

**CONSTITUTION**

**OF**

**1004 HOME OWNERS**

**AND**

**RESIDENTS ASSOCIATION**

*Victoria Uguru*  
Certified  
2011 FEB 2012  
Incorporated in A

Corporate Affairs Commission  
**VERIFICATION**  
Name.....  
Sign.....  
Date.....

Corporate Affairs Commission  
**ASSESSMENT**  
Name.....  
Sign.....  
Date.....

## ARTICLE 1: ESTABLISHMENT OF THE ASSOCIATION

1. The name of the Association shall be **Incorporated trustees of 1004 Home Owners and Residents Association**".
2. It shall be incorporated in Nigeria and shall have perpetual succession.
3. The Association shall be non-partisan, non-religious and non-governmental.
4. The Constitution shall be binding on All Members.

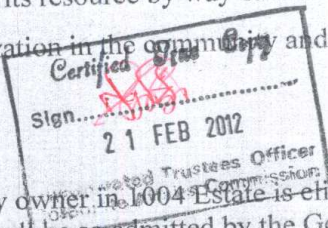
## ARTICLE 2: AIMS AND OBJECTIVES

The objectives of **1004 Home Owners and Residents Association** are as follows:

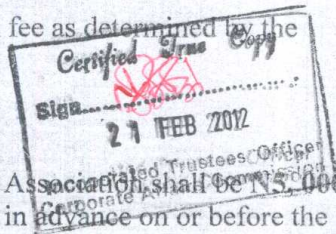
1. To make 1004 Estate a decent, serene, tranquil and orderly environment with adequate security equipment and Personnel, amenities for social pursuits, and generally to foster a spirit of good neighborliness and fellowship amongst the 1004 Property Owners and residents.
2. To promote love, peace, and understanding among members of the Association and their families.
3. To promote collective security arrangements, environmental sanitation and beautification of 1004 Estate.
4. To uphold and ensure that the Master Plan of 1004 Estate is not distorted.
5. To ensure that the right and privileges of members as entrenched are protected.
6. To protect social interaction and brotherhood among members of the Association.
7. To render Financial Assistance within its resource by way of charitable donations to the needy and/ or charitable organization in the community and generally in Nigeria.

## ARTICLE 3: MEMBERSHIP

- A. Every person who becomes a Property owner in 1004 Estate is eligible to membership of the Association and shall be so admitted by the General secretary of the Association as soon as the General Secretary is notified by **1004 Estate Limited ("The Company")** of his or her becoming a Property-Owner. There must be lodged with the Secretary a written notification of every person who is entitled to become a member, stating the name and address of such person and such notification shall be signed by an accredited representative of the Company and the prospective member.



- B. A lawful tenant with express authority or mandate of the property-owner is eligible to be admitted to the membership of the Association. However, such member shall not be eligible to hold any executive office of the Association.
- C. The name and address of each person admitted or introduced for membership shall be notified to the Chairman of the Association who will bring up such proposal to the Executive Committee of the Association.
- D. The General Secretary of the Executive Committee shall keep a register of members and enter in it, the names and address of all persons who become a members.
- E. Members of the Association shall cease:
  - i. If for any reason a person ceases to be or a Property owner or tenant within 1004 Estate.
- F. He or She must pay membership subscription fee as determined by the Association.



**ARTICLE 4: ANNUAL SUBSCRIPTION/DUES**

- 1. The Annual Subscription by a member of the Association shall be **NS. 000.00 (Five Thousand Naira)** and shall be payable in advance on or before the 1st day of March of every calendar year. However, the annual subscription may be varied or changed at the Annual General Meeting (AGM) or Extraordinary General Meeting of the Association.
- 2. The Annual General Meeting or Extraordinary General Meeting shall have power to vary the subscription by an ordinary resolution duly passed at the meeting.
- 3. The year subscription being a contribution towards the sustenance of the objectives of the Association shall be mandatory on all members and residents of the City.
- 4. That the Executive Committee is mandated to make such steps as it may deem necessary and expedient to enforce the collection of the yearly subscription from all members.
- 5. The payment of the Annual Subscription shall be condition precedent to voting at the meetings of the Association.
- 6. A person who is admitted to be a member after the **30th of June** in any year shall pay half of the subscription for that year.
- 7. The Association may receive material/financial support from individuals, government and their agencies for the promotion of its objectives.

