J.S. MUELLER & CO.

SOLICITORS & ATTORNEYS
ESTABLISHED 1979

JEFFREY STEVEN MUELLER, B.Com., LL.B.
BRUCE WILLIAM BENTLEY, B.A., LL.B., LL.M.

1st Floor
240 Princes Highway
Arncliffe NSW 2205
Australia
DX 25315 Rockdale
Tel: 02 9562 1266
Fax: 02 9567 8551

Our Ref: AM:TD:7934

13 December 2010

The Secretary
The Owners – Strata Plan No. 50785
C/- Strata Title Management
PO Box 2727
TAREN POINT NSW 2229

By email : nhowell@stratatitle.com.au

Dear Nina

RE: FEE PROPOSAL FOR LEGAL SERVICES

Thank you for your email dated 6 December 2010.

Your Instructions

You have instructed us that the owners corporation needs to carry out tiling and painting works to the common property. The owners corporation's contractors need to access lot 105 to carry out these works. The owner of lot 105, Mr Perri, is refusing to provide access. You have asked us to provide a fee proposal to apply to a strata adjudicator for an access order on behalf of the owners corporation.

Fee Proposal

We estimate that our fees to act for the owners corporation would be as follows:

Stage	Description	Amount including GST
1	Prepare application for mediation (if required)	$440.00
2	Attend mediation (if required)	$880.00
3	Prepare application for access order, evidence and submissions in support	$2,750.00
4	Peruse and respond to any submissions made by Mr Perri,	$550.00

Liability limited by a scheme approved under Professional Standards Legislation

The Secretary
The Owners – Strata Plan No. 50785
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	read adjudicator's decision and provide advice to you in relation to decision	
Total	**All work**	**$4,620.00**

Advice and Explanation of Fee Proposal

The CTTT will need to be satisfied that you have attempted mediation with Mr Perri before you apply for an access order. The CTTT will not exempt you from applying for mediation unless you can show that mediation is inappropriate in the circumstances. In our experience the CTTT is likely to insist on mediation even though mediation is likely to be a waste of time.

You may decide that to save costs you do not require us to prepare a mediation application or to attend mediation on your behalf. Obviously this would reduce the amount of our fees.

The only way you can overcome the need for mediation is if you apply for an interim access order (at the same time as you apply for a final access order). An adjudicator will only make an interim order if you can show that there are urgent considerations justifying the making of the order. Normally, an interim order will only be made if there are *extremely* urgent circumstances. Essentially, you would need to demonstrate that the tiling and painting works need to be carried out urgently.

If you cannot convince the CTTT that mediation is inappropriate you will need to apply for mediation at the Office of Fair Trading and then, if mediation fails, lodge an application for an access order from an adjudicator. The adjudicator is likely to take 2 months from the time you lodge your application to make the order. In limited circumstances the adjudicator can make an order sooner but that is rare.

Solicitor Responsible

Adrian Mueller would be responsible for your matter. Adrian has specialised in strata law for close to 10 years and has previously advised the owners corporation in relation to its ongoing dispute with Mr Perri. Adrian is therefore well placed to provide you with the advice you require.

We trust our fee proposal is satisfactory and we look forward to receiving your instructions in the matter.

Yours faithfully

J.S. MUELLER & CO