



# cameron.

**Head Office**  
3 Ordish Road  
PO Box 4222  
Dandenong South VIC 3164

**Eastern Office**  
1/333 Wantirna Road  
PO Box 6066  
Wantirna VIC 3152

P 03 8788 9000  
F 03 8788 9099  
W cameron.com.au

ABN 75 633 231 740  
REIV MEMBER

18<sup>th</sup> June 2020

Our ref: JB

Dear Leisa,

**Re: 4/11 CLANCYS ROAD, MOUNT EVELYN VIC 3796**

Thank you for the opportunity to inspect and provide an opinion on your property.

Cameron Industrial Commercial is a successful and dominant company with a fine reputation and a strong team of sales, leasing and administration staff dedicated to producing outstanding results.

## Size

Building: 260m<sup>2</sup>

## Value Appraised

After careful consideration and an analysis of recent sales evidence, we believe your property should realise in the vicinity of \$355,000 - \$390,000.

*1/2 way = \$372500*

This should not be taken as an absolute figure and a price in excess may be achievable under ideal conditions, following a successful marketing campaign culminating in an intensely competitive negotiation sequence.

Thank you once again for the opportunity to provide an opinion of value of your property.

# cameron.

Head Office  
3 Ordish Road  
PO Box 4222  
Dandenong South VIC 3164

Eastern Office  
1/333 Wantirna Road  
PO Box 6066  
Wantirna VIC 3152

P 03 8788 9000  
F 03 8788 9099  
W [cameron.com.au](http://cameron.com.au)  
ABN 75 633 231 740  
REIV MEMBER

If you require any further assistance or advice in relation to the sale or lease of your property in the future please do not hesitate to contact me on 8788 9000 or 0457 400 330.

Yours sincerely,  
**CAMERON.**



**JAKE BECKWITH**  
*Licensed Estate Agent*

This market appraisal is based on information collected from a wide variety of sources, Cameron Industrial Commercial and its staff accept no responsibility for the reliability of this information. This appraisal is for the use only of the party to whom it is addressed and for no other purpose. No responsibility is accepted to any third party who may use or rely on the whole or any part of the content of this market appraisal.

**INSURANCE**

The Manager advised the meeting that they are Authorised Representatives of CHU Underwriting Agencies Pty Ltd and Authorised Distributors of Honan Insurance Brokers and that they are required to obtain clear instructions for the renewal of the insurance.

The Manager advised the meeting that only general advice about insurance is provided, not personal advice. The building insurance and legal liability insurance under the Residential Strata Plan (CHU Policy 1 & 2) has been designed to meet the requirements of the applicable strata title laws. The insurer's Product Disclosure Statement (PDS) should be read before a decision is made to purchase building insurance for the Owners Corporation.

The Manager advised the meeting that to accurately assess an appropriate building sum insured figure, a property valuation for insurance purposes should be obtained.

The Owners Corporation is currently insured as detailed below:

Insurer:	CHU UNDERWRITING AGENCIES P/L	
Policy No:	CS0002595	
Legal Liability Sum Insured:	\$20,000,000	Paid by Tenant through Body Corporate
Building Sum Insured:	\$2,600,000	
Renewal Date:	15/01/2021	
Excess:	\$500.00	
Last Valuation:	26/9/2017	

It was resolved that the building sum insured will remain at \$2,600,000, at renewal, due 15<sup>th</sup> January 2021.

For: 1      Against: 0

It was resolved that the legal liability cover of \$20,000,000 was deemed adequate at this stage.

For: 1      Against: 0

It was further resolved to renew the policy with the current insurer for the following year or with an insurer as recommended by Honan Insurance Brokers.

For: 1      Against: 0

An updated Financial Services Guide along with the Product Disclosure Statement is available via the following website:

CHU – [www.chu.com.au](http://www.chu.com.au)

All owners are reminded that the Owners Corporation insurance DOES NOT cover contents or personal legal liability within the lots. Each owner should have contents insurance that includes personal legal liability. Landlords are advised to have landlords contents insurance

***It was resolved that the owner of any property that is the subject of an insurance claim shall bear any applicable excess.***

For: 1      Against: 0

Owners should to notify the Manager of any change in use of the premises or any item that may affect the insurance policy, such as structural alterations or the storage of hazardous goods, so that the insurer can be advised and disclosure requirements are complied with.

**ADOPTION OF THE APPLICATION OF PENALTY INTEREST, ADMINISTRATION CHARGES AND/OR LEGAL ACTION AND/OR VCAT ACTION FOR OUTSTANDING ARREARS.**

**Resolution: Penalty Interest**

"The Owners Corporation resolves to charge interest on any amount payable by a lot owner to the Owners Corporation that is still outstanding after the due date for payment at the maximum rate prescribed from time to time under the *Penalty Interest Rates Act* 1983, which is currently 10%".

For: 1      Against: 0

**Resolution: Cost Recovery**

"All costs and expenses arising out of any breach by a lot owner, or an occupier of a lot, of an obligation imposed on that person under the Act, the Regulations or these Rules, incurred by the Owners Corporation, including any costs and charges payable by the Owners Corporation to the Manager or otherwise (but excluding the personal time cost of any person acting in an honorary capacity, including the chairperson secretary or committee member of the owners corporation) shall be payable on an indemnity basis by any lot owner in default or breach. The costs charges and expenses shall be due and payable as a debt due by the person in default or breach to the Owners Corporation".

For: 1      Against: 0

**Resolution:**

"The Owners Corporation may also, by Ordinary Resolution, refer or sell the debt to a debt collection agency, which may increase the amount of the debt to the owner in arrears and may adversely affect their credit rating"

For: 1      Against: 0

**Resolution: Debt Recovery**

"It was resolved that the Owners Corporation is to take all steps necessary for the recovery of outstanding fees, levies and charges due by any member to the Owners Corporation, including commencing proceedings in VCAT. The Manager of the Owners Corporation and/or the Committee shall have the power pursuant to this resolution to appoint a lawyer to act on its behalf in relation to any necessary debt recovery action taken."

For: 1      Against: 0

**REVIEW OF BUILDING & GENERAL MAINTENANCE:**

Nil.

**OCCUPATIONAL HEALTH & SAFETY**

**OH&S REQUIREMENTS**

The Manager advised the meeting that to comply with Occupational Health & Safety (OH&S) requirements, it is essential that any items of maintenance that are required to the common property are reported to enable rectification work to be undertaken. This includes items such as trip hazards on paths of access and egress, oil spills or slippery surfaces and items that are not adequately supported such as leaning fences or dislodged guttering.

Currently there are many items being stored on common property, that should not be, and are posing a risk for someone having an accident from tripping etc. It is a legal requirement that the common property be kept safe from any item(s) which could potentially cause a risk to personal safety. If the Owners Corporation fails to keep the common property safe, and an accident were to happen, the insurer may deny any such liability claim.

It was resolved that a separate letter will be sent to tenants of factories 1-9, with the requirement that all items, which are currently being stored on the common property, are to be moved within the factories or offsite.

For: 1      Against: 0

It was further resolved that if no action is taken regarding these items, then the Owners Corporation (via the Manager) will arrange for an OH&S audit to be undertaken which will be paid for using existing Owners Corporation funds. All outcomes from the audit **MUST** and will be acted upon. *A copy of this audit will also be required to be on-forwarded to the Owners Corporation Insurer.*

For: 1      Against: 0

#### **ESSENTIAL SAFETY MEASURES, FIRE INSPECTION & MAINTENANCE (ESM)**

The Manager advised owners that they must meet their compulsory obligations to test and maintain fire and safety equipment, as per the Building Regulations 2006, and to the Australian Standard nominated on the building permit and occupancy certificate or the standards at the build date.

