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10042175509

INCORPORATED SOCIETIES ACT

DECLARATION of a member of a Society, or a Solicitor, that the signed or sealed rules are the rules of this Society

I SCOTT MORAN of Queenstown, Solicitor do solemnly and sincerely declare as follows

- 1 That I am the Solicitor for the Society
- 2 That the majority of the members of the Frankton Community Association ~~Incorporated~~ have consented to the application for incorporation of the said Society, and as such consented to obtain by the resolution passed at a General Meeting of the Society held on the 20th day of March 1993
- 3 That the rules accompanying the application as set out in the document marked "A" hereto annexed and signed or sealed by the subscribers are the rules of the Society

And I make this solemn declaration conscientiously believing same to be true, and by virtue of the provisions of the Oaths and Declarations Act 1957

Signed

SCOTT MORAN

DECLARED at Queenstown this 27th day of March 1995

before me

Solicitor of the High Court of New Zealand

APPLICATION FOR INCORPORATION

We, the fifteen persons whose signatures appear below, are members of

(name of Society) **FRANKTON COMMUNITY ASSOCIATION**

RECEIVED
03 FEB 1995

As members of the society we hereby apply for the incorporation of our society under the Rules of the Society as supplied with this application, in accordance with the Incorporated Societies Act 1908

Dated this **1st** day of **February** 19**95**

APPLICANT		WITNESS	
1 Signature <i>L.P. Walker</i>	Address <i>P.O. Box 712</i>	Signature <i>B. Hall</i>	Address <i>73 McBride St.</i>
Occupation <i>Manager</i>	<i>Queenstown</i>	Occupation <i>Retired</i>	<i>Queenstown</i>
2 Signature <i>B. Khamer</i>	Address <i>105 McBride St</i>	Signature <i>B. Hall</i>	Address <i>73 McBride St</i>
Occupation <i>Retired</i>	<i>Queenstown</i>	Occupation <i>Retired</i>	<i>Queenstown</i>
3 Signature <i>B. Khamer</i>	Address <i>21 Humphrey St</i>	Signature <i>B. Hall</i>	Address <i>73 McBride St.</i>
Occupation <i>Retired</i>	<i>Frankton</i>	Occupation <i>Retired</i>	<i>Queenstown</i>
4 Signature <i>Z. Reddel</i>	Address <i>72 Douglas St</i>	Signature <i>B. Hall</i>	Address <i>73 McBride St.</i>
Occupation <i>Retired</i>	<i>Frankton</i>	Occupation <i>Retired</i>	<i>Queenstown</i>
5 Signature <i>R. T. Hall</i>	Address <i>104th 643</i>	Signature <i>B. Hall</i>	Address <i>73 McBride St.</i>
Occupation <i>Manager</i>	<i>533 Main Rd</i>	Occupation <i>Retired</i>	<i>Queenstown</i>
6 Signature <i>B. Khamer</i>	Address <i>511 Franklin Rd</i>	Signature <i>B. Hall</i>	Address <i>73 McBride St.</i>
Occupation <i>Retired</i>	<i>Queenstown</i>	Occupation <i>Retired</i>	<i>Queenstown</i>
7 Signature <i>B. Khamer</i>	Address <i>811 Buss St</i>	Signature <i>B. Hall</i>	Address <i>73 McBride St</i>
Occupation <i>Retired</i>	<i>Frankton</i>	Occupation <i>Retired</i>	<i>Queenstown</i>
8 Signature <i>B. Khamer</i>	Address <i>19 Stewart St</i>	Signature <i>B. Hall</i>	Address <i>73 McBride St.</i>
Occupation <i>Retired</i>	<i>Frankton</i>	Occupation <i>Retired</i>	<i>Queenstown</i>
9 Signature <i>E. C. Shumway</i>	Address <i>35 Stewart St.</i>	Signature <i>B. Hall</i>	Address <i>73 McBride St.</i>
Occupation <i>Retired</i>	<i>Frankton</i>	Occupation <i>Retired</i>	<i>Queenstown</i>
10 Signature <i>M. E. Lennox</i>	Address <i>P.O. Box 80</i>	Signature <i>B. Hall</i>	Address <i>73 McBride St.</i>
Occupation <i>R.N.</i>	<i>Wakatipu</i>	Occupation <i>Retired</i>	<i>Queenstown</i>
11 Signature <i>F. J. Prince</i>	Address <i>P.O. Box 811</i>	Signature <i>B. Hall</i>	Address <i>73 McBride St.</i>
Occupation <i>Engineer</i>	<i>Wakatipu</i>	Occupation <i>Retired</i>	<i>Queenstown</i>
12 Signature <i>B. Khamer</i>	Address <i>36 Lake Ave</i>	Signature <i>B. Hall</i>	Address <i>73 McBride St.</i>
Occupation <i>Retired</i>	<i>Frankton</i>	Occupation <i>Retired</i>	<i>Queenstown</i>
13 Signature <i>R. M. Clarkson</i>	Address <i>36 Lake Ave</i>	Signature <i>B. Hall</i>	Address <i>73 McBride St.</i>
Occupation <i>Retired</i>	<i>Frankton</i>	Occupation <i>Retired</i>	<i>Queenstown</i>
14 Signature <i>M. A. Hodgson</i>	Address <i>71 McBride St</i>	Signature <i>B. Hall</i>	Address <i>73 McBride St</i>
Occupation <i>Engineer</i>	<i>Frankton</i>	Occupation <i>Retired</i>	<i>Queenstown</i>
15 Signature <i>B. Hall</i>	Address <i>73 McBride St</i>	Signature <i>B. Hall</i>	Address <i>73 McBride St</i>
Occupation <i>Shop Assistant</i>	<i>Frankton</i>	Occupation <i>Retired</i>	<i>Queenstown</i>

