting specifying the place, date and hour of the meeting must be given to all members; all registered bondholders; all holders of future development rights; and any managing agent.

15.2 A person who has a right to be notified under this rule may waive that right by notice in writing delivered to the body corporate and may, at any time and in the same way, revoke that waiver; provided that if two or more persons are jointly entitled to exercise a vote, all of them must waive the right to notice and any of them may revoke that waiver.

15.3 The notice of a general meeting must be accompanied by at least an agenda, a copy or comprehensive summary of any document that is to be considered or approved by members at the meeting; and a proxy appointment form in the prescribed format (see Annexure 1).

15.4 A general meeting must be held in the local municipal area where the scheme is situated unless the members have by special resolution decided otherwise.

15.5 Registered bondholders, holders of future development rights and any managing agent may attend general meetings and may speak on any matter on the agenda, but they are not, in those capacities, entitled to propose any motion or to vote. Such persons are not entitled to attend any part of a general meeting if the members resolve that their presence would unreasonably interfere with the interests of the body corporate or any person's privacy.

15.6 Notice of a general meeting must be delivered to members at their service addresses in terms of rule 4.5, and to other persons at the most recent physical, postal, fax or email address of which they have notified the body corporate in writing.

15.7 A general meeting may be called on 7 days' notice if the trustees have resolved that short notice is necessary due to the urgency of the matter and set out their reasons for this resolution; provided that the trustees must not take such a resolution in regard to a meeting referred to in rule 29.2.

Meetings can be called on less than 14 days' notice, if this is agreed to in writing by all persons entitled to attend.

15.8 Failure to give proper notice of a general meeting to a person entitled to receive notice does not invalidate a vote taken at the meeting, as long as the body corporate made a reasonable attempt to give the notice.

15.9 Voting at a general meeting may proceed despite the lack of notice as required by this rule, if all persons entitled to receive notice in writing waive their right to notice.

Rule 16 not included, as Hidden Valleys Eco-Estate had its first general meeting in 2018.

17. ANNUAL AND SPECIAL GENERAL MEETINGS

17.1 Subject to rule 17.2, the body corporate must hold an annual general meeting within four months of the end of each financial year.

17.2 The body corporate is not obliged to hold an annual general meeting if, before or within one month of the end of a financial year, all members in writing waive the right to the meeting and consent in writing to motions that deal with all the items of business that must be transacted at the annual general meeting; provided that if two or more persons are jointly entitled to exercise a vote, all of them must waive the right to the meeting and consent to the resolutions in writing.

17.3 All general meetings other than the annual general meeting are special general meetings.

17.4 The trustees may by resolution call a general meeting whenever they think fit. The trustees must call a general meeting if members owning 25% of total sections or mortgage bondholders to at least 25% of all primary sections deliver to the body corporate a written and signed request for a special general meeting. If the trustees fail to call a meeting thus requested within 14 days of delivery of the request, the members or bondholder concerned are entitled to call the meeting.

17.5 Members or bondholders who request a meeting in terms of rule 17.4 must include one or more motions or matters for discussion with their request and these motions or matters must be included, without amendment, in the agenda for the meeting.

17.6 The order of business at general meetings is as follows:

(a) confirm proxies, nominees and other persons representing members;
(b) determine that there is a quorum;
(c) present to the meeting proof of notice of the meeting or waivers of notice;
(d) approve the agenda;
(e) approve minutes from the previous general meeting;
(f) deal with unfinished business, if any;
(g) deal with any business referred to in 17.5;
(h) if the meeting is an annual general meeting:
(i) receive reports of the activities and decisions of trustees since the previous general meeting, including reports of any committees;
(ii) take decisions on the extent of the insurance cover by the body corporate and any replacement values;
(iii) approve the budgets for the administrative and reserve funds for the next financial year;
(iv) consider the annual financial statements;
(v) appoint an auditor to audit the annual financial statements;

(vi) determine the number of trustees to be elected to serve during the next financial year; and

(vii) elect the trustees;

(i) Consider any amendments to the scheme's conduct and management rules;

(j) deal with any new or further business;

(k) give directions to or impose restrictions on trustees in terms of work to be performed and duties to be exercised, including discussion of any applications for subdivision or consolidation of sections; and

(l) dissolve the meeting.

17.7 Subject to 17.5 and 17.6, the trustees determine the agenda for an annual or special general meeting; provided that the agenda must contain—

(a) a description of the general nature of all business, and

(b) a description of the matters that will be voted on at the meeting, including the proposed wording of any special or unanimous resolution.

17.8 If any of the items of business that require member approval are not approved at an annual general meeting or any adjournment of the meeting; the resolution not to approve the relevant document must include the reasons for non-approval and the body corporate must have the document revised and submitted to another general meeting for approval as soon as reasonably possible, until it is approved.

17.9 The body corporate does not have to hold a special general meeting to consider a resolution if all members waive the right to the meeting and consent to the resolution in writing. If two or more persons are jointly entitled to exercise a vote, all of them must waive the right to the meeting and consent to the resolution in writing.