As a mandatory obligation, the Manager is authorised to affect immediate repairs to meet on-going compliance and avoid fines and/or building orders.

The Owners resolved that CFA Client Services will continue to act as the Agent for Owners Corporation PS302971E for testing and compliance & will have the authority to sign the Annual Essential Safety Measures Report (AESMR) for the **common property only**.

For: 1      Against: 0

#### **ASBESTOS REPORTS**

The Manager advised the meeting, that as part of Occupational Health & Safety (OH&S) requirements, it is the obligation of the Owners Corporation to identify the presence of any Asbestos Containing Materials on the common property.

It was resolved not to have a formal asbestos audit undertaken for the common property as the owners were of the opinion that there were no structures on the common property containing Asbestos Containing Materials. However, owners are responsible for inspecting the common areas and advising the Manager of any items that may require attention. These items could include structures such as gardener's toilet and switch board backing plate material.

For: 1      Against: 0

*Owners are reminded that if the buildings were constructed prior to 2004, Asbestos Containing Materials (ACM) may have been present in the materials used to construct these buildings. Steps should be taken by owners when considering any renovations or repairs, to identify potential asbestos containing materials within the private property in order to inform contractors that will be conducting the works.*

#### **OWNERS CORPORATION FEES**

It was resolved to accept the budget as proposed.

For: 1      Against: 0

It was resolved that Owners Corporation fees will be increased per lot, per quarter, as per lot liability, as determined by the plan of subdivision, to raise \$14,161.10 per annum.

Factories 1 & 2	\$495.00 per quarter
Factories 3, 4 & 5	\$420.75 per quarter
Factories 6, 7 & 8	\$346.50 per quarter
Factory 9	\$358.90 per quarter

For: 1      Against: 0

**Any items of major expenditure or any shortfall in funds will require the raising of a special levy.**

Owners Corporation fees are payable quarterly in advance and due on the first day of January, April, July and October of each year.

***ARREARS: The Manager advises that those accounts which are not paid after the first reminder notice has been sent, may attract a \$55 administration fee for every subsequent reminder notice sent.***

***Legal action can also be initiated where Owners Corporation fees fall into arrears. The costs of legal fees that accrue in pursuit of outstanding contributions will be attributed to the unit owner involved, unless otherwise ordered by VCAT and/or Magistrates Court.***

#### **DISPUTE RESOLUTION**

It was resolved to adopt the Dispute Resolution Process incorporated in the Model Rules for the Owners Corporation. Any disputes will be referred to the Owners Corporation as per the Owners Corporation Act 2006.

It was resolved to authorise the Manager to represent the Owners Corporation at any VCAT hearing.

It was further resolved that the owners and the Manager will initially endeavour to resolve issues prior to a final complaint being made using the prescribed form.

For: 1      Against: 0

#### **ELECTION OF COMMITTEE & REVIEW OF DELEGATION TO THE COMMITTEE**

It was resolved not to form a committee for the ensuing year and that John Kanen and John & Paula Vanderwerf will act as contacts for the Owners Corporation for the year.

For: 1      Against: 0

#### **OTHER MATTERS ARISING**

Nil.

#### **PROPOSED VENUE FOR THE NEXT ANNUAL MEETING**

To be advised

There being no further business the meeting closed at 3.45pm.



Known By Ltd trading as MBCM Healesville ABN 46 619 848 967

PO Box 401, Healesville VIC 3777

Phone: 03 9879 1001

Email: [info@mbcmhealesville.com.au](mailto:info@mbcmhealesville.com.au)

[www.mbcmhealesville.com.au](http://www.mbcmhealesville.com.au)

## MINUTES OF ANNUAL GENERAL MEETING

OWNERS CORPORATION PLAN NO 302971

11 CLANCYS RD, MT EVELYN

HELD VIA

TELECONFERENCE

ON

WEDNESDAY 20<sup>th</sup> MAY 2020 AT 3.30 PM

### PRESENT

Lot 5 Ivan Morgan (as proxy)

### IN ATTENDANCE

Ivan Morgan from MBCM Strata Specialists Healesville.

