

The Owners of The Mews - West Perth
147-159 Charles St West Perth
Strata Plan 5629

NOTICE OF ANNUAL GENERAL MEETING

Notice is hereby given that the annual general meeting of the above strata company will be held at the office of Exclusive Strata Management, Suite 15, 443 Albany Highway, Victoria Park on Tuesday, 30 October 2018, commencing at 5:30PM.

Registration from 5:15PM

This notice is issued pursuant to the by-laws of the strata company, on 5 October 2018 being not less than 14 days prior to the holding of the meeting.

The attention of proprietors is drawn to the following documents enclosed with this combined notice and agenda for this meeting:

1. Statement of accounts for period 1/10/2017 to 30/09/2018
2. Council Report
3. Copy of certificate of currency, important insurance information and strata company manager's disclosure statement
4. Copy of ESM Arrears and Debt Recovery Procedure
5. Budget of estimated expenditure from the administrative fund and provision for reserve fund for period 1/10/2018 to 30/09/2019
6. Forms of specific and enduring proxy
7. Information in respect to nomination and election of members of the council



Signature of person issuing this notice –

(Jasmine Abraham on behalf of Exclusive Strata Management)

Date – 5th October 2018

PRELIMINARY MATTERS

Registration of proprietors and proxy holders
Verification of valid proxies received
Verification of those eligible to vote and personally present
Record those present by invitation
Record any apologies received

Confirmation by the strata company manager of an enabling quorum being present, that the meeting is properly constituted and may proceed to the conduct of business.
(Or that it is adjourned one week hence)

Meeting Agenda

- 1. Appointment of chairman for the meeting**
-Only required if the chairman of the council is unavailable or unwilling to act.
- 2. Confirmation of previous minutes**
-Minutes of the last general meeting have previously been distributed to proprietors.
Motion under notice –
 - (a)** That the previously circulated minutes of the general meeting held on 31 October 2017 be confirmed as a true record of those proceedings.
 - (b)** Consideration of any matters arising from the minutes not otherwise provided for by this agenda.
- 3. Consideration of statement of accounts**
-A copy of which is attached to this notice.
(Questions of a financial nature should be notified to the strata company not later than 3 business days prior to the meeting.)
Motion under notice –
That the statement of accounts for the period 1/10/2017 to 30/09/2018, showing an amount of \$73,603.96 net owners' funds, be adopted as presented.
- 4. Constitution of the council**
Motion under notice –
 - 4.1** That the council of the strata company consist of 4 proprietors.
 - 4.2** Chairman to call for nominations of candidates for election to the council;

And, if required will,

 - 4.3** Conduct a ballot to elect members of the council.

SPECIAL BUSINESS

- 5. Annual report of the council**
Motion under notice –
That the annual report of the **council** be discussed at the meeting.

6. Insurance

-A copy of certificate of currency, important insurance information and strata company manager's disclosure statement are attached to this notice.

Motion under notice –

That the council be directed to renew the current insurance policy prior to its expiry date in such sums as are suggested by the insurer or as are recommended by qualified professional advisors.

7. Arrears and Debt Collection Recovery Procedure

-A copy of the ESM Arrears and Debt Recovery Procedure is attached to this notice.

7.1 Motion under notice –

That the strata company accept the Debt Recovery Procedure as detailed in the attached document.

7.2 Motion under notice –

That all costs associated with debt recovery from a proprietor (including Exclusive Strata Management's internal recovery costs) will be payable by the relevant proprietor. The strata company acknowledges its liability to pay the costs incurred by such debt recovery in the first instance, however the debt will remain with the lot until the strata company is reimbursed.

8. Consideration of budget of estimated expenditure from the administrative fund

-A copy of which is attached to this notice.

Motion under notice –

That the budget of estimated expenditure from the administrative fund GST inclusive for the period 1/10/2018 to 30/09/2019, amounting to \$147,900.00 be adopted.