NOTES A TWO copies of this application are required Applicants should sign in the same place on each copy
 B A person who is an applicant CANNOT be a witness to the signature of any of the other applicants

"A"

3

RULES OF THE FRANKTON COMMUNITY ASSOCIATION

INCORPORATED

1. NAME

The name of the Association is "Frankton Community Association Incorporated".

2. OBJECTS

The Association is established with the object of maintaining and improving all amenities and creating new amenities at Frankton and to do all such things as are incidental to conductive to or necessary for the attainment of that object.

3. MEMBERS

The membership shall consist of:

- (a) full members being residents or landowners on the Frankton property; and
- (b) associate members - being persons nominated by full member and approved by a majority of the Executive Committee; and
- (c) any life member duly elected as a life member of the Association at an Annual General Meeting of the Association.

4. ELIGIBILITY FOR MEMBERSHIP

Any person shall be eligible for membership provided that that person has not been previously expelled from the Association and provided that he fulfils the criteria outlines in Clause 3.

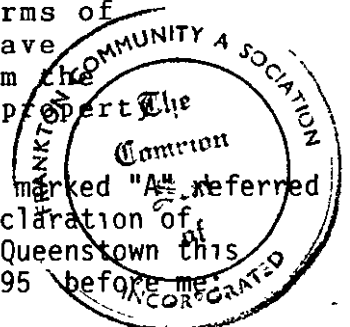
5. CESSATION OF MEMBERSHIP

Resignation

Any member may resign from membership by giving to the Secretary notice in writing to that effect and every such notice shall unless otherwise agreed to by the Executive Committee take effect at the expiration of one (1) calendar month after the giving of such notice but any such retirement shall not release the member from payment of his subscription to the day of his retirement. Full members in terms of Clause 3 (a) hereof shall be deemed to have resigned in writing upon moving away from the Frankton Community or upon selling all property at Frankton.

This is the document marked "A" referred to in the annexed declaration of SCOTT MORAN made at Queenstown this 29th day of March 1995 before me.

