***Questionnaire concerning the sale of the joint ownership rights including the VvE check-list***

**DUTCH ASSOCIATION OF REAL ESTATE BROKERS &**

**REAL ESTATE EXPERTS NVM**

Version dated July 2019

**The aim of this questionnaire**

This questionnaire has been created because as the seller, you are obliged to provide detailed information about your apartment, even if the information appears less favourable for the sale. The aim of this list of information is simply to give the shape, content and structure in compliance with your duty of disclosure as the seller. The duty of disclosure goes no further than sharing what you as the seller know about the apartment at the time of completing the contract.

If defects and such like are reported in time, your NVM agent is then able to ensure that proper agreements are made with the buyer. For example you can agree that certain defects are entirely at the expense and risk of the buyer. If the defect is not discussed earlier, then you run the risk of the buyer holding you liable afterwards.

The list is aimed at helping you to gather information about the apartment. Therefore complete the list fully and truthfully.

The information in the list is processed confidentially with the application of the appropriate technical and organisational actions. The information is used solely within the scope of the assignment you have given regarding assistance with the sale of your apartment. Information shared with third parties is only shared if it is necessary for the conclusion of the purchase contract, or where there is a legal obligation. For further information about our privacy policy, we refer you to our privacy statement.

This is divided into two parts.

For example the first part contains questions about the financing of the apartment and is only of concern to you and the NVM agent. At the top of the questionnaire there is: **questionnaire about the seller.**

In addition to the questionnaire, there is also a page listing the documents to be submitted. If you have already submitted one of those documents, then of course you don’t have to submit it again.

The second part contains questions about the condition of the apartment and can be given to the buyer along with the sales contract for example. At the top of the questionnaire there is: **Questionnaire about the apartment.**

If you still have any questions, please contact your NVM agent. Send off the list as soon as it has been completed. Because ‘prevention is better than a cure’.

Where the word apartment is used, this refers to the joint ownership rights.

**DUTCH ASSOCIATION OF REAL ESTATE BROKERS & REAL ESTATE EXPERTS NVM**

#### Questionnaire concerning the sale of the joint ownership rights

If you think it necessary, you can provide further information either at the end of the questionnaire or in the text. If you are in doubt about how to answer something, or if you do not understand a question, contact your NVM agent as soon as possible so that you can answer the question appropriately.

## THIS INFORMATION IS SOLELY FOR THE AGENT

**1. Personal details**

|  |  |
| --- | --- |
| Name of seller | : |
| First name(s) | : |
| Place of birth | : |
| Date of birth | : |
| Street | : |
| Postcode | : |
| Place of residence | : |
| Email address | : |
| Home telephone | : |
| Mobile telephone | : |
|  |  |
| Name of seller | : |
| First name(s) | : |
| Place of birth | : |
| Date of birth | : |
| Street | : |
| Postcode | : |
| Place of residence | : |
| Email address | : |
| Home telephone | : |
| Mobile telephone | : |

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Unmarried cohabitants | Cohabitation contract with stipulations concerning the sale or occupation of the apartment | Registered partnership | Married | Other, namely: |

Address of the property to be sold:

Do you both live in the apartment?  yes  no

If no, please explain:

Do you have permission from your spouse or partner to sell the apartment?

n/a  yes  no

Has the apartment been inherited?  yes  no

**2. Acquisition of ownership**

When did you acquire the apartment?

Why are you selling the apartment?

**3. Finance**

*This information is required as the apartment must be handed over free of mortgages or seizures.*

Is the apartment currently charged with a mortgage?  yes  no

If so, which bank is entitled as the 1st mortgage lender?

What is the current residual debt *(rounded to whole euros)*? €

If yes, which bank is entitled to the 2nd mortgage?

What is the current residual debt *(rounded to whole euros)*? €

Has a bank announced that it wants to proceed with an execution sale?  yes  no

Is the apartment subject to seizure?  yes  no

If so, by whom and on what grounds?

Is it a question of bankruptcy, moratorium of either you, your spouse or your partner?  yes  no

If so, who has been appointed insolvency practitioner or administrator?

Name:

Address:

Telephone number:

**4. Household effects in the case of divorce**

Was there divorce involved after the apartment was purchased?  yes  no

If so, on what grounds are you able to dispose of the apartment (*e.g.: verbal agreement, written agreement, settlement, notarial deed, arrangement between both lawyers)?*

**5. Household effects in the case of death**

Did one of the owners die after the apartment was purchased?  yes  no

If so, are there under-age children?  n/a  yes  no

Which notary is dealing/has dealt with the inheritance?

Name:

Address:

Telephone number:

Is there a Certificate of Inheritance?  yes  no

**6. Neighbours**

Are there disputes or problems with the neighbours?  yes  no

If so, please explain:

**7. Further information**

*If you have further, relevant information regarding the situation please enter it here.*

**Signing**

The undersigned hereby declares to have answered the above questions fully and honestly:

Name: Name:

Place: Place:

Date: Date:

Signature: Signature:

…………………… ……………………

**In order that the sales contract is properly completed we would like to receive (copies) of the**

**following documents as soon as possible (assuming that you are already in possession of them):**

1. The title deed you received with the ownership of the apartment.
2. All other deeds containing or naming the rights regarding your apartment.
3. Guarantee certificates, title deeds.
4. Mortgage deeds and balance of the outstanding mortgage amounts.
5. Municipal tax assessment notices (e.g. property taxes, pollution levies, water authority charges, sewage charges, polder charges, municipal tax on encroachments in, on or above public land).
6. Notices from the municipality and utility companies in which repairs are notified.
7. Inspection and clean-up orders from the municipality or province.
8. Energy performance certificate/energy label.
9. Building and conversions, sales brochures.
10. Deeds of division, division plans, the latest annual report including balance sheet and profit and loss account, estimates for the current and next financial years, minutes of the latest meetings, multi-year maintenance plans (MJOP) and the address and telephone number of the administrator or (cooperatives) the secretary-treasurer.
11. In the case of premiums or subsidies: the latest decisions issued.
12. If you are cohabiting and have a cohabitation contract that includes a clause regarding the sale of the apartment: then the cohabitation contract.
13. In the case of inheritance: The Certificate of Inheritance.
14. Rental, lease and hire purchase contracts with respect to the apartment. For example, for the central heating boiler or an alarm installation.
15. Where the seller is: NV, BV, VOF, Partnership, Association or Foundation: copies of the statutes, extract from the chamber of commerce.
16. This completed questionnaire.

**DUTCH ASSOCIATION OF REAL ESTATE BROKERS & REAL ESTATE EXPERTS NVM**

#### Questionnaire concerning the sale of an apartment including the VvE check-list

If you think it necessary, you can provide further information either at the end of the questionnaire or in the text. If you are in doubt about how to answer something, or if you do not understand a question, just put a question mark beside it. Please then contact the NVM agent as soon as possible. Just cross out a question if it is not relevant. A copy of the questionnaire is given to the buyer. In addition, a copy of the questionnaire is normally attached to the sales contract as an attachment.

**Apartment details:**

Address of the property to be sold:

**1. Additional information**

1. After taking possession of the apartment were any other, additional notarial or private documents drawn up with regard to it?  yes  no

If so, which?

1. Have any verbal or written agreements been made concerning the neighbouring plots *(e.g. this could be any arrangements for the use of an entrance/gate, shed, garage, garden, agreements with commitments from several neighbours, boundary partitions*).  not known  yes  no

If so, what are they?

1. Does the existing site fencing differ from the land registry property boundaries *(e.g. this could be strips of land you currently use that belong to the municipality, or your ground that is used by neighbours)*?  not known  yes  no

If so, what sort of deviation is it?

1. Is part of your apartment, shed, garage or fence built on ground belonging to the neighbours, or vice versa?

not known  yes  no

If so, please give further explanation:

1. Are you using ground belonging to a third party?  not known  yes  no

If so, which ground?

1. As far as you know, is the apartment affected by ‘special burdens and restrictions’? *(‘special burdens and restrictions’ can be private law restrictions such as (guiding) easements (e.g., a right of way), qualitative obligations, chain clauses, usufruct, pre-emptive rights (for example, a first right of purchase), building rights, leasehold, lease purchase. It may also concern public law restrictions such as a notice from the municipality regarding illegal alterations).*

yes  no

If so, which?

1. Does the Municipal preferential rights Act apply?  yes  no
2. Does an anti-speculation clause apply to the apartment?  yes  no

If so, for how much longer?

1. Does urban or village conservation apply or is a procedure for such currently under way?

yes  no

Does municipal, provincial or nation listed building status apply or is a procedure for such currently under way?  yes  no

According to the zoning plan is it a visually prominent or characteristic building?  yes  no

1. Is there, or has there been land consolidation?  yes  no

If so, do you have to pay land consolidation interest for this?  yes  no

If so, how much and for how long?

Amount: €

Duration:

1. Is there a question of compulsory purchase?  yes  no
2. Is the apartment or the ground either wholly or partially rented out or used by others?  yes  no

If so:

- is there a rental agreement?  yes  no

- which part is rented out?

- which parts are shared?

- which issues affect the tenant and what can they remove *(e.g. water heater, kitchen, lamps)*?

- did the tenant pay a deposit?  yes  no

If so, how much? €

- have any other agreements been made with the tenants?  yes  no

If so, which?

1. Is there currently a dispute or procedure under way concerning the apartment, whether or not via the courts, rent assessment committee or another institution *(e.g. compulsory purchase/issues with neighbours, such as easements, rights of way, boundaries, etc.)*? yes  no

If so, what are they?

1. Has an objection been made against the WOZ (Immovable/Real Property Tax Act) value assessment?

yes  no

If so, please explain:

1. Have improvements or repairs been proposed or announced by the government or utility companies that have not yet been completed as promised?  yes  no

If so, which?

1. Have subsidies or payments been provided in the past that can be reclaimed when selling the apartment?  yes  no

If so, which?

1. Has the apartment been declared uninhabitable or was it ever declared uninhabitable in the past?

yes  no

If so, why?

1. Has VAT to be paid on the sale *(e.g. because it was formally a commercial property, or the apartment included a practice or because you have made substantial alterations)*?

yes  no

If so, why?

1. How do you presently use the apartment *(e.g. as a home, practice, shop, storage area)*?

Is this use permitted in compliance with the deeds of division?  yes  no

Is this use permitted according to the municipality?  yes  no

If not, has the municipality ever raised this conflicting usage with you?  yes  no

How did the municipality raise this conflicting usage with you?

**2. Outer walls**

1. Does or did the apartment have dampness penetration or permanent damp patches on the walls?  yes  no

If so, where?

1. Are there (repaired) cracks / damage in/on the façades of the apartment?

yes  no

If so, where?

1. Were the walls insulated during construction?  not known  yes  no

If not, were the walls insulated afterwards?  not known  yes  no

Is there comprehensive insulation?  not known  yes  no

If not, which parts have not been insulated?

1. Have the outer walls of the apartment ever been cleaned?  yes  no

If so, what method of cleaning was applied?

**3. Roof(s)**

1. How old are the roofs of the apartment complex?

Flat roofs:

Miscellaneous roofs:

1. Does the roof leak, or have there been leakages?  yes  no

If so, where?

1. Have defects in the roof construction of the apartment been identified in the past, such as lopsided, sagging, creaking, damaged and/or eroded parts of the roof?  yes  no

If so, where?