9. Determination of the levy of contributions for the period 1/01/2019 to 31/12/2019

Motion under notice –

That the levy of contributions on proprietors for the administrative fund be payable in advance, inclusive of GST, by instalments due and payable in the amounts and on the dates as shown below:

\$/UoE ¹	For the Period	Period Total	Due Date
\$155	01/10/18 – 31/12/18	\$28,830.00	01/10/18 (Previously Approved)
\$160	01/01/19 – 31/03/19	\$29,760.00	01/01/19
\$160	01/04/19 – 30/06/19	\$29,760.00	01/04/19
\$160	01/07/19 – 30/09/19	\$29,760.00	01/07/19
to raise a total of \$118,110.00 for the financial year (01/01/2018 to 31/12/2018)			
And			
\$/UoE	For the Period	Period Total	Due Date
\$160	01/10/19 – 31/12/19	\$29,760.00	01/10/19 (Pre Issue) ²

and,

¹ Unit of Entitlement

² Levy that is approved for the next financial year.

that the levy of contributions on proprietors for the reserve fund be payable in advance, inclusive of GST, by instalments due and payable in the amounts and on the dates as shown below:

\$/UoE ³	For the Period	Period Total	Due Date
\$20	01/10/18 – 31/12/18	\$3,720.00	01/10/18 (Previously Approved)
\$20	01/01/19 – 31/03/19	\$3,720.00	01/01/19
\$20	01/04/19 – 30/06/19	\$3,720.00	01/04/19
\$20	01/07/19 – 30/09/19	\$3,720.00	01/07/19
to raise a total of \$14,880.00 for the financial year (01/01/2018 to 31/12/2018)			
And			
\$/UoE	For the Period	Period Total	Due Date
\$20	01/10/19 – 31/12/19	\$3,720.00	01/10/19 (Pre Issue) ⁴

10. **Matters with notice for the attention of all proprietors**

Modifications to Common Property

Owners are reminded that ANY modifications to common property must be approved in writing by the Strata Council, this includes any modifications to the plumbing ducts or hot water systems. Owners are also reminded that if approvals have been granted for modifications in the past, any replacement or upgrades of modified items must be reapproved. Note that common property includes: external walls/windows/doors, the entire balcony area, walkways and the entire plumbing duct.

Electric Hot Water Systems

Due to limitations in the electrical supply to the building electrical hot water systems are not permitted to be installed, if electrical systems have been approved by the strata company in the past, they may not be replaced and must be converted to gas. The strata company has investigated the option of upgrading the power supply to the complex and all units and found this to be extremely expensive and cost prohibitive.

11. **Matters without notice for discussion and referral to the council**

Note: Such matters may only be raised at the discretion of the chair and with leave of the meeting.

12. **Close of meeting**

³ Unit of Entitlement

⁴ Levy that is approved for the next financial year.

Exclusive Strata Management

Attachment to insurance schedule and provided with the notice of annual general meeting to be held Tuesday, 30 October 2018

Insurance requirements and important information for The Owners of The Mews - West Perth - Strata Plan 5629

COMPULSORY INSURANCE COVER	Your strata company is required to comply with various insurance provisions of the <i>Strata Titles Act, 1985 (WA)</i> ("Act") and Sections 53 to 59 set out the full insurance requirements. These requirements are insured under the current policy, details of which are shown on the attached insurance schedule issued by CHU Underwriting Agency.
Buildings, fixtures and improvements	The sum insured for 'Buildings' must be for the replacement value as defined by the Act. We recommend that an independent valuation be carried out at a minimum of three yearly intervals to ensure that this cover is kept in line with current and projected building replacement costs and other increases in expenditure.
Public Liability	In the case of public liability risks the minimum amount under the Act is \$5 million and your current Sum Insured is \$__ million. Many strata companies now insure for a minimum of \$20 million in residential schemes and as much as \$50 million where there is any commercial use of lots or common property.
Workers Compensation	We also suggest that every strata company effect's insurance in respect to possible liability under the Workers Compensation and Injury Management Act 1981 and your Strata Company has insured against such a risk.
DISCRETIONARY INSURANCE COVER	In addition to the compulsory insurances required under the Act, a strata company also has <u>other risks</u> it should consider covering because of its financial or legal responsibilities for which it may become liable . The strata company has the discretionary power to insure for <u>other risks</u> such as personal accident for voluntary workers, fidelity guarantee, office bearer's liability, machinery breakdown, catastrophe cover, government audit costs, and proprietors fixtures and improvements.
SCHEDULE OF INSURANCE	The CHU insurance schedule (renewal notice) shows which risks have been selected and the applicable sum insured amount. For a full understanding of the additional benefits applying to each policy you will need to review the policy wording or speak with CHU.
IMPORTANT	Should you decide to seek an alternative quotation or change your insurance, your current insurance policy i.e. renewal should be the <u>minimum cover to be afforded by any new policy, including all additional and special benefits</u> . This means when seeking and comparing your existing policy with other quotations, great care should be exercised to ensure there is a 'like for like' comparison made, and, no reduction in cover or increase in risk for the strata plan and its owners. For more information about this please speak to your strata company manager or CHU.

