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.

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| --- | --- | --- |
| **No.** | **Question** | **Answer** |

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|  | **Title** |  |
| 1. | Please provide a copy of the title(s) to the land and the address.  Who has control of the certificate(s) of title to the land being sold?  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.  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. | The address for the land is – |
| 2. | Are you the registered proprietor of the land?  If not, please provide documentary evidence of your right to sell. *For example a copy of the contract of sale.*  Proof of identity is required in accordance with the [Model Participation Rules](https://www.arnecc.gov.au/publications) issued by ARNECC  You need to provide to us two proof of identity documents and one must be a current photo ID.  Please also sign and return the attached client authorisation form if the sale will be conducted electronically. | Yes/No |
| 3. | 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? | Yes/No  Lot No……………………………….  Yes/No – If yes please provide details |
|  | **Land** |  |
| 4. | Are you aware of any failure to comply with any restrictions imposed by any easement, covenant or right?  *For example a garage that is built over a sewer pipe.* | Yes/No |
| 5. | Is there access to the property by road? | Yes/No |
| 6. | Have you received any demand, notice, order, requirement, proposal, declaration or recommendation of a public authority or government department affecting the land?  *For example, an order from VCAT, a street construction charge, or a notice about works and/or subdivision by an adjoining owner.* | Yes/No  If yes, please provide details. |
| 7. | Is the land insured? | Yes/No  If yes, please provide full particulars of your insurance cover. |
| 8. | What is the current use of the land?  *For example a dwelling or shop.* |  |
| 9. | Are you in occupation of the land? | Yes/No |
| 10. | Please provide a copy of any tenancy agreement for the land and any disclosure statement issued to retail tenants. |  |
| 11. | Will the sale of the land trigger payment of the Growth Areas Infrastructure Contribution? | Yes/No |
| 12. | 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 |
| 13. | Are you aware of any fencing dispute with your neighbour(s)? | Yes/No |
| 14. | Are you aware of any encroachments that affect the land? For example a neighbour’s shed and/or retaining wall is partly built on your land. | Yes/No |
| 15. | Have you received notice of any intended compulsory acquisition of any part of the land such as for road widening? | Yes/No |
| 16. | Is the land in a bushfire prone area? | Yes/No |
| 17. | 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** |  |
| 18. | Have any planning permits been issued or refused?  Please provide a copy of any planning permit(s) and building permit(s) issued for the land. What is the expiry date for the permit(s)? | Yes/No  Date……/……/……  Date……/……/…… |
| 19. | Is the land affected by any planning overlays?  For example is any part of the land heritage listed and/or subject to public acquisition overlay. | Yes/No |
| 20. | Has an occupancy permit or certificate of final inspection been issued? | Yes/No |
| 21. | How old is any building on the land? |  |
| 22. | Have you done any owner-builder works?  For example renovated a bathroom.  Do you propose to do any owner-builder works before settlement?  According to Consumer Affairs Victoria you are an owner-builder if you:   1. *intend to use your own skills to build, extend or renovate a home that you live in or intend to live in or* 2. *intend to manage tradespeople to do work on a home that you live in or intend to live in* 3. *are a registered builder who builds, extends or renovates a home on their own property.*   For more information go to:  <http://www.consumer.vic.gov.au/housing-and-accommodation/building-and-renovating/checklists/owner-builders>  or contact Consumer Affairs Victoria on  1300 55 81 81 and/or the Victorian Building Authority on 1300 815 127. | Yes/No  Yes/No |
| 23. | Have safety switches and smoke alarms been installed? | Yes/No |
| 24. | Are you aware of any breach of any planning and/or building permit(s) issued for the land? If yes, please provide particulars.  A building and defects inspection report is required for owner builder works and insurance may also be required. | Yes/No |
| 25. | Is there a swimming pool/spa on the land?  If yes – has it been fenced? | Yes/No  Yes/No |
|  | **Rates and taxes** |  |
| 26. | Please provide a copy of the current council rates notice, water rates notice and land tax notice for the land.  If land tax is payable is it payable at the usual rate or the trust rate and until what date has it been paid?  ….…/……./……  Is any vacant residential land tax payable? | Copy notices attached:  Yes/No.  Please select:  Usual rate or  Trust rate  Yes/No |
| 27. | Have you considered the Capital Gains Tax (CGT) consequences of the sale of the land? | Yes/No |
| 28. | Have you considered the GST treatment of the sale of the land?  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.  Usually the sale of new residential premises, commercial premises and vacant land are sold on a ‘plus GST’ basis | Yes/No |
| 29. | Have you considered the duty (formerly known as stamp duty) consequences in regards to the sale of the land?  *An exemption might apply – for example if you are transferring the land to a spouse.*  *Note also that usually no exemption applies when transferring to family members.* | Yes/No |
|  | **Services** |  |
| 30. | 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 in use) - Yes/No  If yes – provide details:  **Telephone/communications**  ‘Connected’ is not defined in the *Sale of Land Act* 1962 (Vic). A service is connected where at the date the purchaser signs the contract of sale the service can be used. | Name of supplier: |
| 31 | If water tanks have been installed are they included in the sale? | Yes/No |
| 32. | Have solar panels been installed? | Yes/No Details…………………………………………………. e.g. solar panels for hot water supply |
|  | **Owners corporation** |  |
| 33. | Is any owners corporation ‘inactive’?  If active, please provide owners corporation contact details.  Does the owners corporation have insurance? (s.11 of the *Sale of Land Act 1962* may apply) | Yes/No  Manager/secretary -  Name:  Address:  Yes/No |
|  | **Goods** |  |
| 34. | 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: |
| 35. | Are the goods included in the sale affected by a security interest on the Personal Property Securities Register (Cwlth)? | Yes/No |
|  | **About you** |  |
| 36. | Does the land owner have an Australian Business Number (ABN)? | Yes – ABN…………………….  No |
| 37. | Are you acting as an attorney for this sale? | Yes/No  If yes, please provide a copy of the Power of Attorney. |
| 38. | For a corporate vendor, who is authorised to give instructions, sign the contract/vendor's statement/transfer? |  |
| 39. | Are you acting as an executor, trustee, guardian or administrator in regards to ownership of the land? | Yes/No |
| 40. | Please provide the date of birth of each person registered on the title (ie the vendor) and any person to be registered on the title.  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. | ………/…………./…………  ………/…………./………… |
| 41. | Is the property the subject of a specific gift under your Will? | Yes/No |
| 42 | Are you a foreign resident?  A foreign resident means a person who is not a resident of Australia for the purposes of the [*Income Tax Assessment Act 1936*](http://www.austlii.edu.au/au/legis/cth/consol_act/itaa1936240/)(Cwlth) | Yes/No  If yes, a purchaser may be required to withhold and remit to the Australian Taxation Office 10 per cent of the market value (usually the price) for contracts entered into until 30 June 2017 and 12.5 per cent for contracts entered into from 1 July 2017. |
| 43. | Is there anything else you want to tell us about your land that you think may affect a sale? | Yes/No  If yes, please contact us to discuss |
|  | **Selling agent** |  |
| 44. | Have you appointed a selling agent?  If you are not using a selling agent have you given any proposed purchaser the prescribed due diligence checklist?  A penalty may apply for the failure to give this checklist. | Yes/No  If yes please provide:  Name:  Tel:  Email:  Yes/No |
| 45. | Has an auction date been set? | Yes/No  If yes, please provide date…………./…………../………….. |
| 46. | Have you agreed to sell the land to your selling agent or the agent’s employee or relative?  Refer to section 55 and 55A of the *Estate Agents Act 1980*(Vic) for the process to be followed. | Yes/No |
| 47. | Do you have an electronic signature?  If yes, will you sign the section 32 statement using your electronic signature? | Yes/No  Yes/No |
|  | **About the purchaser** |  |
| 48. | Is the purchaser related to the vendor? | Yes/No |
| 49. | Is the purchaser a subsidiary/holding company in relation to the vendor? | Yes/No |
| 50. | Is the property owned by a trust? If so, is the purchaser likely to be a beneficiary of this trust? | Yes/No  Yes/No |
| 51. | Have you granted any option to purchase the land? | Yes/No |
| 52. | Does any tenant or other person have a right of first refusal to buy the land? | Yes/No |
| 53. | Will the purchaser be given occupation or possession before settlement?  If a terms sale an additional vendor’s statement is required. | Yes/No |
|  | **Settlement** |  |
| 54. | All keys, access cards any alarm pin number(s) must be handed over at settlement. |  |
| 55. | The purchaser is entitled to inspect the land on one occasion usually during the week prior to settlement. |  |
| 56. | Where would you like correspondence sent after settlement? |  |
| 57. | Do you agree to us deducting our legal fees from the settlement proceeds? | Yes/No |
| 58. | Do you agree to a valuer inspecting the land on behalf of the purchaser prior to settlement? | Yes/No |
|  | **Any questions** |  |
| 59. | 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**