

## Annex A

**From:** [REDACTED]  
**Sent:** 02 September 2022 11:21  
**To:** 'Claire Middlebrook' <[REDACTED]@middlebrooksadvice.com>; [REDACTED] <[REDACTED]@middlebrooksadvice.com>  
**Cc:** [REDACTED] <[REDACTED]@gov.scot>; [REDACTED] <[REDACTED]@gov.scot>  
**Subject:** Kapital Residential Ltd - FOI Request 202200316964 - Third Party Consultation - SME Loan Application

Good morning Claire

Thank you for your response.

As yet a decision has not been made in relation to the FOI. When this has been finalised, it will be published on the Scottish Government website where it and any documents in relation to it can be viewed publicly.

I have attached a pdf copy of the application for the SME Liquidity Loan submitted by Kapital Residential as requested.

Kind regards  
[REDACTED]

**From:** Claire Middlebrook <[\[REDACTED\]@middlebrooksadvice.com](mailto:[REDACTED]@middlebrooksadvice.com)>  
**Sent:** 31 August 2022 17:28  
**To:** [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>; [REDACTED] <[\[REDACTED\]@middlebrooksadvice.com](mailto:[REDACTED]@middlebrooksadvice.com)>  
**Cc:** [REDACTED] <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>  
**Subject:** RE: Kapital Residential Ltd - FOI Request 202200316964 - Third Party Consultation

Good Afternoon

I write with reference to the below email.

I have no views on the request for the paperwork, and as stated in your email this is a decision for the Scottish Government. I should however be grateful to be sent copies of any of the paperwork sent under the request if the decision reached is to comply.

I would appreciate copies of the application paperwork in my capacity as Liquidator, these are being requested under section 234 of the Insolvency Act 1986, as I believe they will be vital to the investigations to be undertaken within the liquidation process.

If you could advise the format that the papers will be sent I can arrangement for their acceptance.

Kind Regards

Claire Middlebrook  
Liquidator of Kapital Residential Limited

**Claire  
Middlebrook**  
Licensed Insolvency  
Practitioner & CEO

**Middlebrooks**

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**From:** [\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot) <[\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)>

**Sent:** 26 August 2022 14:34

**To:** Claire Middlebrook <[\[REDACTED\]@middlebrooksadvice.com](mailto:[REDACTED]@middlebrooksadvice.com)>; [REDACTED] <[\[REDACTED\]@middlebrooksadvice.com](mailto:[REDACTED]@middlebrooksadvice.com)>

**Cc:** [\[REDACTED\]@gov.scot](mailto:[REDACTED]@gov.scot)

**Subject:** Kapital Residential Ltd - FOI Request 202200316964 - Third Party Consultation

Dear Sir / Madam

The Scottish Government has received a request under the Information (Scotland) Act 2002 (FOISA) for Kapital Residential Limited relating to due diligence undertaken prior to awarding the SME Liquidity Loan.

You have an interest in the information which has been requested because you are the liquidator who has been appointed. Therefore, I am writing to ask you for your views on whether this information should be disclosed before we make a decision on the request. Please note that this consultation is a courtesy, not a statutory obligation, and you do not have a veto on disclosure of the information. Under the terms of FOISA, the decision on whether or not to release the information is for the Scottish Government alone. However, we will take account of your views.

I should also explain that we can withhold information only if an exemption under FOISA applies to that information and, where applicable, the public interest in disclosure is not outweighed by the public interest in upholding the exemption. You can find detailed information about FOISA on our website at:

<http://www.scotland.gov.uk/about/foi> or on the Scottish

Information Commissioner's website

at:<http://www.itspublicknowledge.info/home/ScottishInformationCommissioner.asp>

In order to ensure that we meet our statutory duty to respond to the request not later than 20 working days of from the day following the date of receipt, I must ask for your views by 31 August 2022.

Kind regards  
[REDACTED]

**[REDACTED]**

Housing Innovation & Place Support Officer  
**Housing Innovation and Place Unit – More Homes Division**  
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