

Sean Butler

From: Sean Butler <sbutler@iinet.net.au>
Sent: Friday, 25 November 2011 9:51 AM
To: Mark Englebert (Mark.Englebert@twcs.com.au)
Cc: Brian Benari; Jon Karolczak <Jon.Karolczak@minterellison.com>
 (Jon.Karolczak@minterellison.com); David Gilbert (David.Gilbert@bankwest.com.au)
Subject: Call from selling agents on concerns on costs National Hotel
Attachments: Some of the files taken up to box 25.JPG; Some of the files bixed onsite, about 16 in total .JPG

Hi Mark,

I have just had a call from Graeme Clarke from Burgess Rawson, one of the selling agents for the National Hotel.

He has asked me to confirm the amount spent on the building since the date of the RBB cost estimate report in 2010.

I told him you have taken 25 boxes of files from my offices in Fremantle to your offices in town (on 2nd August) and have at the same time filled a further 16 boxes with my files and left them in my offices but denied me access to there. (For the avoidance of any doubt I attach photos!! ☺)

Somewhere in these boxes will be details of the costs required by Graeme in order to determine what has been spent.

For the RBB report to be of any use it needs to be updated taking account of the work done since the date of the report.

I was in the process of dealing with the quantity surveyors to do this and had met the quantity surveyor Martin Collins on site before the receivers were appointed to arrange this. Martin will confirm this if required.

However as I have not been paid, am owed money, have been made redundant, and have been instructed by your lawyers not to do anything with the companies involved I am unable to be of much help. The fact that my computer has been taken and my files are unavailable also makes it a bit messy

I refer to the letter to me from Minter Ellison dated 4th November 2011 item 6 in response to my concerns on the National Hotel:

"the marketing of the National Hotel is dependent upon completion of the engineers' report and the "cost to complete" in respect of the property, together with the approval of the application for the rooftop bar"

It now appears the items mentioned above have not been done at all and in the case of the cost reports not updated as required given they are over a year old and that a substantial amount of work was done on the property subsequent to those old cost reports.

The selling price of the National has I have been told by the selling agents, going to be greatly influenced by the items discussed above.

Brian Benari expressed concern yesterday that it may sell for a lower price because these things have not been done and I agreed.

If you or Brian, or the bank or your solicitors had listened to my concerns over the last four months and acted as advised these issues would have been resolved and we could have all got our money back. It really is just unbelievable that this has happened, you all know better but you have just stuffed it up.