

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

23rd April 2007

Dear fellow-owners,
to update you about the developments for our resort we are pleased to inform you as follows:

1./ Our Association's AGM will be held on Sunday, 27th May 2007 at 4.00 p.m.
at the Multifunction Hall on the main pool-deck!

Immediately after our Annual General Meeting another meeting will be held for all Miami Green "cash buyers" and those owners, who have settled their housing loans already – independently from whether you/they are members of our association already or not / not yet.

In view of the soon issuance of the Strata Title and the subsequent responsibilities for all owners please kindly do join this meeting!

One important point of this AGM will be the election of a new committee: with this circular, of which we hope it reaches all owners, we wish to encourage and to request all of you, to get personally involved – and to engage yourselves pro-bono community work to the benefit of yourselves and the entire neighbourhood please!

Members who won't be able to attend this AGM could issue a proxy (also available as download from our website !) by which they could empower

1. the present, during this next AGM retiring Hon. Chairman – alternatively
2. the present Hon. Secretary
3. any specific fellow-member
4. alternatively you could fix your proxy-vote to the majority vote of the present Committee to vote on your behalf.

Please enclose the front page of your S+P Agreement to your proxy for verification purposes!

2./ Membership Fees

As stated in the "Important Notice To All Members" displayed on our noticeboards our financial year commences on 1st January and end on 31st December, and as such, your membership subscription is now due:

kindly update your annual subscription payment prior to our AGM – for which our Hon. Treasurer, Ms. Teresa Lim (h/p 012-4323622), will be available (again)

on Saturday, 28.04.2007
from 2.30 p.m. – 4.30 p.m.
at the C-Block Pool Deck.

We also wish to encourage more owners to join our association! To register your membership so kindly bring along a copy of the front page of your S+P Agreement for verification purposes.

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www.miami-green.info

...together we make our Miami Green the finest condominium resort on Penang island !!
correspondence address c/o Mr. Jens Kehrhahn - 28C-15-3A Jalan Pantai Miami - 11100 Batu Ferringhi

3./ Strata Title

The Strata Title will be issued and will be received by our Developer **between June and August 2007 !!**

This advice was given to the undersigned by the very director of the Penang Land Office on 11th April 2007 – adding that “everything looks smooth on tracks, without any problems in sight!”.

As per our S+P the Developer “shall, within 21 days upon receipt of it, execute a valid and registrable memorandum of transfer to the Purchaser, his heir or nominee or lawful assign..”

Please make yourself familiar with the responsibilities coming up to all us owners: on our website everything is being displayed, respectively through the links to the National House Buyers Association every detail of what is coming on to us collectively you can find on/via our website!

4./ Why is it important that we all do receive/accept the individual title for our unit ??

Because

- minimum a third part of owners, i.e. min 185 owners must have received it to force the Developer to call for his 1st AGM = which is the day on which he must hand-over the responsibility for the management and maintenance to us owners !!
- as long as the developer bears and executes t/his responsibility he keeps “milking the cow” [terminology National House Buyers Association]: we are all committed to pay the Service Charges to the Developer who has the power over it and the experience from 25 years business how best to his interest using it !!
- if individual owners should delay the receipt of their individual Strata Title, the funds on the Miami Green accounts might be depleted to zero [according to the National House Buyers Association when explaining the “Malaysian System”] !!

5./ Are we actually concerned about the Miami Green accounts ??

- Yes, because...

despite of an endless chain of approaches, personally by individual fellow-owners and by members of the previous and present Committee as well es of the Miami Green Cash Buyers Action Committee, also in form of letters and emails - the Developer succesfully kept blocking off any actual dialogue with anyone of us throughout the years!

- No, because...

as present/soon retirering Hon. Chairman of our Association I do believe that our strategy, practised over the last two years, will work!

At all times we have been supported by best-thinkable top legal advice from the National House Buyers Assn. and the Penang Hi-Rise Unit Owners Assc. - and I invite you for a verbal update on 27th May where we should agree an the further proceedings please!

6./ Part-Funding of our “Residents Get Together Nite” on 17.03.2007 by the Developer

It is quite sad and to be regretted that certain misleading and false “information” circulated by a few people which tried to spoil the event. However they weren't successful and according to the feedback from the residents who attended, the Party was a great success !! In addition to the circular from Mr. Gerhard we are delighted to herewith provide genuine information by means of

- 1./ official figures, which have been copied onto the reverse side of this circular
- 2./ Fact 1: provided an event like ours is setup “for all owners” it is legal and practise in Malaysia that developers do support such events from the Service Charges accounts!

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- Fact 2: I suppose, the Developer will be anyway “a bit on fire” as he is aware of our strategy and our meanwhile strong position regarding our financial concerns: in such a situation and only months before he will receive the Strata Title, rest assured he will definitely think twice before doing any mistakes!
- Fact 3: the Penang Hi-Rise confirmed to me this approach was not illegal – while recommending however we should not request for such funds, as this could be used by the property management company in future as an argument to insist on an increase of the monthly service charges.
In our case I do not see this risk, please view below point / Fact 8 !
- Fact 4: The Committee agreed on arranging such Party during a Committee Meeting on December 7th 2006: we formed our “Sub-Committee Social Activities” and decided to have such party during March in order to bring together all owners also in view of the soon expected Strata Title.
- Fact 5: the idea, to approach the developer for a part-funding, came up and was discussed within our Sub-Committee and Mr. Gerhard told me at some point the Developer would agree to do so, provided they would get a letter from me as Hon. Chairman. Realizing
- I. this event aimed indeed towards and would potentiall benefit all owners
 - II. the legal situation
- I asked the 11 committee members for their opinion and 8 of them approved this idea, no-one voted against it – and I gladly followed this proposal!
- Fact 6: if we had not requested for such part-funding besides, the requested amount would not necessarily be found on our accounts when taking over the accounts officially (within 30 days from the Developer’s 1st AGM)!
- Fact 7: the emotions, *stirred up in time* for the open committee meeting on 3rd April, root on the point, that we have *not asked* all owners for their opinion!
When my attention was drawn to this point, I requested the Sub-Committee to please cancell the “gift budget” of RM 1,500 – leaving the decision however to them. Although at last, 51 lucky draw prizes were given out on our party (!) – approx. 40 of them arranged through Mr. Gerhard personally –
- I. the Sub-Committee acknowledged this point and cancelled the gift budget
 - II. from additional contributions obtained from the caterer as well as
 - III. from using personal means instead (Mr. Gerhard himself)
- Consequently
- the originally requested amount was not requested but reduced by RM 500 !
 - a profit was materialized of approx RM 3,342.57 !

which has been paid into the account of our owners associations (which, after we will have agreed on the dissolution of our association on the Developer’s First AGM) will be transferred into the “Party Accounts” for our future Management Corporation (automatically all owners) !

- Fact 8: the Miami Green future is potentially absolutely great:
imagine, the income of Service Charges of approx. RM 1.3 mio annually should provide us with a net-profit of approx. RM 650,000 - why shouldn’t we have a nice party every year financed from our Service Charges !?!

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7./ Our association is setup to the benefit of all Miami Green owners!

While our committee's work over the last two years is displayed on our website [see folders "Trans-Intan" and the "Circulars" etc] we will explain you on our AGM how the present committee tried its' best to materialize our

Rule 2: Aims and Objectives – which are:

- (i) To protect the rights and interests of the owners of Miami Green Resort...
- (ii) To represent the Members as a body to discuss and to solve problems and seek improvements with the relevant authorities
- (iii) To represent the Members as a body to discuss and to solve problems and seek improvements with the Developer...
- (iv) To foster good relationship and exchange of ideas among... all owners
- ...
- (vi) To improve the quality of life by
 - (a) cultivating civic consciousness
 - (b) encouraging integration between different racial and social groups...

Our Miami Green Resort consists of 557 condominiums and our fellow-owners are Chinese, Indian and Malay citizens (in alphabetical order) as well as "Westerners" from various continents and many countries: we all should learn how to appreciate our different views of life and keep learning from each other... this will make our beautiful mutual home then really special !!

Logic is that such a diversity among us will always lead to a plurality of opinions: with this circular my urging request goes out to you all to please start cultivating the understanding among us by means of a tolerant, frank/honest and peaceful multilateral dialogue! Building formal factions would not benefit us as a whole, but might jeopardize our collective financial interests: because soon we need to start the direct talk/negotiation with our Developer and must speak with one voice!

Forming & supporting factions would weaken our strength that we build up over the years!

On the Developer's First AGM the entire responsibility for the management and maintenance for our mutual home will be handed over to us. On that day we will elect a COUNCIL who will be the supreme authority for our resort and its members will be empowered to execute our collective responsibilities towards all owners, service-providers and the official authorities: by a few simple + pragmatic rules preparations have been made that enable our future COUNCIL to execute its business in a transparent and ethical way to the benefit of all owners and service-providers: please do visit our website and take comfort & encouragement by a look at

- the Miami Green General Business Conditions
- the Miami Green Key Policies.

With kind regards,
Jens Kehrhahn / Hon. Chairman

- Please, if you are 'just' the tenant of this condominium kindly do pass on this important message to your Landlord. Thank you!
- to stay informed please register your email-address with us through our website **www.Miami-Green.info** !!

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...together we make our Miami Green the finest condominium resort on Penang island !!
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