

**Motion: Ratify events of Lot 158 warning Waratah Strata Management and committee members that by failing to ratify Lot 158 Motions at AGM 2017, 2018, 2019, and 2020, they made all previous general meetings and engagement by Solicitor Adrian Mueller void and invalid due to standard legal principle of ratification**

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

- On 14 November 2021, committee members and Waratah Strata Management were warned that approving minutes of general meetings in 2020 and 2019 effectively voted against previous general meetings and made all engagement by Solicitor Adrian Mueller void and invalid due to standard legal principle of ratification: the ratification has a retrospective effect, and binds the principal from its date, and not only from the time of the ratification, for the ratification is equivalent to an original authority, according to the maxim, that omnis rati habitio mandata aequiparatur (ratification is equivalent to express command). As a general rule, the principal has the right to elect whether he will adopt the unauthorized act or not. But having once ratified the act, upon a full knowledge of all the material circumstances, the ratification cannot be revoked or recalled, and the principal becomes bound as if he had originally authorized the act. The ratification must be voluntary, deliberate, and intelligent, and the party must know that without it, he would not be bound.
- Partial listing of the Motions that were not approved at AGM 2020:

Ratify events related to NCAT case SC 20/33352.

Ratify events related to Solicitor Adrian Mueller acting on behalf of owners corporation.

Ratify events related to owners corporation refusing to provide detailed responses to O'Brien Criminal & Civil Solicitors.

Ratify events related to owners corporation refusing to attend free mediations at Fair Trading NSW.

Ratify emails sent to Fair Trading NSW and the Police by Waratah Strata Management urging them not to investigate.

Ratify events of Lot 158 stalking, intimidation, bullying, and intention to cause fear, and ordering access to CCTV to be provided by strata manager and staff of building manager if requested by owners and Police.

Ratify events related to Interpretation Act 1987 (NSW) ("IA") assented on 28 November 2018.

Repeal Special By-Law 11 "Unreasonable Communication" registered on 26 October 2018.

Ratify owners corporation refusal to provide names of employed staff and using unlicensed security guards without disclosure.

Ratify events related to owners corporation refusal to enforce Special By-Law 5 for smoking in the complex and not enforcing fire safety compliance standards.

Ratify events related to owners corporation refusal to prevent illegal use of public land (Lot 202 DP848752) for parking and not informing owners about Ryde Council actions in 2015, 2018 and 2019.

Ratify that committee members failed to refute and respond to official reports of lack of quorums with evidence since AGM 2012.

Ratify non-compliant ballot for EC members at AGM 2017.

Ratify the following events Lot 158 document searches at BCS Strata Management and Waratah Strata Management.

Ratify major events related to gas heating levies.

Ratify the following events for strata management and building management contract renewals and tenders since 1999.

Ratify the following events for electricity supply contract renewals and tenders since 2015.

Ratify events for Waratah Strata Management data losses due to ransomware attack.

Ratify Australia Post findings that no problems with letter deliveries to Lot 158 existed as implied by Waratah Strata Management in 2017, 2018, 2019, and 2020.

Ratify the following events and confirm inequitable, excessive and unapproved water and gas reimbursements to selective townhouse owners.

Ratify the events and approve better financial reporting with enforcement of all payments in prescribed timeframes.

Ratify undisclosed costs and warranties, work not completed in complex painting project in 2017, and unexplained alleged costs for townhouses in amount of \$92,950.00.

Ratify events in relation to missing register of items excluded from common-property, non-compliance with EC decision on 2nd of May 2001, and enforce EC decision to keep register of approvals granted to owners made on 2nd of May 2001.

Ratify events for undisclosed major water leaks and commence roof membrane repairs in Block A and C, and half-roof on Block B.

Ratify events related to owners corporation had no official Office Bearers for several months in FY 2018, 2019, and 2020.

Ratify non-compliance with SSMA 1996 S108 and SSMA 2015 S182 for Lot 158 paid document searches.

Ratify events related to 10-Year Capital Works Fund for SP52948.

Ratify frequent changes of staff managing SP52948 at BCS Strata Management and Waratah Strata Management.

Ratify events related to sunroom waterproofing.

Ratify events related Special Resolution 25 at AGM 2016.

**Explanatory Notes**

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, 2019, 2020, 2021, and 2022.

**Motion: Ratify SP52948 Admin Fund balances from 31 January 2017 when Waratah Strata Management took office**

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

- On 31 January 2017 when Waratah Strata Management took office from BCS Strata Management inherited positive balance of \$129,704.57.

- Admin Fund had negative balance of \$93,147.13 on 29 April 2022 and \$61,290.46 on 31 July 2022).
- Insurance renewal for strata plan SP52948 was due on 21 September 2020. As of 26 September 2022, details of the insurance renewal were not published for any owner. Waratahstrata website portal still has the old insurance policy and no updates were published for owners for FY 2023.
- Accounting data in every financial year suffers from many errors, which Waratah Strata Management chose to ignore when Lot 158 questioned them. Example for FY 2022 and 2023:

On 31 August 2022 at 18:22 hours, closing balance for FY 2022 in Admin Fund was \$68,149.95.

On 25 September 2022 at 16:20 hours, Admin Fund for period from 1 September 2022 (FY 2023), reported total revenue as \$346,57 whilst total expenses amounted to \$48,997.98, giving closing balance of \$19,498.54. Closing balance for FY 2022 in Admin Fund was \$68,149.95.

On 26 September 2022 at 14:41 hours, Admin Fund for period from 1 September 2022 (FY 2023), reported total revenue as \$346,57 whilst total expenses amounted to \$48,651.41, giving closing balance of \$23,149.54. Closing balance for FY 2022 in Admin Fund was \$71,800.95.

On 26 September 2022 at 17:51 hours, Admin Fund for period from 1 September 2022, reported total revenue as \$346,57 whilst total expenses amounted to \$48,651.41, giving closing balance of \$27,149.54. Closing balance for FY 2022 in Admin Fund was \$71,800.95.

- As of 26 September 2022, strata plan SP52948 did not report any expenses for insurance renewal in Admin Fund (such costs are estimated to be at least \$105,000.00 without GST). Insurance renewal was due on 21 September 2022.
- Waratah Strata Management still refuses to inform owners about insurance claims and work by Solicitor Adrian Mueller. In addition, they refuse to provide access to strata files.
- Current SP52948 Auditors (Economos) were approached four times to correct significant errors in accounting data and they failed to respond:

31 August 2018  
 1 September 2019  
 22 December 2019  
 20 December 2020

- Economos received this request on 20 December 2020 and they ignored it:

*As three previous requests have been seemingly ignored, maybe the fourth one will not because it involves legal cases.*

*NCAT Hearing in case 20/33352 is scheduled in February 2021. It will deal with many allegations of mismanagement, financial misuse, and much more.*

*It would be appreciated if you would offer assistance to NCAT with simple evidence initially:*

*Provide copies of UNREDACTED emails that you originally sent to Waratah Strata Management for your Audited reports for strata plan SP52948 in 2018, 2019, and 2020. The copies should be sent to [ccdsydney@ncat.nsw.gov.au](mailto:ccdsydney@ncat.nsw.gov.au)*

*Audit requirements are prescribed by the Strata Schemes Management Act and Regulation – large schemes and those with a budget exceeding \$250k (budget defined under regulations).*

*STRATA SCHEMES MANAGEMENT ACT 2015 – SECT 95  
 STRATA SCHEMES MANAGEMENT REGULATION 2016 – REG 21*

*Very obvious discrepancies and concerns for audited accounts for the previous years were collected and given to Economos (and a reply never received).*

*Auditor's report for FY 2020 was signed on 3 November 2020, 12 days AFTER the general meeting! As an example, there is evidence that at least three versions of Balance Sheet exist, which raise questions of quality of keeping the financials and validity of reporting and auditing:*

*SP52948-Balance-Sheet-extract-31Aug2020-at-1943-hours*

*Admin Fund \$233,330.15  
 Capital Works Fund \$709,724.06*

*SP52948-Balance-Sheet-extract-dated-4Sep2020-sent-in-agenda-for-AGM-on-30Sep2020*

