

MIAMI GREEN RESORT CONDOMINIUM OWNERS ASSOCIATION, PENANG

registered at the ROS under association no. 1618

circular to all owners'
P.O.B. at the Miami Green Resort

24th September 2006

Dear fellow-owners !

Thank you... for responding to that little note we delivered one month ago to all P.O. boxes in our resort: obviously this was that "little necessary extra" which has brought a new situation in which now – unlike before – I receive almost daily from you emails and letters which I encounter as very encouraging for the committee-work!

1./ Receipt of Strata Title and consequences from that!

Over the last months we repeatedly received verbal hints that the S/T is expected to be issued to the developer "end of this year". The consequential steps will be these:

- within 21 days upon receipt of it the developer must start to pass it on to us individual owners
- once 1/3 part of us owners will have received our individual S/T the developer will call for the 'First AGM' = the day and moment where
 - 1./ the developer will pass-on the responsibility of the management of the common property areas (including the entire financial responsibility !) to us owners
 - 2./ during that 'First AGM' all owners are automatically members of the new "Management Corporation" which comes into life during that 'First AGM'
 - 3./ all owners will vote/elect the COUNCIL of that new MC which will execute all owners' responsibilities towards government authorities, Tenaga Nasional, PBA etc and will engage the future property management service company and every other service we require!
- within 30 days from that 'First AGM' the developer must hand over the accounts to the new COUNCIL, i.e. the entire bookkeeping-documentation. In the eventual case that we owners should not be satisfied with anything about these accounts the lawmaker has provided a 45 days' period from receipt during which we could take legal action if considered necessary.

Please make yourself familiar with your future duties and responsibilities as described in "The Miami Green Strata Title Seminar" displayed on our website the www.miami-green.info !

2./ "No way to run away from our future collective responsibility !"

Whether we like the idea of receiving this collective financial responsibility or not – it's coming upon us! Since the laws do not provide any alternative to this fact I am writing this circular to you all in order that you please kindly

- start making yourself familiar with your future responsibilities as stated on our website
- see it as a possibility to create a neighbourhood where everyone is "happy at home" also knowing everyone has her/his say and is heard, is paying the same service charge per square feet and has equal rights in our community
- get involved and attend our committee meetings which are open to all owners:
 - > are you aware of our "remarkable" correspondence with the developer as displayed on our website ?
 - > how about you join the "Sub-Committee Social Activities" and contribute to an *even more alive* neighbourhood with your ideas & proposals ? .../ 2

website: www.miami-green.info : email: contact@miami-green.info

correspondence address c/o Jens Kehrhahn - 28C-15-3A Jalan Pantai Miami - 11100 Batu Ferringhi

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- the future Council of our future Management Corporation .../ 2
will be the supreme authority which is for example legally empowered to set new 'by-laws': please realize the fantastic possibilities which are being given to all of us.

Anyway good to know...

- whatever new by-laws and rules this future Council should decide on they need to be adopted by an AGM to become legally valid
- the Strata Title Board Penang remains on stand-by to veto and/or to declare null and void whatever the Council should have done wrong, in case any fellow-owner should apply for its intervention
- to repeat: the future Management Corporation = automatically all owners
the future Council = fellow-owners elected by the MC on the 'First AGM' formally and actually this future will begin with the event of the developer's 'First AGM' – in the sense of the invitation given out to you all by this circular however (see last paragraph on this page) our mutual future has begun today with this letter !
- re: our future collective financial responsibility
Since YOUR and everyone's private home and money, financial commitments and longterm interests are concerned consider to volunteer for the future Council or for a 'Board of Advisers' that we would be free to invent if we all should consider it helpful !?

A few days ago a fellow-owner called me on the phone and spoke 20 minutes to me from London, mentioning he and his family/friends own four condominiums in our resort: he appreciated the work of our committee and mentioned that his father had been bearing responsibility for the management of church-property over more than ten years: I assume such a gentleman – I assume a retiree nowadays – might not want to become a member of our future Council but he might accept an invitation into a "Board of Advisers" of which I could imagine very well our future Council would appreciate to have at it's side!?

- the future council-members will be elected to execute all owners' responsibilities which means their position is powerful, challenging and at times potentially burdening: according to the lawmaker these council-members are entitled to a kind of "salary" which is not specified in figures by the lawmaker and hence, needs to be agreed upon by all of us! Bearing in mind that
 - all of us must know - and must be able to control - that our future Council does handle it's business in a good ethical manner & with cleverness & prudence
 - in our resort the annual income from service charges is approx one million Ringit: the "salary" should reflect the council-members' responsibility – because if it wouldn't no-one would be prepared to accept such responsibility unless "other financial interests" should be on his/her mind when accepting an election into the Council...!?

