

Agreement for Sale and Purchase

1. EVOLUTION OF THE AGREEMENT	1
2. CHANGES IN THE LATEST EDITION	3
Front page	3
Clause 1.0 - Definitions, notices and interpretations	4
Clause 2.0 - Deposit	5
Clause 3.0 - Possession and Settlement	5
Clause 4.0 - Risk and insurance	7
Clause 5.0 - Title, boundaries and requisitions	7
Clause 6.0 - Vendor's warranties and undertakings	8
Clause 7.0 - Unit title and cross lease provisions	9
Clause 8.0 - Conditions and mortgage terms	9
Clause 12.0 - Goods and Services Tax (GST)	11
Clause 13.0 - Supply of a Going Concern	11
Back page	11
3. ADAPTING THE AGREEMENT	12
Vendor or purchaser is a trustee of a trust	12
Vendor is a deceased estate	12
Sale of a farm	12
Private sale by mortgagee	13
Sale of land with building to be constructed or completed	14
Sale of partially completed building on an "as is" basis	14
"Rent to Buy" agreement	14
Agreement for part of a parcel of land to be subdivided	15
4. WARRANTIES	17
Open contracts	17
Clause 6.2 (5)	17
Clause 6.1	25
Clause 6.2	26
Clause 6.3	28
Clause 6.4	29
Clause 6.5	30
5. PRACTICAL ISSUES AND PITFALLS	31
Cross leases	31
Requisitions	33
Capacity of parties	38
Notices	38
Land Information Memoranda	39
Conditions	41
GST & Tax issues	41

Floating charges	41
New title to issue	42
6. SETTLEMENT	43
Transfer	43
Settlement statement	44
Purchase money	44
Possession	45
Last minute settlement	51
Failure to settle	51
Disputes at settlement time	55
Settlement procedure	56
APPENDIX A - CHECKLISTS	58
Vendor's checklist	58
Purchaser's checklist	59
General issues	61
APPENDIX B – SUGGESTED CLAUSES FOR PARTICULAR TRANSACTIONS	62
Trustee limitation clause	62
Vendor is deceased estate	62
Sale of a farm	62
Private sale by mortgagee	66
Building to be constructed	67
Sale of partially completed building on as is basis	68
Rent to buy agreement	68
Land to be subdivided	69
Schedule of restrictive covenants	70
APPENDIX C – AGREEMENT FOR SALE AND PURCHASE OF REAL ESTATE	74