*Admin Fund \$232,620.15  
 Capital Works Fund \$699,824.06*

SP52948-Balance-Sheet-extract-allegedly-approved-by-Economos-3Nov2020

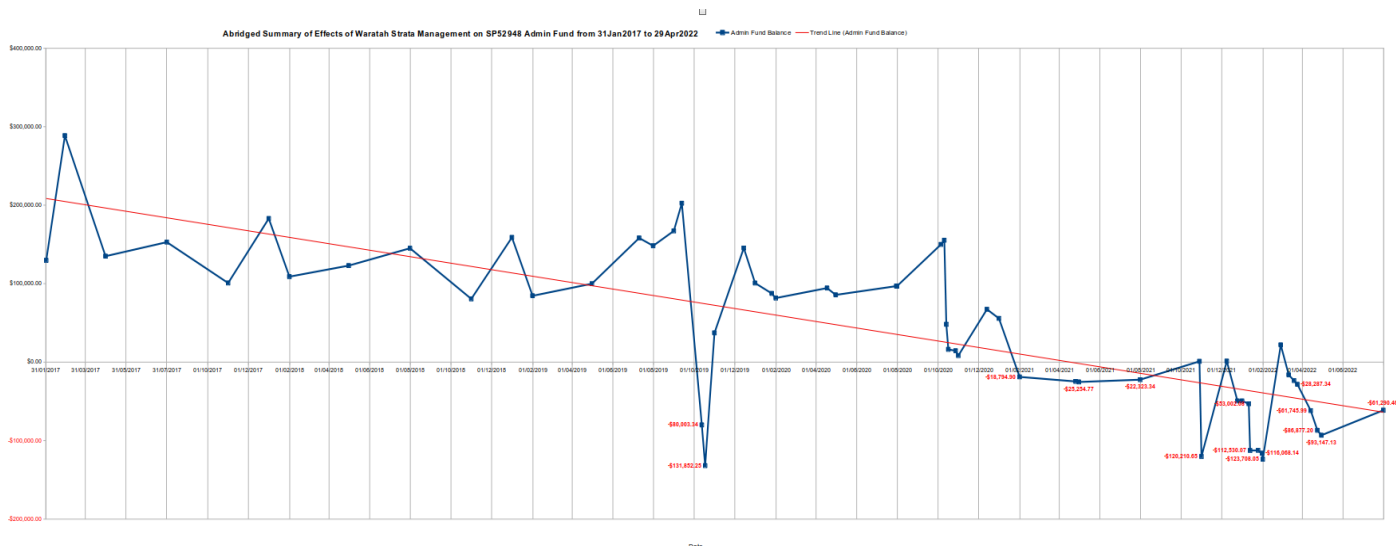
Admin Fund \$231,788.69

Capital Works Fund \$699,824.06

- These are extracts from Admin Fund balances from 1 February 2017, when Waratah Strata Management officially became strata manager for the complex:

Date	Admin Fund Balance	Comment
31/01/2017	\$129,704.57	Change BCS Strata Management to Waratah Strata Management
28/02/2017	\$288,552.51	
30/04/2017	\$135,012.17	End of FY quarter
31/07/2017	\$152,916.30	End of FY quarter
31/10/2017	\$100,815.56	End of FY quarter
31/12/2017	\$182,979.04	
31/01/2018	\$108,936.47	End of FY quarter
30/04/2018	\$123,012.91	End of FY quarter
31/07/2018	\$145,119.88	
31/10/2018	\$80,599.23	
31/12/2018	\$158,913.31	
31/01/2019	\$84,559.32	End of FY quarter
30/04/2019	\$99,934.95	End of FY quarter
10/07/2019	\$158,181.40	
31/07/2019	\$148,247.36	End of FY quarter
31/08/2019	\$167,231.72	
12/09/2019	\$202,523.24	
12/10/2019	-\$80,003.34	
17/10/2019	-\$131,852.25	Day of Annual General Meeting
31/10/2019	\$37,259.31	
14/12/2019	\$145,404.20	
31/12/2019	\$100,772.58	
25/01/2020	\$87,537.36	
31/01/2020	\$81,654.32	End of FY quarter
17/04/2020	\$94,415.82	
30/04/2020	\$85,707.93	End of FY quarter
30/07/2020	\$96,907.38	
31/07/2020	\$96,907.38	End of FY quarter
05/10/2020	\$150,004.16	
10/10/2020	\$155,409.14	
13/10/2020	\$48,166.76	
16/10/2020	\$16,253.12	
27/10/2020	\$14,497.09	
31/10/2020	\$8,368.92	End of FY quarter
13/12/2020	\$67,317.74	
31/12/2020	\$55,699.04	
31/01/2021	-\$18,794.90	End of FY quarter
30/04/2021	-\$25,254.77	
25/04/2021	-\$24,560.03	
31/07/2021	-\$22,323.34	End of FY quarter
28/10/2021	\$1,019.14	Day of Annual General Meeting
31/10/2021	-\$120,210.65	Three days after Annual General Meeting, End of FY quarter
08/12/2021	\$1,263.46	
24/12/2021	-\$49,429.69	
31/12/2021	-\$49,429.69	
10/01/2022	-\$53,002.08	
12/01/2022	-\$112,530.07	
24/01/2022	-\$112,421.07	
30/01/2022	-\$116,068.14	
31/01/2022	-\$123,708.05	End of FY quarter
27/02/2022	\$21,931.68	
11/03/2022	-\$16,236.00	
19/03/2022	-\$23,536.87	
24/03/2022	-\$28,287.34	
13/04/2022	-\$61,745.99	
23/04/2022	-\$86,877.20	
30/04/2022	-\$93,147.13	End of FY quarter
31/07/2022	-\$61,290.46	End of FY quarter

- Visual diagram of the Admin Fund balances and its negative trends:



- Reimbursements to insurance company for alleged legal costs of Solicitor Adrian Mueller (\$19,758.14) are not listed in any accounting files.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, 2019, 2020, 2021, and 2022.

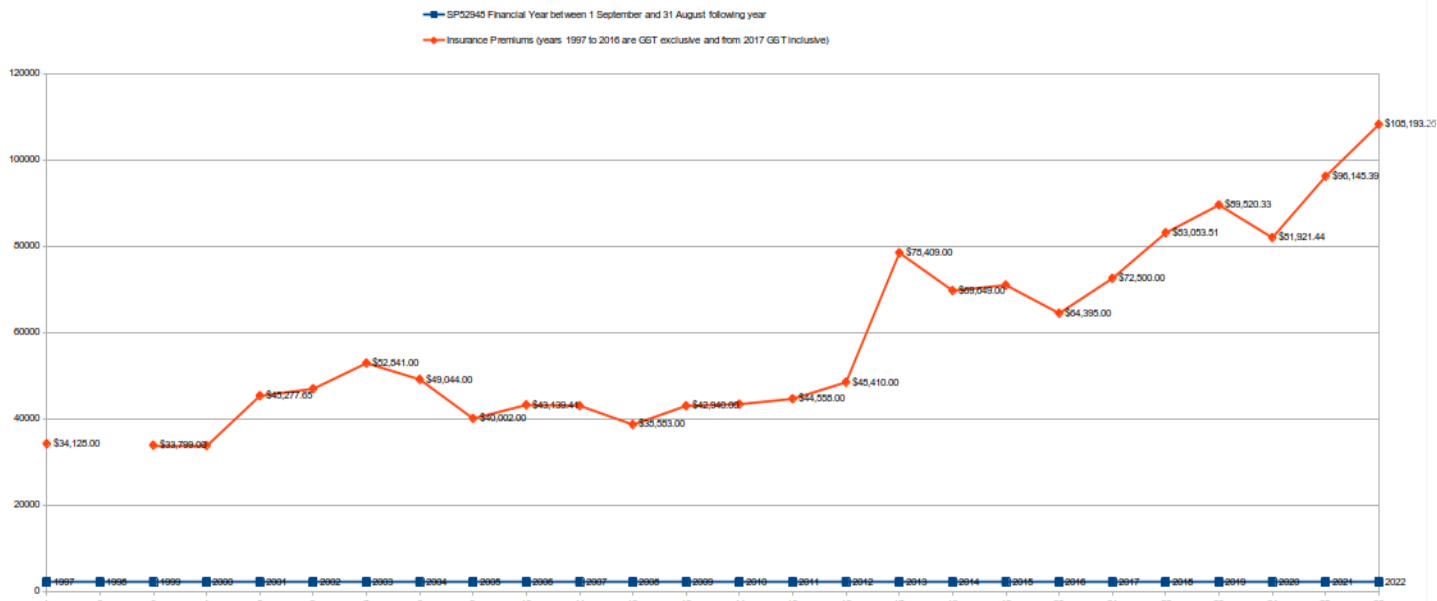
**Motion: Ratify SP52948 status of insurance premiums since 1997 and collection of insurance commissions paid to Waratah Strata Management**

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

- Status of insurance premium changes in period 1997 to 2020 (Waratah Strata Management took office on 1 February 2017 without competitive tender at AGM 2016):

SP52948 Financial Year between 1 September and 31 August the following year	Insurance Premiums (years 1997 to 2016 are GST exclusive and from 2017 GST inclusive)	Difference to Previous Year	Comment	Insurance Commissions Paid to Strata Manager
1997	\$34,128.00			
1998				
1999	\$33,799.00	0.00%		
2000	\$33,721.00	-0.23%		
2001	\$45,277.65	34.27%		
2002	\$46,879.00	3.54%		
2003	\$52,841.00	12.72%		
2004	\$49,044.00	-7.19%		Raine & Horne Strata Management not allowed to receive insurance commissions
2005	\$40,002.00	-18.44%		Raine & Horne Strata Management not allowed to receive insurance commissions
2006	\$43,139.41	7.84%		Raine & Horne Strata Management not allowed to receive insurance commissions
2007	\$42,962.77	-0.41%		Raine & Horne Strata Management not allowed to receive insurance commissions
2008	\$38,583.00	-10.19%		Raine & Horne Strata Management not allowed to receive insurance commissions
2009	\$42,940.00	11.29%		Raine & Horne Strata Management not allowed to receive insurance commissions
2010	\$43,324.00	0.89%		BCS Strata Management not allowed to receive insurance commissions
2011	\$44,558.00	2.85%		BCS Strata Management not allowed to receive insurance commissions
2012	\$48,410.00	8.64%		BCS Strata Management not allowed to receive insurance commissions
2013	\$78,409.00	61.97%	Two insurers declined to quote due to high risks, four insurance claims for Solicitor Adrian Mueller (strong evidence includes alleged false statements by BCS Strata Management in Statutory Declaration to CTTT on 19 April 2013, false statement in Affidavit to District Court on 31 January 2014, four different versions of the same Standard Costs Agreement with Solicitor Mr. Adrian Simon Mueller, secret change of the insurance policy for SP52948 and then claiming amount of \$24,919.31 (plus GST) for non-existent "defence" of Lot 3 at CTTT in 2012/2013 without owners corporation full disclosure or decision at any general meeting, false written statements to CTTT by selective EC members, CHU Insurance forced partial repayment in amount of \$8,800.00 without having full access to strata files and evidence in 2017)	BCS Strata Management not allowed to receive insurance commissions
2014	\$69,649.00	-11.17%		BCS Strata Management not allowed to receive insurance commissions
2015	\$70,925.00	1.83%		BCS Strata Management not allowed to receive insurance commissions
2016	\$64,395.00	-9.21%		BCS Strata Management not allowed to receive insurance commissions
2017	\$72,500.00	12.59%		BCS Strata Management not allowed to receive insurance commissions
2018	\$83,053.51	14.56%		\$6,084.84 paid to Waratah Strata Management
2019	\$89,520.33	7.79%		\$6,570.16 paid to Waratah Strata Management
2020	\$81,921.44	-8.49%		\$6,084.84 paid to Waratah Strata Management
2021	\$96,145.39	17.36%	Solicitor Adrian Mueller fully involved in forcing insurance claims for his alleged work	\$5,633.62 paid to Waratah Strata Management
2022	\$108,193.26	12.53%	Insurance claim for Solicitor Adrian Mueller (on 25 March 2022 Waratah Strata Management listed revenue from insurance claims in amount of \$19,758.14 in Income & Expenditure Report)	\$6,541.55 paid to Waratah Strata Management
2023	??	??	Insurance renewal due on 21 September 2022. As of 26 September 2022, no information provided by Waratah Strata Management	

- Visual diagram of the insurance premiums:



- Whilst previous strata managers were not allowed to receive rebates and commissions on insurance since 2003, Waratah Strata Management made significant earnings from insurance renewals:

2018, \$6,084.84  
 2019, \$6,570.16  
 2020, \$6,084.84  
 2021, \$6,541.55  
 2022, as of 26 September 2022, there are no public records of insurance renewal which must be paid by 21 September 2022

- Insurance renewal for strata plan SP52948 was due on 21 September 2020. As of 26 September 2022, details of the insurance renewal were not published for any owner.

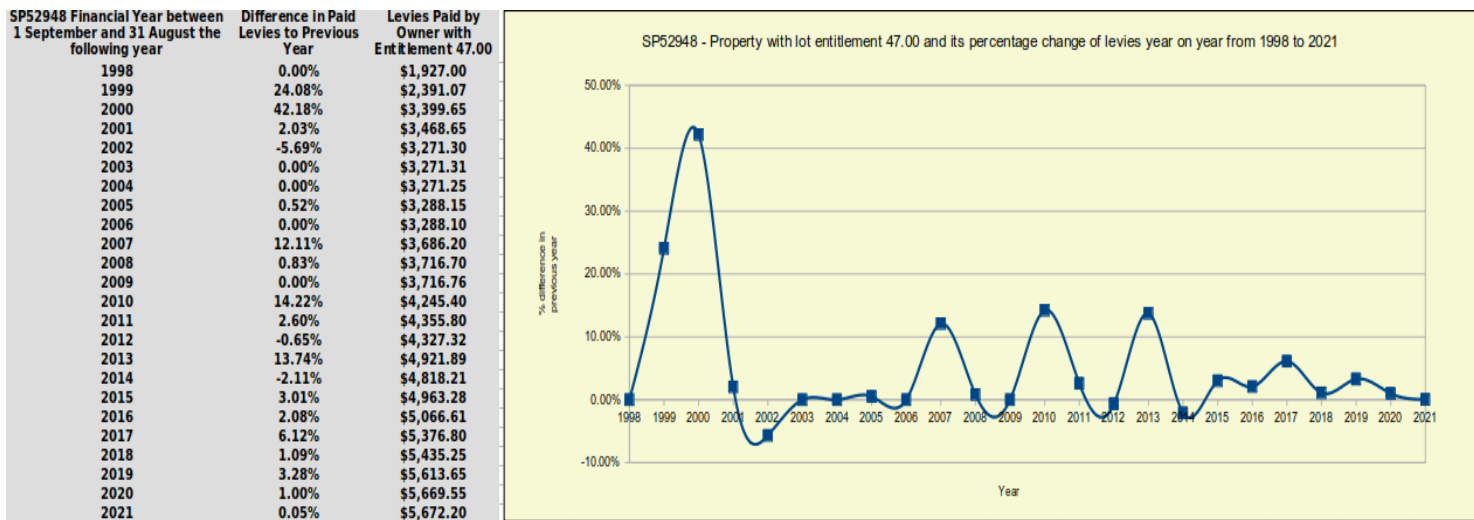
Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, 2019, 2020, 2021, and 2022.

**Motion: Ratify events related to levy growth which failed to correctly plan future expenses and CPI since 2013**

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

- This are extracts for Lot with 47.00 entitlements and their levies since 1998:



Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017,

2018, 2019, 2020, 2021, and 2022.