Of course any such "other financial interests" is exactly the point which we will not tolerate: therefore I am recommending to you all that

- 1./ evaluate the function of the council-members and their reasonable 'salary'
- 2./ we mutually discuss and agree on "General Business Rules & Conditions" according to which the future council-members will execute their responsibility and conduct their business.

.../ 3

- “WHY the future council-members must not be afraid of gossip and rumors about the Council’s business manners etc. ??” .../ 3
While generally nobody can stop other people to gossip, the future council-members on the other hand must not worry: we still have got sufficient time to setup both, the “General Business Rules & Conditions” and sufficient transparent control-mechanisms!
 - The future “Miami Green Key Policies + General Business Conditions”
> view draft/s displayed on our website http://www.miami-green.info/business_terms.htm
A starting version of such conditions is being drafted and displayed on our website and you are all invited to please join the discussion and to send me your comments by email.

And by this our mutual future has begun already, be assured that every comment I will receive from you will be duly noted ~ non of your comments will get lost.
You will be able to follow-up the status of the discussion within our committee and with you all by the constantly updated version of such conditions as we will display them on our above-mentioned special webpage.
By starting today and hereby to set it all up in a most prudent, wise and intelligent way we all can insure that our future Council will be able to execute it’s responsibilities in a way that we all can accept!
 - Qualifications : requirements on the future council-members
Please also think of this: in view of that the future council-members need to be on top of what they are doing, i.e. they must be capable to execute their business with that smartness and prudence that secures
 - 1.) all our interests are being taken care to the best-possible extent - while
 - 2.) our service-providers should be able to enjoy the cooperation with us or at least do recognize our fair proper business conduct
 - are we willing to accept anyone who volunteers for the Council ?
 - if not, which criteria should we set for volunteers or recommended fellow-neighbours who are prepared to work in the Council?
 - the impulse for this circular: “wondering...”
Recently it was agreed to send a letter to Trans-Intan Sdn.Bhd. as the ‘Miami Green Cash Buyers Action Committee’ and we discussed the version A or B of it.
Parallel to our verbal discussion I sent out both drafts to 120 email-addresses which we have registered so far of our fellow-owners – and while the very point was MONEY, i.e. real actual interest of each one of us (!)
only 21 fellow-owners of 120 email-addresses responded.
I found that very remarkable.
“fyi” the results of our circular-questions was that 13 owners voted for the tougher version, 6 for the softer version, 2 had counter-proposals. Before we had received those answers back, the requested financial information was received (see below 3./).
- The participation on this voting gave me the impulse for this letter by which I herewith would like to send out to you all this invitation please:
- equal to the enjoyable fact that our Miami Green Resort is one of Penang’s finest
 - let us together prove that we it’s owners – the way I see it: a cosmopolitan great mix of potential individuals – are likewise motivated and very capable to create a fantastic neighbourhood where we all are “happy at home” because it is tolerance + respect for our neighbour’s privacy and the professional + ethical business conduct that secures all our peace !!! .../ 4

3./ **the Miami Green accounts**
= the financial status of Trans-Intand Sdn.Bhd.

.../ 4

Finally we have received the updated upgraded financial information we have been requesting for and this documentation is under professional search at this moment.

In this respect I received an email during the last days asking for my personal view of the apparently “very problematic and questional situation”. Well, my comment was this: while the street-talk in Penang is, that “no developer ever has handed over full accounts to the owners” I am personally confident, we will achieve satisfactory results anyway (independently from the question whether we will have to fight for it or not)

- > because there is no legal vacuum (the Penang Strata Title Board is on stand-by)!
- > we are members of the Penang Hi-Rise Assn. who has got specialized lawyers !!
- > and our developer has been made aware of this !!!

4./ **“You got appetite for some social activities in our resort ?”**

Please do join the “Sub-Committee Social Activities”
and arrange the next “Miami Green Open” contest in table-tennis or squash or in....
whatever you think could be enjoyable for all ?!!!

Besides, December is not too far away... how about you start thinking of whether + how to arrange the next Miami Green Party together with a team of fellow-enthusiasts ?

One thing is sure: we need just 1 (one!) fellow-owner who has got some time + interest “and more appetite for social activities than our present Chairman seems to have...” and whoop... the sub-committee is started and everyone around will be gladly looking forward to the proposals which will then surely come up soon!

**Please, who of you all likes to become our ‘Maître de Plaisir’
...volunteers, kindly step forward please !??**

With kind regards,



- Jens Kehrhahn / Hon. Chairman -

- Please, if you are not the owner but tenant of this condominium kindly do pass on this message to the Landlord
- enclosed please find copy of a memo that I have sent today to our committee-members: as stated above you are all most welcome to let me have your comments to it's content please?
- get it all here: **www.Miami-Green.info** !!!