

EVERINGHAM LAWYERS

Questions and Authority for Seller of Residential Property

**PLEASE COMPLETE SIGN AND RETURN AS SOON AS POSSIBLE
AND BY NO LATER THAN TWO WEEKS BEFORE SETTLEMENT**

The questions set out below relate to the information provided in the First Letter and Booklet. Please refer to these documents, or call us, if you are unsure about any of the questions below.

Sellers' Full Names or Selling Entity and contacts:
Current Address:
Contact details: Email address: Is the email checked regularly during the day, every day? Seller postal address (if different from Current Address): I/We agree that you may send communications (including accounts) to me at the above email address. Will you be contactable for the entire duration of the transaction? We must be able to contact you (and potentially meet with you) at all times throughout the conveyance. Your rights may be negatively impacted if we are unable to do this.	Phone: Fax: Mobile: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Dates not available (if applicable):
Sellers' dates of birth (if individuals):
Have you provided us with certified copies of two forms of photo identification (e.g. drivers licence, passport, student card) for this conveyance? (Note: please let us know if you are signing documents outside of Australia as a different identification process is required) If the seller is a company, have you provided this identification for the officeholders?	Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If no, please attach certified copies of photo identification for all sellers and corporate officeholders when returning this Questionnaire</i> Yes <input type="checkbox"/> No <input type="checkbox"/>

Sign Here:



<p>If the seller is a company:</p> <p>Australian Company Number (ACN);</p> <p>Australian Business Number (ABN); and</p> <p>GST-registration status of any corporation that is buying?</p> <p>Has the company provided a copy of corporate resolution or written confirmation authorising a director or employee to give instructions?</p>	<p>.....</p> <p>.....</p> <p>.....</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p> <p><i>If no, please provide written authorisation when returning this Questionnaire</i></p>
<p>If the purchase price is \$2 million or more:</p> <p>Does each seller hold a valid clearance certificate?</p> <p>Does each seller hold a variation notice (if relevant)?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p>
<p>Is any individual seller not an Australian citizen or permanent resident of Australia?</p> <p>If the seller is a company, is the company owned or controlled by foreign persons</p> <p>If the answer to either of the above questions is Yes – has approval from the Foreign Investment Review Board been obtained for the purchase of the property?</p> <p>Are you aware of any court ordered civil penalty for a failure to comply with the <i>Foreign Acquisition and Takeover Act 1975</i>.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p>
<p>Is the name on the contract the correct name as it appears on the registered title?</p> <p>Does the contract include all entities selling a share in the property?</p> <p>If any of the sellers are selling as trustee, is the trust correctly described on the contract and the title?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p>
<p>Are the property and its address correctly described on the contract?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><i>If no please provide details:</i></p> <p>.....</p> <p>.....</p>
<p>If you own other property that is adjoined ore closely located to this property, have you confirmed you are selling the correct property.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>Are any goods or chattels (personal property) are included in the property being sold. (Note: some items may be considered chattels despite appearing fixed such as solar panels, water tank/pump). If so please tell us:</p> <ul style="list-style-type: none"> • what those items are; • if any items have a serial number (e.g. boats, cars etc.), the serial numbers; and • the amount of the purchase price being paid for those items. 	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>

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<p>Does the contract include all agreed chattels?</p> <p>Does the contract exclude fixtures not included in the sale?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><i>If no to either question, provide details:</i></p> <p>.....</p> <p>.....</p>
<p>Are any of the buyers related to any of the sellers? (i.e. a spouse, parents, grandparents, brother, sister, nephew, niece, child, stepchild, grandchild of the person or spouse)?</p> <p>Do any of the buyers have a business relationship with any of the sellers?</p> <p>Are you giving the property as a gift or are you accepting less than the market value of the property?</p> <p><i>A valuation of the property based on 3 comparable sales in the last 3 months may be required for the assessment of transfer duty. Please note that giving a false declaration could result in serious penalties.</i></p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><i>If yes to any of the above questions, provide details:</i></p> <p>.....</p> <p>.....</p>
<p>Is the property being used for anything other than residential purposes? (e.g. investment property, small business premises, hobby farm).</p> <p>If yes, have you or the real estate agent represented that the present use is possible or lawful?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>Are you aware of other uses of the property prior to its current use?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><i>If yes, provide details:</i></p> <p>.....</p>

