

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 purchaser of a strata titled lot before the prospective purchaser 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 purchaser 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 purchaser the right to terminate the contract. Exercise of this right by the prospective purchaser 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 PURCHASER'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*) 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 VENDOR

PARTICULARS OF PURCHASER AND STRATA COMPANY

Description of lot to be sold: **LOT . . ON SURVEY-STRATA PLAN _____ tba**

Street address of lot: **31 PIARA DRIVE, PIARA WATERS, 6112**

Name of prospective purchaser(s):

Purchaser's address:

.....

Name of scheme: **31 PIARA DRIVE, PIARA WATERS**

Name and address of agent : **SELF MANAGED**

(for obtaining section 43 certificate or inspecting records of strata company)

Contact person **RODNEY ANDERSON**

Address: **48 WICKHAM STREET, EAST PERTH**

Telephone: **9225 6991**

INFORMATION IN RELATION TO LOT, STRATA SCHEME

The following documents must be attached to this statement:

1. A copy of Form 29 i.e. the form entitled ``Buying and Selling a Strata Titled Lot''. The standard by-laws are set out in Form 29.

SEE ATTACHMENT No. 1

2. A copy of the registered or the proposed 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 No. 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 maybe a separate statement -

SEE ATTACHMENT No. 3

4. A copy of all non-standard strata company by-laws 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. 4

PART 2 ... ADDITIONAL DISCLOSURE BY ORIGINAL PROPRIETOR WHEN STRATA LOT SOLD FOR THE FIRST TIME

Part 2 must be completed only where the original proprietor is the vendor 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 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 [X]

SELF MANAGED

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 [X]

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 plan.

NO STRATA COMPANY BUDGET

4. ADMINISTRATIVE FUND OF THE STRATA COMPANY:

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:

PROPRIETORS OF LOTS 1 TO 16 AND 18 TO 21 TO CONTRIBUTE EQUALLY TO INSURANCE COSTS AND MAINTENANCE OF CP 22 WHEN REQUIRED

- 5. RESERVE FUND OF THE STRATA COMPANY:**
Is there a reserve fund or a proposed reserve fund?

YES [] NO [**X**]

- 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 purchaser or any other person?

YES [**X**] NO []

SEE SCHEDULE 1 BY-LAW 17

PART 3 - ACKNOWLEDGMENT OF RECEIPT OF NOTIFIABLE INFORMATION

STATEMENT BY VENDORS

Name: **OPAL NIGHT PTY LTD** (ACN 142 745 346)

Address: **PO BOX 6913, EAST PERTH, 6892**

We the Vendors hereby certify that the notifiable information in relation to the survey-strata lots 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 purchaser(s); or
- * the listing agent to provide it to the prospective purchaser(s)
- * before the offer or contract to purchase this property was signed by the purchaser.

We authorize the prospective purchaser(s) to inspect the records of the strata company

Vendors(s) signature(s)

(* delete whichever is inapplicable)

ACKNOWLEDGMENT BY PROSPECTIVE PURCHASER(S)

*I/We the prospective purchaser(s) described in Part 1 of this form acknowledge that *I/We have received the notifiable information in respect of the lot described in Part 1 of this form and understand that the disclosure given by the vendor(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.

.....
Signature(s) of prospective purchaser(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 vendor, has been given to the prospective purchaser(s).

Selling agent's signature

Date