

THE FOLLOWING CONDITIONS SHALL FORM PART OF ANY CONTRACT NOTE TO WHICH THIS VENDORS STATEMENT IS ANNEXED AND SUBSEQUENTLY ENTERED INTO BETWEEN THE VENDOR AND ANY PURCHASER. THESE CONDITIONS SHALL TAKE EFFECT NOTWITHSTANDING ANY CONFLICTING STANDARD CONDITIONS SET OUT IN OR INCORPORATED BY REFERENCE TO THE CONTRACT NOTE.

Special Condition 1 – Grant of Probate and Application by Legal Personal Representative

- 1.1 This Contract is subject to and conditional upon the Grant of Probate of the Will and Estate of the late Ian Maxwell Lucas (Deceased) and the Vendor becoming registered Proprietor of the land being sold herein as Executor of the said Will and Estate within 120 days of the date Day of Sale pursuant to an Application by Legal Personal Representative.
- 1.2 The Purchaser acknowledges that the Vendor sells as Executor of the Will and Estate of the late Ian Maxwell Lucas (Deceased) and shall only be liable in such fiduciary capacity.
- 1.3. The Completion date shall be the later of:
 1. Date appointed for settlement in the Particulars of Sale; or
 2. 14 days after the Vendor or the Vendor's Solicitor gives notice to the Purchaser or the Purchasers Solicitors of registration of the Application by Legal Personal Representatives contemplated in the preceding Special Condition 1.1



MALONEY ANDERSON LEGAL

VENDOR'S STATEMENT

**Statement by Vendor of matters affecting Real Estate being sold to
a Purchaser pursuant to Section 32 of The Sale of Land Act, 1962**

VENDOR:

**Linda Anne Young as Legal Personal Representative for the Estate of
the Late Ian Maxwell Lucas (Deceased)**

PROPERTY:

5 Nulla Street, Red Cliffs, Victoria, 3496

MALONEY ANDERSON LEGAL

Barristers & Solicitors

70 Deakin Avenue

MILDURA

Ph: 03 50216200

Fax: 03 50216299

DX: 50021 Mildura

Ref: RM:PEM 210974

VENDOR STATEMENT
TO THE PURCHASER OF REAL ESTATE
PURSUANT TO SECTION 32 OF THE
SALE OF LAND ACT 1962 (VIC) (“the Act”)
as at 1 October 2014

LAND

5 Nulla Street, Red Cliffs, Victoria, 3496, being all of the land contained in Lot 31 on Plan of Subdivision 053012 as more particularly described in Certificate of Title Volume 08608 Folio 176

The Vendor makes this statement in respect of the land in accordance with Section 32 of the *Sale of Land Act 1962*.

The Vendor must sign this statement and give it to the Purchaser prior to the Purchaser signing the contract. The Vendor may sign this statement to be given to the Purchaser by electronic signature.

VENDOR

Linda Anne Young as Legal Personal Representative for the Estate of the Late Ian Maxwell Lucas (Deceased)

Signature of the Vendor

DATE OF THIS STATEMENT / /20__

The Purchaser acknowledges being given this statement signed by the Vendor together with the attached documents before the Purchaser signed any contract.

PURCHASER

Signature of the Purchaser

DATE OF ACKNOWLEDGEMENT / /20__

1. FINANCIAL MATTERS

1.1 Land subject to a mortgage

Not Applicable.

1.2 Any Charge

Not Applicable.

1.3 Rates, taxes, charges or other similar outgoings

Particulars of any rates, taxes, charges or other similar outgoings affecting the land (and any interest payable on any part of them):

(a) Their total does not exceed \$2,500.00.

(b) Their amounts are as follows:

| | Authority | Amount | Interest (if any) |
|-----|----------------------------|--------------|-------------------|
| (1) | Mildura Rural City Council | See attached | Nil |
| (2) | Lower Murray Water | See attached | Nil |

TOTAL

(c) There are no charges or outgoings for which the Purchaser may become liable as a consequence of the sale and which the Vendor might reasonably be expected to have knowledge¹, which are not included in items 1.3 (a) or (b) above; other than any amounts specified as follows:

(i) If the rates, taxes and charges are also in respect of other land, any additional amount resulting from the assessment of a separate rate, tax, or charge for the property after the sale; and,

(ii) Water consumption.

