

Form of assignment (transfer)

Manufactured Homes (Residential Parks) Act 2003

ABN: 86 504 771 740

This form is effective from 1 September 2019

Important

Before signing this form, seek legal advice from an independent and experienced Queensland lawyer.

Important information you must know:

- you will not own the land your home will be positioned on
- your site rent may be increased outside the terms of your site agreement in particular circumstances
- your site agreement may be terminated in particular circumstances.

This form must be used when a home owner (seller) wants to assign (transfer) their interest in a site agreement to a person who wants to buy their manufactured home (buyer). The seller, buyer and the park owner must complete and sign two copies of this form.

The seller must give two copies of this form signed by the buyer and seller to the park owner with a written request for the park owner's consent to the assignment.

The park owner must not consent to the assignment of the seller's interest to the buyer unless the park owner has given the buyer the precontractual disclosure documents, as set out in Schedule 1 of the Act, for the site:

- at least 21 days before giving consent; or
- at least 7 days before giving consent if the buyer has received legal advice and signed a precontractual disclosure waiver.

The park owner must not unreasonably refuse to consent to the assignment.

If the park owner consents to the assignment, the park owner must sign and return one copy of this form to the seller and keep the other copy until 1 year after the site agreement is terminated. **The seller must**, as soon as practical after receiving a signed copy from the park owner, give it and their copy of the site agreement to the buyer.

In signing this form, all parties acknowledge that the assignment is dependent on the consent of the park owner.

If the park owner refuses to consent to the assignment, the park owner must return both copies of this form to the seller and give the seller written notice of the decision and the reasons for the decision. This notice must also state that, if the seller is dissatisfied with the refusal, the seller must use the dispute resolution procedures in the Act to try to resolve the dispute and, subject to those procedures, apply to the Queensland Civil and Administrative Tribunal for an order that the park owner consent to the assignment.

If the park owner fails to make a decision about the assignment within 28 days after receiving the seller's request, the park owner is taken to have refused to consent to the assignment.

Instructions

Please complete this form in BLOCK letters. Attach extra pages if needed. Give all references to dates as DD/MM/YYYY. If you need help completing this form, please contact the Department of Communities, Housing and Digital Economy on **13 QGOV (13 74 68)**

Part 1 – to be completed by seller

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| Section 1 | <p>Person 1</p> <p>Preferred title Mr Mrs Ms Miss Other (specify)</p> <p>Full name</p> <p>Phone</p> <p>Email</p> <p>Person 2</p> <p>Preferred title Mr Mrs Ms Miss Other (specify)</p> <p>Full name</p> <p>Phone</p> <p>Email</p> |
| Section 2 | <p>Residential park and site</p> <p>Park name and address</p> <p>.....</p> <p>.....</p> <p>Site location (e.g. site number or other description)</p> <p>.....</p> <p>.....</p> |

| | |
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| Section 3 | <p>Signature of seller</p> <p>I, being the owner of the manufactured home and holder of an interest in the site agreement with the park owner for the site on which the home is situated, agree to assign (transfer) my interest in the site agreement to the buyer of the manufactured home effective from the time of completion of the sale of the manufactured home.</p> <p>Person 1</p> <p>Signatory (print name)</p> <p>Signature Date DD / MM / YYYY</p> <p>Person 2 (if applicable)</p> <p>Signatory (print name)</p> <p>Signature Date DD / MM / YYYY</p> |
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Part 2 – Buyer (to be completed by buyer)

