



NATIONAL ASSOCIATION
OF MANAGING AGENTS
SHAPING OUR PROFESSION

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DIRECTOR – SECTIONAL TITLE SOLUTIONS



NAMA 2019 National Conference

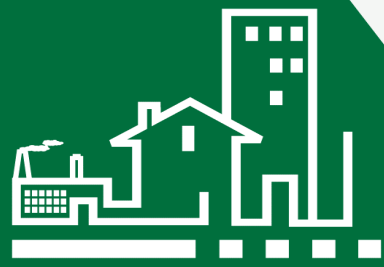
Breakaway Session 7 – Venue D1

Compiled by Fausto Di Palma,
Sectional Title Solutions



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Topics for this Breakaway Session

1. Sectional Title Scheme Resolutions

- 1.1. Unanimous Resolutions
- 1.2. Special Resolutions
- 1.3. Ordinary Resolutions
- 1.4. Trustees' Resolutions
- 1.5. Round Robin Resolutions

2. The Appointment of a Managing Agent versus an Executive Managing Agent

3. Developer deviation from original approved SDA

4. Cession of developer's right to extend the scheme





WHAT ARE THE RESOLUTIONS?

Unanimous Resolutions

- All members at the meeting; or
- All members in writing

Special Resolutions

- 75% of those present at the meeting; or
- 75% of all members in writing.

Ordinary Resolutions

- Majority of the votes – calculated in value, of those present at the meeting.

Trustees Resolutions

- Majority of the trustees voting – 50% plus 1



WRITTEN CONSENT OF A MEMBER OR ALL MEMBERS

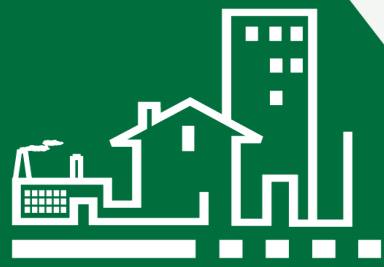
From any Unit Owner who is adversely affected by a unanimous or special resolution

From all members waiving their right to a meeting, if the BC wishes to take resolution without holding SGM

Sell a right or extension of a scheme to a third party

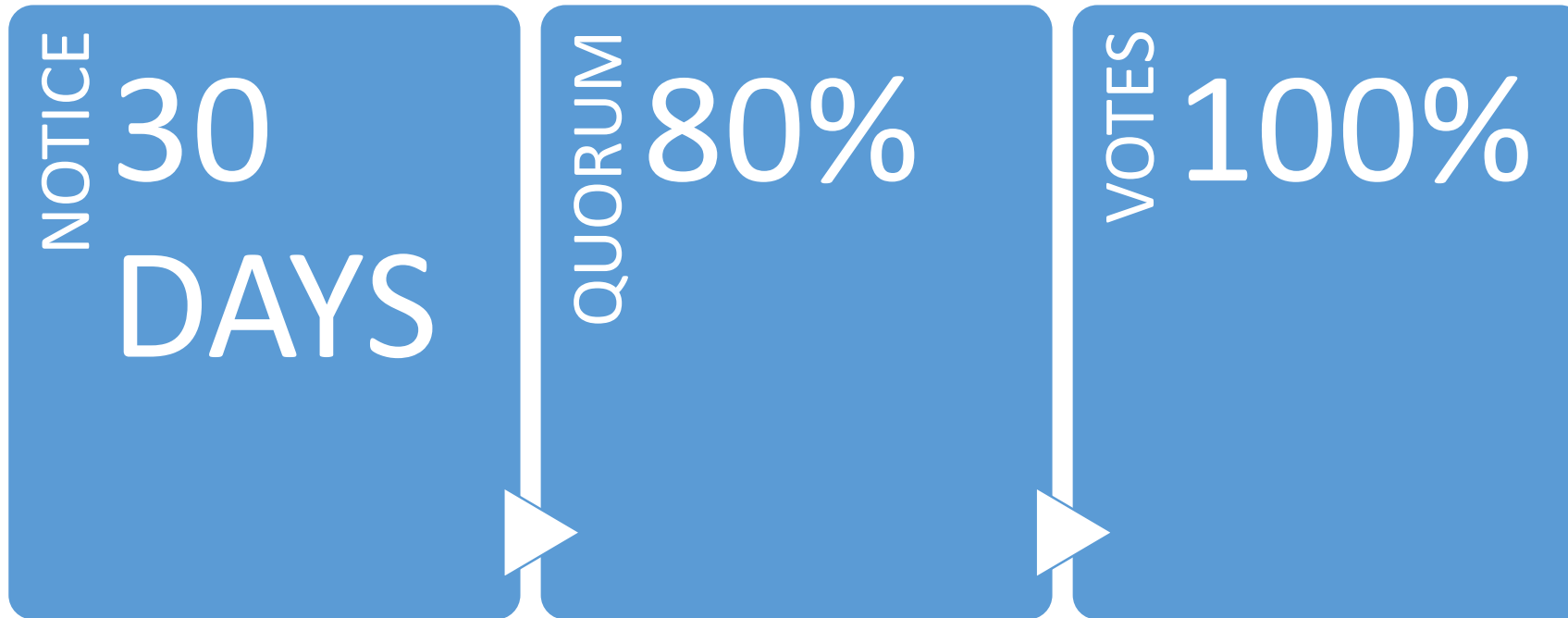
Consent to the use of a section or EUA other than for the purpose for which it was built