### ELECTION OF MEETING CHAIRPERSON

It was resolved that Ivan Morgan act as Chairman of the Meeting.

For: 1 Against: 0

### APOLOGIES

Apologies were received as follows:

Lot 1-3 John Kanen  
Lot 6 John & Paula Vanderwerf

### PROXIES

Proxies were received as follows:

Lot 5 Andrew Phillips (Proxy to Ivan Morgan)

### ENTITLEMENT TO VOTE

All members represented at the meeting possessed voting rights.

### QUORUM

As there were insufficient owners present to form a quorum all decisions (other than any decisions the subject of a special or unanimous resolution) are interim decisions in accordance with Section 78 (4) of the Owners Corporations Act 2006 which states:

"Interim resolutions become resolutions of the owners corporation subject to paragraphs (b) & (c), 29 days from the date of the interim resolution; or

If notice of a Special General Meeting is given within that 29 day period and the meeting is held within 28 days after the notice is given, only if confirmed at that meeting; or



If notice of a Special General Meeting is given within that 29 day period and the meeting is not held within 28 days after the notice is given, at the end of that 28 day period.

NOTE: The effect of sub-section (4) is that an interim resolution cannot be acted on for 29 days after it is made but if notice of a special general meeting is given within that 29 day period, the interim resolution cannot be acted on until the resolution is confirmed at that meeting (which must be held within 28 days after the notice is given) or if the meeting is not held, until the end of that 28 day period."

#### **ADOPTION OF MINUTES FROM THE PREVIOUS ANNUAL GENERAL MEETING**

The Minutes of the previous Annual General Meeting, held on 12<sup>th</sup> June 2019, were taken as read and received as a true record of that meeting.

For: 1      Against: 0

#### **MATTERS ARISING FROM MINUTES**

Nil matters from the previous Annual General Meeting were discussed.

#### **MANAGER'S REPORT**

It was resolved to adopt the Managers Report as tabled.

For: 1      Against: 0

The Managers Report is accessible online: [www.mbcmhealesville.com.au](http://www.mbcmhealesville.com.au)  
Username: oc302971      Password: 11clanc

#### **GRIEVANCE REPORT**

The Manager advised the meeting that no formal complaints had been received in the 12 month period under review, nor were any matters referred to VCAT in the previous 12 months.

#### **ADOPTION OF FINANCIAL STATEMENT (ANNUAL ACCOUNTS)**

It was resolved that the Financial Statement, as presented, be adopted as a true record of the transactions of the Owners Corporation for the year ending 31 March 2020.

For: 1      Against: 0

#### **APPOINTMENT OF MANAGER**

It was resolved to reappoint MBCM Strata Specialists Healesville as Manager for the ensuing 12 months at a management fee as detailed in the budget and associated S2 and S3 fees and charges (GST Inclusive) in accordance with Section 119 of the Owners Corporation Act 2006.

For: 1      Against: 0

The Owners Corporation delegates to the Manager all the powers and functions of the Owners Corporation (other than the power or function that requires a unanimous resolution or special resolution or this power of delegation) that are necessary to enable the Manager to perform its duties under the Appointment.

In accordance with Part 12 of the Owners Corporation Act 2006, the Manager is registered with the Business Licensing Authority, Registration No. 001083.



Volume 10033 Folio 824	
124064939246R	Page 1 / 1
Produced 09/03/2017	14:36 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

*Alvin McRae*



REGISTRAR OF TITLES

**LAND DESCRIPTION**

Lot 4 on Plan of Subdivision 302971E.  
PARENT TITLE Volume 04761 Folio 071

**REGISTERED PROPRIETOR**

Estate Fee Simple  
Joint Proprietors  
PETER DAMIAN MCLEAN  
LEISA JANE ALBURY both of 15 MCKILLOP ROAD MOUNT EVELYN VIC 3796  
AN632766D 09/03/2017

