



Moditlo Estate Home Owners Association NPC

Registration Nr: 2002/013524/08

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Minutes of a Board of Directors meeting held on 20 October 2023 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:

Wimpie Pieterse (Chairperson)
Lorna Zoghby (Vice-Chairperson)
Alan Hiatt (via Zoom)
Bernard Koppes
Craig Carnaby
Pieter Janeke
Piet Scheepers

ALSO IN ATTENDANCE:

Annelie Roets (Estate Manager)
Riaan Hugo (Operational Manager)
René Riekert (Administrative Assistant)

APOLOGIES:

Godfrey Phillips
Brett Thomson

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. Eiland dam two track – query Peter Bottomley

Annelie stated that she received a query from Peter Bottomley, in which he asked when the dam will be fixed (which will not be done soon), and if it is fixed, can the track be moved away further from the houses to the north to mitigate traffic that passes directly by the houses, or can there be limitation of no traversing after dark. A discussion ensued and it was proposed that Annelie

reply to his e-mail and state that the road can unfortunately not be moved, and should someone shine a spotlight directly to their house, they should lodge a formal complaint against the relative party.

b. Communication – Wimpie

Wimpie proposed that communication to the members should be on a more frequent basis, to which Lorna also stated that it will also be good for the new members to have information of the estate. Annelie stated that herself and Allan have been looking at doing more regular short circulars for distribution to the members.

5. APPROVAL OF THE MINUTES OF THE PREVIOUS BOD MEETING – 20 APRIL 2023:

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

6. MATTERS ARISING:

a. Water

1. Kapama Line

Wimpie queried the progress of the installation of the Kapama Line, to which Pieter replied that Bernard Roode confirmed that they are busy with construction of the purification plant, and that he will be able to provide Moditlo's BoD with costs when he received the quotes (of the civil works) that they are awaiting. They estimated that the availability of water is more than what is required. Bernard requested that the HOA should proceed to obtain quotes.

Riaan stated that Mr Ian Oliver, a member, and resident of Moditlo Estate, offered to assist the HOA with this matter, and advised that he would not charge the HOA for his services. Riaan requested that, should Mr Oliver incur any costs / expenses, that he be reimbursed for it, but Mr Oliver requested that he be added to the Directors and Officers Liability Insurance.

Wimpie advised that, should any of the members of the HOA be involved in this, that they not be involved in negotiations, as it is a sensitive matter, and the HOA cannot afford for negotiations to be affected in a negative way.

2. Current status of water on Estate

Riaan stated that the reservoir was full the morning of the 20th of October 2023 (day of meeting). He stated that there were a few major leaks at Moditlo River Lodge, which was fixed, and requested Pieter to inform the Lodge that, should they require any assistance with water leaks, to contact him, as Moditlo cannot afford to lose such a large amount of water.

He stated that, unfortunately one of the borehole pumps broke down due to the quality of the water. When he replaced the pump, they did a static water level test, and they had to drop the pump with 10m.

Riaan informed the BoD that the proposal to instal a pipeline from the Madrid borehole to Moditlo's infrastructure, can unfortunately not proceed, as there are farm owners that do not want to give permission for the pipeline to be laid on their land. He proposed that a pipeline from Scheema borehole be installed, as it will cost less, and it pumps approximately 42000 liter per day. He stated that he will again contact the owner of the Scheema borehole, to also query the price the owner will charge for the water used.

b. Generator Feedback

Annelie stated that she is in constantly in contact with a consultant from LEDIT, and they also did a site visit where the generator will be installed. The consultant advised her that they can unfortunately not advise her at this stage if the installation of the generator will trigger an EIA. Annelie stated that the HOA also do not have the funds for the purchase and installation of the generator, and, should the installation proceed when all the necessary authorisation was obtained, the special levy as previously discussed will have to be implemented. Annelie then advised the Board that she will have to request a revised quote, as the number of houses that was built has increased since the last quote was received.

c. Pet Proposal approved – Objection received - feedback.

Annelie stated that, as she received a large number of objections regarding the pet proposal, she referred it to the company's Legal Advisor, Mr Chris Steyn, which referred it to an advocate that specializes in HOA management. The advocate's feedback was that, irrespective of what was decided now or a year ago, you cannot take a right already awarded away that was awarded to someone previously in a proper manner. The advocate advised that the 13 households keep their pets under the grandfather clause, but only those who registered by December 2019. Any other members that were not awarded the right, are not allowed to have pets on the estate. If any of the rules regarding the pets are contravened (those that fall under the grandfather clause), then those pets will be immediately removed from the estate.

