

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 8 JANUARY 2010 AT 3:00PM ONSITE AT THE MEETING ROOM, 41 GOTHA STREET, FORTITUDE VALLEY

PRESENT IN PERSON

Mr Randall Edwards (Chairperson), Mr John Gilliland, Mr Peter Zunker, Mr Todd Raumer

LOTS REPRESENTED

Lot no

- 1 Notre Dame BUP 106912 by its representative, Mr Peter Zunker
- 2 Oxford & Cambridge BUP106905 by proxy to Mr Todd Raumer
- 3 Canterbury & Westminster BUP 106911 by its representative, Mr Tony Rich
- 4 Duhig BUP 106965 by its representative, Mr Randall Edwards
- 5 Kensington & Sandringham BUP 106966 by its representative, Mr Todd Raumer
- 6 Cathedral Village BUP 106957 by its representative, Mr John Gilliland

APOLOGIES

Crestina Ceraolo

IN ATTENDANCE

John Rae representing Body Corporate Services Pty Ltd.

CHAIRPERSON OF MEETING

Mr Randall Edwards chaired the meeting.

PROXIES

The chairperson declared that the valid proxies are accepted.

QUORUM

The chairperson declared that a quorum was present and the meeting was declared open at 3:00pm

MOTIONS

1 CONFIRMATION OF MINUTES

Procedural motion

ORDINARY RESOLUTION

That the minutes of the Annual General Meeting held 28 May 2008 (sic 2009) attached to the Notice of EGM forwarded to Body Corporate members, be adopted as a true and correct record.

RESOLVED by **UNANIMOUS RESOLUTION** that motion 1 be **CARRIED** Yes 6 No 0 Abstain 0

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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

2 CONFIRMATION OF MINUTES**ORDINARY RESOLUTION***Procedural motion*

That the minutes of the Extraordinary General Meeting held 12 October 2009 attached to the Notice of EGM forwarded to Body Corporate members, be adopted as a true and correct record.

MOTION 2 AMENDED TO READ:

That the minutes of the Extraordinary General Meeting held on 12 October 2009 attached to the Notice of EGM forwarded to Body Corporate members, be adopted as a true and correct record, SUBJECT TO the deletion of "Submitted by the Committee" as shown in motion 11.

RESOLVED by **UNANIMOUS RESOLUTION** that AMENDED motion 2 be **CARRIED** Yes 6 No 0 Abstain 0

3 CONFIRMATION OF MINUTES**ORDINARY RESOLUTION***Procedural motion*

That the minutes of the Extraordinary General Meeting held 26 November 2009 attached to the Notice of EGM forwarded to Body Corporate members, be adopted as a true and correct record.

VOTING: Yes 3 (Lots 3,4,6) No 3 (Lots 1,2,5) Abstain 0
 Result of Poll: For 325 Against 325

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

It was noted by the meeting that the AGM minutes of 21/04/09 and EGM minutes of 24/08/09 are yet to be confirmed.

PRIOR TO MOTION 4 BEING CONSIDERED PETER ZUNKER asked for all remaining motions to be decided by a poll of lot entitlements.

4 STATEMENT OF ACCOUNTS**ORDINARY RESOLUTION***Procedural motion*

That the Statement of Accounts for the year ended 31 August 2009 together with Balance Sheet as at that date be received and adopted.

RESOLVED by **UNANIMOUS RESOLUTION** that motion 4 be **LOST** Yes 0 No 6 Abstain 0
 Result of Poll: For 0 Against 650

5 COLLECTION OF OUTSTANDING SUSPENSE ACCOUNT DEBTS**ORDINARY RESOLUTION***Procedural motion*

(a) That the CPCBC proceed with legal action against Notre Dame, B/C, Cathedral Village BUPs.

MOTION 5(A) AMENDED TO READ:

That the CPCBC proceed with legal action against Notre Dame, Oxford & Cambridge and Cathedral Village BUPs.

RESOLVED by **UNANIMOUS RESOLUTION** that AMENDED motion 5(a) be **CARRIED** Yes 6 No 0 Abstain 0
 Result of Poll: For 650 Against 0

(b) That the Chairman CPCBC is authorised to brief Gadens Lawyers to commence proceedings and the Treasurer is authorised to expend funds from the Unrestricted Administration Fund as detailed in the fixed price quote attached to these minutes.

RESOLVED by **UNANIMOUS RESOLUTION** that motion 5(b) be **CARRIED** Yes 6 No 0 Abstain 0
 Result of Poll: For 650 Against 0

(c) That CPCBC write to all owners in CPCBC and subsidiaries detailing the reasons and estimated costs for the recovery action re contractual arrangements and/or levies.

