
FORM 28
DISCLOSURE STATEMENT

**SALE OF STRATA TITLED LOT OR
PROPOSED STRATA TITLED LOT**

Section 69 Strata Titles Act 1985

FOR SELLER'S INFORMATION

1. The information incorporated in this statement -
 - ♦ must be given to a prospective buyer of a strata titled lot before the prospective buyer makes an offer to purchase, accepts an offer to sell or enters into a contract to purchase the strata titled lot;
and
 - ♦ may be given in the form of this statement or may be incorporated in the contract of sale of the strata titled lot.
2. This statement applies to the sale of a lot on a strata plan or a survey-strata plan.
3. If certain changes occur in relation to the strata company, the strata/survey-strata plan or the common property (as set out in section 69C(3) of the *Strata Titles Act 1985* and mentioned in Form 29), before settlement, you must give notice in writing of those changes to the prospective buyer as soon as you become aware of those changes.
4. Failure to give this statement or incorporate the information in the contract of sale or failure to notify of any changes may give the prospective buyer the right to terminate the contract.
Exercise of this right by the prospective buyer is restricted if this statement or notification of any changes was given at any time before settlement.

Parts 1 and 3 must be completed in every sale of a strata titled lot or proposed strata titled lot.

Part 2 must be completed where the strata titled lot or proposed strata titled lot is being sold by the original proprietor, in any of the cases listed in Part 2.

FOR BUYER'S INFORMATION

1. The land to which this statement relates, and any ensuing contract of sale, is part of a strata titled scheme which is governed by the *Strata Titles Act 1985*.
2. You should read the information incorporated in this statement as it -
 - ♦ identifies the lot which you are proposing to purchase; and
 - ♦ sets out what your rights and obligations will be in relation to the lot if you purchase the lot.
3. You may have a right to terminate the contract to purchase the lot if -
 - ♦ before entering into the contract, you were not given this statement or the information in this statement was not incorporated into the contract; or
 - ♦ certain changes occur in relation to the strata company, the strata/survey-strata plan or the common property (as set out in section 69C(3) of the *Strata Titles Act 1985* and mentioned in Form 29) before settlement and you have not been given notice in writing of those changes.
4. Your right to terminate the contract is restricted if this statement or notification of any changes was given at any time before settlement.
5. If you are uncertain as to any of these matters you should obtain independent advice from a lawyer or other expert before signing any offer to purchase, accepting an offer to sell or entering into a contract to purchase the lot.

PART 1 - COMPULSORY DISCLOSURE OF INFORMATION BY EVERY SELLER

Particulars of buyer and strata company

Description of lot to be sold: lot.....on *strata/survey-strata plan no
Street address of lot.....
Name of prospective buyer(s).....
Buyer's address.....
Name of Scheme (Building)
*Address of strata company/name and address of agent (for obtaining section 43 certificate or inspection of records of strata company)
Contact person (if known).....Telephone
(*Delete whichever is inapplicable)

Information in relation to Lot, Strata/Survey-strata scheme

The following documents must be attached to this statement:

- 1. A copy of Form 29 entitled "Buying and Selling a Strata Titled Lot". The standard by-laws are set out in or attached to Form 29. See Attachment No 1.
2. A copy of the registered or the proposed strata/survey-strata plan with the lot to be purchased clearly identified and drawing attention to any information on the plan which relates especially to the lot. See Attachment 2.
3. A statement of the unit entitlement or proposed unit entitlement of all lots in the scheme or proposed scheme and the aggregate or proposed aggregate unit entitlement. This statement may be -
- included in the attached copy of the registered or proposed strata/survey-strata plan- see Attachment No. 2; or
- a separate statement - see Attachment No. 3.
4. A copy of all non-standard strata company by-laws -
- in the case of an existing scheme, that have been recorded on the strata/survey-strata plan or have been passed by the strata company within the previous three months and not yet recorded on the strata/survey-strata plan; or
- in the case of a proposed scheme, that are proposed to apply to the scheme, including, where applicable, a Schedule 2A Management Statement.
See Attachment No.....

