

## Sale of Land – FAQ and Important Information

**No legal advice** - Council cannot provide legal advice. Any advice provided by Council or its agents is general in nature.

You are encouraged to seek independent legal advice and undertake your own due diligence searches as you see fit, prior to the auction.

### **The auction list may change -**

Properties can be removed from sale up to the auction, at Council's absolute discretion.

It is recommended that you continue to check Council's website as the list of properties going to auction may be continuously updated.

**As is, where is** - Council cannot provide access or inspection of properties. Properties are sold on a "as is, where is" basis.

Council gives no warranty as to the state or occupation of a property in any respect, including whether the buyer will receive vacant possession.

If there is an occupier in the property after settlement, this is the buyer's responsibility.

**Contract terms** - Contracts are unconditional. A 10% deposit is required to be paid on fall of the hammer by EFT. Settlement is 11 June 2026.

**DocuSign** - Contracts will be sent to successful bidders via the secure platform DocuSign.

**Personal bidders** - Bidders are required to provide photo ID and proof of address to complete registration.

Bidders are required to enter the contract in the capacity in which they register to bid. If you are a couple, both bidders must be registered to bid.

**Company bidders** - If you intend to bid as a company you are required to

provide documents confirming your authority to bid on the companies behalf (e.g. ASIC search, corporate documents, trust documents showing you as a director).

If purchasing as a company please ensure that all representatives of the company are available to sign the contract and you have registered to bid correctly (e.g. sole director or director/secretary).

Each director must complete the guarantee and indemnity attached to the contract at Annexure B.

**Trustee bidders** - If you are purchasing as a trustee please ensure you have a copy of the Trust Deed and all relevant signatories are available to sign the contract.

**Conveyancer** - If you are the successful bidder, you will need to nominate a conveyancer to act on your behalf. We recommend a Queensland based conveyancer, due to the nature of the contracts.

Settlement of these properties cannot occur via PEXA, and hard copy transfer forms will be exchanged with your conveyancer for their lodging with the Titles Office.

**Prior reading** - Please ensure you familiarise yourself with the Conditions of Sale by Public Auction and Draft Contract and Special Conditions (Residential or Commercial as appropriate) as well as any disclosure material provided prior to the auction.

**Property transferred free of encumbrances** - On successful lodgement of the transfer documentation with Titles Queensland by your conveyancer, the property will generally be transferred free of encumbrances.

**Application of proceeds of sale** – Council is obligated to use proceeds of sale in a priority order pursuant to regulation 146 of the *Local Government Regulation 2012* (Qld).

The Buyer will be liable for land tax and any outgoings not paid in full by operation of Regulation 146.

**Auction day** - Council will begin allowing entry to the auction room from approximately 9am on the day of the auction for a 10am start.

Only registered bidders can enter the auction room.

The auctioneer will open bidding. You must place a bid to be able to negotiate with Council after the auction, should the property not reach its reserve.

Reserves are set in accordance with the *Local Government Regulation 2012*, and are confidential.

**Notice pursuant to section 100(c) of the Property Law Act 2023 (Qld)** - The Seller of the property is a local government and any related contract of sale gives effect to the exercise of a power under the *Local Government Act 2009* and the *Local Government Regulation 2012* (Qld) to sell land to recover overdue rates or charges.

The Buyer needs to make the buyer's own enquiries about matters affecting the property, and the Seller is not required to comply with section 99 of the *Property Law Act 2023* (Qld).

**Passed-in Properties** - If the reserve price is not met at auction, Council can enter negotiations with any registered bidder who raised a bid.

Bidders who are interested in negotiations should stay after the auction is complete to discuss with representatives of Council.

**Further questions?** If, after reading the above information and the Conditions of Sale by Public Auction, you have any further queries, please contact CLH Group on [saleofland@clhlawyers.com.au](mailto:saleofland@clhlawyers.com.au) or 1300 314 443.