



CAPABILITY STATEMENT

GRACE LAWYERS, QUEENSLAND



GRACE
LAWYERS | Know. Act. Resolve

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OVERVIEW.

Grace Lawyers is a specialist **strata and company title**, dispute resolution, insolvency, debt recovery, insurance, property and building construction firm.

Whatever your strata or company title issues are, our team can assist you with practical, effective and efficient advice in a timely manner.

In 2023, the Queensland team of Grace Lawyers was recognised as **Queensland's and Australasia's leading Strata Services Business** for 2022-23 by Strata Community Association Qld and Australasia for service excellence with a focus on staff training, professional conduct and innovation.

Our Queensland team operates state-wide with offices in Brisbane (headed by **Brenton Schoch**) and on the Gold Coast (headed by **Brendan Pitman** and **Jarad Maher**).



Brenton Schoch, Partner – strata communities, recoveries and debt collection, insolvency



Jarad Maher, Partner – strata communities, dispute resolution, property, planning and development



Brendan Pitman, Partner – strata communities litigation and dispute resolution, commercial litigation

CAPABILITIES.

Building and construction

- reviewing material from developer delivered at the First AGM
- advising on construction contracts, statutory warranty and home warranty insurance scheme
- lodging complaints with the QBCC and advising during the QBCC dispute resolution process including directions to rectify
- briefing builders and experts for defect reports and reviewing and advising on the findings
- commencing proceedings against builders under the construction contract

Property

- drafting, advice and negotiation of contracts involving property
- development of schemes including multi-level management
- detailed management documentation including management statements, development contracts and covenants

- general and complex leases and licences
- plans of subdivision (including redevelopment and sale of common property)
- termination of schemes
- company title buildings
- easements and restrictions (extinguishment, implementation and drafting)
- drafting, amending and advising on by-laws

Debt recovery

- recovery of unpaid contributions, interest and recovery costs through court proceedings
- obtaining orders for substituted service, default and summary judgments
- obtaining enforcement warrants and proceeding through bankruptcy and liquidation
- defending equitable set off claims by owners

CAPABILITIES.

Dispute resolution

- making and defending conciliation and adjudication applications on a range of issues including validity of motions and meetings, access to records, improvements, nuisance, pets, smoking, by-law contraventions, utility infrastructure, maintenance, encroachments, administrator appointments, accessing a lot, occupation authority areas
- making and defending applications to QCAT regarding caretaking agreements, statutory and market remuneration reviews, appeals from adjudicator decisions, costs assessments, tree and fence disputes
- enforcing orders through the Magistrates Court including pursuing monetary fines
- issuing by-law contravention notices, notices of intended entry, remedial action and code contravention notices

Specialised

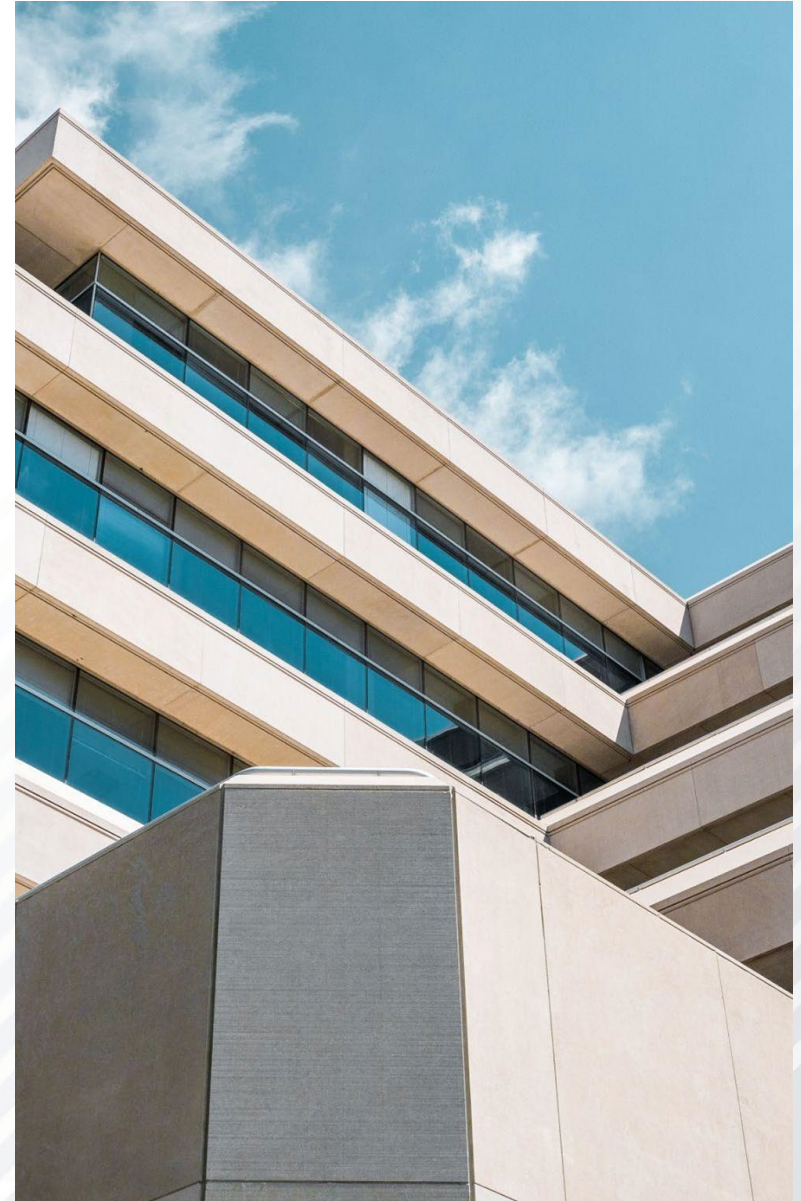
- advising on *Mixed Use Development Act*, *Sanctuary Cove Resort Act*, *Integrated Resort Development Act* and *Building Units and Group Titles Act*