**ARTICLE 5: MEETINGS**

**A. ANNUAL GENERAL MEETINGS:**

- 1. The **A. G. M. shall be held in the month of March of every year** at such place and time within the 1004 Estate as the Executive Committee shall decide.

2. All items of Agenda for the AGM shall be delivered to the Hon. General Secretary two (2) weeks before the date of the meeting.
3. The meetings shall be the forum for the assessment of the Association's activities during the past year, and the mapping out of plans and activities for the current year.
4. The AGM shall receive and deliberate on the Chairman's Annual Report, Treasurer's report (yet to be audited).
5. The election of the Association office shall be held every two years at an AGM.
6. All officers elected at the A.G.M. shall serve a concurrent two years term. Any of such officers may contest and serve for a second term of another two years, but no officer shall remain in a particular office for more than two consecutive terms.
7. Every member shall be entitling to one vote at meetings, except the Chairman who shall have a casting vote in case of equality or stalemate votes.
8. All Cluster meeting shall be held every last Saturday of the month.

**B. MID YEAR GENERAL MEETINGS:**

1. The Executive Committee shall ensure that a general meeting of the Association is held in the month of October every year and at a time and place within 1004 Estate to be decided by the Executive.
2. Every Mid-Year General Meeting of the Association shall be presided over by the Chairman or the Vice Chairman or in the absence of both, by a member of the executive committee elected by the majority of the members present and voting.
3. Every question shall be decided by a show of hands and any proposal whether carried or not shall be entered into the record of the meeting.

**C. EXECUTIVE COMMITTEE MEETINGS:**

1. The Executive Committee shall meet monthly at a convenient place and within 1004 Estate, decided by the executive.

**D. EXTRAORDINARY GENERAL MEETINGS:**

An extraordinary general meeting of the Association may be convened at any time to deliberate on matters requiring urgent attention by:

- (a) The Chairman acting at this discretion.
- (b) The Chairman on receiving notice from not less than 1/4 (one quarter) of the members calling for such a meeting.

**ARTICLE 6: QUORUM**

At least **thirty five (35) members** of the Association must be present to form a quorum at a General Meeting and at least **Fifty (50) members** are to form a quorum at the Annual General Meeting.

**ARTICLE 7: OFFICERS OF THE ASSOCIATION**

The affairs of the Association shall be administered by an elected Executive Committee. The Executive Committee shall consist of the following officers:

- i. The Chairman
- ii. 1<sup>st</sup> Vice Chairman
- iii. 2<sup>nd</sup> Vice Chairman
- iv. General Secretary
- v. Legal Adviser
- vi. Assistance General Secretary
- vii. Financial Secretary
- viii. Treasurer
- ix. Social/Welfare Secretary
- x. Public Relations Officer.



**ARTICLE 8: FUNCTIONS OF THE EXECUTIVE OFFICERS**

**A. THE CHAIRMAN**

- 1. The Chairman shall preside over all meetings of the Association and shall carry out such other functions as may be delegated to him/her by the Association as well as the Executive Committee.
- 2. The Chairman shall call Extraordinary, Annual and Mid Year General Meetings of the Association as provided for in the Constitution.
- 3. He/She shall have a casting vote.
- 4. He/She shall together with the Treasurer Operate the accounts of the Association in accordance with the Constitution.
- 5. He/She shall be a co-signatory to the Association's accounts.

**B. THE 1<sup>st</sup> VICE CHAIRMAN:**

The 1st Chairman shall in the absence of a Chairman exercise all the power vested in the Chairman

**C. THE 2<sup>nd</sup> VICE CHAIRMAN:**

- 1. The 2<sup>nd</sup> Vice Chairman shall be representative of the 4 Clusters.
- 2. He shall preside over Cluster meetings.
- 3. He/She shall in the absence of the Chairman and the 1<sup>st</sup> Vice Chairman preside over the meetings of the Association and the Executive Committee meetings.
- 4. He/She shall carry out such other function as may be delegated to him by the Executive Committee and the Chairman.