Robertta Queenstown



COMMERCIAL AFFAIRS
RECEIVED
03 APR 1995
DUNDEE

Expulsion

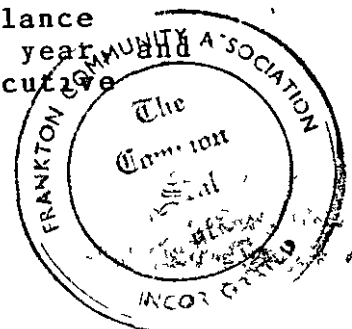
The Association may at any time by letter invite any member within a specified time to retire for breach by him of these Rules or for conduct which in the opinion of the Committee is prejudicial to the interests of the Association or for non-payment of subscriptions, and in default of voluntary retirement the Committee may submit the question of his expulsion to a general meeting to be held within three calendar months from the date of the letter requesting retirement and at such meeting the member whose expulsion is under consideration shall be allowed to offer an explanation verbally and/or in writing and if thereupon two-thirds (2/3) of the members present shall vote for his expulsion he shall forthwith without releasing him from any antecedent liability to the Association cease to be a member PROVIDED THAT voting at any such meeting shall be by ballot if so demanded by not less than twenty (20) members.

6. ANNUAL GENERAL MEETING

(a) The Annual General Meeting shall be held between the 1st day of January and the last day of February in each year at a time and place fixed by the Committee, for the following purposes:

- (i) to receive the Annual Report of the Executive Committee;
- (ii) to receive a Balance Sheet and Statement of Account for the preceding financial year and an estimate of the receipts and expenditure of the ensuing year;
- (iii) to elect members to the Committee for the ensuing year;
- (iv) to appoint an Auditor for the ensuing year;
- (v) to decide on any resolution which may be duly submitted to the meeting.

(b) Not less than fourteen (14) clear days before the Annual General Meeting a notice thereof shall be sent to every member at his last known address together with a copy of the balance sheet and statement of account for the year, a copy of the annual report of the executive committee.



7. GENERAL MEETINGS

- (a) At least one General Meeting other than the Annual General Meeting shall be held in each year for the purposes of discussing general business.
- (b) The Committee may at any time call a General Meeting of their own motion and they shall do so within twenty-one (21) days of receiving a requisition in writing of any five (5) members stating the purposes for which the meeting is required.
- (c) Not less than seven (7) clear days before the General Meeting a notice thereof shall be sent to every member at his last known address together with a statement of the business to be conducted at that meeting.

8. PROCEDURE AT MEETINGS

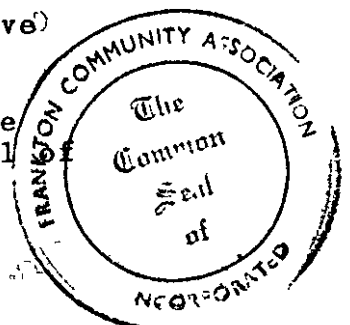
- (a) At all General Meetings the President and in his absence any other duly elected Chairman shall take the chair and every member present shall be entitled on every motion to one vote exercised in person and in the case of an equality of votes the Chairman shall have a casting as well as a deliberative vote.
- (b) The mode of voting on all questions (other than elections) at all General Meetings shall be by voice or if the Chairman or any three (3) members shall require by a show of hands.
- (c) The mode of voting in all elections at the Annual General Meeting shall be by secret ballot for which purpose a returning officer and a sufficient number of assistants and scrutineers shall be appointed at the meeting.

9. QUORUM

At all General Meetings, six (6) members shall constitute a quorum.

10. COMMITTEE

- (a) The affairs and business of the Association shall be controlled and managed by an executive Committee consisting of:
 - (i) a President, a Vice-President and three (3) to seven (7) Committee members, all whom are to be elected at an Annual General Meeting;



- (11) a Secretary and/or a Treasurer, both of whom are to be elected at an Annual General Meeting and who may at the discretion of the Committee be paid officers of the Association. One person may hold both positions.

The members of the Committee shall hold office (except in the case of death, resignation or expulsion for the Association) until the conclusion of the following Annual General Meeting.

11. MEETINGS OF COMMITTEE

- (a) The Committee shall meet at such times and places as shall from time to time be determined by the President and at all such meetings the Committee shall determine its own procedure.
- (b) The quorum for Committee meetings shall be one-half of all Committee members elected or appointed in a given year.
- (c) Notice in writing of every such meeting shall be given by the Secretary to each member of the Committee and shall be deemed to be duly given if properly posted not less than twenty-four (24) hours prior to the time appointed for the holding of the meeting in question PROVIDED THAT this requirement may be waived if written notice is given as above to each Committee member of a regular time and place meetings are to be held.