Commercial litigation

- issuing concerns notices, and commencing and defending defamation claims for damages
- applying for the appointment of a trustee when terminating a scheme
- seeking declarations regarding the interpretation of legislative and regulatory provisions
- commencing and defending proceedings regarding implied easements
- acting for liquidators and trustees in bankruptcy throughout the administration
- complex litigation in the State and Federal Courts including the assessment and recovery of costs

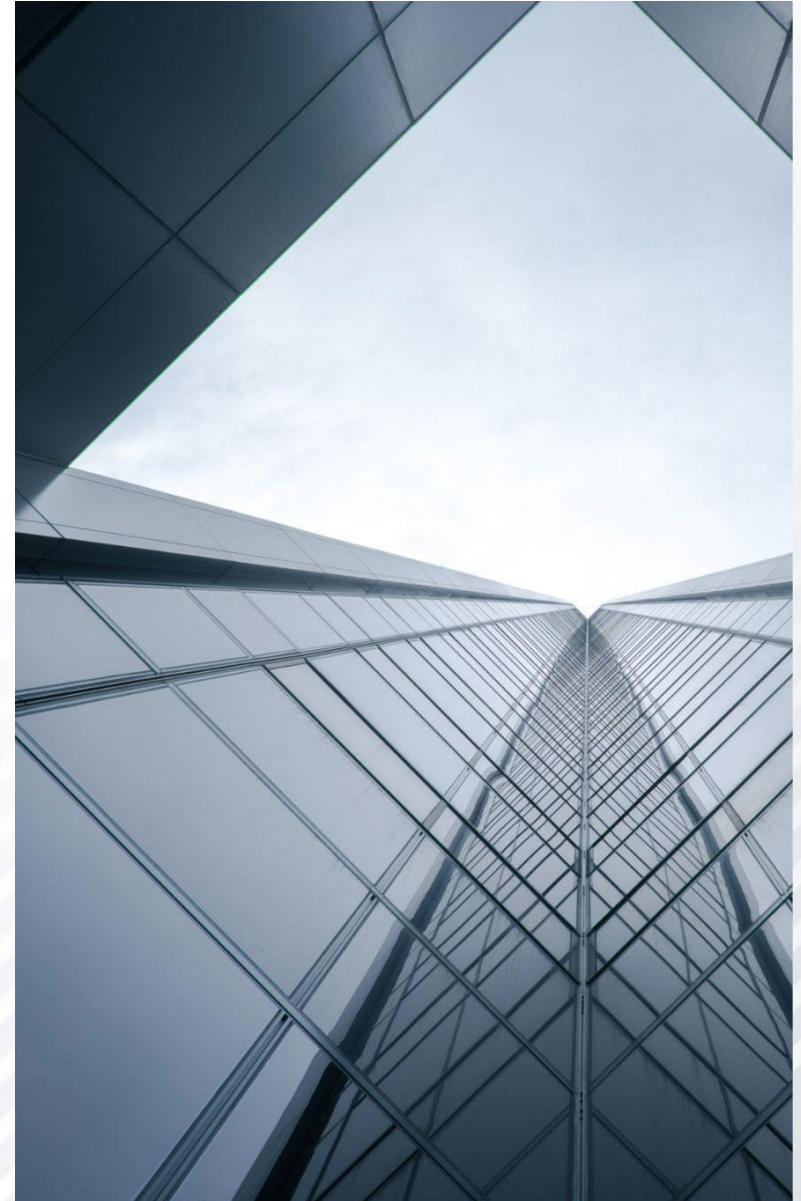
EXPERIENCE.

- **recovering \$190,000 in outstanding contributions, recovery costs and interest** from a mortgagee in possession
- guiding a body corporate through a **complicated recovery action** where the properties were purchased with funds illegally obtained by an international company through a Ponzi scheme
- regularly guiding bodies corporate through amicable and highly contentious **variations and transfers of management rights**
- appearing in the Queensland Court of Appeal to **successfully resist an appeal** made by a caretaker alleging that its management rights were unlawfully terminated
- appearing in the QCAT (and on any appeals) to **successfully resist an application** by a caretaker to stop a body corporate from terminating its management rights
- appearing in QCAT to **successfully appeal an adjudicator's order** overturning opposition to a resolution without dissent



EXPERIENCE.

- obtaining **directions to rectify from the QBCC** against a builder and **recovering compensation in the Supreme Court** in negligence and breach of contract in relation to building defects
- **resisting applications in the Commissioner's Office** regarding general and committee meetings, access to records, validity of motions, occupation authorities and many more
- commencing and defending proceedings seeking **restitutionary compensation for electricity paid under a mistake** in layered arrangements and basic scheme
- advising **large national and ASX listed clients** on enforcement of credit agreements and personal guarantees, including by way of enforcement proceedings, bankruptcy, liquidation, and statutory sale of property.
- defending **defamation claims** against bodies corporate and/or committee members
- defending applications by caretakers for a **statutory review of the remuneration** payable under the agreement



**WE LOOK
FORWARD
TO WORKING
WITH YOU.**



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