**ENCUMBRANCES, CAVEATS AND NOTICES**

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

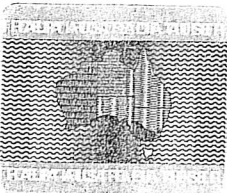
**DIAGRAM LOCATION**

SEE PS302971E FOR FURTHER DETAILS AND BOUNDARIES

END OF CERTIFICATE

**ORIGINAL HELD BY**

Williams & Lay Lawyers  
13 Castella St Lilydale VIC 3140  
Ph: 9737 6100 Fax: 9737 6155



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

# **WILLIAMS & LAY** +LAWYERS

**Office:** 13 Castella Street  
Lilydale Vic 3140  
**Mail:** PO Box 125  
Lilydale Vic 3140

**ABN: 47 988 374 991**  
Principal - Evan Joseph Lay  
Consultant – Brian F Williams  
Consultant – Margaret Williams

**DX:** 34048 Lilydale Vic  
**Phone:** 03 9737 6100  
**Fax:** 03 9737 6155  
kathryn@williamslay.com.au

Mr P McLean & Mrs L Albury  
15 McKillop Road  
MOUNT EVELYN VIC 3796

**Our Ref:** KG:17/5066  
**Your Ref:**

1 March 2017

Dear Peter & Leisa,

**RE: Your purchase from Panetta  
Property: 4/11 Clancys Road, Mount Evelyn**

We confirm that settlement took place on 28 February 2017.

### **Registration of transfer**

We are attending to the stamping and registration of the transfer of land and will let you know when the certificate of title, showing you as registered proprietor is received by our office. We will hold same in safe-keeping on your behalf unless otherwise instructed.

### **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.

If you have not already done so, you should ensure that you have taken out adequate insurance in relation to the property.

As this now completes your purchase, we take this opportunity to thank you for your instructions.

### **Costs**

A copy of our invoice is attached which shows the amount paid by you for our costs and reimbursements.

### **Land Tax**

If you do not use your property as your residence then you should consider the land tax implications of this purchase as it will be your responsibility to file land tax returns, if required. If you need any advice about this please contact us.

WILLIAMS & LAY LAWYERS

STATEMENT OF ACCOUNT

McLean & Albury purchase from Panetta  
Property: 4/11 Clancys Road, Mount Evelyn

Settlement as at 28/02/2017

To: Amount due on settlement (as per attached Statement adjustment sheet)		\$321,466.56
To: Our memorandum of costs & disbursements		\$1,218.34
To: Land Titles Office (registration of Transfer)		\$917.00
To: State Revenue Office (stamp duty on transfer)		\$16,190.00
By: Amount paid by you to our Trust Account	\$340,056.51	
To: Balance from Trust to be refunded to you		\$264.61
	<u>\$340,056.51</u>	<u>\$340,056.51</u>

10/3- SPOKE TO KATHERINE RE: B264-61  
SHOULD BE PAID IN NEXT FEW DAYS.

**MCLEAN & ALBURY FROM PANETTA  
PROPERTY: 4/11 CLANCYS ROAD, MOUNT EVELYN**

**STATEMENT OF ADJUSTMENTS**

DATE OF SETTLEMENT: 28/02/2017

	VENDOR	PURCHASER
*GST is applicable on these items		
*Yarra Ranges Council - Rates, Charges & Levies \$2,169.80 Annually Paid to 30/06/2017 Purchaser allows 122 days		725.25
*Yarra Valley Water - Drainage \$28.95 Quarterly Paid to 31/03/2017 Purchaser allows 31 days		9.97
*Yarra Valley Water - Parks & Gardens \$74.37 Annually Paid to 30/06/2017 Purchaser allows 122 days		24.86
*Yarra Valley Water - Water Service Charge \$69.90 Quarterly Paid to 31/03/2017 Purchaser allows 31 days		24.08
*Yarra Valley Water - Sewerage Service Charge \$134.90 Quarterly Paid to 31/03/2017 Purchaser allows 31 days		46.47
Yarra Valley Water - Water Usage Charge from 18/11/2016 to 28/02/2017 at \$0.03 per day charge 103 days = \$3.09		
Yarra Valley Water - Sewerage Disposal Charge from 18/11/2016 to 28/02/2017 at \$0.02 per day charge 103 days = \$2.06		
*Melbourne Body Corporate Management - Owners Corporation Fees \$1,479.40 Quarterly Paid to 31/03/2017 Purchaser allows 31 days		502.59
	\$0.00	\$1,333.22
Less Vendor's Proportion		0.00
<b>PURCHASER TO PAY VENDOR</b>		<b>\$1,333.22</b>

105.258

**SETTLEMENT STATEMENT**

Purchase Price:	320,000.00
Less Deposit Paid:	32,000.00
Balance:	288,000.00
Plus adjustments:	1,333.22
Plus GST on Applicable items:	133.34
Plus GST on Contract Price:	32,000.00
<b>BALANCE DUE TO VENDOR:</b>	<b>\$321,466.56</b>

MCLEAN & ALBURY FROM PANETTA  
PROPERTY: 4/11 CLANCYS ROAD, MOUNT EVELYN

SETTLEMENT CHEQUES

Ballards Solicitors	1,273.35
Yarra Ranges Council	1,084.00
Yarra Valley Water (includes amount for water and sewerage usage charges)	238.90
Gino and Carol Panetta	318,870.31
<b>TOTAL CHEQUES:</b>	<u><u>\$321,466.56</u></u>

Prepared on: 27 February 2017  
By: WILLIAMS & LAY LAWYERS  
Our Ref: KG:17/5066  
E. & O. E.

ABN: 47 988 374 991

Principal - Evan Joseph Lay  
Consultant - Brian F Williams  
Consultant - Margaret Williams

Phone: 03 9737 6100

Fax: 03 9737 6155  
kathryn@williamslay.com.au

Our Ref: KG:KG:17/5066

Mr P McLean & Mrs L Albury  
15 McKillop Road  
MOUNT EVELYN VIC 3796

16 February 2017

**TAX INVOICE NO. 2033**  
**PURCHASE -4/11 CLANCYS ROAD, MOUNT EVELYN**

**Professional Fees**

Date	Description	Amount	GST
07/02/2017	To our professional costs for acting in relation to your purchase	\$631.82	\$63.18
		\$631.82	\$63.18

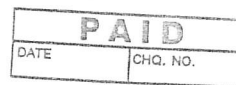
**Disbursements**

Date	Description	Amount	GST
	InfoTrack search fee	\$395.47	\$40.05
24/01/2017	FileMan: File Management - Secure Retention & Destruction Service	\$39.00	\$3.90
07/02/2017	Office Sundries	\$20.00	\$2.00
07/02/2017	Express postage B4	\$7.20	\$0.72
16/02/2017	Bank Fee	\$15.00	\$0.00
		\$476.67	\$46.67

Amount	+ GST	- Payments Received	= BALANCE DUE
1,108.49	109.85	0.00	1,218.34

Yours faithfully  
**Williams & Lay Lawyers**

Per:   
Kathryn Garrioch  
E. & O.E.



\*Cost of secure storage of your file for seven years as required by law and secure destruction. File will be destroyed after seven years, please contact us if you require any documents from the file.

Gino and Carol Panetta  
PO Box 4330  
KNOX CITY CENTRE VIC 3152

ABN 54 557 060 121

TO: The Albury Mclean Superannuation Fund  
15 Mckillop Road,  
MOUNT EVERLYN VIC 3796

TAX INVOICE

No. 01

---

Purchase price	\$320,000.00
Adjustments on outgoings	<u>\$ 1333.22</u>
Total Purchase price	\$321,333.22
GST	<u>\$ 32,133.32</u>
<u>TOTAL</u>	<u>\$353,466.54</u>