12. ABSENCE FROM MEETINGS OF COMMITTEE

Any member of the Committee who shall exempt himself without leave from three(3) consecutive meetings of the Committee shall ipso facto cease to be a member of the Committee.

13. VACANCIES ON COMMITTEE

The Committee shall have power to appoint a member of the Association to fill any casual vacancy on the Committee until the next Annual General Meeting and any Committee member so appointed shall retire at the next Annual General Meeting together with the rest of the Committee, but all or any of the retiring Committee shall be eligible for re-election.



14. DUTIES OF COMMITTEE

It shall be the duty of the Committee generally to conduct the affairs of the Association, to collect all subscriptions and keep usual and proper Books of Account properly posted up and other records of the business of the Association, and to prepare and to submit to the Annual General Meeting an Annual Report, Balance Sheet and Statement of Accounts for the preceding year, and to ensure that the Association complies with all Acts, Regulations and By-Laws relating to the operation of the Association or of the Association's affairs.

15. COMMON SEAL

The Common Seal of the Association shall be that approved by the Committee, who shall be responsible for the safe custody and control thereof.

16. ATTESTATION OF DOCUMENTS

Whenever the common seal of the Association is required to be affixed to any deed, document, writing or other instrument, the seal shall be affixed thereto pursuant to a resolution of the Committee and in the presence of two Committee members (one of whom shall be the President or Secretary) who shall sign the document or instrument to which the seal is so affixed.

17. INVESTMENT OF FUNDS

The Committee may from time to time invest and re-invest in such securities and upon such terms as it shall think fit the whole or any part of the funds of the Association which shall not be required for the immediate business of the Association.

18. BORROWING POWERS

The Association shall in addition to the other powers vested in it have the power to borrow or raise money from time to time by the issue of debentures, bonds, mortgages or any other security founded or based on all or any of the property and/or rights of the Association, or without any such security and upon such terms as to priority and otherwise as shall seem fit to the Committee, who shall also be entitled to exercise such power to borrow or raise money.



19. POWERS OF THE COMMITTEE

Without limiting the generality of the powers of the Committee to conduct the affairs of the Association the Committee may exercise all or any of the following powers.

- (aa) to expel or suspend for any period any member of the Association in breach of these Rules or whose behaviour in the opinion of the Committee may be prejudicial to the interests of the Association or who has failed to pay the Association's subscription.
- (bb) to expend any of the monies of the Association for any purpose in accordance with the objects of the Association including the power to pay an honorarium to any Secretary or Treasurer.
- (cc) to form such Sub-Committees as it thinks necessary.
- (dd) to co-opt any expertise that the Committee may from time to time consider necessary.

20. EXPENDITURE

All expenditure of Association funds over the sum of TWO HUNDRED AND FIFTY DOLLARS (\$250.00) shall unless authorised by a General Meeting be subject to prior approval of the Committee or a Sub-Committee thereof. All cheques or withdrawal slips shall be signed by two members of the Executive Committee as defined in Clause 10.

21. AUDIT

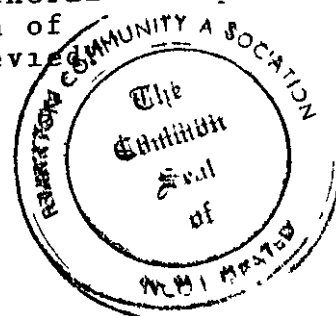
The Association's Accounts shall be audited annually by an Auditor appointed for the purpose at the Annual General Meeting.

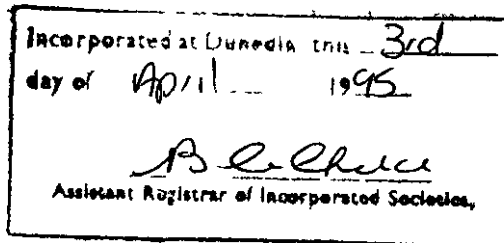
22. FINANCIAL YEAR

The financial year of the Association shall commence on the 1st day of November in any year and cease on the 31st day of October in the following year.

