

KEN SMITH & ASSOCIATES

BARRISTERS AND SOLICITORS

ABN 13 887 832 552

Our Ref: KS:JB:27430
Email: judi@kensmithassoc.net
Your Ref:

15 January 2019

Mr M Schultz, Mr K Powell & Mrs Y Powell,
PO Box 7
COLDSTREAM VIC 3770

Dear Matthew, Kane & Yvonne ,

**Re: Schultz, Powell & Powell (ATF Specialised Worx Super Fund) - purchase from
Max Bright & Sons Pty Ltd
Property: 31 Chris Drive, Lilydale**

We refer to the above matter and confirm that settlement has now been arranged to take place on 31 January 2019 at 12:00 noon.

Your attendance at settlement shall **not** be required.

We enclose the following for your attention:

1. Statement of Adjustments;
2. Memorandum of Costs and Disbursements. **Please note that our costs and disbursements will be collected at settlement.**
3. Statement of Account.

You will note from the Statement of Adjustments that rates and Owners Corporation fees have been adjusted on the basis of each party allowing their proportionate share over the rating year.

To enable us to effect settlement on your behalf, we will require the amount of \$500,639.84 to be deposited into our trust account by net transfer, with the funds being available for us to draw settlement cheques no later than 30/01/2019. Our trust account details are as follows:

Bank: Commonwealth Bank
Branch: Lilydale
BSB: 063 535
Account No: 1003 0190
Account Name: Ken Smith & Associates Trust Account

Immediately following settlement we shall attend to stamping and lodging of documents and will advise you upon issue of the Certificate of Title standing in your names.

We remind you that it is your responsibility to arrange connection of the gas, electricity and telephone in your name(s).

Please note that we suggest that you carry out a final inspection of the property one or two days prior to settlement being effected to ensure that the property is in the same condition as when the contract was signed. Such an inspection can be arranged with the Vendor.

You should make arrangements with Vendor to collect all necessary keys.

We will let you know when settlement has been effected, however, should you have any queries in relation to the above, please do not hesitate to contact our office.

Yours faithfully
KEN SMITH & ASSOCIATES

Per:

A handwritten signature in black ink, appearing to be a stylized 'S' or 'K' with a long vertical stroke extending downwards.

**SCHULTZ, POWELL & POWELL FROM MAX BRIGHT & SONS PTY LTD
PROPERTY: 31 CHRIS DRIVE, LILYDALE**

STATEMENT OF ADJUSTMENTS

DATE OF SETTLEMENT: 31/01/2019

	VENDOR	PURCHASER
Yarra Ranges Council - Rates, Charges & Levies \$2,459.10		
Annually		
Paid to 30/06/2019		
Purchaser allows 150 days		1,010.59
Yarra Valley Water - Drainage \$33.53 Quarterly		
Paid to 31/03/2019		
Purchaser allows 59 days		21.98
Yarra Valley Water - Parks & Gardens \$77.10 Annually		
Paid to 30/06/2019		
Purchaser allows 150 days		31.68
Yarra Valley Water - Water Service Charge \$71.19 Quarterly		
Paid to 31/03/2019		
Purchaser allows 59 days		46.67
Yarra Valley Water - Sewerage Service Charge \$136.92		
Quarterly		
Paid to 31/03/2019		
Purchaser allows 59 days		89.76
Owner Corporation 1 PS28806U - Owners Corporation Fees		
\$498.67 from 01/01/2019		
Paid to 30/06/2019		
Purchaser allows 150 days		413.26
	\$0.00	\$1,613.94
Less Vendor's Proportion		0.00
PURCHASER TO PAY VENDOR		<u>\$1,613.94</u>

SETTLEMENT STATEMENT

Purchase Price:	470,000.00
Less Deposit Paid:	47,000.00
Balance:	<u>423,000.00</u>
Plus adjustments:	1,613.94
Plus GST on Contract Price:	47,000.00
BALANCE DUE TO VENDOR:	<u><u>\$471,613.94</u></u>

SCHULTZ, POWELL & POWELL FROM MAX BRIGHT & SONS PTY LTD
PROPERTY: 31 CHRIS DRIVE, LILYDALE

SETTLEMENT CHEQUES

Yarra Ranges Council	1,224.60
Yarra Valley Water	241.64
Owner Corporation 1 PS28806U	498.67
PEXA settlement fee	112.64
State Revenue Office	756.20
To be advised	<u>468,780.19</u>
TOTAL CHEQUES:	<u><u>\$471,613.94</u></u>

Prepared on: **15 January 2019**
By: **KEN SMITH & ASSOCIATES**
Our Ref: **KS:JB:27430**
E. & O. E.