17.10 The body corporate may make arrangements for attendance at an annual or special general meeting by electronic means, video conferencing, telephone or any other method, if the method—

(a) is accessible to all members and other persons entitled to attend the meeting;

(b) permits all persons participating in the meeting to communicate with each other during the meeting; and

(c) permits the chairperson to confirm, with reasonable certainty, the identity of the participants.

17.11 All persons who attends a meeting as provided under 17.10 is considered present in person at the meeting.

18. CHAIRPERSON OF OWNER'S MEETINGS

18.1 The chairperson of the trustees must preside as chairperson at every general meeting of the body corporate, unless otherwise resolved by members at the meeting.

18.2 If there is no chairperson or the chairperson of the trustees is not present within 15 minutes after the time appointed for the meeting, or is unwilling or unable to act as chairperson, the members present must elect a chairperson for such a meeting.

18.3 The chairperson of the meeting must—

(a) maintain order, regulate the orderly expression of views and guide the members and other participants through the business of the meeting in accordance with the common law of meetings;
(b) ensure that all motions and amendments proposed are within the scope of the notice and powers of the meeting;
(c) ensure that the scheme's rules, the minute books and any other documents relevant to the items of business on the agenda are available at the meeting;
(d) act fairly, impartially and courteously to all members and others entitled to attend the meeting;
(e) ensure that all members and other persons entitled to speak are able to express their views without unnecessary disturbance or interruption;
(f) adjourn the meeting, when it is not able to complete or continue with its business;
(g) make decisions on points of procedure;
(h) settle disputes by giving rulings on points of order; and
(i) surrender the chair to a temporary chairperson elected by the members for any period during which the chairperson wishes to engage in the debate of any item of business.

18.4 A chairperson at a general meeting must not—
(a) from the chair, attempt to influence members' views on any item of business; or
(b) disclose in advance of a vote how the chairperson intends to vote on any item of business.

19. QUORUM AT OWNER'S MEETINGS

19.1 Business must not be transacted at any general meeting unless a quorum is present or represented.

19.2 A quorum for a general meeting is constituted by more than 50% of members entitled to vote being present in person, by means described in 17.10 and/or by proxy presented to the chairperson of the meeting.

19.4 If within 30 minutes from the time appointed for a general meeting a quorum is not present, the meeting will be adjourned to a place and time decided on by members present. If a quorum as described in 19.2 is not present within 30 minutes from the time appointed for the adjourned meeting, the members entitled to vote and present in person or by proxy constitute a quorum for the purposes of completing the business of the meeting, provided that any decisions and resolutions adopted are ratified by a majority of members within 30 days of the adjourned meeting taking place.

20. VOTING AND REPRESENTATIVES AT OWNER'S MEETINGS

20.1 A motion at a general meeting does not need to be seconded; and except for a special or unanimous resolution, must be adopted by resolution of the majority of the members present and entitled to vote.

20.2 Except for special and unanimous resolutions, a member is not entitled to vote if—
(a) a member fails or refuses to pay the body corporate any amount due by that member after a court or adjudicator has given a judgment or order for payment of that amount; or
(b) that member persists in the breach of any of the conduct rules of the scheme after a court or an adjudicator has ordered that member to refrain from breaching such rule.

20.5 A member's appointment of a proxy and the proxy's acceptance of the mandate must, except in the case of an appointment in a mortgage bond, be substantially in the form included in Annexure 1 and must be delivered to the body corporate latest 48 hours before the time of the meeting; or be handed to the chairperson before or at the start of the meeting.

20.6 A proxy need not be a member but must not be the managing agent or an employee of the managing agent or of the body corporate. No person may act as the proxy for more than two members of the body corporate.

20.7 When two or more persons are entitled to exercise one vote jointly, that vote may be exercised only by one person, who may or may not be one of them, jointly appointed by them as their proxy.

20.8 The outcome of each vote, including the number of votes for and against the resolution, must be announced by the chairperson and recorded in the minutes of the meeting.

20.9 If a special resolution is passed at a general meeting by less than 50% of members, the body corporate must not take any action to implement that resolution for one week after the meeting, unless the trustees resolve that there are reasonable grounds to believe that immediate action is necessary to ensure safety or prevent significant loss or damage to the scheme. Within seven days from such a resolution being passed, members holding at least 25% of the total votes of all members may, by written and signed request delivered to the body corporate, require that the body corporate hold a special general meeting to reconsider the resolution.

20.10 If a demand referred to in 20.9 is delivered to the body corporate, the trustees must not implement the resolution unless it is again passed by special resolution.

21. FINANCIAL MANAGEMENT

21.1 The Hidden Valleys body corporate has resolved in general meeting that the financial year of the body corporate runs from the first day of March of each year till the last day of February each year. The financial year can be changed by members in general meeting.

21.2 The body corporate must not make loans from body corporate funds without the authority of a unanimous resolution; refund to any member a contribution lawfully levied and paid; nor distribute to a member or any other person any portion of the body corporate's profits or gains except upon liquidation of the Scheme, or where such profit or gain is of a capital nature.