1.4 Terms Contract

Not Applicable.

2. INSURANCE DETAILS

2.1 Damage and destruction

Not Applicable.

2.2 Owner-Builder

Not Applicable.

3. LAND USE

3.1 Easement, covenant or other similar restriction affecting the land

(a) A description of any easement, covenant or other similar restriction affecting the land (whether registered or unregistered):

Is set out in the attached copies of Title Document(s).

(b) Particulars of any existing failure to comply with the terms of that easement, covenant or other similar restrictions are:

¹ Other than any GST payable in accordance with the contract.

To the best of the Vendor's knowledge there is not existing failure to comply with the terms of any easement, covenant, caveat or other similar restrictions.

3.2 Designated bushfire prone area

The land is not in a designated bushfire prone area within the meaning of the regulations made under the *Building Act 1993*.

3.3 Road access

There is access to the property by road.

3.4 Planning scheme

(a) The required specified information is as follows:

| | |
|-------------------------------|------------------------------|
| Name of planning scheme | Mildura Planning Scheme |
| Name of responsible authority | Mildura Rural City Council |
| Zoning of the land | See attached Planning Report |
| Name of planning overlay | See attached Planning Report |

4. NOTICES

4.1 Notice, order, declaration, report or recommendation

Particulars of any notice, order, declaration, report or recommendation of a public authority or government department or approved proposal directly and currently affecting the land, being a notice, order, declaration, report, recommendation or approved proposal of which the Vendor might reasonably be expected to have knowledge:

Other than the usual rates notices NONE TO THE KNOWLEDGE OF THE VENDOR however the Vendor has no means of knowing all decisions of public authorities and government departments unless communicated to the Vendor

4.2 Agricultural purposes

There are no notices, property management plans, reports or orders in respect of the land issued by a government department or public authority in relation to livestock disease or contamination by agricultural chemicals affecting the ongoing use of the land for agricultural purposes.

4.3 Land acquisition

Particulars of any notice of intention to acquire served under section 6 of the *Land Acquisition and Compensation Act 1986* are as follows:

Other than the usual rates notices NONE TO THE KNOWLEDGE OF THE VENDOR however the Vendor has no means of knowing all decisions of public authorities and government departments unless communicated to the Vendor

5. BUILDING PERMITS

Not Applicable.

6. OWNERS CORPORATION

Not Applicable.

7. GROWTH AREAS INFRASTRUCTURE CONTRIBUTION (“GAIC”) DETAILS

7.1 Work-in-kind agreement

Not Applicable.

7.2 GAIC recording

Not Applicable.

8. SERVICES

The following services are not connected to the land:

- electricity supply
- gas supply
- water supply
- sewerage
- telephone services

9. TITLE

Copies of the following documents are attached:

9.1 Registered Title (*Transfer of Land Act 1958*)

A Register Search Statement and the document, or part of the document referred to as the diagram location in the Register Search Statement that identifies the land and its location.

9.2 Vendor not registered proprietor

If the Vendor is not the registered proprietor of the land or the owner of the estate in fee simple in the land, evidence of the Vendor’s right or power to sell the land.

10. SUBDIVISION

Not Applicable.

11. DISCLOSURE OF ENERGY INFORMATION

Not Applicable.

12. DUE DILIGENCE CHECKLIST

The Vendor or the Vendor’s licensed estate agent must ensure that a prescribed due diligence checklist is made available before the land is offered for sale to any prospective purchaser from the time the land for sale that is vacant residential land or land on which there is a residence.

**Application by legal personal representative
Section 49 Transfer of Land Act 1958**

Privacy Collection Statement

The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.

Lodged by

Name: MALONEY ANDERSON LEGAL
Phone: (03) 5021 6200
Address: 70 DEAKIN AVENUE, MILDURA, VICTORIA, 3500
Reference: RM:PM
Customer code: 13301L

The applicant applies as legal personal representative of the deceased registered proprietor to be registered as the proprietor of the estate and interest of the deceased in the land described.