8471850.57

KEN SMITH & ASSOCIATES

BARRISTERS & SOLICITORS

ABN 13 887 832 552

Our Ref: KS:JB:27430

Invoice No: 13024

15 January 2019

Mr MG Schultz, Mr KJ Powell & Ms YM Powell
PO Box 7
COLDSTREAM VIC 3770

TAX INVOICE

Re: Your purchase from Max Bright & Sons Pty Ltd
Property: 31 Chris Drive, Lilydale

TO OUR PROFESSIONAL COSTS AND SERVICES HEREIN INCLUDING:

Professional Fees

Description	Amount
attending you and taking initial instructions; perusal of contract documentation and advising in relation thereto; all instructions; attendances; negotiations and correspondence with yourself and the vendor's solicitors; preparation of all documentation and obtaining signatures thereto; conducting title search and obtaining all relevant rate, planning and encumbrance certificates; arranging settlement with all parties and attending; preparation of Statement of Adjustments; advising rating authorities of purchase and all incidental matters thereto:	\$795.00
	\$795.00

Disbursements

Description	Amount
InfoTrack search fee	\$424.87
Photocopies & facsimiles	\$114.95
Telephone & postage	\$54.95
	\$594.77

Sub-total \$1,389.77

Plus GST \$135.49

TOTAL \$1,525.26 ✓

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BARRISTERS & SOLICITORS

Direct deposit payments:

Bank: Commonwealth Bank of Australia
Account Name: Ken Smith and Associates Trust Account
BSB: 063 535
Account: 1003 0190

KEN SMITH & ASSOCIATES

STATEMENT OF ACCOUNT

Schultz, Powell & Powell purchase from Max Bright & Sons Pty Ltd
Property: 31 Chris Drive, Lilydale

Settlement as at 31/01/2019

To: Amount due on settlement (as per attached Statement adjustment sheet)		<i>\$471 850.57</i> \$471,613.94
To: Our memorandum of costs & disbursements		\$1,525.26 ✓
To: Land Titles Office (registration of Transfer)		\$1,298.00 ✓
To: State Revenue Office (stamp duty on transfer)		\$26,090.00 ✓
To: PEXA settlement fee		\$112.64 ✓ <i>\$29025.90</i>
By: Amount required for settlement	\$500,639.84	
	<hr/>	<hr/>
	\$500,639.84	\$500,639.84
	<hr/>	<hr/>

*\$ 500 876.47
Paid on
24/01
Settlement*

KEN SMITH & ASSOCIATES
BARRISTERS AND SOLICITORS
ABN 13 887 832 552

Our Ref: KS:JB:27430
Email: judi@kensmithassoc.net
Your Ref:

18 December 2018

Mr MG Schultz, Mr KJ Powell & Ms YM Powell
PO Box 7
COLDSTREAM VIC

Dear Matthew, Kane & Yvonne,

**Re: Your purchase from Max Bright & Sons Pty Ltd
Property: 31 Chris Drive, Lilydale**

Thank you for your instructions to act on this purchase. Please keep this letter and the enclosed General Advice to Purchasers as a source of reference during the transaction. If you have any queries please do not hesitate to contact Ken Smith.

We have received a copy of the contract incorporating the vendor's statement and confirm the purchase price is \$470,000.00 plus GST, you have paid a deposit of \$47,000.00 and the balance of \$423,000.00 is due to be paid on 31 January 2019. The contract should contain all the terms under which you have agreed to purchase the property. Do not rely upon any oral terms or undertakings given to you by the vendor and/or the real estate agent.

Description of land

We enclose a copy of the title volume 10866 folio 957 and plan of the property. It is important that you are satisfied that the location and measurements of the property are identical with those shown on the enclosed plan. Please let us know immediately if the boundaries seem incorrect.

We recommend that you arrange for a survey report if you have any reason to believe that the boundaries of the property are incorrect.

Finance

We confirm your instructions that finance has been approved for this purchase and that our bank will credit the required funds to your account prior to settlement. We are not required to liaise with respect to settlement of this matter.

Deposit release

The vendor may seek release of the deposit prior to final settlement. We will keep you informed in this regard and protect your interests. It is usually appropriate to consent to deposit release after completion of preliminary enquiries.

Insurance

Once you sign a contract for sale, you have an insurable interest in the property you are purchasing. Whilst in normal circumstances the vendor carries the risk of loss or damage to the property and chattels until settlement, it is advisable to take out your own insurance on the property at this stage.

Most insurers will provide a cover note at no charge until settlement.

Client authorisation and transfer document

A client authorisation will allow us to act as your agent and sign the transfer on your behalf. We enclose the client authorisation which you will need to sign and return to our office as soon as possible.

For your information, where there are multiple purchasers of a property, the transfer of land can be drawn in the following ways:

Tenants in common – On the death of one of the persons owning the property, the deceased person's share of the property will pass to the beneficiaries specified in the deceased's will.

Joint tenants OR proprietors – On the death of one of the persons owning the property, the deceased person's share of the property will pass to the joint owner irrespective of the terms of the deceased's will.

Unless advised otherwise we will prepare the transfer for you to purchase as tenants in common in equal shares.

Notice of acquisition

A notice of acquisition must be lodged with the State Revenue Office. For your information, the details we are required to provide on the form are as follows:

1. Date of birth of all purchasers;
2. Address for future correspondence;
3. Nomination of this property as your principal place of residence.

Settlement

Settlement is scheduled to take place on 31 January 2019.

It is advisable to inspect the property prior to settlement to ensure that what you have contracted to buy is what you will get. An inspection may be arranged through the real estate agent. Please notify us if you have any difficulty arranging an inspection.

Professional costs & expenses (Stamp duty etc.)

We advise that our professional costs in relation to this matter will be \$795.00 plus GST. This amount does not include disbursements.

We will ask you to refund amounts that we pay on your behalf (disbursements) in obtaining searches etc. which we estimate at \$350.00 to \$550.00. We use professional providers to obtain searches and certificates, and the disbursements will include those providers' fees.

Our estimated fees include:

1. Advising you on matters we highly recommend you investigate before signing a contract, or advising you on the contract once you have signed (we confirm you will still be entitled to any cooling-off if we give you advice before you sign a contract);
2. Arranging for searches and certificates;
3. Advising you in relation to the vendor's disclosure obligations;
4. Co-ordinating with your lender, and sending any required documents to it;
5. Preparing the transfer of land;
6. Preparing an adjustment of the rates on the property between you and the vendors;
7. Arranging settlement with all parties;
8. Notifying the statutory authorities of the change in ownership of the property; and
9. Reporting to you.

You have the right to negotiate a costs agreement, receive a bill of costs, and request an itemised bill within 30 days after receipt of a lump sum bill. You are also entitled to progress reports, which we will give you as a matter of course.

We estimate government duty and fees as follows:

Stamp duty on transfer of land	\$26,090.00
Registration fee on transfer of land	\$1,306.00

We advise that the stamp duty calculated above is the full duty payable not including any concessions or benefits to which you may be entitled.

If you believe you are entitled to any of the benefits and/or concessions contact us as soon as possible. We shall then be in a position to forward the necessary forms to you prior to settlement.

Conflicts of interest

We are not permitted to act, or continue acting, where there is a possibility of a conflict of interest, unless all concerned parties agree in writing that we can continue to act. If, during the course of your file, we become aware of any potential conflict we will immediately bring this to your attention.

GST advice

If the contract states that the property is sold 'plus GST', we suggest that you contact your accountant for any specific advice you require. The sale of existing residential premises does not attract GST but the sale of new residential premises or vacant land may attract GST. If the property is taxable residential premises or land a withholding payment may be required.

Foreign citizen's approval

If you are not Australian citizens or ordinarily resident without limitation as to time imposed by law on that residency, you may require government approval to enter into a purchase contract. If this applies to you, please advise us.

If you have any questions, please do not hesitate to contact us.