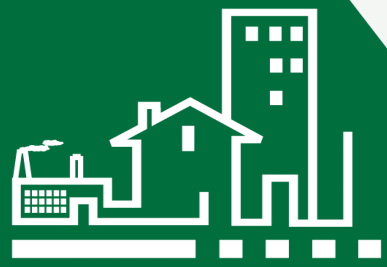




PRE-REQUISITES FOR TAKING A UNANIMOUS RESOLUTION

UNANIMOUS RESOLUTIONS





WHEN ARE UNANIMOUS RESOLUTIONS REQUIRED?

Sell any part of the CP

Rent land outside of the scheme



Effect improvements not reasonably necessary

To create a registered exclusive use right



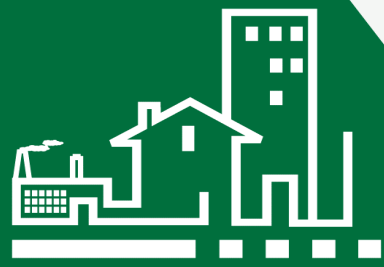
WHEN ARE UNANIMOUS RESOLUTIONS REQUIRED?

Extend
developer
building
timeframes

Add to, amend,
or repeal
management
rules

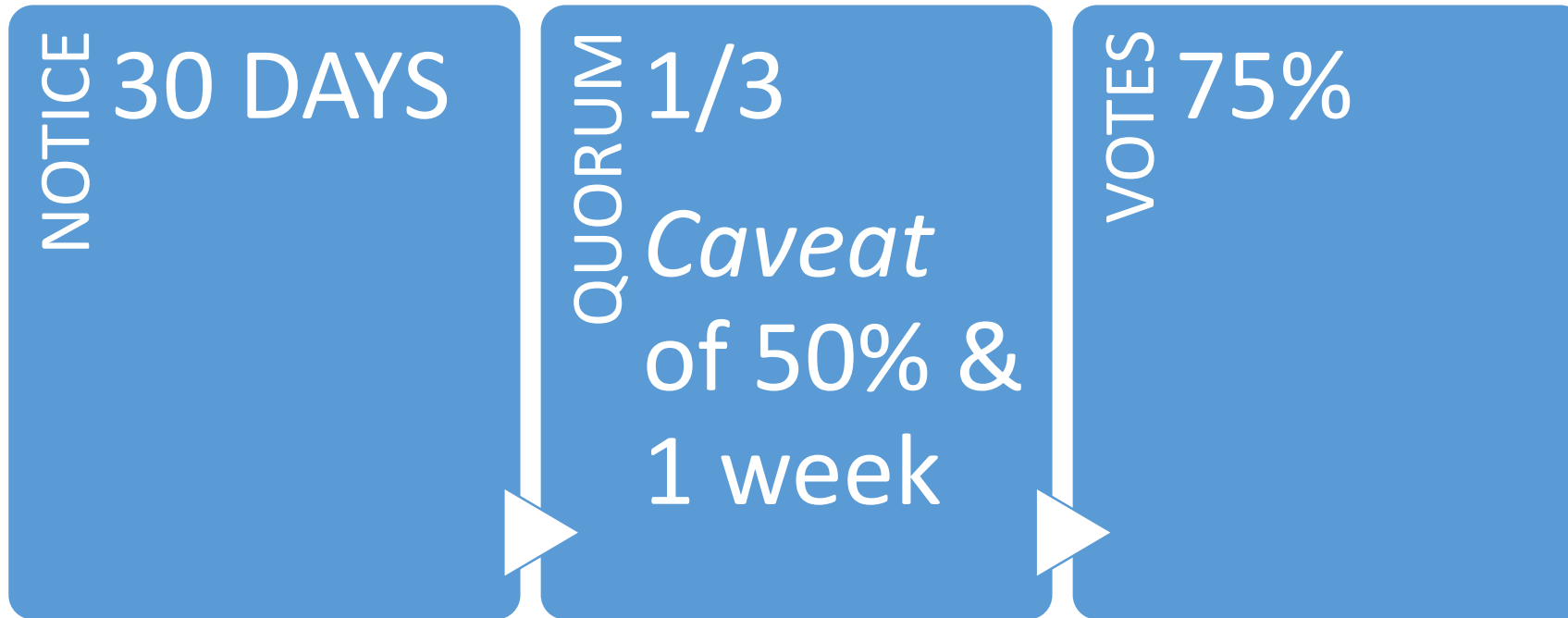
To deem
destroy the
scheme





PRE-REQUISITES FOR TAKING A SPECIAL RESOLUTION

SPECIAL RESOLUTIONS





WHEN ARE SPECIAL RESOLUTIONS REQUIRED?

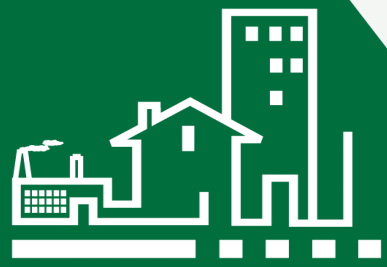
Cancellation of
an EUA

Insurance
Against Certain
Risks



Suing the
Developer

Purchase, Sell,
Hire or Let Units



WHEN ARE SPECIAL RESOLUTIONS REQUIRED?