**Motion: Ratify events related to Lot 158 being denied access to strata files in spite of fully paid document searches**

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

- BCS Strata Management, Waratah Strata Management, and Solicitor Adrian Mueller actively prevented access to strata files and withheld crucial information in the following events which Lot 158 paid for:

16 November 2011, \$154.00, document search at BCS Strata Management,  
7 November 2012, \$132.00, document search at BCS Strata Management,  
28 February 2012, \$72.00, document search at CTTT,  
7 March 2013, \$33.00, document search at BCS Strata Management,  
11 March 2013, \$172.80, document search at BCS Strata Management,  
11 September 2013, \$45.00, document search at BCS Strata Management,  
15 October 2013, \$45.00, document search at BCS Strata Management,  
18 October 2013, \$32.00, document search at BCS Strata Management,  
16 February 2016, \$164.80, document search at BCS Strata Management,  
16 February 2016, \$3.40, document search at BCS Strata Management,  
15 June 2017, \$61.05, document search at Waratah Strata Management,  
13 June 2019, \$212.85, document search at Waratah Strata Management,  
13 June 2019, \$2.75, document search at Waratah Strata Management,  
26 September 2019, \$234.30, document search at Waratah Strata Management,  
14 November 2019, Solicitor Adrian Mueller refused access to files to O'Brien Criminal & Civil Solicitors,  
29 March 2020, \$2,200.00 O'Brien Criminal & Civil Solicitors demand for strata files sent to Waratah Strata Management,  
27 July 2020 and 31 July 2020, request to committee members,  
21 October 2020, request to Solicitor Adrian Mueller,  
19 July 2021, request to Solicitor Adrian Mueller,  
8 March 2022, document search at NCAT,  
8 June 2022, \$34.10, document search at Waratah Strata Management.

- Solicitor Adrian Mueller sent letter to Lot 158 on 27 June 2022, after the owners complained to Waratah Strata Management about lack of access to strata files in spite of paid document search, confirming that he, Waratah Strata Management, and committee members wanted to prevent Lot 158 from assisting OLSC, NCAT, and Police:

We are instructed that on 8 June 2022, you wrote to the strata managing agent of the Owners Corporation, made a request for specific documents to be provided to you and put forward a proposal.

We are instructed that the Owners Corporation does not intend to provide those specific documents to you because it has no obligation to do so. If you wish to inspect the records of the Owners Corporation

P 02 9562 1266  
F 02 9567 8551  
W muellers.com.au  
E enquiries@muellers.com.au

LEVEL 1  
240 PRINCES HIGHWAY  
ARNCLIFFE NSW 2205  
DX 25315 ROCKDALE



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The Secretary  
The Owners – Strata Plan No. 52948

2

27 June 2022

to obtain specific documents, you will need to follow the procedure set forth in section 182 of the *Strata Schemes Management Act 2015* in order to do so.

We are informed that on or about 8 June 2022 you did undertake an inspection of the records of the Owners Corporation. We are told that during that inspection certain privileged documents were made available to you by mistake. We are instructed that privilege is not waived in relation to any of the privileged documents which you were mistakenly given access to.

In relation to the proposal contained in your email to the strata manager of the Owners Corporation sent on 8 June 2022, we are instructed that the proposal is not acceptable to the Owners Corporation.

However, we are informed that one aspect of your proposal was a requirement for the Owners Corporation to reimburse to its insurance company the legal costs which its insurer paid in connection with the Tribunal proceedings in which the costs order was made against you on 6 July 2021.

We are instructed that once the amount determined by the costs assessor has been paid by you to the Owners Corporation, the Owners Corporation will reimburse that amount to its insurer which is the appropriate thing for it to do.

In relation to the other aspects of your proposal, we are instructed that the Owners Corporation is not prepared to forward the email you sent the strata manager of the Owners Corporation on 8 June 2022, or the evidence you filed in Tribunal proceedings (File No. SC 20/33352) or that you lodged with the costs assessor, to anyone or provide you with the authority to represent the Owners Corporation in dealings with the Office of the Legal Services Commissioner, the Tribunal and the Police.

Yours faithfully

JS MUELLER & CO  
Adrian Mueller | Partner  
E: adrianmueller@muellers.com.au

## Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, 2019, 2020, 2021, and 2022.

### **Motion: Ratify events and approve Lot 158 access to missing strata files, approve his work to assist OLSC, NCAT, and Police without any expenses to owners corporation**

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events and approves the following:

- Lot 158 submitted 67-page sworn Statutory Declaration "Professional Misconduct and Fraudulent Activities by Solicitor Adrian Mueller in Relation to Strata Plan SP52948" on 21 September 2022. To avoid legal costs to all parties, Lot 158 shall send private Requests for Production to Solicitor Adrian Mueller (free of charge to owners corporation) and Waratah Strata Management to make copies of documents, records, and request the inspection of property. There are a number of exceptions to legal professional privilege, including improper or illegal conduct. Privilege does not apply to communications made for the purpose of facilitating illegal or improper purposes. This applies regardless of whether or not the Solicitor Adrian Mueller was a party to, or even aware of, the improper purpose. There are a number of exceptions to legal professional privilege, including improper or illegal conduct. Privilege does not apply to communications made for the purpose of facilitating illegal or improper purposes. This applies regardless of whether or not the Solicitor Adrian Mueller was a party to, or even aware of, the improper purpose.

- Solicitor Adrian Mueller failed to comply with Tribunal orders seven times whilst not authorized to represent owners corporation in period 2012 to 2021):

8 August 2012, CTTT Directions Hearing in case SCS 12/32675.

17 September 2012, CTTT case SCS 12/32675.

26 September 2012, CTTT case SCS 12/32675.

9 October 2012, CTTT case SCS 12/32675.

7 May 2013, CTTT case SCS 12/50460, Solicitor Adrian Mueller did not notify CTTT that he was not authorized to represent owners corporation in the Fair Trading NSW mediation case SM12/1537JR and CTTT case SCS 12/50460.

29 November 2020, my complaint about Solicitor's non-compliance with Directions Hearing to NCAT in case SC 20/33352.

1 February 2021, belated submission by Solicitor Adrian Mueller in NCAT case SC 20/33352.

- Based on all available documents, Solicitor Adrian Mueller failed to provide Notice of Representation by Legal Practitioner or Agent and copy of his Standard Costs Agreement signed by owners corporation representative to CTTT and NCAT in cases SCS 12/32675, SCS 12/50460, SCS 13/50737, and SC 20/33352.

- Solicitor Adrian Mueller, on behalf of BCS Strata Management strata manager Mr. Peter Bone, created Statutory Declaration with falsified data in CTTT case SCS 12/32675.

- On 6 March 2013, Solicitor Adrian Mueller was asked to return private property in CTTT cases SCS 12/32675 and 12/50460 which he had obtained access to illegally. Response from Solicitor Adrian Mueller on 14 May 2013 was blunt, ignorant, and contained false statement because CTTT did not provide him with any files, but forced myself to do it, whilst knowing he was not legal to represent owners corporation (in case SCS 12/50460 he secretly sent his offer with Standard Costs Agreement on 6 May 2013 without disclosure to owners and CTTT. Standard Costs Agreement in CTTT case SCS 12/50460 was never approved by owners corporation.

- Solicitor Adrian Mueller submitted BCS Strata Management Mr. Peter Bone's Affidavit to District Court in case 13/360456, knowing that statements were false, without disclosure to the Judge.

- On 25 March 2022, in Supreme Court Costs Assessment case CA 2022/70683, Solicitor Adrian Mueller submitted Affidavit by his assistant Ms. Hala Awad, which was false because only one letter arrived to Lot 158. When Solicitor was asked to provide any evidence of letter deliveries, he failed to provide a means that demonstrated the date of posting and delivery, such as a registered, express, or other tracked postal or courier service.



- Solicitor Adrian Mueller was accessory to creation of four versions of Standard Costs Agreement in CTTT case SCS 12/32675, of which three were falsified.

### Initialisation of insurance claim on 28 August 2012

BCS Strata Management initiating insurance claim process for legal expenses on 28 August 2012, backdated to 8 August 2012 when Executive Committee and BCS Strata Management engaged Solicitor Mr. Adrian Mueller without approval of owners corporation. Document title in strata files is "legal defence costs claim\_20170131144949". This document does not have signature in Standard Costs Agreement:

I. Authorisation to Transfer Money from Trust Account

You authorise us to receive directly into our trust account any judgment or settlement money, or money received from any source in furtherance of your work, and to pay ourselves our costs, disbursements and expenses in accordance with the provisions of clause 88(3)(a)(i) of the Legal Profession Regulation 2005.

