

# Gathering Information from a Vendor

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## 1. TITLE

We shall obtain a current search of the title to the property.

Who has control of the certificate of title for your property? If the title is currently a paper copy, the original will need to be provided to my office prior to settlement.

- ☐ With us ☐ Returned with this questionnaire  
☐ With: \_\_\_\_\_ ☐ With lender – complete **Mortgage** below

## 2. MORTGAGE

If you owe money to a finance institution there will most likely be a mortgage registered on your title. We will arrange for a discharge of that mortgage and will send to you a discharge authority for signing and return to our office in the near future.

Do you have a mortgage? ☐ Yes ☐ No

If yes, lender: \_\_\_\_\_ Account no: \_\_\_\_\_

## 3. DEPOSIT RELEASE

The purchaser will pay a deposit, usually 10% of the purchase price. If you do not have a mortgage we will arrange for the deposit to be released to you 28 days after the contract is signed.

If there is a mortgage over the property the purchaser's consent to deposit release is required and to obtain that consent we must firstly obtain written details of the amount due under the mortgage from your lender, provide that information to the purchaser and then wait for a maximum of 28 days for the purchaser to agree to release. The whole process may take up to 60 days. The agent is entitled to payment of commission upon release of the deposit.

Do you want us to seek deposit release? ☐ Yes ☐ No

#### 4. PROPERTY

Are you aware of any road construction proposals in your area? ☐ Yes ☐ No

If yes, give details: \_\_\_\_\_

Has the local council notified you of any plans it has in relation to the area, such as:

- ☐ Declaring a flood level? ☐ Yes ☐ No
- ☐ Designating the area as 'significant'? ☐ Yes ☐ No
- ☐ Declaring the area to be subject to termite infestation? ☐ Yes ☐ No
- ☐ Declaring the area to be subject to contamination? ☐ Yes ☐ No
- ☐ Creating any parks or reserves? ☐ Yes ☐ No

If yes, give details: \_\_\_\_\_

Is there anything happening in the area which purchasers might regard as relevant, such as a large apartment block is to be constructed in near proximity to your property? ☐ Yes ☐ No

If yes, give details: \_\_\_\_\_

Are you aware of any discrepancies between the title boundaries and the occupational boundaries, that is the fences? ☐ Yes ☐ No

If yes, give details: \_\_\_\_\_

Are there any party or common walls affecting your property? ☐ Yes ☐ No

If yes, give details: \_\_\_\_\_

#### 5. LEASES

Is there currently a lease on the property ☐ Yes ☐ No

If yes, give details: \_\_\_\_\_

If there is a lease or occupancy that will continue to affect the property after settlement please provide a copy of the lease or agreement.

If the property is currently holiday leased, please provide copies of all upcoming bookings.

#### 6. EASEMENTS

Are you aware of any drainage easements over the property? ☐ Yes ☐ No

If you have built over any easement did you obtain the consent of the authorities? ☐ Yes ☐ No

If yes, give details: \_\_\_\_\_

Are there any unregistered easements existing over the property? For example, your next-door neighbour regularly uses part of your driveway to access their property. ☐ Yes ☐ No

If yes, give details: \_\_\_\_\_

As far as you know are all drains, sewers and telephone lines et cetera contained within normal locations?

☐ Yes ☐ No

If no, give details: \_\_\_\_\_

## 7. SEWERAGE AND WATER

Is the property sewerage by mains? If using a septic tank tick No.

☐ Yes ☐ No

Are the water supply and sewerage services of the normal standard available in the locality?

☐ Yes ☐ No

If no, give details: \_\_\_\_\_

## 8. IMPROVEMENTS/BUILDINGS

Was the house built or have any improvements, renovations, or works been carried out during the past 7 years?

☐ Yes ☐ No

If yes, give details: \_\_\_\_\_

If yes, please provide copies of the building approvals or permits, certificate of occupancy or certificate of final inspection and any building warranty insurance.

If you do not comply with the strict disclosure requirements the purchaser could withdraw from the purchase right up to the date of settlement.

The Act governing building works is unclear and even quite minor works which did not require a permit could be considered 'owner-builder' works – there are not yet any test cases. If you are considered an 'owner-builder' you would need to obtain a condition report, include certain warranties in your contract and provide warranty insurance if the cost of the works was over \$16,000.

If the property contains a swimming pool, please provide copies of compliance and registration certificates.

Is there a swimming pool or spa?

☐ Yes ☐ No

If so, is it properly fenced?

☐ Yes ☐ No

Do you have a Compliance Certificate?

☐ Yes ☐ No

Are there smoke alarms fitted in accordance with council requirements?

☐ Yes ☐ No

## 9. PLANNING

Is it possible that the property could be of historical, heritage or archaeological significance?

☐ Yes ☐ No

If yes, give details: \_\_\_\_\_

## 10. OUTGOINGS

What are the outgoings, that is water, council, land tax and owners corporation fees, and to what date have they been paid?

Copy bills attached ☐ Yes ☐ No

OR Give details: \_\_\_\_\_  
\_\_\_\_\_

Is the property affected by an owners corporation ☐ Yes ☐ No

If yes, managers name: \_\_\_\_\_

Managers address: \_\_\_\_\_

**Note:** *If the plan of subdivision comprises more than two lots an owners corporation certificate MUST be provided to the purchaser if the property is affected by an owners corporation. The owners corporation is entitled to charge approximately \$150 for this certificate. We will obtain this certificate on your behalf.*

## 11. SERVICES

Are all services connected? ☐ Yes ☐ No

Please advise the names of the suppliers for:

Sewerage and water: \_\_\_\_\_

Gas: \_\_\_\_\_

Electricity: \_\_\_\_\_

Telephone: \_\_\_\_\_

You must arrange for a final reading of all gas, electricity and telephone services immediately before settlement, I will arrange for the Rates, Water and any Owners Corporation to be transferred out of your name.

## 12. NOTICES AND ORDERS

Have you received any notices at all, from any authority, other than annual rates notices or are any likely? Details must be included in the vendor statement.

☐ Yes ☐ No

If yes, give details: \_\_\_\_\_

## 13. INSURANCE

Please ensure that you **keep the property fully insured until settlement** – there are situations in which purchasers can withdraw if a property is substantially damaged and not reinstated before settlement.

#### **14. CHATTELS AND FIXTURES**

You should consider what is included in the sale of the property. Fixtures are included in the sale. A fixture is something which is so affixed to the property that damage would be caused to it or the property if it were removed, for example a built-in wardrobe. Chattels are NOT included in the sale. Chattels are things that can easily be removed without damage, for example a freestanding washing machine that plugs into a power point.

The contract includes all improvements and fixtures, together with whatever chattels are particularly listed in the contract. The purchaser is entitled to the property, improvements, fixtures and specified chattels at settlement in the same condition as inspected as at the contract date, fair wear and tear excepted.

If there is an item that is permanently fixed to the property that you wish to take with you, you would be wise to specifically exclude it in the contract. If the property includes a dishwasher a purchaser will ordinarily expect that the dishwasher stays with the property.

#### **15. YOUR LEGAL OBLIGATIONS ON SALE**

You must ensure that you provide us with as much information as possible. If the vendor statement is incorrect or incomplete the purchaser may be able to avoid the contract and also bring an action against you for misleading conduct. This situation could also result in you being liable for agent's commission on the sale together with additional legal fees.

#### **16. REGISTERED NAMES ON TITLE**

Please provide the following details for all Registered Proprietors:

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Contact mobile: \_\_\_\_\_

Contact email: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Contact mobile: \_\_\_\_\_

Contact email: \_\_\_\_\_

If the registered proprietor is a Company or Trust please provide the full name of the Company and/or Trust as well as the full names of the Directors.

Please also consider any GST Obligations and if the property is being sold including GST or plus GST. You may need to seek your accountants advice in this regard prior to contracts being completed.

