

Thank you for your instructions in the above matter and I confirm the following costs for acting on for you on this purchase and in respect to any mortgage:-

**Professional Costs**

Professional Fees will be Purchase (\$750.00 + GST) on settlement	\$825.00
**Mortgage (If complex OR refinance \$220.00, otherwise Nil)	\$

**Expenses**

Final Title & Personal Searches	275.00	
Rates & Land Tax Certificates	330.00	
All office expenses (travel, post, 'phone, etc.)	110.00	
Out of Office settlement fee (Newcastle area)	110.00	650.00
<b>Including GST</b>		<b>\$1,650.00</b>

**\*\* Pest/Building Report, Survey or other searches.**

The above only includes the searches shown. It may be you require other reports or searches, thus you should note the attached "Additional & Optional Costs" sheet.

**Mine Subsidence**

If the property is in a Mine Subsidence area a report that any cottage complies with those requirements must be ordered and that cost will be added to your account.

**Land & Water Rates**

Council & Water rates are adjusted at settlement for the period that you own the property.

Where water usage is charged on a meter reading, an estimate of the water usage will be made, based on the last meter reading and the cost on that estimated usage will be deducted from the vendor's payment for you to use towards the usage when the meter is eventually read.

**If you are asked to provide funds for settlement BANK CHEQUES are required - funds are not electronically transferred into the Vendor's account. Note also that a Credit Union counter cheque is not normally a bank cheque.**

**ONLY IF REQUIRED**

**Additional and Optional Costs**

**SEARCHES**

The Contract provides a Title Search and Plan of the land together with a Planning Certificate and a Drainage Plan (showing sewer locations). The "Expenses" shown on page 1 of this letter provides for only updated title and personal searches together with searches for any monies owing against the land.

You or your lending institution may require any of the following searches (this list is not exhaustive):-

Initial Title, Bankruptcy etc searches (Old System)	440.00	(can be more if complex)
Council S.149(5) Certificate	120.00	
Development Restrictions (Lake Macquarie Council)	265.00	
Roads & Traffic Authority	30.00	
Environment Protection Authority	20.00	
AGL Gas Company	31.00	
State Rail Authority	35.00	
Mine Subsidence Board S15B	60.00	
Transgrid	26.00	
Dept of Energy (Pipelines Act)	43.50	
Energy Australia	30.00	
School Education	30.00	
Heritage Council	30.00	
Survey	550.00	
Council Building Certificate	300.00	
Council Outstanding Notices certificate (maximum)	165.00	
Building/Pest Report	600.00	
Pest Only	275.00	
Building Only	330.00	

Lawpoint charges (charged on the number of searches)	15.00 (each)
Stamping fees	110.00
Registration of dealing of deed	365.00
Strata Reports	\$250.00-\$500.00 depending on area)

Apart from your lending institution insisting upon some searches, there may be some you direct me to obtain. Whilst all are optional, I may recommend that some be obtained and I will discuss this with you at the time of me interviewing you. The cost of any of these searches that are required will be at further cost to you.

Note especially these certificates:-

***Council Building Certificate:*** On the supply of a current survey, Council inspects the property and certifies if there is any matter that is so severe it will result in legal proceedings (eg. major non compliances or using the building as a dual occupancy without approval).

***Council Notices:*** Council certifies if there are any outstanding notices to perform building works or clean-up work (eg. weeds, old cars or animals). I believe that this is essential.

My guarantee as to title will be limited to only those searches obtained on your instructions.

#### **STAMP DUTY**

The NSW Government charges Stamp duty on the Contract and Transfer. This is assessed on the amount of the transaction and is payable by you. I will advise when these amounts are known. You should note the cost for attending to stamping shown above.

#### **SETTLEMENT**

The Vendor of the property is entitled to require you to provide up to five (5) bank cheques on settlement and can require settlement at any place (Sydney etc). **If settlement is outside the Newcastle area and an agent is appointed then a fee of \$440.00 is charged and that cost will be added to your account.**

**Payment of Tax Invoices**

My tax invoices are payable Within 7 days of the date it issues.

**Interest on unpaid costs**

If my costs are not paid within 30 days of receipt by you of our bill of costs, I may charge you interest on the unpaid amount at or under the maximum rate prescribed in Regulation 110A, of the Legal Profession Regulation 2005. The rate is two percent points higher than the RBA Cash Rate (available at <http://www.rba.gov.au/statistics/cash-rate.html>), but may vary at the time the Bill of Costs is issued.

**Dispute as to legal costs**

In addition to the rights set out in the accompanying Form you also have the right to have the costs mediated if the dispute is less than \$10,000 (referral for mediation must be made before an application for assessment is accepted by the Manager, Costs Assessment).

**Persons responsible for your matter and legal costs**

Steve Harvey will be responsible for your matter. You may contact him regarding your matter and your legal costs.

**Substantial changes to disclosure**

You will be informed, as soon as is reasonably practicable, of any substantial changes to anything contained in this disclosure document.

**Applicable law**

The law of NSW applies to legal costs regarding this matter. However, see your rights in the Form of Disclosure of costs to clients.

**Recovery of Costs**

For you information I advise *the Act* provides the following:

**s.319 On what basis are legal costs recoverable?**

- (1) Subject to the provisions of this Part, legal costs are recoverable:
  - (a) in accordance with an applicable fixed costs provision, or
  - (b) if paragraph (a) does not apply, under a costs agreement made in accordance with Division 5 or the corresponding provisions of a corresponding law, or
  - (c) if neither paragraph (a) or (b) applies, according to the fair and reasonable value of the legal services provided.

***Form of disclosure of costs to clients (to accompany disclosure document)***

*(Clause 109A Legal Profession Regulation 2005- Form 2)*

**Legal costs – your right to know**

You have the right to:

- Negotiate a costs agreement with me
- Receive a bill of costs from me
- Request an itemized bill of costs after you receive a lump sum bill from me
- Request written reports about the progress of your matter and the costs incurred in your matter
- Apply for costs to be assessed within 12 months if you are unhappy with my costs
- Apply for the costs agreement to be set aside
- Accept or reject any offer I make for an interstate costs law to apply to your matter
- Notify me that you require an interstate costs law to apply to your matter.

For more information about your rights, please read the **fact sheet** titled *Legal Costs – your right to know*. You can ask me for a copy, or obtain it from your local law society or law institute (or download it from their website).

In preparing this document, I have relied upon your instructions given to us to date. You acknowledge that any incorrect or deliberately false or misleading information will invalidate this agreement at my discretion.

**HARVEY LAW FIRM**

Per: