

INSTRUCTIONS

1. This form may be used only when a "Box Type" Form is not provided or is unsuitable. It may be completed in narrative style.
2. If insufficient space hereon Additional Sheet, Form B1, should be used.
3. Additional Sheets shall be numbered consecutively and bound to this document by staples along the left margin prior to execution by the parties.
4. No alteration should be made by erasure. The words rejected should be scored through and those substituted typed or written above them, the alteration being initialled by the persons signing this document and their witnesses.

NOTES

1. Insert document type.
2. A separate attestation is required for every person signing this document. Each signature should be separately witnessed by an Adult person. The address and occupation of the witness must be stated.


*endorse amendment  
of strata company bylaws  
on strata plan 27826*

*[Signature]*  
19.3.96

*refer to  
notification*

EXAMINED *W*

05390/1/92-5M-OC/664

OFFICE USE ONLY  
**G 104674 AE**  
19 Feb, 1996 13:01 Midland  


REG. \$ 62.00

TIME CLOCK

LODGED BY *Beere maye meyer.*

ADDRESS *PO Box 953  
Russellton 6280.*

PHONE No.

FAX No.

REFERENCE No.

ISSUING BOX No.

PREPARED BY

ADDRESS

PHONE No.

FAX No.

INSTRUCT IF ANY DOCUMENTS ARE TO ISSUE TO OTHER THAN LODGING PARTY.

RECEIVED BY POST  
19 FEB 1996  
OFFICE OF TITLES 3651

TITLES, LEASES, DECLARATIONS ETC. LODGED HEREWITH

1. *Dep* \_\_\_\_\_ Received Items
2. \_\_\_\_\_ Nos.
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_ Receiving Clerk *[Signature]*

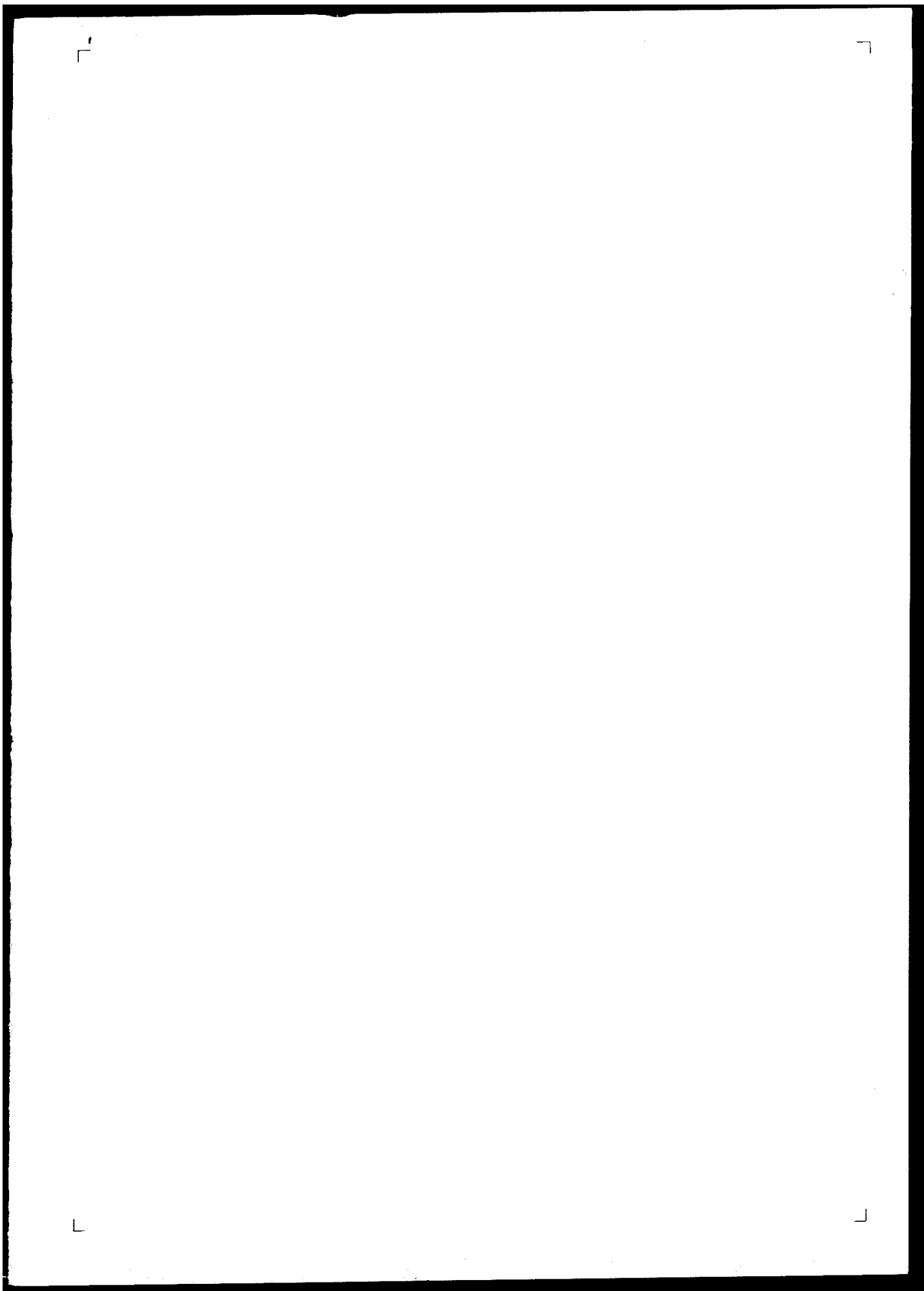
Registered pursuant to the provisions of the TRANSFER OF LAND ACT 1893 as amended on the day and time shown above and particulars entered in the Register Book.