Land: (volume and folio, and if applicable mortgage, charge or lease no.)

VOLUME 08608 FOLIO 176

Applicant: (full name and address, including postcode)

LINDA ANNE YOUNG OF 35 HISPANO DRIVE, KEILOR DOWNS, VICTORIA, 3038

Representative capacity:

EXECUTOR OF THE WILL OF IAN MAXWELL LUCAS

Deceased registered proprietor: (full name)

IAN MAXWELL LUCAS

35271702A

49TLA

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THE BACK OF THIS FORM MUST NOT BE USED

Land Use Victoria contact details: www.delwp.vic.gov.au/property>Contact us

Application by legal personal representative
Section 49 Transfer of Land Act 1958

Privacy Collection Statement

The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.

Signing:

Certifications

1. The Certifier has taken reasonable steps to verify the identity of the applicant.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of

Signer Name RYAN MADDOX
Signer Organisation MALONEY ANDERSON LEGAL
Signer Role AUSTRALIAN LEGAL PRACTITIONER

Signature



Execution Date

7th MAY 2021

35271702A

49TLA

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Land Use Victoria contact details: www.delwp.vic.gov.au/property>Contact us

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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 08608 FOLIO 176

Security no : 124089764619Q
Produced 07/05/2021 03:35 PM

LAND DESCRIPTION

Lot 31 on Plan of Subdivision 053012.
PARENT TITLE Volume 08217 Folio 768
Created by instrument A126499 23/03/1966

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
IAN MAXWELL LUCAS of 5 NULLA STREET RED CLIFFS VIC 3496
AR795357Y 21/12/2018

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 or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP648217W FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

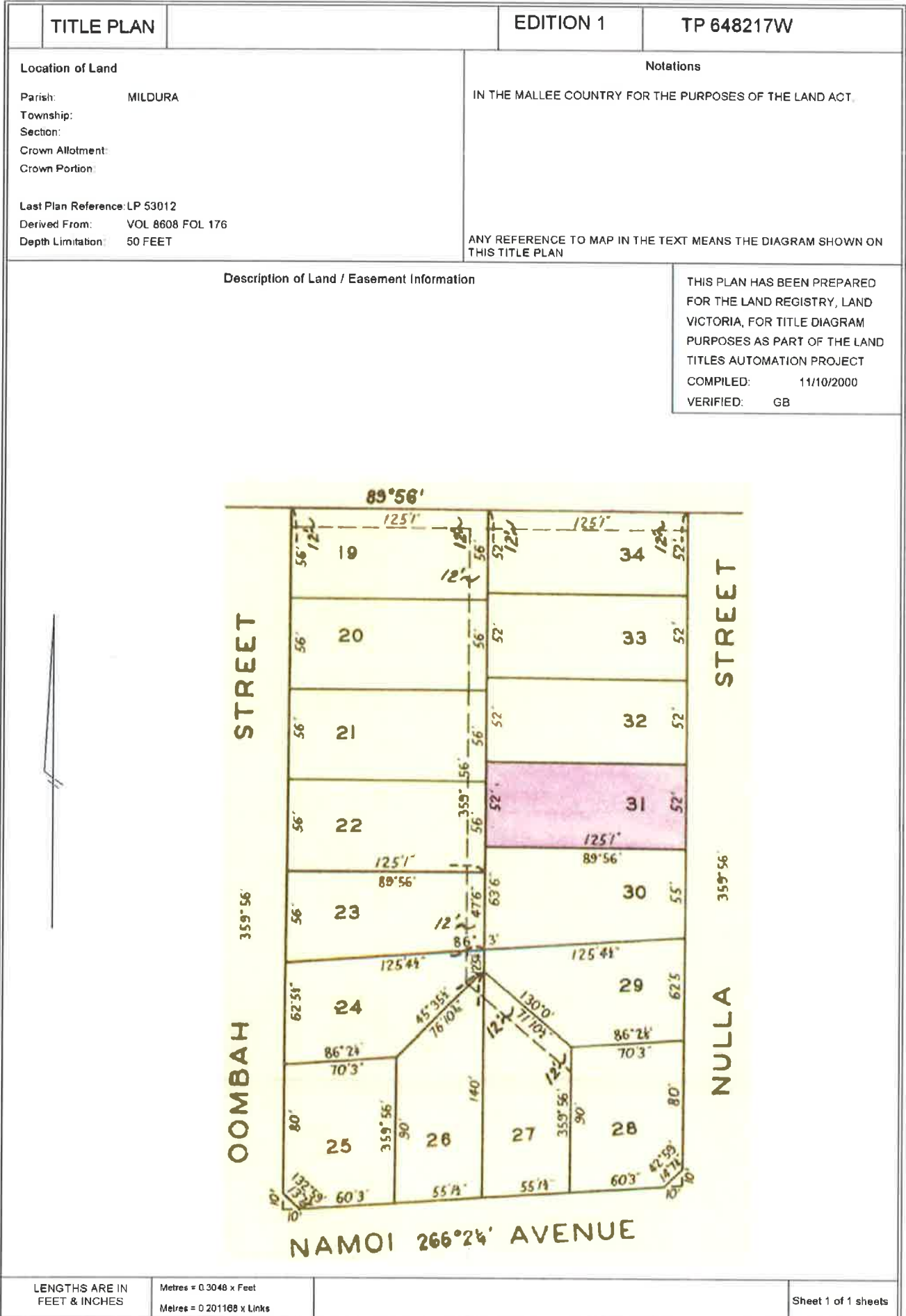
-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 5 NULLA STREET RED CLIFFS VIC 3496

