

**Form 18**  
**Pre-contract disclosure statement**  
*Section 146, Unit Titles Act 2010*

Unit plan: 096554

Body Corporate  
Number: 096554

Unit Number: B

**Pre-contract disclosure statement**

1 This pre-contract disclosure statement is provided to prospective buyers of the property in accordance with section 146(1) of the Unit Titles Act 2010.

**General information**

2 *The following section contains a brief explanation of important matters relevant to the purchase of a unit in a unit title development. You should read and understand the information contained in this section and this statement before signing a contract to buy a unit in a unit title development.*

*Further information on buying, selling a unit and living in a unit title development can be obtained by:*

- *reading the publication "A quick guide to unit title developments", which is available on the Department of Building and Housing's website: [www.dbh.govt.nz/unit-titles](http://www.dbh.govt.nz/unit-titles)*
- *contacting the Department of Building and Housing contact centre can answer questions on unit titles: 0800 UNIT TITLES*

*You are strongly advised to obtain independent legal advice regarding any questions or concerns you have about purchasing a unit or your prospective rights and obligations as a member of a body corporate.*

Unit title property ownership. Unit titles are a common form of multi-unit property ownership. They allow owners to privately own an area of land or part of a building and share common property with other unit owners. Unit title developments may also be structured in varied ways including staged unit title developments and layered unit title developments.

This combination of individual and shared ownership of land and buildings, often in an intensive built environment, means owning a unit title involves a different set of rights and responsibilities than traditional house and land ownership.

Unit title developments have a body corporate management structure to ensure decisions affecting the development can be made jointly by the unit owners. The creation and management of unit title developments is governed by the Unit Titles Act 2010 and supporting regulations.

Unit plan. Every unit title development has a unit plan, which shows the location of the principal units as well as any accessory units and common property in the

development. The unit plan is the formal record of all of the boundaries of the units, and the common property.

Ownership and utility interests. Each unit is allocated an ownership interest and a utility interest and such interests are relevant to the determination of many of the unit owner's rights and responsibilities under the Unit Titles Act 2010.

Ownership interest is a number that reflects the relative value of each unit to the other units in the development, and is used to determine a range of matters including the unit owners' beneficial share in the common property, and share in the underlying land if the unit plan is cancelled.

By default, the utility interest of a unit is the same as the ownership interest (unless it is otherwise specified on the deposit of the unit plan or subsequently changed), and is used to calculate how much each owner contributes to the operational costs of the body corporate.

Body corporate operational rules. The body corporate for a unit title development can make its own operational rules on the use of the development, and governance of the body corporate. These operational rules are subject to the provisions of the Unit Titles Act 2010 and regulations made under that Act.

All unit owners, occupiers, tenants and the body corporate must follow the body corporate operational rules that apply to their unit title development.

Transitional provisions for unit title developments created before the Unit Titles Act 2010 came into effect on 20 June 2011 apply to the body corporate rules in place at that time.

Pre-settlement disclosure statement. Before settlement of the sale of a unit, the seller must provide a pre-settlement disclosure statement to the purchaser, which includes information on:

- the unit number and body corporate number
- the amount of the contribution levied by the body corporate for that unit
- the period covered by the contribution
- how the levy is to be paid
- the date on or before which the levy must be paid
- whether any amount of the levy is currently unpaid and, if so, how much
- whether legal proceedings have commenced in respect of any unpaid levy
- whether any metered charges (eg, for water) are unpaid and, if so, how much
- whether any costs relating to repairs to building elements or infrastructure contained in the unit are unpaid and, if so, how much
- the rate of interest accruing on any unpaid amounts
- whether there are any legal proceedings pending against the body corporate
- whether there have been any changes to the body corporate rules.

There are legal consequences on the seller for failing to provide the pre-settlement disclosure in the timeframes required by the Unit Titles Act 2010 including delay of settlement and cancellation of the contract.

Additional disclosure statement. The buyer of a unit can request an additional disclosure statement at any time before whichever of these dates occurs first:

- the close of the fifth working day after they enter into the sale and purchase agreement
- the close of the tenth working day before settlement of the unit.

The seller has five working days to provide the additional disclosure statement.