INITIALS OF SIGNING OFFICER

*a.*

*G Sack* 

REGISTRAR OF TITLES





16.

indicate such approval by returning the drawings and specifications to the proprietor duly marked as "approved".

3. Appearance of Lot:

A proprietor or occupier of a lot shall not, without the written consent of the strata company, maintain within the lot anything visible from outside the lot that viewed from outside the lot, is not in keeping with the general amenity of the area, the common property and all buildings comprised in the strata plans.

FMB:PMD:710BYLAWS



PART II1. Additional Duties of Proprietors, Occupiers, etc:

A proprietor or occupier shall:

- (a) not use the lot that he owns for any purpose that may be illegal or injurious to the reputation of the building;
- (b) not keep any animals on any of lots 3 to 23 (inclusive), or on the common property;
- (c) not operate any business from lots 3 to 23 (inclusive) unless approved by the Strata Company or these By-laws.

2. Notice of Alteration to Lot:

- (a) A proprietor of a lot shall not alter the structure of the lot except as may be permitted and provided for under the Act and the By-laws and in any event shall not other than as provided in By-law 2 of Part I of these By-laws alter the structure of the lot or make, construct or erect any further buildings or other development on the lot without the consent of the Shire of Augusta-Margaret River and of the Strata Company having both been first obtained and further such alterations shall only be permitted if they are in keeping with and maintain the general standard appearance and character of the buildings and comply in all regards with the Shire of Augusta-Margaret River's Planning Consent for the strata development;
- (b) A proprietor shall provide to the Strata Company full drawings and specifications of all alterations to the lot proposed by the proprietor together with all necessary written approvals and consents from all relevant statutory authorities for the work detailed in such drawings and specifications. If the Strata Company requires amendments to such drawings and specifications the proprietor shall forthwith alter and resubmit such plans to the Strata Company in accordance with the reasonable requirements of the Strata Company. Upon being satisfied therewith the Strata Company shall



meeting have been duly paid before the commencement of the meeting.

- (7) Co-proprietors may vote by proxy jointly appointed by them and in the absence of such a proxy are not entitled to vote on a show of hands, except when the unanimous resolution of proprietors is required by the Act.
- (8) On any poll each co-proprietor is entitled to such part of the vote applicable to a lot as is proportionate to his interest in the lot.
- (9) The joint proxy (if any) on a poll has a vote proportionate to the interest in the lot of such of the joint proprietors as do not vote personally or by individual proxy.

