

KITTOCH MUIR OWNERS ASSOCIATION CONSTITUTION

1. Name of the Association

The association shall be known as the Kitchoch Muir Owners Association.

2. Aims and Objectives of the Association

- 2.1 To look after the interests of the owners in all matters relating to the common areas.
- 2.2 To provide such assistance as may be appropriate and practical to owners with regard to their interest in their property.
- 2.3 To provide a mechanism for convening meetings of owners in accordance with the terms of the Deed of Conditions.
- 2.4 To promote and safeguard the interests of the owners concerning the management of the estate.

3. Membership

All owners of the Kitchoch Muir Estate are members in accordance with the terms of the Deed of Conditions.

4. Management Fee

Each household shall pay a quarterly management fee of £2.50 to enable the committee to act on their behalf. This payment may be collected by the factors.

5. Management of the Association

- 5.1 The affairs of the association shall be managed by a committee of not less than 6 members. Two from each area, Ministers Park, Castlehill Green and Davie's Acre. The Chairman, Treasurer and Secretary may be elected from the estates owners in addition to the minimum members. In the event that insufficient nominees are seconded from each area the Annual General Meeting shall decide the revised constitution of the committee.
- 5.2 Members of the committee shall be elected at the Annual General Meeting and shall hold office for one year and shall be eligible for re-election.
- 5.3 Four members of the committee shall form a quorum
- 5.4 Matters coming before the committee shall be decided by vote. In the event of a tie the Chairman shall have a casting vote.
- 5.5 The Secretary shall produce minutes of all committee meetings and issue them to all committee members. These minutes shall be ratified at the next meeting of the committee.
- 5.6 The Secretary shall produce Agenda for the Annual General Meeting and any other general meetings.

- 5.7 The Treasurer shall maintain details of the finances and expenses of the Association and shall produce a statement of accounts for the Annual General Meeting.
- 5.8 The Treasurer shall ensure any cheque drawn on the Association's finances in excess of £100 shall require two authorised signatures.
- 5.9 There shall be at least two general meetings per annum open to all members of the Association, one of which shall be the Annual General Meeting.

6. General Meetings.

- 6.1 There shall be an Annual General Meeting in the spring at a chosen venue. The committee shall give a report of its activities, present a statement of accounts and then resign.
- 6.2 The Annual General Meeting shall elect a new committee and vote on any recommendations or motions and amendments to the constitution.
- 6.3 The Annual General Meeting shall, as and when required, discuss ground maintenance and vote on the fees to be paid for the next contractual period.
- 6.4 There shall be a general meeting in the period October/December to formally appraise owners of progress and discuss any other business.
- 6.5 The committee (or Property Manager) shall have power to call extraordinary general meetings of the Association at any time and shall be bound to call such a meeting within 30 days of the receipt of a written requisition signed by at least 5 owners. Such requisitions shall specify the object of the meeting and shall be delivered to the Chairman of the Association who shall formally acknowledge receipt. In the event of the committee failing to comply with such a requisition within 30 days of the requisitionists may themselves convene an extraordinary meeting to be held within 21 days thereafter. A meeting so convened shall deal only with the objects stated in the requisition.
- 6.6 All general meetings of the Association shall be called by at least 21 days written notice specifying the venue, date and time of the meeting and the agenda items which shall be considered.

7. Votes of Members.

Each residence shall have one vote. In the event of two or more owners from one residence attending a general meeting only one such owner shall be entitled to vote.

At general meetings where issues are to be put to a vote a quorum of at least 30 voting owners must be present for the result to be binding on all owners.

Ballots may be used outside of General Meetings on issues that may arise. In this case a means of ensuring the ballot is in accordance with the Deeds which gives adequate time to respond will be enacted by the committee.

8. Proceedings at Meetings

- 8.1 At a General Meeting if a quorum is not present within 20 minutes from the appointed time of the meeting the meeting, if convened on a requisition by a group of owners, shall be dissolved. In any other case the meeting shall stand adjourned to a time and place to be specified on a written notice sent to each residence not less than 14 days prior to the date set for such adjourned meeting. If at any adjourned meeting a quorum is not present within 20 minutes of the time appointed for the meeting the owners present in person shall be the quorum.
- 8.2 The Chairman of the committee shall take the chair at every meeting of the Association. If the Chairman is not present or is unwilling to act the owners shall choose one of their own number to act as Chairman of the meeting.
- 8.3 The Chairman may, with the consent of the owners there present, adjourn any meeting from time to time and place to place with the proviso that, only business left unfinished at the meeting at which an adjournment took place shall be transacted.
- 8.4 Any ruling by the Chairman at a general meeting on any matter arising at that meeting concerning procedure or the interpretation of this constitution shall be final.

9. Dissolution of the Association.

The Association may, at any time be dissolved, on a vote of not less than two thirds of the voting owners present.

10. Amendment to this Constitution.

Alteration or amendment of this constitution cannot be made in the first year of its operation. Thereafter, alteration or amendment shall not be made except at a general meeting or an extraordinary meeting called for that purpose.

The notice calling such a meeting shall state the alteration or alterations to be made.

No alteration shall be effected unless it is carried by a two thirds majority of those owners at the meeting entitled to vote.