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<p>Do you know if the property:</p> <ul style="list-style-type: none"> • may be affected by contamination (including from prior use or use on adjacent land)? • is subject to a site management plan; • has been the subject of an environmental assessment? <p>Are you aware of the issue of any notices, environmental evaluations, orders or other documents that indicated that the land has been or is being used for a notifiable activity or is contaminated land or is being investigated for contaminated issues?</p> <p>Are you aware of the if the land is on the contaminated land register, the issuing of any notice to conduct a site investigation, a court order or remediation notice or environmental notice, that is, a site management plan must be prepared?</p> <p>Are you aware of the making of an environmental protection order?</p> <p>Are you the holder of an approval of a prescribed transitional environmental program?</p> <p>If you are unsure about any of these questions, please call us. If you are selling a lot in a CTS, these questions also apply to scheme land and relevant notices may have been issued to the Body Corporate</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><i>Details (if applicable)::</i></p> <p>.....</p> <p>.....</p> <p>.....</p>
<p>Have you conducted work on the property as an owner builder?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>Are you giving any rebate or discount to the purchase price, or other incentive for the buyer to enter into the contract?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><i>If yes, provide details:</i></p> <p>.....</p>
<p>Is the property mortgaged?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If so, please provide details of who holds the mortgage, including branch and loan account number. You must contact your bank and arrange to sign release authorities. Settlement cannot proceed until this has been attended to.</p> <p>Bank:</p> <p>Branch:</p> <p>Loan Account Number:</p>

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<p>Do you require us to provide the balance settlement funds to your bank releasing your mortgage at settlement?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, you will need to advise your bank of where your funds are to be placed.</p>
<p>Please advise your bank account details that your balance funds are to be placed into, please note that this cannot be an internet only account.</p>	<p>Funds payable to (Account Name):</p> <p>Bank:</p> <p>BSB Number:</p> <p>Account Number:.....</p>
<p>If property is not mortgaged, does a paper certificate of title exist?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p>If yes, where is it presently held?</p>
<p>Is the amount you are receiving from the sale sufficient to cover all of the funds required to pay out the mortgages over the property?</p> <p>If the purchase price is \$2Million or over, and each seller does not provide a valid clearance certificate to the buyer, the buyer must pay to the ATO up to 10% of the purchase price. This may affect the funds available at settlement to pay out the mortgages over the property or affect any dependant transaction (e.g. later purchases). Please see the booklet for more information.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If no, advise other sources and amounts?</i></p>
<p>Do you have any plans for the property before settlement that might be relevant in the conveyancing process? (e.g. subdivision, installation of a pool, renting out the property)</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If yes, provide details:</i></p>
<p>Are there physical features which may impact upon the buyer's use of the property e.g. manholes for sewer or private foul water line</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If yes, provide details:</i></p>
<p>Have any promises or representations been made by the Agent? (e.g. items included in the sale such as carparks, air-conditioning units, views or future benefits of the property)</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If yes, provide details:</i></p>
<p>Are there any particular issues concerning the property for which you require advice or particular searches to be undertaken or could come an issue for the buyer? (e.g. unapproved structures, non-compliant swimming pool fence, flooding)?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If yes, provide details:</i></p>

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<p>Locality:</p> <p>Is the property close to a main road, rail line, high voltage power lines, airport, creek, lake, beach and/or river?</p> <p>Is the property near any major infrastructure projects? (e.g. bus-way)</p> <p>Is the property in an area affected by floods or cyclones?</p> <p>Is the property in a known mining district?</p> <p>Are you aware of any mining tenures or exploration permits that affect the property?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><i>If yes to any of the above questions, provide details:</i></p> <p>.....</p> <p>.....</p>
<p>Do you know of any unregistered encumbrances or interests affecting the property such as sewerage or drainage easements, or access rights for geothermal exploration or production or declaration of beach area?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If yes, provide details:</i></p> <p>.....</p>
<p>Have you given the buyer a copy of any applications or orders made by QCAT for trees relating to the property?</p> <p>Are you aware of any disputes, notices, applications or orders relating to dividing fences or trees?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If yes, please provide a copy when returning this Questionnaire.</i></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If yes, provide details:</i></p> <p>.....</p>
<p>Is there a pool on the property or common property?</p> <p>Did you give the buyer a Pool Safety Certificate?</p> <p><i>If no:</i></p> <p>Did you give the buyer a notice notifying them that there is no Pool Safety Certificate or Exemption Certificate?</p>	<p>Yes <input type="checkbox"/> - <i>on my property.</i></p> <p>Yes <input type="checkbox"/> - <i>on common property.</i> No <input type="checkbox"/></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If yes, please provide a copy please provide a copy when returning this Questionnaire.</i></p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>Have safety switches been installed?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><i>Please complete a Safety Switch Notice and return it with this form.</i></p>
<p>Does the property have smoke alarms installed?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>Are you aware of or have you signed any building or other covenants affecting the property?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If yes, provide details:</i></p> <p>.....</p> <p><i>If yes, please provide a copy please provide a copy when returning this Questionnaire</i></p>