15. Common Seal:

- (1) The common seal of the strata company shall at no time be used except by authority of the council previously given and in the presence of the members of the council or at least 2 members of the council, who shall sign every instrument to which the seal is affixed, but where there is only one member of the strata company his signature shall be sufficient for the purpose of this By-law.
- (2) The council shall make provision for the safe custody of the common seal.

16. Amendment of By-laws:

- (1) The By-laws in Part I of these By-laws may be amended repealed or added to by unanimous resolution and in the case of an amendment repeal or addition to By-law 1(2)(c) in Part I of these By-laws the same shall require the unanimous resolution of the proprietors of all lots together with the prior written consent of the Shire of Augusta-Margaret River.
- (2) The By-laws in Part II of these By-laws may be amended or repealed or added to by special resolution of the strata company.





- (8) Unless a poll be so demanded a declaration by the chairman that a resolution has on the show of hands been carried is conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of or against such resolution.
  - (9) A demand for a poll may be withdrawn.
  - (10) A poll if demanded shall be taken in such manner as the chairman thinks fit and the result of the poll shall be deemed to be the resolution of the meeting at which such poll was demanded.
- (11) In the case of equality in the votes whether on a show of hands or on a poll, the question is determined in the negative.

13. Restriction on Moving Motion or Nominating Candidate:

A person is not entitled to move a motion at a general meeting or to nominate a candidate for election as member of the council unless the person is entitled to vote on the motion or at the election.

14. Votes of Proprietors:

- (1) On a show of hands each proprietor has one vote.
- (2) On a poll the proprietors have the same number of votes as the unit entitlement of their respective lots.
- (3) On a show of hands or on a poll votes may be given either personally or by duly appointed proxy.
- (4) An instrument appointing a proxy shall be in writing under the hand of the appointer or his attorney and may be either general or for a particular meeting.
- (5) A proxy need not be a proprietor.
- (6) Except in cases where by or under the Act a unanimous resolution is required, no proprietor is entitled to vote at any general meeting unless all contributions payable in respect of his lot have been duly paid and any other monies recoverable under the Act by the strata company from him at the date of the notice given to proprietors of the



for the next general meeting of the strata company, the secretary shall include that item on the agenda accordingly and shall give notice of that item as an item of special business in accordance with sub-by-law (5) of this By-law.

12. Proceedings at General Meetings:

- (1) All business shall be deemed special that is transacted at an annual general meeting, with the exception of the consideration of accounts and election of members to the council, or at an extraordinary general meeting.
- (2) Except as otherwise provided in these By-laws, no business may be transacted at any general meeting unless a quorum of members is present at the time when the meeting proceeds to business.
- (3) One-half of the persons entitled to vote present in person or by duly appointed proxy constitutes a quorum.
- (4) If within half an hour from the time appointed for a general meeting a quorum is not present, the meeting, if convened upon the requisitions of proprietors, shall be dissolved and in any other case it shall stand adjourned to the same day in the next week at the same place and time and if at the adjourning meeting a quorum is not present within half an hour from the time appointed for the meeting, the meeting shall be dissolved.
- (5) The chairman, may with the consent of the meeting, adjourn any general meeting from time to time and from place to place but no business may be transacted at an adjourned meeting other than the business left unfinished at the meeting from which the adjournment took place.
- (6) Except where otherwise required by or under the Act, resolutions may be passed at a general meeting by a simple majority vote.
- (7) At any general meeting a resolution by the vote of the meeting shall be decided on a show of hands unless a poll is demanded by any proprietor present in person or by proxy.



