

## SUPPLIER'S WARRANTY

THIS DEED POLL is made on the

27<sup>th</sup>

day of

MAY

2014

**BY: Miami Design Pty Ltd**

The party described in Item 1 of the Schedule ("Supplier") which expression will include its successors and assigns.

### RECITALS:

- (a) The Supplier will supply the product(s) described in Item 2 of the Schedule ("Product") to the party described in Item 3 of the Schedule ("Contractor") for the project known **Assisi Centre – Residential Aged Care Facility Redevelopment – Stage 3**
- (b) It is a requirement imposed on the Contractor that certain of its suppliers must warrant that their product will satisfy the relevant requirements identified in Item 4 of the Schedule ("Product Requirements").
- (c) The Supplier has agreed to execute this Deed Poll for the benefit of the person's names in Item 5 of the Schedule ("Beneficiaries").

**THIS DEED WITNESSES THAT THE SUPPLIER HEREBY COVENANTS, WARRANTS AND AGREES** with and for the benefit of the Beneficiaries as follows:

- (i) The Supplier warrants that the Product does and will satisfy the Product Requirements, and is and will remain free from any defects, deficiencies or other faults for the period specified in Item 6 of the Schedule ("Warranty Period") from the date stated in Item 7 of the Schedule.
- (ii) Any defects, deficiencies or other faults in the Product which become apparent during the Warranty Period will be repaired or otherwise remedied, by replacement if necessary, by the Supplier, at no cost to the Beneficiaries.
- (iii) The Supplier will be liable for the cost of any work necessary to enable the requirements of Clause (ii) to be carried out.
- (iv) The above warranties are in addition to and do not derogate from any warranty implied by law in respect of the Product.
- (v) The Beneficiaries may assign the benefits and rights accrued under this Deed Poll.
- (vi) This Deed Poll is governed by the laws of the State of Victoria.

## SCHEDULE

- Item 1**                      **Name & Address of Supplier:**  
Miami Design Pty Ltd  
4/47 Parer Road  
Airport West VIC 3042
- Phone:** (03) 9310 5155  
                                    **Fax:** (03) 9310 5156
- Item 2**                      **Product:**  
Curtains
- Item 3**                      **Contractor:**  
Buxton Constructions (Vic) Pty Ltd  
Suite 3, 16 Salmon Street  
Port Melbourne VIC 3207
- Item 4**                      **Product Requirements:**  
Warranty that materials supplied and installed under this contract will remain in good condition, secure against faulty workmanship and / or defective materials for a period of 1 year from the date of practical completion
- Item 5**                      **Beneficiaries:**  
Assisi Centre  
230 Rosanna Road, Rosanna VIC 3084
- Item 6**                      **Period of Warranty:**  
1 Year
- Item 7**                      **Date when Warranty Starts:**  
Start of practical completion

**SIGNED** as a deed.

THE COMMON SEAL of Miami Design Pty  
Ltd ABN 83 007 094 528 was here to affixed in  
accordance with its Constitution in the presence  
of:



*[Handwritten signature]*

**Director**

*John Zsarik*

**Name of Director (print)**

*Kerry Zsarik*

**Director/Secretary**

*KERRIE ZSARIK*

**Name of Director/Secretary (print)**