DOCUMENT END

The information supplied by Lexis Nexis has been obtained from GlobalX Pty Ltd by agreement between them. The information supplied has been obtained by GlobalX Pty Ltd who is licensed by the State of Victoria to provide this information via LANDATA® System.



LENGTHS ARE IN FEET & INCHES

Metres = 0.3048 x Feet
 Metres = 0.201168 x Links



Mildura Rural City Council

Internal Use Only



TAX INVOICE



Mr I M Lucas
5 Nulla Street
RED CLIFFS VIC 3496



033
1001068
R1_2557

Rate Instalment Notice

1 July 2020 to 30 June 2021

Assessment No: 18127
Issue Date 27 April 2021

Property Location & Description
5 Nulla Street RED CLIFFS VIC 3496
Lot 31 PS 53012 Sec 9B

RATING DETAILS

| | |
|--------------|----------|
| INSTALMENT 4 | \$252.00 |
|--------------|----------|

Rebates / Concession applied to assessment -\$291.00

For full rating details refer to your annual Rate and Valuation Notice.

TOTAL DUE \$252.00

| | | |
|--|--|---|
| | | Instalment 4: Due 31 May 2021 \$252.00 |
|--|--|---|

Note: payments received after 5pm on the due date will be considered late.
Late payments will be charged interest at 10% p.a. from the date the instalment became due.

Payment Slip

Mr I M Lucas
5 Nulla Street RED CLIFFS VIC 3496
Assessment No: 18127

INSTALMENT 4
AMOUNT DUE: \$252.00

B
PAY
Biller code: 93922
Ref: 181271

POST billpay

Instalment *41 181271

Post Billpay Biller code: 0041
Ref: 181271

Centrepay Ref:
555 054 730B

BPAY this payment via Internet or phone banking.
BPAY View[®]: View and pay this bill using internet banking.
BPAY View Registration No.: 181271

Pay in person at any post office, phone
13 18 16 or go to postbillpay.com.au

Internal Use Only

1000 Mildura 3500
3502
400 Fax: (03)50513480

1000 Swan Hill 3585
1447 Swan Hill 3585
JC DX 30164
(03)5036 2150 Fax: (03)5036 2180



24 Hour Supply Emergency
1800 808 830

LOWER MURRAY

WATER

ABN 18 475 808 826
www.lmw.vic.gov.au

KERANG
50 Wellington Street Kerang 3579
PO Box 547 Kerang 3579
AUSDOC DX 57908
Tel: (03)5450 3960 Fax: (03)5450 3967