Signed: _____	
Client _____	Date _____
<i>AS</i>	16 July 2012
Solicitor _____	Date _____

### Solicitor's submission to CTTT on 29 January 2013

The following screenshot was part of submission sent by Solicitor Mr. Adrian Mueller, allegedly representing strata plan SP52948 to CTTT on 29 January 2013. Of special importance is the fact that the Solicitor's Standard Costs Agreement on page 19 did not contain signature on behalf of strata plan SP52948, hence no legal approval to engage him:

I. Authorisation to Transfer Money from Trust Account

You authorise us to receive directly into our trust account any judgment or settlement money, or money received from any source in furtherance of your work, and to pay ourselves our costs, disbursements and expenses in accordance with the provisions of clause 88(3)(a)(i) of the Legal Profession Regulation 2005.

Signed: _____	
Client _____	Date _____
<i>AS</i>	16 July 2012
Solicitor _____	Date _____

### Strata Manager Mr. Peter Bone signed document dated 19 April 2013 (after the CTTT Hearing) – Part 1

The following screenshot is part of Statutory Declaration by Strata Manager Mr. Peter Bone to CTTT on 19 April 2013. This Standard Costs Agreement was allegedly signed by another Strata Manager Mr. Gary Webb and sent via email by Mr. Peter Bone to the Solicitor. The name of the contract file in BCS Strata Management documents with alleged signature is not what Mr. Peter Bone stated in his Statutory Declaration to CTTT "JS Mueller Standard Cost Agreement 25072012" but actually "JS Mueller Standard Costs Agreement\_20170131144914", as found in strata document search on 13 June 2017:

I. Authorisation to Transfer Money from Trust Account

You authorise us to receive directly into our trust account any judgment or settlement money, or money received from any source in furtherance of your work, and to pay ourselves our costs, disbursements and expenses in accordance with the provisions of clause 88(3)(a)(i) of the Legal Profession Regulation 2005.

Signed: _____	
Client _____	Date _____
<i>AS</i>	25. 7. 2012
Solicitor _____	Date _____
<i>AS</i>	16 July 2012

### Branch Manager Mr. Paul Banoob secret signed document dated 17 July 2012 that was created on 16 April 2013 (after the CTTT Hearing) – Part 1

The following screenshot was found as part of document in strata files on 13 June 2017, four years after the events. This allegedly signed Standard Costs Agreement titled "JS Mueller Costs Agreement", was never presented to owners, CTTT, Department of Fair Trading, and District Court. It was allegedly signed by Branch Manager Mr. Paul Banoob on 17 July 2012:

I. Authorisation to Transfer Money from Trust Account

You authorise us to receive directly into our trust account any judgment or settlement money, or money received from any source in furtherance of your work, and to pay ourselves our costs, disbursements and expenses in accordance with the provisions of clause 88(3)(a)(i) of the Legal Profession Regulation 2005.

Signed: _____	
Client _____	Date _____
<i>Paul Banoob</i>	17/7/12
<i>AS</i>	16 July 2012

- Solicitor Adrian Mueller ignores owners corporation's requests. An example is alleged email Solicitor submitted to Supreme Court Costs Assessor on 25 March 2022. There was a clear instruction for Solicitor Adrian Mueller to notify NCAT about his engagement (failed to do so), provide submission to NCAT as per Tribunal's schedule (failed to do so), review Lot 158 electronic evidence on secure website (failed to do so), and respond to strata manager in regards to legal defence insurance claims (such evidence either did not exist or was withheld from Supreme Court Costs Assessor, NCAT, and Lot 158):

**From:** Robert Crosbie <robert@waratahstrata.com.au>  
**Sent:** Friday, 23 October 2020 12:23 PM  
**To:** Adrian Mueller <AdrianMueller@muellers.com.au>  
**Subject:** SP 52948, 1-15 Fontenoy Road, Macquarie Park

Adrian,

We advise your fee proposal to act for the Owners Corporation in the NCAT Application lodged by Lot 158 Baljevic has been accepted at last night's AGM.

Attached is a copy of various correspondence that has been received to date in this matter. Also attached is access to a website set up by Baljevic to provide access to his documentation.

We ask you to notify NCAT that you will now be representing the OC and whether you require any further time to review and respond to the application.

Now that you have been formally appointed, we ask you to respond to our email sent on 7/10/20 regarding the Legal Defences insurance claim.

Regards,

**Robert Crosbie**  
 Waratah Strata Management  
 P.O. Box 125, Eastwood NSW 2122  
 Ph (02) 9114 9599  
 Fx (02) 9114 9598  
[robert@waratahstrata.com.au](mailto:robert@waratahstrata.com.au)



- All committee meetings in 2017, 2018, 2019, 2020, 2021, and 2022 failed to satisfy requirements of Strata Schemes Management Act 2015 (SSMA), Schedule 2, Section 4 (1) and (2), and section 7 and Interpretation Act 1987 (NSW). Examples of non-compliance of the meetings, including full details for Annual General Meeting held on 17 October 2019 are shown in Lot 158 Statutory Declaration dated 18 August 2020, which Solicitor Adrian Mueller allegedly fully read and ignored in spite of irrefutable evidence.

- Conservative estimate (lot of data is still hidden from Lot 158 and other owners) is that Solicitor Adrian Mueller profited around \$150,000.00 from strata plan SP52948 in period 2012 to 2022. The allegedly approved costs differ from those realized. Examples: Solicitor Adrian Mueller's Standard Costs Agreement in District Court case 2013/360456 allegedly approved costs in amount of \$16,500.00 (GST inclusive) whilst Solicitor Adrian Mueller charged \$21,066.75 (GST inclusive), and \$6,980.28 (GST inclusive) for CTTT case SCS 13/50737, without owners corporation approval or knowledge. Similar problem happened in CTTT case SCS 12/32675: alleged Standard Costs Agreement for Solicitor Adrian Mueller approved \$11,550.00 (GST inclusive) whilst Solicitor charged \$28,511.24 (GST inclusive) without owners corporation approval or knowledge).

- To avoid legal costs to all parties, which would be detrimental to owners corporation, Lot 158 shall be provided with full access to all strata files required to assist OLSC, NCAT, and Police for misconduct and fraudulent acts by Solicitor Adrian Mueller in Office of the NSW Legal Services Commissioner case CAS009763\_1, and Crime Stoppers case 648467. There is no cost to owners corporation for providing access to printed and electronic files, which must be collected by Waratah Strata Management as part of their duties and legal obligations.

#### Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, 2019, 2020, 2021, and 2022.

#### **Motion: Approve Lot 158 to recover unauthorized expenses from Solicitor Adrian Mueller without any expenses to owners corporation**

The Owners Corporation SP52948 by ORDINARY RESOLUTION approves the following:

- Lot 158 shall be empowered to represent owners corporation in legal cases against Solicitor Adrian Mueller, with understanding that owners shall not incur any costs. Conservative estimate is that Lot 158 shall be able to recover for owners corporation at least \$100,000.00 from Solicitor Adrian Mueller (lost income from unpaid interest shall be calculated separately), without any expenses to strata plan.

#### Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, 2019, 2020, 2021, and 2022.

#### **Motion: Ratify owners prevented to have access to NCAT SC 20/33352 documents and Statutory Declaration by Lot 158**

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

- Waratah Strata Management failed to provide owners with secure website access details for NCAT case SC 20/33352 on 25 September 2020.

- Waratah Strata Management failed to provide owners with Lot 158 sworn Statutory Declaration:

<https://www.nswstratasleuth.id.au/SP52948-statutory-declaration-for-NCAT-case-20-33352-which-Waratah-Strata-Management-refused-to-provide-to-owners-Aug2020.pdf>

- Waratah Strata Management failed to provide owners with update of events related to NCAT case SC 20/33352 and Supreme Court Costs Assessment case CA 2022/70683 which was initiated without owners corporation approval at any legally-convened meeting.

#### Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, 2019, 2020, 2021, and 2022.

#### **Motion: Ratify six versions of Solicitor Adrian Mueller's legal costs in NCAT case SC 20/33352**

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

- There are six versions of Solicitor Adrian Mueller's alleged costs in NCAT case SC 20/33352.

- Solicitor Adrian Mueller refused to respond to Lot 158 emails dated 27 February 2022, 5 April 2022, and 20 April 2022, also actively hampering investigations by Supreme Court Cost Assessor. Solicitor Adrian Mueller used silence as his defence, or providing statements that had no evidence. Such actions can bring penalties against lawyers, as Legal Services Commissioner v Yakenian [2019] NSWCATOD [98] proved: a solicitor of Fairfield in western Sydney, neighbour of Cabramatta and Villawood. He was referred to the NSW Legal Services Commissioner by District Court Judge, her Honour Wass DCJ.
- Document search on 8 June 2022 uncovered secret correspondence between Waratah Strata Management and Body Corporate Brokers (insurance broker) dated 16 October 2020, one week before Annual General Meeting, where Mr. Robert Crosbie initiated process of advanced legal claims and confirmed that Lot 158 complaints of strata mismanagement were ignored by him and committee members.
- Cost figures (GST excl) provided by Solicitor Adrian Mueller on 12 July 2021, 7 February 2022 (no invoices were included by the Solicitor), and 25 March 2022, and listed on Waratah Strata Manager's agenda for Annual General Meeting on 7 October 2021 differ to a large extent:

Date	Solicitor's Invoice# 101676 11Dec2020	Solicitor's Invoice# 102134 3Feb2021	Solicitor's Invoice# 102255 11Feb2021	Solicitor's Invoice# 103514 6May2021	Solicitor's Invoice# 104085 9Jun2021	Solicitor's Invoice# 104547 12Jul2021	Solicitor's Invoice# 107457 4Feb2022	Solicitor's Invoice# 108037 14Mar2022	Total (GST excl)
12Jul2021	\$8,030.00	\$2,213.55	\$4,921.40	\$3,198.75	\$1,899.44	N/A	N/A	N/A	\$20,263.14
7Oct2021	No invoice	No invoice	No Invoice	No Invoice	No invoice	No invoice	N/A	N/A	\$23,142.87
7Feb2022	No invoice	No invoice	No invoice	No invoice	No invoice	No invoice	No invoice	N/A	\$25,158.14
25Mar2022	\$8,030.00	\$2,213.55	\$4,921.40	\$3,198.75	\$1,899.44	\$660.00	\$2,475.00	\$1,296.58	\$24,694.72
	Paid by insurance company on 24 March 2022 without disclosure by Solicitor Adrian Mueller to owners, Office of Legal Services Commissioner, and Supreme Court	Paid by insurance company on 24 March 2022 without disclosure by Solicitor Adrian Mueller to owners, Office of Legal Services Commissioner, and Supreme Court	Paid by insurance company on 24 March 2022 without disclosure by Solicitor Adrian Mueller to owners, Office of Legal Services Commissioner, and Supreme Court	Paid by insurance company on 24 March 2022 without disclosure by Solicitor Adrian Mueller to owners, Office of Legal Services Commissioner, and Supreme Court; listed as "Defamation by Lot 158" in Agenda for AGM in October 2021 on pages 14 to 17 (account code 153200) – not part of NCAT case SC 20/33352	Paid by insurance company on 24 March 2022 without disclosure by Solicitor Adrian Mueller to owners, Office of Legal Services Commissioner, and Supreme Court	Paid by insurance company on 24 March 2022 without disclosure by Solicitor Adrian Mueller to owners, Office of Legal Services Commissioner, and Supreme Court			

- First version of total expenses (GST exclusive) for Solicitor Adrian Mueller: in his letter dated 12 July 2021 (reference AM:CP:37289), allegedly without prejudice, Solicitor Adrian Mueller made the claim of \$20,020.00 (\$15,015.00 exclusive of GST representing 75% of the actual costs the owners corporation incurred in the proceedings).
- Second version of total expenses (GST inclusive!) for Solicitor Adrian Mueller in FY 2021 as listed by Waratah Strata Management in their agenda for Annual General Meeting sent on 7 October 2021 on page 108: \$25,714.30. Waratah Strata Management provided these figures in the Agenda for Annual General Meeting in October 2021 on pages 14 to 17 (for account code 153200), which include costs not related to NCAT case and not approved at any meeting (review of Lot 158 Motions and wasteful defamation threats):
  - 28/09/2020 Advice on Motions requested by Lot 158 \$2,700.00
  - 26/10/2020 Defamation by Lot 158 \$413.50
  - 23/11/2020 Defamation by Lot 158 (Barrister Hussein Elachkar) \$1,218.75
  - 14/12/2020 NCAT application by Lot 158 \$8,030.00
  - 8/02/2021 NCAT application by Lot 158 \$2,213.55
  - 19/04/2021 NCAT application by Lot 158 \$4,921.40
  - 10/05/2021 Defamation by Lot 158 \$3,198.75
  - 11/06/2021 NCAT application by Lot 158 \$1,899.45
- Second version of total costs (GST exclusive) for Solicitor Adrian Mueller in FY 2021 as listed by Waratah Strata Management in their agenda for Annual General Meeting sent on 7 October 2021 on page 108: \$23,142.87.

- Third version of total expenses (GST exclusive) for Solicitor Adrian Mueller (based on figures in agenda for account code 153200 for Annual General Meeting sent on 7 October 2021 on pages 14 to 17, without costs for Barrister Hussein Elachkar, and without alleged defamation costs in FY 2021 which are NOT part of NCAT proceedings and not legally approved at Annual General Meeting 2020): \$19,764.4. Total expenses (GST exclusive) for legal and debt collection fees for all lawyers and solicitors in FY 2021 as listed by Waratah Strata Management in their agenda for Annual General Meeting sent on 7 October 2021 on page 18: \$24,171.90.
- Fourth version of total expenses (GST exclusive) for Solicitor Adrian Mueller (based on figures in agenda for account code 153200 for Annual General Meeting sent on 7 October 2021 on pages 14 to 17, without costs for barrister Hussein Elachkar, and with defamation costs in FY 2021 which are NOT part of NCAT proceedings and not legally approved at Annual General Meeting 2020): \$23,376.62.
- Fifth version of total expenses (GST exclusive) for Solicitor Adrian Mueller: in his Costs Assessment Application on page 3 on 7 February 2022 (no GST is claimed on the costs that are the subject of this costs assessment as the Costs Applicant is registered for GST and entitled to an input tax credit in respect of those costs), Solicitor Adrian Mueller claims costs of \$25,158.14.
- Sixth version of total expenses (GST exclusive) for Solicitor Adrian Mueller: in his Costs Assessment Application on 25 March 2022, Solicitor Adrian Mueller claims costs of \$24,694.72.
- Solicitor Adrian Mueller failed to provide information about sudden insurance claim to Supreme Court Costs Assessor whilst still pursuing alleged costs recovery for his work (on 25 March 2022 Waratah Strata Management listed revenue from insurance claims in amount of \$19,758.14 in Income & Expenditure Report):

NCAT 20/33352		
2 February 2021 to 18 February 2022		
Solicitor Adrian Mueller fully aware and involved in cost recovery correspondence from insurance		
02 Feb 21	Perusing emails passing between strata manager and insurer regarding conflict of interest of solicitor and break down of fees and perusing email from strata manager requesting response to allegation of conflict of interest and breakdown of fees	\$110.00
04 Mar 21	Perusing email from strata manager requesting advice on reimbursement of costs by insurer	\$55.00
05 Mar 21	Email to you providing advice on reimbursement of costs by insurer	\$110.00
16 Jul 21	Perusing email from strata manager advising of decision of insurer to reimburse costs	\$55.00
14 Sep 21	Perusing email from strata manager requesting estimate of likely costs to be recovered in costs assessment	\$55.00
22 Sep 21	Email to you providing estimate of likely costs to be recovered in costs assessment	\$55.00
09 Dec 21	Perusing email from strata manager requesting update on recovery of costs and advice on publication on strata sleuth website	\$55.00
20 Dec 21	Perusing strata sleuth website	\$110.00
20 Dec 21	Email to you providing update on recovery of NCAT costs and advice and on strata sleuth website	\$110.00
17 Feb 22	Perusing email from strata manager requesting advice on cost recovery at request of insurance broker	\$55.00
18 Feb 22	Email to you providing advice on costs assessment process and cost recovery in response to request for advice from insurance broker	\$55.00

#### Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, 2019, 2020, 2021, and 2022.

