

Body Corporate Services Pty Limited
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MINUTES OF THE EXTRAORDINARY GENERAL MEETING OF THE BODY CORPORATE FOR CATHEDRAL PLACE MCP 106902 HELD ON 26TH NOVEMBER 2009 AT 9:00AM AT THE ON SITE MEETING ROOM, 41 GOTHA STREET, FORTITUDE VALLEY.

PRESENT IN PERSON

Mr Randall Edwards, Mr John Gilliland, Mr Peter Zunker, Ms Krestina Ceraolo, Mr Tony Rich, Mr Todd Raumer.

LOTS REPRESENTED

Lot no

- | | |
|---|---|
| 1 | Notre Dame BUP 106912 by it's representative, Mr Peter Zunker. |
| 2 | Oxford & Cambridge BUP106905 by it's representative, Ms Krestina Ceraolo. |
| 3 | Canterbury & Westminster BUP 106911 by it's representative, Mr Tony Rich. |
| 4 | Duhig BUP 106965 by it's representative, Mr Randall Edwards. |
| 5 | Kensington & Sandringham BUP 106966 by it's representative, Mr Todd Raumer. |
| 6 | Cathedral Village BUP 106957 by it's representative, Mr John Gilliland. |

APOLOGIES

Nil

IN ATTENDANCE

David Gordon representing Body Corporate Services Pty Ltd.

| | |
|-------------------|----------------|
| Greg Przewlocki | A114 Observer |
| Lindsay Anlezark | A147 Observer |
| Al & Coral Sirovs | D/E50 Observer |

CHAIRPERSON OF MEETING

Mr Randall Edwards chaired the meeting.

PROXIES AND VOTING PAPERS

The chairperson declared that the valid voting papers are accepted.

QUORUM

The chairperson declared that a quorum was present and the meeting was declared open at 9:25am.

MOTIONS

1 CONFIRMATION OF MINUTES

Procedural motion

ORDINARY RESOLUTION

That the minutes of the Annual general meeting held on 12 October 2009 be confirmed and signed as a true and correct record of the proceedings at that meeting.

RULED OUT OF ORDER by the chairman due to these minutes not being attached.

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Corporate Lic No: 862864, (NSW) Memberships:
National Community Titles Institute (NCTI), Institute of Strata Title Management Ltd. (NSW), Community Titles Institute QLD Ltd (CTIQ),
Owners Corporations Victoria (VIC), Community Associations Institute (USA), Urban Development Institute of Australia (NSW)
Branches: (NSW): Sydney, Central Coast, Forster-Tuncurry, Miranda, Mona Vale, Newcastle, Port Stephens, Tweed Heads, Willoughby, Wollongong
(QLD): Brisbane, Cairns, Coolangatta, Gold Coast, Mackay, Noosa, Port Douglas, Townsville
(VIC): Hawthorn, Melbourne

Typed by: DG
Cathedral Place MCP 106902

**2 APPOINTMENT OF CARETAKER ORDINARY RESOLUTION
SYMLAND PTY/LTD T/A STAR BUILDING MANAGEMENT SERVICES**

*Submitted by Randall Edwards —Nominee the Proprietors 'Duhig "BUP 106965 and Tony Rich —
Nominee the Proprietors Canterbury & Westminster" BUP 106911*

That the body corporate:

- (a) Engage Symland Pty Ltd trading as Star Building Management Services for the provision of caretaking services in accordance with the Caretaking Agreement attached;
- (b) Ratify the previous execution of the Caretaking Agreement by the Chairperson and Secretary under common seal, to give effect to the engagement of Symland Pty Ltd trading as Star Building Management Services for the provision of caretaking services.

Voting: Yes 3 No 3 Abstain 0

A Poll was requested by Mr Peter Zunker

Result of Poll: For 325 (lots 3,4 & 6) Against 325 (lots 1, 2 & 5)

In accordance with the Building Units and Group Titles Act 1980 2nd Schedule Part 2 Section 11(7), the Chairman exercised a casting vote FOR the motion.

