

ACKNOWLEDGEMENTS



Prior to signing a sale and purchase agreement, we recommend that you seek legal / technical advice.

Vendor Initials: _____

Purchaser Initials: _____

Please read and sign this form before commencing the purchase process or bidding at auction.

Property Address: 19 Laingholm Drive, Laingholm

Vendor: Andrew Russell Bank

Purchaser: _____

REA REQUIREMENTS:

You are entering into this transaction voluntarily and without duress.

We have made you aware that we have an in-house complaints procedure, and provided you with the following documents: REA Code of Conduct | REA Guide to Selling and Buying | OIA Information Sheet

AML & OIA:

You will have Anti Money Laundering obligations under the AML Act 2009 and may also have OIA obligations under the Overseas Investment Amendment Act 2021 (*information sheet provided*).

You will need to provide to your Solicitor, a NZ IRD number and NZ bank account number, to complete the sale.

IF YOU ARE UNCERTAIN ABOUT YOUR ELIGIBILITY, YOU MUST NOT BID AT AUCTION, AND SHOULD MAKE YOUR OFFER SUBJECT TO OBTAINING OVERSEAS INVESTMENT OFFICE CONSENT.

RELATED PARTY TRANSACTION:

We will advise you in writing if the owner (or any party associated with the owner) is a salesperson or employee of Austar Realty or is related to any such salesperson or employee.

BOUNDARIES:

The salesperson cannot, and therefore has not, defined the property boundaries.

MULTI OFFERS:

We acknowledge that this can be a high stakes and stressful process for buyers. As such, we have a set Multi Offer process in place, and specific documentation that will be strictly followed for multi offers.

TITLE:

We have provided you with the certificate of title for the property, and any relevant interests or instruments. If the property is a cross lease, we have provided you with the flats plan, and the memorandum of lease. If the property is a unit title, we have provided you with the pre contract disclosure statement.

PROFESSIONAL REPORTS:

Even if the vendor has already supplied a third-party builder's report, we recommend that you obtain independent professional reports on the property, if you have any doubts about its condition.

Vendor Signature(s) _____

Date: _____

Purchaser Signature(s) _____

Date: _____

DISCLOSURES

IMPORTANT: This is a living document that may change several times before sale day. Please ensure you read and download the most up to date version before making an offer or bidding at auction.

This document was updated on: 16/4/25

Interest: During marketing campaigns, dates and timeframes sometimes change. Please register your interest with us as early as possible so you don't miss out on purchasing the property.

We have made available to you the following:

- Certificate of Title
- LIM
- Rates information from Auckland Council
- School Zones
- REA Code of Conduct
- REA Guide to Selling and Buying
- Sale & Purchase Agreement

Known defects associated with the property:
Other disclosures that may be important to purchasers:
The fence/deck on the front door side of the house was constructed over the neighbours property line at 21 Laingholm Dr by the previous owner. There are letters available from the prior owners and solicitors correspondence regarding the matter.
Vendor Circumstances - The Vendor has given us permission to disclose the following personal information:
Moved overseas
Additional Information:

THINGS WE WANT TO DRAW YOUR ATTENTION TO:

Land Information Memorandum (LIM)

We have summarised what we believe are the important points in the LIM however we strongly recommend that you read the entire document and seek legal advice.

Wind Zones for this property	High wind speed of 44 m/s
Soil Issues	30/06/2000 Stability Sensitive: Please note this property was previously shown under the Transitional District Plan as being located in a Stability sensitive area. <i>Stability sensitive - Titirangi and Laingholm is stability sensitive. This means that should you develop the property, you will require an engineer's report.</i>
Overland Flow Path	This site (property parcel) spatially intersects with one or more Overland Flow Paths.
Exposure Zones	Zone D: High – Coastal areas with high risk of wind-blown sea-spray salt deposits.
Building	BPM-1959-12492 Additions and alterations to dwelling - Extend lean to and new bathroom 12/11/1959 Issued BPM-1965-11394 Addition to dwelling - Terrace 10/11/1965 Issued COM-1998-2886 Additions to dwelling - Enclose existing terrace and decking 16/07/1998 Issued
Waitakere Ranges Heritage Area	This property is located within the Waitākere Ranges Heritage Area as defined in the Waitākere Ranges Heritage Area Act 2008.
Zoning	Residential - Large Lot Zone
Controls	Controls: Macroinvertebrate Community Index - Native Controls: Macroinvertebrate Community Index - Urban Controls: Stormwater Management Area Control - TITIRANGI / LAINGHOLM 1 - Flow 1
Overlays	Natural Heritage: Waitakere Ranges Heritage Area Overlay - Extent of Overlay Natural Heritage: Waitakere Ranges Heritage Area Overlay - WRHA_06 - Subdivision Schedule ' Natural Resources: Significant Ecological Areas Overlay - SEA_T_5539 - Terrestrial
Designation	Designations: Airspace Restriction Designations - ID 1102 - Protection of aeronautical functions - obstacle limitation surfaces - Auckland International Airport Ltd - Confirmed

Settlement Date on Offer: As soon as possible

We recommend that you get a building inspection report. We also recommend that when purchasing a property, you seek legal advice, complete due diligence and arrange your finance.

This information has been supplied to us by a third party. Accordingly, the Vendor and Austar Realty Limited are merely passing over this information as supplied to us by others. While we have passed on this information supplied by a third party, we have not checked, audited, or reviewed records or documents and therefor to the maximum extent permitted by law neither the Vendor nor Austar Realty Limited or any of its' salespersons or employees accept any responsibility for the accuracy of the materials. Intending purchasers are advised to conduct their own investigation.

Vendor Signature(s) _____

Date: _____

Purchaser Signature(s) _____

Date: _____

Salesperson Name: _____

Signature: _____ Date: _____



Austar Realty Ltd Complaints & Disputes Resolution Procedure

In accordance with Rule 12 Real Estate Agents Act (Professional Conduct and Client Care Rules) 2012, all licensed real estate agents are required to have a written in-house complaints and dispute resolution procedure.

You do not have to use our complaints and resolution procedure. You may make a complaint directly to the Real Estate Agents Authority at any time. You can make a complaint to the Real Estate Agents Authority even if you choose to also use our procedures.

Our complaints and dispute resolution procedure is designed to provide a simple and personalised process for resolving any concern or complaint you might have about the service you have received from Austar Realty, or any of our licensees.

1. Call the branch manager and give them the details of who you are complaining about, what your concerns are, and how you would like the issue resolved.
2. The manager may ask you to put your complaint in writing so that he or she can investigate it. The manager will need a brief period of time to talk to the team members involved, and document their response. We promise to come back to you within 5 working days with a response to your complaint. That response may be in writing.
As part of that response we might ask you to meet with a senior manager or our CEO to discuss the complaint and try to agree on a resolution.
3. If we are unable to come to an agreed resolution after a meeting, or if you don't wish to meet with us, we may provide you with a written proposal to resolve your complaint.
4. If you do not accept our proposal, please try and advise us in writing within five working days. You can, of course, suggest another way of resolving your complaint.
5. If we accept your preferred resolution, we will attempt to implement that resolution as soon as possible. If we decline your preferred resolution, we may invite you to mediate the dispute.
6. If we agree to mediate the complaint but don't settle the complaint at mediation, or we do not agree to mediate the dispute, then that will be the end of our process.

Remember: You can still make a complaint to the Real Estate Agents Authority in the first instance and, even if you use our procedures, you can still make a complaint to the Real Estate Agents Authority at any time.

The Real Estate
Authority Level 4 The
Todd Building 95
Customhouse Quay

Wellington 6011

Phone 0800 367 732

26 February 2019

Ray White
Ponsonby Office
By fax: 09 378 6830

Attention: Elaine Ferguson

**Re: 17 Laingholm Drive, Laingholm - Property Boundary (Our
Client's property – 21 Laingholm Drive, Laingholm)**

We act for Edward and Annette Turner, the registered proprietors / occupiers of the property at 21 Laingholm Drive, Laingholm.

We are advised that the neighbouring property at 17 Laingholm Drive, Laingholm, has been listed for sale with your agency and that you are the listing agent.

We have been instructed to advise that the newly built deck (or parts of it) belonging to 17 Laingholm Drive encroach upon our clients' property.

Our clients have engaged a surveyor to confirm the title boundary between the neighbouring properties to confirm the extent of the encroachment on their property. However, in the interim, our clients are concerned that potential purchasers of the property at 17 Laingholm Drive will erroneously presume the wrongly placed structure is within the boundary of that property.

In accordance with Rule 10.7 of the Real Estate Agents Act (Professional Conduct and Client Care) Rules 2012, a licensee must disclose known defects in land to a customer. Accordingly, it is incumbent upon the agents and agency marketing the property to disclose this matter to not only the purchaser, but potential purchasers.

If you have any questions in respect of this matter, please don't hesitate to contact the writer.

Kind regards
David J Brown & Associates

Jaimee Kirby-Brown
Associate Solicitor

DAVID J BROWN
A N D A S S O C I A T E S

barristers & solicitors

26 February 2019

Ray White
Ponsonby Office
By fax: 09 378 6830

FAXED

STATEMENT OF PASSING OVER INFORMATION:
This information has been supplied to us by a third party. Accordingly the Vendor and Austar Realty Limited are merely passing over this information as supplied to us by others. While we have passed on this information supplied by a third party, we have not checked, audited, or reviewed the records or documents and therefore to the maximum extent permitted by law neither the Vendor nor Austar Realty Limited or any of its salespersons or employees accept any responsibility for the accuracy of the materials, intending purchasers are advised to conduct their own investigation.

Attention: Elaine Ferguson

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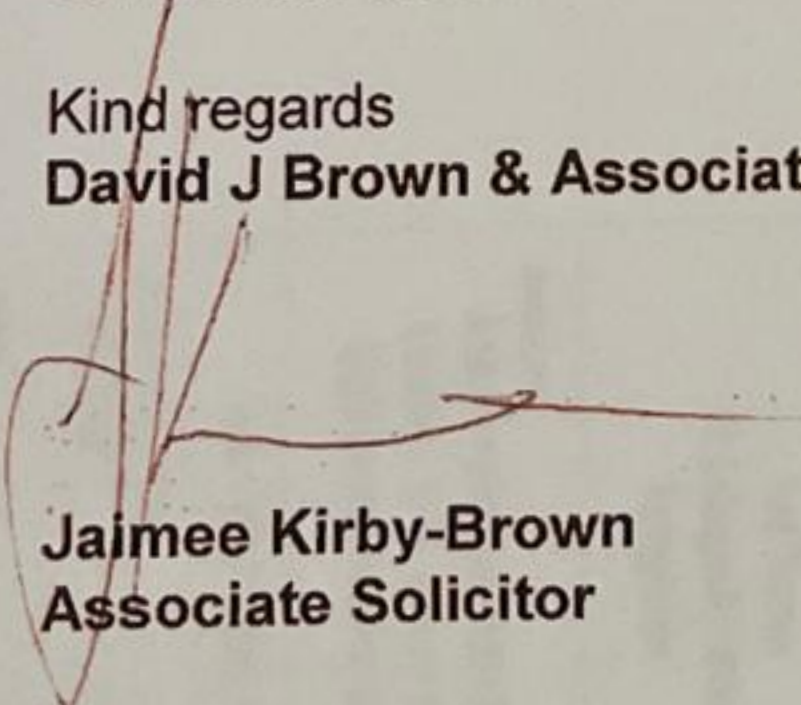
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Kind regards
David J Brown & Associates



Jaimee Kirby-Brown
Associate Solicitor

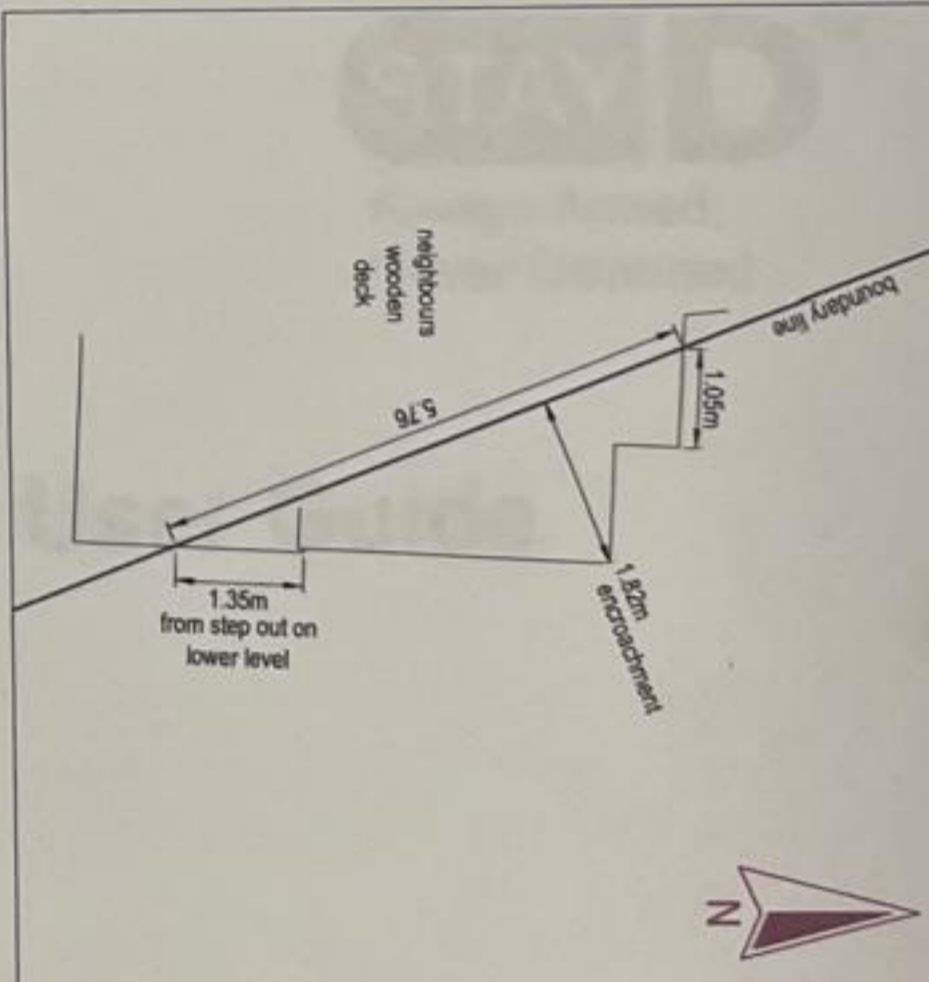
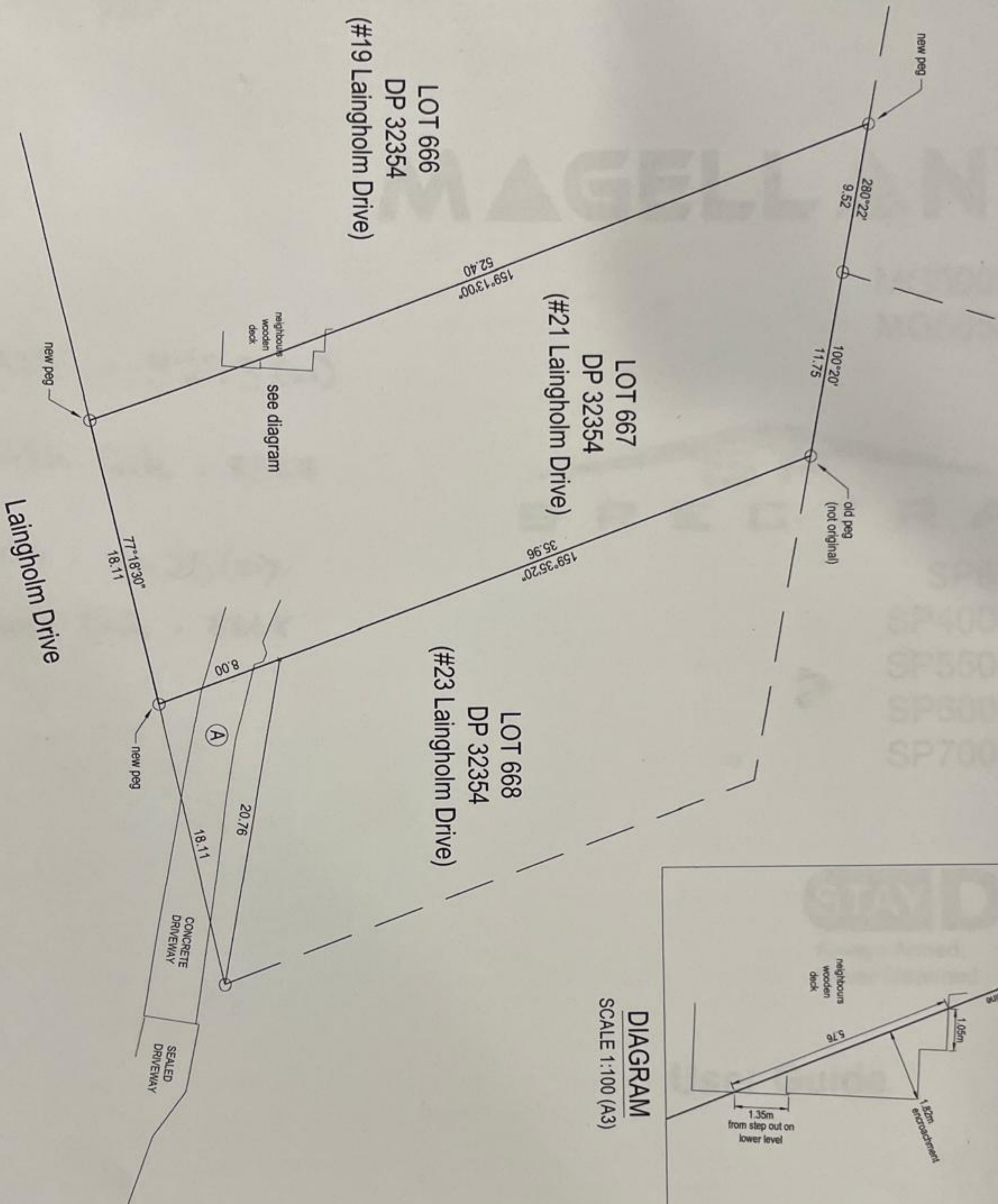


DIAGRAM
SCALE 1:100 (A3)



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NOTE: Area shown 'A' is the proposed ROW Easement as shown on plan prepared by Graham Cato & Associates, titled "Proposed ROW over Pt Lot 668 DP 32354", sheet 2433.

CATO BOLAM CONSULTANTS
PLANNERS | SURVEYORS | ENGINEERS | ENVIRONMENTAL

PROJECT
Ted Turner
21 Laingholm Drive
Laingholm

DRAWING TITLE
Boundary redefinition Diagram
Location of driveway Diagram
Deck encroachment Diagram

FOR ENTER ISSUE TYPE

No.	REVISION (DESCRIPTION)	NAME	DATE
A	Issued for information	KKC	05/03/2019
B	Diagram added	KKC	04/03/2019
SUBMITTED			
DESIGNED		KKC	04/03/2019
DRAWN		KKC	05/03/2019
DATE		ORIGINAL SCALE	ORIGINAL SIZE
05/03/2019		1:250	A3
DRAWING NO.			REVISION
42743-DR-SU-1300			B

6494453803



codymo
Lawyers

Cockcroft
d'Young
Moorhouse
Limited

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P: +64 9 445 3058 F: +64 9 445 3803
enquiries@codymo.co.nz
www.codymo.co.nz

18 March 2019

David J Brown and Associates
Barristers and Solicitors
PO Box 60-186
Titirangi
Auckland

Attention: **Jaimee Kirby-Brown**

By Facsimile: **09 817 7902**

Re: **19 Laingholm Drive and 21 Laingholm Drive- Encroachment**

We act for Jennifer Mavis Halliday, who is the owner of 19 Laingholm Drive, Laingholm.

We have received a copy of your letter that you sent to Elaine Ferguson as real estate agent for our client dated 26 February 2019.

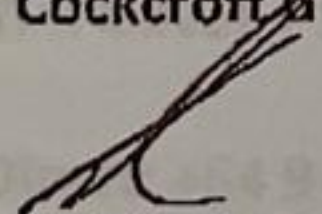
We confirm our client agreed to meet half the cost of the plan that has been prepared by Cato Bolam Consultants dated 5 March 2019 to look at the encroachment issue together with your costs for preparing the letter to the agent.

Can you please send us a copy of your invoice for preparation of the letter together with a copy of the invoice from Cato Bolam Consultants for preparing the plan so our client can arrange to pay half of this invoice.

You are correct that our client's property is on the market and that the encroachment issue will be disclosed to any potential purchasers.

Yours faithfully

Cockcroft d'Young Moorhouse Limited



Kirstin Opie

Director

kirstin@codymo.co.nz

Ted Turner

From: Jaimee Kirby-Brown [jaimee@davidjbrown.co.nz]
Sent: Thursday, 21 March 2019 11:15 AM
To: ted.turner@xtra.co.nz
Subject: Fwd: 19 and 21 Laingholm Drive, Auckland

Hi Ted,

See correspondence from the purchaser's solicitor below.

Great to see that they would like an easement put in.

Can I give you a call about this sometime after 1pm today?

Thanks

Jaimee

Begin forwarded message:

From: Tim Oliver <tim@kempsweir.co.nz>
Date: 21 March 2019 at 11:04:13 AM NZDT
To: "jaimee@davidjbrown.co.nz" <jaimee@davidjbrown.co.nz>
Cc: Kaye Harding <kaye.harding@gmail.com>
Subject: 19 and 21 Laingholm Drive, Auckland

Hi Jaimee,

We act for Kathryn Harding, who has signed a conditional agreement to purchase the property at 19 Laingholm Drive from Jennifer Halliday.

We understand that you act for the owner of 21 Laingholm Drive (Ted).

Are you please able to give me a call when you are back in the office, to discuss the encroachment issue which exists in relation to the deck? More specifically, we would like to discuss possible options going forward, such as an easement which allows the encroaching deck to remain.

We look forward to hearing from you at your earliest convenience.

Kind regards

Tim Oliver | Senior Associate | Kemps Weir Lawyers Limited

Direct: +64 9 525 4596 | **Fax:** +64 9 525 2811 | PO Box 62-566, Auckland 1546 | DX EP72013
Ground Floor, Building 10, Central Park, 660-670 Great South Road, Greenlane, Auckland
kempsweir.co.nz

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FROM 1 JULY, WE WILL BE ASKING CLIENTS FOR MORE INFORMATION New legislation affecting law firms will require us to gather more information from our clients. For an explanation please click [here](#)

Ted Turner

From: Jaimee Kirby-Brown [jaimee@davidjbrown.co.nz]
Sent: Friday, 22 March 2019 12:37 PM
To: ted.turner@xtra.co.nz
Subject: Fwd: 19 and 21 Laingholm Drive, Auckland

Hi Ted,

See the correspondence I sent off to the purchaser's solicitor yesterday after I spoke to you. I am waiting to hear back.

Regards
Jaimee

Begin forwarded message:

From: Jaimee Kirby-Brown <jaimee@davidjbrown.co.nz>
Date: 21 March 2019 at 3:27:39 PM NZDT
To: Tim Oliver <tim@kempsweir.co.nz>
Subject: Re: 19 and 21 Laingholm Drive, Auckland

Hi Tim,

Further to my earlier correspondence with you, I have had an opportunity to discuss your client's proposal with our client.

Our client appreciates your client's proposal to have an easement put in place to allow the encroaching deck to remain in situ. Our client is happy for that to occur subject to your client meeting the costs of having the boundary resurveyed, preparing the easement documentation and meeting our reasonable legal costs to review and attend to the execution of the easement documentation with our client.

In regards to the boundary resurvey, your client may or may not be aware that the boundary was recently confirmed by surveyors, Cato Bolam. Accordingly, it would likely be more cost effective to use these surveyors again to resurvey the boundary. Our client would be happy to pass on the particular surveyor's contact details.

Please obtain your client's instructions to the above.

We look forward to hearing from you again shortly.

Regards
Jaimee Kirby-Brown
Solicitor

On 21/03/2019, at 11:16 AM, Tim Oliver <tim@kempsweir.co.nz> wrote:

Thanks Jaimee, sounds good.

Kind regards

Tim Oliver | Senior Associate | Kemp's Weir Lawyers Limited