

Multi-Unit Developments Act 2011 (the MUDs Act)
Precedent Pre-Contract Enquiries

A. All units in a Multi-Unit Development

1. Furnish evidence by way of Companies Office search that the Owners Management Company (“the OMC”) is registered in the Companies Office.	
2. Confirm if the OMC has received any notice threatening a strike-off or liquidation. If any such notice has been served please furnish details.	
3. Furnish certified copy Certificate of Incorporation and Memorandum and Articles of Association of the OMC or constitution of the OMC if incorporated on or after 01 June 2015.	
4. Furnish either:	
(a) Copy Folio and File Plan showing the OMC as registered owner of the common areas and of the reversions in the residential units, or	
(b) Copy Deed of Assurance of the common areas and of the reversions in the residential units to the OMC.	
5. (a) If no contract for the sale of a residential unit in the Multi Unit Development was entered into prior to 24 January 2011, confirm that the voting rights of the members and the name of the OMC are in compliance with Section 14 of the MUDs Act.	
(b) If any such contract was entered into prior to the 24 January 2011, confirm that the voting rights of members comply with Section 15 of the MUDs Act.	

6. Confirm:	
(a) That one OMC is or will be responsible for the management of the external and/or internal common areas of the entire Multi-Unit Development and all the services relating thereto.	
(b) That the only shareholders/members in the OMC are the unit owners.	
(c) How the service charge is apportioned between the unit owners.	
(d) There has been no breach of Section 16 of the MUDs Act.	
7. Who is presently managing the Multi-Unit Development?	
8. If a firm of managing agents has been engaged state:	
(a) The name of the firm.	
(b) The terms of their engagement including (in particular) the amount of their charges.	
(c) Whether they are employed by the Developer or the OMC.	
9. Furnish the name of the solicitor or firm of solicitors representing the OMC.	
10. (a) Are there house rules of the OMC other than as set out in the Memorandum and Articles of Association or in the Lease.	
(b) If so furnish details of these rules and confirm that they were made in accordance with Section 23(4) of the MUDs Act.	

11. (a) Has the OMC put a sinking fund into effect in accordance with Section 19 of the MUDs Act?	
(b) If so what is the present level of the fund and where and in whose name is it held?	
(c) What is the amount of contribution required under Section 19 (5) of the MUDs Act?	
12. (a) What is the amount of the service charge currently payable?	
(b) Furnish details of the scheme in respect of annual service charges as required under Section 18 (1) of the MUDs Act.	
(c) Furnish a copy of the estimate for the current service charge year as required under Section 18 of the MUDs Act.	
(d) Confirm the estimate was considered and approved as required under Section 18(2) of the MUDs Act.	
(e) Furnish a copy of the last annual report as required under Section 17 of the MUDs Act and confirm that all requirements in relation to the annual meeting have been complied with by the OMC.	
(f) Furnish now the accounts of the OMC for the previous financial year.	
13. Is the Vendor or the OMC aware of any possible claim against the funds of the OMC?	
14. Is the Vendor or the OMC aware of any proposal by the OMC to carry out any repair work or incur other expenditure which would substantially affect the service charge payable at present?	
15. (a) Has any application to Court been made or is pending or has been threatened by any person under Section 24 of the MUDs Act in relation to the OMC or the Multi-Unit Development?	

(b) If so please furnish full details.	
16. Has the OMC entered into any contracts which would contravene Section 32 of the MUDs Act?	
17. Furnish a certified copy of the current block insurance policy together with evidence that it is in force together with a letter of interest noting the name of the Purchaser's mortgagee (if applicable).	

18. Hand over on closing;	
(a) Copy letter to the OMC confirming the change in ownership and giving the name and address of the purchaser.	
(b) Written confirmation from the OMC that the service charge has been paid and the date to which it has been paid.	

B. Multi-Unit Development in which a residential unit was NOT sold prior to 01 April 2011

1. Confirm that the OMC complies with Section 3 (5) of the Multi-Unit Developments Act 2011 (the MUDs Act.)	
2. Furnish:	
(a) A copy of the certificate required under Section 3(1)(c) of the MUDs Act.	
(b) A copy of the contract referred in Section 3(1)(d) of the MUDs Act.	
(c) Confirmation that the OMC had legal representation and was not represented by the same solicitor or firm of solicitors as the developer or owner of the common areas as required under Section 3(6) of the MUDs Act.	

(d) The name of the solicitor or firm of solicitors referred to at 6.(c) above.	
3. If the development stage has ended provide a copy of the statutory declaration required under Section 11 of the MUDs Act.	
4. Has any request been made under Section 12 of the MUDs Act? If so, please furnish details and a copy of the statutory declaration required.	
5. If the development stage of the Multi Unit Development has ended, provide written confirmation from the OMC that the documentation specified in Schedule 3 of the MUDs Act has been furnished to it.	

C. Multi-Unit Development in which a residential unit was sold prior to 01 April 2011

1. If the development stage has ended provide a copy of the statutory declaration required under Section 11 of the MUDs Act.	
2. Has any request been made under Section 12 of the MUDs Act? If so, please furnish details and a copy of the Statutory Declaration required.	
3. If the development stage of the Multi Unit Development has ended, provide written confirmation from the OMC that the documentation specified in Schedule 3 of the MUDs Act has been furnished to it.	

Dated the day of 20

Dated the day of 20

Solicitors for the Purchaser

Solicitors for the Vendor