23. SUBSCRIPTIONS

The annual subscriptions in each year shall be such amounts as may be determined at the Annual General Meeting and shall be payable within (1) month of the Annual General Meeting at which it was levied





24. ALTERATION OF RULES

- (a) These Rules may be altered, added to, rescinded or otherwise amended by resolution passed by a three-fourths (3/4) majority of those present at a General Meeting of which fourteen (14) days' notice has been given, and confirmed at another General Meeting held not more than three (3) calendar months nor less than fourteen (14) days thereafter by a simple majority of those present.
- (b) Every such notice shall set forth the purport of the proposed alteration, addition, rescission or other amendment.
- (c) Duplicate copies of every such alteration, addition, rescission or amendment shall forthwith be delivered to the Registrar of Incorporated Societies in accordance with the requirements of the Incorporated Societies Act 1908.

25. DISSOLUTION

The Association may be voluntarily wound up in accordance with Section 24 of the Incorporated Societies Act 1908.

26. DISPOSITION OF SURPLUS ASSETS

In the event of the Association being wound up the surplus assets and funds after payment of the Association's liabilities and expenses of winding up shall be paid or distributed to the Queenstown-Lakes District Council Reserves Committee (or any such similar Local Body as may control the Frankton Community at the time of the winding up) for the express and sole purpose of improving and maintaining the amenities and reserves of Frankton area.

27. INTERPRETATION

- (a) In these Rules words importing the singular shall include the plural, and the masculine gender the feminine or neuter or vice versa and words importing persons shall include any corporate body including companies;
- (b) If at any time an matter shall arise which not provided for in these Rules or in the interpretation of these Rules, the same shall be determined where appropriate by the Committee whose decision shall be final.



INCORPORATED SOCIETIES ACT, 1



10021981689

Declaration by a Member of a Society, or a Solicitor, that the Alteration of the Rules is in accordance with the Rules of the Society

I, **RUSSELL MATTHEW HANNON** of Frankton, Queenstown, Retired Chartered Accountant do solemnly and sincerely declare as follows

- 1 That I am the President of the Frankton Community Association Incorporated
- 2 That the alteration of the rules of the Frankton Community Association Incorporated as set out in the document marked "A" hereto annexed has been made in accordance with the rules of the Society

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of the Oaths and Declarations Act, 1957

R. Hannon

Declared at *Queenstown* this *30th* day of *September* 1998
before me

Jack
Solicitor

Andrew Bryce Jack
Solicitor
Queenstown

MINISTRY OF COMMERCE
NOT NEGOTIABLE
08 OCT 1998
01806 - DUNEDIN

“A”

FRANKTON COMMUNITY ASSOCIATION INCORPORATED
P O BOX 2004
QUEENSTOWN

ALTERATION OF RULES

Rule 22 to be amended by changing November (in second line) to January and
October (in third line) to December

Rule 19(b) add the following

*“No member of the organisation or any person associated with a
member shall participate in or materially influence any decision made
by the organisation in respect of the payment to or on behalf of any
income, benefit or advantage whatsoever ”*

*“Any such income shall be reasonable and relative to that which would
be paid in an arms-length transaction ”*

Rule 24 add the following

*“(d) No addition to or alteration or recession of the rules shall be
approved if it affects the non-profit objects, payment to members or the
disposition of surplus assets rules The provision and effect of this
clause shall not be removed from this document and shall be included
into any documentation replacing this document ”*

The effect of amendments to rule 19(b) and the addition of 24(d) is to qualify for
income tax exemption on interest and dividends received

MINISTRY OF COMMERCE
NOT NEGOTIABLE
08 OCT 1998
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● Rule 22 is to make the financial year of the association the same as the calendar year

R. Hannon x

Russell Matthew Hannon (President of the Society)

E. Logan x

Gaenor Elizabeth Logan (Secretary of the Society)

Brian Tall x

Brian Tall (Member of the Society)

This is the document marked "A" referred to in the annexed declaration of Russell Matthew Hannon made at *Queenstown* this *30th* day of *September* 1998 before me

Jack Solicitor
Andrew Bryce Jack
Solicitor
Queenstown



Alteration of rules registered, this *30th* day of *October*, 19*98*
Andrew Bryce Jack
Solicitor