Borrow Money

Create and
Accept
Servitudes



Lease a Portion
of CP

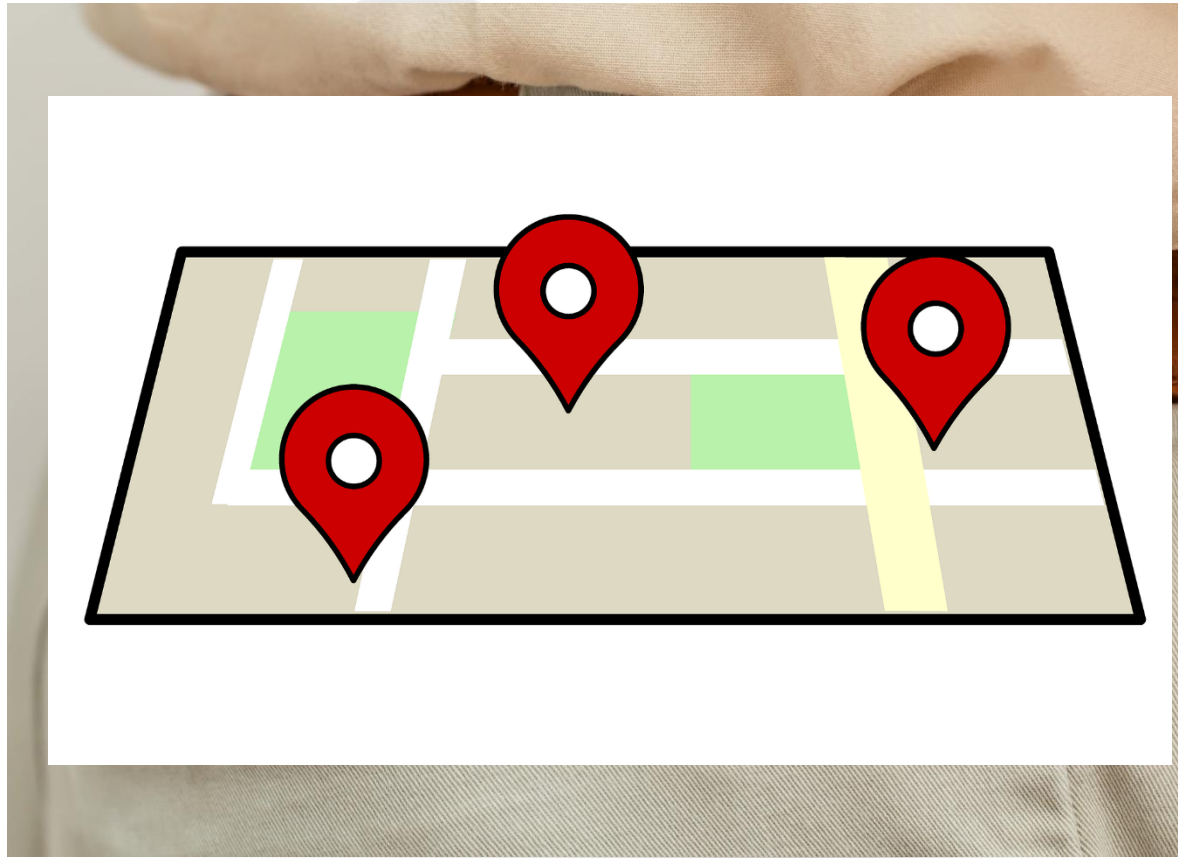
Extend the
Floor Area of a
Section



WHEN ARE SPECIAL RESOLUTIONS REQUIRED?

Amend the
conduct rules

Remunerate
member
trustees



Adjust weight of
votes and levy
contributions

Locality of a
general meeting



WHEN ARE SPECIAL RESOLUTIONS REQUIRED?

