



## Lawyers of Hamilton Limited trading as K J LAW - Letter of Engagement

Thank you for approaching us in this matter. We will be pleased to act for you. We **enclose** some material, which sets out:

- a Information for clients which lawyers are required by the New Zealand Law Society to provide; and
- b Our standard terms of engagement.

### 1. Services to be provided (refer attached schedule showing what is included in the fee below)

The following is a summary of the legal services we expect to be providing to you (all inclusive of GST):

PURCHASE	Our fee including GST – registering one mortgage	\$1,027.00
	Plus costs for search and registration fee of \$173.00	\$1,200.00
PURCHASE	Our fee including GST – no mortgage	\$ 930.00
	plus costs for searches, registration and agency fee \$120.00	\$1,050.00
SALE	Our fee including GST – discharging one mortgage	\$ 965.00
	plus costs for searches, registration and agency of \$85.00	\$1,050.00
SALE	Our fee including GST – no mortgage	\$ 940.00
	plus costs for searches and agency \$10.00	\$ 950.00
REFINANCE	Our fee including GST – one discharge/new mortgage	\$ 680.00
	plus costs for searches and registration fees of \$170.00	\$ 850.00
VARIATION OF MORTGAGE		
	Our fee including GST – excludes any Bank Consents	\$ 360.00
	plus costs for searches and registration fees of \$90.00	\$ 450.00

**In addition to the above, all changes in settlement dates (for example), conditional dates, re-draft of kiwisavers, last minutes changes, price negotiations, early release of deposits from real estate agents (requiring bank consent), pre/post settlement issues will be time recorded at the hourly rate applicable to the person responsible for that task. Time recording will apply.**

**PLEASE NOTE:** Purchases or sales with a purchase price of \$1,500,000.00 or more (whether commercial or residential in nature) will have extra costs attached due to liability issues. Extra costs of \$500 + GST will be charged for every \$500,000.00, or part thereof, of price above (and including) \$1,500,000.00. For example, if the price is \$1,700,000.00 – then the costs would be \$1,080.00 (as above) + \$500.00. If the price was \$2,100,000.00 then the costs would be \$1,080.00 + \$500 + \$500 + GST.

The above costs include the standard disbursement in relation to that transaction. At the time of invoicing those disbursements will be listed as it relates to your transaction. Any disbursement over and above the standard allowances will be charged separately.

## 2. Fees

The basis on which our fees will be calculated is as above in 1. plus the following as required (GST inclusive unless indicated):

DEED OF NOMINATION	\$ 150.00
GUARANTEE	\$ 350.00
MINUTES (Trust/Company purchaser or vendor)	\$ 150.00
EXTRA DISCHARGE OF MORTGAGE or WITHDRAWAL OF CAVEAT (each)	\$ 280.00
REVIEW OF CONTRACT PRIOR TO SIGNING (Time based) – minimum	\$ 250.00
KIWISAVER/HCNZ First Home Buyers requirements (per organisation) (or if together - \$300.00 instead of \$400.00)	\$ 200.00
WILL'S from (plus GST) (starting from \$350.00 each)	\$ 350.00
POWER OF ATTORNEY (plus GST) from (not including independent legal advice for one of the signing parties which may be a requirement)	\$ 700.00
CROSS-LEASE / BODY CORPORATE / BUILDERS REPORT / COMPLEX TITLE REVIEW / LIM REVIEW / RENTAL INVESTIGATIONS (Time and attendance based) – MINIMUM CHARGE (each)	\$ 250.00
BUILDERS REPORT OR BUILDING GUARANTEE ISSUES – Time Based min	\$ 200.00
PRE-SETTLEMENT/INSPECTION ISSUES – Time based – minimum	\$ 150.00
RLWT / IRD LINZ TAX STATEMENTS / OIO / AML requirements (as a group of documents)	\$ 250.00 min
IRD RLWT requirements/formula's (if RLWT applies & tax is paid)	\$ 250.00 min
<b>URGENCY</b> (where settlement required within 5 working days of unconditional notification)	\$500.00 min

