


**NON-NEGOTIABLE**



27<sup>th</sup> August 2012

**Mr Barry Longland (Mayor)**

Tweed Shire Council  
Civic & Cultural Centre  
Tumbulgum Road  
Murwillumbah NSW 2484  
ABN: 90 178 732 496

**Second Notice of Irrevocable Estoppel by Acquiescence**

Notice to Agent is Notice to Principal. Notice to Principal is Notice to Agent

Dear Mr Longland,

**Re: Property #: 6531**

It is important that you acknowledge and understand that this is not a letter but a legal notice, which is a different species of correspondence all together. I hereby declare that the law of agent and principal shall apply and that service upon one is service upon another.

With reference to the letters dated 16<sup>th</sup> & 27<sup>th</sup> July and 8<sup>th</sup> & 20<sup>th</sup> August 2012, all delivered by registered mail.

In those letters I asked you to provide the following reasonably requested specific items, seeking to clarify my relationship with the Tweed Shire Council (TSC) and to establish whether an agreement exists between TSC and myself.

Tweed Shire Council's failure to provide Proof of Claim created a permanent and irrevocable estoppel acquiescence, forevermore barring Tweed Shire Council from bringing any and all claims, legal actions, orders, demands, lawsuits, costs, levies, penalties, damages, interests, liens and expenses against Serge Samuel: Vita <sup>™</sup>, or any Authorised Agent or Representative of SERGE SAMUEL VITA.

Not only that, you have failed to even provide basic proof that

- 1) The Tweed Shire Council is a legitimate third tier of Government

- 2) The Tweed Shire Council has the right to levy taxes in the form of rates
- 3) The Tweed Shire Council is accountable for expenditure

Your Agents, Outstanding Collections have also failed to provide proof of claim or agency and Estoppel which also created a permanent and irrevocable estoppel acquiescence, forevermore barring Outstanding Collections from bringing any and all claims, legal actions, orders, demands, lawsuits, costs, levies, penalties, damages, interests, liens and expenses against Serge Samuel: Vita <sup>TM</sup>, or any Authorised Agent or Representative of SERGE SAMUEL VITA.

Furthermore, your agent, Outstanding Collections filed a Statement of Claim dated 14<sup>th</sup> August (delivered to me 23<sup>rd</sup> August 2012) , with the Local Court of NSW in Sutherland, in complete contradiction to the tacit agreement of estoppel established by you and your agent's failure to provide any proof of claim you or the TSC may have against me.

**You have therefore broken our un-rebutted Agreement via Tacit established with Registered Post deliveries** dated 16<sup>th</sup> & 27<sup>th</sup> July, 8<sup>th</sup> and 20<sup>th</sup> August 2012.

As neither you nor your agents have established any proof of claim against me in this matter, you have no lawful right to lodge this claim. Your behavior is contrary to ACCC and ASIC Debt Collection Guidelines for Creditors. If you fail to notify me within 7 days (3<sup>rd</sup> September 2012) that you removed this unlawful claim, I inform you that I may lodge a formal complaint against you, your agents and your corporation to ASIC and the ACCC on the grounds of harassment and unconscionable conduct, as is my right.

As you are aware court decisions related to the legitimacy of councils' ability to charge a tax (rates) are currently in process in QLD and Victoria.

**Attached is your invoice for fees and charges related to your breaking our Agreement.**

I hereby confirm that you have now been served a second Notice of failure to provide Proof of Claim and this has created a permanent and irrevocable estoppel by acquiescence, forevermore barring Tweed Shire Council and your agents Outstanding Collections, from bringing any and all claims, legal actions, orders, demands, lawsuits, costs, levies, penalties, damages, interests, liens and expenses whatsoever, against Serge Samuel Vita <sup>TM</sup>.

Furthermore, your failure to provide Proof of Claim in the form of the above reasonably requested specific items comprises the tacit procurement of Tweed Shire Council's agreement to the following terms and conditions.

1. That the debt did not exist in the first place;

OR

2. It has already been paid in full;

AND

3. That any damages I suffer, you will be held culpable;
4. That any negative remarks made to a credit reference agency will be removed;
5. You will no longer pursue this matter any further.
6. You have not proven any debt, and if you sell the alleged liability, and/or appoint an agent to act on its/your behalf on this matter you will have broken our agreement and you agree to pay the following fee schedule.