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| <p>Section 1 Buyer Name of buyer</p> | <p>Person 1 Preferred title Mr Mrs Ms Miss Other (specify) Full name Phone Email</p> <p>Person 2 Preferred title Mr Mrs Ms Miss Other (specify) Full name Phone Email</p> |
| <p>Section 2 Address Address for buyer</p> | <p>Current address</p> |
| <p>Section 3 Signature of buyer</p> | <p>I (please tick once completed):</p> <p>have received the precontractual disclosure documents, as set out in Schedule 1 of the Act, relating to the site</p> <p>understand it is recommended to seek legal advice for the purchase of a manufactured home and this assignment (transfer) from an independent and experienced Queensland lawyer.</p> <p>Warning: the buyer should not proceed with this assignment (transfer) if they have not received the precontractual disclosure documents.</p> <p>I agree to accept an assignment of the seller’s interest in the site agreement with the park owner for the site on which the home is situated, effective from the time of completion of the sale of the manufactured home.</p> <p>I understand that, in accepting the assignment (transfer), I will:</p> <ul style="list-style-type: none">• assume the rights and obligations of the seller under the site agreement; and• will be bound by the terms and conditions in the site agreement and the rules of the residential park, from the time of completion of the sale of the manufactured home. <p>Settlement date and time</p> <p>Person 1 Signatory (print name) Signature Date DD / MM / YYYY</p> <p>Person 2 (if applicable) Signatory (print name) Signature Date DD / MM / YYYY</p> |

Part 3 – Park owner (to be completed by park owner)

Section 1

Park owner

Details of park owner

Preferred title Mr Mrs Ms Miss Other (specify)

Full name

Full Company / Corporation name

Australian Company Number (ACN)

Australian Business Number (ABN)

Business address

Suburb State Post Code

Phone

Email

Section 2

Signature of park owner

I consent to an assignment (transfer) of an interest in the site agreement mentioned above.

I understand that the buyer will assume the rights and obligations of the seller under the site agreement and will be entitled to the same terms and conditions specified in the site agreement. I also understand that by signing this form I am consenting to the assignment (transfer) and releasing the seller from all liability under the site agreement from the time of completion of the sale of the manufactured home.

Park owner

Signatory (print name)

Company position

Signature Date

DD / MM / YYYY

Further information

If you would like more information, contact the Department of Communities, Housing and Digital Economy on 13 QGOV (13 74 68) or visit our website at www.chde.qld.gov.au

Regulatory Services (Department of Communities, Housing and Digital Economy)

Regulatory Services administers the *Manufactured Homes (Residential Parks) Act 2003*. This includes investigating alleged breaches of the Act.

Department of Communities, Housing and Digital Economy

GPO Box 690, Brisbane, QLD 4001

Phone: 07 3013 2666

Email: regulatoryservices@chde.qld.gov.au

Website: www.chde.qld.gov.au/services/housing/advice

Queensland Retirement Villages and Parks Advisory Service (QRVPAS)

Specialist service providing free information and legal assistance for home owners and prospective home owners in residential parks in Queensland.

Caxton Legal Centre Inc.

1 Manning Street, South Brisbane, QLD 4101

Phone: 07 3214 6333

Email: caxton@caxton.org.au

Website: www.caxton.org.au

Seniors Legal and Support Services Centres

Provides free legal and support services for seniors concerned about elder abuse, mistreatment or financial exploitation.

Caxton Legal Centre Inc.

1 Manning Street, South Brisbane, QLD 4101

Phone: 07 3214 6333

Email: caxton@caxton.org.au

Website: www.caxton.org.au/sails_slass

Queensland Civil and Administrative Tribunal (QCAT)

This independent decision-making body helps resolve disputes and reviews administrative decisions by government.

GPO Box 1639, Brisbane, QLD 4001

Phone: 1300 753 228

Email: enquiries@qcat.qld.gov.au

Website: www.qcat.qld.gov.au

Queensland Law Society

Find a solicitor.

Law Society House

179 Ann Street, Brisbane, QLD 4000

Phone: 1300 367 757

Email: info@qls.com.au

Website: www.qls.com.au

Department of Justice and Attorney-General

Dispute Resolution Centres provide a free, confidential and impartial mediation service to the community.

Phone: 07 3006 2518

Toll free: 1800 017 288

Website: www.justice.qld.gov.au