21.3 The body corporate may, on the authority of a written trustee resolution—

(a) levy members with a special contribution if additional income is required to meet a necessary expense that cannot reasonably be delayed until provided for in the budget for the next financial year;

(b) increase the contributions due by the members by a maximum of 10% at the end of a financial year to take account of anticipated increased liabilities. Such increase will remain effective until members receive notice of the contributions due by them for the next financial year as per rule 25;

(c) charge interest on any overdue amount payable by a member to the body corporate. The interest rate charged must not exceed the maximum rate of interest payable per annum under the National Credit Act (2005) Act No 34 of 2005), compounded monthly in arrears;

(d) invest any moneys in the reserve fund in a secure investment with any institution registered as a legal financial institution in terms of the Financial Services Board Act, 1990 (Act No. 97 of 1990);
(e) enter into written and signed contracts in respect of its powers and duties under the Act and these rules;
(f) join organisations and subscribe to services to further its purposes under the Act and these rules;
(g) delegate to one or more of the trustees, to a member, agent or an employee such of their powers and duties as they deem fit, and at any time to revoke such delegation; provided that when they delegate any power or duty they must specify in writing the power or duty concerned; a maximum amount of the body corporate's funds that may be spent for a particular purpose; and any conditions that may be applicable; and
(h) approach the Community Scheme Ombud Service for relief.

21.4 The body corporate must ensure that all money received by the body corporate is deposited to the credit of an interest-bearing bank account in the name of the body corporate. The trustees may not make loans on behalf of the body corporate to themselves in their capacity of trustees.

22. MAINTENANCE, REPAIR AND REPLACEMENT PLAN

22.1 Given that the Hidden Valleys Eco-Estate body corporate has minimal infrastructure in the common area, the trustees must prepare a written maintenance, repair and replacement plan for such common property, setting out any major capital items expected to require maintenance, repair and replacement of common usage area infrastructure within the next year. The plan will be presented at the annual general meeting in conjunction with the budget, and include:
(a) the present condition or state of repair of any such major capital items;
(b) the time when such items or components thereof will need to be maintained, repaired or replaced;
(c) the related estimated cost of the maintenance, repair and replacement;
(d) the expected life of any such items or components once maintained, repaired or replaced; and
(e) any other information the body corporate considers relevant.

22.2 The annual contribution to the administrative or reserve fund for the maintenance, repair or replacement of each of any such major capital items must be determined according to the following formula: [(estimated cost minus past contribution) divided by expected life].

22.3 A maintenance, repair and replacement plan takes effect on its approval by the members in general meeting; provided that on approval of such a plan, members may lay down conditions for the payment of money from the administrative or reserve fund.

22.4 The trustees must report the extent to which the approved maintenance, repair and replacement plan has been implemented to each annual general meeting.

23. INSURANCE

23.1 The Act (Sections 3(1)(h) and (i)) requires a body corporate to insure the common buildings and keep them insured to the replacement value thereof against fire and such other risks as may be prescribed by law; and to insure against such other risks as the owners by special resolution determine, or

holders of registered first mortgage bonds over minimum 25% of the primary sections by written notice to the body corporate require to be covered by insurance, as detailed in the Sectional Titles Schemes Management Regulation 3 of 2016. As the Hidden Valleys Eco-Estate does not possess common buildings, nor have mortgage bond holders, the members in annual general meetings determine the extent of any insurance cover to the taken out by the body corporate.

To the extent that members resolve that risks to common property must be insured, the insurance policy of the body corporate must -

(a) specify such risks and a replacement value for each unit and exclusive use area, excluding the member's interest in the land included in the scheme. Any member may at any time by written notice to the body corporate require that the replacement value thus specified for that member's unit or exclusive use area be increased, provided that the member will be responsible for payment of any additional insurance premium payable on account of any such increase in the stated replacement value;

(d) include a clause in terms of which the insurance policy is valid and enforceable by any holder of a registered mortgage bond over a section or exclusive use area against the insurer notwithstanding any circumstances whatsoever which would otherwise entitle the insurer to refuse to make payment of the amount insured, unless and until the insurer terminates the insurance on at least 30 days' notice to the bondholder; and

(e) may include provision for "excess" amounts. Members are responsible for any excess amount that relates to damage to any part of the property that the member is obliged to repair and maintain. The member must furnish the body corporate with written proof from his/her insurer of payment of such excess amount within seven days of written request.

23.3 Should members resolve to insure common property, the body corporate must obtain a replacement valuation of all buildings and improvements that it must insure at least every three years and present schedules of estimates of such replacement valuation to the annual general meeting.

23.5 On written request by any registered bondholder and the furnishing of satisfactory proof, the body corporate must record the cession to that bondholder of that member's interest in any of the proceeds of any insurance policies of the body corporate.

23.6 The Sectional Titles Schemes Management Regulations Rule 22.6 of 2016 require body corporates to take out public liability insurance to cover the risk of liability to pay compensation in respect of any bodily injury to or death or illness of a person on or in connection with the common property and any damage to or loss of property that is sustained as a result of an occurrence or happening at the common property, for an amount determined by members in general meeting, but not less than 10 million rand in any one claim and in total for any one period of insurance. The Hidden Valley Body Corporate has taken out public liability insurance for a cover of R 10 million since 01 June 2023, the premium for which is payable by the Body Corporate annually on 01 June.