GENERAL ADVICE WARNING

The above information is not personal advice. This advice is general only and before a decision is made to insure, the product disclosure statement should be carefully reviewed. The strata company has been provided with a copy of the relevant CHU financial services guide and product disclosure statement and these are held as part of the records of the strata company and are open to personal inspection by proprietors pursuant to section 43 of the Act.

DISCLOSURE OF OUR RELATIONSHIP AND COMMISSIONS RECEIVED

Exclusive Strata Management are authorised representative No: 269635 of CHU Underwriting Agencies and an agent of the insurers, QBE Insurance (Australia) Limited and QBE Workers Compensation (NSW) Limited. CHU Underwriting Agencies Pty Ltd is a specialist strata and community title insurance intermediary and holds an Australian Financial Service License (AFS License No: 243261) with the authority to advise, deal and issue general insurance products. As an authorised representative of CHU for arranging the insurance we receive a commission. This commission does not affect the premium you pay to the insurer.



ESM Arrears and Debt Collection Recovery Procedure

ESM provide the following arrears and debt collection procedure in conjunction with GV Lawyers. ESM begin with the following 3 step procedure;

Issue of first arrears notice⁵:	15 days overdue
Issue of second arrears notice:	35 days overdue
Issue of Instruction to Solicitors for letter of demand:	75 days overdue

Once the instruction to solicitor has been issued to GV Lawyers, they take over the debt collection process with regular updates to ESM. Please see the below procedure set out by GV Lawyers for debt collection.

When proceeding with the next stage of debt collection -

They require provision of the lodgement fee so that Claims can be filed with the Court. They also require a current arrears notice to be sent through.

A quick summary of the milestone debt recovery legal fees:

1. Letter of Demand	\$88.00 (inclusive of GST);
2. Drafting General Procedure Claim	\$195.00 (inclusive of GST);
3. Application for Default Judgement	\$125.00 (inclusive of GST);
4. Drafting Property (Seizure and Sale) Order	\$195.00 (inclusive of GST);
5. Attending to Discontinuance of matter and Affidavit of Service	\$165.00 (inclusive of GST);
6. Negotiating part payment plan with debtor, a fixed fee of \$150.00; and	
7. If supervision or collection is required of the part payment plan, a fixed fee of \$150.00.	

A summary of the procedure, together with fees:

If a letter of demand is not successful the next step to consider is a claim in the Magistrates Court for recovery of the outstanding levies. There is no defence to non-payment unless the debtor can show that the levy notices have been sent to the wrong address and if this is the case the levies are still payable but the interest would be waived.

The lodgement fee for a claim (and any enforcement order) is based on the amount of the claim. For lodgement fee of a claim:

\$158.20 for a claim under \$10,000
\$206.20 for a claim between \$10,000 to \$50,000
\$639.20 for a claim over \$50,000

This lodgement fee is recoverable in the claim amount.

⁵ ESM will attempt to contact owners to confirm their delivery address is correct prior to issuing arrears notice.



Legal fee to attend to drafting the claim is \$195.00 (incl of GST) plus disbursements (such as lodgement fee, any printing and service fee). To serve the claim it must be done by personal service and depending on how difficult it is to locate the debtor it may cost between \$45.00 to \$100.00 (plus GST). If they live remotely, a quote will be provided by GV's service agent, however there is little choice when this situation arise as personal service must be attempted. If personal service is not successful an application can be made to the court for substituted service, this is a rare, but it requires an application and affidavit of support.

Once the claim is served on the defendant they have 14 days in which to respond or make payment, if they don't default judgment can be entered against them. Fee to lodge application for default judgment is \$125.00 (incl of GST). The judgment can then be enforced and recommended is enforcement by way a Property (Seizure and Sale) Order, which allows the Bailiff to seek payment or seize goods to obtain payment and should it be required auction the strata lot. Fee to attend to drafting the enforcement order is \$195.00 incl of GST (plus disbursement such as lodgement fees).

The Owners of The Mews - West Perth
Strata Plan 5629
Enduring Proxy Form for General Meetings

Please read the important notes below before completing this form

I/We, _____

being the proprietor/s of lot number/s _____ hereby appoint:

(*Select only one of the below options by deleting the other two options)

***Option 1**

Name of proxy holder _____ or, failing his/her attendance at the general meeting, the chairperson of the general meeting, **or**,

***Option 2**

The chairperson from time to time of general meetings of the strata company, **or**,

***Option 3**

Name of proxy holder _____ only

to speak and act as my/our proxy holder and to vote for me/us in my/our name at all general meetings of the strata company until this enduring proxy is revoked.

