



Presbyterian Church of Australia

in the State of New South Wales

PURCHASE OF PROPERTY

The Code Part III Regulations and Rules of the Presbyterian Church of Australia in the State of New South Wales Section B (2) states:-

“B2.07 Church Solicitor The Law Agent shall act as solicitor for the Church generally. For preparing and examining all deeds and documents (other than providing written opinions and other than cases which involve only the obtaining of the opinion of the Procurator), for investigating titles and for conducting, prosecuting and defending all petitions, actions and suits, and for undertaking prosecuting defending all petitions, actions and suits, and for undertaking the legal work of the Church generally for any congregation, committee, organisation or institution thereof, the Law Agent shall be entitled to charge the usual professional fees.”

The Law Agent will act for the Property Trust and will in terms of B2.07 of The Code be entitled to receive from the Committee of Management professional fees for the legal work on the basis of any solicitor so acting.

In order to avoid confusion it would be helpful if ONLY THE SECRETARY (or if unable to act, another person nominated by the Committee of Management to do so) conduct correspondence and any conversation of an URGENT NATURE with the Lay Agent.

If an up-to-date Certificate of Survey is not available it will be necessary for the Law Agent to obtain such a Certificate at the cost of the Committee of Management prior to a contract being issued to the purchaser. This will take time to obtain and due allowance must be made for any delay.

It will also be the responsibility of the Committee of Management concerned to ensure that a proper legal description of the property to be purchased will be provided to the Law Agent and to the General Manager and to ensure that the property be purchased is, in fact, the property covered by the legal description.

It will be necessary for the Committee of Management to arrange for the amount of the DEPOSIT to be paid to the Law Agent or as he directs if it has not already been paid to the Real Estate Agent concerned. If the deposit has been paid to an Agent evidence of that payment and the amount thereof should be forwarded to the Law Agent. The Committee of Management has the responsibility to assemble the purchase money and to make it available to the Law Agent in good time prior to settlement.

The Vendor should be advised of the name and address of the Law Agent:-

Mr S.H. Fraser, B.A., LL.M.
C/-Colin Biggers & Paisley,
Level 42
2 Park Street
SYDNEY NSW 2000

The Vendor should also be advised, for the information of his Solicitor, that the correct name and address of the Presbyterian Property Trust is:-

THE PRESBYTERIAN CHURCH (NEW SOUTH WALES) PROPERTY TRUST
a Body Corporate, 168-180 Chalmers Street, Surry Hills.

The Contract for Sale and other documents MUST NOT BE SIGNED LOCALLY as there is no authority to do so. All documents must be certified as correct by the Law Agent prior to execution by or on behalf of the Property Trust.

It is essential that adequate time be allowed for all legal requirements including the obtaining of Certificates to run their normal course prior to settlement. In cases where Old System Titles or subdivisions, consolidations, etc. are involved due allowance must be made for those transactions to follow their normal course as additional time will be involved.

If there be any further information required by the Committee of Management please do not hesitate to contact the General Manager or the Trusts and Property Manager in Church Offices. Under normal circumstances, however, the transaction should proceed without further action on the part of Church Offices.

THE FOLLOWING DOCUMENT SHOULD BE COMPLETED AND SENT TO THE LAW AGENT AS SOON AS POSSIBLE.

Jeffrey Falls
General Manager

July, 2018

Purchase of property

Instructions to Law Agent

Agreed purchase price - \$

The following instruction form should be completed by the Secretary and forwarded without delay to the Law Agent:

Mr Simon Fraser BA, LLM
c/- Colin Biggers and Paisley
Level 42, 2 Park Street
SYDNEY NSW 2000

email: simon.fraser@cbp.com.au
Telephone: (02) 8281 4555
Mobile: 0407 107 375
Fax: (02) 8281 4567
DX 280 SYDNEY

Please note that until Property Trust approval has been given the purchase cannot proceed.

1. Name of Congregation
2. Full description and address of property being purchased
(Identification sketch or survey report should be enclosed if possible).
3. Name, address, phone number and email address of person with whom the Law Agent corresponds. To avoid confusion no other person should communicate with the Law Agent.
4. Please furnish text of trustees approval
5. Name and address of vendor
6. Name and address of solicitor acting for vendor
7. Name and address of estate agent
8. Amount of deposit

To whom paid?

Has any preliminary deposit been paid? Please provide details.

9. Are any items of furniture and furnishings in the purchase? If so, what?
10. Are there any special conditions affecting the purchase? If so, what?
11. Is there any other matter affecting the purchase such as fencing disputes, resumptions, etc? If so, what?

12. Please furnish particulars of financial arrangements

- (a) How is purchase to be financed?
- (b) If by bank or other source outside the Church:
 - (i) Name of lending body
 - (ii) Address/name/phone number of person to contact
 - (iii) Amount of loan
 - (iv) Type of security. Arrangements should be made locally to provide the lender with all necessary information to enable the security document to be completed in the name of The Presbyterian Church (New South Wales) Property Trust.
- (c) Please furnish lender with the name and address of the Law Agent and request that he receives a list of the lender's requirements at an early opportunity.

13. Balance of purchase money - the Committee is responsible to obtain the balance of purchase money and to ensure that it is available to the Law Agent prior to completion of the purchase.

If funds are presently on investment, authorities should be given notice immediately to ensure their availability. If funds are to be provided from central Church sources, it is the responsibility of the Congregation not the Law Agent to make necessary arrangements to release the funds for the deposit, stamp duty and/or settlement. Please keep the Law Agent informed of any changes, difficulty or delay.

14. Insurance - please contact the Insurance Department of the Church as soon as possible and, if applicable, ensure that the insurance requirements of the lending body are met. If a copy of the policy is required by the lender, make this clear to the Department. Insurance must be arranged prior to the exchange of contracts. Please confirm with the Law Agent.

15. When is completion desired? Settlement is usually 6 weeks from exchange of contracts. (Due allowance must be made for all legal requirements to run their proper course. When Old System Titles, consolidations or sub divisions are involved, due allowance must be made for the additional time required)

Date

Hon. Secretary
Committee of Management