23.7 Members in general meeting may determine an amount which the body corporate must take out insurance for to cover the risk of loss of funds belonging to the body corporate or for which it is responsible, sustained as a result of any act of fraud or dishonesty committed by a trustee, managing agent, employee or other agent of the body corporate.

23.8 The body corporate, authorised by a special resolution of members, may insure any additional insurable interest the body corporate has —

(a) in the land and buildings included in the scheme; and

(b) relating to the performance of its functions, for an amount determined in that resolution.

24. ADMINISTRATIVE AND RESERVE FUNDS

24.1 The body corporate must establish and maintain an administrative fund which is reasonably sufficient to cover the estimated annual operating costs for the repair, maintenance, management and administration of common property; for the payment of rates and taxes and other local municipality charges for the supply of services to the land; for the payment of any insurance premiums relating to common property and land; and for the discharge of any duty or fulfilment of any other obligation of the body corporate.

The administrative fund is presented by the trustees to the annual general meeting in the form of a budget for operating expenses of the body corporate for each financial year.

24.2 The body corporate must establish and maintain a reserve fund which is reasonably sufficient to cover the cost of future maintenance and repair of common property. The reserve fund must be used for the implementation of the maintenance, repair and replacement plan of the body corporate referred to in rule 22.

24.3 The following amounts must be paid into the reserve fund —

(a) any part of the annual levies designated as being for the purpose of reserves or the maintenance, repair and replacement plan;
(b) any amounts received under an insurance policy in respect of damage or destruction of property for which the body corporate is responsible;
(c) any interest earned on the investment of the money in the reserve fund; and
(d) any other amounts determined by the body corporate.

All other body corporate income must be paid into the administrative fund.

24.4 Money may be paid out of the administrative fund in accordance with trustee resolutions and the approved budget for the administrative fund.

24.5 Money may be paid out of the reserve fund at any time in accordance with trustee resolutions and the approved maintenance, repair and replacement plan; or if the trustees resolve that such a payment is necessary for the purpose of an urgent maintenance, repair or replacement expense. Such urgent expenses include, without limitation, payments to comply with an order of a court or an adjudicator; payments to repair, maintain or replace any property for which the body corporate is responsible to ensure urgent safety or prevent significant loss damage to persons or property; payments for any unforeseen repair to any property for which the body corporate is responsible; payments to obtain adequate insurance for property or risks that members have resolved that the body corporate is required to insure. The trustees must report to the members on any such expenditure as soon as possible after it is made.

24.6 Expenditure listed in rule 24.5 must not exceed the amount necessary for the purpose for which it is expended; or any limitations imposed by the body corporate on expenditure; and must comply with any restrictions imposed or directions given by members.

25. CONTRIBUTIONS (LEVIES) AND CHARGES

25.1 The body corporate must, as soon as possible but not later than 14 days after the approval of the annual budgets by a general meeting, give each member written notice of any change in the contributions and charges (levies) due and payable by that member to the body corporate, which notice must—

(a) state that the member has an obligation to pay the specified contributions and charges; and

(b) specify the due date for each payment; and

(c) if applicable, state that interest at a rate specified in the notice will be payable on any overdue contributions and charges; and

(d) include details of the dispute resolution process that applies in respect of disputed contributions and charges, which are detailed in Rule 32.

25.2 If money owing is not paid on the dates specified in the notice referred to in 25.1, the body corporate will send a final notice to the member, which notice must state—

(a) that the member has an obligation to pay the overdue contributions and charges and any applicable interest immediately; and

(b) if applicable, the interest that is payable in respect of the overdue contributions and charges at the date of the final notice; and the amount of interest that will accrue daily until the payment of the overdue contributions and charges; and

(c) that the body corporate intends to take action to recover the amount due if the overdue contributions and charges and interest owing are not paid within 14 days after the date the final notice is given.

25.3 Subject to rule 21.3 (a) and (b), after the expiry of a financial year and until they become liable for contributions in respect of the next financial year, members are liable for contributions in the same amounts and payable in the same installments as were due and payable by them during the past financial year.

25.4 A member is liable for and must pay to the body corporate all reasonable legal costs and disbursements, as taxed or agreed by the member, incurred by the body corporate in the collection of arrear contributions or any other arrear amounts due and owing by such member to the body corporate, or in enforcing compliance with these rules, the Conduct Rules or the Act.

25.5 The body corporate must not debit a member's account with any amount that is not a contribution or a charge levied in terms of the Act or these rules without the member's consent or the authority of a judgment or order by a judge, adjudicator or arbitrator.

25.6 The body corporate must in its annual financial statements account for all contributions and any other charges debited to members' accounts.

25.7 On request in writing by a member the body corporate must make available a full and detailed account of all amounts debited and credited to the member's account with the body corporate.

26. FINANCIAL RECORDS, BUDGETS, REPORTS AND AUDIT

26.1 The body corporate must keep proper books of accounts that record all its income, expenditure, assets and liabilities; must disclose all amounts recovered from members by the body corporate or any managing agent or other service provider acting on its behalf; must include individual accounts

for each member; and contain all other information necessary to allow members to assess the body corporate's financial situation and their financial situation in regard to the body corporate.

The body corporate must keep separate books of account and bank accounts for its administrative and reserve funds, and prepare annual financial statements for presentation at or soonest possible after the annual general meeting. The statements must include analyses of the amounts due to the body corporate in respect of contributions and charges classified by member and the periods for which such amounts were owed; amounts due by the body corporate to its creditors generally and prominently disclosing amounts due to any public authority, local municipality or other entity for services, classified by creditor and the periods for which such amounts were owed; amounts advanced to the body corporate by way of levy finance, a loan, in terms of a guarantee insurance policy or otherwise, setting out the actual or contingent liability of the body corporate and the amounts paid by the body corporate and by any member in terms of such arrangement; amounts in the reserve fund showing the amount available for maintenance, repair and replacement of each major capital item as a percentage of the accrued estimated cost and the rand value of any shortfall; premiums and other amounts paid and payments received by the body corporate and any member in terms of any insurance policies of the body corporate and the expiry date of each policy; and amounts due and payable to the Community Schemes Ombud Service.

The trustees must prepare a maintenance, repair and replacement plan in accordance with rule 22 for presentation at the annual general meeting.

The trustees must prepare budgets for the administrative and reserve funds comprising itemised estimates of the anticipated income and expenses during the next financial year for presentation at the annual general meeting. The budget may include discounts of up to 10% of a members' annual contributions applicable if all those contributions are paid on or before the due dates.

The trustees must prepare and adopt a report reviewing the affairs of the body corporate during the financial year for presentation at the annual general meeting.

26.2 On the application of any member, registered bondholder or of the managing agent, the body corporate must make all or any of the books of account and records available for inspection and copying.

26.3 The chairperson of the trustees must ensure that all the body corporate's books of account and financial records are retained for a period of six years after completion of the transactions, acts or operations to which they relate.

26.4 The body corporate must present audited financial statements to a general meeting for consideration within four months after the end of the financial year, or soonest possible thereafter.

26.5 The audit of a body corporate's annual financial statements—

(a) must be carried out by an independent auditor who has not participated in the preparation of the annual financial statements or advised on any aspect of the accounts of the body corporate during the period being reported on;

(b) need not be carried out in accordance with any recognized financial; reporting framework of guidelines for financial accounting;

(c) must include opinions as to whether or not—

(i) the annual financial statements accurately reflect the financial position of the body corporate for the financial year under review, with such qualifications and reservations as the auditor considers necessary;

(ii) the body corporate has complied with the accounting requirements set out in rules 21, 24 and this rule 26, with a specific description of any failure to comply with such requirements;

(iii) the books of account of the body corporate have been kept and its funds have been managed so as to provide a reasonable level of protection against theft or fraud; and

(iv) the financial affairs of the body corporate appear to be effectively managed;

(d) must be completed within four months of the end of the body corporate's financial year, or soonest possible thereafter.

27. ADMINISTRATIVE MANAGEMENT, GOVERNANCE DOCUMENTS AND RECORDS

27.1 The body corporate must lodge a notification of any amendments to the scheme's management and conduct rules to CSOS (sectionaltitle@csos.org.za) as soon as reasonably possible, but not later than 30 days after the date of the relevant resolution of the body corporate; and must compile and keep a complete and consolidated set of all management and conduct rules whenever they are amended, including —

(i) an index;

(ii) a prominent reference to any rules that confer exclusive use rights, vary the effects of the participation quotas in regard to the value of votes or the liability for contributions, or impose either a financial or a maintenance obligation on members;

27.2 The body corporate must prepare and update the following records —

(a) minutes of general and trustee meetings, including the date, time and place of the meeting; the names and role of the persons present, including details of the authorisation of proxies or other representative; the text of all resolutions; and the results of the voting on all motions;

(b) lists of trustees, members and tenants with their full names; identity or passport numbers, section addresses and mailing addresses, if different; telephone numbers; and email or other electronic addresses, if any;

(c) A list of sections shown on the sectional plan, indicating in each case whether it is a primary or a utility section, its participation quota and the name of the member in whose name it is registered; and a list of exclusive use areas with descriptions of purposes and numbers, if any, indicating whether the rights to each area are conferred in terms of section 27 of the Sectional Titles Act as amended, or in terms of a rule, and a reference to the relevant rule where applicable; and a list of registered bondholders with their names and addresses, if applicable;

(d) details of all future development rights including names and addresses of all registered holders of such rights; and copies of all documentation prepared in terms of section 25(2) of the Sectional Titles Act for any such right; and

(e) any other records required by the regulations.