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<p>Are you aware of any additional notices that should be given to the buyer, such as development approval conditions (e.g. land use restrictions, occupancy restrictions, build height).</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If yes, provide details:</i> If yes, please provide a copy when returning this Questionnaire.</p>
<p>Will you be making arrangements with the real estate agent for the handover of the keys or security access devices following settlement?</p> <p>Note: You may be required to deliver all keys and codes to our office with only two (2) clear business days notice so that we can deliver them at settlement. Failure to do so may result in the buyer terminating the contract and seeking compensation from you.</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If yes, provide details:</i> </p>
<p>Have you received any notices that relate to the property from any authority?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If yes, provide copies and details:</i> </p>
<p>Have you ever received a land tax assessment for the property?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If yes, provide a copy of your latest land tax assessment.</i></p>
<p>Is there anything else we should know about the property or the sale?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If yes, provide details:</i> </p>
<p>If there is a tenant, have you provided us with copies of the tenancy documents? Have you given notice to leave to the tenant (if relevant)?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> <i>If no, please provide them to us.</i> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/></p>
<p>If the property is currently tenanted, please advise who the managing agent is so that we can effect a rental adjustment at settlement?</p>	<p>Agent Name: Phone: Facsimile Number:</p>
<p>Is there a current tenant in the property?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If yes, will they be vacating prior to completion?</i> Yes <input type="checkbox"/> No <input type="checkbox"/></p>
<p>If you are an attorney under a Power of Attorney: Have you provided us with either:</p> <p>(a) the original Power of Attorney; or (b) a copy of the Power of Attorney certified as a true and correct copy on every page of the copy by a lawyer, Justice of the Peace or Commissioner of Declarations; or (c) if the Power of Attorney is registered with the Titles Office – the registration dealing number.</p> <p>Have you received a notice that the Power of Attorney has been revoked?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> <i>Dealing number:</i> <i>If no, please provide us with one of these as soon as possible.</i> Yes <input type="checkbox"/> No <input type="checkbox"/></p>

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Do you have any concerns about the property boundaries or potential encroachments?	Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If yes – you should brief a surveyor as soon as possible.</i>
Have you ever engaged a surveyor to check boundaries or potential encroachments?	Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If yes please provide us with a copy of the survey.</i>
What commission and advertising have you agreed to pay the real estate agent?	Commission: \$..... Advertising: \$..... GST: \$..... Total: \$.....
After settlement, what will your forwarding address be:	Street: Suburb:
Will you be uncontactable during any known period prior to settlement of this Contract (for example going on holidays or any extended periods overseas).	Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If yes, please contact our office to discuss.</i>
How were you referred to Everingham Lawyers:	<input type="checkbox"/> Agent <input type="checkbox"/> Yellow Pages <input type="checkbox"/> Website <input type="checkbox"/> Signage <input type="checkbox"/> Existing Client..... <input type="checkbox"/> Other.....

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IF SELLING A UNIT

<p>Are you aware of:</p> <p>(a) any proposal to record a new Community Management Statement or a notice of meeting for that purpose (which may include proposed adjustments to lot entitlements within the Scheme)? or</p> <p>(b) any body corporate consents to improvements made by you to common property that are not in place? or</p> <p>(c) whether the exclusive use allocations given to the lot are not recorded or will be changed in the Community Management Statement (for example, car parking)? or</p> <p>(d) a change or proposed change in the insurance details for the building and public liability for the body corporate?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If yes, provide details (if you become aware of any of these matters before settlement you should contact us as soon as possible):</i></p> <p>.....</p>
<p>Are you aware of:</p> <p>(a) any patent or latent defects in the common property or body corporate assets (for example, substantial building work that requires repair, which can include common boundary walls of the lot or exclusive use areas)? or</p> <p>(b) any actual or contingent or expected liabilities of the body corporate not part of the body corporate's normal operating expenses (for example, significant debts or judgments that the body corporate is liable to pay)? Or</p> <p>(c) the issuing by the body corporate of a levy notice for a special contribution or any proposal for the body corporate to fix a special contribution to be levied on lot owners? Or</p> <p>(d) anything else you are aware of regarding the affairs of the body corporate which may affect the buyer?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p> <p><i>If yes, provide details (if you become aware of any of these matters before settlement you should contact us as soon as possible):</i></p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p>
<p>Does the sale include any courtyards, car spaces, balconies, storage areas as part of your sale?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If yes, provide details:</i></p> <p>.....</p>
<p>Are there any car parks, air conditioning units, pergolas, courtyards, rainwater tanks, which are for the benefit of the unit being sold?</p> <p>Has body corporate approval been obtained? Are there any maintenance obligations?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If yes, provide details:</i></p> <p>.....</p> <p>.....</p>
<p>Are there any improvements on common property (e.g. pool, gym, spa, BBQ areas etc)?</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/> <i>If yes, provide details:</i></p> <p>.....</p>

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AUTHORITY

**TO: Everingham Lawyers
4/85 Michael Avenue
Caboolture, Queensland (the "Law Practice")**

- (a) We, the sellers, authorise the Law Practice to take instructions from any one of us on behalf of all of us either verbally or in writing.
- (b) We understand that the buyer is not obligated to grant any extensions of time, that the Law Practice may not take any steps without my/our instructions and that I/we may lose rights or (in some circumstances) the buyer may terminate the contract if I am/we are not available to provide instructions when required. Therefore, if the Law Practice is unable to contact me/us on a critical contract or special condition date, we authorise the Law Practice to seek an extension of time for the relevant due date until such time as the Law Practice is able to contact us for instructions. I/We understand that in this case without my instructions the Law Practice cannot vary the contract or negotiate the payment of interest as a condition of the extension. If the buyer requests an extension of time and you are unable to contact me/us, I/we understand that you will be proceeding on the basis that the extension will not be granted.
- (c) I/We acknowledge that it may be necessary for you to obtain information from various authorities (including the Council) regarding this property and you are hereby authorised to do so on our behalf.
- (d) Should it be necessary to retain part of the purchase price in a Solicitor's Trust Account by way of safeguard post settlement, with the agreement of yourself and the other party, then should any legal work be required in relation to the moneys retained, this is my/our Authority for you to render to me/us a tax invoice or invoices for such work at the normal charge out rate of the Solicitor or Paralegal who carries out the work.
- (e) We agree that the Law Practice may destroy our file relating to this transaction on the earlier of:
 - a. any specified time agreed between the Law Practice and us (such as a timeframe specified in a costs agreement or retainer); or
 - b. 7 years after settlement of our transaction or the termination of our engagement.

I/We authorise you to pay from Everingham Lawyers Trust Account to Everingham Lawyers General Account any funds held by you on my behalf (whether jointly or solely) in payment of professional costs and professional charges/disbursements. This authority includes transfer between files held by me and related entities as defined in the Corporations Act 2001 (Cwth). I confirm that these charges will be/detailed in your tax invoices. We acknowledge that where this file is to be created in joint names that all parties are jointly and severally liable for the tax invoices issued on this file.

I/We understand that our verbal instructions to you are binding and that you will (if applicable) act on the instructions of either or any of us. I/We understand that you will not accept instructions on my behalf from any other party unless authorised to do so by me/us in writing. I/We acknowledge that it may be necessary for you

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to obtain information from various authorities (including the Council) regarding this property and you are hereby authorised to do so on our behalf.

Should it be necessary to retain part of the purchase price in a Solicitor's Trust Account by way of safeguard post settlement, with the agreement of yourself and the other party, then should any legal work be required in relation to the moneys retained, this is my/our Authority for you to render to me/us a tax invoice or invoices for such work at the normal charge out rate of the Solicitor or Paralegal who carries out that work.

Signed by Seller: _____



Seller Print Name: _____

Date: _____

Signed by Seller: _____



Seller Print Name: _____

Date: _____