

Extract from Minutes of committee meeting on 5 September 2019, as organised by Waratah Strata Management, did not satisfy requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 2, Section 4 (1) and (2), and section 7, and Interpretation Act 1987 (NSW).

Agenda was created on 30 August 2019 and scheduled for 5 September 2019. Excluding date of creation, meeting date, and the weekend, ONLY three days were allowed for delivery of notice to all owners. As per Strata Roll dated 31 January 2017, more than 32% of owners had requested postal delivery of notices – that figure is hidden from owners by Waratah Strata Management in subsequent years.

Agenda was not detailed, as required by SSMA 2015 and was not sent to Lot 158.

Waratah Strata Management allowed three non-financial owners to be on the committee and vote, in spite of knowledge of unpaid levies for gas heating (including 10% simple interest per each year).

Solicitor Adrian Mueller, prepared advanced so-called Deed before AGM 2019 and tried to force both female and male owners of Lot 158 to sign it, in spite of clear Motion that only male owner of Lot 158 was supposed to be targeted for “admission of guilt”.

#### **MATTERS ARISING FROM PREVIOUS MEETING**

The following matters arising from the previous meeting were discussed as follows:

- **Additional Gas Point Charges** - The strata manager advised that a detailed analysis had been carried out of Lot 181 additional gas point charges and payments made. The strata manager is satisfied that all gas charges that have been invoiced by the respective strata management companies have been paid, apart from \$18.34. A further \$110.00 of gas charges have not been invoiced by BCS Strata Management and therefore not paid by Lot 181. Resolved that a motion is to be included on the 2019 AGM agenda to allow this issue to be considered by the Owners Corporation. The motion is to recommend that as lot owners cannot be expected to pay charges that have not be invoiced to them, that many lot owners may have changed, that the number of lots that have the additional gas point may have changed and that as most other owners will not be willing or able to provide the detailed financial history of the gas charges to their lot, it is not feasible to estimate the amount owing for any unpaid gas charges and that no further action is to be taken on this issue.
- **Legal Advice regarding Lot 158** - Resolved that a motion is to be included on the 2019 AGM agenda requesting Owners Corporation approval to allocate a budget of \$150,000 to appoint a barrister to commence defamation proceedings against [redacted]. The strata committee discussed that the substantial number of emails being publicly distributed by [redacted] and retained within the Owners Corporations records have raised serious allegations against various owners in their capacity as strata committee members; are likely to cause significant negative impact on the value of all units due to the perceived disharmony discouraging potential buyers; and that the Owners Corporation cannot allow this to continue without commencing this legal action.

Extract from Minutes of AGM on 17 October 2019 confirmed that alleged decision at committee meeting was changed by Solicitor Adrian Mueller. Undeclared Admin Fund balance sheet on 17 October 2019 (day of Annual General Meeting), when Solicitor Adrian Mueller was allegedly approved to spend up to \$150,000.00 in defamation case against the Costs Respondent, had a negative balance of \$131,852.25. Unnamed barrister and Solicitor Adrian Mueller tried to force the Costs Respondent into Deed under duress and failed in all attempts. In financial statements for FY 2020 (1 September 2019 to 31 August 2020), in spite of extensive legal involvement, Waratah Strata Management reported only \$2,940.00 for legal costs in audited accounts, which is an impossible amount considering daily rates for barristers and senior legal professionals.

**9 LEGAL PROCEEDINGS AGAINST LOT 158**

Resolved that a Deed of Agreement, a copy of which was handed to [redacted] at the meeting, requiring [redacted] and [redacted] to:

(1) Not communicate with the Owners Corporation, the Strata Committee, the Owners and Occupiers, Waratah Strata and Uniqueco unless it directly relates to maintenance of the common property in connection with Unit 158, and;

(2) Not publish any material by email, letters or via the internet that is defamatory of the Owners Corporation, the Strata Committee, the Owners and Occupiers, Waratah Strata and Uniqueco, and;

(3) Remove all Defamatory Publications which have been published on the internet;

with this Deed to be signed and returned to Waratah Strata within 14 days of this meeting. Further resolved that any proposed amendments to the Deed of Agreement must be acceptable to JS Muellers & Co Lawyers and the Strata Committee.

Further resolved that should this Deed of Agreement not be signed by [redacted] and [redacted] within 14 days of this meeting, the Strata Committee are authorised to accept a fee proposal from JS Mueller & Co Lawyers and their recommended Barristers at an estimated cost of \$150,000 to commence defamation proceedings against [redacted] and [redacted], owners of Lot 158.

Further resolved that a copy of the document presented by Sandra Carbone on behalf of Uniqueco at the meeting is to be attached to these minutes and distributed to all owners.

Further resolved that the voting in this matter was recorded as 65 votes in favour, 2 votes abstained and 1 vote against this motion.

The same meeting also “forgave” all unpaid levies for gas heating, including 10% simple interest for overdue payments per each year, amounting to tens of thousands of dollars in lost revenue to owners:

**14 ADDITIONAL GAS POINT CHARGES**

Resolved that the Owners Corporation will take no further action to investigate or audit the history of additional gas point charges and all lots are deemed to be paid in full.

The same meeting, based on Solicitor Adrian Mueller’s advice, rejected all Lot 158 Motions again:

**16 LOT 158 MOTIONS**

Resolved that the motions provided by [redacted], co-owner of Lot 158 were tabled and discussed as a single item. Further resolved that all motions were NOT approved as proposed.