

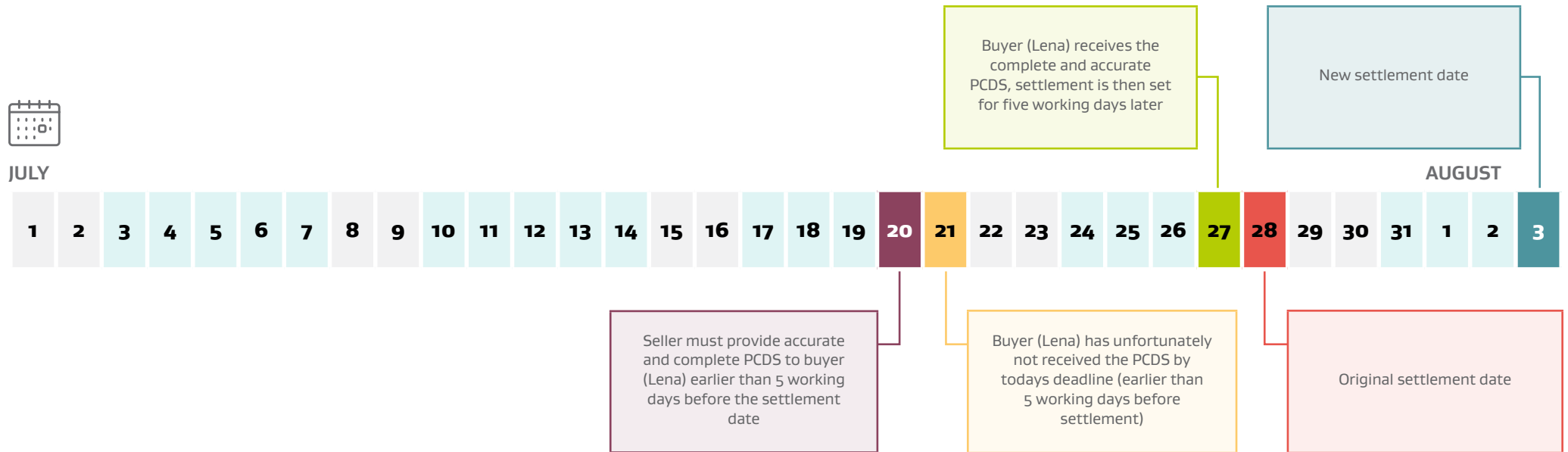
# Pre-Contract Disclosure Statement – delay settlement

Lena is buying an apartment, and settlement date is Friday 28 July 2023. A Pre-Contract Disclosure Statement (PCDS) should have been provided by the seller before Lena entered into the agreement to buy the apartment but Lena chose to enter into the agreement without receiving this.

Lena is patiently waiting for the seller to provide her with an accurate and complete PCDS at least 5 working days before settlement. For Lena, this is by Thursday 20 July. On Friday 21 July Lena has not received the PCDS. Her lawyer advises her she can either delay the

settlement date or send the seller notice of her intent to cancel the sale. Lena feels this is the perfect apartment and so she decides to delay until five working days after the statement is received. Her lawyer provides this notice in writing to the seller on Friday 21 July, this is the first delay.

On Thursday 27th July, Lena receives the complete and accurate PCDS. Settlement is then set for five working days later, Thursday 3 August. Lena is happy she has secured her dream apartment.



### KEY

● Original settlement date

● Pre Contract Disclosure statement due to be provided

● PCDS not received by deadline

● Accurate and complete PCDS received by buyer (Lena)