The additional disclosure statement contains more information about the unit title development and the operation of the body corporate. It must include:

- contact details of the body corporate and committee (if there is one)
- the balance of every fund or bank account held by the body corporate at the date of the last financial statement
- amounts due to be paid by the body corporate
- details of regular expenses that are incurred once a year
- amounts owed to the body corporate
- details of every current insurance policy held by the body corporate
- details of every current contract entered into by the body corporate
- information about any lease of the underlying land (if the development is leasehold)
- the text of motions voted on at the last general meeting, and whether those motions were passed
- any changes to the default body corporate operational rules
- a summary of the long-term maintenance plan.

The seller may require the buyer to meet the reasonable cost of providing the additional disclosure statement. An estimate of that cost is set out in paragraph 9 below.

There are legal consequences on the seller for failing to provide the additional disclosure in the timeframes required by the Unit Titles Act 2010 including delay of settlement and cancellation of the contract.

Computer register. Previously known as a certificate of title, for a unit title development this document records the ownership of a unit, contains a legal description of the unit boundaries and records any legal interest which is registered against the title to the unit (for example a mortgage or easement). A copy of the computer register for a unit should come with:

- the unit plan attached. Unit title plans were discussed earlier in this section.
- a supplementary record sheet attached. A supplementary record sheet records the ownership of the common property, any legal interests registered against the common property or base land, and other information such as the address for service of the body corporate and the body corporate operational rules.

The common property in a unit title development does not have a computer register.

Land Information Memorandum. A land information memorandum (LIM) is a report which provides information held by the local council about a particular property. You must order and pay for a LIM from the applicable local council. Delivery times vary between councils. The information contained in a LIM will vary between councils, but is likely to include details on:

- rates information

- information on private and public stormwater and sewerage drains
- any consents, notices, orders or requisitions affecting the land or buildings
- District Plan classifications that relate to the land or buildings
- any special feature of the land the local council knows about including the downhill movement, gradual sinking or wearing away of any land, the falling of rock or earth, flooding of any type and possible contamination or hazardous substances
- any other information the local council deems relevant

Full details of what a local council is obliged to provide in a LIM is contained in section 44A of the Local Government Official Information and Meetings Act 1987.

Easements and covenants. An easement is a right given to a landowner over another person's property (for example, a right of way, or right to drain water). A land covenant is an obligation contained in a deed between two parties, usually relating to the use of one or both properties (for example a covenant to restrict one party using their property in a certain way).

Easements or covenants may apply to:

- a unit and are usually recorded on the computer register for that unit.
- common property and will be recorded on the supplementary record sheet for the unit title development.

3 Further information about the matters set out above can be obtained from:

Unit title property ownership	Department of Building and Housing <a href="http://www.dbh.govt.nz/unit-titles">www.dbh.govt.nz/unit-titles</a> 0800 UNIT TITLES (0800 864 884)
Unit plan Ownership and utility interests Computer register Easements and covenants	Land Information New Zealand <a href="http://www.linz.govt.nz">www.linz.govt.nz</a> 0800 ONLINE (0800 665 463)
Body corporate operational rules Pre-settlement disclosure statement Additional disclosure statement	The body corporate of the unit title development
Land Information Memorandum	Your local council

For detailed information on any of the above matters relating to your specific circumstances, the Department of Building and Housing recommends you obtain independent legal advice from your lawyer.

**Information about the unit**

- 4 The amount of the contribution levied by the body corporate under section 121 of the Unit Titles Act 2010 in respect of the unit is \$1125.46.
- 5 The period covered by the contribution in paragraph 4 is 18/12/2012 to 18/12/2013.
- 6 The body corporate levy for the next 12 months will be set at the next AGM.
- 7 The body corporate proposes to carry out the following maintenance on the unit title development in the next 12 months:  

For all maintenance matters please refer to the AGM minutes (attached).	
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- 8 The body corporate has the following accounts as at 07/08/2012:  

1. Operating Fund	\$1,225.00
2. Long Term Maintenance Fund	\$Nil
- 9 Under section 148 of the Unit Titles Act 2010, a buyer may request an additional disclosure statement before the settlement of an agreement for sale and purchase of a unit. The buyer must pay to the seller all reasonable costs incurred by the seller in providing the additional disclosure statement. The estimated cost of providing an additional disclosure statement is \$250.00.
- 10 The unit or the common property is not currently, and has never been, the subject of a claim under the Weathertight Homes Resolution Services Act 2006 or any other civil proceedings relating to water penetration of the buildings in the unit title development.

