

## 5.0 Vendors Statement

### VENDORS STATEMENT TO THE PURCHASER OF REAL ESTATE PURSUANT TO SECTION 32 OF THE SALE OF LAND ACT 1962 ("the Act")

VENDOR **PERENNIS PTY LTD (ACN 099 380 604)**

of "The Pegasus Centre", Unit 9, 42-46 Bundall Road, Bundall, Queensland, 4217 as Trustee for the Pol Property Trust .

PROPERTY **86 FORD STREET, BEECHWORTH** being the land comprised in  
**CERTIFICATE OF TITLE VOLUME 9927 FOLIO 728.**

#### **IMPORTANT NOTICE TO PURCHASERS**

The use to which you propose to put the Property may be prohibited by planning or building controls applying to the locality or may require the consent or permit of the municipal council or other responsible authority. It is in your interest to undertake a proper investigation of permitted land use before you commit yourself to buy. You should check with the appropriate authorities as to the availability (and cost) of providing any essential services not connected to the Property.

1. **RESTRICTIONS** - Information concerning any easement, covenant or other similar restriction affecting the Property (registered or unregistered) -
  - 1.1 Description -

As set out in the attached copies of title document/s, otherwise none to the Vendor's knowledge.
  - 1.2 Particulars of any existing failure to comply with their terms are as follows -

None to the Vendor's knowledge.
2. **PLANNING AND ROAD ACCESS** - Information concerning any planning instrument -

Is as follows -

  - 2.1 Name Indigo Planning Scheme
  - 2.2 The responsible authority is Indigo Shire
  - 2.3 Zoning and/or reservation - Business 1. Heritage overlay (HO-45).

The Property is outside the Melbourne metropolitan area (as defined in the Act).  
There is access to the Property by road.

#### **Important Notice to Purchasers:**

The property may be located in an area where commercial agricultural production activity may affect your enjoyment of the property. It is therefore in your interest to undertake an investigation of the possible amenity and other impacts from nearby properties and the agricultural practices and processes conducted there. Memorandum of Information THE BANK BEECHWORTH **DISCLAIMER** The information contained herein and/or any information given



orally has been compiled from details supplied to Maximum Business Pty Ltd by the vendor of this business and no warranty is given or implied as to its accuracy.



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3. **OUTGOINGS AND STATUTORY CHARGES** - Information concerning any rates, taxes, charges or other similar outgoings (including any Body Corporate charges) **AND** any interest payable on any part of them -

3.1 Their amounts are as follows –

**Authority Amount Interest (if any)**

Any amounts (including any proposed Body Corporate levy) for which the Purchaser may become liable in consequence of the purchase of the Property, are as follows -

Nil, as all outgoings will be adjusted on settlement.

3.2 Their total does not exceed \$10,000.00

4. **SERVICES** - Information concerning the supply of the following services -

**Service Status Name of Authority (if service connected)**

4.1 Electricity Connected Supplier of Choice

4.2 Gas Not Connected

4.3 Water Connected North East Region Water Authority

4.4 Sewerage Connected North East Region Water Authority

4.5 Telephone Connected Supplier of Choice

**WARNING:** The Purchaser should check with the appropriate Authorities as to the availability of and the cost of providing any essential services not connected to the land and as to the cost of transferring any services into the Purchaser's name. The cost of connection and/or transfer will be at the expense of the Purchaser.

5. **BUILDING APPROVALS AND INSURANCE** -

Particulars of any **building approval** granted during the past seven years under the *Building Control Act 1981* (required only where the Property includes a residence) -  
No such approvals have been granted.

Particulars of any **guarantee** issued in the past seven years under the *House Contracts Guarantee Act 1987* (required where the property includes a residence constructed by an owner builder) -

No such guarantee has been issued.

Particulars of any required **insurance** effected in the past six years and six months under the *Building Act 1993* (required where the property includes a residence to which S.137B *Building Act 1993* applies) -

No such insurance has been effected.

6. **NOTICES** - Particulars of any notice, order, declaration, report or recommendation of a public authority or government department or approved proposal affecting the Property of which the Vendor might reasonably be expected to have knowledge, including any -

are as follows -

Other than disclosed in the attached certificates, none to the Vendor's knowledge however, the Vendor has no means of knowing of all decisions of Public Authorities



and Government Departments affecting the Property unless these are communicated to the Vendor.

**OWNERS CORPORATION** - If the land is affected by an Owners Corporation within the meaning of the Owners Corporation Act 2006:-

(a) a copy of the current Owners Corporation certificate issued in respect of the land Memorandum of Information THE BANK BEECHWORTH **DISCLAIMER** The information contained herein and/or any information given orally has been compiled from details supplied to Maximum Business Pty Ltd by the vendor of this business and no warranty is given or implied as to its accuracy.

under the Owners Corporation Act 2006; and

(b) a copy of the documents required to accompany the Owners Corporation certificate under Section 151(4)(b) of the Owners Corporation Act 2006.

Not applicable

**8. SMOKE ALARMS** - The Purchaser is to note that all dwellings and/or units are required to be fitted with self contained smoke alarms in accordance with Regulation 5.14 of the Building Regulations 1994 within thirty (30) days after:-

(a) In the case of a Contract other than a terms Contract (as defined in Section 2 of the *Sale of Land Act 1962*) the date of completion of the Contract; and

(b) In the case of a terms Contract, the Purchaser becomes entitled to possession or to the receipt of the rents and profits under the Contract.

**9. SWIMMING POOLS** - In the event a swimming pool is on the land herein described, the Purchaser may be required at this expense to comply with the provisions of the *Building Act 1993* and the Building Regulations 1994 and in particular Regulation 5.13 requiring the provisions of barriers to restrict access by some children to the swimming pool within thirty (30) days after:-

(a) in the case of a Contract other than a terms Contract (as defined in Section 2 of the *Sale of Land Act 1962*) the date of completion of the Contract; and

(b) in the case of a terms Contract, the Purchaser becomes entitled to possession or to the receipt of rents and profits under the Contract.

**10. TITLE** - Attached are copies of the following documents concerning the title -

10.1 Certificate of Title Volume 9927 Folio 728



**DATE OF THIS STATEMENT / /2009.**

**Signed for and on behalf of Perennis Pty Ltd**

The Purchaser acknowledges being given a duplicate of this statement signed by the Vendor before the Purchaser signed any Contract.

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**DATE OF THIS ACKNOWLEDGMENT / /2008.**

Signature/s of the Purchaser(s)

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**PLEASE NOTE THAT WHERE THE PROPERTY IS TO BE SOLD ON TERMS PURSUANT TO SECTION 32(2)(f) OF THE ACT AND/OR SOLD SUBJECT TO A MORTGAGE THAT IS NOT TO BE DISCHARGED BY THE DATE OF POSSESSION (OR RECEIPT OF THE RENTS AND PROFITS) OF THE PROPERTY PURSUANT TO SECTION 32(2)(a) OF THE ACT - then the Vendor must provide an additional statement contained the particulars specified in Schedules 1 and 2 of the Act.**



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REGISTER SEARCH STATEMENT Land Victoria

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 Security no : 124028075797H

Volume 09927 Folio 728

Produced 27/11/2008 03:01 pm

LAND DESCRIPTION

-----  
 Crown Allotment 20 Section 8 Township of Beechworth Parish of Beechworth.  
 Created by Application No. 066694P 17/01/1990

REGISTERED PROPRIETOR

-----  
 Estate Fee Simple

Sole Proprietor

PERENNIS PTY LTD of SUITE 9 42 PELASUS CENTRE BUNBALL VIC 4217  
 AP805578M 28/04/2008

ENCUMBRANCES, CAVEATS AND NOTICES

-----  
 MORTGAGE AG070818C 08/09/2008

AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

For details of any other encumbrances see the plan or imaged folio set out  
 under DIAGRAM LOCATION below.

Warning as to Dimensions

Any dimension and connecting distance shown is based on the description  
 of the land as contained in the General Law Title and is not based on  
 survey information which has been investigated by the Registrar of Titles.

DIAGRAM LOCATION

-----  
 SEE TP304193E FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

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NUMBER		STATUS	DATE
AG070817E	DISCHARGE OF MORTGAGE	Registered	08/09/2008
AG070818C	MORTGAGE	Registered	08/09/2008

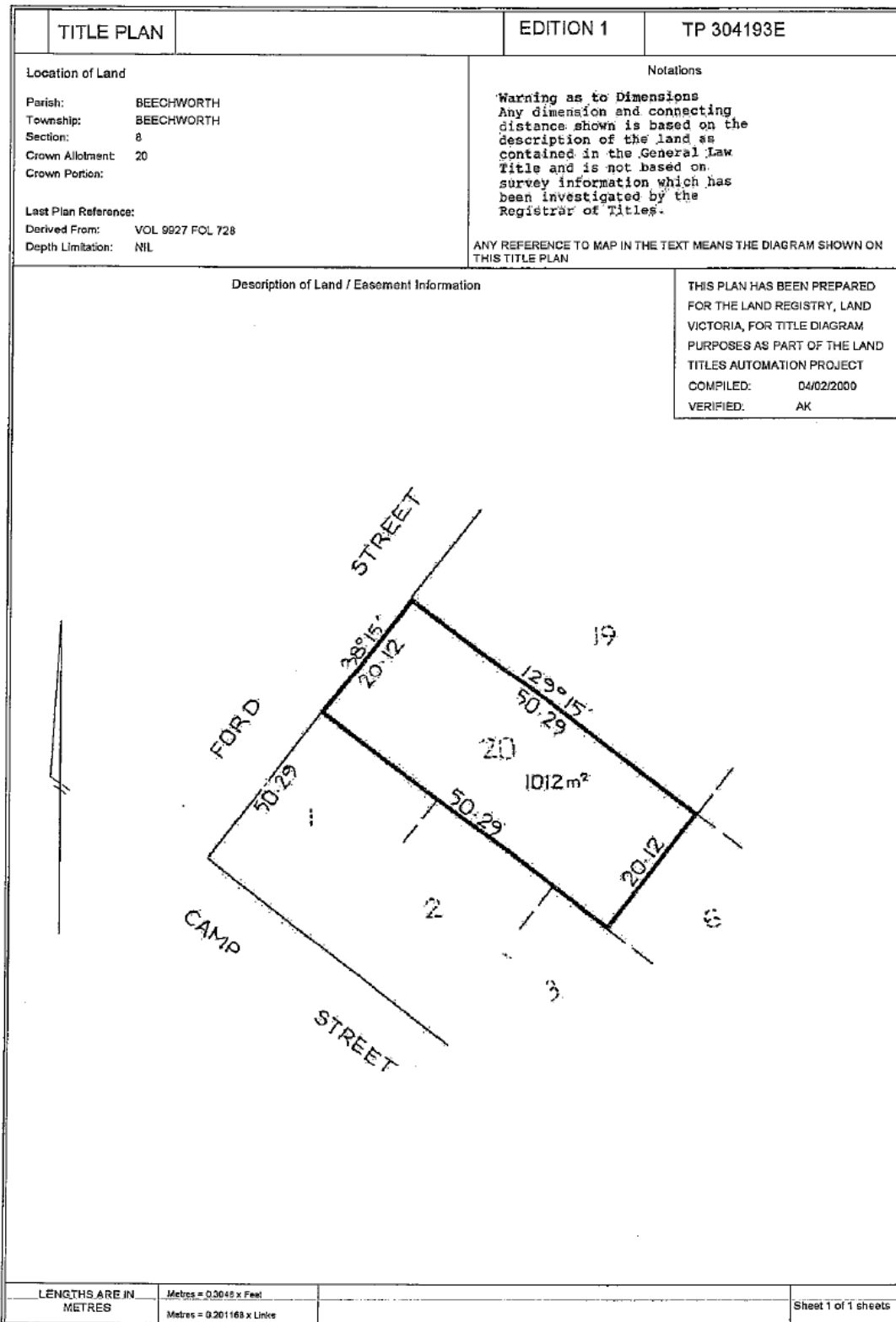
-----  
 The following information is provided for customer information only.

Street Address: 86 FORD STREET BEECHWORTH VIC 3747

STATEMENT END



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STATE REVENUE OFFICE  
Land Tax Act 2005  
Land Tax Clearance Certificate



BENNETT'S LAWYERS

Your Reference: ARB.MJD.085872  
Certificate No.: 55109435  
Date issued: 27 NOV 2008  
Enquiries: ESYSPROD

Land Identity 19726110	Land Address Details 86 FORD STREET BEECHWORTH VIC 3747		
Lot Number	Plan Number	Volume 9927	Folio 728

Vendor PERENNIS PTY LTD

Purchaser FOR INFORMATION PURPOSES

Current Tax For	2008	Proportional Tax	Penalty/Interest	Total
MR BRUCE WAYNE MCLAUGHLIN		\$0.00	\$0.00	\$0.00
Arrears of Tax	Years	Proportional Tax	Add.Tax/Interest	Total
Comments Property is exempt LTX Principal Place of Residence.				
Unimproved Value	\$213,000	Amount Payable		\$0.00

THIS CERTIFICATE IS SUBJECT TO THE NOTES THAT APPEAR ON THE BACK OF THE APPLICATION AND THAT THE APPLICANT SHOULD READ THESE NOTES CAREFULLY.

PAUL BRODERICK - Commissioner of State Revenue

PLEASE RETURN THIS PORTION WHEN MAKING PAYMENT = SEE OVERLEAF FOR FURTHER INFORMATION

**LAND TAX CLEARANCE CERTIFICATE - REMITTANCE ADVICE**

<u>Certificate Number</u>	<u>Land ID</u>	<u>Amount Payable</u>
55109435	19726110	\$0.00

PLEASE DO NOT MARK BELOW THIS LINE

<0000000000<0000000000>055109435000<055109435000>424<424>



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**NOTES TO CERTIFICATES UNDER SECTION 105 OF THE LAND TAX ACT 2005**

1. Under Section 96 of the Land Tax Act 2005 (the Act), land tax is a first charge on the land to which it relates and should the vendor default, payment will be obtained from the purchaser. The purchaser should take into account the possibility that the vendor may default where land tax has been assessed but not paid.
2. If land tax is due but not paid on a property, the Land Tax Clearance Certificate will certify the amount of land tax due and unpaid on that land. This amount will be binding on the Commissioner of State Revenue (the Commissioner) for purposes of section 96 of the Act whether or not it is paid to the State Revenue Office (SRO) on, or shortly after, settlement.
3. The amount of land tax on this certificate relates to the amount of land tax due and payable as at the date of the application only and not to any future liability or the tax status of the land.
4. A 'Nil' Land Tax Clearance certificate does not mean that the land on the certificate is exempt from land tax.
5. If land tax will be payable on a property but payment is not due at the time the application is processed, the certificate will certify the amount that should be retained by the purchaser at settlement and remitted to the SRO. The Commissioner will consider himself bound by this amount as against the purchaser only if the amount is remitted to the SRO within 28 days after settlement.
6. If the amount in 3. (above) is understated, the Commissioner has the right to seek recovery of the correct amount, or the balance, as the case may be, from
  - a. the vendor, or
  - b. the purchaser, if the vendor defaults and the certified amount has not been remitted to the SRO within 28 days after settlement.
7. If an amount is certified in respect of a proposed sale which is not completed, the Commissioner will not be bound by the same amount in respect of a later sale of the subject land - another certificate must be applied for in respect of that transaction.
8. If an amount certified is excessively high (for example, because a principal residence concession has not been deducted in calculating the amount) the Commissioner will issue an amended certificate, without an additional fee being charged on receipt of sufficient evidence to that effect from the vendor.
9. If no land tax is stated as being payable in respect of the property, the Commissioner will consider himself bound by that certification, in respect of the purchaser, if the land is subsequently found to be taxable and the vendor defaults.
10. If the vendor refuses to be bound by an amount stated by the Commissioner and does not agree to the amount being withheld and remitted at settlement, the purchaser cannot rely on such refusal as a defence to an action by the Commissioner to recover the outstanding amount from the purchaser under Sections 96 or 98 of the Act.
11. The information on a certificate cannot preclude the Commissioner from taking action against a vendor to recover outstanding land tax.

**(For Information Only)****SINGLE OWNERSHIP CALCULATION BASED ON AN UNIMPROVED VALUE OF \$213,000**

Land Tax = \$0.00

Calculated as \$0 plus (\$213,000 - \$0) multiplied by 0.000 cents).

Payments		Enquiries	
Cheques, etc. must be made payable to 'Commissioner of State Revenue'		<b>Telephone</b>	13 21 61
<b>In Person</b>	Level 2 121 Exhibition Street Melbourne 3000	<b>Facsimile</b>	(03) 9628 6853 or (03) 9628 0038
		<b>Counter</b>	Level 2 121 Exhibition Street Melbourne 3000
<b>By Post</b>	GPO Box 2961 DD Melbourne 3001	<b>Correspondence</b>	GPO Box 1641N Melbourne 3001

Land Tax Clearance Certificates are now available via the SRO website.  
Logon to [www.sro.vic.gov.au](http://www.sro.vic.gov.au) and access LAND TAX CLEARANCE CERTIFICATES.



**PROPERTY INQUIRY APPLICATION FORM**

IMPORTANT - If more than one certificate required complete and forward one form for each certificate to relevant authorities in accordance with the Property Inquiry information sheet.

OFFICE USE ONLY

1 REFERENCE	CODE	APPLICATION No.
MUNICIPAL PROPERTY NUMBER AS APPEARING ON		2700

Certificate/Advice Requested (give details as described on Property Inquiry Information sheet).

TO:

VIC ROADS CORPORATION 50-52 CLARKE STREET BENALLA VIC 3672
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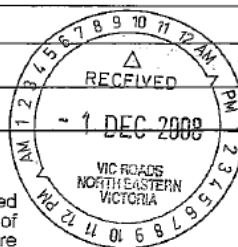
LAND INFORMATION STATEMENT	\$20.00
TOWN PLANNING	\$17.20
BUILDING - PERMITS/FINALS/NOTICES	\$41.00
BUILDING - FLOOD/FIRE/TERMITE	\$41.00
WATER/SEWERAGE INFORMATION STATEMENT	\$48.50
PROPERTY INFORMATION STATEMENT	\$14.40
LAND TAX CERTIFICATE	\$20.00
Fee Enclosed	<u>\$197.50</u>

Surname Other Names Address	VENDOR	PURCHASER
	PERENNIS PTY LTD (ACN 099 380 604)	
Address	15 McILLWRAITH AVENUE SORRENTO QLD 4217	
	FULL NAME & ADDRESS OF REGISTERED PROPRIETOR IF NOT THE VENDOR	VENDOR'S SOLICITOR BENNETTS SOLICITORS
USE BLOCK LETTERS	NAME AND ADDRESS OF APPLICANT	APPLICANT'S REFERENCE - ARB.mjd.085872
	BENNETT'S PO BOX 1026 ALBURY NSW 2640.	Date - 27 NOVEMBER 2008
	Ph. (02)6041 2100 Fx: (02)6041 2144	Total Sale Price \$ Date Req'd ASAP
		Settlement Date
		Term of Sale Cash Phone (02) 6041 2100

Flat/Unit No.	Street No. Street, Road, etc 86 FORD STREET			Municipality INDIGO SHIRE		
Lot No.	Plan No	CA 20	CP	Section 8	Parish BEECHWORTH	
Town or Suburb BEECHWORTH	Postcode 3747	Volume 9927	Folio 728	Frontage Links/ft/metres SEE PLAN ATTACHED	Depth links/ft/metres	

State whether vacant land or nature of building (eg Dwelling Factory)	DWELLING/VACANT LAND	Name of Directory	Map Reference
OFFICE USE ONLY			
			N
			B
			RP
			D
			R

**NO PROPOSALS**



As at - 1 DEC 2008 VicRoads has no approved proposal requiring any part of the property described in your application. You are advised to check your local Council planning scheme regarding land use zoning of the property and surrounding area.

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**INDIGO SHIRE COUNCIL**  
**REQUEST FOR BUILDING INFORMATION**

BUILDING ACT 1993 BUILDING REGULATIONS 2006 REGULATION 326 SECTION (1)

**APPLICANT:**  
Bennetts Lawyers c/- Espereon  
P.O. Box 1884R  
Melbourne Vic 3001

**INDIGO SHIRE COUNCIL**

PO Box 28, Beechworth, Vic., 3747  
Ford Street, Beechworth, Vic., 3747  
Phone: (03) 5728 8000  
Fax: (03) 5728 1676  
Email: [indigoshire@indigoshire.vic.gov.au](mailto:indigoshire@indigoshire.vic.gov.au)  
ABN: 76887704310

Reference/Contact: 0001206668

Certificate No: 304

Property No: 2023 Location: Bank Restaurant & Mews 86 Ford Street Beechworth 3747

Title Description: 20 Sec 8 Beechworth

**PARTICULARS**

Details of any Building Permits issued in the preceeding 10 years:

**PERMIT DETAILS**

Council Ref No	Approval Date	Works Description	Classification	Final Inspection Date
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No Record

**COMPLETION DETAILS**

Council Ref No	Completion Type	Completion Number	Completion Date
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No Record

Details of any current statement issued under regulation 502 or 503 of the Building Regulations 2006:  
No Record

Details of any current notice or order issued by the relevant building surveyor under the Building Act 1993:  
No Record



Authorised Officer

Date:02/12/2008



# PROPERTY INQUIRY APPLICATION FORM

OFFICE USE ONLY

This application has been generated by the Espreon property enquiry system. If you have any queries please call 03 9672 4399.

REFERENCE	CODE	APPLICATION No.
MUNICIPAL		
PROPERTY		
NUMBER		
AS APPEARING ON		

To:

Indigo Shire Council  
PO Box 28  
BEECHWORTH VIC 3747

Certificate:

Building Approval Form 326 (1)

Fee Enclosed \$ 42.20

Matter: ARB.mjd.085872

VENDOR	PURCHASER
Perennis Pty Ltd	

## NAME AND ADDRESS OF APPLICANT

## APPLICANTS REFERENCE

Bennetts Lawyers c/o Espreon Property Services Pty Ltd DX 442 Melbourne PO Box 1884R, Melbourne VIC 3001 Contact Name: Enquiries Department Phone: 03 9672 4399 Fax: 03 9670 1745 Email: vicpes@espreon.com	Ref: 0001206668	CRef: ARB/085872 -PERENIS
	Total Sale Price	Date Req'd
	Auction/Settlement Date	Meter Reading Date

Flat/Unit No	Street No	Street Name	Volume/Folio	Lot/Plan
	86	Ford STREET	9927/728	/TP304193E
Town or Suburb		Postcode		
Beechworth		3747		
Municipality		Parish		
INDIGO		BEECHWORTH		

Volume/Book	CA	CP	Section	Name of Directory	Map Reference
	20		8	N	/

## COMMENTS

Please email certificates back to vicpes@espreon.com

## OFFICE USE ONLY

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	B
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