



Moditlo Estate Home Owners Association NPC

Registration Nr: 2002/013524/08

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Minutes of a Board of Directors meeting held on 24 February 2023 (postponed to 20 April 2023 due to forecasted possible extreme weather conditions) at Moditlo Estate Main Gate Offices / Board Room

1. **OPENING AND QUORUM:**

The meeting was declared open as due notice was given, and a quorum was present.

2. **ATTENDANCE AND APOLOGIES:**

Lorna Zoghby (Vice-Chairperson)

Alan Hiatt

Bernard Koppes

Craig Carnaby

Godfrey Phillips

Piet Scheepers

Wimpie Pieterse

ALSO IN ATTENDANCE:

Annelie Roets (Estate Manager)

Riaan Hugo (Operational Manager)

René Riekert (Administrative Assistant)

APOLOGIES:

Pieter Janeke (Chairperson)

Ian Oliver

3. **DECLARATION OF INTEREST:**

The directors present confirmed that they have declared any personal interest or financial gain – where applicable – on the agenda as adopted.

4. **ADDITIONAL ITEMS:**

a. **Vehicle - Operational**

Riaan stated that, while the Operational team were travelling on the public road, the back suspension of the vehicle collapsed, and the vehicle had to be loaded on a trailer and taken to Toyota to obtain quotes for the repair of the vehicle. He stated that, according to Toyota, the costs to repair the vehicle, will be more than the value of the vehicle. After a discussion ensued,

the Board proposed that alternative quotes should be obtained for approval. Craig queried if there is a tracker on the vehicle, to which Annelie replied that there is, and the tracking report shows that, when the Operational team use the vehicle to travel to home, the vehicle is not used for private use, as it is parked at Amu's home until he travels back to work.

b. Security

Annelie stated that they are proposing that the Security staff be replaced with K9 Conservation's staff. If the Board agree on this, as they are allowed to decide on this according to the MOI, the current security staff will have to be retrenched. She stated that the current staff at times become problematic, and therefore the proposal that K9 Conservation should take over the Access Security. She also stated that she will consult with the Labour Consultant regarding the process to follow. After a discussion ensued, the Board agreed to this, and as the resolution was proposed, seconded, and approved, she requested them to sign the resolution to enable her to proceed with this matter.

5. APPROVAL OF THE MINUTES OF THE PREVIOUS BOD MEETING – 25 NOVEMBER 2022

The minutes were presented, proposed, and approved at the meeting.

6. MATTERS ARISING:

a. Operational Matters

Riaan provided the following feedback regarding operational matters (roads and water):

Roads: He stated that it was decided to utilise the entire budget for maintenance on the roads, as it was damaged during the heavy rains and during the upgrading of electrical cables that needed to be replaced. There are also certain roads that need to be build and / or rebuild.

Water: He stated that he obtained a quote from InSitu for the upgrading of the Estate's water licence, which amounts to approximately R144 000,00. He stated that, as the Estate do have a registration number at the department, the upgrading of the licence is not a priority and the consultant advised him that, should there be a visit to the Estate from the department, there is sufficient proof to provide that the Estate are in preparation to upgrade the licence. He advised that the quote for the pipeline from the Estate to the Madrid borehole is approximately R3 800 000,00. He further stated that there are ongoing discussions between the relevant parties to establish a pipeline between Kapama and Moditlo.

b. Back-up generator feedback

Annelie stated that, as an EIA was triggered, it could take a further 12 – 36 months to obtain approval to install a generator.

c. AGM – Changes to Governance documents

Annelie stated that a Game Viewing Protocol was added, and directives have been included in the rules. Some of the rules were also simplified and Allan referred to the confusion of the description between members / non-members and residents / non-residents, and the change of the description is to clarify this.

d. AGM – Proposal – Madrid Borehole

Annelie stated that this proposal should only be voted on by the members present at the AGM.

e. **AGM – Proposal - Chromadek**

Annelie stated that this proposal should only be voted on by the members present at the AGM.

f. **AGM – Proposal – Gyn**

This proposal is only to start with the groundworks should the members approve the proposal.

g. **AGM – Proposal – Pets**

Annelie stated that she received a counterproposal from Mr Van der Merwe, which will be presented at the AGM, and the members present at the meeting will have the opportunity to vote on the counterproposal also. Piet queried if he will be allowed to present another counterproposal, to which Annelie replied that he is allowed to do it.

7. **FINANCES:**

a. **AGM – Annual Financial Statements**

After a discussion ensued Wimpie stated that the Annual Financial Statements will be presented at the AGM for approval.

b. **AGM – Preliminary Budgets**

After a discussion ensued Wimpie stated that the Preliminary Budgets will be discussed at the AGM, but the final budget will be presented at an SGM for approval.

8. **RESOLUTIONS:**

a. **Resolution – Increase of Water price.**

Annelie stated that there is a proposal that the rates of the water should be increased, it will demotivate the waste of water, and funds need to be recovered for the supplementation of water, as it is not included in the budget. After a discussion ensued the Board agreed that the resolution be put on hold until further cost calculations of carting water from Madrid to Moditlo has been done.

b. **Resolution – Increase in Services Deposit**

After a discussion ensued regarding the increase of 3rd party costs to attend to service connection on a construction site, the Board agreed that the service deposit per construction site should be raised to R4 500,00 and the resolution was approved and signed.

c. **Resolution – Architectural Committee**

After a discussion ensued, the Board agreed that the Architectural Committee will be dissolved, quotes from an independent draughtsperson (not local) should be obtained to establish costs for perusal of building plans, and once the building plans were approved by the draughtsperson, Management will be the final checkpoint for the approval of building plans. The resolution was approved and signed.

d. **Resolution – Garbage Area and Contractors Gate**

After a discussion ensued regarding re-allocation of funds on the budget, the Board proposed that this resolution should be presented to the members at the AGM.

e. **Resolution – Tax Matters**

Wimpie proposed that he be appointed as signatory to confirm that he will be handling the tax administration of the HOA at SARS. The signed resolution will have to be attached to the forms that will be sent to SARS, to confirm that Wimpie is an authorised signatory. This resolution was approved and signed.

f. **Resolution – Silver Cluster Road**

After a discussion ensued regarding re-allocation of funds on the budget, the Board proposed that this resolution should be presented to the members at the AGM.

9. **LEGAL:**

a. **Occupation – R32 - Bottomley**

Annelie stated that when Wimpie requested Riaan to do a site inspection with him to inspect the pond which is against the rules, as it is still a construction site, and they are allowed to do site inspections on construction site where occupation by the HOA has not been signed off. Mr Bottomley was at the site, and rudely chased them off the property and accused them of trespassing. Mr Bottomley then consulted his lawyer, and a legal letter was sent to the HOA. Mr Bottomley sent Annelie an e-mail and accused Riaan and Wimpie of being under the influence of alcohol, as he was informed that they went to a restaurant before visiting his site. He further also informed Piet that he appointed someone to “keep an eye” on Riaan, as Riaan allegedly visits restaurants and / or pubs during working hours. Annelie stated that these accusations are incorrect, and proof can also be provided. She further stated that it should be put on record that these allegations come down to intimidation, victimisation, and defamation of character, and can cause serious repercussions for both Wimpie and Riaan. The Board agreed that the HOA’s legal advisor should inform Mr Bottomley’s lawyer that, until the pond was broken down, no occupation will be signed off.

b. **CSOS Application – MEHOA / P van der Merwe**

Annelie stated that a case was submitted to the CSOS on the 13th of April 2023 against Paul van der Merwe for Vexatious Litigation. They are currently awaiting a conciliation meeting to be established by the adjudicator with the HOA’s Company Secretary and Mr Van der Merwe, whereafter it will go for adjudication. Should Mr Van der Merwe, or any person representing him, be at the AGM and wanted to raise queries on behalf of him, the Board are at liberty to state that, as there is an ongoing legal process, the Board can unfortunately not comment on any of his queries and / or statements, as the legal process was already lodged with the CSOS. Should Mr Van der Merwe and / or his representative continuously disrupts the meeting, the Board are allowed to request him to leave the meeting, as he is not complying to the procedure of the meeting.

10. **NEXT MEETING:**

As there were no further items on the Agenda, the Chairperson thanked all in attendance and proceeded to close the meeting. A date for the next meeting will be established after the AGM.