Appoint an
Executive
Managing Agent



Cancel a
Management
Agreement

Reasonably
Necessary
Improvements*



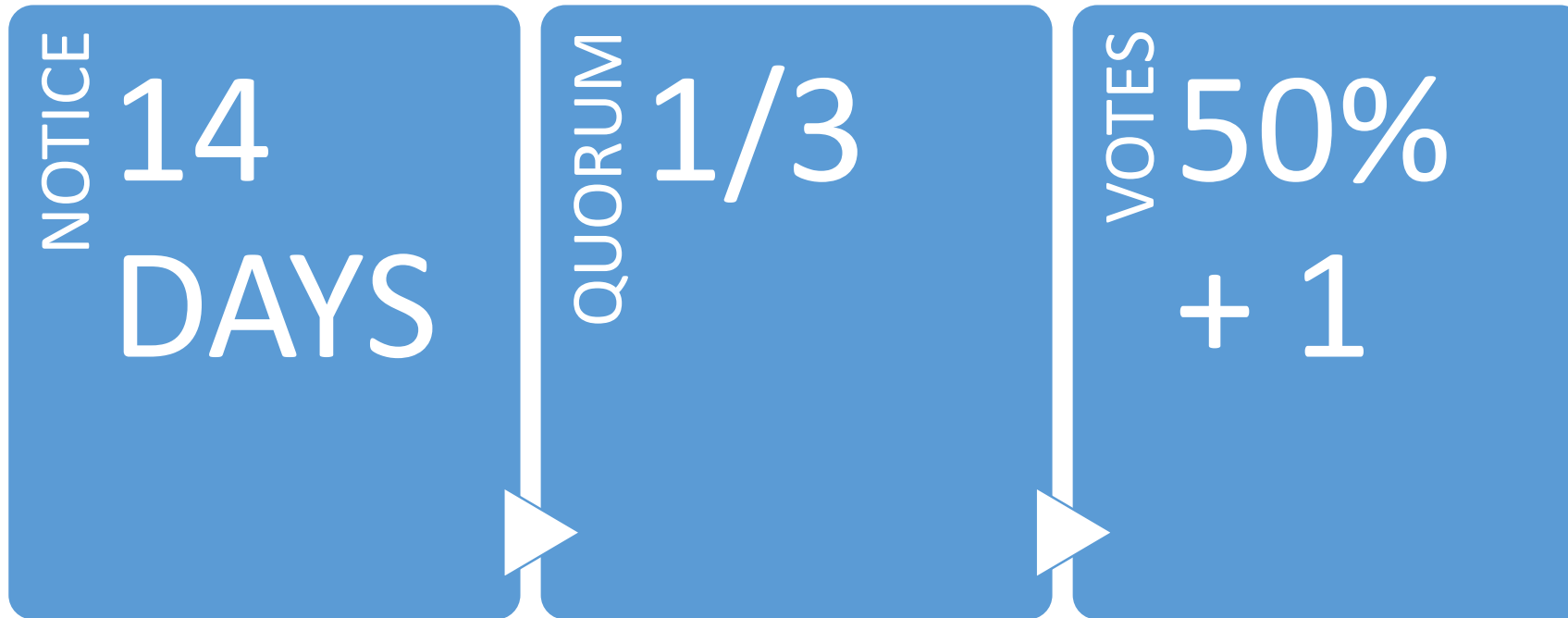
Install Pre-paid
Meters**

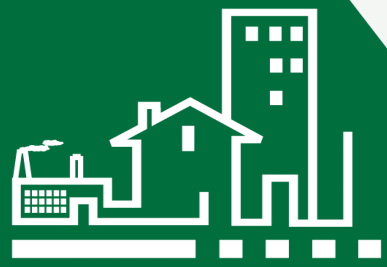




PRE-REQUISITES FOR TAKING AN ORDINARY RESOLUTION

ORDINARY RESOLUTIONS





