# Pre-settlement disclosure statement for purchases

# off-the-plans

This is a sample template for providing the information required under Regulation 34(2) of the Unit Titles Regulations 2011 (the Regulation) for a pre-settlement disclosure statement, when selling a unit off-the-plans. This template also provides for recommended additional information beyond the requirements of Regulation 34(2). There is currently no prescribed form for this statement – the specific wording and layout used in this template are not requirements of the Regulation.

Important: There are legal consequences for the seller should they fail to provide a complete and accurate pre-settlement disclosure statement in the timeframes required by the Unit Titles Act 2010, including delay of settlement and cancellation of the contract.

Pre-settlement disclosure statement for purchases off-the-plans

*Section 147, Unit Titles Act 2010*

|  |  |
| --- | --- |
| Unit number: | Unit [***number***] and accessory unit(s) [***number(s)***] if known |
| Unit plan: | Deposited Plan [***number***] if known, or copy of the draft plan if available |
| Body corporate number: | [***number***] if known, or [***address of unit title development***] |

1 This pre-settlement disclosure statement is provided to the buyer of the property in accordance with Section 147 of the Unit Titles Act 2010 and relates to an “off-the-plan” unit in a unit title development.

Information about the unit

2 The amount of the contribution levied by the body corporate under Section 121 of the Unit Titles Act 2010 in respect of the unit being sold is $[***amount***].

3 The period covered by the contribution in paragraph 2 is [***period***].

4 The manner of payment for the contribution in paragraph 2 is [***manner of payment***].

5 The levy will be due on or before [***date***].

6 *Select the statement that applies:*

|  |
| --- |
| No levy, or part of a levy, due to the body corporate is unpaid as at the date of this pre-settlement disclosure statement.  A levy, or part of a levy, due to the body corporate is unpaid as at the date of this pre-settlement disclosure statement in the amount of $[***amount***]. |

7 *Select the statement that applies:*

|  |
| --- |
| No legal proceedings1 have been initiated in relation to any unpaid levy.  Legal proceedings have been initiated in relation to an unpaid levy. Details of the proceedings are: |

[S*et out details of the proceedings brought by the body corporate against the unit owner for recovery of the unpaid levy. This could include the body corporate using the courts or Tenancy Tribunal to enforce a debt against a unit owner, or a unit owner disputing the body corporate's demand that they pay a levy – attach extra sheets if require*d.]

8 *Select the statement that applies:*

|  |
| --- |
| No metered charges2 due to the body corporate are unpaid as at the date of this pre-settlement disclosure statement.  Metered charges due to the body corporate are unpaid as at the date of this pre-settlement disclosure statement in the amount of $[***amount***]. |

9 *Select the statement that applies:*

|  |
| --- |
| No costs relating to repairs to building elements or infrastructure contained in the unit are unpaid as at the date of this pre-settlement disclosure statement.  Costs relating to repairs to building elements or infrastructure contained in the unit are unpaid as at the date of this pre-settlement disclosure statement in the amount of $[***amount***]. |

10 *Select the statement that applies:*

|  |
| --- |
| No interest is accruing on any money owing to the body corporate by the seller as at the date of this pre-settlement disclosure statement.  Interest is accruing on the amount of $[***amount***] owing to the body corporate by the seller as at the date of this pre-settlement disclosure statement, at a rate of [***percentage***] per annum. |

*Legal proceedings are any steps taken through a court or tribunal to obtain a legal decision, for example on disputed facts or matters of law, or to enforce a debt.*

*2 Metered charges are fees for an amenity or service provided through the body corporate where a unit's use is recorded by an installed meter. Metered charges for the unit could include items such as water, electricity, or gas.*

Please note the following questions relates to the unit title development, not just the unit.

