

Wooing Tree Estate - Advice Note for Vendors, Purchasers and Agents

Titles within Wooing Tree Estate are subject to covenants that are put in place to ensure the development is of a good nature and well designed. It is important that anybody looking to sell or buy within Wooing Tree is aware of these and that their estate agent and legal advisors are also aware. To assist we have highlighted some key practical considerations to keep in mind.

Additionally, owners are subject to the terms of the constitution of the Wooing Tree Estate Residents Association Incorporated.

1. Restriction on the Sale of Bare Land

Lot owners are not entitled to sell their lot until a code of compliance certificate for the dwelling has been obtained.

2. Design Approval

Prior to commencement of construction of any building or landscaping on their lot, owners are required to obtain written approval from the design review panel for their plans and ensure such plans comply with the latest version of the design guide (available here www.woointreeestate.co.nz). The final build and landscaping must then comply with the approved plans.

Note: These are ongoing requirements so any redevelopment, alterations or landscape changes will require new or amended consent.

Recommendations:

That purchasers obtain a copy of the design approval and ensure it reflects the actual design on the lot prior to confirming any purchase unconditional. Purchasers should seek legal advice to ensure appropriate clauses are added to the agreement for sale and purchase in relation to this.

3. Wooing Tree Residents Society

All buyers (present and future) are required to become a member of the Wooing Tree Estate Residents Association Incorporated (the Society). The Society has been established to take ownership of certain additional amenity and communal facilities within the development and to facilitate the management of such facilities. The Society will charge levies for this purpose in accordance with its rules.

When selling, a vendor must not transfer their lot until:

- a. They have paid all sums due to the Society; and
- b. The Purchaser has given written acknowledgement that they agree to be a member of the Society (the Vendor is obligated to ensure this happens). The required form for this is attached.

Fee: There will be a transfer fee of \$172.50 including GST payable by the Vendor. Payment must be made by your lawyer to the Checketts McKay Law trust account, please contact Maria Miller at maria.miller@cmlaw.co.nz or cromwell@cmlaw.co.nz for payment instructions.

Note: The Vendor will remain liable to the Society (including for levies) until all the obligations on sale have been complied with.

Recommendations:

That vendors and purchasers consult their legal advisor to ensure appropriate conditions are added to sale and purchase agreements to address the above.

This document is not all encompassing and is advisory only, this should not be taken as legal advice. Parties should obtain legal advice prior to entering any agreement for sale and purchase of lots.