27.3 The body corporate may obtain and keep copies of the registered sectional plan and any registered amending sectional plan; the Act and the regulations; resolutions that deal with changes to the common property, including the conferring of exclusive use rights on members; consents and approvals given by the body corporate to members and waivers and consents given by members to the body corporate; written contracts to which the body corporate is a party; any decision of an

adjudicator, arbitrator, magistrate or judge in a proceeding in which the body corporate is a party, and any legal opinions obtained by the body corporate; the budget and financial statement for the current year and previous years; income tax returns; insurance policies, endorsement and claim forms; correspondence sent or received by the body corporate and trustees; and any other records required by the regulations.

27.4 On receiving a written request, the body corporate must make the records and documents referred to in 27.3 available for inspection by, and provide copies of them to a member; a registered bondholder; or a person authorised in writing by a member or registered bondholder.

27.5 The body corporate must comply with a request for inspection or copying under 27.4 within 10 days unless the request is in respect of the rules, in which case the body corporate must comply with the request within five days.

27.6 The body corporate may charge a fee for a copy of a record or document other than the rules, provided that the fee is not more than the reasonable cost associated with the process of making the copy, and the body corporate may refuse to supply the copy until the fee is paid.

27.7 If the body corporate terminates its contract with an employee or a managing agent, that person must within 10 days deliver to the body corporate all records, documents and other property of the body corporate that are in the person's possession or under the person's control.

28. EXECUTIVE MANAGING AGENTS AND MANAGING AGENTS

28.1 The body corporate may, by special resolution, appoint an executive managing agent to perform the functions and exercise the powers that would otherwise be performed and exercised by the trustees.

28.2 A minimum of 25% of all members may apply to the Community Scheme Ombud Service for the appointment of an executive managing agent.

28.3 An executive managing agent is subject to all the duties and obligations of a trustee under the Act and the rules of the scheme; is obliged to manage the scheme with the required professional level of skill and care; is liable for any loss suffered by the body corporate as a result of not applying such skill and care; has a fiduciary obligation to every member of the body corporate; must arrange for the inspection of the common property at least every six months; and must report at least every four months to every member of the body corporate on the administration of the scheme.

28.4 The four-monthly reports of an executive managing agent must include at least the following: proposed repairs to and maintenance of the common property and assets of the body corporate within the next four months; matters the executive managing agent considers relevant to the condition of the common property and the assets of the body corporate; the balance of the administrative and reserve funds of the body corporate on the date of the report and a reconciliation statement for each fund; and for the period since the appointment of the executive managing agent or from the date of the last report: the expenses of the body corporate, including repair, maintenance and replacement costs; and a brief description of the date and nature of all decisions made by the executive managing agent.

28.5 The body corporate may, if trustees so resolve, and must if required by a registered mortgagee of 25% of the primary sections; or by a resolution of members, appoint a managing agent to perform

specified financial, secretarial, administrative or other management services under the supervision of the trustees under a management agreement.

28.7 A management agreement may not endure for a period longer than three years. It may be cancelled, without liability or penalty, despite any provision of the management agreement or other agreement to the contrary either by the body corporate on two months notice, if the cancellation is first approved by a special resolution passed at a general meeting, or by the managing agent on two months notice.

28.8 The body corporate or trustees may by ordinary resolution cancel the management agreement in accordance with its terms or refuse to renew the management agreement when it expires. The trustees shall ensure that there is included in the contract of appointment of any managing agents a provision to the effect that if he is in breach of any of the provisions of his contract, or if he is guilty of conduct which at common law would justify the termination of a contract between master and servant, the trustees may, without notice, cancel such contract of appointment, and that the managing agent shall have no claim whatsoever against the body corporate or any of the owners as a result of such cancellation.

29. MANAGEMENT OF AND IMPROVEMENTS TO COMMON PROPERTY

29.1 The body corporate may on the authority of a unanimous resolution by members in general meeting make alterations, effect or remove improvements to the common property.

29.2 The trustees may propose to make alterations, effect or remove improvements to the common property that are reasonably necessary, provided that no such proposal may be implemented until all members are given at least 30 days written notice with details of the estimated costs associated with the proposed alterations or improvements; details of how the body corporate intends to meet the costs, including details of any special contributions or loans required for this purpose; and a motivation for the proposal including drawings of the proposed alterations or improvements. If during this notice period any member in writing to the body corporate requests a general meeting to discuss the proposal, the proposal must not be implemented unless it is approved, with or without amendment, by a special resolution adopted at a general meeting.

30. USE OF SECTIONS AND COMMON PROPERTY

The trustees as assisted by all members must take all reasonable steps to ensure that all members, tenants and any other occupier of a section or exclusive use area complies with the Conduct Rules, and do not:

(a) use the common property so as to unreasonably interfere with other persons lawfully on the premises, in breach of section 13(1)(d) of the Act and the Conduct Rules;

(b) use a section or exclusive use area so as to cause a nuisance, in breach of section 13(1)(e) of the Act and the Conduct Rules;

(c) contravene the provisions of any law or by-law or rule relating to the use of a section or an exclusive use area; or conditions of a license or conditions of title applicable to sections or exclusive use areas;

(d) make alterations to a section or an exclusive use area that are likely to interfere with the use and enjoyment of other sections, the common property or any exclusive use area;

(e) do anything to a section or exclusive use area that has a material negative affect on the value or utility of any other section or exclusive use area;

(f) subject to the provisions of section 13(1)(g) of the Act, use a section or exclusive use area for a purpose other than for its intended use as shown expressly or by implication on a registered sectional plan or an approved building plan, or can reasonably be inferred from the provisions of the applicable town planning by-laws or the Hidden Valley Conduct Rules or other rules of the body corporate; or

(g) construct or place any structure or building improvement on an exclusive use area which in practice constitutes a section or an extension of the boundaries of a section without complying with the requirements of the Act and the Sectional Titles Act or the Hidden Valley Conduct Rules; provided that the body corporate may by ordinary resolution give consent for such a structure or building improvement with or without prescribing any reasonable condition in regard to the use or appearance of the structure or building improvement. Likewise, the body corporate by ordinary resolution may withdraw any consent if the member or other occupier of a section breaches any such condition.

31. OBLIGATION TO MAINTAIN

31.1 Notwithstanding that any water reticulation and storing installation may be located on or form part of the common property and/or insured by the body corporate, a member must maintain, repair and, when necessary, replace such an installation which serves that member's section or exclusive use area; provided that where such an installation serves sections owned or exclusive use areas held by more than one member, the members concerned must share the maintenance, repair and replacement costs on a pro-rata basis.

31.2 If, despite written demand by the body corporate, a member refuses or fails to carry out work in respect of that member's section ordered by a competent authority as required by section 13(1)(b) of the Act; or to repair or maintain a section owned by that member in a state of good repair, neat and clean as required by section 13(1)(c) of the Act, and that failure threatens the sustainability or appearance of the common property, or otherwise materially prejudices the interests of the body corporate, its members or the occupiers of sections generally; the body corporate must remedy the member's failure and recover the reasonable cost of doing so from that member; provided that in the case of an emergency, no demand or notice need be given to the member concerned.

32. DISPUTES, ARBITRATION AND ABJUCATION

32.1 Any dispute between the body corporate and an owner or between owners arising out of or in connection with or related to the Act, these rules or the conduct rules, save where an interdict or any form of urgent or other relief may be required or obtained from CSOS or a Court having jurisdiction, shall be determined in terms of these rules.

32.2 If a dispute or complaint arises, the aggrieved party shall notify the other affected party or parties in writing and provide copies of the notification to the trustees (see Annexure 2). Should the dispute or complaint not be resolved within 14 days of such notice, either of the parties may demand that the dispute or complaint be referred to arbitration, provided that, if an owner declares a dispute with the body corporate, it shall be sufficient notice if notification is served on the trustees, and such owner will not be required to serve notice on each of the other owners.

32.3 Having regard to the nature and complexity of the dispute or complaint and to the costs which may be involved in the adjudication thereof, the parties shall appoint an arbitrator who shall be an

independant and suitably experienced and qualified person as may be agreed upon between the parties to the dispute.

32.4 Arbitration shall be held informally or otherwise as the arbitrator may determine. The arbitrator shall have the right to demand that the party demanding the arbitration furnish the arbitrator with security for payment of the costs of the arbitration in such amount and form as the arbitrator may determine, failing which the arbitration may not proceed. Where possible, the arbitration shall be concluded within 21 days after the matter has been referred to arbitration in terms of 32.3 or security for costs has been furnished.

32.5 The arbitrator shall make his or her award within 7 days from the date of the completion of the arbitration and shall, in making his or her award, have regard to the principles laid down in terms of these rules and the conduct rules. The arbitrator may determine that the costs of the arbitration be paid by any one of the disputing parties or any of them jointly or in such shares as he or she may determine, and as he or she in his or her discretion, may deem appropriate having regard to the outcome of the arbitration.

32.6 If the parties cannot agree on an arbitrator to be appointed in terms of 32.3 within seven days after the arbitration has been demanded, the CSOS alternative dispute resolution service shall be applied, upon written application to disputecomplaints@csos.org.za and subject to payment of the prescribed fee (Conciliation fee is R50 and Adjudication fee is R100) in terms of Section 39 of the Community Schemes Ombud Service Act, 2011 (Act No. 9 of 2011). The CSOS ombud may refer the matter for conciliation, if there is a reasonable prospect of a negotiated settlement of the dispute set out in the application, or may refer the matter application together with any submissions and responses thereto to an adjudicator.

32.7 In terms of section 57 of the CSOS Act an order made by a CSOS Adjudicator is final and binding. Affected persons can only appeal on the question of law and all appeals are to be lodged in the High Court.

32.8 Notwithstanding that the Arbitration Act, No. 42 of 1965, makes no provision for joinder of parties to an arbitration without their consent thereto, should a dispute arise between the body corporate and more than one owner or between a number of owners arising out of the same or substantially the same cause of action, or where substantially the same order would be sought against all the parties against whom the dispute has been declared, such parties shall be automatically joined in the arbitration by notice thereof in the original notice of dispute given in terms of 32.2.

Annexure 1: Notification, appointment of Proxy and Acceptance of Mandate

Sectional Titles Schemes Management Act, 2011 – Section 3(1)(o)

Note: In terms of section 6(5) of the Sectional Titles Schemes Management Act 2011 a member must be represented in person or by proxy at meetings of body corporate and a person may not act as a proxy for more than two members of the body corporate.

SCHEME DETAILS:								
Name of Scheme:								
SS Number / year:								(first number, if more than one)
Local Municipality name:								
TO THE BODY CORPORATE								
I/We, the undersigned owner(s) and member(s) give notice to the body corporate of the above scheme that I/we appoint a proxy to speak and vote at the general meetings (including adjournments) and on the terms set out below.								
Member name(s):								
Unit numbers:								
Proxy name (insert one full name):								
THIS APPOINTMENT APPLIES TO: (TICK ONE OF THE FOLLOWING AND COMPLETE AS NECESSARY)								
	The general meeting to be held on							
		D	D	M	M	Y	Y	Y	Y
	All general meetings held before:							
		D	D	M	M	Y	Y	Y	Y
	All general meetings until and including the body corporate's next annual general meeting							
		D	D	M	M	Y	Y	Y	Y
SPECIAL CONDITIONS OR INSTRUCTIONS TO PROXY: (IF LEFT BLANK, THE APPOINTMENT IS UNCONDITIONAL)								
SIGNATURE(S) OF MEMBERS GIVING MANDATE								
Signature:								
Date:								
	D	D	M	M	Y	Y	Y	Y
Signature:								
Date:								
	D	D	M	M	Y	Y	Y	Y
Signature:								
Date:								
	D	D	M	M	Y	Y	Y	Y
SIGNATURE OF PERSON ACCEPTING MANDATE								
Signature:								
Date:								
	D	D	M	M	Y	Y	Y	Y

Annexure 2a: Complaint form for disputes (rule 32.2)

Use this form to notify the Body Corporate and persons against whom you are making the complaint, who must be a unit owner, occupier or the managing agent.

DETAILS OF PERSON MAKING THIS COMPLAINT:								
Full names:								
Unit number(s) (if applicable)								
Section Address:								
Name and number of Scheme:								
Province:								
Postcode:								
Postaladdressof Complainant(ifdifferentfromabove):								
WHICH TYPE ARE YOU? (TICK ONE BOX):								
	1. Unit owner							
	2. Unit tenant							
	3. Other occupier							
	4. Managing agent							
DETAILS OF PERSON(S) YOU ARE MAKING THE COMPLAINT AGAINST								
Person(s) name(s):								
Address (include unit number, if applicable)								
Type No:								
DETAILS OF THE RELEVANT RULE, SECTION OF THE ACT OR REGULATION:								
Identify which provision(s) is/are apparently being breached or not being complied with:								
SELF-HELP ACTION TAKEN:								
What has been done to try to resolve this complaint? Please describe what you have done, who you have talked to and what they offered to do:								
PROPOSED SOLUTION OR ACTION:								
What remedy are you requesting? How do you want the problem to be solved?								
DECLARATION AND SIGNATURE OF COMPLAINANT:								
I declare that the above information is true and correct to the best of my knowledge. I agree that the information I have given in this form may be used or disclosed by the body corporate to process and resolve this complaint.								
Signature:								
Date:								
	D	D	M	M	Y	Y	Y	Y
THE COMPLAINANT MUST DELIVER A COPY OF THIS COMPLETED AND SIGNED FORM TO THE BODY CORPORATE AND MUST KEEP A COPY AND PROOF OF DELIVERY								
Delivery method:								
By post (name and postal address):				In person by:				
Contact telephone number for complaint(s):				Contact email address for complainant(s):				
Record of Body Corporate Decision								
Date of Notice								

Annexure 2b: Notice of informal arbitration of disputes (rule 32.5)

FROM: NAME AND NUMBER OF SCHEME								
Name and number of Scheme:								
TO: (PERSON/S THAT MADE COMPLAINT AND PERSON/S WHO ALLEGEDLY COMMITTED BREACH)								
Person/s name/s:								
Address								
DESCRIPTION OF COMPLAINT: (BRIEF DETAILS OF COMPLAINT/ALLEGED BREACH								
Person(s) name(s):								
DETAILS OF THE RELEVANT RULE, SECTION OF THE ACT OR REGULATION:								
Identify which provision(s) is/are apparently being breached or not being complied with:								
OUTCOME OF INTERNAL DISPUTE RESOLUTION MEETING: (DESCRIPTION								
DECISION OF BODY CORPORATE: (DESCRIPTION AND REASONS FOR DECISION								
THIS NOTICE IS SERVED BY:								
Signature of person representing body corporate:								
Printed name:								
Position/Title:								
Address:								
Contact telephone number:								
Email address (if applicable):								
Date:								
	D	D	M	M	Y	Y	Y	Y
IMPORTANT NOTICE:								
** If any party to this dispute is not satisfied with the decision that party can make an application to the Community Schemes Ombud Service for assistance.*								