Date: 19<sup>th</sup> December 2012

Seller Signature:

  
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*Handwritten mark*

**MINUTES OF ANNUAL GENERAL MEETING  
IN ACCORDANCE WITH THE UNIT TITLES ACT 2010**

**BODY CORPORATE No. 096554  
PROPERTY AT: 78 Seaview Road, Milford**

AN ANNUAL GENERAL MEETING of this body corporate was held in the offices of Body Corporate Administration Limited, 3<sup>rd</sup> Floor, 115 Queen Street, Swanson Lane, Auckland on Tuesday, 11<sup>th</sup> October, 2011 commencing at 10.00 a.m.

**PRESENT:** As per Attendance List completed by owners  
Tanya Halliday, Allan Hope (via Skype).  
Paula Beaton representing Body Corporate Administration Ltd as secretary (later appointed Body Corporate Manager).

**1. ELECTION OF CHAIRPERSON:**

Allan Hope was nominated as Chairperson and consented to the position of Chairperson.  
**Moved: Tanya Halliday                      Seconded: Allan Hope                      Carried**

**2. CONFIRMATION OF CONTRACTED SERVICES OF BODY CORPORATE MANAGER:**

It was resolved that BCA Ltd be engaged to provide the Services as detailed in the Services Schedule presented to the owners, at the same rate as last year.

**Moved: Tanya Halliday                      Seconded: Allan Hope                      Carried**

It was resolved that Allan Hope, on behalf of all the owners, would sign off the Secretarial Agreement.

**Moved: Tanya Halliday                      Seconded: Allan Hope                      Carried**

**3. CONFIRMATION OF CHAIR:**

It was resolved that Paula Beaton chair the meeting.

**4. APOLOGIES & PROXIES:**

Paula Beaton held a proxy from Sarah Mair, Unit B  
There were no apologies.

**5. MINUTES OF PREVIOUS ANNUAL GENERAL MEETING:**

The Minutes of the Annual General Meeting of this body corporate held in the offices of Body Corporate Administration Ltd, 3<sup>rd</sup> Floor, 115 Queen Street, Auckland City, on Friday, 15<sup>th</sup> October, 2010 commencing at 11.00 a.m., were taken as read, approved, accepted and adopted as a true and accurate record.

**Moved: Tanya Halliday                      Seconded: Allan Hope                      Carried**

**6. BODY CORPORATE COMMITTEE:**

It was resolved that there be no Body Corporate Committee for this year.

Although there is no Body Corporate Committee, all owners are to be kept updated.

7. **ACCOUNTS:**  
The financial accounts for the body corporate for the period 1.10.10 to 30.09.11 were submitted to the meeting, discussed, and adopted.  
**Moved: Tanya Halliday                      Seconded: Allan Hope                      Carried**

8. **AUDIT:**  
It was resolved that because the body corporate manager's trust account is subject to audit by chartered accountant auditors that no separate audit be commissioned to audit the accounts of the body corporate.  
**Moved: Tanya Halliday                      Seconded: Allan Hope                      Carried**

9. **VALUATION & INSURANCE:**  
An updated valuer's reinstatement insurance certificate and several insurance quotes for the body corporate which had been obtained by the body corporate manager were tabled at the meeting.

BCA Ltd is to circulate all insurance quotes to owners. BCA Ltd to also obtain quotes from Dawsons Brokers (Peter Maher).

BCA Ltd is to obtain an updated valuation in 2011.

10. **COMMON MAINTENANCE MATTERS:**  
The following items were discussed and resolved by the meeting:

- a) There was a white fence which has deteriorated badly. This cost will need to be shared by the neighbour.
- b) There is the ongoing issue with the bamboo which has been cut back on the property.
- c) There was agreement to carry on the existing arrangement with maintenance funding on the property.

11. **BUDGET:**

Items	Budget 2011 / 2012 12 Months	Comments
Administration Fees	712.08	
Insurance Premium	1,907.23	Subject to actual quote
Insurance Valuation	309.38	Subject to actual invoice
General Repairs, Maintenance	2,000.00	As discussed
<b>TOTAL</b>	<b>\$4,928.69</b>	<b>As agreed</b>

**Moved: Tanya Halliday                      Seconded: Allan Hope                      Carried**

It was resolved that the maintenance fund be set at \$2,000.00 for the forthcoming year.

12. **LEVIES:**
- a) Subject to sufficient funds, the Body Corporate Manager was authorised to pay accounts for the body corporate as they fall due and to issue invoices to proprietors from time to time to recover their respective proportionate share of costs set by the budget in accordance with section 84(1) of the Unit Titles Act 2010.
  - b) The levies are due on 18<sup>th</sup> December 2011.