### **Fee Schedule**

Any further invalid claims against Serge Samuel: Vita <sup>™</sup> and/or attempting to contact the Authorised Representative by mail, mobile phone and/or telephone will constitute the agreement of Tweed Shire Council to the following Fee Schedule:

1. \$1000.00 (ONE THOUSAND AUSTRALIAN DOLLARS) per invalid claim in writing, nunc pro tunc,
2. \$1000.00 (ONE THOUSAND AUSTRALIAN DOLLARS) per letter and/or notice sent by recorded mail, nunc pro tunc,
3. \$1000.00 (ONE THOUSAND AUSTRALIAN DOLLARS) per hour or portion thereof, of the Authorised Representative's time, nunc pro tunc.
4. \$1000.00 (ONE THOUSAND AUSTRALIAN DOLLARS) per attempt to contact by telephone and/or mobile phone.
5. \$1,000,000 (ONE MILLION AUSTRALIAN DOLLARS) per unauthorised © infringement.

All fees are payable in seven (7) days of date of invoice is received, as evidenced by Registered AustPost delivery tracking number.

Without, prejudice, malice or mischief, in sincerity and honour



No assured value, No liability. Errors & Omissions Excepted. All Rights Reserved.

WITHOUT RECOURSE – NON-ASSUMPSIT - *Calls maybe recorded*

NOTICE TO THE PRINCIPLE IS NOTICE TO THE AGENT

**MILLIONS of dollars a year is being lost by NSW councils on high risk investments made before the global financial crisis.**

Rather than divest investments, known as collateralised debt obligations (CDOs), many councils have held on in the hope the market will recover.

But the economic uncertainty in the US and the eurozone crisis, means councils have been unable to recoup losses, let alone turn a loss into a profit.

Last month, a major CDO in which many NSW councils had invested defaulted following the bankruptcy of American mortgage insurer PMI Group.

Documents show more losses will follow as the euro crisis deepens and the US economy continues to stall.

Councils, churches and charities across Australia have lost about \$1 billion since the GFC hit in 2008 due to CDOs - junk bonds that were wrapped in AAA-rated bonds to create a new product.

Gosford Council's \$24 million in CDOs is now worth \$1.4 million while Wingecarribee Council's \$14.7 million is today valued at \$1.2 million.

Port Macquarie Hastings Council lost \$6.4 million and its remaining \$6 million of CDOs have a book loss of \$4.7 million.

Hurstville Council has losses of \$9 million post GFC.

Coffs Harbour Council has realised losses of \$8.8 million since 2007. Latest documents show Coffs Harbour has \$4.7 million in CDOs, which have mostly defaulted, now worth \$892,308 with a "high risk" the capital won't be returned.

But while those were among the most exposed, the true figure of how much they have lost cannot be calculated.

"Nobody can put a figure on it," University of Wollongong academic Greg Jones said. "If you have \$10 million invested for three years and get no return, that is a loss as far as I am concerned. What the net losses are no one is game to say until they mature." Councils defended their decision to keep the CDOs because they were "nearly impossible" to offload. "It was like a game of pass the parcel. Unfortunately most councils ended up being the last person with the parcel and no one wanted to take it off

them," Mr Jones said.

John Walker, executive director of law firm IMF, which took a class action against Lehman Brothers Australia to the High Court, said councils, churches and charities invested \$4 billion in CDOs before the market froze. "About 25 per cent of the investment has been lost and losses are increasing," he said.

"About half of those losses, were in respect to CDOs distributed by Lehman Brothers Australia. There are churches, councils and charities with potential claims against Lehman Brothers of \$600 million. But Lehman only has assets of \$200 million."

**Read more:** <http://www.news.com.au/business/your-business/ratepayer-billions-down-council-drain/story-fn9evb64-1226438078471#ixzz24cvsoCLj>

Seven News: <http://au.news.yahoo.com/video/vic/watch/30255816/disgruntled-ratepayers-band-together/>