

# Mutual Heights

14 Darling Street, Cape Town  
<http://www.mutualheights.net>

## News from your Trustees

Edition 33

2 December 2015

Dear Fellow Owner,

### Litigation update – we have settled with Old Mutual

It was clear last week that the possibility of a settlement with Old Mutual was close, and so I have waited until today to communicate with you again.

Last week we received an offer to settle from the attorneys representing Old Mutual, and trustees have unanimously agreed to accept the offer. It is about twice what they had previously offered, but half of what we claimed. However, there are legal costs to be taken from it and so we must now wait to see what the balance will be that can be devoted to further work on the building.

One of the conditions of the settlement is that collectively we regard the settlement as confidential. I copy the text of this clause here for your information:

- 2.4 The parties record that the terms of this agreement shall be confidential as between the Plaintiff and First Defendant and that neither party shall, unless required to do so by law, publish or disclose the terms hereof to any third party other than to the Plaintiffs members. The Plaintiff undertakes to, when communicating the settlement and the terms thereof to its members, **to request its members to treat such information as confidential.**

Please consider the request done. Thank you for your understanding.

I can assure you that this now provides us with the opportunity to complete the work on the granite joints, and to invest a portion of the settlement for other purposes (some of which we already know about, for example the leaking storm water pipes, as you can observe in some of the stairways). At this stage I think that work on the windows will have to proceed on an as-and-when needed basis, as we do not actually know the total extent of the problem. That would involve exposing parts of the window structure, and I can assure you that this process is not fun to live with.

We will establish procedures to deal with ad hoc repairs, please bear with us while trustees now regroup around the new situation. Right now, let us all be pleased that we have come to the end of this long trail. And let's plan that Christmas party that we promised we would re-instate when the litigation was done ...

With warm regards,  
on behalf of the Trustees,



Andy Bytheway,  
Chairman of the Trustees, Mutual Heights, Cape Town.

[info@mutualheights.net](mailto:info@mutualheights.net)  
<http://www.mutualheights.net>

Check out "Mutual Building" on Wikipedia:  
[http://en.wikipedia.org/wiki/Mutual\\_Building](http://en.wikipedia.org/wiki/Mutual_Building)