BODY CORPORATE ESTABLISHMENT PROPOSAL

**Scheme details**

**Name: TBA**

**CTS: TBA**

**Location: Insert the site address**

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Click here to enter a date.

Click or tap here to enter developer name.

C/- Click here to enter contact person.

Via Email Only: Click here to enter text.

Dear Click here to enter text.

**RE: BODY CORPORATE ESTABLISHMENT SITUATED AT** xxInset scheme addressxx

**MBCD PROPOSAL FOR BODY CORPORATE ESTABLISHMENT**

We are delighted to submit our proposal for Mercier Body Corporate Development (MBCD) to offer expert Body Corporate Establishment in relation to your proposed scheme.

This proposal outlines the steps that we would propose in order to effectively set up your body corporate to achieve a smooth transition from strata titling, right through to the first Annual General Meeting and future management.

**Our Understanding of your proposed development**

Click here to enter text.

Please complete the attached initiation form and we will commence the first phase of the strata establishment process.

Should you have any queries, please do not hesitate to contact us via email or phone.

|  |  |
| --- | --- |
| Marc J. Mercier  Direct mobile: 0400 008 235  Director, MBCD  Direct Email: marc@mercierbcs.com.au | **Contact person:**  Nasrin Jazayeri  Body Corporate Establishment Consultant, MBCD  Direct Email: nas@merciercorporation.com.au |

We’re different

***MBCD*** is a body corporate establishment consultation company offering a high level professional approach in the market. In addition to the establishment consultation, MBCD provides a range of high level skills and expertise based on our background (being specialist in Body Corporate Law, Tenancy Law, Commercial Law, mediation specialist and practice in the Body Corporate Commissioner’s Office), as well as the ability to cater for seamless professional Body Corporate Management after establishment.

We take the time to intimately understand your proposed scheme and work collaboratively with other key personnel in your development team. Your satisfaction is our measure of success in the quality services that we offer.

Our values & skills

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| --- | --- | --- |
| ❶ | ❷ | ❸ |
| **Our clients come first**  We are committed to providing you with responsive and high levels of customer service with consistency & continuity. | **The Law**  Accurate and incisive legislative knowledge and advice on its practical application. | **Value for money**  Whilst we offer quality and professionally-delivered standard services, we offer so much more high level skills to your committee. |
| ❹ | ❺ | ❻ |
| **Collaboration**  We recognise that much can be achieved with a property development team by working as a team. | **Communication**  Maintaining an open line of communication with your key team members in order to maximise effective outcomes. | **Experience**  We have a broad range of experience including work at the BCCM Commissioner’s Office and legal practice. |

We don’t just work for you;

We work with you.

Whilst we might not be sitting next to you, we’re only ever a phone call or email away. When we collaborate with you and your associated contractors, we join your team, and although we’re external, we’re a key player that you can count on to meet your objectives.

**No task is too small, too involving or too difficult.**

Scope of work

Under our Body Corporate Establishment Retainer Agreement, MBCD will provide to you, as Developer, the following establishment services formulated in 2 distinct stages:

**STAGE 1 – DEVELOPMENT PHASE**

* Review proposed plans and specifications, community management statement and make recommendations for Contribution Lot Entitlement allocations and exclusive use by-laws, and liaise with your Surveyor and Solicitor, if required;
* Liaising with lawyers and developer to obtain instructions for, and assistance in the preparation of, disclosure statement relating to existing lots under the BCCM Act (where necessary) for inclusion in contracts of sale of lots
* Make recommendations as to the appropriate Module for the scheme;
* Attendances to obtain instructions for, and to provide advice for inclusions in CMS, and thereafter, preparation of the CMS to accompany the survey plan;
* Establishment of all necessary rolls, registers and records of the body corporate;
* Preparing a budget for the administrative and sinking funds for the first year of operation;
* Obtaining competitive quotes for insurance;
* Obtaining quotes on the establishment of Lot Entitlements (where it is recommended that Lot Entitlements should not be equal);
* Expert advice on exclusive use and other by-laws for inclusion in the CMS (if required - for example, inclusions in by-laws of matters arising in special conditions in contracts of sale, e.g. allowing the keeping of pets by certain owners);
* Preparation of necessary exclusive use by-law for inclusion in CMS;
* Attendances to facilitate the obtaining of local authorisation notation on the CMS, and thereafter ensure registration of the plan and CMS to establish the body corporate (see below for further details);
* Calculate the Administration and Sinking Fund Levies, Management and Administrative Costs, for disclosure in the Contract of Sale;
* Provide a Body Corporate Manager’s Agreement for the Contract of Sale;
* Expert advice on any common property, or body corporate related issues (for example, occupation authorities by a service contractor (if required)).
* Provision of relevant section 205, and 206 or 213 certificates on behalf of the body corporate upon commencement of BC Management;
* Offering expert advice on the requirements for appointment of service contractors (e.g. the Caretaker Manager / Letting Agent (if any));
* Establishment of books, records and registers of the body corporate;
* All other attendances associated with the above matters to ensure establishment of the body corporate, its compliance with legal requirements upon establishment and to allow the sale of lots to contracted purchasers.

**STAGE 2 – COMPLETION / POST-DEVELOPMENT PHASE**

* Preparing Notices, convening and attending the first EGM and then the inaugural AGM of the body corporate;
* Attending to all matters necessary to legally establish the body corporate such as:
  + - Convene and attend the First Extraordinary General Meeting. This meeting will establish interim levies,
    - adopt insurances, authorise the use of the seal and the opening of a Bank Account, and appoint a Body Corporate Manager, and Caretaker/Manager;
    - Establishment of all necessary rolls, registers and records of the body corporate;
    - Establish a Bank Account for the Scheme;
    - Issue Body Corporate Levies;
    - Order a Common Seal;
    - Apply for a Tax File Number and ABN, register the Body Corporate for GST;
    - Change the electricity into the name of the Body Corporate;
    - When 50% of the Lots are sold, or 6 months, whichever first occurs, we will convene the First Annual General Meeting. The First AGM will review the by-laws, approve the levies and budgets, and elect a Committee; and
    - All other attendances associated with the above matters to ensure establishment of the body corporate, its compliance with legal requirements upon establishment and to allow the sale of lots to contracted purchasers.

The post-development phase is the phase following the first EGM of the body corporate at which the body corporate manager and all other service contractors are appointed. The appointment of the Body Corporate Manager would be envisaged to be a three year appointment through MBCS, a quality boutique provider of Body Corporate Management Services specialising in large schemes.

Costings for the two phases described above are detailed in the remainder of this proposal.

**WHAT YOU NEED TO DO**

* Liaise with Surveyors for completion of the Building Format Plan and the drafting of the Community Management Statement;
* Liaise with your Solicitor on the Contract of Sale and appropriate documents for inclusion;
* Arrange for lodgement with Council and registration with the DNRM;
* Have a 10 Year Sinking Fund Forecast completed (We can provide a referral if requested);
* Ensure the building and common areas are fully insured;
* Provide an Insurance Valuation (We can provide a referral if requested);
* From the First EGM act as the Chairman of the Body Corporate until the First AGM is convened;
* At the First AGM hand over to the Body Corporate all plans, specifications, design drawings, warranties, contract of sale, and other documents relevant to the building.

We bring other valuable services to the table which we consider most other managers simply don’t possess, and which will benefit both your Body Corporate and its committee members on an ongoing basis. These additional skills and abilities include:

Additional services

and skills

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* High level legal qualifications - MBCD director has and maintains a current practising certificate as a Barrister-at-Law and regularly represents parties in Body Corporate matters;
* High-level industry-specific and extensive experience through MBCD director formerly being a member of the Office of the Commissioner for Body Corporate and Community Management and running its conciliation section for a time. Marc Mercier is also an expert in Body Corporate law;
* Expertise in other areas of the law including: residential tenancy law, property law, contracts/commercial law, Anti-Discrimination law (Marc Mercier is former Anti-Discrimination Principal Conciliator for Qld), and other areas that impact on Body Corporate compliance. We further offer high level expertise in debt recovery with a clear and consistent debt recovery process;
* Expert dispute resolution skills and experience, thus minimising or preventing disputes - MBCD Director is a qualified and mediator and registered practising dispute resolution practitioner;
* Service Continuity - Capacity for seamless transition to body corporate management through the associated company Mercier Body Corporate Services, thereby offering the convenience of interlocking and collaborative services;
  + - *MBCD Director, Marc Mercier is also the author of a Body Corporate Law Textbook (Body Corporate Law – Practice & Procedure) published through the global publisher Wolters Kluwer CCH. The textbook can be obtained through the following website: www.bodycorporatelawqld.com.au*

These additional skills are real and tangible benefits for your future Body Corporate.

Our fees and disbursements

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| Item | Fee | Description |
| MBCD’ professional fee for acting as body corporate consultants | $XXX | * For stages XXX * **as per scope of works** |
| Professional Fee for drafting first Community Management Statement (CMS) | $XXX | Fee for drafting first Community Management Statement (CMS) included in the consultancy cost of XXX.**🞹** |
| Discount | **-$XXX** |
| Total | $XXX | Any costs charged to the company are inclusive of GST. |

**Terms and condition:**

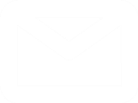
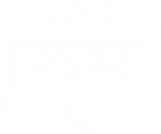
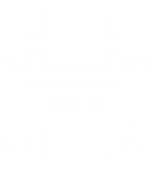
🞹 On the basis of MBCD initially receiving all relevant and clear information and documentation sufficient for completion of the First CMS, the cost to prepare the First CMS**.**

The First CMS is then provided to the developer, or in the alternative (as per instructions), to the developer’s lawyers for lodgement.

We will listen.

You won’t be another number.

You will be recognised.



**www.mbcd.com.au**

**1300 882 072**

**+61 7 3833 6808**

**info@merciercorporation.com**

We look forward to the possibility of working with your development team.

If you require clarification or assistance with any aspect of our proposal, or further information or assistance with any aspect concerning the appointment of Mercier Body Corporate Developments, please contact us.

We are happy to arrange a meeting to discuss with you our proposal, any particular issues you might have, or how a partnership with *MBCD* can be an asset to your Body Corporate in its management and operation.