1. Has the roof of the apartment complex ever been fully or partially replaced or repaired?

yes  no

If so, which part and why?

1. Was the roof of the apartment complex insulated at that time?  not known  yes  no

If not, was the roof insulated afterwards?  not known  yes  no

Is there comprehensive insulation?  not known  yes  no

If not, which parts have not been insulated?

1. Are the rainwater drains on the apartment blocked or leaking?  yes  no

If so, please explain:

1. Are the roof gutters blocked or leaking?  yes  no

If so, please explain:

**4. Casings, windows and doors**

1. When was the last time that the (external) casings, windows and doors of the apartment were painted?

Was this carried out by a professional painter?  yes  no

If so, who was it?

1. Do all the hinges and locks in the apartment operate properly?  yes  no

If no, please explain:

1. Are the keys available for the doors, windows, etc., that have locks?  yes  no

If not, which doors, windows, etc., do not have keys?

1. Is the apartment fitted with insulated glazing?  yes  no

Is there comprehensive insulation?  yes  no

If not, which parts have not been insulated?

1. Is condensation apparent in the space between the two layers of glass *(caused by leaks)*?

yes  no

If so, where?

**5. Floors, ceilings and walls**

1. Does the apartment have, or has it had penetrative dampness or rising damp affecting floors, ceilings, and/or walls?

yes  no

If so, where?

1. Does the apartment have, or has it had fungal growth affecting floors, ceilings, and/or walls?  yes  no

If so, where?

1. Does the apartment have (repaired or hidden) cracks and/or damage in or on floors, ceilings and/or walls?  yes  no

If so, where?

1. Have problems in the apartment arisen in the past with the finishing *(e.g. loose tiles, loose wallpaper or filler, hollow-sounding or loose plasterwork, etc.)*?

yes  no

If so, where?

1. Are there, or have there been, defects in the floor construction of the apartment, such as lopsided, sagging, creaking, damaged and/or eroded parts of the floor?  yes  no

If so, where?

1. Is the floor of the apartment insulated?  not known  yes  no

Is there comprehensive insulation?  not known  yes  no

If not, which parts have not been insulated?

**6. Cellar, crawling space and foundations**

1. Is there, or have there been defects in the foundations of the apartment?

not known  yes  no

If so, where?

1. Is the crawling space of the apartment accessible?  yes  no

Is the crawling space dry?  mostly  yes  no

If not, or mostly, explanation:

1. Is there penetrative dampness in the cellar walls?  sometimes  yes  no

If not, or sometimes, explanation:

1. Has the ground water level changed demonstrably over the last few years, or has there been a problem with flooding?  yes  no

If so, did this lead to problems in the form of water in the crawling space or cellar?

n/a  yes  no

If not, what problems did it lead to?

**7. Equipment**

1. What sort of heating system is there in the apartment *(e.g. central heating system, DWHR system, ATES system)*?

What make is the system and how old is it?

Make:

Age:

When was the last service carried out?

Date:

Is the maintenance carried out by an approved firm?  yes  no

If so, who was it?

1. Has anything occurred with the system over the last period of time *(e.g. the central heating system has to be topped up more than once annually)*? yes  no

If so, what brought it to your attention?

1. Do some of the radiators not heat up?  yes  no

If so, which?

1. Do any of the radiators or water pipes leak?  yes  no

If so, which and where are they located?

1. Have any of the radiators or water pipes ever been frozen?  yes  no

If so, where?

1. Does your apartment have underfloor heating?  yes  no

If so, where?

1. Do some of the rooms not warm up properly?  yes  no

If so, which?

1. Does the apartment complex have solar panels?  yes  no

When were the solar panels installed?

Year:

What is the energy that is generated used for *(e.g. private parts of the living areas, or the shared areas)*?

1. In what year were the chimneys and flues cleaned and swept for the last time?

1. When did you use the chimneys for the last time?

Do the chimneys have sufficient draw?  not known  yes  no

1. Has the electrical system been renewed?  yes  no

If so, when and which parts?

1. Do the (technical) systems have defects?  not known  yes  no

If so, which?

**8. Sanitary fittings and drainage**

1. Is there any damage to wash-hand basins, shower, bath, toilettes, drains and taps?

yes  no

If so, which?

1. Do the wash-hand basins, shower, bath, toilettes, drains and taps drain away properly?

yes  no

If no, which ones?

1. Is the apartment connected to a shared drainage system?  yes  no
2. Does the apartment have defects in the drainage system such as breaks, problems with smells or leakages?  yes  no

If so, which?

1. Are there other systems such as septic tanks or cess pools?  yes  no

If so, what is installed, and how should it be maintained?

**9. Miscellaneous**

1. What is the year of construction of the apartment?
2. Does the apartment have asbestos-containing materials?  not known  yes  no

If so, which and where about?

1. Is there still floor covering in the apartment, either loose or fixed, that was purchased between 1955 and 1982?

not known  yes  no

1. Does the apartment still have lead piping?  not known  yes  no

If so, where?

1. Has the ground of the apartment complex been contaminated?  not known  yes  no

If so, is an survey report available?  n/a  yes  no

If so, has the municipality or province imposed an inspection and clean-up order?   
  n/a  yes  no

1. Is there an oil tank?  not known  yes  no

If so, has it been cleaned up or removed?  n/a  yes  no

If so, where is the tank located on the property?

Is there a Kiwa certificate?  n/a  yes  no

1. Is there a problem with vermin in or around the apartment *(e.g. mice, rats, cockroaches, etc.)*? yes  no

If so, where?

1. Is the apartment affected by woodworm, long-horned beetle, other vermin or fungus?

not known  yes  no

If so, where?

If so, has this already been treated?  n/a  yes  no

If so, when and by which firm?

1. Is the apartment affected by concrete chloride corrosion or concrete cancer *(concrete cancer mainly occurs in crawling spaces of buildings built between 1965 and 1981 that have concrete flooring made by Kwaaitaal or Manta. Other concrete elements such as balconies can also be affected)*?

not known  yes  no

If so, where?

1. Has the apartment undergone alterations or have any additions been made?  yes  no

If so, what sort of alterations or additions, in what year and which firm completed it?

1. Have alterations or additions been built without the appropriate integrated environmental permit (previously building permit)?  not known  yes  no

If so, which?

1. Have alterations or additions been carried out without permission from the owner’s association?

not known  yes  no

If so, which?

1. Are you in possession of an energy certificate or energy label?  yes  no

If so, which label?

**10. Fixed costs**

1. What did you pay last time for the property tax? €

Fiscal year:

1. What is the WOZ [Immovable Property Tax Act] value? €

Reference year:

1. What did you pay last time for the water authority charges? €

Fiscal year:

1. What did you pay last time for the sewage charges? €

Fiscal year:

1. What monthly prepayments do you pay to the utility companies?

Gas: €

Electricity: €

Shared heating: €

Other: €

1. Are there any lease or hire purchase agreements *(e.g. kitchen, windows, central heating system, etc.)*?  yes  no

If so, which?

Can these agreements be transferred to the buyer? *N.B! Many lease and hire purchase agreements are no longer transferable to the buyer. Please contact the supplier in question.*

yes  no

How long do these agreements have to run and what is the possible buyout payment?

Buyout payment: €

Duration:

1. In the case of ground lease and building rights:

What does the ground rent amount to annually? €

Have you paid all the ground rent demands?  n/a  yes  no

Has the ground rent been bought?  n/a  yes  no

If so, until when?

1. Have you paid all the municipal taxes that you are due?  yes  no

Are there variable amounts for shared entrances, driveways or yards?  yes  no

If so, how much and what for? €

1. Do you require a parking permit to park on the street?  yes  no

What is the maximum number of parking permits that can be requested?

