

Applicant's Document Delivery to the Solicitor – Signsheet

CTTT File SCS 12/32675

As Per Orders at Re-Hearing on 15<sup>th</sup> of April 2013

By signing this form, the following has been acknowledged by Mr. Adrian Mueller, or an authorised representative of his firm:

- a) Mr. Adrian Mueller confirms that the Strata Manager of SP52948 (Raine & Horne Epping) lost the folder that the Applicant had sent to them on 14<sup>th</sup> of March 2013;
- b) Mr. Adrian Mueller confirms that he and the Respondent did not raise any complaints to the CTTT or the Applicant about not receiving the Applicant's documents after the deadline on 15<sup>th</sup> of March 2013;
- c) Mr. Adrian Mueller refused offer to obtain access to the Applicant's folder at the CTTT Re-Hearing on 15<sup>th</sup> of April 2013, via the following two methods:
  - \* Electronic delivery
  - \* Document search at the CTTT

The latter method was forced upon the Applicant on 27<sup>th</sup> of February 2013, after three complaints to the CTTT that he did not get copies of the Respondent's files.

- d) Mr. Adrian Mueller acknowledges the cost of preparing another folder for the Respondent on 18<sup>th</sup> of April 2013 will amount to around \$700.00 to the Applicant.
- e) Mr. Adrian Mueller acknowledges that, if the evidence in the Appendix herewith which he committed to provide to the CTTT and the Applicant by next Monday is not delivered (as per the Appendix herewith), the UNNECESSARY and UNJUSTIFIED cost of the preparation and delivery of the Respondent's folder shall be charged to his firm.

Received the Applicant's folder with 36 sleeves at:  
J.S.Mueller & Co.  
1st Floor, 240 Princes Highway  
Arncliffe NSW 2205

Signed by:

Date: 18<sup>th</sup> of March 2012

I Adrian Mueller have sighted this document this 18<sup>th</sup> day of April 2013.  
Attest

## Appendix

The Strata Manager and Mr Adrian Mueller gave assurance to the CTTT and the Respondent at the CTTT Re-Hearing on 15<sup>th</sup> of April 2013 to provide evidence about legality of the engagement of the legal services by the Strata Plan 52948 in SCS 12/32675 (and 12/50460 later on). The following evidence and copies of the documents are required:

- \* Agenda for the alleged EC meeting held on 9<sup>th</sup> of July 2012 and the proof that it was sent to all owners in the complex at least 72 hours before the meeting;
- \* Minutes of this EC meeting held on 9<sup>th</sup> of July 2012 and the proof that they were distributed to all owners in the complex within 7 days after the meeting;
- \* Proof that owners were asked to vote for Solicitor's engagement at a general meeting (both the agenda and the minutes) once the costs or estimates went above \$12,500.00 (pretty much it had to happen in July 2012 or soon afterwards because apart from the Cost Agreement on 16<sup>th</sup> of July 2012 there was also expense of around \$2,500.00 beforehand);
- \* Agenda for the EC meeting at which it was approved to extend engagement of the Solicitor (that was actually done by private actions of Bruce Copland and the Strata Manager on 7<sup>th</sup> of December 2012) and the proof that it was distributed to all owners in the complex at least 72 hours before the meeting;
- \* Minutes of the EC meeting at which it was approved the extended engagement of the Solicitor on 7<sup>th</sup> of December 2012 and the proof that they were distributed to all owners in the complex within 7 days after the meeting;
- \* Evidence that owners received Tribunal orders on 17<sup>th</sup> of December 2012 about the reopened case SCS 12/32675 and this Hearing at any time before the vague, ill-conceived paper EC meeting held on 28<sup>th</sup> of March 2012;
- \* Proof that the owners received information about the names of the EC office bearers (Secretary, Treasurer, Chairperson) since the AGM 2012 (17<sup>th</sup> of October 2012). No minutes of any meeting since then provided such information. That was requested from the Strata Manager FIVE TIMES and not responded so far. Not having the office bearers means SStrata Plan 52948 has a dysfunctional EC.
- \* Proof that the owners know about the size of the Solicitor's expenses so far (not via the new web access that is still unknown to most owners, but via any minutes of the EC meetings). Last week the Applicant issued the request to the Strata Manager and the Secretary (unknown person so far!) to explain where are the legal costs hiding in the balance sheet for period 1 September 2012 and 28<sup>th</sup> of February 2013.
- \* Proof that owners were sent a copy of the Solicitor's Cost Agreement within 7 days after its delivery to the Strata Agency and the EC on 16<sup>th</sup> of July 2012.

Signed by:

Date: 18<sup>th</sup> of March 2012

**Acknowledgement of Receipt**

I Adrian Mueller acknowledge receipt from [ ] of a folder of documents with 37 sleeves bearing the title "CTTT SCS 12/32675 Rehearing".

Dated: 18 April 2013

Signed:  .....