

Pre-contract disclosure statement for existing units

Section 146, Unit Titles Act 2010

Unit number:	Unit 11
Unit Plan:	Deposited Plan 40908
Body Corporate number:	40908

Pre-contract disclosure statement for existing units

- 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.

Financial information

- 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 is \$1,920.
- 3 The period covered by the contribution in paragraph 2 is one year.
- 4 The body corporate has the following accounts:

Operating account with Westpac Banking Corporation – balance at 31/12/23 \$4,051.86

- 5 **The body corporate financial statements and audit reports for the last three years.**

Year ended 31/12/25

Income

Bodycorp Levy	\$ 22,210.00
Insurance Claims	\$ -
Interest	<u>\$ 13.78</u>
Total Income	\$ 22,223.78

Expenditure

Gardening	\$ 3,726.02
Insurance	\$15,037.40
Maintenance	<u>\$ -</u>
Total Expenditure	<u>\$ 18,763.42</u>

Surplus for year - \$ 3,460.36

Opening Bank Balance 1 January 2025 \$ 6,350.94

Closing Bank Balance 31 December 2025 \$ 9,811.30

The body corporate audit report is not attached because **it does not exist**

Year ended 31/12/24

Income

Bodycorp Levy	\$ 19,678.00
Interest	<u>\$119.78</u>
Total Income	\$ 19,797.78

Expenditure

Gardening	\$ 2,191.64
Insurance	\$ 15,037.40
Maintenance	<u>\$ 279.68</u>
Total Expenditure	<u>\$ 17,508.72</u>

Surplus for year - \$ 2,289.06

Opening Bank Balance 1 January 2024 \$ 4,061.88

Closing Bank Balance 31 December 2022 \$ 6,350.94

The body corporate audit report is not attached because **it does not exist**

Year ended 31/12/23

Income

<i>Bodycorp Levy</i>	<i>\$ 15,200.00</i>
<i>Insurance Claims</i>	<i>\$ 1,329.75</i>
<i>Interest</i>	<i><u>\$ 86.55</u></i>
<i>Total Income</i>	<i>\$ 16,616.30</i>

Expenditure

<i>Gardening</i>	<i>\$ 3,721.71</i>
<i>Insurance</i>	<i>\$ 9,852.71</i>
<i>Maintenance</i>	<i><u>\$ 7,045.66</u></i>
<i>Total Expenditure</i>	<i><u>\$ 20,620.08</u></i>

Deficit for year - *\$ 4,003.78*

Opening Bank Balance 1 January 2023 *\$ 8,055.66*

Closing Bank Balance 31 December 2023 *\$ 4,051.88*

The body corporate audit report is not attached because **it does not exist**

Maintenance, weathertightness and related matters

For the purposes of this statement, a unit title is considered to have a **weathertightness issue** if water has penetrated it because of some aspect of its design, construction, alteration, or of materials used in its construction or alteration, and the penetration of water is likely to cause or has caused damage to it.

- 6 The long-term maintenance plan is not attached because **it does not exist**
- 7 The next review date for the long-term maintenance plan is unknown
- 8 The body corporate proposes to carry out or begin the following works under the long-term maintenance plan in the next three years: NIL
- 9 The body corporate proposes to carry out the following maintenance on the unit title development in the year following the date of the disclosure statement: Maintenance of common area gardens funded from annual levy.
- 10 The body corporate or committee has no knowledge of any part of the unit title development currently, or ever having had, weathertightness issues for which a claim has been made under the Weathertight Homes Resolution Services Act 2006.
- 11 The body corporate or committee has no knowledge of the unit title development having weathertightness issues that have been remediated without a claim under the Weathertight Homes Resolution Services Act 2006 or other proceedings.
- 12 The body corporate or committee has no knowledge of the unit title development having weathertightness issues that have not been remediated.
- 13 The body corporate or committee has no knowledge of the unit title development having earthquake-prone issues.
- 14 The body corporate or committee has no knowledge of the unit title development

having any other significant defects in the land (including the unit title development) that may require remediation.

- 15 No remediation report/s commissioned by the body corporate in the last three years are attached, because **no such reports have been commissioned**

Governance information

- 16 The notices and minutes of body corporate general meetings and body corporate committee meetings for the last three years.

Year ended 31/12/25

The immediate past financial year.

The body corporate and committee meeting minutes are attached

Year ended 31/12/24

One year prior to the immediate past financial year.

The body corporate and committee meeting minutes are attached

Year ended 31/12/23

Two years prior to the immediate past financial year.

The body corporate and committee meeting minutes are attached

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- [17 The body corporate has not currently engaged a body corporate manager.

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

- | |
|--|
| <ul style="list-style-type: none">• State, a business division of IAG NZ Ltd• Total Sum Insured \$5,594,152, replacement value buildings, premium paid 2025 - \$15,012. Standard Excess \$250, Excess if rented \$400, Excess if unoccupied \$1,000 |
| <ul style="list-style-type: none">• standard exclusions from cover as listed in policy• a copy of the policy can be obtained from the bodycorp chair |

- 19 The body corporate is not involved in any proceedings in any court or tribunal as at the date of this pre-contract disclosure statement.

