

Termination notice of assignment agreement – by home owner in cooling-off period

ABN: 86 504 771 740

Manufactured Homes (Residential Parks) Act 2003

This form is effective from 1 September 2019

Important

If you have concerns about this notice, you should seek legal advice from an independent and experienced Queensland lawyer.

This form can be used by a home owner/s to terminate **an assignment agreement** during the cooling-off period. An assignment agreement is an agreement between a seller and a buyer for the assignment of the seller's interest under a site agreement to the home owner ('buyer').

Information for home owner

A home owner can use this form to terminate an assignment agreement during the cooling-off period. The completed and signed form must be given to the park owner, the seller and any financier who has been granted a security interest in the manufactured home on the site:

- within 7 days after the park owner consents to the assignment of the seller's interest in the site agreement to the home owner if the home owner has been provided with the precontractual disclosure documents in accordance with section 48A of the *Manufactured Homes (Residential Parks) Act 2003* (Act); or
- within 28 days after the park owner consents to the assignment of the seller's interest in the site agreement to the home owner if the home owner has not been provided with the precontractual disclosure documents in accordance with section 48A of the Act.

The home owner must give this completed form within the above timeframes or the cooling-off period will expire and the home owner/s will lose the right to terminate under the cooling-off period.

The Department of Housing and Public Works also recommends that you:

- use a receipted delivery service if sending by mail; and
- keep a transmission record if sending by fax or email.

If the home owner/s has entered into an agreement with the seller for the sale of a manufactured home positioned on the site, then that sale agreement will automatically be at an end on the date the site agreement is terminated.

Financier information

After receiving this form, the financier must give the seller a notice stating the amount owing under a security interest within 7 days after the ending of the sale agreement.

Seller information

After receiving this form, the seller must:

- refund any amount received under the assignment agreement from the home owner within 14 days after the termination date; and
- pay the refundable amount in respect of any termination of a sale agreement for a manufactured home (as defined in the Act) firstly to any financier under a security interest in the home to the extent an amount is owing under the security interest and the balance to the home owner in accordance with section 51D of the Act.

If you need help completing this form, please contact the Department of Housing and Public Works on **13 QGOV (13 74 68)**

Part 1 – Details

Section 1
Home owner
Name of home owners who are seeking to terminate site agreement

Person 1
Preferred title Mr Mrs Ms Miss Other (specify)
Full name
Phone
Email

Person 2
Preferred title Mr Mrs Ms Miss Other (specify)
Full name
Phone
Email

Section 2
Residential park and site

Park name and address
.....
.....
Site location (e.g. site number or other description)
.....
.....

Section 3
Key information

The commencement date of the assignment agreement was:
DD / MM / YYYY

The park owner consented to the assignment of the seller's interest in the site agreement to the home owner on:
DD / MM / YYYY

The following circumstances apply:
the park owner **did** provide the precontractual disclosure documents in accordance with the Act and the home owner is terminating the assignment agreement within the 7-day cooling-off period; **or**
the park owner **did not** provide the precontractual disclosure documents in accordance with the Act and the home owner is terminating the assignment agreement within the 28-day cooling-off period.

The **termination date** is
DD / MM / YYYY

The **termination date** must be within 28 days after the date this notice is issued to the park owner, seller and financier (if any).

Section 4
Sale agreement for manufactured home

Please indicate below if there is a sale agreement between the home owner/s and the seller in respect of the manufactured home on the site
Yes, there is a sale agreement between the seller and the home owner
No, there is no sale agreement between the seller and the home owner
Date of sale agreement (if applicable):
DD / MM / YYYY

Section 5 Financier details (if applicable)	Financier name ABN (if applicable) Address Phone Email
Section 6 Home owner signatures	Person 1 Signatory (print name) Signature Date <div style="text-align: right;">DD / MM / YY</div> Person 2 Signatory (print name) Signature Date <div style="text-align: right;">DD / MM / YY</div>
Part 2 – Information on other effects of terminating in the cooling-off period	
Terminating the sale agreement	<p>If the prospective home owner/s entered into a sale agreement with the seller to purchase the manufactured home, then:</p> <ul style="list-style-type: none"> • termination of the assignment agreement under the cooling-off period means that the sale agreement is taken to be at an end on the termination date; and • ownership of the manufactured home reverts to the seller on the termination date. <p>The seller is required to refund any amounts paid to it under the sale agreement. If the home owner/s granted a financier a registered security interest in the manufactured home, then the seller is required to refund any amount owing under the security interest first before paying the balance to the home owner/s.</p>

Further information

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

Regulatory Services (Department of Housing and Public Works)

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

Department of Housing and Public Works

GPO Box 690, Brisbane, QLD 4001

Phone: 07 3008 3450

Email: regulatoryservices@hpw.qld.gov.au

Website: www.hpw.qld.gov.au/housing

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_slss

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