What do the parking permits cost per year? €

**11. Guarantees**

Are there any current maintenance contracts and/or guarantee periods that can be transferred to the buyer *(e.g. roofing, central heating systems, double glazing, etc.)*?  yes  no

If so, which?

**12. The owner’s association and mutual relationships**

1. Is the association registered with the Chamber of Commerce?  yes  no

Chamber of Commerce registration number:

1. How many apartments are members of the owner’s association?

Number:

1. Do any of the owners have 50% or more of the votes?  yes  no
2. Fractional parts of the apartment complex:

* home:
* storage:
* parking:

1. Number of votes for this apartment:

**13. The members of the association**

1. Is there a professional administrator?  yes  no
2. If not, is the administrator a member of the owner’s association?  n/a  yes  no

*Explanation: The legal term for this function is and was administrator. The administration manages the resources and ensures the implementation of decisions reached at meetings*

**14. The owner’s meeting**

1. Is a meeting held at least once annually?  yes  no
2. Are the minutes and/or written decisions and action lists available from the last two meetings?  yes  no
3. Are there currently any procedures for the annulment of decisions?  yes  no

If so, which decisions does it concern?

**15. Insurances**

1. Is there a collective building insurance?  yes  no
2. Does it include an ‘apartment clause’?  yes  no

*Explanation: An apartment clause prevents the apartment owners from becoming the victim of the failure of another owner. The clause determines that the insurer may not refuse to pay out where damage has arisen through the fault of one of the other owners.*

1. Is there also third party liability insurance?  yes  no

**16. The reserve fund, multi-year maintenance plans and the owner’s association contribution**

1. Is there a reserve fund?  yes  no

How much is in the reserve fund and what is the reference date?

Amount: €

Date:

1. Is there a multi-year maintenance plan?  yes  no

What age is the multi-year maintenance plan and what period does it cover?

Year:

Period:

1. If not, how is the reserve amount determined for major maintenance?
2. The monthly payment totals: €

Of which:

* service costs €
* reserve for maintenance €
* heating costs €

1. Are one-off and/or incidental contributions due?  yes  no

If so, what are the amounts and when must they be paid?

Amount: €

To be paid by:

1. Have all amounts due to the owner’s association been paid?  yes  no

If no, which ones?

*Explanation:*

*16a, b and c: The Improved Functioning of Owner’s Associations Act came into effect on 1 January 2018. Since then it has been obligatory for these associations to put aside an amount for major maintenance. The amount is based on the multi-year maintenance plans (MJOP) of up to five years old that cover a period of ten years, or an amount equivalent to 0.5% of the restructuring costs of the building each year. The multi-year maintenance plan as referred to here must meet the following criteria:*

* *It is laid down in writing.*
* *It contains a maintenance, repair and replacement cycle for the shared parts, such as load-bearing structures, floors, roofs, drains, systems and casements.*
* *The cost of maintenance and repair, as well as replacing components are all stated.*

**17. Further information (other issues that according to you the buyer should be aware of):**

**QUESTIONNAIRE OF AN INFORMATIVE NATURE**

The questionnaire provides shape, content and structure to the seller’s duty of disclosure. The duty of disclosure goes no further than sharing what you as the seller know about the apartment at the time of completing the contract. The questionnaire is not intended to provide guarantees and is of an informative nature.

**SIGNATURES**

The seller hereby declares to have reported all the facts known to him/her about the apartment on this form. The seller is aware that if he/she gives incorrect and/or an incomplete statement of facts, he/she runs the risk of being held liable by the buyer. The seller declares that he/she will continue to occupy and maintain the apartment in a manner that is considered customary until the transfer of ownership has taken place.

The undersigned hereby declares to have answered the above questions fully and honestly:

Name: Name:

Place: Place:

Date: Date:

Signature: Signature:

…………………… ……………………

**NVM agent details**

Office name:

Address details :

Telephone number:

Email address: