

The Pines Owners' Agreement (TPOA)

- **The Agreement**

1. This Agreement sets out the arrangements covering the obligations and expectations of owners on The Pines site in Lapta, North Cyprus, hereinafter referred to as "The Pines."
2. The name of the group shall be The Pines Owners' Group, hereinafter referred to as "the Owners Group."
3. The Owners' Group will be managed by an Executive Committee known as The Pines Owners' Committee, hereinafter referred to as the "Committee."

- **Objectives**

1. The objectives of the Owners' Group are to manage, protect and improve conditions and amenities of The Pines for the benefit of its Members.

- **Membership**

1. The Membership of the Owners' Group will comprise all owners who are named on the deeds of each of the 36 apartments on The Pines.
2. Membership will expire on transfer of ownership of an apartment.
3. A list of Members with contact details will be provided by the Committee of this Owners' Group to each Member.

- **Obligations of Members**

- 4.1 Members shall pay an equal share of all fees and expenses in relation to the management, upkeep and improvement of the Communal areas of The Pines as directed by the Committee Members and shall inform the Committee of any change of address of principle residence.
- 4.2 Members wanting to sell their apartment should advise the Secretary of their intension and once the sale is completed provide full contact details for the incoming owner/s.
- 4.3 Members are responsible for the cost of repairing or replacing any parts of the Communal Facilities or Equipment which are damaged by negligent or willful act by themselves, their Tenants or other Licensees.
- 4.4 Members are required to pay their annual maintenance fees either for the full year by 1 August or in two payments, the first on or before 1 August and the second on or before 1 February and the amounts will be agreed each year by the Committee.
- 4.5 Where Members fail to pay their fees on time an additional fee of £10 per month will be added to the outstanding amount.

4.6 Members are required to maintain their apartments to ensure that they do not have any adverse effect on the property of others or the common areas of each block. They are reminded that Members are liable for any damage to other property whether deliberate or accidental. It is thus advisable that suitable insurance is taken out.

4.7 Members are required to refrain from any activities that impact on the peace and reputation of the site.

- **Rights of Members**

1. The Member, having paid all fees and expenses as detailed in 4.1 above, shall be entitled to:
 - use and allow guests and/or tenants and/or other licensees to use the Communal Areas and Facilities;
 - vote for selecting the Committee, there is one vote per property;
 - vote in decisions on significant future work to maintain and/or improve The Pines site of spends over £4,500 (which is currently around 20% of the annual maintenance fee income).
2. Any Member who has not paid all fees and expenses detailed in 4.1 foregoes their rights as detailed in 5.1 and 5.2.

- **The Committee**

1. The Committee shall be composed of up to seven Members, but not less than five, one of whom will act as Chairperson, one as Secretary and one as Treasurer. Members of the Committee must be Members of the Owners' Group and have paid all fees and expenses as detailed in 4.1 above.
2. Any serving Committee Member who does not pay all fees and expenses and detailed in 4. above will be suspended and not entitled to vote on Committee matters.
3. Each year the Chairperson of the incumbent Committee will ask Members for nominations to stand for membership of the Committee. If no nominations are forthcoming then the existing Committee will be assumed to have been endorsed by the owners. If nominations are forthcoming then the Chairperson will organise elections.
4. At any point, if a Committee Member stands down, the Chairperson will ask all owners for nominations to replace the Member standing down. If only one Member is nominated, then he/she is assumed to be endorsed by the owners. If more than one nomination is forthcoming then the Chairperson will organise elections.

- **Duties and Responsibilities of the Committee**

1. The general management of the affairs of the Owners' Group shall be vested in the Committee, who shall be responsible for, among other things:
 - selecting and negotiating the arrangements for facilities management annually, including that a qualified person is appointed to manage the site under the direction of the Committee;
 - ensuring the appointed facilities management company fulfils its duties as specified in the contract;

- reviewing the accounts of expenditure by the facility management company or if self-managed provide them for scrutiny by Members;
- forwarding and discussing complaints from owners to the site management company or if self-managed review any complaints, respond and if necessary rectify;
- managing issues not covered by the maintenance contract relating to the common interest, improvements and maintenance of the site;
- reporting and providing information to owners on issues relating to the common interest, improvements and maintenance of the site.

2. The Chairperson will take responsibility for:

- maintaining and driving the agenda of the Committee;
- liaising with the appointed facilities management company, if appointed, or monitor the self-managed activities.

3. The Secretary will take responsibility for:

maintaining list of current Members and contact details;
formal communication with owners.

7.4 The Treasurer will take responsibility for:

the Treasurer authorises spends of up to £500 and when the sum is greater obtains agreement from the Committee Officers;

publishes the accounts at the end of each quarter to The Pines Owners' Website;

- sends out payment invoices to owners and follow up correspondence and reminders where necessary to recover any outstanding amounts.

• **Annual General Meeting**

1. An Annual General Meeting (AGM) of the Owners' Group shall be held during the months of August or September each year. Notice, in writing, must be given to each Member at least 30 days prior to the meeting. All Members of the Owners' Group may submit motions for discussion at the AGM. Such motions must be received by the Secretary not later than 14 days prior to the meeting. No other motions can be considered at the AGM after this date.
2. In recognition of the costs and logistics of attending the AGM in person, all motions tabled for decision will be summarised and circulated to Members unable to attend the AGM 7 days prior to the date of the AGM. Any comments from Members can be sent to the Secretary prior to the AGM and read out during the AGM. Members can cast their vote in person or by e-mail if they are not attending. E-mail votes must be received within 7 days of receipt of the summary report of the AGM procedures, including comments and points of view from Members made in person or by email on each motion. Email votes will be added to votes cast at the AGM. The Secretary or another authorised Committee Member will be responsible for counting and announcing the results of all votes on each.
3. A quorum for an Annual or Extraordinary General Meeting shall be over 50% of the membership. If a quorum of votes is not reached, the meeting shall be re-convened and all Members informed of the new date. The required votes for passing a motion at an Annual or Extraordinary General meeting will be as follows:
 - To appoint/remove a Committee Member majority vote of the quorum;
 - To change the rules of the association unanimous vote from quorum;
 - All other issues two thirds vote of the quorum.

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- **Extraordinary General Meeting**

1. An Extraordinary General Meeting may be called by the Committee or by request signed by not less than 6 ordinary Members of the group, delivered to the Secretary, who in turn must call such a meeting within 4 weeks from the date or receipt of such request. Only the business stated in the request may be debated at the Extraordinary General Meeting and details of the issue should be included in the notice of meeting sent to all Members. Voting procedures will be as those of the AGM.

10. Monthly Committee Meetings (currently via Skype or other means)

Meetings: Considering the costs and logistics of physical meetings, Committee meetings are held monthly in person, via telephone, Skype or other provider and/or e-mail based on a rolling agenda with motions proposed for votes.

- All decisions will be agreed by majority vote only.

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11. Acceptance of Rules

By signing this document, you are accepting the rules of The Pines Owners' Group and so are expected to abide by the rules outlined above. Should an amendment become necessary this will be dealt with by the elected Committee at the monthly meeting and, where appropriate, discuss with owners via a communication from the Secretary.

Your signed copy of this Agreement will be kept by the officers of the Committee.

Name of owner

Apartment Number

Signature

Date

Name of owner

Apartment Number

Signature

Date

I can confirm that my current contact details are:

Address of main residence:

Home telephone number:

Mobile:

Email address: