

Sale of land - questions for the vendor

Instructions

- ☐ Please circle yes or no as applicable.
- ☐ Please provide the additional information as indicated e.g. a copy of your title(s).
- ☐ If you do not know the answer or are unable to provide the additional information please insert the words 'not known'.
- ☐ Please sign where indicated at the foot of the final page and forward this completed list and all necessary information to the sender.

Warning

WE TAKE THE RISK OF CYBERFRAUD SERIOUSLY AND SO SHOULD YOU. Hackers have impersonated law firms and requested payment via email using their own account details. It is important you take a number of steps to verify any bank account details you receive in an email from our firm including speaking to us before transferring money. Call us on a phone number you know is ours, not the one in an email with the bank account details as it may have been changed by a cyber-criminal. Do not reply to any emails asking for payment before verifying its authenticity with us by speaking with us.

No.	Question Title	Answer
1.	<p>Please provide a copy of the title(s) to the land and the address.</p> <p>Who has control of the certificate(s) of title to the land being sold?</p> <p>If you hold the original paper title(s) you must provide them to us prior to settlement to be handed by us at settlement to the purchaser's representative. The paper title(s) must be destroyed or made invalid and an electronic title created when the transaction is conducted electronically.</p> <p>If you do not hold the paper certificate(s) of title, please provide contact details of the person who has the title(s) ie your bank.</p>	<p>The address for the land is –</p>
2.	<p>Do you have a mortgage over the title?</p> <p>Note:</p> <p>Usually a lender will register a mortgage over the title to secure repayment of any loan.</p> <p>Sometimes a lender will lodge a caveat so you also need to tell us of about any caveats on the title.</p>	<p>Yes/No</p> <p>If yes, please provide:</p> <p>Name of lender/mortgagee:</p> <p>Estimate of amount required to discharge any</p>

Key Risk Checklist

		mortgage(s): \$.....
3.	<p>Are you the registered proprietor of the land? If not, please provide documentary evidence of your right to sell. <i>For example, a copy of the contract of sale.</i></p> <p>Proof of identity is required in accordance with the Model Participation Rules issued by ARNECC</p> <p>You need to provide to us two proof of identity documents and one must be a current photo ID.</p> <p>Please also sign and return the attached client authorisation form.</p>	Yes/No
4.	<p>Are any car spaces, storage lots or other areas included in the sale? Please provide the plan of subdivision lot numbers for any such areas included in the sale. Are any car spaces subject to a congestion levy?</p>	<p>Yes/No</p> <p>Lot No.....</p> <p>Yes/No – If yes please provide details</p>
Land		
5.	<p>Are you aware of any failure to comply with any restrictions imposed by any easement, covenant or right? <i>For example a garage that is built over a sewer pipe.</i></p>	Yes/No
6.	Is there access to the property by road?	Yes/No
7.	<p>Have you received any demand, notice, order, requirement, proposal, declaration or recommendation of a public authority or government department affecting the land? <i>For example, an order from VCAT, a street construction charge, or a notice about works and/or subdivision by an adjoining owner.</i></p>	<p>Yes/No</p> <p>If yes, please provide details.</p>
8.	Is the land insured?	<p>Yes/No</p> <p>If yes, please provide full particulars of your insurance cover.</p>
9.	<p>What is the current use of the land? <i>For example a dwelling or shop.</i></p>	
10.	Are you in occupation of the land?	Yes/No

Key Risk Checklist

11.	Please provide a copy of any tenancy agreement for the land and any disclosure statement issued to retail tenants.	
12.	Will the sale of the land trigger payment of the Growth Areas Infrastructure Contribution?	Yes/No
13.	Do you know of any obligation on the owner or occupier of the land to give notice of any contamination of the land?	Yes/No
14.	Are you aware of any fencing dispute with your neighbour(s)?	Yes/No
15.	Are you aware of any encroachments that affect the land? <i>For example, a neighbour's shed and/or retaining wall is partly built on your land.</i>	Yes/No
16.	Have you received notice of any intended compulsory acquisition of any part of the land such as for road widening?	Yes/No
17.	Is the land in a bushfire prone area?	Yes/No
18.	Are you aware of any easements that affect the land that are not shown on the title, title plan and/or plan of subdivision?	Yes/No
Planning information and building works		
19.	<p>Have any planning permits or building permits been issued or refused?</p> <p>Please provide a copy of any planning permit(s) and building permit(s) issued for the land.</p> <p>What is the expiry date for any planning permit(s)?</p>	<p>Yes/No</p> <p>Planning expiry date</p> <p>Date...../...../.....</p>
20.	<p>Is the land affected by any planning overlays?</p> <p><i>For example, is any part of the land heritage listed and/or subject to public acquisition overlay.</i></p>	Yes/No
21.	Has an occupancy permit or certificate of final inspection been issued?	Yes/No
22.	How old is any building on the land?	
23.	<p>Have you done any owner-builder works?</p> <p><i>For example, renovated a bathroom.</i></p> <p>Do you propose to do any owner-builder works before settlement?</p> <p>A building and defects inspection report is required for owner builder works and insurance may also be</p>	<p>Yes/No</p> <p>Yes/No</p>

Key Risk Checklist

	<p>required.</p> <p>For more information go to:</p> <p>CAV: https://www.consumer.vic.gov.au/housing/building-and-renovating/checklists/owner-builders</p> <p>VBA: https://www.vba.vic.gov.au/owner-builders</p> <p>Or contact Consumer Affairs Victoria 1300 55 81 81 Victorian Building Authority 1300 815 127.</p>	
24.	Have safety switches and smoke alarms been installed?	Yes/No
25.	Are you aware of any breach of any planning and/or building permit(s) issued for the land? If yes, please provide particulars.	Yes/No
26.	<p>Is there a swimming pool/spa on the land?</p> <p>If yes:</p> <ul style="list-style-type: none"> Has a safety barrier or fence been installed? Has the swimming pool/spa been registered with the local council? Has a certificate of barrier compliance been obtained? <p>See <i>Building Amendment (Swimming Pool and Spa) Regulations 2019</i> (Vic)</p> <p>Further information from the VBA: https://www.vba.vic.gov.au/consumers/swimming-pools/inspections-and-compliance</p>	<p>Yes/No</p> <p>Yes/No</p> <p>Yes/No</p>
Rates and taxes		
27.	<p>Please provide a copy of the current council rates notice, water rates notice and land tax notice for the land.</p> <p>If land tax is payable is it payable at the general rate or the trust rate and until what date has it been paid? /...../.....</p>	<p>Copy notices attached: Yes/No.</p> <p>Please select: General rate or Trust rate</p> <p>Yes/No</p>

Key Risk Checklist

	Is any vacant residential land tax payable?	
28.	Have you considered the Capital Gains Tax (CGT) consequences of the sale of the land?	Yes/No
29.	Have you considered the GST treatment of the sale of the land? <i>For example is the price 'plus GST', 'GST inclusive' and does the margin scheme apply or is the sale a going concern or the sale of a farm.</i> Usually the sale of new residential premises, commercial premises and vacant land are sold on a 'plus GST' basis	Yes/No
30.	Have you considered the duty (formerly known as stamp duty) consequences in regards to the sale of the land? <i>For example, an exemption might apply for the transfer of a principal place of residence you have lived in for more than 12 months to a spouse.</i> Note also that usually no exemption applies when transferring to family members.	Yes/No
31.	Have you entered into or are you aware of any agreement with the local council to fund the works required to rectify flammable cladding on any building(s) on the land? See part 8B in the <i>Local Government Act 1989 (Vic)</i>	Yes/No
32.	Have you considered any issues in relation to the windfall gains tax (WGT)? For example, could the land be rezoned and become subject to the WGT and if so, do you wish to defer payment?	Yes/No
Services		
33.	Please circle the services listed below which are not connected to the land: Electricity Gas Water (are water tank(s) in use) - Yes/No If yes – provide details: Sewerage (is a septic tank/septic treatment plant in use) - Yes/No If yes – provide details: Telephone/communications 'Connected' is not defined in the <i>Sale of Land Act 1962 (Vic)</i> . A service is connected where at the date the purchaser signs the contract of sale the service can be used.	