**D. GENERAL SECRETARY:**

- 1. The General Secretary shall be a member of the 1004 Home Owners & Resident Association.

2. The General Secretary shall carry out all secretarial functions including the handling of all correspondence, writing minutes of meetings, preparing circular letters, agenda for meetings and communicating all necessary information to members.
3. He/She shall keep records and carry out all functions that authorize from time to time.
4. He/She shall in consultation of the Chairman summon any meeting of the Association.

E. **ASSISTANT GENERAL SECRETARY:**

1. He/She shall assist the General Secretary in carrying out his/her duties and other duties which the General Secretary of Executive Committee may assign to him/her.

F. **LEGAL ADVISER:**

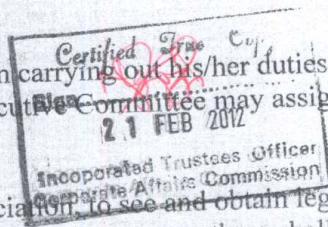
1. Without prejudice to the right of the Association to see and obtain legal advice from members of the Association or from any other source, there shall be a legal adviser.
2. The Legal Adviser shall be responsible for the coordination of all the activities of the Association to the law, and his/her functions shall include the institution, prosecution of any claim by or against the Association and shall give legal advice to the Association as occasion may arise and also ensure that the Association is run in accordance with the Constitution.

G. **FINANCIAL SECRETARY:**

1. The Hon, Financial Secretary of the Association shall collect all subscription fees; levies etc. from members and issue receipts to such members accordingly.
2. He/She shall maintain a proper record of accounts of all monies collected and hand over such monies to the Treasurer within **forty-Eight (48) hours** of receipt for banking purposes.
3. He/She shall present to the Association a financial report at the A.G.M. in the month of January of every year to be followed by an audited report in the month of March of the same year.
4. He/She shall be a co-signatory with the Chairman or 1<sup>st</sup> Chairman or 2<sup>nd</sup> Vice Chairman to the Association's account.
5. He/She shall work hand in hand with the Treasurer.

I. **TREASURER:**

1. The treasurer shall receive and pay promptly into the Association's account all monies received for and on behalf of the Association.



2. He/She shall produce a quarterly report of all receipts and payments.
3. He/She shall be a co-signatory with the Chairman or 1<sup>st</sup> Vice Chairman or 2<sup>nd</sup> Vice Chairman to the Association's account.
4. He/She shall work hand in hand with the Financial Secretary to keep proper records of the Association.

J. **SOCIAL/WELFARE SECRETARY:**

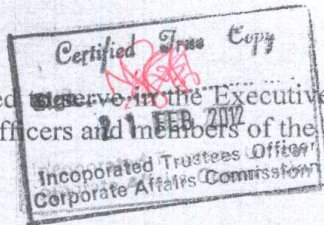
The Social/Welfare Secretary shall be responsible for organizing entertainment and social engagements for the Association. He/She shall also give due publicity to the Association's activities if necessary.

K. **PUBLIC RELATION OFFICER:**

The Public Relation Officer of the Association shall work as the image maker of the Association.

L. **EX-OFFICIO MEMBERS:**

Three Ex-Officio members shall be appointed to serve in the Executive. Such members may include the immediate past Chairman, Officers and members of the Association.



**ARTICLE 9: SUB COMMITTEES:**

The Executive Committee shall have power to set up and appoint members of the Association to serve on Sub-Committees, as it may consider in necessary for the achievement of the objects of the Association.

The following Sub-Committees are hereby constituted.

1. **FINANCIAL COMMITTEE:**

- a) To recommend subscription fees and such monies that members of the Association are obliged to pay to keep the Association running.
- b) To draw up annual budgetary provision for the Association.
- c) To monitor the income and expenditure of the Association.
- d) To recommend the appointment of Auditors to look into the books of the Association.
- e) To give an estimate of the probate cost of the Association's programmes/projects.