VOTING: Yes 3 (Lots 3,4,6) No 3 (Lots 1,2,5) Abstain 0
 Result of Poll: For 325 Against 325

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 5 (c) be **CARRIED** Yes 4 No 3 Abstain 0

6 SPECIAL LEVY ADMINISTRATIVE FUND - UNRESTRICTED **ORDINARY RESOLUTION**
Procedural motion

That a Special Unrestricted Administrative Fund Levy be raised in the amount of **\$100,000.00 (ex GST)** to mitigate the shortfall in funds due to non payment of Suspense Account invoices and that the Treasurer is instructed that the contributions shall be due and payable at **\$153.846 (ex GST)** per lot entitlement (total of 650) on 8 February 2010.

RESOLVED by **ORDINARY RESOLUTION** that motion 6 be **LOST** Yes 2 No 4 Abstain 0
 (Lots 4,6) (Lots 1,3,2,5)
 Result of Poll: For 227 Against 423

7 SPECIAL LEVY ADMINISTRATION FUND - UNRESTRICTED **ORDINARY RESOLUTION**
Procedural motion

That a Special Unrestricted Administrative Fund Levy be raised in the amount of **\$100,000.00 (ex GST)** to mitigate the shortfall in funds due to non payment of Suspense Account invoices and that the Treasurer is instructed that the contributions shall be due and payable at **\$153.846 ex GST** per lot entitlement (total of 650) on 1 May 2010.

RESOLVED by **ORDINARY RESOLUTION** that motion 7 be **LOST** Yes 2 No 4 Abstain 0
 (Lots 4,6) (Lots 1,3,2,5)
 Result of Poll: For 227 Against 423

8 ADMINISTRATIVE FUND BUDGET AND CONTRIBUTIONS **ORDINARY RESOLUTION**
- UNRESTRICTED
Procedural motion

That the Administration Fund – Unrestricted for the year ending 31 August 2010 be **\$232,000.00 (ex GST)** and that the contributions shall be due and payable at **\$356.92** per lot entitlement (total of 650) as follows:

| Period | Contribution per Unit of Entitlement | Due Date for Payment |
|---------------------|--------------------------------------|----------------------|
| 01/09/09 – 30/11/09 | \$60.277 ex GST | Already levied |
| 01/12/09 – 28/02/10 | \$98.881 ex GST | 08/02/10 |
| 01/03/10 – 31/05/10 | \$98.881 ex GST | 01/03/10 |
| 01/06/10 – 31/08/10 | \$98.881 ex GST | 01/06/10 |

It is further resolved to confirm that as the levies for this Body Corporate are collected in quarterly installments the Treasurer be authorised to issue the levy notices for the first quarter of the 2010/11 financial year at the same annual rate as follows:

| Period | Contribution per Unit of Entitlement | Due Date for Payment |
|---------------------|--------------------------------------|----------------------|
| 01/09/10 – 30/11/10 | \$89.23 ex GST | 01/09/10 |

MOTION 8 AMENDED TO READ:

That the Administration Fund – Unrestricted for the year ending 31 August 2010 be **\$202,000.00 (ex GST)** and that the contributions shall be due and payable at **\$310.77** per lot entitlement (total of 650) as follows:

| Period | Contribution per Unit of Entitlement | Due Date for Payment |
|---------------------|--------------------------------------|----------------------|
| 01/09/09 – 30/11/09 | \$60.27 ex GST | Already levied |
| 01/12/09 – 28/02/10 | \$83.50 ex GST | 08/02/10 |
| 01/03/10 – 31/05/10 | \$83.50 ex GST | 01/03/10 |
| 01/06/10 – 31/08/10 | \$83.50 ex GST | 01/06/10 |

It is further resolved to confirm that as the levies for this Body Corporate are collected in quarterly installments the Treasurer be authorised to issue the levy notices for the first quarter of the 2010/11 financial year at the same annual rate as follows:

| Period | Contribution per Unit of Entitlement | Due Date for Payment |
|---------------------|--------------------------------------|----------------------|
| 01/09/10 – 30/11/10 | \$77.69 ex GST | 01/09/10 |

VOTING: Yes 3 (Lots 1,2,5) No 3 (Lots 3,4,6) Abstain 0
 Result of Poll: For 325 Against 325

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

RESOLVED by **ORDINARY RESOLUTION** that AMENDED motion 8 be **LOST** Yes 3 No 4 Abstain 0

ORIGINAL MOTION WAS THEN PUT:

VOTING: Yes 3 (Lots 3,4,6) No 3 (Lots 1,2,5) Abstain 0
 Result of Poll: For 325 Against 325