WHEN ARE ORDINARY RESOLUTIONS REQUIRED?

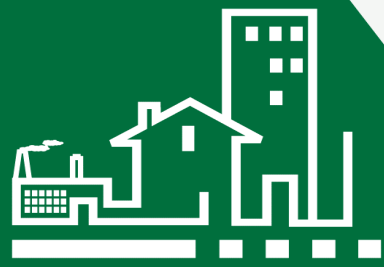
Install separate meters

To appoint a managing agent



Remunerate a trustee who is not a member

To remove a Trustee or Chairperson



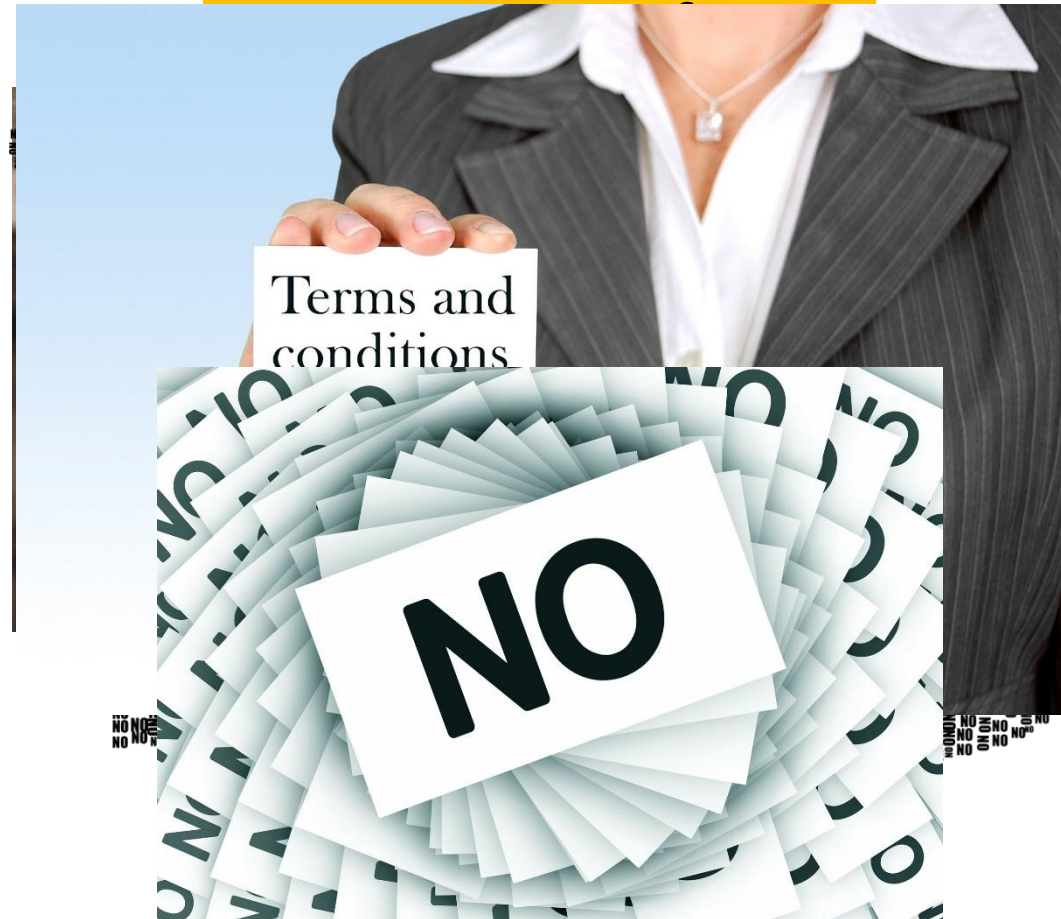
WHEN ARE ORDINARY RESOLUTIONS REQUIRED?

Cancel
management
agreement in
terms thereof

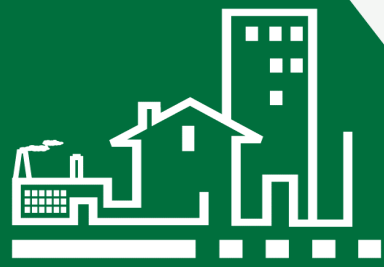
Withdraw

Refuse to renew
the management
agreement when
expired

Give consent for
building
improvement on
EUA



Prescribe
reasonable
conditions for use
or appearance of
building

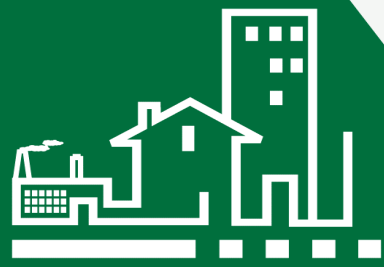


HOW CAN CSOS GET INVOLVED?

Declare that resolution was void or invalid

Give effect to a proposed resolution.





PRE-REQUISITES FOR TAKING A TRUSTEE RESOLUTION

TRUSTEES RESOLUTIONS

NOTICE 7 DAYS

QUORUM 50%, but
not less
than 2
trustees

VOTES 50% + 1



WHEN IS A TRUSTEE RESOLUTION REQUIRED?

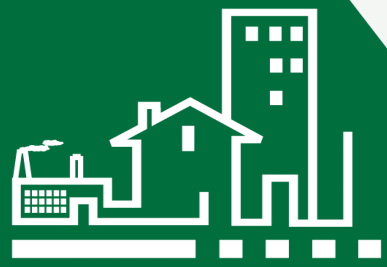
Raise levies
(normal and
special) and
increase them

Authorise
payments out
of the funds



Charge interest
on overdue
amounts



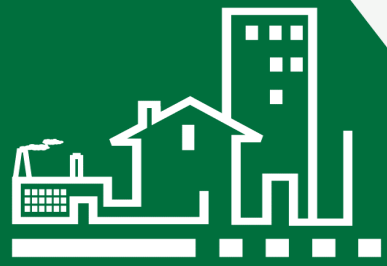


WHEN IS A TRUSTEE RESOLUTION REQUIRED?

Subscribe to services and join organisations

Set dates and agendas for future trustee meetings





WHEN IS A TRUSTEE RESOLUTION REQUIRED?



Approach the
CSOS

Resolve for
short notice of
a general
meeting, and
call one



ROUND ROBIN RESOLUTIONS



*more than
one way*

DEVELOPER
DEVIATION
FROM THE
ORIGINAL
APPROVED SITE
DEVELOPMENT
PLAN





CESSION OF THE DEVELOPER'S RIGHT TO EXTEND THE SCHEME

Thank You!





Questions