

Pre-contract disclosure statement

Section 146, Unit Titles Act 2010

Notes to complete form:

Property Address

.....

Property information

Unit plan:

Body Corporate Number:

Unit number:

Get this information from a recent certificate of title for the property.

Pre-contract disclosure statement

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

General information

2 This is general information relevant to the property:

Unit title property ownership is made up of three components: ownership of a principal unit and any accessory units; an undivided share in the ownership of the common property; and an undivided share in the ownership of the underlying land if the unit plan is cancelled. This means that owning a unit title involves a different set of rights and responsibilities than traditional house and land ownership. Unit title developments also have a body corporate management structure. Every unit owner in a unit title development is automatically a member of the body corporate. The body corporate owns the common property in the unit title development.

A **unit plan** is a survey plan showing the principal units, any accessory units and the common property in a unit title development. It is a formal record of the boundaries of units and common property.

Ownership and utility interests are assigned to every unit in a unit title development. Ownership interests are based on the relative value of each unit in relation to the others in the same development. Utility interests are the same as ownership interest unless otherwise specified.

Body corporate operational rules are the rules that govern the unit title development. All unit owners, occupiers, tenants and the body corporate must comply with the body corporate operational rules.

Pre-settlement disclosure must be provided by a vendor (at its cost) to a purchaser of property in a unit title development no later than 5 working days before settlement in the form of a pre-settlement disclosure statement ("PSDS"). If a PSDS is not provided at least 5 working days before settlement, the purchaser can delay settlement until 5 working days after the PSDS is provided or cancel the contract after giving 10 working days notice in writing to the vendor.

Additional disclosure in the form of an additional disclosure statement (“ADS”) may be requested by a purchaser by the earlier of 5 working days after the date of the agreement or 10 working days before settlement. The vendor must provide an ADS within 5 working days of receiving a request. The purchaser must pay the vendor’s reasonable costs of producing the ADS. If an ADS is not provided within 5 working days, the purchaser can delay settlement until 5 working days after the ADS is provided or cancel the contract after giving 10 working days notice in writing to the vendor.

A **computer register** (also commonly known as a certificate of title) formally records the ownership of land or a unit in a unit title development and the legal rights and restrictions that apply to that property. Computer registers are issued in respect of principal units and their related accessory units, but no computer register is issued in respect of common property.

Land information memoranda (“LIMs”) are documents issued by territorial authorities (district and city councils) in respect of a particular property (on request and on payment of a fee). LIMs record information held by the council in respect of rates, special land features, water infrastructure, consents, certificates, licences, notices or orders issued by the council and other information the council considers relevant. LIMs do not contain all of the information relevant to the property such as any information held by the regional council for the area.

Easements and covenants are legal documents setting out particular rights and restrictions relating to the use of a property and are recorded on the computer registers of the land affected.

- 3 Further information about unit title property ownership, unit plans, computer registers, easements and covenants may be obtained from Land Information New Zealand.

Further information about ownership and utility interest, body corporate operational rules, pre-settlement disclosure and additional disclosure may be obtained from the Department of Building and Housing.

Further information about LIMs may be obtained from the

.....Council

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 \$.....

- 5 The period covered by the contribution in paragraph 4 is

- 6 The body corporate proposes to levy \$under section 121 of the Act in the next 12 months.

or

The body corporate’s levy for the next 12 months will be set at the next AGM.

Insert the name of the local city or district council. For example, the Auckland Council or the Wellington City Council.

For the vendor to complete.

This information will be available from the body corporate secretary.

Select the statement that applies. Delete the statement that does not apply by crossing it out. This information will be available from the body corporate secretary.

7 The body corporate proposes to carry out the following maintenance on the unit title development in the next 12 months:

.....
.....

or

The body corporate does not propose to carry out any maintenance on the unit title development in the next 12 months.

8 The body corporate has the following account(s) which have the balance(s):

.....
.....

Further information is available from the body corporate's most recent financial statements.

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

\$

10 The unit or the common property is, or has been, the subject of a claim under the Weathertight Homes Resolution Services Act 2006 or 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.

Signed:

Vendor's Signature

.....
Vendor's Name

Date:

.....

Select the statement that applies. Delete the statement that does not apply by crossing it out. This information will be available from the body corporate secretary.

List the type of account/fund(s) held by the body corporate and the balance(s) of the account/fund(s). This information will be available from the body corporate secretary.

The body corporate secretary or vendor's solicitor may set a fee for providing an additional disclosure statement.

Select the statement that applies. Delete the statement that does not apply by crossing it out. This information will be available from the body corporate secretary.

The form is to be signed by the vendor. All owners of the property must sign this form including all trustees.

Insert the full name(s) of the vendor as set out on the certificate of title for the property.

Insert the date that the form is signed.