

E-2/14

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23/6/2014

AT 1340HRS

CID KISUMU

STATEMENT

I am Kenyan citizen aged 41 years and engaged as an advocate of the High court of Kenya. I practice in the name and style of SIGANGA & COMPANY ADVOCATES situated at Mega Plaza in Kisumu.

In about July, 2013 one of my family friends (we call her MAMA ABDUL but she is LYDIA) introduced me to RUDOLF MARQUARDT a citizen of Germany, who had several legal issues to be sorted out:-

1. He wanted me to review and advise him on a lease agreement over a property Kisumu Municipality block 7/8.
2. He asked me to draw a motor vehicle lease agreement with one THEOPHILAS OCHIENG OYWER.
3. He asked me to register a caution over a property Kisumu/Konya/5087 owned by a company he was a Director of.
4. He asked me to link him to a security company he could engage to take care of his property in RIAT.
5. For talks assigned we agreed on a fee of Kshs18000/=.
6. RUDI gave me a photocopy of his title deed over Kisumu/Konya/5087 which he sent me by email. I was able to link Mr. RUDI to a security company through its official JAMES NYAMBOGO of 0720813279 and they entered into negotiations on what was required and how much was to be paid. This was in September, 2013. At this time RUDI communicated to me through email and phone call as he was in Germany. On September 17,2013 I received a call from Mr. RUDI that he had sent me Kshs40,000/= by Western Union with instructions as follows;
7. a) Kshs25,000/= to be paid to Mr. NYAMBOGO for security services.

b) Kshs15,000/= to be applied to defray legal fees to SIGANGA & CO. ADVOCATES.

I withdrew the money which eventually was Kshs39,999/= and gave Mr. NYAMBOGO Kshs25,000/= at NIC Bank, which is some 30 meters from DTB where I had withdrawn the money. I only paid out the money after seeking authority from RUDI – he phoned me at about 2pm Kenyan time to confirm the payment instructions. I then went ahead and paid.

Sometime later on September 19, 2013 my colleague JOSEPH MUSOMBA phoned me. He told me he had some summons to enter appearance in a Divorce Petition and sought my confirmation that I could receive the same on behalf of RUDI. I declined, since I did not have such instructions. I sent an email to RUDI and he wrote back attaching scanned copies of the divorce petition. I did a reply to RUDI and told him the petition was not properly served since he was in Germany.

The instructions I had from RUDI were difficult to execute:-

The land was in the name of a company this I wanted a company Resolution to deal further. A lady called LOISE called me and imposed herself on the instructions I had from RUDI. The instructions on the security company were not executed since Mr. NYAMBOGO told me he found the property already had security guards.

I wrote to RUDI with regard to the issue of the land but he later instructed another lawyer to deal with that issue. Thus my instructions were superseded. LOISE then in November, 2013 started calling me asking for a refund of Kshs40,000/= I had received from RUDI. I checked with RUDI and he told me deal with LOISE. I told him I would not do so considering that LOISE had told me "tutaharibu jina lako hapa Kenya" (We will besmirch your name in Kenya) I told Mr. Nyambogo to refund the money he took from RUDI. I also indicated I would return my fees to him as I explored other issues to deal with. RUDI did not and has not told me where he wants his money taken.

I am entitled to my fees and shall pursue court Action to recover our fees from RUDI. I wish to give back the copies documents he gave me as they are of no use to me now. I have left a long line of correspondence between RUDI & I and trust it will clarify the issue. This is all I wish to state for now.

Signed by DAVE LUNG'AHO SIGANGA 23/6/2014 ID 11305653 – DAVE L. SIGANGA.