PART 2 - DISCLOSURE BY ORIGINAL PROPRIETOR WHEN STRATA LOT SOLD FOR FIRST TIME

Part 2 must be completed only where the original proprietor is the seller and -

- the strata titled lot being purchased is on a strata/survey-strata plan that has not been registered; or
- if the first annual general meeting of the strata company has not been held by the original proprietor; or
- if the original proprietor is the owner of 50% or more of the lots in the strata/survey-strata scheme; or
- if the original proprietor has 50% or more of the aggregate unit entitlement in the strata/survey-strata scheme.

Additional information in relation to strata/survey-strata scheme

- 1. **Agreements for provision of amenities, management or other services**
Have either of the strata company or the original proprietor entered into, or propose to enter into, any management agreement, service or maintenance agreement or other agreement for the provision of any amenity or service to the strata company or to any part of the common property or any lot?
YES [] NO []
If yes -
- give details of the terms and conditions of every such agreement, the consideration for it and the estimated costs to the proprietor of the lot.
OR:
- attach copies of the agreements - see Attachment No.....



2. Pecuniary interest in agreements:

Does the original proprietor have any direct or indirect pecuniary interest, other than as a proprietor of a lot, in any of the agreements referred to in question 1?

YES [] NO []

If yes -

- ♦ give details of the pecuniary interest(s).

.....

.....

.....

OR:

- ♦ attach details - see Attachment No.....

3. Estimated strata company receipts and expenditure

Attach a copy of the estimated receipts and expenditure of the strata company for the 12 month period from the later of -

- ♦ the day of registration of the strata/survey-strata plan; or
- ♦ the day of the last Annual General Meeting or, if none has been held during the 15 months preceding the date of the contract, from the settlement date stated in the contract.

See Attachment No.....

4. Administrative Fund of the strata company

Is there an administrative fund or proposed administrative fund?

YES [] NO []

If yes, the contribution or proposed contribution for the Lot, under section 36(1) of the *Strata Titles Act 1985*, is

\$..... per annum, which is payable -

[] annually

[] by half-yearly instalments of \$.....

[] by quarterly instalments of \$.....

[] otherwise (please specify).....

5. Reserve fund of the strata company

Is there a reserve fund or a proposed reserve fund?

YES [] NO []

If yes, the amount of the contribution or proposed contribution for the Lot, under section 36(2) of the *Strata Titles Act 1985*, is

\$..... per annum, which is payable:

[] annually

[] by half-yearly instalments of \$.....

[] by quarterly instalments of \$.....

[] otherwise (please specify).....

6. Proposed lease, licence, exclusive use or special privilege:

Have either of the strata company or the original proprietor granted or propose to grant any lease, licence, right of exclusive use or special privilege over the common property or any part of it to the buyer or any other person?

YES [] NO []

If yes -

- ♦ give details of each lease, licence, right of exclusive use or special privilege, or proposed lease, licence, right of exclusive use or special privilege.

.....

.....

OR

- ♦ attach copies of each lease, licence, right of exclusive use or special privilege or proposed lease, licence, right of exclusive use or special privilege.

See Attachment No.



PART 3 - ACKNOWLEDGEMENT OF RECEIPT OF NOTIFIABLE INFORMATION

Statement by Seller(s)

Name(s)

Address(es).....

* I/We, the Seller(s), hereby certify that the notifiable information in relation to the Strata lot as described in Part 1 of this form, as required by section 69 of the *Strata Titles Act 1985*, has been given to -

* the prospective buyer(s); or

* the listing agent to provide it to the prospective buyer(s), before the offer or contract to purchase this property was signed by the buyer.

* I/We authorise the prospective buyer(s) to inspect the records of the strata company.

Seller(s) signature(s).....

Date

(* Delete whichever is inapplicable)

Acknowledgement by prospective buyer(s)

*I/We, the prospective buyer(s) described in Part 1 of this form,acknowledge that *I/we have received notifiable information in respect of the lot described in Part 1 of this form and understand that the disclosure given by the seller(s) or by the selling agent is not an offer or a contract to purchase a strata titled lot, but only provides information to *me/us.

Prospective buyer(s) signature(s)

Date

(* Delete whichever is inapplicable)

Statement by selling agent

I,.....(name of agent),

of.....(name of firm),

as selling agent, hereby certify that the notifiable information for this property, as provided by the seller, has been given to the prospective buyer(s).

Selling agent's signature

Date