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 8 be **CARRIED** Yes 4 No 3 Abstain 0

9 ADMINISTRATIVE FUND BUDGET AND CONTRIBUTIONS ORDINARY RESOLUTION
- RESTRICTED
Procedural motion

That the Administration Fund – Restricted Areas for the year ending 31 August 2010 be **\$295,600.00 (ex GST)** at **\$583.04 (ex GST)** per lot entitlement (total of 507) and that the contributions shall be due and payable as follows:

| Period | Contribution per Unit of Entitlement | Due Date for Payment |
|---------------------|--------------------------------------|----------------------|
| 01/09/09 – 30/11/09 | \$108.04 ex GST | Already levied |
| 01/12/09 – 28/02/10 | \$158.33 ex GST | 08/02/10 |
| 01/03/10 – 31/05/10 | \$158.33 ex GST | 01/03/10 |
| 01/06/10 – 31/08/10 | \$158.33 ex GST | 01/06/10 |

It is further resolved to confirm that as the levies for the Body Corporate are collected in quarterly installments the Treasurer be authorised to issue the levy notices for the first quarter of the 2010/11 financial year at the same annual rate as follows:

| Period | Contribution per Unit of Entitlement | Due Date for Payment |
|---------------------|--------------------------------------|----------------------|
| 01/09/10 – 30/11/10 | \$186.48 ex GST | 01/09/10 |

RESOLVED by **UNANIMOUS RESOLUTION** that motion 9 be **CARRIED** Yes 6 No 0 Abstain 0
Result of Poll: For 650 Against 0

10 SINKING FUND BUDGET AND CONTRIBUTIONS
- UNRESTRICTED
Procedural motion

ORDINARY RESOLUTION

That the Sinking Fund – Unrestricted for the year ending 31 August 2010 be **\$45,000.00 (ex GST)** at **\$69.23 (ex GST)** per lot entitlement (total of 650) and that the contributions shall be due and payable as follows:

| Period | Contribution per Unit of Entitlement | Due Date for Payment |
|---------------------|--------------------------------------|----------------------|
| 01/09/09 – 30/11/09 | \$0.9477 ex GST | Already levied |
| 01/12/09 – 28/02/10 | \$22.76 ex GST | 08/02/10 |
| 01/03/10 – 31/05/10 | \$22.76 ex GST | 01/03/10 |
| 01/06/10 – 31/08/10 | \$22.76 ex GST | 01/06/10 |

It is further resolved to confirm that as the levies for this Body Corporate are collected in quarterly installments the Treasurer be authorised to issue the levy notices for the first quarter of the 2010/11 financial year at the same annual rate as follows:

| Period | Contribution per Unit of Entitlement | Due Date for Payment |
|-------------------------------|--------------------------------------|----------------------|
| 01/09/10–30/11/10 (corrected) | \$17.31 ex GST | 01/09/10 |

RESOLVED by **ORDINARY RESOLUTION** that motion 10 be **CARRIED** Yes 5 No 1 Abstain 0
(Lots 1,2,3,5) (Lot 6)
Result of Poll: For 507 Against 143

**11 SINKING FUND BUDGET AND CONTRIBUTIONS
RESTRICTED AREAS**

ORDINARY RESOLUTION

Procedural motion

That the Sinking Fund – Restricted Areas for the year ending 31 August 2010 be **\$249,000.00 (ex GST)** at **\$491.124 (ex GST)** per lot entitlements (total of 507) and that the contributions shall be due and payable as follows:

| Period | Contribution per Unit of Entitlement | Due Date for Payment |
|---------------------|--------------------------------------|----------------------|
| 01/09/09 – 30/11/09 | \$122.781 ex GST | 08/02/10 |
| 01/12/09 – 28/02/10 | \$122.781 ex GST | 08/02/10 |
| 01/03/10 – 31/05/10 | \$122.781 ex GST | 01/03/10 |
| 01/06/10 – 31/08/10 | \$122.781 ex GST | 01/06/10 |

It is further resolved to confirm that as the levies for this Body Corporate are collected in quarterly installments the Treasurer be authorised to issue the levy notices for the first quarter of the 2010/11 financial year at the same annual rate as follows:

| Period | Contribution per Unit of Entitlement | Due Date for Payment |
|---------------------|--------------------------------------|----------------------|
| 01/09/10 – 30/11/10 | \$122.781 ex GST | 01/09/10 |

RESOLVED by **UNANIMOUS RESOLUTION** that motion 9 be **CARRIED** Yes 6 No 0 Abstain 0
Result of Poll: For 650 Against 0

12 AUDIT

SPECIAL RESOLUTION

Procedural motion

It is resolved that the Body Corporate's Statement of Accounts for the financial year ending 31 August 2010 NOT be audited.