### Our fee (purchase with a mortgage) includes:

- preliminary advice in relation to the contract (expect if reviewed prior to signing)
- receiving and perusing the contract
- searching and checking the title
- reporting to you on the terms of the contract and the title
- communication with you and seller's lawyer as to confirmation of the conditions of the contract
- preparing notices of sale for the Local Authority
- searching the personal property securities register to make sure that none of the chattels passing with the property are able to be / likely to be repossessed
- requesting details from the seller's lawyer of their primary contact and conveyancing professional to enable us to set up an edealing
- receiving the settlement statement from the seller's lawyers and checking that the apportionments in the settlement statement are correct
- receiving and preparing loan documentation from your bank and attending on execution
- setting up the edealing to register the transfer of the title and the mortgage
- preparing an authority and instruction form for you to sign, authorising us to transfer the title to you
- receiving the insurance certificate

- forwarding our Solicitors Certificate and loan documentation to the bank
- completing a guaranteed search of the title
- receiving settlement funds from you and/or the bank
- preparing the file for settlement
- completing registration of the transfer of the property and the mortgage
- reporting to you & to the bank

*Note that our fee does not include the cost of building, valuation, or LIM reports, the provision advice on those reports, drafting additional clauses, or negotiations/disputes with the seller. The cost of extra attendances will be charged on the basis of our time records. Additional fees may also be charged where the purchase is being undertaken by a trust or company.*

### **Our fee (purchase without a mortgage) includes:**

- preliminary advice in relation to the contract (except if reviewed prior to signing)
- searching and checking the title
- reporting to you on the terms of the contract and the title
- communication with you and the seller's lawyer as to confirmation of the conditions of the contract, or otherwise
- preparing notices of sale for the Local Authority
- searching the personal property securities register to make sure that none of the chattels passing with the property are able to be / likely to be repossessed
- requesting details from the seller's lawyer of their primary contact and conveyancing professional to enable us to set up an edealing
- receiving the settlement statement from the seller's lawyers and checking that the apportionments in the settlement statement are correct
- setting up the edealing to register the transfer of the title
- preparing an authority and instruction form for you to sign, authorising us to transfer the title to you
- completing a guaranteed search of the title
- receiving settlement funds from you
- preparing the file for settlement
- completing registration of the transfer of the property
- reporting to you

*Note that our fee does not include the cost of building, valuation, or LIM reports, the provision advice on those reports, drafting additional clauses, or negotiations/disputes with the seller. The cost of extra attendances will be charged on the basis of our time records. Additional fees may also be charged where the purchase is being undertaken by a trust or company.*

### **Our fee (sale with a mortgage) includes:**

- preliminary advice in relation to the contract
- receiving and perusing the contract
- searching and checking the title
- reporting to you on the terms of the contract and the title
- communications from the buyer's lawyer of confirmation of the conditions of the contract, or otherwise
- communication with you as to confirmation of the conditions of the contract
- requesting the discharge of mortgage and settlement figure from your bank
- requesting rating information from the Local Authority
- working out the rates apportionment
- preparing the settlement statement and sending it to the buyer's lawyer
- receiving and checking the notices of sale
- receiving edealing details and checking the edealing set up by the buyer's lawyer

- preparing an authority and instruction form for you to sign, authorising us to discharge the mortgage and transfer the title
- receiving discharge of mortgage authorisation
- preparing the file for settlement
- receiving the mortgage settlement figure
- completing registration of the discharge of mortgage and transfer of the property
- paying any outstanding rates to the Local Authority
- repaying the mortgage
- paying proceeds of sale (less our fee) to your nominated bank account
- sending the notice of sale to the Local Authority
- reporting to you

*Note that our fee does not include the cost of building, valuation, or LIM reports, the provision advice on those reports, drafting additional clauses, or negotiations/disputes with the buyer. The cost of extra attendances will be charged on the basis of our time records. Additional fees may also be charged where the sale is being undertaken by a trust or company.*