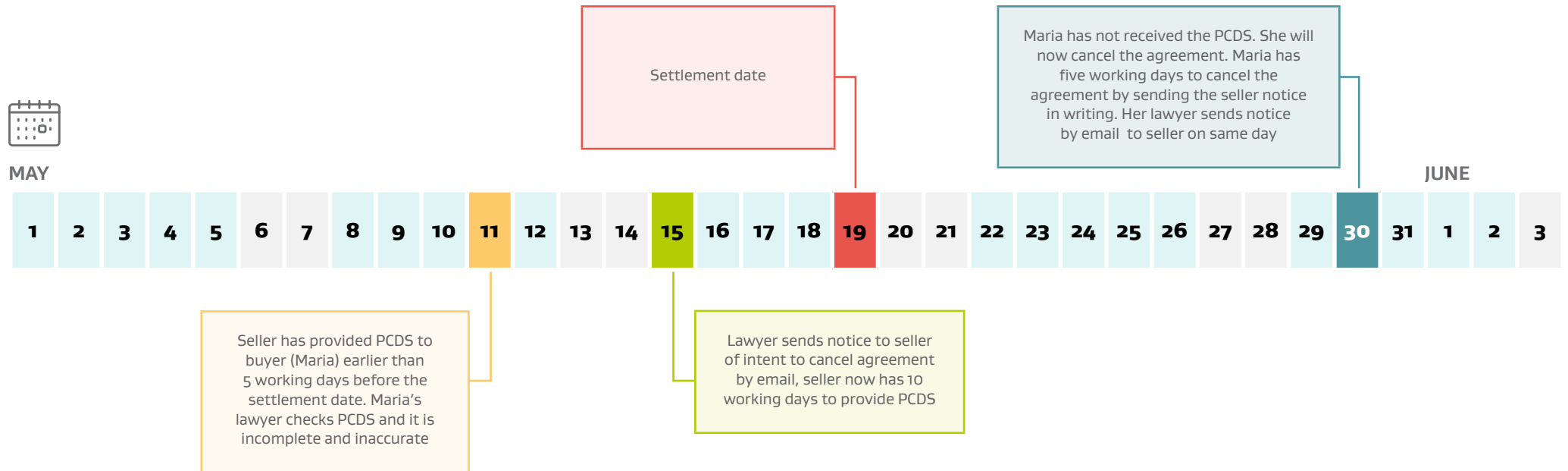
● New Settlement date

Maria is buying an apartment and the settlement date is Friday 19 May 2023. The seller had provided Maria a Pre-Contract Disclosure Statement (PCDS) before they entered into the sale agreement, this was received on Thursday 11th May.

On the same day Maria's lawyer checked the PCDS and unfortunately it is not complete and accurate. Maria's lawyer advises her the requirements to cancel the agreement have been met. Maria advises her lawyer to send notice of intent to cancel the agreement. The notice is sent by the lawyer on Monday 15th May by email and is considered given the following

working day. The seller now has 10 working days from the date the notice is given to provide the accurate and complete PCDS.

It is now Tuesday 30 May and Maria unfortunately has not received the complete PCDS. She decides she will not pursue this any further and will go ahead and cancel the purchase of this apartment. Maria has five working days to cancel the agreement for sale and purchase by sending the seller notice in writing. She asks her lawyer to do this and the lawyer sends the notice on the same day.



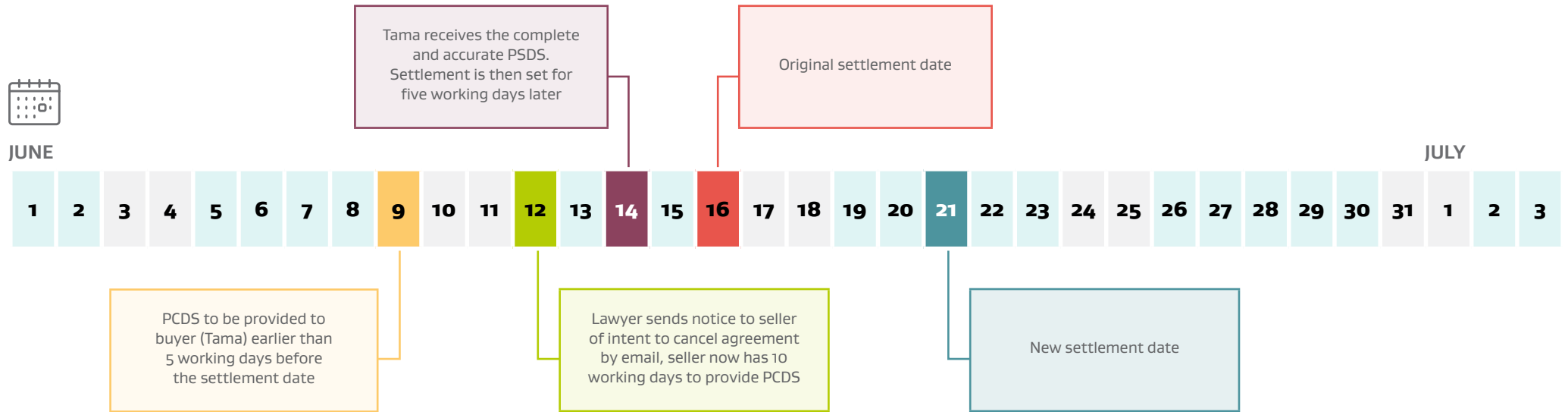
- KEY**
- Settlement date
  - Maria has received PCDS but it is incomplete. Maria advises her lawyer she wants to cancel agreement
  - Lawyer notifies seller and seller has 10 working days to comply.
  - Maria has not received the complete PCDS. She will now cancel the agreement

# Pre-Settlement Disclosure statement - delay settlement

Tama is buying an apartment, and settlement date is Friday 16 June 2023. His lawyer tells him that the seller needs to provide him with an accurate and complete Pre-Settlement Disclosure Statement (PSDS) at least 5 working days before settlement. In Tama's case, this is by Friday 9 June. Tama has not received the PSDS in time. His lawyer advises him he can either delay the settlement date or send the seller notice of his intent to cancel the sale. Tama really wants the apartment, so he decides to delay until five working days after the

statement is received. His lawyer provides this notice in writing by email to the seller on Monday 12 June. This notice is considered given the following working day and this is the first delay.

