



Settlements

A GUIDE TO YOUR REAL ESTATE PURCHASE

The following information is provided to help your purchase proceed with maximum efficiency, and by the due date for settlement.

Please read this carefully since it may answer many questions you might have concerning your transaction. While every effort has been made for the guide to be as comprehensive as possible, we strongly recommend that you contact us should you have any specific queries concerning matters not covered by the guide or any other matters relating to your particular transaction.

Important Information to Note

- If you plan to be away during the period leading up to settlement, please contact us before you leave, to make sure any necessary documents have been signed and provide us with alternate contact details.
- It is important that you attend to any requests for signing of documents etc as early as possible and return the documents quickly, particularly when the time frame for settlement is short or if the mail is likely to take longer than the standard one business day.
- Take prompt action concerning any Special Conditions, which you have either stipulated or may need to satisfy, in your Contract for Sale by Offer & Acceptance.
- Make sure that payment of any Monies, e.g. deposit or balance of deposit, is made by the date set out in the Contract.

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1. FINANCE

If you require Finance to complete the purchase, i.e. your Contract is conditional upon you accepting a Loan Offer from a financial institution, please ensure that you take immediate steps to obtain the loan.

Attend promptly to any request by the financial institution concerned to sign documents to avoid delays in settlement.

Once you have accepted a Loan Offer, you should contact us and provide us with a copy of the Accepted Offer of Finance. If your Lender is to be ready to settle on time, you will need to make an appointment to sign your mortgage documents at least one week prior to the due settlement date. If you are dealing with a finance broker, please contact the broker who will assist you with the loan documents. The Lender will advise you of any application, mortgage preparation fees or transfer duty which are payable in respect of the mortgage. The Lenders fees and disbursements WILL NOT be included in the Settlement Statement you receive from us, however they may be deducted from your loan funds at settlement, therefore increasing any balance amount you may need to pay prior to settlement.

2. INSURANCE

As far as Insurance is concerned, the property is generally at your risk from the date of settlement OR possession date, i.e. the date from which you occupy the property, whichever is the earlier. PLEASE NOTE, the majority of Lenders will require adequate insurance cover in the form of the "Certificate of Currency". Failure to provide a copy of the Insurance Certificate to your Lender may result in settlement being delayed and penalties being applied by the Seller.

3. DOCUMENTATION AND SETTLEMENT STATEMENT

We will send a 'Transfer of Land' Document and/or Client Authorisation Form once the Contract is Unconditional for you to sign together with an Initial Settlement Statement, which will show amounts payable by you in respect of transfer duty, settlement fees and other disbursements. Please promptly sign and return the documents, together with a cheque for any funds requested. The Statement will either apportion current rates and taxes or include an amount to be held in our trust account pending receipt of the relevant details.

If you receive any accounts for rates from either the Water Corporation, or the Local Government Authority soon after the settlement date, please contact us before making payment, as these accounts may have already been paid at settlement.

4. TRANSFER DUTY

As a general rule, an Offer & Acceptance Contract must be lodged with the Office of State Revenue for transfer duty assessment within two months of execution, with payment due at settlement or 12 months from execution of the Contract, whichever is the earlier.

Where possible our office will lodge using 'Revenue Online' which allows for your duty to be collected at settlement from your bank, if required. If it is not possible to lodge your Contract using 'Revenue On-line' you may be required to pay your transfer duty prior to settlement. If this is required, you will be advised as soon as possible.

5. FOREIGN DUTY

If you are not an Australian Citizen, Permanent Resident of Australia, or a New Zealander, you may be subject to additional duty at settlement, (which is 7% of the purchase price). Please advise this office urgently if you are, or think you may be subject to this duty.

6. TRANSFER DUTY REBATES

Depending on the purchase price of the property, you may qualify for concession, rebate, or exemption on the transfer duty where you reside in the property, even if you are not a First Home Buyer. This applies to properties up to the value of **\$200,000.00**.

First Home Owners MUST be approved to receive the First Home Owners Grant to be also eligible for the First Home Owners rate of transfer duty on the Contract. On purchase of an established home, the threshold is a purchase price of \$430,000.00 and on vacant land it is \$300,000.00. Fact sheets are available on the Office of State Revenue website at www.osr.wa.gov.au or you may call our office to further discuss your circumstances.

7. HOME BUYERS ASSISTANCE ACCOUNT

The Home Buyers Assistance Account is established to provide First Home Buyers with financial support. The scheme provides a grant of up to \$2000.00 for the incidental expenses of First Home Buyers when they purchase an established or partially built home through a licensed real estate agent for the purchase price of \$400,000.00 or less.

For further information visit <http://www.commerce.wa.gov.au/consumer-protection/home-buyers-assistance-account>

8. RATE & SERVICE ENQUIRIES

We will make enquiries on your behalf to the Water Corporation (concerning the availability of services and the current or outstanding rates), to the relevant local authority (concerning rates, orders and requisitions and housing indemnity insurance details) and to the Office of State Revenue (concerning any current or outstanding land tax). Fees are payable to the authorities concerned to provide this information. We will advise you of the fee which applies in the case of your property and include it in your Settlement Statement.