2. **REGULATIONS AND CONSTITUTION COMMITTEE:**

- a) To produce and continuously review the constitution of the Association if and when necessary.
- b) To legally register the 1004 Home Owners and Residents Association.
- c) To draw up rules and regulations for the Residents of 1004 Estate from time to time.

- d) To draw up a standard Tenancy Agreement, which will reflect the Rules and Regulations and the constitution of 1004 Estate use by property Owners in relation to their tenants.
- e) To proffer sections and means of enforcing the Association's Rules on defaulters.

3. **SECURITY AND SAFETY COMMITTEE:**

- i. To make driving rules and regulations for driving within 1004 Estate.
- ii. To find ways and means of improving the security services and advising on the caliber of persons to be employed as security guards.
- iii. To ensure and control the inflow of public transports within 1004 Estate and enforce the ban on the use of Commercial motorcycles (Okada).
- iv. To look into the issue of Identity Cards and car stickers for residents of 1004 Estate.
- v. To identify residents who contravene the security and safety regulations of 1004 Estate and recommend the sanctions to be applied to such defaulters.
- vi. To make recommendations on the control of domestic animals in 1004 Estate.



4. **MAINTENANCE COMMITTEE:**

- a) To look into the maintenance problem in the 1004 Estate and make necessary recommendations.
- b) To make recommendations that will ensure that property owners indebted to 1004 Estate settle their indebtedness.
- c) To comprehensively cost the provision of service in 1004 Estate with a view of the Association taking over or partake in the maintenance of the estate in the near future.

5. **AD-HOC COMMITTEE APPOINTMENT:**

The Executive Committee shall have the power to constitute an Ad-hoc Committee as occasion may require with specific terms of reference to the determined by the Executive Committee.

Each Ad-hoc Committee shall consist of a Chairman and at least two other members who will be free to regulate their own activities. Each committee shall render a brief report (if necessary) at every meeting of the Association.

**ARTICLE 10: REMOVAL FROM OFFICE**

- 1. Any officer of the Association or member of any Committee who refuses and/or neglects to carry out clear and definite decisions of the Association or fails to perform his duty as expected of him/her, without any justification shall be voted out and replaced temporarily by the Executive but subject to ratification at the next General Meeting of the Association.



2. No defaulting member shall be so removed from office without being given an opportunity of a fair hearing.
3. The decision to remove and replace a defaulting officer shall be taken at a General Meeting of the Association on a motion supported by a simple majority of the members present and voting.

**ARTICLE 11: VOTING RIGHTS AT ELECTIONS**

1. Every member who has fully paid his annual subscriptions and all other levies up to the end of the year preceding any election of officers, shall be eligible to vote and be voted for at the General Meeting summoned to elect such officer.
2. Any member, who joins the Association in the election year shall equally have a voting right provided he has fully paid his Annual Subscription and all other levies due are payable prior to the election.
3. Any member who defaults in full payments of his financial obligations to the Association cannot vote or be voted for at any election of officers of the Association.

**ARTICLE 12: ELECTION**

- A.
1. Elections into the Executive Committee of the Association shall be by secret ballot and presided over by an Officer to be known as the “**RETURNING OFFICER**” who shall be in charge of the conduct of the election.
  2. Two members shall be invited to form the Electoral Panel.
  3. The Electoral Panel shall be charge with the responsibility of
    - i. Conducting the Election
    - ii. Performing other duties relating to the Elections.
  4. All complaints and suggestions relating to the election shall be lodged with the Returning Officer, who shall report same to the General Meeting for necessary action.
  5. The Returning Officer shall submit to the General Meeting a full report of the conduct of the election immediately after the election

**BYE ELECTIONS:**

1. There shall be a bye-election when an Office becomes vacant at the next General Meeting of the Association.
2. The election shall be by nominations of candidates by members present followed by voting by the simple show of hands.

**ARTICLE 13: FINANCE**

A. **BANK ACCOUNT:**

Original Copy  
 Sign...  
 21 FEB 2012  
 Incorporated Officers  
 Incorporated Committee

1. The Association shall operate an account whether an investment, or a saving account or a current account with any bank selected by the Executive Committee from time to time.
2. All monies and contributions collected shall be handed over to the Treasurer, who shall pay it promptly into the respective Bank account of the Association.

**B. AUDITORS:**

1. An Auditor(s) shall be appointed by the members at the General Meeting to audit the accounts of the Association annually. The reports when prepared shall be submitted to the Chairman or Legal Advisers/solicitors who shall render same to the General Meeting for consideration and approval.
2. The auditor shall be a professional accountant and shall not be a member of the Association. He or she shall be appointed at each Annual General Meeting and shall hold office until the end of the year following the Annual General Meeting and shall be charged with the responsibility of auditing the financial records of the association and render such finding annually or as maybe required by the Executive Committee.
3. All monies received by the Association shall be paid into an account in the name of the Association at banks appointed by the Executive Committee and Cheques and other instruments drawn on and directions to the banks shall be signed by the Chairman and Treasurer and or Financial Secretary (Not less than two (2) officers) or any other members of the Executive Committee so appointed by the Committee.
4. A copy of the audited annual balance sheet and statement of accounts shall be circulated to all members a week before its presentation at the Annual General Meeting held in the month of March.

Certified True Copy  
 Sign: [Signature]  
 21 FEB 2012  
 Incorporated Trustees of  
 the Housing Committee

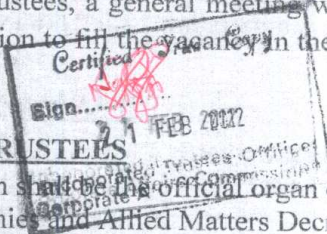
**ARTICLE 14: TRUSTEES OF THE ASSOCIATION**

- a) The Trustees of "1004 HOME OWNERS AND RESIDENTS ASSOCIATION" for the purpose of the Companies and Allied Matters Act, 1990 shall be elected at a General Meeting by 2/3 majority of members appointed to the selection of the Trustees.
- b) The Trustees (hereinafter referred to as 'The Board of Trustees') are EIGHT (8) in number and shall be known as THE REGISTERED TRUSTEES OF 1004 HOME OWNERS AND RESIDENTS ASSOCIATION".
- c) A Trustee may hold office for life but shall cease to hold office if he or she:
  - i) Voluntarily resigns his or her office.
  - ii) Ceases to be a member of THE REGISTERED TRUSTEES OF 1004 HOME OWNERS AND RESIDENTS ASSOCIATION" Becomes incapacitated and cannot continue in the performance of his/her duties as Trustee through insanity, age or such other disabilities.
  - iii) Becomes a certified bankrupt.

- iv) Is convicted of any criminal offence involving dishonesty or fraud by a court of competent jurisdiction.
  - v) Is recommended for removal from office by the Association and Trustees majority vote of Members present and voting at any General Meeting and ratified by the Executive Council.
- OR

vi) Ceases to reside in Nigeria.

D) Upon a vacancy occurring in the number of Trustees, a general meeting will be held to appoint another eligible member of the Association to fill the vacancy in the manner here above stated.



**ARTICLE 15: DUTIES OF THE REGISTERED TRUSTEES**

1. The Registered Trustees of the Association shall be the official organ of the Association for the purpose of the Companies and Allied Matters Decree, 1990.
2. Subject to the right of the AGM of the Association to give binding general directives to the Registered Trustees of the Association, the ownership of immovable properties of the Association vest in the Registered Trustees of the Association to held in trust for the Association and administered by the Registered Trustees of the Association, in any manner they may decide in the interest of the Association.
3. The Registered Trustees of the Association shall administer the common seal of the Association.
4. In the event of any dispute within the Association, the Registered Trustees shall acts as mediators in resolving the dispute and their decision shall be binding.
5. All documents to be executed by the Association shall be signed by at least three (3) trustees and the Secretary of the Association.