#### Motion: Ratify threats against Lot 158

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

- 12 Police events for stalking, harassment, intimidation, and threats against Lot 158 by few maintenance staff, few committee members, and some tenants in the complex.
- 8 request to obtain access to CCTV recordings for stalking, harassment, intimidation, and threats against Lot 158 were silently ignored by Waratah Strata Management, committee members, and maintenance staff (even Police did not get access to them).
- 45 requests to Waratah Strata Management and executive committee to offer assistance to Police with their investigations of fraud and stalking/harassment/intimidation of Lot 158 were ignored.

- Four defamation threats were initiated by Solicitor Adrian Mueller without success, without owners corporation approval at any legally-valid meeting, without disclosure of costs to owners, and caused high costs to owners corporation and Lot 158:

6 September 2012 (attempt by Solicitor Adrian Mueller to prevent Applicant from proceeding with CTTT case SCS 12/32675, claimed payment for his legal costs from owners corporation insurance). Solicitor Adrian Mueller coerced strata plan SP52948 and BCS Strata Management to use insurance claims for his legal costs whilst not legally approved to represent owners corporation in CTTT case SCS 12/32675 and SCS 12/50460, knowing that owners corporation had no funds to pay for his work (BCS Strata management secretly drew \$50,000.00 from another fund on 4 July 2012. Solicitor Adrian Mueller was fully aware that insurance claims were made for non-existent CTTT case "Lot 3", without disclosure to CTTT: SP52948 Lot 3 Insurance Claim 1 on 31 August 2012 (\$367.64), SP52948 Lot 3 Insurance Claim 2 on 7 December 2012 (\$12,714.65), SP52948 Lot 3 Insurance Claim 3 on 2 May 2013 (\$1,320.00), SP52948 Lot 3 Insurance Claim 4 on 4 June 2013 (\$10,517.02). Four years later, in March 2017, CHU Insurance forced owners corporation to repay \$8,800.00.

20 June 2019 (attempt by Solicitor Adrian Mueller to use his own "Unreasonable Communications" Special By-Law to prevent Lot 158 from reporting problems with strata management, whilst ignoring conflict of interest due to Police Event E65804633 and Office of Legal Services Commissioner case 56561).

17 October 2019 (premeditated attempt by Solicitor Adrian Mueller to force Lot 158 to sign Deed of Agreement for alleged defamation of Uniqueco Property Services, Waratah Strata Management, and committee members). 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.

21 October 2020 (attempt by Solicitor Adrian Mueller to prevent Lot 158 from proceeding with NCAT case SC 20/33352). Balance in Admin Fund had \$1,019.14 whilst three days later on 31 October 2021 they had negative balance of \$120,210.65.

- Before AGM 2020, Waratah Strata Management was requested to strike out Motion 10 (legal proceeding against Lot 158). Solicitor Adrian Mueller, committee members, and Waratah Strata Management ignored it:

Motion must be ruled as "out of order" as it conflicts with the Act, is unlawful, and unenforceable. According to Strata Community Association (NSW), definition of a Motion:

*A proposal put forward for consideration at a meeting. A well written motion will enable the lot owner or committee member to vote yes (for) or no (against) on the matter.*

*A motion must clearly state the proposal to be considered at the meeting.*

*Motion must clearly state if an ordinary, special, or unanimous resolution is required.*

Motion must disclose pecuniary interests of committee members as per SCHEDULE 2 – Meeting procedures of strata committees of the Strata Schemes Management Act, 2015 (NSW) Section 18.

#### Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, 2019, 2020, 2021, and 2022.

#### **Motion: Ratify four unresolved problems with common property maintenance in Lot 158**

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

- Numerous attempts were made with Waratah Strata Management in 2019, 2020, and 2021 to rectify four outstanding common property problems in Lot 158. They were all silently denied.

- In Lot 158 submission to Supreme Court and Solicitor Adrian Mueller on 27 February 2022, those problems were highlighted again:

Fire safety checks for external door and two smoke alarms for 2022.

Water leak damages near lighting on ceiling in sun-room (unresolved since September 2020),

All intercom access points were scheduled to be tested in Block A on 10 February 2022. Lot 158 complained about their device not working occasionally several times and no repair or checks were done. On 10 February 2022, Lot 158 was not visited by H&T Security.

Poor intake of fresh air in laundry and one bathroom since 2019.

- Without owners corporation approval, Waratah Strata Management instructed Solicitor Adrian Mueller to ignore Lot 158 submissions to Supreme Court on 1 March 2022:

01 Mar 22	Perusing email from strata manager providing instructions not to prepare response to objections to bills of costs and to apply for costs assessment	\$55.00	\$5.50
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#### Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, 2019, 2020, 2021, and 2022.

#### Motion: Ratify events related to no evidence presented by Solicitor Adrian Mueller in NCAT case SC 20/33352

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

- Solicitor Adrian Mueller provided no evidence to NCAT in case SCS 120/33352.
- The only submission by Solicitor Adrian Mueller was three and half pages long.
- Solicitor Adrian Mueller coerced the Tribunal to ignore Lot 158 evidence:

<https://www.nswstratasleuth.id.au/Tribunal-ignored-voluminous-concerns-and-irrefutable-evidence-of-repetitive-misconduct-of-Solicitor-Adrian-Mueller-in-NCAT-case-20-33352-Apr2021.pdf>

- Lot 158 paid \$5,000.00 first-installment penalty for alleged legal costs on 1 July 2022, which were recovered twice by the owners corporation (from insurance and Lot 158). The \$5,000.00 payment does not incur GST, so it should be fully listed in the Income & Expenditure Report dated 12 July 2022, but it was not:



Waratah Strata Management  
 ABN 75 161 033 745  
 PO Box 125, Eastwood, NSW 2122  
 Ph (02) 9114 9599  
 Fax (02) 9114 9598  
 www.waratahstrata.com.au

### Income & Expenditure Report for the financial year-to-date 01/09/2021 to 12/07/2022

Strata Plan 52948

Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113

#### Administrative Fund

	Current period 01/09/2021-12/07/2022	Previous year 01/09/2020-31/08/2021
<b>Revenue</b>		
141900 Gas - Additional Service	2,945.40	2,573.52
142000 Insurance Claims	19,758.14	0.00
142500 Interest on Arrears--Admin	1,192.39	1,500.86
142800 Key Deposits	362.00	702.00
143000 Levies Due--Admin	550,004.32	700,000.00
144000 Miscellaneous Income--Admin	4,545.45	0.00
146500 Status Certificate Fees	1,090.00	763.00
147000 Strata Roll Inspection Fees	217.00	155.00
<i>Total revenue</i>	<u>580,114.70</u>	<u>705,694.38</u>

- Waratah Strata Management refused to issue invoice to Lot 158 for \$5,000.00 payment.
- Waratah Strata Management refused to issue receipt for Lot 158 \$5,000.00 payment.

- On 29 August 2022, income in amount of \$4,545.45 disappeared in Admin Fund and repayment to insurance company was not listed:



**Waratah Strata Management**  
 ABN 75 161 033 745  
 PO Box 125, Eastwood, NSW 2122  
 Ph (02) 9114 9599  
 Fax (02) 9114 9598  
 www.waratahstrata.com.au

### Income & Expenditure Report for the financial year to 29/08/2022

Strata Plan 52948 Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113

		<b>Administrative Fund</b>	
		<b>Current period</b>	<b>Previous year</b>
		01/09/2021-29/08/2022	01/09/2020-31/08/2021
<b>Revenue</b>			
141900	Gas - Additional Service	2,945.40	2,573.52
142000	Insurance Claims	19,758.14	0.00
142500	Interest on Arrears--Admin	1,272.24	1,500.86
142800	Key Deposits	362.00	702.00
143000	Levies Due--Admin	737,506.48	700,000.00
146500	Status Certificate Fees	1,308.00	763.00
147000	Strata Roll Inspection Fees	279.00	155.00
<i>Total revenue</i>		763,431.26	705,694.38

- At end of FY 2022, income in amount of \$5,000.00 from Lot 158 payments was not listed and repayment to insurance company was not listed:



**Waratah Strata Management**  
 ABN 75 161 033 745  
 PO Box 125, Eastwood, NSW 2122  
 Ph (02) 9114 9599  
 Fax (02) 9114 9598  
 www.waratahstrata.com.au

### Income & Expenditure Report for the financial year to 31/08/2022

Strata Plan 52948 Macquarie Gardens, 1-15 Fontenoy Road, Macquarie Park NSW 2113

		<b>Administrative Fund</b>	
		<b>Current period</b>	<b>Previous year</b>
		01/09/2021-31/08/2022	01/09/2020-31/08/2021
<b>Revenue</b>			
141900	Gas - Additional Service	2,945.40	2,573.52
142000	Insurance Claims	19,758.14	0.00
142500	Interest on Arrears--Admin	1,272.24	1,500.86
142800	Key Deposits	362.00	702.00
143000	Levies Due--Admin	737,506.48	700,000.00
146500	Status Certificate Fees	1,308.00	763.00
147000	Strata Roll Inspection Fees	279.00	155.00
<i>Total revenue</i>		763,431.26	705,694.38

#### Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, 2019, 2020, 2021, and 2022.

#### **Motion: Ratify selective privileges for townhouse owners by providing inequitable reimbursements for private water and gas usage and lack of proper By-Law enforcements in FY 2021**

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events related to inequitable and discriminatory gas usage reimbursements that were applied to selective group of townhouse owners in FY 2021 and, at the same time, directly disadvantaged 192 owners in four buildings and townhouse owners who did not get those benefits but personally paid excessive costs for selective group of townhouse owners:

- Since late 2010, when Lot 158 uncovered secret payments to selective townhouse owners for private water and gas usage (which included three past or current committee members at the time), attempts to enforce equal rights for all owners were ignored by BCS Strata Management, Waratah Strata Management, and committee members.



- In 2008, Lot 217 complained to BCS Strata Management about not knowing about water and gas reimbursements for seven years (they were unable to make claims for past year because AGL did not have facility to reissue invoices prior to 6 March 2007 as per their letter dated 26 March 2008).
- Of \$25,366.56 (GST exclusive) paid for gas usage for the complex in period from 1 September 2020 to 31 August 2021, \$12,303.28 (GST exclusive) was paid for gas usage for swimming pool, which is a common property, shared between all owners in four buildings and townhouses. That means \$13,063.28 (GST exclusive) was spent for all gas usage in four buildings (shared by 192 owners), effectively averaging \$68.00 spent per each owner in buildings.
- Selective owners in four buildings paid special levies for gas heating in amount of \$2,573.52 (GST exclusive). According to Waratah Strata Management, gas heating levies are currently \$220.00 (GST inclusive) per owner who connected gas heater in their unit.
- Subtracting \$2,573.52 from \$13,063.28 created figure of \$10,489.76, which is the final figure of how much 192 owners in four buildings really spent on gas usage (just \$54.00 per building owner).
- In the same financial year, selective group of 11 townhouse owners (of 26 in total) received reimbursements for their private gas usage in amount of \$891.17 (GST exclusive), which meant each received \$81.00 (GST exclusive).
- Waratah Strata Management listed gas usage reimbursements in accounting code 181100 with total cost of \$3,731.03, which significantly differs from figure \$891.17.

#### Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, 2019, 2020, 2021, and 2022.

#### **Motion: Ratify discrimination against Block A owners - sunroom windows checks delayed for two years after work done in Block B and C**

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

- On 21 and 22 December 2020, after third major event with blown window frame in the complex (last one was in Lot 190 in Block A on 30 November 2020 without disclosure to owners), rushed work and repairs were done in Block B and C:
- In spite of repeated complaints and warnings, the work and checks in Block A were delayed from almost two years, as seen by sudden information on notice board on 31 August 2022.
- Block A work was done on 7 and 8 September 2022.
- Number of units in Block A had serious problems with missing rivets in sunrooms. Much more dangerous status was found in Lot 160. Missing rivets on window frame in Lot 160 on 7 September 2022 (most rivets completely missing, and it was easy to push the whole massive frame away from wall by around three centimeters). Upset tenant stated that her child regularly played near that window, so it was a disaster just waiting to happen, similar to what happened in Lot 190 in November 2020), The photo taken clearly show detached window from the frame.

#### Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, 2019, 2020, 2021, and 2022.

#### **Motion: Ratify discrimination against townhouse owners and owners on ground floors of four buildings – Lot 151 the only recipient of ColorBond gate on their fence**

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

- New ColorBond gate was loaded into Lot 151 backyard on 21 December 2021.
- On 10 January 2022, ex-committee member Lot 151 (Ms. Maureen MacDonald) installed gate with lock on ColorBond fence towards external gardens.
- There is no evidence of approval to change common property in Lot 151.
- There is no evidence of owners corporation submitting change to common property plans with Department of Land.
- Since this is a fence dividing the owner's Lot and common property, the responsibility for this fence is shared equally between that particular Lot 151 and the owners corporation - gates located in this area are treated in the same way.

- Document search on 8 June 2022, found no evidence of approvals for ColorBond gate or payments by Lot 151 into common funds. Lot 151 must be invoiced for at least 50% of agreed total cost. In addition, approval to change common property for Lot 151 was not documented in any Minutes and such decision was not made at any legally convened meeting. That is especially important due to fact that Admin Fund balance had negative balance of \$53,036.39 three days earlier, on 7 January 2022.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017, 2018, 2019, 2020, 2021, and 2022.


**Motion: Ratify events related to major insurance claim rejections**

The Owners Corporation SP52948 by ORDINARY RESOLUTION ratifies the following events:

- CHU QBE rejected valid insurance claim in amount of around \$50,000.00 and BCS Strata Management hid that information from owners in December 2010. Insurance claim was rejected based on false statement that the damage to two phases of power supply to elevator in Block A was caused by “building movement”. It was actually caused by unprofessional work by electricians who were secretly involved in unapproved work to provide additional power to the complex to accommodate needs of Optus for unapproved installation of mobile tower on top of Block C. The alleged two-phase loss in Block A occurred in broad daylight whilst electricians were on site. No earthquake or building movements were recorded on that day.
- Insurance claims in 2010/2011 that were rejected or not paid in full:

Fri 29/07/2011 4:36 PM  
 Ron Sinclair  
 RE: SP52948 - Plans / Building Reinstatement Valuation / Insurance Premium for 2012

To: Simon Wicks

 You forwarded this message on 1/08/2011 11:58 AM.

Simon  
 I have arranged for 3 quotes with cover increased by 4% to be provided in time for you to include in the Committee meeting agenda.

With regard to para 4 the Broker has a strict fiduciary obligation to act in the best interests of the policy holders.

Claims

Unit 82	wind sucked out window	claim \$9190.50	excess \$2000	recvd. \$6355
Lift	power cable replacement	\$39,500		claim refused
Unit 84	burst pipe	\$12,260.50	\$2000	\$4683 Assessor appointed contractor \$7700 plus our contractors.
Unit 209	burst pipe	\$7000	\$2000	\$970 Assessor considered contractor’s claim for drying out unit was excessive

at

\$3910. Contract for repair arranged by assessor and paid direct by insurer \$22,180 and loss of rent paid to unit owner \$14,000.

- 14 July 2016. Claim rejected due to excess of \$10,000.00 for each and every water related damage in the complex.
- Claim in amount of \$13,497.00 rejected by SUU on 9 February 2021 (it was related to complete window frame being blown by strong winds from level 7 in sunroom of Lot 190 of Block A on 30 November 2020).

**accounts**

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**From:** Leslie Xie <@bodycorporatebrokers.com.au>  
**Sent:** Wednesday, 7 July 2021 11:27 AM  
**To:** accounts  
**Subject:** SP 52948, Macquarie Gardens 1-15 Fontenoy Road Macquarie Park NSW BCB ref: 96013  
**Attachments:** DL1\_Initial Denial.pdf

Good morning Leone,

I hope your week has been good so far.

SUU has provided a denial letter along with the engineers report by Silver Wolf advising the window collapsed due to long term fatigue of the window fixings.

Should the Owner disagree with their decision, they may access their internal dispute resolution channels instructed within the attached letter.

Explanatory Notes

Waratah Strata Management is the custodian of all strata files. Lot 158 requested owners be provided with relevant files in 2017,

2018, 2019, 2020, 2021, and 2022.