Responses to the enquiries mentioned above are not always received prior to the settlement date. You might therefore wish to make your own enquiries direct with the Water Corporation (concerning availability of services, connection to water and sewerage, and any building restrictions which might apply) and with the Local Government Authority concerned to ensure that there are no outstanding orders or requisitions that apply to the property.

9. PROPERTY INTEREST REPORTS

A Property Interest Report can help you make an informed decision before you buy, a Property Interest Report contains:

- Essential information on how over 50 property interests may impact your use of a property
- Confirmation that a property is not affected by an interest
- Over 25 other potential interests and where to get further information
- A colour aerial photograph and relevant Title details
- Contact details of over 40 Government departments, for easy reference

ORDER online by visiting the Landgate link below.

<http://www.landgate.wa.gov.au/corporate.nsf/web/Property+Interest+Report?opendocument&gclid=CKrvibGB8b4CFViWvQodQVgAvg>

10. BUILDING LICENSES

Unless specifically requested, your Conveyancer will not make enquiries with the Local Government Authority in relation to approved buildings on the property. In many dwellings and structures built before 1990, records are not easily obtained, and further fees and extended time periods apply to obtain the same from the Local Government Authority. Where you consider that a patio, shed, games room or extension of a building was possibly erected after the main dwelling was built, refer this query to the real estate representative who will make initial enquiries of the Seller. Where the Seller was the owner of the property at the time these structures were built, they may have retained the approvals thus reducing the time, money and effort required to obtain this information. See details on title insurance in our website <http://www.ljhookersettlements.com.au/more-benefits/title-insurance.php> for some helpful information.

11. SEWER LINES

If the property is not connected to sewerage, then in certain circumstances, it may be your responsibility to connect to the sewer line either within one year of the date of settlement, or within five years of the Water Corporation issuing a notice to you to connect to sewerage.

12. SEPTIC TANKS

Under the Health Act, if the property you are purchasing is connected to sewer and septic tanks and they have not been de-commissioned, then within 60 days of settlement, you must de-commission any septic tanks on the property.

De-commissioning is done by;

1. Emptying the tank by a person licensed to do so;
2. Either removing the tank, or if that is not practical, breaking up the base of the tank;
3. Back-filling the tank with clean fill and compacting.

13. HOME INDEMNITY INSURANCE

If a Building License was issued after 1st February 1997 for a dwelling or for substantial improvements \$20,000.00 or more, the Builder (including an Owner Builder) must have home indemnity insurance for the work. You will need details of the insurance in the event you need to make a claim for structural defects within the period of the insurance. If you believe this applies in your situation, please contact us so that we can obtain the necessary details.

Owner Builders are not required to take out home Indemnity Insurance before they can build but MUST do so if they sell the property within seven years of obtaining an owner Builder License from the local authority.

An Owner Builder IS NOT permitted to sell the property within three years of obtaining their owner Builder License without receiving permission from the Minister of Fair Trading.

14. STRATA TITLED PROPERTIES

If the property you are buying is a Strata Titled property, the Strata Titles Act states that you must receive a Disclosure Statement (Part A & Part B Precontractual Disclosure Statement to the Buyer) either prior to or at the time of making your Offer to purchase the property. If you have not yet received the required disclosure information, the law may give you rights to avoid the Contract. Please contact us if you have any queries and we will refer you for legal advice if necessary.

15. INSPECTION OF THE PROPERTY

If your Contract gives you the right to a Final Inspection of the property, you can inspect within five business days before the settlement date or possession date. You should contact the Real Estate Representative concerned and make arrangements to inspect the property to ensure that it is in the same state and condition as it was when you made your Offer to purchase. If your Contract has a condition which states that certain items are to be in working order at settlement or if it states that repairs are to be carried out by the Seller, you will need to check that these have been attended to satisfactorily and that the items mentioned are in fact working.

16. KEYS

We will notify you once settlement has taken place, at which time you should contact the Real Estate Representative concerned to arrange to collect the keys and any other security devices to the property. If the property is the Seller's normal place of residence, the Seller is entitled to stay in possession, i.e. occupy the property, until 12.00 pm noon on the day following settlement. That provision is intended to allow adequate time for the Seller to vacate the property.

17. AFTER SETTLEMENT

If a mortgage is to be registered on the property by your Lender, the Certificate of Title will be held by the Lender as security for the loan. If you are paying "cash" for the property, we will forward the Certificate of Title to you by registered mail once it has issued back from Landgate. If you wish to collect the Certificate of Title from our office, please advise us and we will contact you once it has issued back. We recommend that you make arrangements for safe keeping of the Certificate of Title since it can be difficult and expensive to replace. You might, for example, wish to make arrangements for the Title to be held in a safe custody packet with your Bank.

Alternatively, when paying "cash" you have the option to request that a duplicate Certificate of Title not be issued by Landgate, eliminating the risk of misplacing the Certificate of Title. **Please note** that non-issue of Certificate of Title can only be requested where the purchase is a "cash" transaction.