- c) The Body Corporate Manager advised that a levy statement will be distributed to owners with a copy of the minutes and that payment of the levy for the forthcoming year should be paid by the date stipulated so that the insurance premium can be paid.
- d) The Act stipulates that if a levy is not paid by the due date, the defaulting owner is in breach of the Act and legal action can be enforced. This may be referred to the Tenancy Tribunal depending on the amount in dispute.
- e) It was resolved that if any levies either authorised by this or any other general meeting of the body corporate are not paid by a proprietor on the due date, then the Body Corporate Manager is authorised and instructed on behalf of the body corporate to exercise those powers conferred on the body corporate by s.121 of the Unit Titles Act including the recovery of any costs expended as a result of that proprietor's default pursuant to s.127 of the Unit Titles Act. Interest recoverable pursuant to s.128 of the Unit Titles Act on such unpaid levies is resolved at 10% per annum.
- f) The Body Corporate Manager was authorised to recover debts from expenditure for the benefit of a unit or units in accordance with section 126 of the Unit Titles Act 2010 where it determined on behalf of the body corporate that one or more of the units has benefited from such expenditure substantially more than other units.

**13. GENERAL BUSINESS:**

- a) Long Term Maintenance Plan – BCA Ltd has requested quotes for preparing a long term maintenance plan from Opus, CoveKinloch and Property Reserve Planning.
- b) It was resolved that Price Baker Berridge is appointed the agent for the Body Corporate to act on its behalf in the tenancy tribunal in relation to any disputes.  
**Moved: Tanya Halliday                      Seconded: Allan Hope                      Carried**

There being no further general business, the meeting closed at 10.30 a.m.

**Points Actioned:**

- BCA Ltd to obtain insurance quotes form Dawsons Brokers (Peter Maher) and circulate quotes to owners. BCA Ltd to obtain an updated valuation in 2011.



**MINUTES OF ANNUAL GENERAL MEETING  
HELD IN ACCORDANCE WITH THE UNIT TITLES ACT 2010**

**BODY CORPORATE No. 096554  
PROPERTY AT: 78 Seaview Road, Milford**

AN ANNUAL GENERAL MEETING of this body corporate was held in the offices of Body Corporate Administration Limited, 3<sup>rd</sup> Floor, 115 Queen Street, Swanson Lane, Auckland on Friday, 7<sup>th</sup> September, 2012 commencing at 1.30 p.m.

**PRESENT:** As per Attendance List completed by owners  
Alan Hope.  
Paula Beaton representing Body Corporate Administration Ltd as Body Corporate Manager.

1. **ELECTION OF CHAIRPERSON:**  
There were no nominations for chairperson.
2. **CONFIRMATION OF CHAIR:**  
It was resolved that Paula Beaton chair the meeting.
3. **APOLOGIES & PROXIES:**  
There were no apologies or proxies.  
One postal voting instruction received from Taanya Halliday, Unit 1
4. **BODY CORPORATE COMMITTEE:**  
It was resolved that there be no Body Corporate Committee for this year.
5. **MINUTES OF PREVIOUS ANNUAL GENERAL MEETING:**  
The Minutes of the Annual General Meeting of this body corporate held in the offices of Body Corporate Administration Ltd, 3<sup>rd</sup> Floor, 115 Queen Street, Auckland City, on Tuesday, 11<sup>th</sup> October, 2011 commencing at 10.00 a.m., were taken as read, approved, accepted and adopted as a true and accurate record.
6. **MATTERS ARISING:**  
There were no matters arising.
7. **ACCOUNTS:**  
The financial accounts for the body corporate for the period 1.10.11 to 7.08.12 were submitted to the meeting, discussed, and adopted.
8. **AUDIT:**  
It was resolved by the Body Corporate, by special resolution, that in accordance with Section 132(8), Section 132(2) will not apply to the financial statements of the Body Corporate for the financial year 1.10.11 to 7.08.12.
9. **VALUATION & INSURANCE:**  
The property is currently insured with Vero via Apex Insurance Brokers Ltd for the period from 18.12.11 to 18.12.12 at the total premium of \$1,802.60 incl. GST.

BCA Ltd is to obtain quotes from Dawson Insurance Brokers (based in Rotorua) before the next renewal date.

An updated valuation is to be obtained every two years i.e. the next valuation is to be obtained in 2013.