On Wednesday 14 June, Tama receives the complete and accurate PSDS. Settlement is then set for five working days later, Wednesday 21 June. Tama is happy he has secured an apartment in the city close to his job.



- KEY**
- Original settlement date
  - PCDS to be provided to seller before this date
  - Tama's lawyer provides notice in writing on this date, this is the first delay
  - Tama receives the complete and accurate PSDS, The new settlement date is set for five days later, Tuesday 20 June.
  - New settlement date

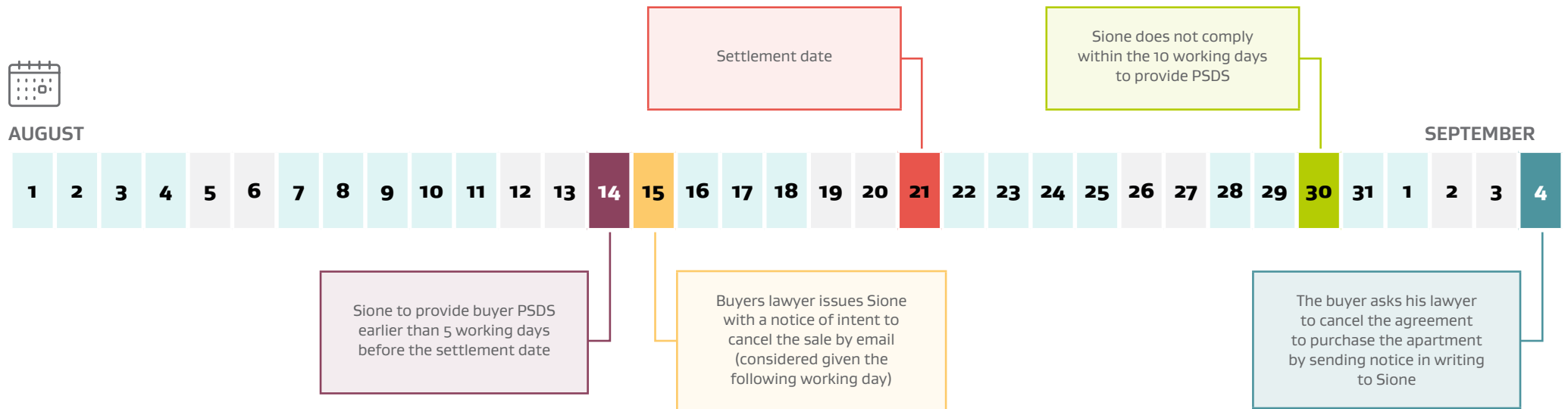
# Pre-Settlement Disclosure statement - cancel agreement

Sione is selling his apartment. He has to provide an accurate and complete Pre-Settlement Disclosure Statement (PSDS) to the buyer at least 5 working days before settlement, which is Monday 21 August 2023. Sione has been busy at the same time preparing to move overseas permanently for a new job. This means he has overlooked the timeframe to get the PSDS sorted and has missed the five working day deadline (Monday 14 August).

It is now Tuesday 15 August. The buyer wants a quick sale as they need to move themselves and can't delay settlement by long, so he asks his lawyer to issue Sione with a notice of intent to cancel the sale by email (considered given the following working day). Sione now

has 10 working days from Wednesday 16 August to provide the buyer with the PSDS. Sione is focused on packing up his apartment and selling his furniture and forgets again to complete the PSDS. It is now Wednesday 30 August.

The buyer now has 5 working days to choose whether to cancel the purchase or proceed. The buyer decides to cancel as he is frustrated his family are now unable to move in as planned. On Monday 4 September the buyer asks his lawyer to cancel the agreement to purchase the apartment by sending notice in writing to Sione. This makes things difficult for Sione and he wishes he had taken the time to get things right.



### KEY

● Settlement date

● PCDS to be provided to buyer before this date.

● Buyers lawyer issues Sione with notice of intent to cancel the sale by email. Sione now has 10 working days from Wednesday 16 August to provide the buyer with the PSDS.

● Sione does not comply within the 10 working days to provide PSDS.

● The buyer asks his lawyer to cancel the agreement to purchase the apartment by sending notice in writing to Sione.