Key Risk Checklist

34.	If water tanks have been installed are they included in the sale?	Yes/No
35.	Have solar panels been installed?	Yes/No Details..... e.g. solar panels for hot water supply
Owners corporation		
36.	Is any owners corporation 'inactive'? If active, please provide owners corporation contact details. Does the owners corporation have insurance? Note that s.11 of the <i>Sale of Land Act 1962</i> may apply which gives a purchaser the right to rescind if the required owners corporation insurance is not in place.	Yes/No Manager/secretary - Name: Address: Yes/No
Goods		
37.	What goods are included/excluded from the sale? Goods are also known as 'chattels'. Goods are not fixed to the land. Goods usually included in the sale of land are 'window furnishings, dishwasher, light fittings and clothes line'.	List included goods: List excluded goods:
38.	Are the goods included in the sale affected by a security interest on the Personal Property Securities Register (Cwlth)?	Yes/No
About you		
39.	Does the land owner have an Australian Business Number (ABN)?	Yes – ABN..... No
40.	Are you acting as an attorney for this sale?	Yes/No If yes, please provide a copy of the Power of Attorney.
41.	For a corporate vendor, who is authorised to give instructions, sign the contract/vendor's statement/transfer?	
42.	Are you acting as an executor, trustee, guardian or administrator in regards to ownership of the land?	Yes/No
43.	Please provide the date of birth of each person registered on the title (ie the vendor) and any	

Key Risk Checklist

	<p>person to be registered on the title.</p> <p>We are required by law to provide this information to various government agencies and may be required to provide to a purchaser's representative for the purpose of checking the Personal Property Securities Register.</p>	<p>...../...../.....</p> <p>...../...../.....</p>
44.	Is the property the subject of a specific gift under your Will?	<p>Yes/No</p> <p>If yes, please contact us about making a new will.</p>
45.	<p>Are you a foreign resident?</p> <p>A foreign resident means a person who is not a resident of Australia for the purposes of the <i>Income Tax Assessment Act 1936</i> (Cwlth)</p>	<p>Yes/No</p> <p>If yes, a purchaser may be required to withhold and remit to the Australian Taxation Office 12.5 per cent for contracts entered into from 1 July 2017.</p>
46.	Is there anything else you want to tell us about your land that you think may affect a sale?	<p>Yes/No</p> <p>If yes, please contact us to discuss</p>
Selling agent		
47.	<p>Have you appointed a selling agent?</p> <p>If you are not using a selling agent have you given any proposed purchaser the prescribed due diligence checklist?</p> <p>A penalty may apply for the failure to give this checklist.</p>	<p>Yes/No</p> <p>If yes please provide:</p> <p>Name:</p> <p>Tel:</p> <p>Email:</p> <p>Yes/No</p>
48.	Has an auction date been set?	<p>Yes/No</p> <p>If yes, please provide date...../...../.....</p>
49.	<p>Have you agreed to sell the land to your selling agent or the agent's employee or relative?</p> <p>Refer to section 55 and 55A of the <i>Estate Agents Act 1980</i>(Vic) for the process to be followed.</p>	Yes/No
50.	<p>Do you have an electronic signature?</p> <p>If yes, will you sign the section 32 statement using your electronic signature?</p>	<p>Yes/No</p> <p>Yes/No</p>
About the purchaser		

Key Risk Checklist

51.	Is the purchaser related to the vendor?	Yes/No
52.	Is the purchaser a subsidiary/holding company in relation to the vendor?	Yes/No
53.	Is the property owned by a trust? If so, is the purchaser likely to be a beneficiary of this trust?	Yes/No Yes/No
54.	Have you granted any option to purchase the land?	Yes/No
55.	Does any tenant or other person have a right of first refusal to buy the land?	Yes/No
56.	Will the purchaser be given occupation or possession before settlement? If a terms sale an additional vendor's statement is required.	Yes/No
Settlement		
57.	All keys, access cards any alarm pin number(s) must be handed over at settlement.	
58.	The purchaser is entitled to inspect the land on one occasion usually during the week prior to settlement.	
59.	Where would you like correspondence sent after settlement?	
60.	Do you agree to us deducting our legal fees from the settlement proceeds?	Yes/No
61.	Do you agree to a valuer inspecting the land on behalf of the purchaser prior to settlement?	Yes/No
Any questions		
62.	Please attach a list of any questions you have in regards to the sale.	

.....
Signed by or on behalf of the vendor

*** Client authorisation form to be completed and attached**