Yours faithfully
KEN SMITH & ASSOCIATES

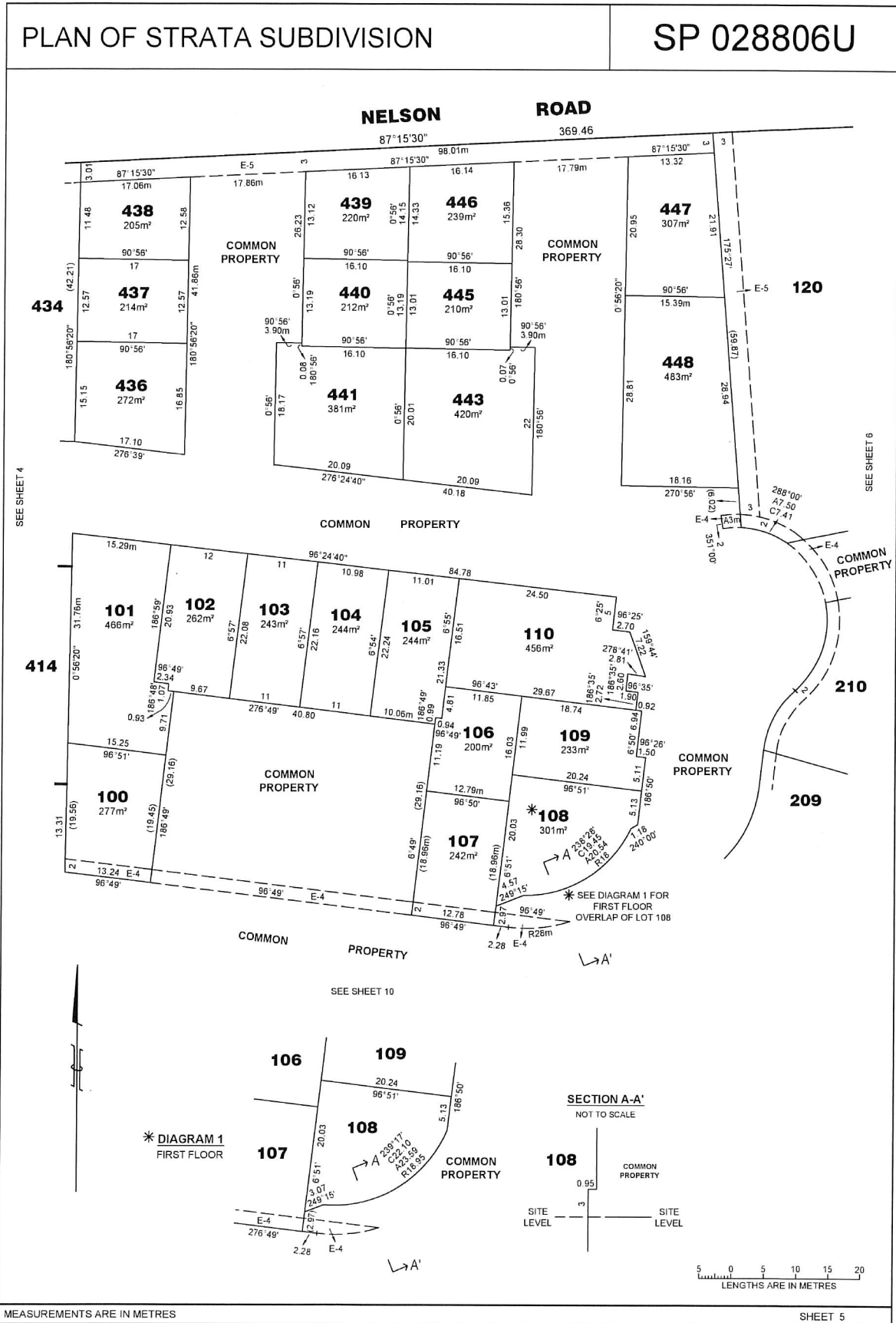
Per:

A handwritten signature in black ink, appearing to be 'Ken Smith', written over the printed name 'KEN SMITH & ASSOCIATES'.

Ken Smith & Associates extend to you the compliments of the season and advise that our office will close at 5.00pm on Thursday 20th December 2018 and re-open at 9.00am on Wednesday 9th January 2019.

