

# SAMPLE PRE-CONTRACT DISCLOSURE STATEMENT

## (Section 146, Unit Titles Act 2010)

Unit plan:

Body Corporate Number:

Unit number:

### Pre-Contract disclosure statement

1. This pre-contract disclosure statement is provided to prospective buyers of the property in accordance with section 146(1) of the Unit Titles Act 2010.

### General information

2. *[Include an explanation of each of the following]*

- *Unit title property ownership:*
- *Unit plan:*
- *Ownership and utility interests:*
- *Body Corporate operational rules*
- *Pre-settlement disclosure: [our example below]*

The following information is available as pre-settlement disclosure:

- a. The unit number
  - b. The Body Corporate number
  - c. The amount of Body Corporate levies, the period covered by the levy, how the levy can be paid and when the levy is due
  - d. Whether any levy (or part of a levy) is unpaid and if so, the amount outstanding
  - e. Whether any legal proceedings have been instituted in relation to the unpaid levy above
  - f. Whether any metered charges are unpaid and the amount outstanding
  - g. Whether any costs relating to repairs to building elements or infrastructure are unpaid and the amount outstanding
  - h. Rate of interest being accrued on money owing to the Body Corporate
  - i. Whether there are any legal proceedings against the Body Corporate
  - j. Whether there have been changes to the Body Corporate operational rules since the additional disclosure was given or the pre-contract disclosure statement
- *Additional disclosure: [our example below]*

The following information is available as additional disclosure:

- a. Contact details for the Body Corporate and its committee
- b. The funds held or operated by the Body Corporate at the date of the last financial statement

- c. Invoices due to be paid by the Body Corporate at the date of the last financial statement
  - d. Details of regular expenses incurred at least once a year
  - e. Amounts owed to the Body Corporate at the date the additional disclosure statement is requested
  - f. Details of all current insurance policies held by the Body Corporate including the insurer, type of policy, premiums and excess payable
  - g. Details of current contracts entered into by the Body Corporate including names of the parties, goods/services to be provided, price and term
  - h. Information about ground leases
  - i. The text of motions at the last general meeting and whether the motions were passed
  - j. Whether the Body Corporate's operational rules are different from the prescribed operational rules and how they are different
  - k. A summary of the long-term maintenance plan including maintenance carried out in the last year and to be carried out, whether there is a long-term maintenance fund, any maintenance levies and whether the current balance of the fund will meet the obligations under the maintenance plan
- *Computer register.*
  - *The Land information memorandum:*
  - *Easements and covenants:*

3. Further information about the matters set out above can be obtained from *[name]* *[address]*.

#### **Information about the unit**

4. The amount of the contribution levied by the Body Corporate under Section 121 of the Unit Titles Act 2010 in respect of the unit is *[\$amount]*.
5. The period covered by the contribution in paragraph 4 is *[period]*.
6. The body corporate proposes to levy *[\$amount]* under section 121 of the Act in the next 12 months.
7. The Body Corporate proposes to carry out the following maintenance on the unit title development in the next 12 months –*[set out details of proposed maintenance]*.
8. The Body Corporate has the following accounts: *[set out details of every bank account held by the Body Corporate]*.
9. Under section 148 of the Unit Titles Act 2010, a buyer may request an additional disclosure statement before the settlement of an Agreement for Sale and Purchase of a unit. The buyer must pay to the seller all reasonable costs incurred by the seller in providing the additional disclosure statement. The estimated cost of providing an additional disclosure statement is *[\$amount]*.
10. *[Select statement that applies]*

The unit or the common property is, or has been, the subject of a claim under the Weathertight Homes Resolution Services Act 2006 or any other civil proceedings relating to water penetration of the buildings in the unit title development.

OR

The unit or the common property is not currently, and has never been, the subject of a claim under the Weathertight Homes Resolution Services Act 2006 or any other civil proceedings relating to water penetration of the buildings in the unit title development.

Date:

Signed: *JJ Bloggs*

John James Bloggs

Vendor

SAMPLE