*Note: If you want the accounts to be audited, vote "no".
If you do not want the accounts to be audited, vote "yes".*

RESOLVED by **UNANIMOUS RESOLUTION** that motion 12 be **LOST** Yes 0 No 6 Abstain 0
Result of Poll: For 0 Against 650

13 APPOINTMENT OF AN AUDITOR

ORDINARY RESOLUTION

Procedural motion

That in the event of an audit being required, the audit of the Books and Accounts of the Body Corporate for the financial year ending 31 August 2010 shall be carried out by: Carthills Chartered Accountants.

Note: This motion is necessary in the event of any audit being required.

RESOLVED by **UNANIMOUS RESOLUTION** that motion 13 be **CARRIED** Yes 6 No 0 Abstain 0
Result of Poll: For 650 Against 0

14 INSURANCE
Procedural motion

ORDINARY RESOLUTION

It is resolved that the following insurance be confirmed:

Insurer: Strata Unit Underwriters (SUU)
 Due Date: 31 August 2010
 Policy No: 06S 2367523 (Liability) 06S 2049562 (Buildings)
 Sum Insured: Building \$166,063,800
 Loss of Rent 15% of building insurance
 Catastrophe \$24,909,570
 Public Liability \$20,000,000
 Office Bearers \$2,000,000
 Fidelity Guarantee \$100,000
 Voluntary Workers \$200,000
 Excess: \$500.00
 Sum Insured: Machinery Breakdown \$100,000.00
 Excess: \$250.00

RESOLVED by **ORDINARY RESOLUTION** that motion 14 be **CARRIED** Yes 2 No 0 Abstain 4
 (Lots 4, 6) (Lots 1,2,3,5)
 Result of Poll: For 227 Abstain 423

15 AMENDED SINKING FUND BUDGET AND CONTRIBUTIONS
- UNRESTRICTED
Procedural motion

ORDINARY RESOLUTION

That the Sinking Fund – Unrestricted resolutions in item 8 above for the year ending 31 August 2010 be amended by the removal of all words and numbers after '2010' and is replaced with the following:

Be **\$2,594 (ex GST)** at **\$3.99 (ex GST)** per lot entitlement (total of 650) and that the contributions shall be due and payable as follows:

| Period | Contribution per Unit of Entitlement | Due Date for Payment |
|---------------------|--------------------------------------|----------------------|
| 01/09/09 – 30/11/09 | \$0.9477 ex GST | Already levied |
| 01/12/09 – 28/02/10 | \$1.0141 ex GST | 08/02/10 |
| 01/03/10 – 31/05/10 | \$1.0141 ex GST | 01/03/10 |
| 01/06/10 – 31/08/10 | \$1.0141 ex GST | 01/06/10 |

It is further resolved to confirm that as the levies for this Body Corporate are collected in quarterly installments the Treasurer be authorised to issue the levy notices for the first quarter of the 2010/11 financial year at the same annual rate as follows:

| Period | Contribution per Unit of Entitlement | Due Date for Payment |
|---------------------|--------------------------------------|----------------------|
| 01/09/10 – 30/11/10 | \$0.9975 ex GST | 01/09/10 |

MOTION 15 AMENDED TO READ:

That the Sinking Fund – Unrestricted resolutions in item 10 above for the year ending 31 August 2010 be amended by the removal of all words and numbers after '2010' and is replaced with the following:

RESOLVED by **ORDINARY RESOLUTION** that AMENDED motion 15 be **LOST** Yes 1 No 5 Abstain 0
 (Lot 6) (Lots 1,2,3,4,5)
 Result of Poll: For 143 No 507

16 APPOINTMENT WATTS ENERGY

COMPREHENSIVE RESOLUTION

Procedural motion

That the Body Corporate engage Watts Energy for a further period of three years on terms consistent with the previous contract with reasonable increases for inflation and that the Treasurer is authorised to sign the contract on behalf of the Body Corporate.

The Body Corporate was unable to complete a tender process as Watts Energy were the only energy agent willing to provide a contract for the period.

| | | | |
|---|---------|-----------|-----------|
| RESOLVED by UNANIMOUS RESOLUTION that motion 13 be CARRIED | Yes 6 | No 0 | Abstain 0 |
| Result of Poll: | For 650 | Against 0 | |

CLOSURE

There being no further business the chairperson declared the meeting closed at 3:45pm

CONFIRMED AS A TRUE AND ACCURATE RECORD

Chairperson: _____ **Date:** _____