General information

- 20 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 “Short guide to unit titles”, which is available on the Unit Title Services website: unittitles.govt.nz
- contacting the Ministry of Business, Innovation & Employment service centre: 0800 UNIT TITLES (0800 864 884)

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.

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 are any legal proceedings initiated by the body corporate or intended to be initiated by the body corporate
- whether there is any written claim by the body corporate against a third party that has not been resolved
- whether there have been any changes to the body corporate rules since the pre-contract disclosure statement was provided.

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.

Records of title. Previously known as a computer register or 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 record of title 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 record of title.

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 record of title for that unit.
- common property and will be recorded on the supplementary record sheet for the unit title development.

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

Unit title property ownership	Ministry of Business, Innovation and Employment www.unittitles.govt.nz 0800 UNIT TITLES (0800 864 884)
Unit plan Ownership and utility interests Record of title	Land Information New Zealand www.linz.govt.nz 0800 ONLINE (0800 665 463)

Easements and covenants	
Body corporate operational rules Pre-settlement 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 Ministry of Business, Innovation and Employment recommends you obtain independent legal advice from your lawyer.

- 20 This disclosure statement, including any additional information that forms part of this disclosure, does not have any known inaccuracies.

Signed by seller or person authorised by seller:	[signature]
Name:	[name]
Date:	[day, month, year]

This form 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 33(1) 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.

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

Signed by Chairperson on behalf of body corporate:	
Name:	Keith B Spragg
Date:	27 December 2024

Minutes

Birchdale Courts

DATE July 9th, 2024. TIME 6:00 PM

IN ATTENDANCE - XXXXX

COMMITTEE

XXXXX was nominated as the new secretary.

All present voted in favour, and Sarah was confirmed as the new secretary.

XXXXX will continue as Chair.

REPORTS

Chair XXXXX presented his report.

The meeting asked XXXXX to check the insurance with State by way of comparison to the proposed NZI cover, and also to discuss with the gardeners possible changes to the services they provide. XXXXX and XXXXX very kindly offered to help with gardening if needed.

It was agreed that a decision on increasing the bodcorp levy is to be confirmed once the outcome of these decisions is known.

New business.

- An increase in the insurance premium based on a new appraisal of property replacement
- The issue of neighbours parking in the Body Corp's parking space along driveway
- Two broken lamps in forecourt
- Mature trees a hazard to units at the rear of Birchdale Courts
- Drainage update – the drain cover has been replaced in the forecourt
- A request was made for a more detailed financial report, especially itemizing the maintenance component

FOLLOW U P

A hardcopy of the Body Corp regulations to be made available.

An amended financial report with itemized maintenance costs to be emailed to all residents.

A note to be put in Unit 5's letterbox to make contact and get contact details.

XXXXX to research getting 3 signs up in the driveway to advise that it is private parking for residents only

XXXXX to check with Orion about replacing the broken lamp shades

XXXXX said he would check about regulations regarding keeping tree height low and foliage trimmed

A welcome letter for new residents to be developed welcoming them to the Courts and detailing the Bodycorp fee

NEXT MEETING

September 3rd, Unit 3

Body Corporate 40908 Annual General Meeting

Meeting Minutes

XXXXX called a General Meeting of Body Corporate 40908 at 6:00pm on February 16, 2021 at Unit 3, 69A Yaldhurst Road.

OPENING

The meeting commenced at 6:02pm.

PRESENT

XXXXX

APOLOGIES

XXXXX, XXXXX

FINANCIAL

The insurance fee was greatly reduced last year due to COVID-19 and the insurance company being sensitive to the reality that many people had had a cut in salaries. The company contact, XXXXX, was immensely helpful, and full credit to the insurance company on how it has responded to COVID-19.

This year, however, the insurance fee may go back up to \$12000. The fee is due at the end of June.

The Body Corporation levies are not going to be increased, they are going to stay at \$110 per month. The last time the levy went up was 5 years ago at the last Body Corporate meeting.

The bank statement for the Corporate is issued every 3 months, and the overall trend is that the bank balance is steadily increasing. The last statement, on 7 December 2020, showed a balance of \$9,853.76. It was noted that although the gardener, Neil, has increased his price by \$50/year, this is not going to impact the levy price.

NEW BUSINESS

XXXXX is resigning as Chairperson of the Body Corporate due to other commitments.

XXXXX was voted in as the new Chairperson.

Nominated: XXXXX

Second: XXXXX

It was agreed that we would like to thank XXXXX of Unit 4 for the great job he had done to the Birchdale Courts sign at the entrance of the property.

Thanks was expressed to XXXXX for his many years of invaluable service and his commitment and support of the Body Corporate.

XXXXX and XXXXX are going to visit the bank in the next week or two to process the changeover. They will also set up internet banking for the Corporate, due to the bank gradually phasing out cheques. XXXXX will remain on as the second signatory.

There was an issue raised about the streetlight in the forecourt, and it was resolved that the City Council replaces the bulb in the streetlight at no charge.

ADJOURNMENT

Meeting was adjourned at time 6:23pm by XXXXX.

Minutes submitted by: XXXXX

Approved by: XXXXX