Reference No. 016052

Amount Due \$147.66

URBAN ACCOUNT

Due Date 14-MAY-2021

Date of Issue 8/04/2021

Tariffs and Charges Notice
4th Quarter 2020/21
01/04/2021 - 30/06/2021

POST *850 700160526

Property Address : 5 NULLA STREET RED CLIFFS VIC 3496 (Prop:16052) - Urban Account
Lot 31 LP 53012 Sec 9B Vol 8608 Fol 176

| | Charge | Balance |
|--------------------------------------|--------|---------|
| Water Service Tariff | 52.09 | |
| Water by Measure Chg-Info on reverse | 56.87 | |
| Sewerage Service Tariff | 122.96 | |

TOTAL OWING \$147.66



LMW054G

Pension Concessions granted for the current Financial year total \$337.10
Payments/Credits since last Notice \$121.09

Payment Slip - Methods of Payment

Online at lmw.vic.gov.au - Pay your Account

016052

5 NULLA STREET RED CLIFFS VIC 3496 (Prop:16052) - Urban Account



Direct Debit
Please contact your local office.



*850 700160526

\$147.66



Centrepay
Use Centrepay to arrange regular deductions from your Centrelink payment. Simply call any Lower Murray Water Office.

| | |
|---|----------------------------|
| B PAY | Billers Code: 78477 |
| | Ref: 7001 6052 6 |
| BPAY® - Make this payment via internet or phone banking. | |
| BPAY View® - Receive, view and pay this bill using internet banking. | |
| BPAY View Registration No: 7001 6052 6 | |

Amount Due **\$147.66**



Billpay Code: 0850
Ref: 7001 6052 6

Participate with Post Office



Billers Code: 78477
Ref: 7001 6052 6

Payment Ref: 7001 6052 6

By Phone



Scan Reverse for
Person and By Mail options

From www.planning.vic.gov.au at 07 May 2021 03:45 PM

PROPERTY DETAILS

Address: **5 NULLA STREET RED CLIFFS 3496**
 Lot and Plan Number: **Lot 31 LP53012**
 Standard Parcel Identifier (SPI): **31\LP53012**
 Local Government Area (Council): **MILDURA**
 Council Property Number: **18127**
 Planning Scheme: **Mildura**
 Directory Reference: **Vicroads 538 D9**

www.mildura.vic.gov.au

[Planning Scheme - Mildura](#)

UTILITIES

Rural Water Corporation: **Lower Murray Water**
 Urban Water Corporation: **Grampians Wimmera Mallee Water**
 Melbourne Water: **Outside drainage boundary**
 Power Distributor: **POWERCOR**

[View location in VicPlan](#)