Dated this _____ day of _____ 20__

Signature of **sole** proprietor

or **all** co-proprietors

_____ proprietor

_____ co-proprietor

_____ co-proprietor

_____ co-proprietor

Section Below For Use Only by a Corporate Proprietor

In the case of an **incorporated proprietor**, this form requires the signature of a person duly authorised to sign by its constitution.

Director/Secretary/Attorney/Officer/Agent (Delete those not applicable)

IMPORTANT NOTES

- 1 Any natural person can hold a proxy form. That person does not have to be a proprietor.
- 2 An incorporated proprietor should appoint a natural person as its proxy holder if it intends to vote.
- 3 Except in the case of a unanimous resolution, co-proprietors of a lot (e.g. husband and wife) may **only** vote on a show of hands if a proxy form has been completed by **all** co-proprietors appointing one person to vote for them.
- 4 If possible, please complete and return the proxy form to the strata company manager well before the general meeting and confirm its safe receipt. Fax: (08) 9362 1133 or email: info@exclusivestrata.com.au
- 5 If you want to revoke this proxy form, please give notice of revocation to the proxy holder and the strata manager.
- 6 An incorrectly completed proxy may result in the proxy being invalid.

The Owners of The Mews - West Perth
Strata Plan 5629
Proxy Form for the General Meeting
to be held on 30 October 2018

Please read the important notes below before completing this form

I/We, _____

being the proprietor/s of lot number/s _____ hereby appoint:

(*Select only one of the below options by deleting the other two options)

***Option 1**

Name of proxy holder _____ or, failing his/her attendance at the general meeting, the chairperson of the general meeting, **or**,

***Option 2**

The chairperson of the general meeting only, **or**,

***Option 3**

Name of proxy holder _____ only

to speak and act as my/our proxy holder and to vote for me/us in my/our name at the general meeting to be held on 30/10/2018 **and at any adjournment of that meeting.**

Dated this _____ day of _____ 20__

Signature of **sole** proprietor

or **all** co-proprietors

_____ proprietor

_____ co-proprietor

_____ co-proprietor

_____ co-proprietor

Section Below For Use Only by a Corporate Proprietor

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Director/Secretary/Attorney/Officer/Agent (Delete those not applicable)

IMPORTANT NOTES

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- 4 If possible, please complete and return the proxy form to the strata company manager well before the general meeting and confirm its safe receipt. Fax: (08) 9362 1133 or email: info@exclusivestrata.com.au
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The Owners of The Mews - West Perth - Strata Plan 5629

(Please read the notes below)

Nomination for Election to Council - AGM 2018

Proprietor/s nominating him or herself, a co- proprietor, or, in the case of a Corporate proprietor, itself.

The chairman

The Owners of **The Mews - West Perth - Strata Plan 5629**

I/we being the proprietor/co-proprietors of lot ____ hereby nominate (please print)

..... (name of the person or corporate proprietor who is being nominated) as a candidate for election to the council at the annual general meeting of the strata company to be held on 30/10/2018

Name/s of nominator/s (please print):

Signature/s of nominator/s:

****Director/Secretary/Attorney/Officer/Agent***

(*In the case of an incorporated proprietor, the nominator should delete those not applicable)

Dated: _____

Consent to Nomination for Election to Council

I/we hereby advise that I/we consent to being nominated as a candidate for election to the council of the strata company at the annual general meeting to be held on 30/10/2018 and, if elected, to serve as a member of the council.

Name of nominee: _____ (Please print) of lot: _____

Signature of Nominee: _____ Dated: _____

****Director/Secretary/Attorney/Officer/Agent***

(*In the case of an incorporated proprietor, the nominator must delete those not applicable)

IMPORTANT NOTES

1. This form of nomination and consent to nomination must be in the hands of the chairperson of the annual general meeting prior to the close of nominations for that election. Fax: (08) 9362 1133 email: info@exclusivestrata.com.au
2. In the case of a **sole proprietor** written consent is only required if the candidate, being a natural person, is not personally present at the meeting.
3. In the case of **co-proprietors** of a lot the nomination must be in favour of one co-proprietor and signed by all co-proprietors, including the nominee.
4. In the case of a **corporate proprietor** the nomination and consent must be in writing and needs to be signed by a properly authorised person.