

**INQUIRIES BEFORE CONTRACT OF MANAGING
AGENTS/FREEHOLDERS**



DEVON & SOMERSET
LAW SOCIETY

www.dasls.com

Property:

Lease:

Dated:

Parties:

Our client:

Landlord:

We act for the present Lessee of the above property, and understand that you deal with the management of the above.

Would you please let us have your comments and replies to the following questions:-

SECTION 1: LANDLORD INFORMATION		
1.1	Please provide the full name(s) and address(es) for correspondence of:	
1.1.1	the present Landlord; and	
1.1.2	any Superior Landlord(s),	
1.2	To whom should Notice of Assignment and/or Notice of Charge be given?	
1.3	What is the current registration fee for registration of such a Notice? Please state the amount of VAT payable if any	
1.4	Have there been any recent, or are there intended to be, any changes to the above?	
1.5	Are there any other specific restrictions on resale that should be brought to our attention?	
1.6	If a Deed of Covenant in favour of the Landlord or a Superior Landlord is required by the Lease and is in a standard form, please provide a precedent.	

SECTION 2: MANAGEMENT COMPANY INFORMATION

2.1	Please provide details of any amendment to the Memorandum & Articles of Association of the Management Company since the company was originally incorporated.	
2.2.1	If a Share Certificate is relevant, to whom should the Stock Transfer Form be sent?	
2.2.2	Do you register the transfer of shares and issue new share certificates in the Management Company (if appropriate)? If not, who does?	
2.2.3	Does the Landlord/Freeholder have a managing agent? If yes, does the managing agent have any professional affiliation?	
2.3	Please supply a copy of the Minutes of the last three AGMs and any EGMs within the last 3 years.	
2.4	Is there a Residents' Association? If so, please provide a contact address	
2.5	Do you know whether anybody has exercised any right of enfranchisement, extension of leases etc?	
2.6	Is the Property within a building requiring a HMO licence? If so, please confirm that the common parts comply with the HMO licence requirements.	

SECTION 3: GROUND RENT

3.1	Please confirm that all Ground Rent is paid to date.	
3.2	Please confirm the amount of the last payment, date paid and period covered.	

SECTION 4: SERVICE or MAINTENANCE CHARGE

4.1	To whom is the Service or Maintenance Charge actually paid?	
4.2	Please provide copies of the Service Accounts for the last three years (if applicable).	
4.3	Please provide details of any difficulties there have been recovering any Service or Maintenance Charges during the last three years.	
4.4	Please provide a copy of the Budget for Service or Maintenance Charge for the current year and details of the anticipated payments on account.	
4.5	Is there likely to be a debit balance for the current financial year, or for any previous financial year where the accounts have not yet been issued?	
4.6	Has any unusually large expenditure been incurred which is recoverable by way of Service or Maintenance Charge which has not yet been demanded or paid?	
4.7	Is any such future expenditure contemplated which is not in the current year's budget or interim service charge account?	
4.8.1	Is there a Sinking or Reserve Fund?	
4.8.2	If there is either or both, please provide details of the fund.	
4.8.3	If so, is it considered sufficient to cover anticipated expenditure for which it has been set up?	

SECTION 4: SERVICE or MAINTENANCE CHARGE (Continued)

4.9.1	Are you aware of any LVT or court cases brought by lessees in the last three years?	
4.9.2	If so, please supply details and outcome	

SECTION 5: INSURANCE

5.1	Please supply a photocopy of the current insurance certificate and a summary of the cover with any leaflets issued regarding the policy	
5.2	Please confirm that the insurance premium for the current year has been paid.	
5.3	If the insurance premium is not included in the Service Charge Accounts: When is it billed and for what period?	
5.3.1	What is the proportionate amount payable by this Property and has it	
5.3.2	been paid for the current period?	
5.4	Are the interests of Lessees and Mortgagees automatically noted on the policy?	

SECTION 6: MAINTENANCE

6.1	Decoration:	
6.1.1	When was the exterior last decorated?	
6.1.2	When were the internal common parts last re-decorated?	
6.2	Has any electrical work been carried out to the common parts of the building since 1 st January 2005?	
6.3	Has any work been carried out to any gas or oil central heating equipment serving the common parts of the building since 1 st April 2005?	
6.4.1	Please supply details of all other material works to the structure, plant, fixtures or fittings at the building, and	
6.4.2	where required, confirm that they were carried out with all necessary Planning Permissions and Building Regulations Consent, and	
6.4.3	produce copies of any permissions and consents obtained.	
6.5	Please provide details of any works to the structure, plant, fixtures or fittings at the building that have been agreed to be undertaken, but have not yet been carried out.	
6.6	Other than anything disclosed by the Service or Maintenance Charge or Sinking or Reserve Fund, is there any other substantial expenditure anticipated within the next 2 years?	

SECTION 7: DISPUTES

7	<p>Is there any dispute between the tenants of which you are aware?</p> <p>If there is, please provide details.</p>	
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SECTION 8: REGULATIONS

8	<p>Have any Management Regulations, which are in addition to the tenant's covenants and/or any Regulations set out in the Lease, been made or amended since the date of the Lease?</p> <p>If so, please provide full details.</p>	
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SECTION 9: GENERAL

9.1	<p>How many flats are there in the building?</p>	
9.2	<p>Are all the flats let on leases on similar terms to the Lease?</p> <p>If not, please provide further information regarding the forms of letting.</p>	
9.3.1	<p>Is there an asbestos risk assessment?</p>	
9.3.2	<p>If so, please supply a copy and confirm that any recommendations contained therein have been implemented.</p>	
9.3.3	<p>If not, when is one proposed?</p>	

SECTION 9: GENERAL (Continued)

9.4.1	Please supply a copy of the Fire Safety Risk Assessment relating to this property in accordance with The Regulatory Reform (Fire Safety) Order 2005 as evidence that the Landlord/ Management Company have adhered to their legal requirements.	
9.4.2	If the Fire Safety Risk Assessment shows the property to be at risk in any way, please then advise whether any improvement, alteration or prohibition notices have been served by the fire authority or local authority in relation to this property. If so, please supply full details.	
9.5	If you have not got an Asbestos or Fire Safety Risk Assessment please obtain one	
9.6	Is the Building a purpose built block of flats or is it a house/hotel/other building converted into flats? Please specify.	
9.7	Can you please confirm whether or not there has been any variation of the leases in the building, either informal or formal by way of a Deed of Variation since you took over the management.	
9.9	Is there any other information which you think the buyer may have a right to know e.g. negotiations to purchase the freehold?	

Signed etc