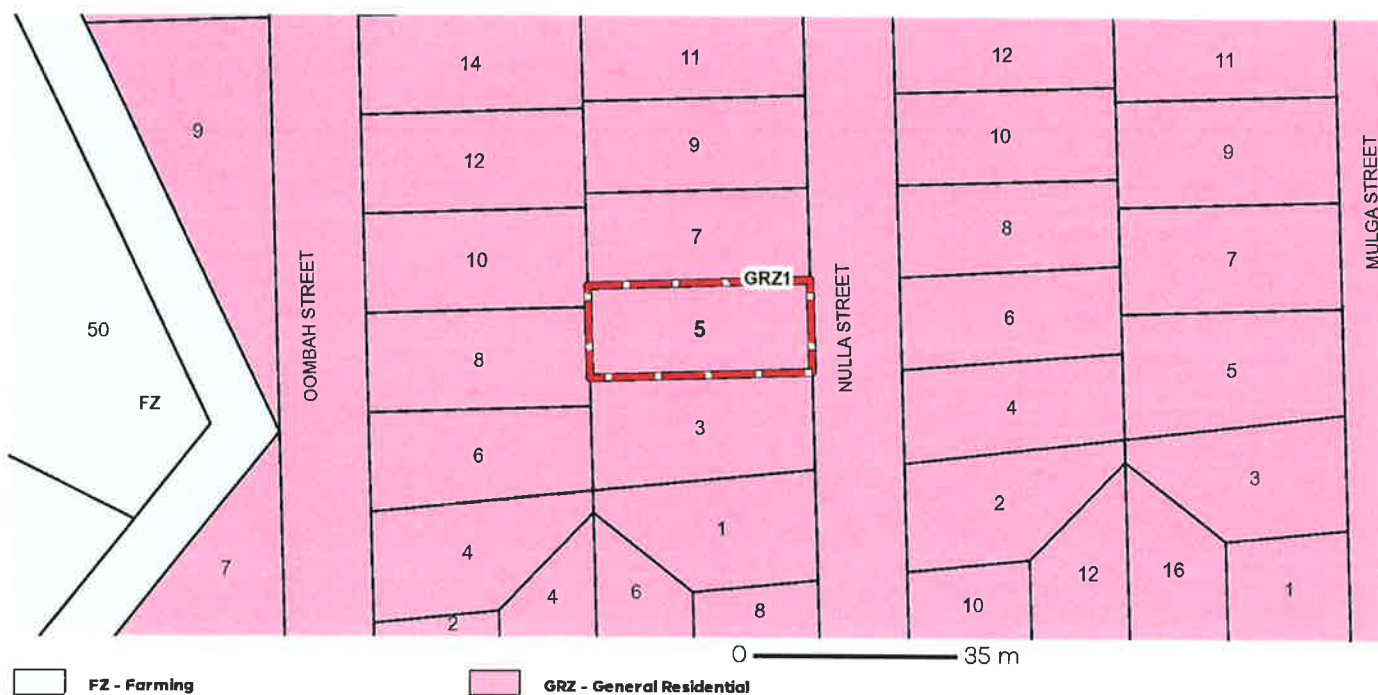
STATE ELECTORATES

Legislative Council: **NORTHERN VICTORIA**
 Legislative Assembly: **MILDURA**
 Registered Aboriginal Party: **First People of the Millewa-Mallee**

Planning Zones

[GENERAL RESIDENTIAL ZONE \(GRZ\)](#)

[GENERAL RESIDENTIAL ZONE - SCHEDULE 1 \(GRZ1\)](#)

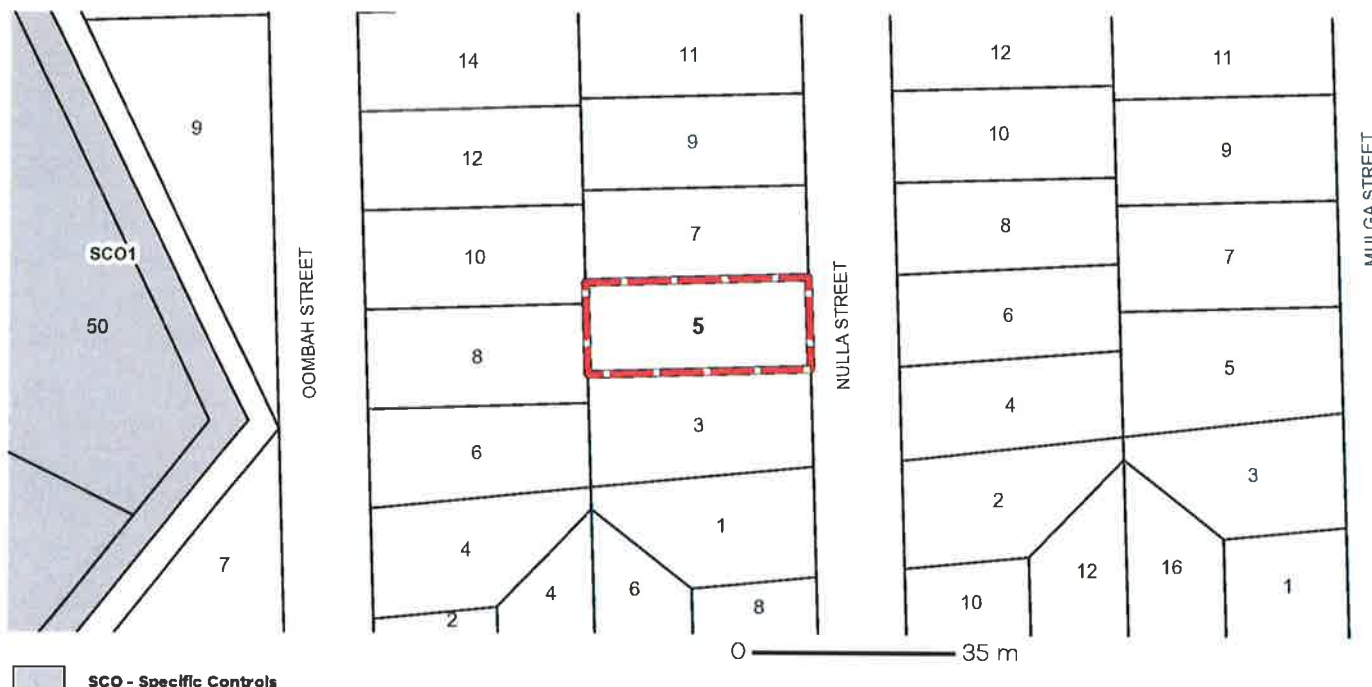


Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

Planning Overlay

None affecting this land - there are overlays in the vicinity

SPECIFIC CONTROLS OVERLAY (SCO)



Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

Further Planning Information

Planning scheme data last updated on 5 May 2021.

A **planning scheme** sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting <https://www.planning.vic.gov.au>

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the **Planning and Environment Act 1987**. It does not include information about exhibited planning scheme amendments, or zonings that may apply to the land. To obtain a Planning Certificate go to Titles and Property Certificates at Landata - <https://www.landata.vic.gov.au>

For details of surrounding properties, use this service to get the Reports for properties of interest.

To view planning zones, overlay and heritage information in an interactive format visit <https://mapshare.maps.vic.gov.au/vicplan>

For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

Native Vegetation Removal

Unless exempt, native vegetation removal from this property requires a planning permit under Clause 52.17 of the local planning scheme. For more information see [Native Vegetation \(Clause 52.17\)](#) with local variations in [Native Vegetation \(Clause 52.17\) Schedule](#)

To identify proposed native vegetation removal from this property visit the [Native Vegetation Information Management system](#).

For information on preparing a planning permit application to remove native vegetation refer to the [Applicants guide - Applications to remove, destroy or lop native vegetation](#) or contact the relevant responsible authority.

Designated Bushfire Prone Areas

**This property is not in a designated bushfire prone area.
No special bushfire construction requirements apply. Planning provisions may apply.**



Designated bushfire prone areas as determined by the Minister for Planning are in effect from 8 September 2011 and amended from time to time.

The Building Regulations 2018 through application of the Building Code of Australia, apply bushfire protection standards for building works in designated bushfire prone areas.

Designated bushfire prone areas maps can be viewed on VicPlan at <https://mapshare.maps.vic.gov.au/vicplan> or at the relevant local council.

Note: prior to 8 September 2011, the whole of Victoria was designated as bushfire prone area for the purposes of the building control system.

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website <https://www.vba.vic.gov.au>

Copies of the Building Act and Building Regulations are available from <http://www.legislation.vic.gov.au>

For Planning Scheme Provisions in bushfire areas visit <https://www.planning.vic.gov.au>

Due Diligence Checklist

What you need to know before buying a residential property

Before you buy a home, you should be aware of a range of issues that may affect that property and impose restrictions or obligations on you, if you buy it. This checklist aims to help you identify whether any of these issues will affect you. The questions are a starting point only and you may need to seek professional advice to answer some of them. You can find links to organisations and web pages that can help you learn more, by visiting consumer.vic.gov.au/duediligencechecklist.

Urban living

Moving to the inner city?

High density areas are attractive for their entertainment and service areas, but these activities create increased traffic as well as noise and odours from businesses and people. Familiarising yourself with the character of the area will give you a balanced understanding of what to expect.