RESOLVED by **ORDINARY RESOLUTION** that motion 2 be **CARRIED.** Yes 4 No 3 Abstain 0

3 REVOCATION OF PREVIOUS AGM RESOLUTIONS ORDINARY RESOLUTION

Submitted by John Gilliland —Nominee of Cathedral Village BUP 106957

That the Ordinary Resolution passed at the Extraordinary General Meeting held on 24 August 2009, regarding so called "Outstanding Levies" and the Ordinary Resolution passed at the reconvened Extraordinary General Meeting held on 14 October 2008, regarding so called "overpaid levies" and "underpaid levies" relating to past financial years, in purported compliance with an Auditor's recommendation dated 14 January 2007 and 25 June 2009 ("Prior Years Levy Resolutions"), be revoked;
and that any levy notices issued pursuant to the prior years levy resolutions be withdrawn.

Voting: Yes 3 No 3 Abstain 0

A Poll was requested by Mr Peter Zunker

Result of Poll: For 325 (lots 3,4 & 6) Against 325 (lots 1, 2 & 5)

In accordance with the Building Units and Group Titles Act 1980 2nd Schedule Part 2 Section 11(7), the Chairman exercised a casting vote FOR the motion.

RESOLVED by **ORDINARY RESOLUTION** that motion 3 be **CARRIED.** Yes 4 No 3 Abstain 0

4 REFUNDING OF LEVIES FROM PREVIOUS AGM RESOLUTIONS ORDINARY RESOLUTION

Submitted by John Gilliland — Nominee of Cathedral Village BUP 106957

That any amounts paid in accordance with any levy notice issued pursuant to the Prior Years Levy Resolutions, by way of levies, interest, or otherwise, be refunded within 7 days of the date of this resolution.

RESOLVED by **ORDINARY RESOLUTION** that motion 4 be **LOST.** Yes 1 No 5 Abstain 0

5 AUDIT REPORT AND PRIOR PERIOD ADJUSTMENT ORDINARY RESOLUTION
Submitted by John Gilliland — Nominee of Cathedral Village BUP 106957

That no levy notices be issued for prior financial years of the body corporate until the body corporate has received the Auditor's final report on errors made and recommendations as to how those errors may be corrected; and

The chairperson inform the Auditor of the concern of the body corporate at the delay in delivery of the Auditor's report and request the Auditor's urgent attention to finalisation of the report and any recommendations.

RULED OUT OF ORDER by the chairman due to the motion not complying with legislation and therefore unenforcable.

6 DELETION OF BY-LAWS 29 COMPREHENSIVE RESOLUTION
Submitted by Peter Zunker — Nominee for Notre Dame BUP 106912

That motion 2 passed at the AGM by COMPREHENSIVE RESOLUTION held on 11 May 2006 by which the Body Corporate purported to amend its By-laws by adding a new By-law 29 which deleted part of By-law 22, deleted By-law 22A and replaced By-law 23, be revoked so that By-laws 22-23, as reprinted below, in place at May 11, 2006, remain unchanged.

Original By-laws 22-23 to remain unchanged

22. Use of Building Manager's Lot

Lot 4 in the Building Units Plan to be known as Notre Dame, and Lot 64 in the Building Units Plan known as Oxford and Cambridge and until both of these lots are completed and registered such other lot or combination of lots in Cathedral Place as are used for the purposes of management and letting in accordance with By-law 23 ("the Management Unit") may be used for the purposes of Management of the property and for the sale and letting of units in the buildings on behalf of the proprietors, and the rendering of such services to occupants of units in the building and may without the consent of the body corporate committee display signs or notices for the purposes of offering for sale or for lease or for letting any unit in the building. The right to use the said lots for these purposes must not be revoked without the written consent of the proprietor of the lot. For the purposes aforesaid the Body Corporate shall have power to grant to the proprietor of the Management unit the right to carry on in the property the business of letting units in the building and for the purpose to enter into any appropriate agreement on such terms and conditions as the Body Corporate may deem fit.

22A.

Except as authorised in By-law 22, the Body Corporate prohibits the use of any part of the Cathedral Race Development (which includes the common property of the Community Body Corporate and all the lots and common property of the buildings known as Cathedral Village, Duhig, Kensington and Sandringham, Canterbury and Westminster, Oxford and Cambridge and Notre Dame) for the purposes of the sale and letting of the lots or car parks within the development on behalf of proprietors except for the sale of lots within the development by Cathedral Place Developments Pty Ltd.

