



MINUTES OF AN EXTRAORDINARY GENERAL MEETING OF CATHEDRAL PLACE COMMUNITY BODY CORPORATE MCP 106902 HELD AT MEETING ROOM, CATHEDRAL PLACE ON THURSDAY 30 AUGUST 2007 AT 6.00 PM

Representation:

Mr Peter Zunker	Representative - 'A' – Notre Dame
Mr Pat Brown	Representative - 'B/C' – Oxford & Cambridge
Mr Tony Rich	Representative - 'D/E' – Canterbury & Westminster
Mr Randall Edwards	Representative - 'F' - Duhig
Mr Ken Morrisby	Representative - 'G/H' – Kensington & Sandringham
Mr John Gilliland	Representative - Cathedral Village
Mr Phillip Pennington	Maunsell Pennington Solicitors
Mr Conrad Beal	Body Corporate Manager, Representing Archers Corporate Management Pty Ltd

In Attendance:

Mr John Cipollone	Committee member - Cathedral Village Body Corporate
Mr Jeff Yuen	Committee member – Cathedral Village Body Corporate
Mr Karnarsak Wanasawage (Knotts)	Committee member – Cathedral Village Body Corporate

Proxies: Mr Ken Morrisby – Kensington & Sandringham To Mr Randall Edwards

Quorum: As greater than 25% of the representatives were represented in person a quorum was formed.

Chairman: Mr Phillip Pennington of Maunsell Pennington Solicitors, as appointed Chairman of the meeting under Referee's Order 0246-2007 of 9 August 2007, with the order that he convene and hold an Extraordinary General Meeting of the body corporate and that he be the Chairperson of the meeting until the close of the meeting, assumed the position of Chairman of the meeting, and declared the meeting open.

Mr Pennington declared the meeting open at 6.04 pm and advised of the items on the agenda from the Commissioner's Order.

Before accepting the attendance of Committee members from Cathedral Village the Chairman asked the Representatives if they had any objection.

Tony Rich asked for a confirmation that they were at the meeting as observers only, which was confirmed by the Chairman.

Voting and Lot Entitlements

The Chairman advised and ruled that all votes will be recorded as per the correct lot entitlements as recorded at the Titles Office on the registered plans for the scheme.

Points of Order – Peter Zunker

Peter Zunker requested advice on whether all members are financial for this meeting.

The Chairman advised that it appears that all bodies corporate have paid the levies issued in accordance with the levies issued in accordance with the levies resolved and recorded in the minutes of the last Annual General Meeting, which meets the requirements of the legislation with regards being required to be financial in order to vote.

Peter Zunker raised a point of order and requested a ruling on the financial standing of persons attending the meeting and that this should be determined according to the voting entitlements revealed in the principal plan.

The Chairman ruled that he would require the voting to take place according to the levies as issued.

The Chairman advised that this had been brought to his attention prior to the meeting, and that it is important to realise that the levies had been issued in good faith and paid by all bodies corporate.

The Chairman further advised that he had written to all Representatives about the matter prior to the meeting, and requested that this letter be a part of the minutes of the meeting.

The letter advised any member could make a submission about this matter at the meeting and seek an interim order be issued by the Commissioner's office, and that since the discrepancy in relation to the incorrect lot entitlements was realised no dispute had been lodged with the Commissioner about the discrepancy.

In making his ruling the Chairman indicated:

1. He had considered there was a distinction to be made between a budget being approved and the levies being issued
2. Levies had been issued according to a mutual mistake of all on the principal scheme concerned -there was in fact no Treasurer in place for the current period capable of carrying out a proper assessment of the process and determining whether the levies even approved at the January Annual General Meeting could be corrected and reissued
3. That two parts of Section 174 of the Mixed Use Development Act 1993 are concerned with the levies being made and being issued
4. He concluded that he considered that the mistakenly issued levies were nevertheless levies for the purposes of those sections
5. To find otherwise would have an odd result of requiring individual members to endeavour to make the correct mathematical calculations of their levies due, which was probably something beyond an average person's skills. The error could be a matter of cents but still erroneous and invalid if that argument was accepted.
6. Anyone concerned in this matter could have made an application for an adjudication at any time after it was discovered
7. The voting result papers were to be retained to enable reassessment of votes if it should come to an adjudicator finding that he was wrong and that the votes should be assessed according to Mr Zunker's argument.

Motion 1

Ordinary Resolution

- Minutes of Previous Meeting:

Peter Zunker requested advice as to whether the two abandoned general meetings held on 17 February 2007 and 15 August 2007 can be confirmed at this meeting.

The Chairman advised that he considered that the two general meetings were not properly constituted as they had not progressed to the point of appointing a Chairman of the meeting.

The Chairman ruled that only the general meeting held 8 January 2007 could be confirmed at this meeting.

The following motion was read to the meeting:

"That the Minutes of the Annual General Meeting held on 8 January 2007 and forwarded to Body Corporate members thereafter, be adopted as a true and correct record."

This motion was **carried** with votes received as follows :-

YES: 4 Canterbury & Westminster, Duhig
 Kensington & Sandringham, Cathedral Village

NO: 0

ABSTAIN: 2 Notre Dame, Oxford & Cambridge

The Chairman adjourned the meeting at 6.24 pm at the request of John Gilliland to allow members to discuss the election. The meeting was reconvened at 6.35 pm.

Election of Executive Committee:

The Chairman advised that, in accordance with the requirements of Referee's Order 0246-2007 that :-

- a. The election will be conducted in accordance with Schedule 1 of the Building Units and Group Titles Regulation 1998.
- b. Section 1 of the Regulation will not apply in that nominations will be called from the floor of the meeting.
- c. The election will be held by open election.
- d. The number of members shall be no more than 6, with each member (body Corporate) being represented on the Committee.

Chairperson:

Two nominations were received for the position of Chairperson, that of Randall Edwards and Tony Rich.

A ballot was held, with each member receiving 3 votes.

The Chairman advised that, in accordance with the requirements of Section 14 of Schedule 1 of the Regulation, as there are 2 members with the same number of votes, the result of the election must be decided by chance in a way the meeting decides.

After consultation with members it was agreed that a toss of a coin be used. Members expressed their concern that the election has to be resolved in this way. The Chairman ruled that the election now has to be resolved in accordance with the legislation.

Tony Rich won on the toss of the coin

Tony Rich was declared elected as Chairperson

Secretary:

One nomination was received for the position of Secretary, that of Randall Edwards

Randall Edwards was declared elected as Secretary

Treasurer:

One nomination was received for the position of Secretary, that of Pat Brown

Pat Brown was declared elected as Treasurer

Other Committee Member Positions:

The Chairman declared that, with six possible members being able to be elected, the other members have to be declared automatically elected as Committee members.

John Gilliland, Ken Morrisby and Peter Zunker were declared elected as Committee Members

There being no further business, the Chairman declared the meeting closed at 6.57 pm

Confirmed.

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Chairman