Is the property subject to an owners corporation?

If the property is part of a subdivision with common property such as driveways or grounds, it may be subject to an owners corporation. You may be required to pay fees and follow rules that restrict what you can do on your property, such as a ban on pet ownership.

Growth areas

Are you moving to a growth area?

You should investigate whether you will be required to pay a growth areas infrastructure contribution.

Flood and fire risk

Does this property experience flooding or bushfire?

Properties are sometimes subject to the risk of fire and flooding due to their location. You should properly investigate these risks and consider their implications for land management, buildings and insurance premiums.

Rural properties

Moving to the country?

If you are looking at property in a rural zone, consider:

- Is the surrounding land use compatible with your lifestyle expectations? Farming can create noise or odour that may be at odds with your expectations of a rural lifestyle.
- Are you considering removing native vegetation? There are regulations which affect your ability to remove native vegetation on private property.
- Do you understand your obligations to manage weeds and pest animals?
- Can you build new dwellings?
- Does the property adjoin crown land, have a water frontage, contain a disused government road, or are there any crown licences associated with the land?

Is there any earth resource activity such as mining in the area?

You may wish to find out more about exploration, mining and quarrying activity on or near the property and consider the issue of petroleum, geothermal and greenhouse gas sequestration permits, leases and licences, extractive industry authorisations and mineral licences.

Soil and groundwater contamination

Has previous land use affected the soil or groundwater?

You should consider whether past activities, including the use of adjacent land, may have caused contamination at the site and whether this may prevent you from doing certain things to or on the land in the future.

Land boundaries

Do you know the exact boundary of the property?

You should compare the measurements shown on the title document with actual fences and buildings on the property, to make sure the boundaries match. If you have concerns about this, you can speak to your lawyer or conveyancer, or commission a site survey to establish property boundaries.

Planning controls

Can you change how the property is used, or the buildings on it?

All land is subject to a planning scheme, run by the local council. How the property is zoned and any overlays that may apply, will determine how the land can be used. This may restrict such things as whether you can build on vacant land or how you can alter or develop the land and its buildings over time.

The local council can give you advice about the planning scheme, as well as details of any other restrictions that may apply, such as design guidelines or bushfire safety design. There may also be restrictions – known as encumbrances – on the property's title, which prevent you from developing the property. You can find out about encumbrances by looking at the section 32 statement.

Are there any proposed or granted planning permits?

The local council can advise you if there are any proposed or issued planning permits for any properties close by. Significant developments in your area may change the local 'character' (predominant style of the area) and may increase noise or traffic near the property.

Safety

Is the building safe to live in?

Building laws are in place to ensure building safety. Professional building inspections can help you assess the property for electrical safety, possible illegal building work, adequate pool or spa fencing and the presence of asbestos, termites, or other potential hazards.

Building permits

Have any buildings or retaining walls on the property been altered, or do you plan to alter them?

There are laws and regulations about how buildings and retaining walls are constructed, which you may wish to investigate to ensure any completed or proposed building work is approved. The local council may be able to give you information about any building permits issued for recent building works done to the property, and what you must do to plan new work. You can also commission a private building surveyor's assessment.

Are any recent building or renovation works covered by insurance?

Ask the vendor if there is any owner-builder insurance or builder's warranty to cover defects in the work done to the property.

Utilities and essential services

Does the property have working connections for water, sewerage, electricity, gas, telephone and internet?

Unconnected services may not be available, or may incur a fee to connect. You may also need to choose from a range of suppliers for these services. This may be particularly important in rural areas where some services are not available.

Buyers' rights

Do you know your rights when buying a property?

The contract of sale and section 32 statement contain important information about the property, so you should request to see these and read them thoroughly. Many people engage a lawyer or conveyancer to help them understand the contracts and ensure the sale goes through correctly. If you intend to hire a professional, you should consider speaking to them before you commit to the sale. There are also important rules about the way private sales and auctions are conducted. These may include a cooling-off period and specific rights associated with 'off the plan' sales. The important thing to remember is that, as the buyer, you have rights