11. General Meetings or Strata Company:

- (1) General meetings of the strata company shall be held once in each year and so that not more than 15 months shall elapse between the date of one annual general meeting and that of the next.
- (2) All general meetings other than the annual general meeting shall be called extraordinary general meetings.
- (3) The council may whenever it thinks fit and shall upon a requisition in writing made by proprietors entitled to thirty five percent (35%) or more of the aggregate unit entitlement of the lots convene an extraordinary general meeting.
- (4) If the council does not within 30 days after the date of the making of a requisition under this By-law proceed to convene an extraordinary general meeting, the requisitionists, or any of them representing more than one half of the aggregate unit entitlement of all of them, may themselves, in the same manner as nearly as possible as that in which meetings are to be convened by the council, convene an extraordinary general meeting, but any meeting so convened shall not be held before the expiration of 2 months nor after the expiration of 3 months from the date on which the requisition was made.
- (5) Subject to the provisions of the Act relating to special resolutions, not less than 30 days notice of every general meeting specifying the place, the date and the hour of meeting and in case of special business the general nature of that business, shall be given to all proprietors and registered first mortgagees who have notified their interests to the strata company, but accidental omission to give the notice to any proprietor or by any registered first mortgagee does not invalidate any proceedings at any such meeting.
- (6) If a proprietor gives notice in writing to the secretary of an item of business that the proprietor requires to be included on the agenda



9. Powers and Duties of Secretary of Strata Company:

The powers and duties of the secretary of a strata company include:

- (a) the preparation and distribution of minutes of meetings of the strata company and the submission of a motion for confirmation of the minutes of any meeting of the strata company at the next such meeting;
- (b) the giving on behalf of the strata company and of the council of the notices required to be given under the Act;
- (c) the supply of information on behalf of the strata company in accordance with Section 43(1)(a) and (b) of the Act;
- (d) the answering of communications addressed to the strata company;
- (e) the calling of nomination of candidates for election as members of the council and
- (f) subject to Section 49 and 103 of the Act the convening of meetings of the strata company and of the council.

10. Powers and Duties of Treasurer of Strata Company:

(1) Subject to By-law 10(2), the powers and duties of the treasurer of a strata company include:

- (a) the notifying of proprietors of any contributions levied pursuant to the Act;
  - (b) the receipt, acknowledgement and banking of and the accounting for any money paid to the strata company;
  - (c) the preparation of any certificate applied for under Section 43 of the Act; and
  - (d) the keeping of the books of account referred to in Section 35(1)(f) of the Act and the preparation of the statement of accounts referred to in section 35(1)(g) of the Act.
- (2) The strata company may delegate responsibility for all or any of the matters referred to in By-law 10(1) to a manager appointed under a management agreement as contemplated by By-law 8(2)(b) of this Part I.





8. Meetings of Council:

- (1) At meetings of the council, all matters shall be determined by a simple majority vote. In the case of an equality of vote the chairman shall have a second or casting vote.
- (2) The council may:
  - (a) meet together for the conduct of business and adjourn and otherwise regulate its meetings as it thinks fit, but the council shall meet when any member of the council gives to the other members not less than 30 days notice of a meeting proposed by him, specifying in the notice the reason for calling the meeting;
  - (b) employ on behalf of the strata company such agents and employees as it thinks fit in connection with the control and management of the common property and the exercise and performance of the powers and duties of the strata company;
  - (c) subject to any restriction imposed or direction given at a general meeting of the strata company, delegate such of its powers and duties as it thinks fit, and at any time revoke the delegation.
- (3) A member of a council may appoint a proprietor, or an individual authorised under Section 45 of the Act by a corporation which is a proprietor, to act in his place as a member of the council at any meeting of the council and any proprietor or individual so appointed shall, when so acting, be deemed to be a member of the council.
- (4) A proprietor or individual may be appointed under sub-by-law (3) of this By-law whether or not he is a member of the council.
- (5) If a person appointed under sub-by-law (3) is a member of the council, he may separately vote in his capacity as a member and on behalf of the member in whose place he has been appointed to act.
- (6) The council shall keep minutes of its proceedings.



and

(b) if each of those candidates were to be declared elected the number of persons elected would exceed the number of persons required to be elected, as between those candidates, the election shall be decided by a show of hands of those present and entitled to vote.