PLAN OF STRATA SUBDIVISION

SP 028806U



KEN SMITH & ASSOCIATES

BARRISTERS AND SOLICITORS

ABN 13 887 832 552

Our Ref: KS:JB:27430
Email: judi@kensmithassoc.net
Your Ref:

19 February 2019

Mr MG Schultz, Mr KJ Powell & Ms YM Powell
ATF Specialised Worx Super Fund
PO Box 7
COLDSTREAM VIC 3770

Dear Matthew, Kane & Yvonne,

**Re: Your purchase from Max Bright & Sons Pty Ltd
Property: 31 Chris Drive, Lilydale**

We confirm that settlement took place on 31 January 2019.

Registration of transfer

The Transfer of Land has now been registered, and we enclose copy of Certificate of Title Volume 10855 Folio 957 which has issued in our names. We will hold the original in safe keeping on your behalf pending your further instructions.

Tax Invoice

Please find enclosed Tax Invoice which was provided by the vendor at settlement. We suggest that you forward same to your accountant.

Adjustments

We refer to statement of adjustments and settlement statement previously forwarded to you and note that council, water and owners corporation rates were adjusted as paid at settlement and your proportions for the current rating periods were added to the balance of the purchase price. All future rate notices will be forwarded to you direct by the relevant authorities.

As this now completes your purchase, we take this opportunity to thank you for your instructions. Should you require our further assistance in relation to this or any other matter, please do not hesitate to contact us.

Yours faithfully
KEN SMITH & ASSOCIATES

Per:





Volume 10866 Folio 957

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Produced 31/01/2019

12:32 hr

CERTIFICATE OF TITLE -- VICTORIA

Under the Transfer of Land Act 1958

I certify that the registered proprietor is the proprietor of the estate and interest in the land subject to the encumbrances, caveats and notices described

Jan Greson



REGISTRAR OF TITLES

LAND DESCRIPTION

Lot 446 on Registered Plan of Strata Subdivision 028806U.
PARENT TITLE Volume 10286 Folio 979
Created by instrument SP028806U/D8 08/04/2005

REGISTERED PROPRIETOR

Estate Fee Simple
TENANTS IN COMMON
As to 1 of a total of 3 equal undivided shares
Sole Proprietor
KANE JOHN POWELL of 9 CHEVIOT AVENUE COLDSTREAM VIC 3770
As to 1 of a total of 3 equal undivided shares
Sole Proprietor
MATTHEW GORDON SCHULTZ of 11 WELTEN DRIVE COLDSTREAM VIC 3770
As to 1 of a total of 3 equal undivided shares
Sole Proprietor
YVONNE MARIE POWELL of 9 CHEVIOT AVENUE COLDSTREAM VIC 3770
AR886544T 31/01/2019

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 or Section 12 Strata Titles Act 1967 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE SP028806U FOR FURTHER DETAILS AND BOUNDARIES

END OF CERTIFICATE



THIS CERTIFICATE CONTAINS INFORMATION CORRECT AT THE TIME OF PRINTING. CURRENT INFORMATION SHOULD BE OBTAINED BY A SEARCH OF THE REGISTER.

MAX BRIGHT & SONS PTY LTD
 ATF THE BRIGHT EXCAVATIONS SUPERANNUATION FUND
 ABN 86 936 795 829
 31 Hightech Place
 LILYDALE VIC 3140

TO: MATTHEW GORDON SCHULTZ,
 KANE JOHN POWELL &
 YVONNE MARIE POWELL
 ATF SPECIALISED WORK SUPER FUND

DATE OF ISSUE: 31 January 2019

DESCRIPTION:

Bright Excavations Superannuation Fund ABN 86 936 795 829 Sale to Matthew Gordon Schultz, Kane John Powell and Yvonne Marie Powell ATF Specialised Work Super Fund Sale of 31 Chris Drive, LILYDALE 3140 by way of Contract of Sale dated 18 December 2018.

Sale price	\$470,000.00	✓
Plus outgoings	\$1,682.32	✓
Plus GST	\$47,168.25	✓
Total amount including GST	\$518,850.57	✓

C025 May 2018

Customer's Record of Bank Cheque

Please detach this portion before forwarding cheque to payee

286920

Branch **Number 3978**
 Branch **Stamp**



DATE : 17 December 2018
 PAYEE : SOUTH EAST LAWYERS
 AMOUNT : \$47000.00

DEPOSIT.