23. Body Corporate Empowered to Enter into Agreements

(a) The Body Corporate shall be empowered to enter into Agreements from time to time with the proprietor of the Management Unit or any party associated with the said proprietor who has care and control of the said lot to caretaker and or manage the common property of subsidiary bodies corporate and the buildings at Cathedral Race and to let lots upon such terms and conditions as the Body Corporate shall decide upon in general meeting.

(b) The proprietor of the Management Unit, or any party associated with the said proprietor who has care and control of the said lot is authorised to be the letting agent for such of the proprietors of Cathedral Race who shall desire to appoint such party as their letting agent.

(c) The Committee of the Body Corporate hereby consents to the manager's application to the Auctioneers and Agents Committee of the Office of Corporate Affairs to conduct a letting business on relation to the units in Cathedral Place from the Management Unit.

RULED OUT OF ORDER by the chairman as the motion was incorrectly raised.

7 TAX PAYMENTS **ORDINARY RESOLUTION**

Submitted by Peter Zunker — Nominee for Notre Dame BUP 106912

In reference to the solicitors advice obtained by the Body Corporate from Nicholsons Solicitors dated 16th September 2009 This advise impacting prior year taxation returns in relation to the tax payable on the electricity surplus, it is resolved that prior year taxation returns are amended in light of this advise by the current tax agent of the body corporate and any tax payable calculated in reference to these amendments be paid.

RULED OUT OF ORDER by the chairman as the motion was not validly raised.

8 VARIATION TO LETTING AGREEMENT **ORDINARY RESOLUTION**

Submitted by Peter Zunker — Nominee for Notre Dame BUP 106912

That the body corporate consent to the following variation of the letting agreement dated 7 January 1999 between the body corporate and Cathedral Place Management Pty Ltd, subsequently assigned to Edward Charles Zunker and Lorraine Zunker:

(a) Inserting a new clause 3.3 into the Letting Agreement as follows:

The Agent has the option to renew this Agreement for a further period of 12 months, from 4 November 2009 until 3 November 2010. The renewed term will be upon the same terms and conditions as this Agreement except this clause shall be omitted. If the Agent wishes to exercise this option the Agent must give notice in writing to the Committee not more than six (6) calendar months prior to 3 November 2009.

And that any two representatives of members of the body corporate be authorised to sign the Deed of Variation of the letting agreement.

RULED OUT OF ORDER by the chairman as the motion was not validly raised and unenforceable.

9 NO VARIATION TO LETTING AGREEMENT **ORDINARY RESOLUTION**

Submitted by John Gilliland — Nominee of Cathedral Village BUP 106957

That the body corporate not enter into any variation or extension to the letting agreement with Cathedral Place Management subsequently assigned to E & L Zunker dated 7 January 1999.

EXPLANATORY NOTE:

The attached advice dated September 2009 from McMahon Clarke Legal which clarifies previous qualified advice dated January 2008 from McMahon Clarke Legal when considering any motion relating to this motion.

RESOLVED by **ORDINARY RESOLUTION** that motion 9 be **LOST**. Yes 3 No 3 Abstain 0

10 CHANGE OF ADDRESS **ORDINARY RESOLUTION**

Submitted by Randall Edwards —Nominee the Proprietors 'Duhig "BUP 106965

That the address for service of the body corporate be amended to c/- Body Corporate Services, PO Box 466, Toowong QLD 4066.

RESOLVED by **ORDINARY RESOLUTION** that motion 10 be **CARRIED**. Yes 6 No 0 Abstain 0

11 RESPONSE TO COMMISSIONERS REQUEST

ORDINARY RESOLUTION

Submitted by: Committee

That CPCBC Chairman is authorised to lodge an urgent response to the Commissioner BCCMA request for submissions regarding a dispute that has been notified by subsidiary BUP's in the scheme supporting the validity and currency of the Administration and Management agreements and their interplay with BUGTA bylaw 50 and that the Chairman is authorised to engage Gadens Lawyers for assistance up to an amount of \$4,000.00.

RULED OUT OF ORDER by the chairman as the motion was not validly raised.

CLOSURE

There being no further business the chairperson declared the meeting closed at 10:05 am.

CONFIRMED AS A TRUE AND ACCURATE RECORD

Chairperson: _____ **Date:** _____

DRAFT