11 *Select the statement that applies:*

|  |
| --- |
| There are no proceedings pending3 against the body corporate in any court or tribunal as at the date of this pre-settlement disclosure statement.  There are proceedings pending against the body corporate in a court or tribunal. Details of the proceedings are: |

[*Set out details of any proceedings brought against the body corporate. This could include any kind of dispute where the body corporate is a defendant. It could also include any instance where the body corporate is being sued – attach extra sheets if required.*]

3 *Proceedings pending means legal proceedings that are in progress.*

12 *Select the statement that applies:*

|  |
| --- |
| There are no proceedings initiated by the body corporate or intending to be initiated by the body corporate in any court or tribunal as at the date of this pre-settlement disclosure statement.  There are proceedings initiated by the body corporate or intending to be initiated by the body corporate in a court or tribunal. Details of the proceedings are: |

[*Set out details of any proceedings brought by the body corporate. This could include any kind of dispute where the body corporate is a complainant, including where the body corporate is suing someone. It could also include any instance where the body corporate is intending to initiate legal proceedings, but they have not yet been initiated – attach extra sheets if required.*]

*Select the statement that applies:*

13    
 There are no contracts that will bind the body corporate or the unit owner after the settlement date.

There are contracts that will bind the body corporate or the unit owner after the settlement date.

[*Set out the contract details that will bind the body corporate or the unit owner after the settlement date.]*

14 *Select the statement that applies:*

There are no obligations arising from the decision of a court or  
 tribunal that will bind the body corporate or the unit owner after the settlement date.

There are obligations arising from the decision of a court or  
 tribunal that will bind the body corporate or the unit owner after the settlement date.

[*Set out the obligation details arising from the decision of a court or tribunal that will bind the body corporate or the unit owner after the settlement date.]*

15 *Select the statement that applies:*

|  |
| --- |
| There are no written claims by the body corporate against a third party that has not been resolved.  There is a written claim or claims by the body corporate against a third party that has not been resolved. Details of the claim/s are: |

[*Set out details of any written claim or claims by the body corporate against a third party that has not been resolved since the pre-contract disclosure statement was provided to the buyer – attach extra sheets if required*.

16 *Please provide the following information IF it exists at the time of this pre-settlement disclosure statement :*

* a copy of the long-term maintenance plan
* a copy of the body corporate operational rules that apply to the body corporate, including any amendments, revocations, or additions to the rules that have been made by the body corporate but that do not yet have effect.
* a copy of the minutes of the most recent general meeting of the body corporate.

17 *Select the statement that applies:*

|  |
| --- |
| There have been no changes to the body corporate operational rules since the pre-contract disclosure statement.  There have been changes to the body corporate operational rules since the pre-contract disclosure statement. |

[*Set out details of any changes to the body corporate operational rules since the pre-contract disclosure statement was provided to the buyer – attach extra sheets if required.*]

18 *Select the statement that applies:*

|  |
| --- |
| The body corporate manager(s) is/are [***organisations and individuals***] and their contact details are [***contact details***].  The body corporate has not currently engaged a body corporate manager. |

19 *Please provide the following information IF it exists at the time of this pre-settlement disclosure statement*

The body corporate holds the following insurance cover for the unit title development:

[*Provide a summary of the insurance cover, including –*

*• the insurer’s name and contact details*

*• the type and amount of cover, the annual amount payable for the insurance, and the excess payable on any claim under the insurance*

*• any specific exclusions from cover; and*

*• a statement of where and how the insurance policy can be viewed.*

*The seller may attach a copy of the insurance certificate for the unit title development.*]

|  |  |
| --- | --- |
| Signed by the seller or a person authorised by the seller: | [***signature***] |
| Name: | [***name***] |
| Date: | [***day, month, year***] |

20 The body corporate certifies that the information in this pre-settlement disclosure statement is correct.

|  |  |
| --- | --- |
| Signed by the chairperson on behalf of the body corporate: | [***signature***] |
| Name: | [***name***] |
| Date: | [***day, month, year***] |

Note: This certificate, given by the body corporate certifying that the information in the pre-settlement disclosure statement is correct, may be contained in a separate document that accompanies this pre-settlement disclosure statement.

*Disclaimer: This template has been created by the Ministry of Business, Innovation and Employment as an example of a pre-contract disclosure statement that complies with the requirements of regulation 34(2) The information contained in the form is intended as an example of how these sections may be completed, and the specific wording used is not a requirement of the Unit Titles Regulations 2011.* *This document is a guide only. It should not be used as a substitute for legislation or legal advice. The Ministry of Business, Innovation and Employment is not responsible for the results of any actions taken on the basis of information in this document, or for any errors or omissions.*