

Motion from AGM 2019, trying to prevent owners of Lot 158 to raise questions about finance and maintenance, allegedly allowing \$150,000.00 to be spent on defamation case, without giving owners information that Waratah Strata Management and committee members already engaged Solicitor Adrian Mueller who prepared 13-page document before the AGM and tried to force Lot 158 into signing preposterous Deed. In financial statements for FY 2020, in spite of extensive legal involvement Waratah Strata Management logged only \$2,940.00 for legal costs:

9 LEGAL PROCEEDINGS AGAINST LOT 158

That JS Mueller & Co Lawyers and their recommended Barristers be appointed at an estimated cost of \$150,000 to commence defamation proceedings against [REDACTED], owners of Lot 158.

Explanatory Note: [REDACTED], owners of Lot 158 have issued numerous and extensive emails to a large number of lot owners making allegedly false and defamatory statements against various owners and members of the strata committee. The strata committee voluntarily give their time to work in the best interests of the Owners Corporation and do not deserve to have their personal and professional integrity publicly denigrated by one individual. The strata committee are of the view that the correspondence generated by [REDACTED] creates a great deal of disharmony within the strata community, and as much of this correspondence is retained within the strata records, has a permanent and negative impact on the perception of the property. This perception can adversely impact on the value of all units should prospective buyers choose not to purchase a unit based this correspondence.

Throughout rest of 2019 and whole 2020 and 2021, they attempted to use defamation pretext to threaten Lot 158, including official commitment to respond to Lot 158 lawyers:

- Legal advice regarding Lot 158, including acceptance of barrister fee proposal - Subject to amendments required to the content of the costs agreement, the strata manager is instructed to sign the costs agreement under common seal for and on behalf of the Owners Corporation. The barrister is also to be requested to respond to the letter received from O'Brien Criminal & Civil Solicitors on behalf of [REDACTED].

O'Brien Criminal & Civil Solicitors never received a response.

In spite of extensive engagement of Solicitor Adrian Mueller and the barrister, for whole FY 2020 (financial year from 1 September 2019 to 31 August 2020), only \$2,940.00 (plus GST) was logged in official financials:



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Income & Expenditure Report for the financial year to 31/08/2020

Strata Plan 52948

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

Administrative Fund			
	Current period	Annual budget	Previous year
	01/09/2019-31/08/2020	01/09/2019-31/08/2020	01/09/2018-31/08/2019
Revenue			
Gas - Additional Service	2,145.13	4,750.00	4,775.34
Interest on Arrears--Admin	2,242.29	0.00	2,855.14
Key Deposits	354.00	0.00	1,948.00
Levies Due--Admin	725,000.00	700,000.00	914,462.09
Status Certificate Fees	981.00	0.00	545.00
Strata Roll Inspection Fees	430.00	0.00	286.50
<i>Total revenue</i>	731,152.42	704,750.00	924,872.07
Less expenses			
Admin--Accounting	900.00	600.00	450.00
Admin--Agent Disbursements	11,875.00	11,970.00	11,400.00
Admin--Agent Disburst--Other	986.00	0.00	0.00
Admin--Auditors--Audit Services	1,100.00	1,200.00	1,200.00
Admin--Auditors--Taxation Services	550.00	500.00	300.00
Admin--Bank Charges--Account Fees	42.50	50.00	19.20
Admin--Key Deposit Refunds	370.00	0.00	100.00
Admin--Legal & Debt Collection Fees	2,940.00	10,000.00	7,981.33

Before NCAT Hearing in February 2020, current auditor for SP52948 was asked about their breach of STRATA SCHEMES MANAGEMENT ACT 2015 – SECT 95 and STRATA SCHEMES MANAGEMENT REGULATION 2016 – REG 21 (auditor report not prepared BEFORE general meeting). Economos failed to respond and did not offer any assistance to NCAT. *Extract from email sent to them:*

Your website claims:

"We believe our clients essentially want one thing: to get things done.

Our job is to create an environment for our clients where they can do what they do best – run their business.

This may mean that we:

Return correspondence quickly

Get compliance done – on time and on budget

Meet with the client regularly

Offer the best advice we can;

Stay abreast of new rules and opportunities

If we can get our job done – the client can get theirs done."

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

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

Economos never responded.