**10. COMMON MAINTENANCE MATTERS:**

The following items were discussed and resolved by the meeting:

- a) The owner on the left hand side complained about the water running from the section.
- b) There was agreement to have a maintenance fund.
- c) There was agreement to pay \$2,534.66 to City View but it is critical that invoices are sent to the body corporate secretary before they are incurred.

**11. BUDGET:**

Items	Budget 2012 / 2013 12 Months	Comments
Administration Fees	723.33	
Insurance Premium	1,802.60	Subject to actual quote from Vero
Insurance Valuation	0.00	No valuation obtained this year -- to be obtained in 2013
General Repairs, Maintenance	2,000.00	Same as last year
Reimbursed to City View Properties	2,534.66	Invoices paid to City View Properties for the BC
Long Term Maintenance Plan	0.00	No decision made
<b>Subtotal</b>	<b>\$7,060.59</b>	<b>As agreed</b>
	<b>\$2,534.66</b>	<b>To be taken out of existing funds</b>
<b>TOTAL</b>	<b>\$4,525.93</b>	<b>As agreed</b>

It was resolved that the maintenance fund be set at \$2,000.00 for the forthcoming year.

**12. LEVIES:**

- a) Subject to sufficient funds, the Body Corporate Manager was authorised to pay accounts for the body corporate as they fall due and to issue invoices to proprietors from time to time to recover their respective proportionate share of costs set by the budget in accordance with section 84(1) of the Unit Titles Act 2010.
- b) The levies are due on 18<sup>th</sup> December 2012.
- c) The Body Corporate Manager advised that a levy statement will be distributed to owners with a copy of the minutes and that payment of the levy for the forthcoming year should be paid by the date stipulated so that the insurance premium can be paid.
- d) The Act stipulates that if a levy is not paid by the due date, the defaulting owner is in breach of the Act and legal action can be enforced. This may be referred to the Tenancy Tribunal depending on the amount in dispute.
- e) It was resolved that if any levies either authorised by this or any other general meeting of the body corporate are not paid by a proprietor on the due date, then the Body Corporate Manager is authorised and instructed on behalf of the body corporate to exercise those powers conferred on

the body corporate by s.121 of the Unit Titles Act including the recovery of any costs expended as a result of that proprietor's default pursuant to s.127 of the Unit Titles Act. Interest recoverable pursuant to s.128 of the Unit Titles Act on such unpaid levies is resolved at 10% per annum.

- f) The Body Corporate Manager was authorised to recover debts from expenditure for the benefit of a unit or units in accordance with section 126 of the Unit Titles Act 2010 where it determined on behalf of the body corporate that one or more of the units has benefited from such expenditure substantially more than other units.

**13. GENERAL BUSINESS:**

- a) Long Term Maintenance Plan – BCA Ltd had obtained three quotes to prepare a long term maintenance plan from Opus, CoveKinloch and Property Reserve Planning.
- b) It was resolved that Price Baker Berridge be appointed as the agent for the Body Corporate to act on its behalf in the tenancy tribunal in relation to any disputes.
- c) Reassessment of Utility Interest / Ownership Interest – It was resolved that the Body Corporate reassign the current Unit Entitlements as Ownership Interest and only apply Utility Interest as and when required.
- d) Financial Management – It was resolved by the Body Corporate by ordinary resolution, that the Body Corporate Secretary establish one or more Bank Accounts in accordance with Regulation 21 and Sections 117, 118, 119, and 120 of the Act and as directed by the Body Corporate Committee.

It was resolved that the Body Corporate establish an Operational Fund and a Contingency Fund.

- e) Body Corporate Rules – It was resolved by the Body Corporate by special resolution that sections 105, 106 and 138 of the Unit Titles Act 2010 apply to the body corporate from and including 6 September 2012.
- f) Body Corporate Operational Rules – It was resolved by the Body Corporate by ordinary resolution, to adopt the Default Statutory Rules under the Unit Titles Act 2010.
- g) Levies – It is proposed that the Body Corporate resolve, by ordinary resolution, that the levies to be imposed on each unit title owner until the next general meeting will be as per the 2012/2013 budget.

There being no further general business, the meeting closed at 2.00 p.m.

**Points Actioned:**

- BCA Ltd to obtain insurance quotes from Dawon Insurance Brokers (based on Rotorua) prior to renewal. Next valuation to be obtained in 2013 i.e. every two years.