Allan queried how a grandfather clause and equal rights sit legally, to which Annelie replied that the equal rights was the main drive behind the change. Should a member that was not a resident at the time the grandfather clause came into effect and did not register his / her pet and want to take the matter of not being allowed to bring that pet onto the estate, the liability becomes less when a member states that they don't have equal rights. The South African Law states that, if you were awarded a right at a specific time, it is valid, and if the member was not a resident, then, they have not been awarded that right.

d. Access Control staff – K9 – feedback

Annelie confirmed that K9 took over and are performing very good. No complaints have been received. Riaan stated that management have a good relationship with the company, and that they do a lot more than is expected from them.

e. Contractors Gate – feedback

Riaan stated that the upgrade that was done was successful. There is a minor software issue that they are attending to, which will be fixed soon. The guardhouse was also upgraded, as there will be a security officer on duty from 06:00 to 18:00. The plan is to move the contractors to the resident's gate within the following week. The outside gate will be discontinued, and he stated that the gate will be made available to the lodges should they want to install it at the bottom for their safety.

Lorna queried if the turnstile will no longer be installed, to which Annelie replied that it will, but not for now, as they must stay within the budget.

Craig requested that a road sign be put up next to the R40 to indicate the entrance for the contractor's gate.

f. **Leopards Bend Gate – feedback**

Annelie stated that, from the 1st of October 2023, the gate is operating from 06:00 until 22:00. They are busy to finalise the formal agreement for signature by the relevant parties.

Pieter queried if the biometrics system will also be implemented at that gate, to which Annelie replied that she discussed it with the owner of the gate and requested him that Moditlo HOA implement the same access control system as we use at our gates, and the systems be integrated.

7. **FINANCES:**

a. **Budget approved / SGM held.**

Wimpie stated that the budget was voted on via Google Forms and approved by the members. Members requested to have a Special General Meeting to raise their queries and concerns, which was held on the 29th of September 2023.

Pieter queried what the complaints were about, to which Wimpie replied they complained about certain increases, which was answered and explained. They also complained that voting took place electronically, and that there was no physical meeting held.

Wimpie stated that it is too early to approve the budget during the Annual General Meeting and propose that a Special General Meeting be held in July for the approval of the budget. He stated that, for the next budget meeting, a more detailed explanation of the breakdown of the budget should be forwarded to the members.

b. **Monthly financials**

After a discussion ensued, Wimpie stated that the financials are under control. Lorna queried if there were any questions asked after the SGM, to which Wimpie replied that he did not receive any further queries.

8. **LEGAL:**

a. **CSOS Application – MEHOA / P van der Merwe - Feedback**

Annelie stated that she is awaiting the final set down date for mediation. The HOA's Legal Advisor have indicated that the HOA will not be mediating, and this matter will have to go to adjudication.

b. **CSOS Case – PVDM / MEHOA – Donga - Feedback**

Annelie stated that she is awaiting the final decision from CSOS, as it is also uncertain if they can adjudicate on land matters.

c. **Letters of Demand - Feedback**

Annelie stated that most Letters of Demand went to residents that have waterholes. Five of the waterholes was closed without any incident, three of the residents who received Letters of Demand regarding their waterholes, are currently in dispute, as they want proof that the other waterholes were closed. She stated that, should they not comply, they will be fined accordingly.

There are also three construction sites that have exceeded the allowed building period, of which construction on one site has come to a standstill, and one is completed, but no Municipal

Occupation Certificate was issued, and the Operational Manager are not allowed to sign the completed building off until such certificate was received. They are also being fined accordingly. Wimpie queried the reason for not signing the completion off for the completed house, to which Annelie replied that, according to the rules, a Municipal Occupation Certificate should be presented before Project Completion are allowed to be signed. Wimpie proposed that the rule be re-looked at, as personal and / or financial circumstances of an owner might change during construction, and then that owner is not able to sell the property as the HOA are not allowed to issue a Clearance Certificate without a signed Projection Completion Certificate.

d. **Fines implemented for trespassing on Conservancy.**

Annelie queried that, should a resident of Moditlo or a guest of a resident drive on the Conservancy, should the fine then be issued from the Conservancy to the HOA, as it was the Conservancy that was contravened. After a discussion ensued, it was proposed that, as there is not relation between the Conservancy and the owner to which a fine is issued, the Conservancy should issue a fine to the HOA, and the HOA will then fine the owner. Pieter proposed that the HOA should implement a 10% admin fee of the fine when paying it to the Conservancy.

9. **NEXT MEETING:**

Wimpie proposed that the next meeting should be held on the 19th of January 2024.