6. Chairman, Secretary and Treasurer of Council:

- (1) The members of a council shall, at the first meeting of the council after they assume office as such members, appoint a chairman, a secretary and a treasurer of the council.
- (2) A person:
  - (a) shall not be appointed to an office referred to in sub-by-law (1) of this By-law unless he is a member of the council; and
  - (b) may be appointed to one or more of those offices.
- (3) A person appointed to an office referred to in sub-by-law (1) of this By-law shall hold office until:
  - (a) he ceases to be a member of the council;
  - (b) receipt by the strata company of notice in writing of his resignation from that office; or
  - (c) another person is appointed by the council to hold that office,whichever first happens.
- (4) The chairman shall preside at all meetings of the council at which he is present and, if he is absent from any meeting, the members of the council present at that meeting shall appoint one of their number to preside as acting chairman at that meeting during the absence of the chairman.

7. Chairman, Secretary and Treasurer of Strata Company:

The chairman, secretary and treasurer on the council shall also be respectively the chairman, secretary and treasurer on the strata company.



7.

- (a) where the number of candidates equals the number of members of the council determined in accordance with the requirement of By-law 4(3) of Part I, shall declare those candidates to be elected as members of the council;
  - (b) where the number of candidates exceeds the number of members of the council as so determined, shall direct that a ballot be held.
- (5) If a ballot is to be held, the chairman shall:
- (a) announce the names of the candidates; and
  - (b) cause to be furnished to each person present and entitled to vote a blank paper in respect of each lot in respect of which he is entitled to vote for use as a ballot-paper.
- (6) A person who is entitled to vote shall complete a valid ballot paper by:
- (a) writing thereon the names of candidates, equal in number to the number of members of the council so that no name is repeated;
  - (b) indicating thereon the number of each lot in respect of which his vote is made and whether his vote is made as proprietor or first mortgagee of each such lot or as proxy of the proprietor or first mortgagee;
  - (c) signing the ballot-paper; and
  - (d) returning it to the chairman.
- (7) The chairman, or a person appointed by him, shall count the votes recorded on valid ballot-papers in favour of each candidate.
- (8) Subject to rule (9), candidates, being equal in number to the number of members of the council determined in accordance with By-law 4(3) of Part I, who receive the highest numbers of votes shall be declared elected to the council.
- (9) When the number of votes recorded in favour of any two or more candidates is the lowest of the number of votes referred to in rule (8) and:
- (a) that number equals the number of votes recorded in favour of any other candidate;



the removal from office of a member under By-law 4(8), the strata company may resolve that the casual vacancy shall be filled by the strata company at a general meeting.

- (11) Except where there is only one proprietor, a quorum of the council shall be 2 where the council consists of less than 5 members and 3 where it consists of 5 or more members.
- (12) The continuing members of the council may act notwithstanding any vacancy in the council, but so long as the number of members is reduced below the number fixed by these By-laws as the quorum of the council, the continuing members or member of the council may act for the purpose of increasing the number of members of the council or convening a general meeting of the strata company, but for no other purpose.
- (13) All acts done in good faith by the council shall notwithstanding that it is afterwards discovered that there was some defect in the appointment or continuance in office of any member of the council, be as valid as if that member had been duly appointed or had duly continued in office.

5. Election of Council:

The procedure for nomination and election of members of a council shall be in accordance with the following rules:

- (1) The meeting shall determine, in accordance with the requirements of By-law 4(3) of Part I the number of persons of whom the council shall consist.
- (2) The chairman shall call upon those persons present and entitled to nominate candidates to nominate candidates for election to the council.
- (3) A nomination is ineffective unless supported by the consent of the nominee to his nomination, given:
  - (a) in writing, and furnished to the chairman at the meeting; or
  - (b) orally by a nominee who is present at the meeting.
- (4) When no further nominations are forthcoming, the chairman:





be elected to be, a member of the council and the co-proprietor who is so eligible shall be nominated by his co-proprietors in writing and must have accepted such nomination in writing, but, if the co-proprietors fail to agree on a nominee or the nominee fails to accept such nomination in writing, the co-proprietor who owns the largest share of the lot shall be the nominee or if there is no co-proprietor who owns the largest share of the lot the co-proprietor whose name appears first in the certificate of title for the lot shall be the nominee.

- (7) On an election of members of the council, a proprietor shall have one vote in respect of each lot owned by him.
- (8) Except where the council consists of all the proprietors, the Strata company may by special resolution remove any member of the council before the expiration of his term of office.
- (9) A member of the council vacates his office as a member of the council:
  - (a) if he dies or ceases to be a proprietor or a co-proprietor of a lot;
  - (b) upon receipt by the strata company of notice in writing of his resignation therefrom;
  - (c) at the conclusion of an annual general meeting of the strata company at which an election of members of the council takes place and at which he is not elected or re-elected;
  - (d) in a case where he is a member of the council by reason of there being not more than 3 proprietors, upon an election of members of the council (as a result of there being an increase in the number of proprietors to more than 3) at which he is not elected; or
  - (e) where he is removed from office under the By-law 4(8) of this By-law.
- (10) Any casual vacancy on the council may be filled by the remaining members of the council, except that in a case where a casual vacancy arises because of



4.

- (4) Where a person who has paid an amount under this By-law to a strata company satisfies the strata company that he is no longer the proprietor or occupier of a lot and that the strata company no longer has any liability or contingent liability for the supply of gas or electricity to that lot during the period when that person was a proprietor or occupier of the lot, the strata company shall refund to that person the amount then held on his behalf under this By-law.

4. Constitution of the Council:

- (1) The powers and duties of the strata company shall, subject to any restriction imposed or direction given at a general meeting, be exercised and performed by the council of the strata company and a meeting of the council at which a quorum is present shall be competent to exercise all or any of the authorities, function or powers of the council.
- (2) Until the first annual general meeting of the strata company, the proprietors of all the lots shall constitute the council.
- (3) Where there are not more than 3 proprietors the council shall consist of all proprietors and where there are more than 3 proprietors the council shall consist of not less than 3 nor more than 5 proprietors as is determined by the strata company.
- (4) Where there are more than 3 proprietors the members of the council shall be elected at each annual general meeting of the strata company or, if the number of proprietors increases to more than 3, at an extraordinary general meeting convened for the purpose.
- (5) In determining the number of proprietors for the purposes of this By-law, co-proprietors of a lot or more than one lot shall be deemed to be one proprietor and a person who owns more than one lot also be deemed to be one proprietor.
- (6) If there are co-proprietors of a lot, one only of the co-proprietors shall be eligible to be, or to



3.

- (2) A Proprietor shall not instal or affix any locking device to any of the doors (whether internal or external) of lot 3 to 23 (inclusive) without first:
- (a) obtaining the consent of the strata company (which consent will not be unreasonably withheld so long as the provisions of By-law 2(2)(b) hereof have been complied with); and
  - (b) providing free of cost to the strata company a duplicate copy of all keys at the time of installation of such locking device.

3. Power of Strata Company regarding Submeters:

- (1) Where the supply of gas or electricity to a lot is regulated by means of a submeter, the strata company may require the proprietor or other occupier of the lot to pay the strata company by way of security for the payment of charges arising through the submeter an amount not exceeding \$200 and, if any amount so paid is applied by the strata company under By-law 3(2), to pay such further amount or amounts by way of such security as may be necessary to maintain the amount of the security as, subject to this sub-by-law, the strata company may require.
- (2) The strata company shall lodge every sum received under this By-law to the credit of an interest-bearing account with a savings or trading bank and all interest accruing in respect of amounts so received shall, subject to this By-law, be held on trust for the proprietor or occupier who made the payment.
- (3) If the proprietor or other occupier of a lot in respect of which a submeter is used for the supply of gas or electricity refuses or fails to pay any charges due for the supply of gas or electricity to that lot, the strata company may apply in payment of those charges all, or such part as is necessary, of any amount paid to the strata company by that proprietor or occupier under this By-law including any interest that may have accrued in respect of that amount.



