



**SPECIAL GENERAL MEETING MINUTES**  
**KINGSWOOD GOLF ESTATE HOMEOWNERS ASSOCIATION**

**Date:** 27 June 2022  
**Time:** 18h00 (Meeting started at 18h12)  
**Venue:** NG Kerk Tuinedal

**AGENDA**

**1. Welcome**

The Chairman, Marius Botha welcomed all at the meeting.

Developer Trustees present: Marc Stuyck, Marius Botha, Werner Jerling

Homeowner Trustees present: Gerrit Botha, Marilyn Kamp, Chris Horsley

CEO: Willem Jacobs assisted by Lize van Heerden and Dan de Wet

Jacques du Plessis from Mazars, as well as an assistant attended the meeting to facilitate the voting and to address any financial statement questions.

Attendance register was signed by all present at the meeting.

**2. Apologies**

Developer Trustees: Albie Laker and Niel Haycock.

Homeowner Trustee: Gerrit Nieuwoudt.

The HOA received some apologies from homeowners not able to attend.

**3. Constitution of meeting**

Proxies were handed in at the office before the meeting, and a few were received on the night of the meeting which was approved by the Chairman in terms of the constitution.

There are currently 775 erven, on which levies are payable. To constitute a quorum at the meeting, 10% of members must be present or represented by proxy.

It was noted that a homeowner alleged that approximately 10 people he had spoken to had not receive any communication with regards to the AGM and SGM Meeting and it was agreed to investigate and to establish why some Homeowners had not received the necessary communication. The homeowner would be contacted to get the names of people that did not receive a notification.



It was confirmed that there were a total of 222 members present, consisting of 135 proxies received and 87 homeowner members present in person at the meeting.

The meeting was therefore declared duly constituted.

#### **4. Changes to the June 2018 Constitution:**

##### **4.1 Levies**

Clause 6.14.2 be amended by the insertion after clause 6.14.2.7 of the following clause:

**6.14.2.8 the transfer of an Erf by an owner to a company in terms of an asset-for-share transaction as defined in section 42 of the Income Tax Act, 1962 (Act No. 58 of 1962).**

*[Drafting note: The purpose and effect of this clause is to exempt transfers arising from asset-for-share transactions in terms of the Income Tax Act from payment of the 1% levy]*

Against: None

Abstained: None

Voted in favour of the proposal: 222

##### **4.2 Trustees**

Clause 9.8 be replaced by the following clause:

**9.8 A Trustee shall be a natural person, who shall either be the registered owner of an Erf, or a director, shareholder or trustee of a Corporate Entity who is the registered owner of an Erf, or the spouse of any of the aforesaid natural persons.**

*[Drafting note: The purposes and effect of this amendment is to allow the spouses of registered owners as well as the spouses of persons who control a Corporate Entity who is the registered owner of an Erf, to become a Trustee of the Association.]*

Point noted by a homeowner attorney present: Why would the Constitution give someone more rights than a trust or the Companies Act allowed?

Against: 6 & Proxies 17

Kingswood Golf Estate Homeowner's Association  
1 Kingswood Blvd, Suite 1, Kingswood Golf Estate, George, 6529  
Tel 0861 72 71 70

Trustees: AB Laker, MMC Stuyck, N Haycock, M Botha, GH Botha, MP Kamp, CC Horsley, G Nieuwoudt



Abstained: 3

Voted in favour of the proposal: 196

#### **4.3 Proxies**

Clause 16.1 be replaced by the following clause:

**16.1 A Member may be represented at the general meeting by a proxy, who –**

**16.1.1 in the case of a natural person who is a Member, may be his or her spouse or another Member who is a natural person, or by a director, member or trustee of a Corporate Entity who is a Member; and**

**16.1.2 in the case of a Corporate Entity who is a Member, shall be a director, member or trustee of that Corporate Entity or the spouse of such person:**

**Provided that the developer's proxy need not necessarily be a Member.**

*[Drafting note: The purpose of this amendment is to allow registered owners who are natural persons, to be represented by their spouses and to allow Corporate Entities who are members, to also be represented by the spouses of their directors, members or trustees, as the case may be.]*

By replacing the note at the end of clause 16.8 by the following note:

**(Note: A Member entitled to attend and vote at a general meeting is entitled to appoint a proxy to attend, speak and vote in his or her stead, and such proxy shall be the spouse of the Member who is a natural person or a director, member or trustee of a Member who is a Corporate Entity, or in the case of a Corporate Entity, a director, Member or Trustee of such Corporate Entity or such persons spouse: Provided that this restriction shall not apply in respect of the Developer.)**

Against: 2 & Proxies 17

Abstained: None

Voted in favour of the proposal: 203

#### **5. Closing**

The Chairman closed the SGM and the AGM commenced.

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