

On Sat, Mar 28, 2020 at 1:38 PM Alan Hall <alanhall@candw.ky<mailto:alanhall@candw.ky>> wrote:

Gordon

I have now had an opportunity to review all relevant documents, and trust that the following will be of some assistance.

I regret that I believe that you may have misunderstood some of what I said during the course of responding to questions from you and others at the AGM, and I apologise if I may not have been sufficiently clear. In particular, you seem to believe that I confirmed that I, or the Strata, would have no problem providing "the accounting records in the format and scope requested" if the lawsuit were to be withdrawn. This is certainly not the case, as the scope of the request was extended considerably by the Plaintiff and his accountant in their September 2019 requests, beyond the scope of a request originally made in September 2018, which had been discussed and agreed between the lawyers and confirmed by the Strata attorneys in December 2018 and January 2019. I believe that what I confirmed during the AGM was that, if the lawsuit were to be withdrawn, the Strata would still be willing to permit inspection of accounts and bank statements, and to provide copies, as previously agreed and offered.

The following summarised timeline may assist in your understanding of the above:

- * On 20 September 2018, lawyers acting on behalf of the subsequent Plaintiff requested copies of the books of account of the Strata from January 2015 to present, in accordance with a list including Bank Statements;
- * On 12 October 2018, the Strata lawyers confirmed that the books of account could be made available for inspection, following which copies of particular excerpts would be provided;
- * On 4 December 2018, the Strata lawyers re-confirmed the availability for inspection of annual statements and accounts, and further confirmed "whilst our client is not required to include copies of bank statements per the bye-laws, they are willing to also make these available for inspection."
- * Following further communications, on 24 January 2019 the Strata lawyers again confirmed that inspection of financial statements and bank statements could take place, and encouraged the Plaintiff's representative to make the necessary arrangements.
- * Nothing further happened until 3 September 2019 when BCQS received a request from Anthony Johnson, subsequently confirmed by the Plaintiff, for accounting records from 1 July 2010 in hard copy and on flash drive, and to include a specified list of documents consisting of: Individual Owner Statements; Cheque payment details in Cheque Number order; Deposit slip details in date order; Owner identification of direct receipts (A list of Owners and credit/bank account references will suffice); Details of outgoing wire payments.
- * On 18 December 2019, after service of the Originating Summons, the Strata lawyers again confirmed the offer for inspection of the Books of Account and Bank Account statements from January 2015, and to provide any copies requested upon payment of reasonable expenses for the collation and provision. As far as I am aware, no response to this offer has yet been received.

As you will be aware, at the AGM the majority of owners expressed their concern at the request from one owner for all Individual Owner Statements and for their bank account information or other personal data which may be held by Strata or by BCQS. For this reason, and the fact that the extent of accounting records had been increased from 5 years to 10 years, I am certain that I would never have confirmed that all information requested could or would be provided.

I trust that this helps.

Regards

Alan

On March 22, 2020 at 1:33 PM Gordon Fordeczka
<gordoford@gmail.com<mailto:gordoford@gmail.com>> wrote:

Hello Allen,

Hope you are keeping healthy. I reviewed the minutes with specific attention to the section related to the pending litigation. In this regard our discussion about provision of the EC minutes is fairly representative but our discussion regarding provision of accounting records is significantly different than what occurred. As you will recall I had asked you if you would be willing to provide the accounting records in the format and scope requested. You had initially indicated the plaintiff hadn't provided a scope, however, after I reminded you of your previous reference to the timeline and reading aloud numerous items requested (including deposit slips, owner statements, etc), you confirmed you would not have a problem providing that information upon withdrawal of the lawsuit.

I think you'll agree this is quite different than what is in the minutes and ask you to confirm my version and I will ask BCQS to edit the minutes accordingly. I also intend on providing this to the plaintiff for his consideration in hopes we can put an end to this costly action.

Sincerely,

Gordon Fordeczka, CA CFE

----- Forwarded message -----

From: Michael Baulk <mbb@bcqs.com<mailto:mbb@bcqs.com>>

Date: Thu, Feb 27, 2020 at 8:34 AM

Subject: AGM Minutes 2020

To: Michael Baulk <mbb@bcqs.com<mailto:mbb@bcqs.com>>

Dear Villas Pappagallo Owners,

Please see attached a copy of the 2020 AGM Minutes for your files.

Many thanks

Michael Baulk | Director

BSc (Hons) MRICS

[cid:[image001.jpg@01D60BF8.F080B4D0](http://www.bcqspropertymanagement.com/)]-<<http://www.bcqspropertymanagement.com/>>

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