### **Our fee (sale without a mortgage) includes:**

- preliminary advice in relation to the contract
- receiving and perusing the contract
- searching and checking the title
- reporting to you on the terms of the contract and the title
- communications from the buyer's lawyer of confirmation of the conditions of the contract, or otherwise
- communication with you as to confirmation of the conditions of the contract
- requesting rating information from the Local Authority
- working out the rates apportionment
- preparing the settlement statement and sending it to the buyer's lawyer
- receiving and checking the notices of sale
- receiving edealing details and checking the edealing set up by the buyer's lawyer
- preparing an authority and instruction form for you to sign, authorising us to transfer the title
- preparing the file for settlement
- completing registration of the transfer of the property
- paying any outstanding rates to the Local Authority
- paying proceeds of sale (less our fee) to your nominated bank account
- sending the notice of sale to the Local Authority
- reporting to you

*Note that our fee does not include the cost of building, valuation, or LIM reports, the provision advice on those reports, drafting additional clauses, or negotiations/disputes with the buyer. The cost of extra attendances will be charged on the basis of our time records. Additional fees may also be charged where the sale is being undertaken by a trust or company.*

### **For all other services such as commercial, family law etc, our standard charge out rates are as listed below:**

Directors/Partners:	\$350.00 per hour plus GST
Associates:	\$300.00 per hour plus GST
Solicitors:	\$300.00 per hour plus GST

Legal Executives: \$250.00 per hour plus GST

**+ any additional services you require as per 2.Fees on page 1 and 2**

*We may charge an additional fee if we are required to complete work on an urgent basis.*

*These fees are subject to change therefore all fees referred to above apply to your transaction and are valid for a period of two months from the date we provided these to you.*

### **3. Files**

We are obliged to retain your file for up to 10 years. This firm has chosen to retain your file in electronic form. Therefore, your file will be scanned to our online database and retained for a period of 10 years from the date of scanning. At the end of the 10 year period your file will be removed and destroyed from the database.

You are entitled to ring and request a copy of that file at any time. A fee for printing may be charged. Your original document will be destroyed via a document destruction company (shredded for privacy purposes). If you wish to uplift your physical file you must advise us of your wish to do so before your file is complete.

We look forward to working with you on this matter.

### **BANK ACCOUNT CONFIRMATION - FOR SALES AND PURCHASES**

**Please bring with you to your first appointment, a bank statement, deposit slip, a screen shot or printout from your bank, showing your name(s) and full account number that you wish any remaining funds to be deposited into.**

**If your property is in joint names or is a trust, or business entity, then we require an account number to reflect this.**

**Due to audit requirements, failure to provide a correct account number by way of a physical confirmation as noted above will delay payment of any balance due to you.**

### **FROM 1 JULY 2018 WE WILL BE ASKING CLIENTS FOR MORE INFORMATION**

**In order for us to comply with the requirements of the new Anti-Money Laundering (AML) legislation, we will be obliged to obtain certain personal information from you. This information includes your full name, your date of birth and your address.**

**To confirm these details, documents such as your driver's licence, passport or your birth certificate and documents that show your address, such as a current bank statement will be required.**

Yours faithfully

K J LAW

TO: Lawyers of Hamilton Limited trading as **K J Law**

The above terms are accepted and you are requested to act in this matter. **We also instruct you to deduct your fees from settlement proceeds received on our behalf, and further acknowledge that all fees (for conveyancing matters) are to be paid in full on settlement date.**

**All invoices require payment within 7 days of date of the invoice if there is no settlement.**

**We reserve the right to charge interest on unpaid fees of 5% per month, or such lower rate as we agree upon. A minimum monthly charge of \$15.00 for costs of recovery will be added.**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Client Name

Date

\_\_\_\_\_  
KJ Law Account (AS) Reference