

Proxy appointment

COMMUNITY LAND MANAGEMENT ACT, 1989

(Cl. 6(1), 20(1) and 34(1) of Schedule 5 and Cl 9(1), 29(1) and 49(1) of Schedule 6)

Date I/We

the owners of lot in DP: appoint

of

as my/our proxy for the purposes of meetings of the owners corporation (including adjournments of meetings).

Period or number of meetings for which appointment of proxy has effect * [] 1 meeting /* [] meetings/

* [] 1 month /* [] months /* [] 12 months or 2 consecutive annual general meetings

***Tick or tick and complete whichever applies**

(Note. The appointment cannot have effect for more than 12 months or 2 consecutive annual general meetings, whichever is the greater.)

***1** This form authorises the proxy to vote on my/our behalf on all matters.

OR

***2** This form authorises the proxy to vote on my/our behalf on the following matters only:

.....

[Specify the matters and any limitations on the manner in which you want the proxy to vote.]

***Delete paragraph 1 or 2, whichever does not apply.**

***3** If a vote is taken on whether

(the strata managing agent) should be appointed or remain in office or whether another managing agent is to be appointed, I/we want the proxy to vote as follows:

.....

.....

***Delete paragraph 3 if proxy is not authorised to vote on this matter. For examples, read note 1 below.**

***4** I, agree to be nominated as a member of the Executive Committee.

Signature of owner/s

Notes

- 1 A proxy is not authorised to vote on a matter:
(a) if the person who appointed the proxy is present at the relevant meeting and personally votes on the matter, or
(b) so as to confer a pecuniary or other material benefit on the proxy, if the proxy is a strata managing agent, caretaker or on-site residential property manager.
- 2 This form is ineffective unless it contains the date on which it was made and it is given to the secretary of the owners corporation at least 24 hours before the first meeting in relation to which it is to operate (in the case of a large strata scheme) or at or before the first meeting in relation to which it is to operate (in any other case).
- 3 This form will be revoked by a later proxy appointment form delivered to the secretary of the owners corporation in the manner described in the preceding paragraph.
- 4 SMS Byron Bay/Ballina Pty Ltd wish to formally advise the authorisation of CHAD DUENSING, DONNA LAVERTY, KERRY WILSON or, as prescribed under Section 111 of the *Community Land Management Act 1989*.
- 5 Section 111 of the Act provides for a Corporate Owner or mortgagee to appoint a "COMPANY NOMINEE" to exercise or perform on its behalf any power, authority, duty or function conferred on it under the Act. The Corporate Owner is not obliged to appoint a Company Nominee but if it so wishes to cast a vote at a meeting of the Owner's Corporation.

PLEASE NOTE THAT:

Attending the meeting or voting by proxy

You should bring this notice with you to the meeting. If you cannot attend the meeting and you wish to cast a vote, please complete the enclosed proxy form and return it to our office before the commencement of the meeting.

Voting at the meeting

You can exercise your voting rights at the meeting in person or by proxy. If you are a corporation your voting rights can only be exercised by your company nominee in person or by the company's proxy.

You, your company nominee or any person having authority to vote on your behalf cannot vote on a motion for an ordinary or special resolution unless the following amounts have been paid before the meeting.

- all contributions levied by the owners corporation that are payable at the date of this notice; and
- any other money that is recoverable by the owners corporation from you at the date of this notice.

If you are an owner, your vote does not count if a vote is cast on the same motion by:

- the mortgagee shown on the strata roll for your lot;
- the covenant chargee shown on the strata roll for your lot: or
- in the case of multiple mortgagees or covenant chargees, the priority mortgagee or chargee shown on the strata roll for your lot.

Resolutions

For voting purposes:

- an ordinary resolution is passed if a majority of the votes cast are in favour of it;
- a special resolution is passed if not more than 25 per cent of the votes cast (based on the unit entitlement of the voter) are cast against it;
- a unanimous resolution is passed if no vote is cast against it.

Quorum

For a valid meeting 25 per cent of owners who are financial must be present either in person or by proxy. Note that the minimum number for a valid meeting is two persons who are financial.

COMPANY NOMINEE FORM

The Secretary Strata Plan

..... Pty Ltd hereby authorise or in his absence in accordance with the Community Land Management Act 1989 to exercise or perform on its behalf any power, authority, duty or function conferred by or under that Act on it as Owner of Lot/s in DP

Dated this day of 20

..... SECRETARYDIRECTOR