**ARTICLE 16: THE COMMON SEAL**

1. The Association shall have a Common Seal.
2. The common Seal of the Association shall be exclusively administered by the Registered Trustees of the Association.
3. The Common Seal of the Association shall be kept in the custody of the General Secretary of the Association who shall produce it when required for use by the Registered Trustees of the Association.

**ARTICLE 17: INDEMNITY**

The members of the Executive Committee shall not be liable (otherwise than as members) for any loss suffered by the Association as a result of the discharge of their respective duties on the Association's behalf, except such loss arises from their respective willful default, and shall be entitled to payment from expenses and other liability incurred by them in the discharge of their respective duties.

**ARTICLE 18: AMENDMENT TO THE CONSTITUTION**

***The constitution can only be amended if:***

A notice of motion for the amendment of the Constitution shall have been made as an agenda item and fully debated at a General Meeting of the Association preceding the AGM of the Association.

Alterations to the Constitution shall receive the assent of a 2/3 majority of the members of the Association present and voting at an Annual General meeting and subject to the approval of The Registrar General of The Corporate Affairs Commission.

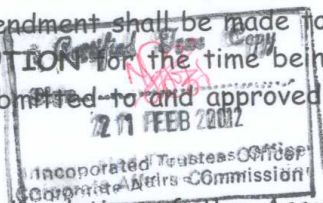
**ARTICLE 19: DISSOLUTION AND DISPOSITION OF ASSET**

1. The Association shall not dissolved except by the unanimous votes of the members present at the A.G.M., which is attended by at least 3/4 (three quarter) of the entire membership of the Association.
2. In the event of a dissolution in the manner stated above, all the assets of the Association shall be transferred to a charitable organization or organization agreed upon by the majority of members present at the A. G. M, which decided to dissolve the Association.



SPECIAL CLAUSE ✓

- 1) **THE INCOME AND PROPERTY of 1004 HOME OWNERS AND RESIDENTS ASSOCIATION** whensoever derived shall be applied solely towards the promotion of the objectives of the Association as set forth in this **RULES AND REGULATIONS/CONSTITUTION**, and no portion thereof shall be paid or transferred directly or indirectly, by way of dividend, bonus, or otherwise howsoever by way of profit, to the members of the Association.
  
- 2) **PROVIDED** that nothing herein shall prevent the payment, in good faith, or reasonable and proper remuneration to any officer or servant of the Association in return for any service actually rendered to the Association. But no member of the Governing Body, Board of Governors or Board of Trustees shall be appointed to any salaried office of the Association or any office of the Association paid by fees, and that no remuneration or other benefit in money or moneys shall be given by the Association to any member of such Governing Body except repayment of out-of-pocket expenses or reasonable and proper rent for premises demised, or let to the Association provided that the provision last aforesaid shall be apply to any payment made by the Association to any Company, for goods or services received and in which Company such member holds not more than one-hundredth part of the share capital. Such member shall not bound to account for any share of profits he may receive in respect of any such payment.
  
- 3) **NO ADDITION**, alteration or amendment shall be made to or in the **RULES AND REGULATIONS/CONSTITUTION** for the time being in force, unless the same have been previously submitted to and approved by the Registrar General.
  
- 4) In event of the winding up or dissolution of the Association after the satisfaction of all its just debt and liabilities, any property whatsoever, remaining, shall not be shared to or distributed among the members of the Association but shall be given or transferred to some other institution or institutions, having objects similar to the objects of the Association. And such body or bodies are prohibited from distributing its or their income and property amongst its or their members to an extent or as is imposed on the Association under or by virtue of the **SPECIAL CLAUSE** hereof, such institution or institutions to be determined by the members of the Association effect cannot be given to the aforesaid provision then, to some charitable object.



*[Handwritten Signature]*

PRESIDENT

*[Handwritten Signature]*

SECRETARY

DATE 02/02/2012

DATE 02/02/2012

Certified True Copy  
Sign *[Handwritten Signature]*  
21 FEB 2012  
Incorporated Trustees Office  
Corporate Affairs Commission