2.

requirements therefor from time to time prescribed by the Shire of Augusta-Margaret River; and

- (ii) in the case of Lot 11 a caretaker/manager's residence;
  - (iii) in the case of Lot 11 a shop or amenities pavillion for the use or convenience of the occupiers of Lots and/or such other use as may be permitted from time to time by the Shire of Augusta-Margaret River; and
  - (iv) in the case of Lots 1 and 2 for residential purposes;
- (d) take all reasonable steps to ensure that his visitors do not conduct themselves in a manner inconsistent with the conduct which might be expected of invitees to a first class development of a high standard and which is likely to interfere with the peaceful enjoyment of any proprietor, occupier or other resident of another lot or of any person lawfully using Common Property; and
- (e) take all reasonable steps to ensure that his visitors comply with the By-laws including but not limited to the parking of motor vehicles.

2. Power of Proprietor to Decorate etc.

- (1) A proprietor may, subject to Part II of these Bylaws, without obtaining the consent of the strata company, paint, wallpaper or otherwise decorate the structure which forms the inner surface of the boundary of his lot or affix flyscreens, furnishings, furniture, carpets and other similar things to that surface, if and so long as such action does not cause interference or damage the common property.





"BY - LAWS"

PART 1

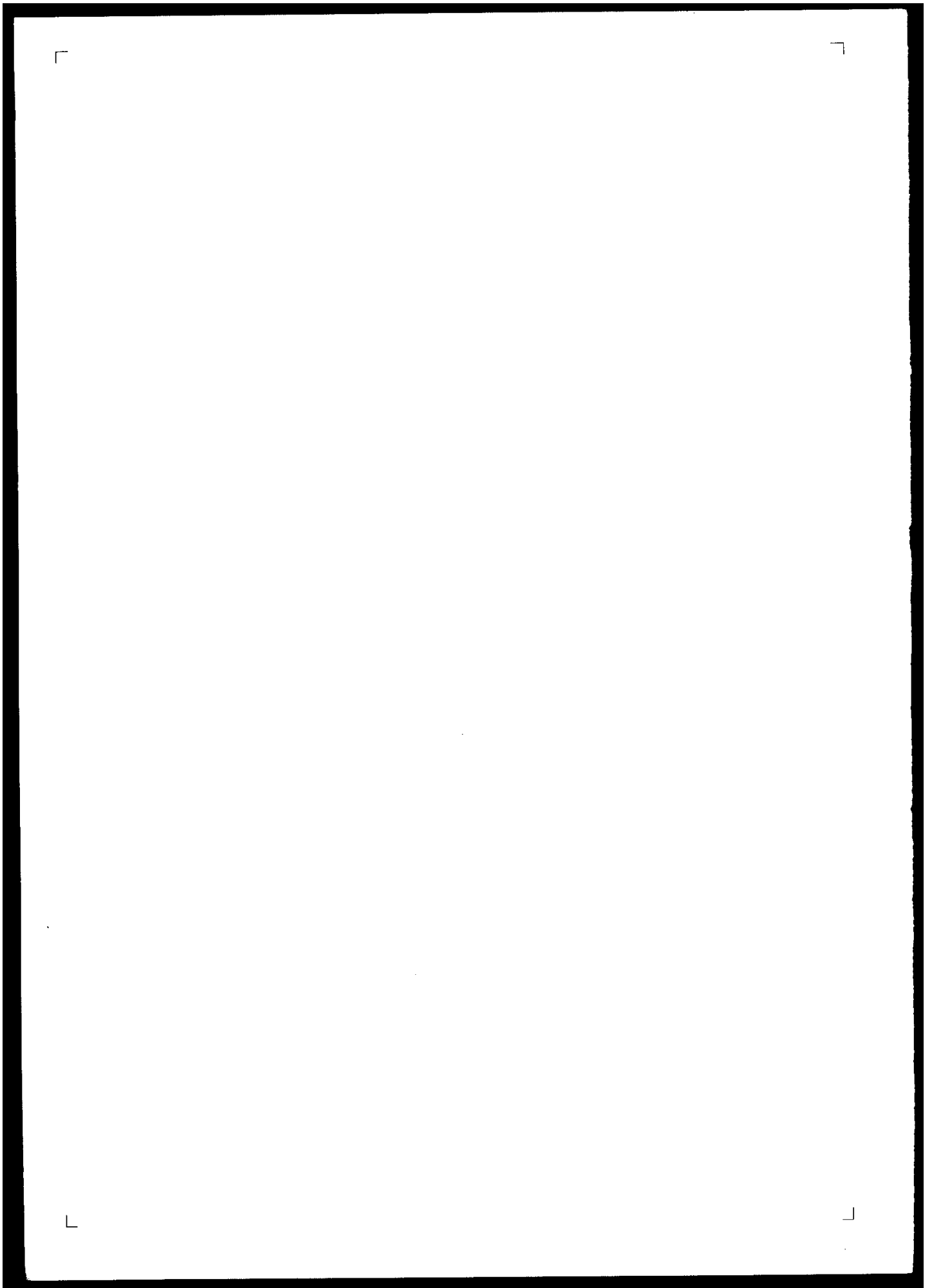
1. Duties of proprietor, occupiers, etc.

(1) A proprietor shall:

- (a) forthwith carry out all work that may be ordered by any competent public or local government authority in respect of his lot other than such work as may be for the benefit of the building generally and pay all rates taxes, charges, outgoings and assessments that may be payable in respect of his lot;
- (b) repair and maintain his lot, and keep it in a state of good repair in keeping with a first class development of a high standard; and
- (c) notify the strata company forthwith upon any proposed change of ownership or of any mortgage or other dealing in connection with his lot.

(2) A proprietor, occupier or other resident of a lot shall:

- (a) use and enjoy the common property in such a manner not inconsistent with the rights of other proprietors occupiers or residents and so as not to interfere with the use and enjoyment thereof by other proprietors, occupiers or residents, or their visitors; and
- (b) not use the lot or permit it to be used in such manner or for such purpose as causes a nuisance to any occupier of another lot (whether a proprietor or not);
- (c) not use the lot or permit it to be used for any purpose other than:
  - (i) in the case of Lots 3 to 10 and 12 to 23 (inclusive) short stay holiday accommodation in accordance with the



**BLANK INSTRUMENT FORM**

NOTIFICATION OF CHANGE (Note 1)  
OF BY LAWS

The Owners of 14 Willmott Avenue, Margaret River Strata Plan 27826 hereby certify by unanimous resolution duly passed on the 16th day of December 1994 the By-laws in Parts I and II of Schedule 1 to the Act as they applied to that Strata Plan were repealed and adopted in their place were the By-laws, a copy of which are attached hereto.

The Common Seal of the Owners )  
of 14 Willmott Avenue, Margaret )  
River Strata Plan 27826 was )  
hereunto affixed in the )  
presence of:



*A. Over*  
.....  
Member of the Council

*[Signature]*  
.....  
Member of the Council





**BEERE MAY & MEYER**  
BARRISTERS AND SOLICITORS

DENNIS BEERE  
PETER MAY  
JONATHAN MEYER

37 KENT STREET  
P.O. BOX 953  
BUSSELTON 6280  
TELEPHONE: (097) 524 166  
FACSIMILE: (097) 541 782

Our Ref: PM:940198

16 February 1996

Officer in Charge  
DAS (Document Acceptance System)  
DOLA  
PO Box 2222  
MIDLAND WA 6056

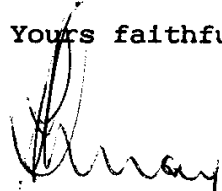
Dear Sir

**STRATA PLAN 27826**

I enclose Notification of Change of By-laws in duplicate, together with my cheque in the sum of \$62.00 and request that you proceed with registration of the same.

I enclose your lodgment slip.

Yours faithfully

  
Peter May  
BEERE MAY & MEYER

FMB/12  
1502PM

19 FEB 1996  
OFFICE OF TITLES

242

Received By	By Cheque/M. Ord.	3651
No.	20058	
Amount	62.00	
Initials	PL	

ALSO AT:  
LEEUWIN LAW CENTRE  
43 TOWN VIEW TERRACE  
P.O. BOX 241  
MARGARET RIVER 6285  
TELEPHONE: (097) 572 744